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Friday  
January 29, 1988

# Federal Register

**Briefing on How To Use the Federal Register—**  
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Francisco, CA, and Washington, DC, see announcement  
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- 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 2 1/2 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.

### SEATTLE, WA

- WHEN:** February 11; at 9:00 a.m.
- WHERE:** North Auditorium, Fourth Floor, Federal Building, 915 2nd Avenue, Seattle, WA.
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- WHEN:** February 12; at 9:00 a.m.
- WHERE:** Room 2007, Federal Building, 450 Golden Gate Avenue, San Francisco, CA.
- RESERVATIONS:** Call the San Francisco Federal Information Center, 415-556-6600

### WASHINGTON, DC

- WHEN:** February 19; at 9:00 a.m.
- WHERE:** Office of the Federal Register, First Floor Conference Room, 1100 L Street NW., Washington, DC.
- RESERVATIONS:** Roy Nanovic, 202-523-3187

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# Rules and Regulations

Federal Register

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

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 907

[Navel Orange Reg. 670]

#### Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** Regulation 670 establishes the quantity of California-Arizona navel oranges that may be shipped to market during the period January 29 through February 4, 1988. Such action is needed to balance the supply of fresh navel oranges with the demand for such oranges during the period specified due to the marketing situation confronting the orange industry.

**DATES:** Regulation 670 (§ 907.970) is effective for the period January 29 through February 4, 1988.

**FOR FURTHER INFORMATION CONTACT:** Raymond C. Martin, Section Head, Volume Control Programs, Marketing Order Administration Branch, F&V, AMS, USDA, Room 2528-S, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 447-5120.

**SUPPLEMENTARY INFORMATION:** This final rule is issued under Marketing Order 907 [7 CFR Part 907], as amended, regulating the handling of navel oranges grown in Arizona and designated part of California. This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended, hereinafter referred to as the Act.

This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512-1 and has

been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of the use of volume regulations on small entities as well as larger ones.

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

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

This action is consistent with the marketing policy for 1987-88 adopted by the navel Orange Administrative Committee (Committee). The Committee met publicly on January 26, 1988, in Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended, by a 6 to 4 vote, a quantity of navel oranges deemed advisable to be handled during the specified week. The Committee reports that the market for navel oranges is unstable.

Based on consideration of supply and market conditions, and the evaluation of alternatives to the implementation of prorate regulations, the Administrator of the AMS has determined that this final rule will not have a significant economic impact on a substantial number of small entities.

Pursuant to 5 U.S.C. 553, it is further found that it is impracticable,

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

#### List of Subjects in 7 CFR Part 907

Marketing agreements and orders, California, Arizona, Oranges (navel),

For the reasons set forth in the preamble, 7 CFR Part 907 is amended as follows:

#### PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

1. The authority citation for 7 CFR Part 907 continues to read as follows:

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

2. Section 907.970 is added to read as follows: (This section will not appear in the Code of Federal Regulations.)

#### § 907.970 Navel Orange Regulation 670.

The quantity of navel oranges grown in California and Arizona which may be handled during the period January 29, 1988, through February 4, 1988, are established as follows:

- (a) District 1: 1,134,000 cartons;
- (b) District 2: 216,000 cartons;
- (c) District 3: Unlimited cartons;
- (d) District 4: Unlimited cartons.

Dated: January 27, 1988.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 88-1989 Filed 1-28-88; 8:45 am]

BILLING CODE 3410-02-M

**7 CFR Part 910**

[Lemon Reg. 598]

**Lemons Grown in California and Arizona; Limitation of Handling****AGENCY:** Agricultural Marketing Service, USDA.**ACTION:** Final rule.

**SUMMARY:** Regulation 598 establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 240,000 cartons during the period January 31 through February 6, 1988. Such action is needed to balance the supply of fresh lemons with market demand for the period specified, due to the marketing situation confronting the lemon industry.

**DATES:** Regulation 598 (§ 910.898) is effective for the period January 31 through February 6, 1988.

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

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

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

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

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

will tend to effectuate the declared policy of the Act.

This regulation is consistent with the marketing policy for 1987-88. The committee met publicly on January 26, 1988, in Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended, by a 10-1-1 vote, a quantity of lemons deemed advisable to be handled during the specified week. The committee reports that the market for lemons is weak.

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

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

Marketing agreements and orders, California, Arizona, Lemons.

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

**PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA**

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

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

2. Section 910.898 is added to read as follows: (This section will not appear in the Code of Federal Regulations.)

**§ 910.898 Lemon Regulation 598.**

The quantity of lemons grown in California and Arizona which may be handled during the period January 31, 1988, through February 6, 1988, is established at 240,000 cartons.

Dated: January 27, 1988.

Robert C. Keeney,  
Deputy Director, Fruit and Vegetable  
Division, Agricultural Marketing Service.  
[FR Doc. 88-1990 Filed 1-28-88; 8:45 am]

BILLING CODE 3410-02-M

**Animal and Plant Health Inspection Service****9 CFR Part 54**

[Docket No. 87-087]

**Animals Destroyed Because of Scrapie****AGENCY:** Animal and Plant Health Inspection Service, USDA.**ACTION:** Final rule.

**SUMMARY:** We are amending the scrapie regulations to provide for the payment of Federal indemnities for the destruction of scrapie-exposed sheep and goats when destruction of exposed animals is more cost effective than maintaining the flock under surveillance. This action should both reduce disease spread and control expenditures.

**EFFECTIVE DATE:** February 29, 1988.

**FOR FURTHER INFORMATION CONTACT:** Dr. C.A. Gipson, Program Planning Staff, VS, APHIS, USDA, Room 845, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8321.

**SUPPLEMENTARY INFORMATION:****Background**

The regulations in 9 CFR Part 54 (referred to below as the regulations), authorize the payment of federal indemnities for sheep and goats destroyed because of scrapie.

On April 15, 1987, we published in the *Federal Register* (52 FR 12189-12192, Docket 86-057), a document proposing to authorize payment of federal indemnities for the destruction of scrapie-exposed sheep and goats when:

1. Destroying the entire flock is more cost effective than the combination of destroying affected and bloodline animals and maintaining scrapie-exposed animals under surveillance; and
2. Sufficient funds appropriated by Congress appear to be available for this purpose for the remainder of the fiscal year.

Our proposal invited the submission of written comments by the close of the comment period on June 15, 1987. We received three comments. Two of the comments were in complete support of the proposal. The third, from a state agriculture agency, supported the proposal if scrapie-exposed animals "may be depopulated under the conditions described in the proposed rule, but do not have to be."

Under the proposed rule, depopulation is not predetermined or mandatory. The decision to destroy scrapie-exposed

animals would be made after the requisite cost-benefit analysis is conducted and the Administrator has determined that depopulation is more cost effective than surveillance. The cost-benefit analysis that forms the basis for the depopulation/surveillance determination includes study and consideration of the applicable laws and regulations of the affected state, and evaluation of the impact of depopulation (versus surveillance) on state funding and manpower schedules. Animal owner recordkeeping and recording expenditures are also analyzed. We believe that these conditions assure adequate involvement by affected states and owners, and consideration of their interests and concerns.

Based on comments received, and on the rationale set forth in the proposal and this document, we are adopting this proposed rule as a final rule.

#### Miscellaneous

We have replaced the terms "Deputy Administrator" and "Deputy Administrator, Veterinary Services", wherever they appear in the regulations, with the term "Administrator" to reflect internal agency policy and have made minor editorial changes for clarity.

#### Executive Order 12291 and Regulatory Flexibility Act

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

Over the past 5 years, scrapie indemnities totaled slightly over \$2.4 million for an average annual expenditure of \$482,528. Payment of indemnities in the new, limited instance authorized in this document should only slightly increase this figure. Moreover, this increase in indemnity costs should be accompanied by a greater reduction in the cost of maintaining affected flocks under surveillance. The primary effect of this final rulemaking should be to further decrease the risk of spreading scrapie and to reduce excessive flock surveillance costs.

This rule should not affect a substantial number of sheep and goat producers. The current program is controlling the disease, with the United States experiencing no more than 27 scrapie-affected flocks in any one of the past 5 years. This statistic should not be adversely affected since this rule should eliminate the current primary threat of disease spread (i.e., scrapie-exposed animals with undeterminable bloodlines).

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

#### Paperwork Reduction Act

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

#### Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with state and local officials. (See 7 CFR Part 3015, Subpart V.)

#### List of Subjects in 9 CFR Part 54

Animal diseases, Goats, Indemnity payments, Scrapie, Sheep.

#### PART 54—ANIMALS DESTROYED BECAUSE OF SCRAPIE

Accordingly, 9 CFR Part 54 is amended to read as follows:

1. The authority citation for Part 54 is revised to read as follows and the authority citations following the sections in Part 54 are removed:

Authority: 21 U.S.C. 111, 114, 114a, 134a-134h; 7 CFR 2.17, 2.51, and 371.2(d).

#### §§ 54.1 through 54.9 [Amended]

2. Sections 54.1 through 54.9 would be amended by removing the terms "Deputy Administrator" and "Deputy Administrator, Veterinary Services", and inserting "Administrator".

#### § 54.1 [Amended]

3. Section 54.1 is amended by removing the definition of "Deputy Administrator" and by adding, in alphabetical order, the following:

*Administrator.* The Administrator of the Animal and Plant Health Inspection Service, or any employee of the United States Department of Agriculture to

whom the Administrator has delegated authority to act in his or her stead.

*Flock.* (a) All animals under common ownership or supervision that are grouped on one or more parts of any single premises (lot, farm or ranch); or (b) All animals under common ownership or supervision on two or more premises which are geographically separated but on which animals from the different premises have been interchanged or had contact with each other.

*Scrapie-exposed animals.* Animals, other than affected or bloodline animals, in a flock in which an affected animal has been diagnosed by a Veterinary Services representative or state representative. Animals in the flock are no longer considered exposed after they are destroyed or upon the flock's release from surveillance by state animal health authorities.

#### § 54.3 [Amended]

4. Paragraph (a) of § 54.3 is amended by changing "affected animals and bloodline animals for which indemnity is to be paid under this part" to read "animals for which indemnity is to be paid under § 54.8 (a) and (b)".

#### § 54.7 [Amended]

5. Paragraph (a) of § 54.7 is amended by changing "affected animals and bloodline animals destroyed under" to read "animals pursuant to § 54.8 (a) and (b) of".

6. Paragraph (b) of § 54.7 is amended by changing "affected animals and bloodline animals" to read "animals for which indemnity is sought pursuant to § 54.8 (a) and (b) of this part".

7. In § 54.8, paragraphs (b) and (c) are redesignated (d) and (e), respectively.

8. In § 54.8, paragraph (a) is redesignated (c) and is amended by changing "affected animals and bloodline animals" to read "affected animals, bloodline animals, and scrapie-exposed animals for which the Administrator authorizes payment of indemnity pursuant to § 54.8(b) of this part".

9. In § 54.8, new paragraphs (a) and (b) are added to read as follows:

#### § 54.8 Payment to owners for animals destroyed.

(a) The Administrator shall authorize the payment of a federal indemnity to owners of affected animals and bloodline animals.

(b) The Administrator shall authorize the payment of a federal indemnity to

any owner of scrapie-exposed animals when a cost-benefit analysis establishes that it is more cost effective to destroy the flock than to maintain it under surveillance: Provided, That sufficient funds appropriated by Congress appear to be available for this purpose for the remainder of the fiscal year.<sup>1</sup> This cost-benefit analysis shall be based on:

(1) The applicable laws and regulations of the state in which the flock would be maintained; and

(2) The total cost of federal and state indemnities to be paid if an entire scrapie-exposed flock were to be destroyed versus projected costs for indemnities if only affected and bloodline animals are destroyed; travel and per diem for the conducting of periodic flock inspections by federal and state inspectors; resulting disruptions of federal and state manpower schedules; and administrative and paperwork costs, including projected owner recordkeeping and reporting expenditures.

Done at Washington, DC, this 26th day of January, 1988.

James W. Glosser,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 88-1908 Filed 1-28-88; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### 15 CFR Parts 376 and 399

[Docket No. 71268-7268]

#### Revisions to the Export Administration Regulations Based on COCOM Review; Electronic Computers

**AGENCY:** Export Administration, Commerce.

**ACTION:** Final rule.

**SUMMARY:** Export Administration maintains the Commodity Control List

<sup>1</sup> Should funding not be sufficient to pay indemnities to all eligible owners seeking payment for scrapie-exposed animals, then the funds that are available shall be paid first in those instance where the following indicates the greatest need for flock destruction:

1. Whether any of the affected flocks contain animals for which bloodlines cannot be determined and the number of such animals in each flock.

2. The estimated extent of infection in each affected flock as measured by the number of affected and bloodline animals found and destroyed—and the number of remaining scrapie-exposed animals displaying symptoms indicative of scrapie—versus the number total number of animals in each affected flock.

3. Any previous history of scrapie in an affected flock.

(CCL), which identifies those items subject to Department of Commerce export controls. This rule revises Export Control Commodity Number (ECCN) 1565A, which controls electronic computers and related equipment.

These revisions have resulted from a review of strategic controls maintained by the U.S. and certain allied countries through the Coordinating Committee (COCOM). Such multilateral controls restrict the availability of strategic items to controlled countries. With the concurrence of the Department of Defense, the Department of Commerce has determined that this rule is necessary to protect U.S. national security interests.

The Office of Foreign Availability completed an assessment of selected categories of 16-bit microcomputer systems that were controlled by 1565A. The results of a positive finding in that assessment made a very significant contribution to the decontrol of the 16-bit computers that are described herein.

**EFFECTIVE DATE:** January 29, 1988.

**FOR FURTHER INFORMATION CONTACT:**

For questions of a general nature, call John Black or Patricia Muldonian, Office of Technology and Policy Analysis, Export Administration, Telephone: (202) 377-2440.

For questions of a technical nature regarding equipment controlled for export under ECCN 1565A, call Joseph Westlake, Computer Systems Technology Center, Office of Technology and Policy Analysis, Telephone: (202) 377-2279.

**SUPPLEMENTARY INFORMATION:**

**Decontrol of Selected Categories of 16-Bit Microcomputer Systems**

Pursuant to the finding of foreign availability, Export Administration had begun the process of removing the controls on certain 16-bit computers to destinations other than the controlled countries. Before that process was completed, COCOM member nations agreed to decontrol digital computers with a "total processing data rate" not exceeding 6.5 million bits per second and "total internal storage capacity" not exceeding 6.2 million bits.

**Rulemaking Requirements**

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

2. Section 13(a) of the Export Administration Act of 1979, as amended (50 U.S.C. app. 2412(a)), exempts this rule from all requirements of section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553), including those requiring publication of a notice of proposed rulemaking, an opportunity for public comment, and a delay in effective date. This rule also is exempt from these APA requirements because it involves a foreign and military affairs function of the United States. Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule. Accordingly, it is being issued in final form. However, as with other Department of Commerce rules, comments from the public are always welcome. Comments should be submitted to Joan Maguire, Office of Technology and Policy Analysis, Export Administration, U.S. Department of Commerce, P.O. Box 273, Washington, DC 20044.

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

4. This rule contains a collection of information subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). This collection has been approved by the Office of Management and Budget under control number 0625-0038.

**List of Subjects in 15 CFR Parts 376 and 399**

Exports, Reporting and recordkeeping requirements.

Accordingly, Parts 376 and 399 of the Export Administration Regulations (15 CFR Parts 368 through 399) are amended as follows:

1. The authority citation for Part 376 continues to read as follows:

Authority: Pub. L. 96-72, 93 Stat. 503 (50 U.S.C. app. 2401 *et seq.*), as amended by Pub. L. 97-145 of December 29, 1981 and by Pub. L. 99-64 of July 12, 1985; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985).

2. The authority citation for Part 399 continues to read as follows:

Authority: Pub. L. 96-72, 93 Stat. 503 (50 U.S.C. app. 2401 *et seq.*), as amended by Pub. L. 97-145 of December 29, 1981 and by Pub. L. 99-64 of July 12, 1985; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985); Pub. L. 95-

223 of December 28, 1977 (50 U.S.C. 1701 *et seq.*); E.O. 12532 of September 9, 1985 (50 FR 36861, September 10, 1985) as affected by notice of September 4, 1986 (51 FR 31925, September 8, 1986); Pub. L. 99-440 of October 2, 1986 (22 U.S.C. 5001 *et seq.*); and E.O. 12571 of October 27, 1986 (51 FR 39505, October 29, 1986).

#### PART 376—[AMENDED]

##### § 376.10 [Amended]

3. In § 376.10(a)(3)(iii)(B), the reference to "paragraph (h)(2)(v)" in Note 1 is revised to read "paragraph (h)(2)(iv)".

#### PART 399—[AMENDED]

##### § 399.1 Supplement No. 1 [Amended]

4. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), in ECCN 1565A, the "List of Electronic Computers and Related Equipment Controlled by ECCN 1565A" is revised to read as follows:

**1565A Electronic computers, "related equipment," equipment or systems containing electronic computers; and specially designed components and accessories therefor.**

##### List of Electronic Computers and Related Equipment Controlled by ECCN 1565A

(a) "Analog computers" and "related equipment" therefor, designed or modified for use in airborne vehicles, missiles, or space vehicles and rated for continuous operation at temperatures from below 228 K (-45 °C) to above 328 K (+55 °C);

(b) Equipment or systems containing "analog computers" controlled by paragraph (a);

(c) "Analog computers" and "related equipment" therefor, other than those controlled by paragraph (a), *except* those that neither:

(1) Are capable of containing more than 20 summers, integrators, multipliers or function generators; *nor*

(2) Have facilities for readily varying the interconnections of such components;

(d) "Hybrid computers" and "related equipment" therefor, with all the following characteristics:

(1) The analog section is controlled by paragraph (c);

(2) The digital section has an internal fixed or alterable storage of more than 2,048 bits; *and*

(3) Facilities are included for processing numerical data from the analog section in the digital section or vice versa;

(e) "Digital computers" or controlled "analog computers" containing equipment for interconnecting "analog computers" with "digital computers";

(f) "Digital computers" and "related equipment" therefor, with any of the following characteristics:

(1) Designed or modified for use in airborne vehicles, missiles, or space vehicles and rated for continuous operation at temperatures from below 228 K (-45 °C) to above 328 K (+55 °C);

(2) Designed or modified to limit electromagnetic radiation to levels much less than those required by government civil interference specifications;

(3) Designed as ruggedized or radiation hardened equipment and capable of meeting military specifications for ruggedized or radiation hardened equipment; *or*

(4) Modified for military use;

(5) Designed or modified for certifiable multi-level security or certifiable user isolation applicable to government classified material or to applications requiring an equivalent level of security;

(g) Equipment or systems containing "digital computers" controlled by paragraph (f);

(h) "Digital computers" and "related equipment" therefor, other than those controlled by paragraph (e) or (f), even when "embedded" in, "incorporated" in, or "associated" with equipment or systems:

**Note.**—The control status of these "digital computers" and "related equipment" therefor is governed by the appropriate ECCN, provided that:

(a) They are "embedded" in other equipment or systems;

(b) The other equipment or systems are described in other ECCNs on the Commodity Control List identified by the code letter "A"; *and*

(c) The export of technical data for these "digital computers" and "related equipment" is subject to control under Part 379.

(1) Including "digital computers" and "related equipment," as follows:

(i) Designed or modified for:

**Note.**—"Digital computers" and "related equipment" containing equipment, devices or logic control for the following functions are also included.

(A) "Signal processing";

(B) "Image enhancement";

(C) "Local area networks";

**Note.**—For the purpose of this paragraph, data communication systems when located within a single piece of equipment (e.g., television set, car) are not considered to be designed or modified for "local area networks."

(D) "Multi-data-stream processing";

**Note.**—For the purpose of this paragraph, "digital computers" and "related equipment" are not considered to be designed or modified for "multi-data-stream processing," if they:

(a) Utilize staged (pipelined) instruction interpretation for conventional single instruction-single data sequence processing;

*or*

(b) Have an arithmetic unit implemented with bit-slice microprocessor microcircuits.

(E) Combined recognition, understanding and interpretation of image, continuous (connected) speech or connected word text other than "signal processing" or "image enhancement" described in paragraph (h)(1)(i) (A) or (B);

(h)(1)(i) (A) or (B);

(F) "Real time processing" of sensor data: (1) Concerning events occurring outside the "computer using facility"; *and*

(2) Provided by equipment controlled by ECCN 1501, 1502, 1510 or 1518;

**Note.**—This does not include digital radar signal processing by equipment that is:

(a) Controlled by ECCN 1501(c)(2)(vi) only, for which the conditions of ECCN 1501 apply; *or*

(b) Freed from control by the two-year limit of ECCN 1501(c)(2)(vii).

(G) Microprocessor or microcomputer development systems;

**Note.**—For microprocessor or microcomputer development systems, see ECCN 1529(b)(6)(ii).

(H) "Fault tolerance";

**Note.**—For the purpose of this paragraph, "digital computers" and "related equipment" are not considered to be designed or modified for "fault tolerance," if they utilize:

(a) Error detection or correction algorithms in "main storage";

(b) The interconnection of two "digital computers" so that, if the active central processing unit fails, an idling but mirroring central processing unit can continue the system's functioning;

(c) The interconnection of two central processing units by data channels or by use of shared storage to permit one central processing unit to perform other work until the second central processing unit fails, at which time the first central processing unit takes over in order to continue the system's functioning; *or*

(d) The synchronization of two central processing units by "software" so that one central processing unit recognizes when the other central processing unit fails and recovers tasks from the failing unit.

(I) Reserved;

(J) "User-accessible microprogrammability";

**Note.**—For the purpose of this paragraph, "digital computers" and "related equipment" are not considered to be designed or modified for "user-accessible microprogrammability," if this facility is limited to:

(a) Loading, reloading or inserting of "microprograms" provided by the supplier; *or*

(b) Simple loading of "microprograms", which may or may not be provided by the supplier, but that are neither designed to be accessible to the user nor accompanied by training or "software" for user accessibility.

(K) "Data (message) switching";

(L) "Stored program controlled circuit switching"; *or*

(M) "Wide area networks";

(ii) Having the following characteristics:

(A) Size, weight, power consumption and reliability or other characteristics (e.g. bubble memory), that allow easy

application in mobile tactical military systems; *and*

(B) Ruggedized above the level required for a normal commercial/office environment, but not necessarily up to levels specified in paragraph (F);

(2) *Except:*

(i) "Digital computers" or "related equipment" therefor, provided that:

(A) They are "embedded" in other equipment or systems;

*Note.*—This does not preclude input/output control unit disk drive combinations having all the following characteristics:

(a) A "total transfer rate" not exceeding 5.5 million bits per second;

(b) Total connected "net capacity" not exceeding 200 million bits;

(c) No more than one independent drive; *and*

(d) A "total access rate" not exceeding 40 accesses per second;

(B) They are not the "principal element" of the other equipment or systems in which they are "embedded";

(C) The other equipment or systems are not described by other ECCNs of the Commodity Control List identified by the code letter "A," nor covered by the International Traffic in Arms Regulations, or by 10 CFR 110, or by 10 CFR 810;

(D) They have been designed and used for non-strategic applications;

(E) They are, by nature of design or performance, restricted to the particular application for which they have been designed;

(F) The "total processing data rate" of any one "embedded" "digital computer" does not exceed 43 million bits per second;

(G) The sum of the "total processing data rate" of each "embedded" "digital computer" does not exceed 100 million bits per second; *and*

(H) The "embedded" "digital computers" or "related equipment" therefor do not include equipment or systems controlled by ECCN 1519(c) or by ECCN 1567;

(I) Reserved;

(J) They do not include equipment described in paragraph (h)(1)(i) (A) to (M), other than for:

(1) "Signal processing" or "image enhancement" when lacking "user-accessible programmability" and when "embedded" in medical imaging equipment; *or*

(2) "Local area networks" implemented by using integral interfaces designed to meet ANSI/IEEE Std 488-1978 or IEC Publication 625-1;

*Note.*—Equipment or systems are released from control under paragraph (i) only if the "digital computer" portion of the equipment or system meets the following requirements:

(a) The circuit board(s) that contain the "digital computer" are company specific

products whose design intermixes on the same board the digital computer with other circuit components that are essential to the operation of the equipment or system;

(b) The circuit board(s) that contain the "digital computer" are not available as independent, general purpose, OEM products except as service spare parts; *and*

(c) The "digital computer" is not the principal component of the equipment.

(ii) "Digital computers" or "related equipment" therefor, provided that:

(A) They are "incorporated" in other equipment or systems;

(B) They are not the "principal element" of the other equipment or systems in which they are "incorporated";

(C) The other equipment or systems are not controlled by other ECCNs on the Commodity Control List identified by the code letter "A," nor covered by the International Traffic in Arms Regulations, or by 10 CFR Part 110, or by 10 CFR Part 810;

(D) The "total processing data rate" of any one "incorporated" "digital computer" does not exceed 15 million bits per second;

(E) The "total internal storage available to the user" does not exceed 9.8 million bits; *and*

(F) They do not include controlled "related equipment" other than input/output control unit—disk drive combinations having all of the following characteristics:

(1) A "total transfer rate" not exceeding 5.5 million bits per second;

(2) A total connected "net capacity" not exceeding 200 million bits;

(3) No more than one independent drive; *and*

(4) A "total access rate" not exceeding 40 accesses per second;

(G) They do not include equipment or systems controlled by ECCN 1519(c) or by ECCN 1567;

(H) They do not include equipment described in paragraph (h)(1)(ii);

(I) Reserved;

(J) They do not include equipment described in paragraph (h)(1)(i) (A) to (M), other than for:

(1) "Signal processing" or "image enhancement" when lacking "user-accessible programmability" and when "embedded" in medical imaging equipment; *or*

(2) "Local area networks" implemented by using integral interfaces designed to meet ANSI/IEEE Std 488-1978 or IEC Publication 625-1;

*Note.*—"Digital computers" or "related equipment" "incorporated" in equipment exportable under the provisions of ECCNs 1501, 1502, 1510 or 1518, that are for internal functions that incidentally might be considered to be described by paragraph

(h)(1)(i)(F) are exportable as part of that equipment. "Digital computers" or "related equipment" for the "real-time processing" of the outputs of the equipment controlled by ECCNs 1501, 1502, 1510 or 1518 and for Air Traffic Control systems are covered by this ECCN 1565.

(iii) "Digital computers" other than those described in paragraph (h)(1), and "related equipment", having all the following characteristics:

(A) Shipped as complete systems;

(B) Designed and announced by the manufacturer for identifiable civil use;

(C) Not specially designed for any equipment controlled by any other ECCN on the Commodity Control List identified by the code letter "A," by the International Traffic in Arms Regulations, or by 10 CFR Part 110, or by 10 CFR Part 810;

(D) "Total processing data rate" not exceeding 6.5 million bits per second;

(E) "Total internal storage available to the user" not exceeding 6.2 million bits; *and*

(F) They do not include a central processing unit implemented with more than two microprocessor or microcomputer microcircuits;

*Note.*—This limit does not include any dedicated microprocessor or microcomputer microcircuit used solely for display, keyboard or input/output control, or any bit-slice microprocessor microcircuit.

(G) They do not include a microprocessor or microcomputer microcircuit with more than 16-bit word length or a bus architecture with more than 16 bit;

(H) They do not include analog-to-digital or digital-to-analog converter microcircuits;

(1) Exceeding the limits of ECCN 1568(k); *and*

(2) Not for direct driven video monitors for normal commercial television;

(I) Reserved;

(J) They do not include controlled "related equipment" other than input/output control unit—disk drive combinations having all of the following characteristics:

(1) A "total transfer rate" not exceeding 5.5 million bits per second;

(2) A total connected "net capacity" not exceeding 200 million bits;

(3) No more than one independent drive; *and*

(4) A "total access rate" not exceeding 40 accesses per second;

(K) They do not include equipment controlled by ECCN 1519(c) or by ECCN 1567;

(iv) Peripheral equipment, as follows, provided it lacks "user-accessible programmability":

- (A) Card punches and readers;
- (B) Paper tape punches and readers;
- (C) Manually-operated keyboards and teletype devices;
- (D) Manually-operated graphic tablets not having more than 1024 resolvable points along any axis;
- (E) Impact printers;
- (F) Non-impact printers, not controlled by ECCN 1572 (b) or (c), that do not exceed:

- (1) 2,000 lines (30 pages) per minute; or
- (2) 600 characters per second;

- (G) Plotting equipment, not controlled by ECCN 1572 (b) or (c), producing a physical record by ink, photographic, thermal, or electrostatic techniques, that has:

- (1) A linear accuracy worse than or equal to + or - 0.004%; and
- (2) An active plotting area less than or equal to 1,700 mm (66.9 inches) by 1,300 mm (51.2 inches);

- (H) Digitizing equipment, generating rectilinear coordinate data by manual or semi-automatic tracing of physical records, that has:

- (1) A linear accuracy worse than or equal to + or - 0.004%; and
- (2) An active digitizing area less than or equal to 1,700 mm (66.9 inches) by 1,300 mm (51.2 inches);

- (I) Reserved;

- (J) Optical mark recognition (OMR) equipment;

- (K) Optical character recognition (OCR) equipment that:

- (1) Does not contain "signal processing" or "image enhancement" equipment; and

- (2) Is only for:

- (i) Stylized OCR characters;
- (ii) Other internationally standardized stylized character fonts; or
- (iii) Other characters limited to non-stylized or hand printed numerics and up to 10 hand printed alphabetic or other characters;

- (L) Cathode-ray tube displays for which circuitry and character-generation devices, external to the tube, limit the capabilities to:

- (1) Alpha-numeric characters in fixed formats;
- (2) Graphs composed only of the same basic elements as used for alpha-numeric character composition; or
- (3) Graphic displays for which the sequence of symbols and basic elements of symbols are fixed;

- (M) Cathode-ray tube graphic displays, not containing cathode-ray tubes controlled by ECCN 1541, that are limited as follows:

- (1) The "maximum bit transfer rate" from the electronic computer to the display does not exceed 9,600 bits per second;

Note.—Direct driven vide monitors are excluded from this limitation.

- (2) Not more than 1,024 resolvable elements along any axis; and
- (3) Not more than 16 shades of gray or color;

- (N) Cathode-ray tube graphic displays, not containing cathode-ray tubes controlled by ECCN 1541, provided that they are:

- (1) Part of industrial or medical equipment; and
- (2) Not specially designed for use with electronic computers;

- (O) Graphic displays specially designed for signature or security checking having an active display area not exceeding 150 cm<sup>2</sup> (23.25 inches<sup>2</sup>);

- (P) Other displays, provided that:

- (1) Circuitry and character-generation devices, external to the display device (e.g., panel, tube) and the construction of the display device limit the capabilities to:

- (i) Alpha-numeric characters in fixed formats;

- (ii) Graphs composed only of the same basic elements as used for alpha-numeric character composition; or

- (iii) Graphic displays for which the sequence of symbols and basic elements of symbols are fixed; and

- (2) They are limited to:

- (i) A capability for displaying no more than 3 levels (off, intermediate, and full on); and

- (ii) A minimum character height of not less than:

- (a) 5.5 mm (0.22 inches) if the area is 1,200 cm<sup>2</sup> (186 inches<sup>2</sup>) or less; or
- (b) 20 mm (0.79 inches) if the area is more than 1,200 cm<sup>2</sup> (186 inches<sup>2</sup>); and
- (3) They do not have as an integral part of the display device:

- (i) Circuitry; or

- (ii) Non-mechanical character-generation devices;

- (Q) Light gun devices or other manual graphic input devices that are:

- (1) Part of uncontrolled displays; and
- (2) Limited to 1,024 resolvable elements along any axis;

- (R) Disk drives for non-rigid magnetic media (floppy disks) not exceeding:

- (1) A "gross capacity" of 17 million bits;
- (2) A "maximum bit transfer rate" of 0.52 million bits per second; or
- (3) An "access rate" of 12 accesses per second;

- (S) Cassette/cartridge tape drives or magnetic tape drives not exceeding:

- (1) A "maximum bit packing density" of 131 bits per mm (3,300 bits per inch) per track; or

- (2) A "maximum bit transfer rate" of 2.66 million bits per second;

- (v) Input/output interface or control units, as follows, provided they lack "user-accessible programmability":

- (A) Designed for use with peripheral equipment free from control under paragraph (h)(2)(iv) above; or

- (B) Designed for use with digital recording or reproducing equipment specially designed to use magnetic card, tag, label or bank check recording media, free from control according to ECCN 1572(a)(ii);

- (i) Reserved.

ADVISORY NOTE 1.—Reserved.

ADVISORY NOTE 2.—Reserved.

ADVISORY NOTE 3.—Licenses are likely to be approved for export to satisfactory end-users in Country Group QWY and the People's Republic of China of "analog computers" and "related equipment" therefor controlled by paragraph (c), provided that:

- (a) The equipment is primarily used in non-strategic applications;

- (b) The equipment will be used primarily for the specific non-strategic application for which the export would be approved; and:

- (1) The number, type, and characteristics of such equipment are reasonable for this application; and

- (2) The equipment will not be used for the design, development or production of equipment controlled by other ECCNs identified by the code letter "A," by the International Traffic in Arms Regulations, or by 10 CFR Part 110, or by 10 CFR Part 810, especially for microelectronics production;

- (c) The "analog computers" use neither:

- (1) Optical computation devices; nor
- (2) Acoustic wave devices controlled by ECCN 1586, other than those exportable under the Advisory Note to ECCN 1586;

- (d) The "analog computers" are limited as follows:

- (1) The rated errors for summers, inverters and integrators are not less than:

- (i) Static: 0.01%
- (ii) Total at 1 kHz: 0.15%

- (2) The rated errors for multipliers are not less than:

- (i) Static: 0.025%
- (ii) Total at 1 kHz: 0.25%

- (3) The rated error for fixed function generators (log x and sine/cosine) is not less than:

- Static: 0.1%

- (4) No more than 350 operational amplifiers; and

- (5) No more than four integrator time scales switchable during one program.

#### TECHNICAL NOTES TO ADVISORY NOTE 3:

1. The percentage for Advisory Note 3 (d)(1)(i) applies to the actual output voltage; all the other percentages apply to full scale, that is, from maximum negative to maximum positive reference voltages.

2. Total errors at 1 kHz for Advisory Note 3 (d)(1)(ii) and (d)(2)(ii) are to be measured with those resistors incorporated in the inverter, summer or integrator that provide the least error.

3. Total error measurements include all errors of the unit resulting from, for example,

tolerances of resistors and capacitors, tolerances of input and output impedances of amplifiers, the effect of loading, the effects of phase shift, and the generating of functions.

**ADVISORY NOTE 4.**—Reserved.

**ADVISORY NOTE 5.**—Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY of "digital computers" and "related equipment" therefor, controlled by paragraph (h), provided that:

(a) The "digital computers" or the "related equipment":

(1) Have been designed or announced by a manufacturer for identifiable and dedicated medical applications;

(2) Are substantially restricted to the area of medical applications by nature of design and performance;

(3) Are the equipment necessary for the medical application;

(4) Are exported as complete systems;

(5) Will be located within one "computer using facility"; and

(6) Do not include communication control unit—"communication channel" combinations;

(b) Equipment for "signal processing", "image enhancement", or "multi-data-stream processing":

(1) Is "embedded";

(2) Is designed or modified specially for the identifiable and dedicated medical applications;

(3) Does not have "user-accessible microprogrammability"; and

(4) Does not have "user-accessible programmability" other than allowing for insertion of the original or modified "programs" supplied by the original manufacturer;

(c) The "total processing data rate" of any one "incorporated" "digital computer" does not exceed 43 million bits per second;

(d) The "digital computers" or "related equipment" therefor do not include:

(1) Equipment controlled by ECCN 1519(c) or ECCN 1567; or

(2) Equipment described in paragraph (h)(1)(i)(C) to (h)(1)(i)(E) and (M); and

**ADVISORY NOTE 6:** Reserved.

**ADVISORY NOTE 7:** Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY and the People's Republic of China of spare parts for exported electronic computers or "related equipment", provided that:

(a) The parts are:

(1) "Related equipment" or specially designed components controlled by ECCN 1565; or

(2) Equipment or components controlled by other ECCNs on the Commodity Control List;

(b) The parts:

(1) Are destined for controlled equipment authorized for export under an Advisory Note or for uncontrolled equipment;

(2) Are shipped in the minimum quantities necessary for the types and quantities of exported equipment being serviced; and

(3) Do not upgrade the performance of the exported equipment beyond the level:

(i) Specified in the relevant Advisory Note; or

(ii) Specified as uncontrolled;

(c) If the parts are "advanced technology parts" and not eligible for export under an

Advisory Note of another ECCN, the Western supplier's service organization must:

(1) Replace the parts on a one-for-one exchange basis;

(2) Take measures to obtain custody of the defective parts; and

(3) If custody is not obtained, destroy the defective parts;

**TECHNICAL NOTE TO ADVISORY NOTE 7:** For the purpose of this paragraph, "advanced technology parts" are either:

(a) Parts controlled by paragraph (c)(2) of ECCN 1564;

(b) Microprocessor, microcomputer, memory, programmed logic array or arithmetic logic unit microcircuits controlled by paragraph (d) of ECCN 1564;

(c) Magnetic tape heads, magnetic disk heads, magnetic drum heads, or non-exchangeable magnetic disk or drum recording media controlled by ECCN 1572; or

(d) Acoustic wave devices controlled by ECCN 1586, other than those exportable under the Advisory Note to ECCN 1588.

**ADVISORY NOTE 8:** Reserved.

**ADVISORY NOTE 9:** Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY of "digital computers" or "related equipment" therefor controlled by paragraph (h), provided that:

(a) The "digital computers" or "related equipment" therefor:

(1) Are not described in paragraphs (h)(1)(i)(D) to (M);

(2) Are not used with "digital computers" produced in controlled areas;

Note: This does not prohibit the exchange of data media.

(3) Are exported as:

(i) Complete systems; or

(ii) Enhancements to a previously exported system provided that the enhanced system does not exceed the limits of paragraph (b) of this Advisory Note;

(4) Have not been designed for any equipment:

(i) Controlled by any other ECCN on the Commodity Control List identified by the code letter "A"; and

(ii) Are not eligible for export under an applicable Advisory Note to such other ECCN;

(5) Have been primarily designed and used for non-strategic applications; and

(6) Do not have any of the following characteristics:

(i) They fall within the scope of both paragraphs (h)(1)(ii)(A) and (B); or

(ii) They fall within the scope of paragraph (h)(1)(ii)(A) and are microprocessor-based systems having a word length of more than 8 bits; or

(iii) They are ruggedized above the level required for a normal commercial/civil environment, but not necessarily up to the levels specified in paragraph (f) and are microprocessor-based systems having a word length of more than 8 bits;

Note.—8-bit word length systems with 16-bit architecture are regarded as 8-bit systems for the purpose of this paragraph.

(7) The number, type and characteristics of the equipment are reasonable for the application;

(8) The equipment is not destined for military end-use;

(9) The equipment will not be used for the design, development, or production of controlled items, especially not in microelectronics; and

(10) The equipment will be used primarily for the specific non-strategic application for which the export would be approved.

(b) The "digital computers" and "related equipment" therefor do not exceed any of the following limits:

(1) Central processing unit—"main storage" combinations:

(i) "Total processing data rate"—28 million bits per second;

(ii) "Total connected capacity" of "main storage"—9.8 million bits;

(iii) "Non-volatile storage" with "user-accessible programmability," including bubble memory—none;

Note.—Magnetic core "main storage" is not considered "non-volatile storage" for purposes of this paragraph.

(iv) Number of microprocessor microcircuits implementing the central processing unit—three;

Note.—This limit does not include any dedicated microprocessor or microcomputer microcircuit used solely for display, keyboard or input/output control, or any bit-slice microprocessor microcircuit.

(2) Input/output control unit—drum, disk or cartridge type streamer tape drive combinations:

(i) "Total transfer rate"—11 million bits per second;

(ii) "Total access rate"—160 accesses per second;

(iii) Total connected "net capacity"—2,600 million bits;

(iv) "Maximum bit transfer rate" of any drum or disk drive—10.3 million bits per second;

(v) Number of cartridge-type streamer tape drives—one, having a "maximum bit transfer rate" of 5.5 million bits per second;

(vi) Number of independent drum or disk drives including the streamer tape drive—four;

(vii) Exchangeable disk packs containing magnetic heads:

(A) "Access rate of an independent seek mechanism"—20 accesses per second;

(B) "Net capacity"—240 million bits;

(3) Input/output control unit—bubble memory combinations:

(i) For point of sale devices used by cashiers, total connected "net capacity"—5.3 million bits;

(ii) For "digital computers" and "related equipment" other than those in (i) above, total connected "net capacity"—2.1 million bits;

(4) Input/output control unit—magnetic tape drive combinations:

(i) "Maximum bit packing density"—246 bits per mm (6,250 bpi);

(ii) Maximum read/write speed—508 cm (200 ips);

(iii) Number exceeding 131 bits per mm (3,300 bpi)—four;

(iv) "Maximum bit transfer rate" of any magnetic tape drive—10 million bits per second;

(5) Communication control unit—"communication channel" combinations:

(i) "Total data signalling rate" of all "communication channels" terminating remote from the "computer using facility"—9,600 bits per second;

(ii) Maximum "data signalling rate" of any "communication channel"—4,800 bits per second;

(iii) Number of "communication channels" not dedicated full time to the given application—two, provided that they:

(A) Have telex interfaces for services conforming to CCITT recommendations F60 to 79;

(B) Are connected to the public switched network; and

(C) Have a "data signalling rate" not exceeding 300 bits per second at the interface between the "digital computer" and the telex communication control unit;

(iv) "Communication channels" terminating within the "computer using facility" that utilize or are connected to a common carrier communication facility or to an internal private automatic branch exchange (PABX) other than that identified in paragraph (b)(4)(iii) of this Advisory Note 9—none;

(8) Input/output or communication control unit—directly connected data channel combinations:

(i) "Total transfer rate"—1.6 million bits per second;

(ii) "Transfer rate of any data channel"—1.6 million bits per second;

(iii) Terminations of such combinations or any extensions thereto outside the "computer using facility"—none;

(7) Communication control unit—"local area network" combinations:

(i) "Total data signalling rate" on the common transmission medium—10 million bits per second;

(ii) Maximum "data signalling rate" of any "communication channel"—1.6 million bits per second;

(iii) Packet switching protocol levels—those limits specified in:

(A) ISO/DIS7498, Data Processing—Open System Interconnection, Basic Reference Model, February 4, 1982, Layer 2;

(B) CCITT X.25, Volume VIII—Fascicle VIII.2, VIIth Plenary Assembly, 10-21 November 1980, Level 2, (pages 104 to 120); or

(C) Draft IEEE 802.2, Logical Link Control, Draft D, November 1982;

(iv) Inter-network gateways—none;

(v) Maximum number of "data devices"—24;

(vi) Terminations of such combinations or any extensions thereto outside the "computer using facility"—none;

(vii) All "digital computers" connected to a "local area network" will be considered to be a single system sharing "main storage" (for purposes of computing the Advisory Note 9 parameters).

Note: If the "total data signalling rate" on the common transmission medium does not exceed 1.6 million bits per second, this paragraph will not apply.

(8) "Other peripheral devices":

(i) Maximum bit transfer rate of any "terminal device" located remote from the "computer using facility"—9,600 bits per second;

(ii) Displays or graphic input devices: Resolvable elements along any axis—1024, and shades of gray or color—32;

(9) Other limits on equipment:

(i) "Equivalent multiply rate" for "signal processing" or "image enhancement" equipment—100,000 operations per second;

(ii) Analog-to-digital or digital-to-analog converter microcircuits exceeding the limits of ECCN 1568(k) (not including those converter microcircuits that are "embedded" in equipment otherwise exportable, are for the internal functions of such equipment, and are exported as part of that equipment)—none;

(iii) Equipment described in Advisory Note 9 (b) (1) to (5) above (including interface equipment and terminating modems of all "communication channels") located outside the "computer operating area"—none;

(c) Exports of "digital computers" or "related equipment" therefor covered by this Advisory Note 9 shall be subject to the following restrictions:

(1) Reserved.

(2) Reserved.

(3) When the parameters of the equipment do not exceed:

(i) "Total processing data rate"—15 million bits per second;

(ii) Number of independent drum or disk drives including the cartridge-type streamer tape drive—four, of which not more than two drum or disk drives have a "maximum bit transfer rate" exceeding 5.5 million bits per second;

Then there are no quantity limitations on the export of equipment per transaction.

(4) When the parameters of any equipment involved in one transaction exceeds:

(i) "Total processing data rate"—15 million bits per second;

Then the "cumulative total processing data rate" must not exceed 100 million bits per second;

ADVISORY NOTE 10: Reserved.

ADVISORY NOTE 11: Reserved.

ADVISORY NOTE 12: (Not eligible for General License G-COM) Licenses will receive favorable consideration for export to satisfactory end-users in Country Groups QWY of "digital computers" or "related equipment" therefor controlled by paragraph (h), provided that:

(a) The "digital computers" or "related equipment" therefor:

(1) Are not described in paragraphs (h)(1)(i) (D) to (M);

(2) Are not used with "digital computers" produced in controlled areas;

Note: This does not preclude the exchange of data media.

(3) Are exported as:

(i) Complete systems; or

(ii) Enhancements to a previously exported system provided that the enhanced system does not exceed the limits of paragraph (b) of this Advisory Note;

(4) Have not been designed for any equipment:

(i) Controlled by another ECCN on the Commodity Control List identified by the code letter "A"; and

(ii) Are not eligible for export under an applicable Advisory Note to such other ECCN;

(5) Have been primarily designed and used for non-strategic applications; and

(6) Do not have any of the following characteristics:

(i) They fall within the scope of both paragraphs (h)(1)(i) (A) and (B); or

(ii) They fall within the scope of paragraph (h)(1)(i) (A) and are microprocessor-based systems having a word length of more than 16 bits; or

(iii) They are ruggedized above the level required for a normal commercial/civil environment, but not necessarily up to the levels specified in paragraph (f) and are microprocessor-based systems having a word length of more than 16 bits;

Note.—16-bit word length systems with a 32-bit architecture are regarded as 16-bit systems for the purpose of this paragraph.

(b) The "digital computers" or "related equipment" therefor do not exceed any of the following limits:

(1) Central processing unit—"main storage" combinations:

(i) "Total processing data rate"—48 million bits per second;

(ii) "Total connected capacity" of "main storage"—25.2 million bits;

(iii) "Non-volatile storage" with "user accessible programmability," including bubble memory—none.

Note.—Magnetic core "main storage" is not considered "non-volatile storage" for purposes of this paragraph.

(iv) "Virtual storage" capability—512 M Byte.

Note.—Supermini "digital computers" with a "virtual storage" capability exceeding the level in this paragraph will not be eligible for consideration under this Note. It is recognized, however, that other "digital computers" (e.g., mainframes) may have a "virtual storage" capability exceeding this limit and in such cases they may be considered under this Note.

(2) Input/output control unit—drum, disk or cartridge-type streamer tape drive combinations:

(i) "Total transfer rate"—15 million bits per second;

(ii) "Total access rate"—320 accesses per second;

(iii) Total connected "net capacity"—7,000 million bits;

(iv) "Maximum bit transfer rate" of any drum or disk drive—10.3 million bits per second;

(v) Number of cartridge-type streamer tape drives—one, having a "maximum bit transfer rate" of 7.5 million bits per second;

(vi) Number of drum or disk drives exceeding a "maximum bit transfer rate" of 7.5 million bits per second—four;

(vii) Exchangeable disk-packs containing magnetic heads:

(A) "Access rate" of an independent seek mechanism—29 accesses per second;

(B) "Net capacity"—640 million bits;

(3) Input/output control unit—bubble memory combinations:

(i) Total connected "net capacity" for point of sale devices used by cashiers—5.3 million bits;

(ii) Total connected "net capacity" for "digital computers" and "related equipment" other than those in paragraph (b)(3)(i) above—2.1 million bits;

(4) Input/output control unit—magnetic tape drive combinations:

- (i) "Maximum bit packing density"—246 bits per mm (6,250 bits per inch);
- (ii) Maximum read/write speed—508 cm (200 ips);
- (iii) Number exceeding 131 bits per mm (3,300 bpi)—four;
- (iv) "Maximum bit transfer rate" of any magnetic tape drive—10 million bits per second;
- (5) Communication control unit—"communication channel" combinations:
- (i) "Total data signalling rate" of all "communication channels" terminating remote from the "computer using facility"—19,200 bits per second;
- (ii) Maximum "data signalling rate" of any "communication channel"—9,600 bits per second;
- (iii) Number of "communication channels" not dedicated full time to the given application—four, provided that they:
- (A) Have telex interfaces for services conforming to CCITT Recommendations F60 to 79;
- (B) Are connected to the public switched network; *and*
- (C) Have a "data signalling rate" not exceeding 300 bits per second at the interface between the "digital computer" and the telex communication control unit;
- (iv) "Communication channels" terminating within the "computer using facility," that utilize or are connected to a common carrier communication facility or to an internal PABX other than that identified in paragraph (b)(5)(iii) above—none;
- (6) Input/output or communication control unit—directly connected data channel combinations:
- (i) "Total transfer rate"—3.6 million bits per second;
- (ii) "Transfer rate of any data channel"—1.6 million bits per second;
- (iii) Terminations of such combinations or of any extensions thereto outside the "computer using facility"—none;
- (7) Communication control unit—"local area network" combinations:
- (i) "Total data signalling rate" on the common transmission medium—10 million bits per second;
- (ii) Maximum "data signalling rate" of any "communication channel"—1.6 million bits per second;
- (iii) Packet switching protocol levels—those limits specified in:
- (A) ISO/DIS7498, Data Processing—Open System Interconnection, Basic Reference Model, February 4, 1982, Layer 2;
- (B) CCITT X.25, Volume VIII—Fascicle VIII.2, VIIth Plenary Assembly, 10-21 November 1980, Level 2, (pages 104 to 120); *or*
- (C) Draft IEEE 802.2, Logical Link Control, Draft D, November 1982;
- (iv) Inter-network gateways—none;
- (v) Maximum number of "data devices"—48;
- (vi) Terminations of such combinations or any extensions thereto outside the "computer using facility"—none;
- (vii) All "digital computers" connected to a "local area network" will be considered to be a single system sharing "main storage" (for purposes of computing the Advisory Note 12 parameters).
- Note.**—If the "total data signalling rate" on the common transmission medium does not

exceed 1.6 million bits per second, this paragraph will not apply.

- (8) "Other peripheral devices":
- (i) Maximum bit transfer rate of any "terminal device" located remote from the "computer using facility"—9,600 bits per second;
- (ii) Displays or graphic input devices:
- (A) Resolvable elements along any axis—512, and shades of gray or color—256; *or*
- (B) Resolvable elements along any axis—900, and shades of gray or color—64; *or*
- (C) Resolvable elements along any axis—1,024, and shades of gray or color—32;
- (9) Other limits on equipment:
- (i) "Signal processing" or "image enhancement" equipment:
- (A) "Equivalent multiply rate"—800,000 operations per second;
- (B) Output—8 million image elements per second;
- (ii) Equipment described in Advisory Note 12(b) (1) to (5) (including interface equipment and terminating modems of all "communication channels") located outside the "computer operating area"—none;
- (c) Exports of "digital computers" or "related equipment" therefor covered by this Advisory Note 12 shall be subject to the following restrictions:
- (1) In all cases:
- (i) A responsible representative of the end-user(s) or the importing agency must submit a signed statement describing the end-use and certifying that:
- (A) The "digital computers" or "related equipment" will:
- (1) Be used only for civil applications; *and*
- (2) Not be reexported or otherwise disposed of without permission from the government of the exporting country;
- (B) Responsible Western representatives of the supplier will:
- (1) Have the right of access to the "computer using facility" and all equipment, wherever located, during normal working hours and at any other time the equipment is operating; *and*
- (2) Be furnished information demonstrating continued authorized application of the equipment; *and*
- (C) These Western representatives will be notified of any significant change of application or of other facts, on which the license was based;
- (ii) A full description must be provided of:
- (A) The equipment; *and*
- (B) Its intended application and workload; *and*
- (iii) A complete identification of all end-users and their activities must be provided;
- (2) Reserved.
- (3) There is no visitation requirement when the parameters of the equipment do not exceed:
- (i) "Total proceeding data rate"—28 million bits per second; *and*
- (ii) "Total connected capacity" of "main storage"—9.8 million bits;
- (4) When the parameters of the equipment exceed either limit of paragraph (c)(3) above, but the following parameters are not exceeded:
- (i) "Total processing data rate"—40 million bits per second; *and*
- (ii) "Total connected capacity" of "main storage"—19.6 million bits;

- Then the supplier will:
- (iii) Have a responsible Western representative visit and inspect the "computer using facility" and all equipment, wherever located, at least quarterly for three years; *and*
- (iv) Report periodically to the Office of Export Licensing whether the "digital computers" and "related equipment" therefor are still being used for the approved purposes at the authorized location; *and*
- (5) When the parameters of the equipment exceed either limit of paragraph (c)(4) above, then the supplier will:
- (i) Have a responsible Western representative visit and inspect the "computer using facility" and all equipment, wherever located, at least monthly for two years and thereafter quarterly for four years; *and*
- (ii) Report periodically to Office of Export Licensing whether the "digital computers" and "related equipment" therefor are still being used for the approved purposes at the authorized location.

**Note.**—The visitation requirements of paragraphs (c)(4) and (c)(5) above will be waived for remote "terminal devices" if they consist only of peripheral equipment freed from control by paragraph (h)(2)(iv) above.

ADVISORY NOTE 13: Reserved.

ADVISORY NOTE 14: Reserved.

ADVISORY NOTE 15: Reserved.

ADVISORY NOTE 16: The following are definitions of terms used in ECCN 1565A: "access rate"—

- (a) Of an input/output control unit—drum or disk drive combination ( $R_{ad}$ )—
- Either the "access rate" of an input/output control unit ( $R_{ac}$ ) or the sum of the individual "access rates" of all independent seek mechanisms ( $R_{sa}$ ), whichever is smaller.
- Thus:  $R_{ad} = \min(R_{ac}; \text{SUM } R_{sa})$
- (b) Of an input/output control unit ( $R_{ac}$ )—
- (1) With rotational position sensing (rps), the sum of the individual "access rate" of all independent seek mechanisms ( $R_{sa}$ ) connected to the control unit.
- Thus:  $R_{ac} = \text{SUM } R_{sa}$  (with rps); *or*
- (2) Without rotational position sensing (rps), the number (C) of independent read/write channels connected to the control unit divided by the least "latency time" ( $t_{\min}$ ) of any connected independent seek mechanism.

$$\text{Thus: } R_{ac} = \frac{C}{t_{\min}} \quad (\text{without rps})$$

- (c) Of a seek mechanism ( $R_{sa}$ )—
- The reciprocal of the average access time ( $t_{sa}$ ) of the seek mechanism.

$$\text{Thus: } R_{sa} = \frac{1}{t_{sa}}$$

'average access time' of a seek mechanism ( $t_{sa}$ )—The sum of the 'average seek time' ( $t_{sa}$ ) and the 'latency time' ( $t_l$ ).

$$\text{Thus: } t_{sa} = t_{sa} + t_l$$

'average seek time' ( $t_{sa}$ )—

The sum of the 'maximum seek time' ( $t_{smax}$ ) and twice the 'minimum seek time' ( $t_{smin}$ ), divided by three.

$$\text{Thus: } T_{sa} = \frac{t_{smax} + 2t_{smin}}{3}$$

'maximum seek time' ( $t_{smax}$ )—

(1) For fixed head devices, it is zero; *or*  
(2) For moving head or moving media devices, the rated time to move between the two most widely separated tracks.

'minimum seek time' ( $t_{smin}$ )—

(1) For fixed head devices, it is zero; *or*  
(2) For moving head or moving media devices, the rated time to move from one track to an adjacent track.

'latency time' ( $t_l$ )—

The rotational period divided by twice the number of independent read/write heads per track.

"analog computer"—

Equipment that can, in the form of one or more continuous variables:

- (a) Accept data;
- (b) Process data; *and*
- (c) Provide output of data.

"associated" with equipment or systems—

(a) Can feasibly be either:  
(1) Removed from such equipment or systems; *or*  
(2) Used for other purposes; *and*  
(b) Is not essential to the operation of such equipment or systems.

"communication channel"—

The transmission path or circuit including the terminating transmission and receiving equipment (modems) for transferring digital information between distant locations.

"computer operating area"—

The immediate contiguous and accessible area around the electronic computer, where the normal operating, support and service functions take place.

"computer using facility"—

The end-user's contiguous and accessible facilities:

(a) Housing the "computer operating area" and those end-user functions that are being supported by the stated application of the electronic computer and its "related equipment"; *and*  
(b) Not extending beyond 1,500 meters in any direction from the center of the "computer operating area".

"cumulative total processing data rate"—

The sum of all "total processing data rates" in a given transaction.

"data device"—

Equipment capable of transmitting or receiving sequences of digital information.

"data (message) switching"—

The technique, including but not limited to store-and-forward packet switching, for:

(a) Accepting data groups (including message, packets, or other digital or

telegraphic information groups that are transmitted as a composite whole);

(b) Storing (buffering) data groups as necessary;

(c) Processing part or all of the data groups, as necessary, for the purpose of:

(1) Control (routing, priority, formatting, code conversion, error control, retransmission or journaling);

(2) Transmission; *or*

(3) Multiplexing; *and*

(d) Retransmitting (processed) data groups when transmission or receiving facilities are available.

"data signalling rate"—

The rate as defined in ITU Recommendation 53-36, taking into account that, for non-binary modulation, baud and bit per second are not equal. Binary digits for coding, checking, and synchronization function are included.

**Note.**—It is the maximum one-way rate, i.e., the maximum rate in either transmission or reception.

"digital computer"—

Equipment that can, in the form of one or more discrete variables:

- (a) Accept data;
- (b) Store data or instructions in fixed or alterable (writable) storage devices;
- (c) Process data by means of a stored sequence of instructions that is modifiable; *and*
- (d) Provide output of data.

**Note.**—Modifications of a stored sequence of instructions include replacement of fixed storage devices, but not a physical change in wiring or interconnections.

"embedded" in equipment or systems—

Can feasibly be neither:

(a) Removed from such equipment or systems; *nor*  
(b) Used for other purposes.

"equivalent multiply rate"—

The maximally achievable number of multiplication operations that can be performed per second considering that, in the case of simultaneous multiplication operations, all multiplication rates have to be summed in order to arrive at the "equivalent multiply rate":

- (a) Assuming
  - (1) Optimal operand locations in the "most immediate storage"; *and*
  - (2) Operand lengths at least 16 bit, or more if this allows for faster operation; *and*
  - (b) Neglecting
    - (1) Set-up operations;
    - (2) Pipeline filling operations;
    - (3) Initialization;
    - (4) Interrupts; *and*
    - (5) Data reordering times.

**Note.**—Simultaneous multiplication operations can occur because of:

- (a) Multiple arithmetic units for operations such as complex multiplication, convolution or recursive filtering;
- (b) Parallel pipelining;
- (c) More than one arithmetic unit in one data processing unit; *or*
- (d) More than one data processing unit in one system.

"fault tolerance"—

The capability to perform correctly without human intervention after failure of any 'assembly', so that there is no single point in the system the failure of which could cause catastrophic failure of the system's functioning.

'assembly'—

A number of components (i.e., circuit elements, discrete components, microcircuits) connected together to perform a specific function or functions, replaceable as an entity (and normally capable of being disassembled).

"firmware"—

See "microprogram".

"gross capacity"—

The product of:

(a) The maximum number of binary digit (bit) positions per unformatted track; *and*  
(b) The total number of tracks including spare tracks and tracks not accessible to the user.

"hybrid computer"—

Equipment that can:

(a) Accept data;  
(b) Process data, in both analog and digital representations; *and*  
(c) Provide output of data.

"image digitizer"—

A device for directly converting an analog representation of an image into a digital representation.

"image enhancement"—

The processing of externally derived information-bearing images by algorithms such as time compression, filtering, extraction, selection, correlation, convolution or transformations between domains (e.g., Fast Fourier Transform or Walsh Transform). This does not include algorithms using only linear or rotational transformation of a single image, such as translation, feature extraction, registration or false coloration.

"incorporated" in equipment or systems—

(a) Can feasibly be either:  
(1) Removed from such equipment or systems; *or*  
(2) Used for other purposes; *and*  
(b) Is essential to the operation of such equipment or systems.

"local area network"—

A data communication system that:

(a) Allows an arbitrary number of independent "data devices" to communicate directly with each other; *and*  
(b) Is confined to a geographical area of moderate size (e.g., office building, plant, campus, warehouse).

"main storage"—

The primary storage for data or instructions for rapid access by a central processing unit. It consists of the internal storage of a "digital computer" and any hierarchical extension thereto, such as cache storage or non-sequentially accessed extended storage.

**"maximum bit packing density"—**

The density of recording specified in accordance with the appropriate ANSI or ISO Standard (e.g., ANSI X3.14-1979, ISO 1862-1975; ANSI X3.22-1973, ISO 1873-1976; ANSI X3.39-1973, ISO 3788-1976; ANSI X3.48-1977, ISO 3407-1976; ANSI X3.56-1977, ISO 4057-1979; ANSI X3.54-1976).

**"maximum bit transfer rate"—**

(a) Of a drum or disk drive ( $R_{tdmax}$ ) is the product of:

- (1) The maximum number of binary digit (bit) positions per unformatted track; and
- (2) The number of tracks that simultaneously can be read or written, divided by the rotational period;

(b) Of a magnetic tape drive ( $R_{tmmax}$ ), is the product of:

- (1) The "maximum bit packing density";
- (2) The number of data bits per character (ANSI) or per row (ISO); and
- (3) The maximum tape read/write speed.

**"microprogram"—**

A sequence of elementary instructions, maintained in a special storage, the execution of which is initiated by the introduction of its reference instruction into an instruction register.

**"most immediate storage"—**

The portion of the "main storage" most directly accessible by the central processing unit:

- (a) For single level "main storage," this is the internal storage; or
- (b) For hierarchical "main storage", this is:
  - (1) The cache storage;
  - (2) The instruction stack; or
  - (3) The data stack.

**"multi-data-stream processing"—**

The "microprogram" or equipment architecture technique that permits processing two or more data sequences under the control of one or more instruction sequences by means such as:

- (a) Parallel processing; or
- (b) Structured arrays of processing elements.

**"net capacity"—**

Of a drum, disk or cartridge type streamer tape drive, or a bubble memory:

The total capacity designed to be accessible to the "digital computer" excluding error control bits.

**"non-volatile storage"—**

A storage device the contents of which are not lost when power is removed.

**"other peripheral device"—**

A "data device" that is:

- (a) Peripheral to a central processing unit—"main storage" combination; and
- (b) Not an input/output control unit—drum, disk or magnetic tape drive or bubble memory combination.

**"principal element"—**

A "digital computer" or "related equipment" that is:

- (a) Either "embedded" or "incorporated" in another equipment or system; and
- (b) In replacement value more than 35% of the replacement value of the total equipment

or system, i.e., including the "digital computer" or "related equipment".

**"program"—**

A sequence of instructions to carry out a process in, or convertible into, a form executable by an electronic computer.

**"real time processing"—**

Processing of data by an electronic computer in response to an external event according to time requirements imposed by the external event.

**"related equipment"—**

Equipment "embedded" in, "incorporated" in, or "associated" with electronic computers, as follows:

- (a) Equipment for interconnecting "analog computers" with "digital computers";
- (b) Equipment for interconnecting "digital computers";
- (c) Equipment for interfacing electronic computers to "local area networks" or to "wide area networks";
- (d) Communication control units;
- (e) Other input/output (I-O) control units;
- (f) Recording or reproducing equipment referred to ECCN 1565 by ECCN 1572;
- (g) Displays; or
- (h) Other peripheral equipment.

Note.—"Related equipment" that contains an "embedded" or "incorporated" electronic computer, but lacks "user-accessible programmability", does not thereby fall within the definition of an electronic computer.

**"signal processing"—**

The processing of externally derived information-bearing signals by algorithms such as time compression, filtering, extraction, selection, correlation, convolution or transformations between domains (e.g. Fast Fourier Transform or Walsh Transform).

**"software"—**

A collection of one or more "programs" or "microprograms" fixed in any tangible medium of expression.

**"stored program controlled circuit switching"—**

The technique for establishing, on demand and until released, a direct (space division switching) or logical (time division switching) connection between circuits based on switching control information derived from any source or circuit and processed according to the stored program by one or more electronic computers.

**"terminal device"—**

A "data device" that:

- (a) Does not include process control sensing and actuating devices; and
- (b) Is capable of:
  - (1) Accepting or producing a physical record;
  - (2) Accepting a manual input; or
  - (3) Producing a visual output.

Note: Normal groupings of such equipment (e.g., a combination of paper tape punch/reader and printer), connected to a single data channel or "communication channel", shall be considered as a single

**"terminal device".**

**"total access rate" ( $R_{tot}$ )**—The sum of the individual "access rates" of all input/output control unit—drum or disk drive combinations ( $R_{ad}$ ) provided with the system that can be sustained simultaneously assuming the configuration of equipment that would maximize this "total access rate".

Thus:  $R_{tot} = \text{SUM } R_{ad}$

**"total connected capacity"—**

The storage capacity excluding error control bits, word marker bits, and flag bits.

Note: The following are illustrative examples of how to calculate various parameters:

Part A. Conversion of Byte to bit in computing storage limits:

- (a) 1 M Byte =  $(1,024)^2$  Byte = 1,048,576 Byte
- (b) 1 K Byte = 1,024 Byte
- (c) 1 Byte = 8 bit or 9 bit

Part B. Limits on "total connected capacity" of "mainstorage":

The limits in the various Notes to ECCN 1565A assume a 9-bit Byte and an appropriate amount of cache storage (16, 32, 48 or 64KByte), as follows (although other combinations within these limits would be permissible):

Internal storage (MByte)	Cache storage (KByte)	"Total connected capacity" (million bit)
0.25	16	2.5
0.5	16	4.9
0.75	32	7.4
1.0	32	9.8
1.5	48	14.6
2.0	48	19.4
2.5	64	24.2

**"total data signalling rate"—**

The sum of the individual "data signalling rates" of all "communication channels" that:

- (a) Have been provided with the system; and
- (b) Can be sustained simultaneously assuming the configuration of the equipment that would maximize this sum of rates.

**"total internal storage available to the user"—**

The sum of the individual capacities of all internal user-alterable or user-replaceable storage devices that may be:

- (a) Included in the equipment at the same time; and
- (b) Used to store "software" instructions or data.

**"total processing data rate"—**

- (a) Of a single central processing unit, is its "processing data rate";
- (b) Of multiple central processing units that do not share direct access to a common "main storage," is:

The individual "processing data rate" of each central processing unit, i.e., each unit is separately treated as a single central processing unit as in paragraph (a) above; or

- (c) Of multiple central processing units that partially or fully share direct access to a common "main storage" at any level is the sum of:

(1) The highest of the individual 'processing data rates' of all central processing units; and

(2) 0.75 times the 'processing data rate' of each remaining central processing unit, sharing the same "main storage"; assuming the configuration of equipment that would maximize this sum of rates.

"processing data rate"—

The maximum of either:

(a) The 'floating point processing data rate' ( $R_f$ );

or

(b) The 'fixed point processing data rate' ( $R_x$ ).

Note.—The 'processing data rate' of a central processing unit implemented with two or more microprocessor microcircuits, not including any dedicated microprocessor microcircuit used solely for display, keyboard or input/output control, is the sum of the individual 'processing data rates' of all these microprocessor microcircuits.

"floating point processing data rate" ( $R_f$ )—

The sum of:

(1) 0.85 times the 'number of bits in a fixed point instruction' ( $n_{ix}$ ) or 0.85 times the 'number of bits in a floating point instruction' ( $n_{if}$ ), if no fixed point instructions are implemented;

(2) 0.15 times the 'number of bits' in a floating point instruction' ( $n_{if}$ );

(3) 0.40 times the 'number of bits in a fixed point operand' ( $n_{ox}$ ) or 0.40 times the 'number of bits in a floating point operand' ( $n_{of}$ ), if no fixed point instructions are implemented; and

(4) 0.15 times the 'number of bits in a floating point operand' ( $n_{of}$ );

divided by the sum of:

(1) 0.85 times the 'execution time' for a fixed point addition ( $t_{ax}$ ) or for a floating point addition ( $t_{af}$ ), if no fixed point instructions are implemented;

(2) 0.09 times the 'execution time' for a floating point addition ( $t_{af}$ ); and

(3) 0.06 times the 'execution time' for a floating point multiplication ( $t_{mf}$ ) or for the fastest available subroutine ( $t_{msub}$ ) to simulate a floating point multiplication instruction, if no floating point multiplication instructions are implemented.

Thus:

$$R_f = \frac{(0.85)n_{ix} + (0.15)n_{if} + (0.40)n_{ox} + (0.15)n_{of}}{(0.85)t_{ax} + (0.09)t_{af} + (0.06)t_{mf}}$$

or

If no fixed point instructions are implemented then:

$$R_f = \frac{(1.00)n_{if} + (0.55)n_{of}}{(0.94)t_{af} + (0.06)t_{mf}} ; \text{ or}$$

If no floating point multiplication instructions are implemented ( $t_{mf} = t_{msub}$ ) then:

$$R_f = \frac{(0.85)n_{ix} + (0.15)n_{if} + (0.40)n_{ox} + (0.15)n_{of}}{(0.85)t_{ax} + (0.09)t_{af} + (0.06)t_{msub}}$$

Note.—If a "digital computer" has neither floating point addition nor floating point multiplication instructions, then its 'floating point processing data rate' is equal to zero.

"fixed point processing data rate" ( $R_x$ )—

The sum of:

(1) 0.85 times the number of bits in a fixed point addition instruction ( $n_{iax}$ );

(2) 0.15 times the 'number of bits in a fixed point multiplication instruction' ( $n_{imx}$ ); and

(3) 0.55 times the 'number of bits in a fixed point operand' ( $n_{ox}$ );

divided by the sum of:

(1) 0.85 times the 'execution time' for a fixed point addition ( $t_{iax}$ ); and

(2) 0.15 times the 'execution time' for a fixed point multiplication ( $t_{imx}$ ) or for the fastest available subroutine ( $t_{msub}$ ) to simulate a fixed point multiplication instruction if no fixed point multiplication instructions are implemented.

Thus:

$$R_x = \frac{(0.85)n_{iax} + (0.15)n_{imx} + (0.55)n_{ox}}{(0.85)t_{iax} + (0.15)t_{imx}}$$

or

if no fixed point multiplication instruction are implemented ( $t_{imx} = t_{msub}$ ), then:

$$R_x = \frac{(0.85)n_{iax} + (0.15)n_{imx} + (0.55)n_{ox}}{(0.85)t_{iax} + (0.15)t_{msub}}$$

Note.—If a "digital computer" has neither fixed point addition nor fixed point multiplication instructions, then its 'fixed point processing data rate' is equal to zero.

'number of bits in a:  
Fixed point addition instruction' ( $n_{iax}$ )—  
Fixed point multiplication instruction' ( $n_{imx}$ )—  
Floating point addition instruction' ( $n_{iaf}$ )—  
Floating point multiplication instruction'  
( $n_{imf}$ )—

The appropriate shortest single fixed or floating point instruction length that permits full direct addressing of the "main storage".

Notes.—1. When multiple instructions are required to simulate an appropriate single instruction, the number of bits in the above instructions is defined as 16 bits plus the number of bits ( $b_{iax}$ ,  $b_{imx}$ ,  $b_{iaf}$ ,  $b_{imf}$ ) that permits full direct addressing of the "main storage".

Thus:

$$\begin{aligned}n_{\text{fix}} &= 16 + b_{\text{fix}} \\ n_{\text{int}} &= 16 + b_{\text{int}} \\ n_{\text{inf}} &= 16 + b_{\text{inf}} \\ n_{\text{inf}} &= 16 + b_{\text{inf}}\end{aligned}$$

2. If the addressing capability of an instruction is expanded by using a base register, then the 'number of bits in an instruction, fixed or floating point, addition or multiplication' is the number of bits in the instruction with the standard address length including the number of bits necessary to use the base register.

"number of bits in fixed point operand" ( $n_{\text{fix}}$ )—

- (a) The shortest fixed point operand length;  
or  
(b) 16 bits;  
whichever is greater.

"number of bits in a floating point operand" ( $n_{\text{float}}$ )—

- (a) The shortest floating point operand length; or  
(b) 30 bits;  
whichever is greater.

"execution time"

(a) The time certified or openly published by the manufacturer for the execution of the fastest appropriate instruction, under the following conditions:

- (1) No indexing or indirect operations are included;
  - (2) The instruction is in the "most immediate storage";
  - (3) One operand is in the accumulator or in a location of the "most immediate storage" that is acting as the accumulator;
  - (4) The second operand is in the "most immediate storage"; and
  - (5) The result is left in the accumulator or the same location in the "most immediate storage" that is acting as the accumulator;
- (b) If only the maximum and minimum execution times of the instructions are published, the sum of:
- (1) The maximum execution time of an instruction ( $t_{\text{max}}$ ); and
  - (2) Twice the minimum execution time of this instruction ( $t_{\text{min}}$ );
- divided by three.

Thus:

$$t = \frac{t_{\text{max}} + 2t_{\text{min}}}{3}$$

(t stands for any of the values  $t_{\text{fix}}$ ,  $t_{\text{float}}$ ,  $t_{\text{max}}$  or  $t_{\text{min}}$ )

(c) For central processing units that simultaneously fetch more than one instruction from one storage location: The average of the "execution times" when executing instructions fetched from all possible locations within the stored word.

(d) If the longest fixed point operand length is smaller than 16 bits, then use the time required for the fastest available subroutine to simulate a 16 bit fixed point operation.

Notes: 1. If the addressing capability of an instruction is expanded by using a base register, then the "execution time" shall include the time for adding the content of the

base register to the address part of the instruction.

2. When calculating "processing data rate" for computers with cache sizes smaller than 64 K Bytes, the "execution time" of the appropriate instructions will be calculated as follows:

(cache hit rate) x ("execution time" when both instruction and operand are in cache storage) + (1 - cache hit rate) x ("execution time" when neither instruction nor operand are in cache storage), the cache hit rate being:

1.00 for cache size of 64 KByte  
0.95 for cache size of 32 KByte  
0.90 for cache size of 16 KByte  
0.85 for cache size of 8 KByte  
0.75 for cache size of 4 KByte

"total transfer rate"—

(a) Of the input/output control unit—drum, disk or cartridge-type streamer tape drive combinations ( $R_{\text{data}}$ );

The sum of the individual "transfer rates" of all input/output control unit—drum, disk or cartridge-type streamer tape drive combinations ( $R_{\text{id}}$ ) provided with the system that can be sustained simultaneously assuming the configuration of equipment that would maximize this sum of rates.

Thus:  $R_{\text{data}} = \text{SUM } R_{\text{id}}$

"transfer rate"—

(1) Of an input/output control unit—drum or disk drive combination ( $R_{\text{id}}$ ), the smaller of either:

Note: For the "transfer rate" of an input/output control unit—cartridge-type streamer tape drive combination, see paragraph (b) below.

(i) The input/output control unit "transfer rate" ( $R_{\text{id}}$ ); or

(ii) The sum of the individual "transfer rates" of all independent seek mechanisms ( $R_{\text{ts}}$ ).

Thus:  $R_{\text{id}} = \min(R_{\text{id}}, \text{SUM } R_{\text{ts}})$

(2) Of an input/output control unit ( $R_{\text{id}}$ ):

(i) With rotational position sensing (rps), is the product of:

(A) The number of independent read/write channels (C); and

(B) The greatest "maximum bit transfer rate" ( $R_{\text{tmaxmax}}$ ) of all independent seek mechanisms; or

(ii) Without rotational position sensing (rps), is two-thirds of this product.

Thus:  $R_{\text{id}} = C \times R_{\text{tmaxmax}}$  (with rps); or

$$R_{\text{id}} = \frac{2C}{3} \times R_{\text{tmaxmax}} \text{ (without rps)}$$

(3) Of an independent seek mechanism ( $R_{\text{ts}}$ ):

The product of:

(i) The "maximum bit transfer rate"

( $R_{\text{tmax}}$ ); and

(ii) The rotational period ( $t_r$ ); divided by the sum of:

(i) The rotational period ( $t_r$ );

(ii) The "minimum seek time" ( $t_{\text{min}}$ ); and

(iii) The "latency time" ( $t_l$ ).

Thus:

$$R_{\text{ts}} = \frac{R_{\text{tmax}} \times t_r}{t_r + t_{\text{min}} + t_l}$$

"minimum seek time" ( $t_{\text{min}}$ )—

- (1) For fixed head devices, it is zero; or
- (2) For moving head or moving media devices, the rated time to move from one track to an adjacent track.

"latency time" ( $t_l$ )—

The rotational period divided by twice the number of independent read/write heads per track.

(b) Of the input/output control unit—magnetic tape drive combinations ( $R_{\text{tto}}$ ):

The sum of the individual 'transfer rates' of all input/output control unit—magnetic tape drive combinations ( $R_{\text{it}}$ ) provided with the system that can be sustained simultaneously assuming the configuration of equipment that would maximize this sum of rates.

Thus:  $R_{\text{tto}} = \text{SUM } R_{\text{it}}$

"transfer rate"—

Of an input/output control unit—cartridge-type streamer or magnetic tape drive combination ( $R_{\text{it}}$ );

The product of:

- (1) The number of independent read/write channels (C); and
- (2) The greatest "maximum bit transfer rate" ( $R_{\text{tmaxmax}}$ ) of all tape drives.

Thus:  $R_{\text{it}} = C \times R_{\text{tmaxmax}}$

(c) Of the input/output or communication control unit—directly connected data channel combinations: The sum of the individual "transfer rates of all data channels" provided with the system that can be sustained simultaneously assuming the configuration of equipment that would maximize this sum of rates.

"transfer rate of any data channel"—

The sum of the individual bit transfer rates of all the "other peripheral devices", excluding "terminal devices", that can be sustained simultaneously on the data channel.

"user accessible microprogrammability"—

The facility allowing a user to insert, modify or replace "microprograms".

"user-accessible programmability"—

The facility allowing a user to insert, modify or replace "programs" by means other than:

- (a) A physical change in wiring or interconnections; or
- (b) The setting of function controls including entry of parameters.

"virtual storage"—

The storage space that may be regarded as addressable "main storage" by the user of a computer system in which virtual addresses are mapped into real addresses.

Note.—The size of "virtual storage" is limited by the addressing scheme of the

computer system and not by the actual number of "main storage" locations.

"wide area network"—

A data communication system that:

- (a) Allows an arbitrary number of independent "data devices" to communicate with each other;
- (b) May include "local area networks", and
- (c) Is designed to interconnect geographically dispersed facilities.

**ADVISORY NOTE 17** (for the People's Republic of China): Licenses are likely to be approved for export to satisfactory end-users in the People's Republic of China of "digital computers" or "related equipment" therefor controlled for export by paragraph (h) of this ECCN 1565A, provided that:

(a) The "digital computers" or "related equipment" therefor:

(1) Will be operated by civil end-users for civil applications;

(2) Are exported as complete systems or enhancements to previously exported systems up to the limits of paragraph (b) of this Advisory Note;

(3) Have been primarily designed and used for non-strategic applications; and

(4) Do not fall within the scope of both paragraphs (h)(1)(ii) (A) and (B);

(b) The "digital computers" or "related equipment" therefor do not exceed any of the following limits:

(1) Central processing unit—"main storage" combinations, with a "total processing data rate" of 285 million bits per second and a "total connected capacity" of "main storage" of 135 million bits;

(2) Input/output control unit—drum or disk drive combinations:

(i) "Total bit transfer rate"—101 million bits per second;

(ii) "Maximum bit transfer rate" of any drum or disk drive—34 million bits per second;

(iii) Total connected "net capacity"—74,000 million bits;

(3) Array transform processors:

(i) "Equivalent multiply rate"—800,000 operations per second;

(ii) Fast Fourier Transform of 1,024 complex points—40 ms;

(iii) Word length—38 bits;

(c) The "digital computers" or "related equipment" therefor do not have the following characteristics:

(1) Those identified in paragraphs (h)(1)(i) (D) to (H) and (M);

(2) Those identified in paragraph (h)(1)(i)(b) having an "equivalent multiply rate" of more than 2 million operations per second;

Note.—Reserved.

**ADVISORY NOTE 18** (for the People's Republic of China): Licenses are likely to be approved for export to satisfactory end-users in the People's Republic of China of "digital computers" or "related equipment" therefor in accordance with Advisory Note 5 not exceeding 70 million bits per second under Advisory Note 5(c).

**ADVISORY NOTE 19** (for the People's Republic of China): Licenses are likely to be approved for export to satisfactory end-users in the People's Republic of China of peripheral equipment as follows:

(a) Cathode ray tube graphic displays that do not exceed any of the following parameters:

(i) 1,024 resolvable elements along one axis and 1,280 resolvable elements along the perpendicular axis;

(ii) 11.8 million bits of refresh storage; or

(iii) 256 shades of gray or color (8 bits per pixel);

(b) Plotting equipment and digitizing equipment that has an accuracy of 0.002% or worse and an active area of 254 cm × 254 cm or smaller;

(c) Disk drives that do not exceed:

(i) "Maximum bit transfer rate"—7.5 million bits per second; or

(ii) "Net capacity"—350 million bits;

**ADVISORY NOTE 20** (for the People's Republic of China): Licenses are likely to be approved for bulk shipments to satisfactory end-users in the People's Republic of China of personal computers and small business computer systems controlled by paragraph (h) of this ECCN 1565A that do not exceed any of the following parameters:

(a) "Total processing data rate"—15 million bits per second;

(b) "Virtual storage" capability—512 million Bytes (4,096 million bits); or

(c) The other technical parameters of the system—the limits contained in Advisory Note 9(b) without taking into account Advisory Note 9(b)(2)(v).

**ADVISORY NOTE 21** (for the People's Republic of China): Licenses are likely to be approved for export to satisfactory end-users in the People's Republic of China of spare parts in accordance with Advisory Note 7 (a) and (b) to this ECCN 1565A.

5. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 6565G is amended by revising the reference in the heading to "paragraph (h)(2)(iv)" to read "paragraph (h)(2)(iii)".

Dated: January 22, 1988.

Vincent F. DeCain,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 88-1648 Filed 1-28-88; 8:45 am]

BILLING CODE 3510-DT-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### 18 CFR Part 389

[Docket No. RM83-39-000; Order No. 484]

#### Fees for Hydroelectric Project Applications To Reimburse Fish and Wildlife Agencies

Issued: January 25, 1988.

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Final rule; notice of OMB control number.

**SUMMARY:** The Federal Energy Regulatory Commission (Commission), on November 18, 1987, issued a final rule (Order No. 484) in Docket No. RM83-39-000, 52 FR 45167 (Nov. 25, 1987). The rule established a list for utilities to use in classifying certain property at nuclear power plants as "retirement units" for accounting purposes. This notice states that the Office of Management and Budget has approved the information collection requirements in Order No. 484.

**EFFECTIVE DATE:** January 25, 1988.

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

**SUPPLEMENTARY INFORMATION:** The Paperwork Reduction Act, 44 U.S.C. 3501-3520 (1982) and the Office of Management and Budget's (OMB) regulations, 5 CFR Part 1320 (1987), require that OMB approve certain information collection requirements imposed by agency rules. On January 12, 1988, OMB approved the information collection requirements of 18 CFR Part 116 as amended by this rule under Control Number 1902-0021. Therefore, the final rule in Docket No. RM83-39-000 will become effective January 27, 1988. No amendment to the Table of OMB Control Numbers in 18 CFR 389.101(b) is necessary since control number 1902-0021 is already assigned to Part 116 in the table.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-1840 Filed 1-28-88; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### 23 CFR Part 658

[FHWA Docket No. 84-18, Notice No. 3]

#### Truck Size and Weight; Automobile Transporters

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Final rule.

**SUMMARY:** The FHWA is revising certain provisions established by the final rule on truck size and weight published at 49 FR 23302 on June 5, 1984. This rule establishes:

(1) Definitions of automobile transporter equipment, (2) length requirements for stinger-steered

automobile transporters and other tractor-semi-trailer automobile transporter combinations, including low boys, (3) length requirements for triple saddlemount combinations, and (4) cargo carrying capability for truck tractors used as automobile transporters. This rule also affirms previous rulemaking in regard to: (1) Minimum allowable overhang for automobile transporters, (2) the exclusion of overhang from the overall vehicle length measurement, (3) grandfather rights of all longer dimensions legally operating on December 1, 1982, and (4) overall minimum length limitations for saddlemount and fullmount vehicle transporter combinations. The revisions clarify and further define certain issues contained in the June 5, 1984, final rule.

**EFFECTIVE DATE:** This final rule is effective February 29, 1988.

**FOR FURTHER INFORMATION CONTACT:** Mr. Philip W. Blow, Office of Motor Carrier Transportation (202) 366-4036 or Mr. David C. Oliver, Office of the Chief Counsel (202) 366-1354, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590. Office hours are 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except legal holidays.

**SUPPLEMENTARY INFORMATION:** A rule implementing the truck size and weight provisions of the Surface Transportation Assistance Act of 1982 (STAA), Pub. L. 97-424, 96 Stat. 2097, was published in the Federal Register on June 5, 1984 (49 FR 23302). This document represented the culmination of major efforts by the FHWA to implement the truck size and weight provisions of the STAA. The June 5, 1984, rule addresses, among many issues, automobile transporters pursuant to section 411(d) of the STAA by determining that automobile transporters constitute specialized equipment and are not subject to the provisions of 23 CFR 658.13 (a) through (c). Section 658.13(d) provides requirements relative to overall length and allowable overhang for automobile transporters.

The June 5, 1984, final rule also noted FHWA's intent to initiate further rulemaking on automobile transporters. This was initiated through an Advance Notice of Proposed Rulemaking (ANPRM), Docket 84-18, issued on October 2, 1984, at 49 FR 38958. This notice requested comments on the off-tracking characteristics of automobile transporters and certain alternatives to the provisions in the June 5 final rule.

In consideration of the 42 responses to the October 2, 1984, ANPRM, Docket 84-18, a Notice of Proposed Rulemaking

(NPRM), Docket 84-18, Notice No. 2, was published in the Federal Register on November 25, 1985 (50 FR 48431). In that NPRM and based upon considerations of vehicle safety and operating characteristics, productivity, economic factors, and unique needs of the industry; FHWA proposed the following: (1) For clarity, add two new definitions of automobile transporters, (2) eliminate the overall length limit for traditional tractor-semi-trailer automobile transporters when the semi-trailer is not longer than 48 feet and implement the same minimum 48-foot semi-trailer limit as for other tractor-semi-trailer combinations, (3) continue recognition that longer automobile transporter combinations that were lawfully operating on or prior to December 1, 1982, are grandfathered, (4) reiterate that automobile transporters may carry cargo on the power unit (truck tractor) including an over-cab rack, (5) establish the same length requirements for "low boys" (built or modified especially to transport automobiles) as for traditional tractor-semi-trailer automobile transporters, (6) establish a 75-foot overall length limit, exclusive of overhang, for the stinger-steered automobile transporter combination, (7) make no change to the overhang provisions established in the June 5, 1984, final rule, (8) allow triple saddlemount with fullmount vehicle transporter combinations within a 65-foot overall length, and (9) allow the same access for all the above automobile transporters as allowed 48-foot semi-trailers.

Forty responses were received in reply to the NPRM (Docket 84-18, Notice No. 2) issued on November 25, 1985. Respondents are generally categorized as follows: State agencies and the District of Columbia (DOT)—15, trucking companies—13, manufacturers—5, trucking associations—3, turnpike authority—1, bus company—1, union—1, and research organization—1.

#### Definitions

In response to the proposal to define automobile transporters, 24 respondents submitted comments. Two State DOT's voiced objections; the District of Columbia DOT gave no specific reason for its objection and the Wisconsin DOT objected because, as proposed, the definition of automobile transporter would include a single vehicle (straight truck) in addition to a vehicle combination. The Wisconsin DOT recommends modifying the definition to remove the word "or" so the definition would read, "Any vehicle combination designed \* \* \*." The FHWA concurs

with the suggested modification and has modified the definition accordingly in the final rule.

In response to the proposed definition for stinger-steered tractor-semi-trailer automobile transporter combinations, 23 respondents agree that the definition should remain as proposed, i.e., the fifth wheel is located on a drop frame behind and below the rear axle(s) of the power unit, and the power unit is capable of carrying several vehicles over and behind it. Thus, this definition remains unchanged in the final rule.

#### Traditional Tractor-Semi-trailer Automobile Transporter Overall Length

In reviewing the NPRM comments and the June 5, 1984, final rule, it was determined that although there were few objections to a minimum 65-foot overall length limit (exclusive of overhang), this length was shorter than that of STAA allowed tractor-semi-trailer combinations, i.e., 22- to 24-foot tractor with a 48-foot semi-trailer yielding overall lengths between 67 and 68 feet. In the November 25, 1985, NPRM, FHWA proposed to alleviate this situation by eliminating the overall length requirement for the traditional tractor-semi-trailer automobile transporters (fifth wheel located on tractor frame over rear axle(s)) and using the same minimum 48-foot semi-trailer requirement as with other tractor-semi-trailer combinations.

There were 28 responses to that part of the proposal to eliminate the overall length requirement. Of these, the Teamsters Union and the Massachusetts and New York DOT's agree with the proposal to remove the overall length limit. The States request that the overall limit be removed and replaced with the establishment of a semi-trailer length not to exceed 48 feet. The Teamsters Union asserts that the establishment of a semi-trailer length limit is consistent with the intent of the STAA of 1982. All of the industry commenters on this issue oppose the elimination of the 65-foot overall length limit for traditional tractor-semi-trailer automobile transporters. Industry commenters cite the sizeable investment in longer semi-trailers since adoption of the 65-foot overall length limit in the June 5, 1984, final rule and the opportunity for flexibility in design.

There were 27 responses to that part of the proposal to establish a 48-foot minimum semi-trailer length limit. Six responses favor the proposal and 21 oppose it. Massachusetts and New York State DOT's approve of providing a semi-trailer length limit if not longer than 48 feet. The Oregon DOT states that no

distinction should be made between traditional tractor-semitrailer automobile transporter combinations and other tractor-semitrailer combinations currently allowed by STAA. The Virginia and Idaho DOT's support the 48-foot minimum length limit, but do not explain the basis for their position. The Teamsters Union approves the length limit because the proposal is consistent with the intent of the STAA of 1982. Most of the industry commenters oppose the 48-foot minimum semitrailer length limit and recommend that if a 48-foot length limit is adopted that it apply to only tractor-semitrailer combinations in excess of 65 feet.

Based on an assessment of the comments submitted to Docket 84-18, Notice No. 2, the existing law was considered to provide a safe and equitable operation. The 65-foot overall length limit (exclusive of overhang) with no semitrailer length limit for traditional tractor-semitrailer automobile transporters, will remain as promulgated in the June 5, 1984, final rule.

#### Grandfathered Automobile Transporter Semitrailer Lengths

Eighteen commenters addressed an issue not raised specifically by FHWA concerning the appropriate date for grandfathering automobile transporters. These 18 commenters stated that the grandfather date should be the date the final rule was published (Truck Size and Weight; Final Rule, June 5, 1984). However, no change is being made in the grandfather date due to specific language in the STAA of 1982. In accordance with the June 5, 1984, rule, all automobile transporters semitrailers dimensions longer than 48 feet legally operating in a given State on December 1, 1982, are grandfathered and continued operation in such States must be allowed. The purpose of the grandfather "semitrailer lengths" provision was to prevent States from reducing their length limits existing on December 1, 1982, that were greater than the limits established in the STAA.

#### Cargo On Power Unit

Only two responses refer directly to the issue of carrying cargo on an over-cab rack. The Teamsters Union approves, yet also states that the rule should explicitly limit the truck tractor to carry only one vehicle on the over-cab rack on traditional tractor-semitrailer combinations. The District of Columbia DOT proposes that a vertical dimension limitation be included in the rulemaking to prevent heights in excess of 13 feet 6 inches. The June 5, 1984, final rule allows for cargo to be carried on the

power unit and with the overhang limits should satisfy the Teamsters' concerns. FHWA continues this position.

The law is silent with respect to vertical dimension limitations. As a result of the variance in the height of overhead obstructions, FHWA is allowing this to continue to be subject to State regulation.

#### Low Boys

The vehicle traditionally referred to as a "low boy" as discussed by several commenters in response to Docket 84-18 (49 FR 38956, October 2, 1984) is a special type of automobile transporter. The FHWA studied the issue, and in a NPRM, Docket 84-18, Notice No. 2 (50 FR 48431, November 25, 1985) stated its position that if a low boy had been built or modified especially to transport vehicles, then it should qualify as a automobile transporter. In addition, FHWA concluded that the length requirements applicable to these vehicles should be the same as for the traditional tractor-semitrailer automobile transporter.

There were five direct responses to the low boy issue as published in the NPRM. Two commenters object. The Georgia DOT states that low boy semitrailers can be used as "part-time" automobile transporters and the enforcement of dimension laws could be confusing. The Georgia DOT also indicates that haulers with other types of loads will ultimately expect the same exemptions from the law. The District of Columbia DOT states opposition to all amendments proposed in the November 25, 1985, NPRM. The Georgia DOT's concerns are satisfied by the definition of automobile transporter. Accordingly, if an operator uses a low boy to transport any cargo other than "assembled \* \* \* highway vehicles," the low boy semitrailer will be subject to the same length requirements under the STAA as all other semitrailers designed to haul general cargo. In regard to enforcing the dimensions of empty low boys, such factors as obvious modification, trucking company business, and content of the previous load would determine the appropriate enforcement practice.

The FHWA continues its position regarding configurations that offer safety and productivity advantages which includes the use of low boy semitrailers in tractor-semitrailer combinations when used specifically for the transport of assembled highway vehicles. The term low-boy is included in § 658.13(d) for clarity.

#### Stinger-Steered Tractor-Semitrailer Automobile Transporters Overall Length

There were 34 responses relating to the proposed minimum seventy-five foot overall length (exclusive of overhang) requirement for stinger-steered automobile transporters. Nineteen commenters support 75 feet overall length and twelve commenters object. Missouri, Illinois, Georgia, Iowa, New Jersey, New Jersey Turnpike Authority, and New York object to any minimum length limit in excess of 65 feet.

Several issues were included in the comments objecting to the 75-foot length proposed. The Iowa DOT objects to the establishment of a minimum 75-foot stinger-steered overall length limit, because this limit conflicts with efforts to limit off-tracking through application of a 40-foot kingpin to rear axle restriction. The New Jersey and New York DOT's prefer the present 65-foot overall length limit plus a 5-foot overhang allowance. The District of Columbia DOT stated that although the Interstate and primary routes within the District will generally accommodate the proposed longer lengths, the local street system may not, except under special conditions. The Illinois DOT states that 82 feet (including front and rear overhang) is too long for two-lane roads. The Oregon, Washington State, and Idaho DOT's state that tractors with stinger-steered semitrailers should be allowed to operate with 75-foot lengths but include overhang. Oregon and Washington State further state that the commodity being carried should not be a determining factor in vehicle size limitations. The California DOT states that stinger-steered equipment has long been allowed in that State, and there is no inherent difference in safety between comparable semis and stinger-steered equipment. Additionally, the Alaska DOT, Western Highway Institution, and the National Automobile Transporters Association, do not object to the 75-foot minimum requirement.

Most of the objections dealt with safety concerns. A previous docket addressed off-tracking studies that have shown that a 75-foot stinger-steered combination tracked better than a 48-foot semi-trailer combination and was essentially equal to that of a 45-foot semi-trailer combination.

The NPRM noted that studies were to be made concerning the jackknifing tendencies of the stinger-steered automobile transporters. This research, conducted by the University of Michigan Transportation Research Institute (UMTRI), showed that the longer tractor wheelbase on stinger-steered vehicles

reduces the jackknifing potential of these vehicles relative to traditional fifth wheel-type vehicles. The 75-foot stinger-steered automobile transporters that the UMTRI used in its research have less of a jackknifing tendency than the 65-foot automobile transporters that are currently allowed. Stinger-steered automobile transporters are also superior to many typical tractor semitrailers when operated in the empty condition because of their longer tractor wheelbases.

As a result of this research the FHWA has chosen the 75-foot overall length limit for stinger-steered automobile transporters.

#### Overhang and Length and Width Exclusions

Seven commenters responded to the overhang and length and width exclusions provisions issue as published in Docket 84-18, Notice No. 2. The Teamsters Union, Ryder System, Inc., and the Wisconsin DOT support the proposed overhang provision. The Wisconsin DOT also supports the proposed overhang provision but argues that FHWA allow an aggregate total of seven feet of overhang without other limits on the front and rear overhangs. Three State DOT's, Oregon, Idaho, Washington, as well as the District of Columbia DOT, object to the overhang provisions. The State of Oregon and Washington assert that overhang should be included in the 75-foot overall length for stinger-steered automobile transporters, while the State of Idaho indicates that overhang should be limited to a total of seven feet with no more than four feet to either the front or the rear. The District of Columbia DOT is opposed to all the proposed changes to the regulation which include overhang. Essentially, all of the objections to the overhang provisions were addressed in the context of overall length objections, there were no visibility or safety concerns raised as to the existing overhang provisions. Therefore, the June 5, 1984, Rule overhang provision that "no State may require less than three feet in the front and four feet in the rear" is being retained.

#### Saddlemount (Drive-Away) With Fullmount

In response to the proposal to allow triple saddlemount with fullmount vehicle transporter combinations within a 65-foot overall length, 26 responses were submitted. Twenty-two respondents favor this allowance, five from State DOT's and 17 from industry sources. Many of the industry

commenters, such as the National Automobile Transporters Association, American Trucking Association, Ryder Systems, Inc., and the Western Highway Institute, urge support of a 75-foot minimum overall length limit for these types of vehicle combinations. The Oregon DOT favors the proposal, which was limited to vehicles of 65-foot overall length, but notes that triple saddlemounts with an overall length of up to 75 feet are allowed to operate in Oregon. The New York DOT supports triple saddlemounts with a 65-foot minimum. The Massachusetts and Idaho DOT's concur with the proposal, yet state no reason. The District of Columbia, New Jersey, and Wisconsin DOT's and the New Jersey Turnpike authority object to the proposal. Wisconsin DOT states concerns over the safety of the vehicle train because a triple saddlemount combination has three points of articulation and could jackknife while stopping. The State of New Jersey DOT has a law limiting vehicle combinations to two trailing units, therefore, New Jersey DOT states there is no compelling reason to change the law. The New Jersey Turnpike Authority enforces a regulation prohibiting double saddlemounts from traveling on the New Jersey Turnpike, and states that this proposal could have an impact on accidents in the heavily traveled traffic, as well as result in the deterioration of safety and service provided to motorists. The District of Columbia DOT opposes the proposal because of the problem larger vehicles have negotiating city streets. Its regulation only allows the operation of double saddlemounts within a 55-foot overall length.

The NPRM discussed several issues relative to the saddlemount combinations, i.e., the number of articulation points, the additional braking requirements of 49 CFR 393.71, and the low accident rate of the drive-away automobile transporter fleet.

After considering the comments as well as the above, FHWA believes that the provision for triple saddlemount with a 65-foot minimum overall length is a safe and equitable balance. This provision therefore remains unchanged.

#### Reasonable Access

In response to the proposal that automobile transporters be allowed access equivalent to that allowed the 48-foot semitrailers, 19 respondents made comments. Eighteen industry respondents object to the access requirement as each commenter requested additional access to terminals, dealers and secondary

manufacturers via the safest and most practical routes. The ATA, NATA, and others stated that the access policy is discriminatory not only to carriers, but also to shippers. The Virginia DOT, the only respondent favoring the proposal, continues to support regulations allowing the States to determine safe access provisions with FHWA oversight. FHWA agrees with the Virginia DOT and is requiring that automobile transporters be afforded the same access allowed 48-foot semitrailers. This position is in line with the existing regulations which allows the States to determine access provisions with FHWA oversight.

#### Summary of Actions

Therefore, based upon full consideration of public comments received and on a further review by FHWA, Sections 658.5 and 658.13 are amended as described herein. Two paragraphs are being added to Section 658.5 to define automobile transporters and stinger-steered automobile transporters. An automobile transporter is being defined (paragraph (m)) as any vehicle combination designed and used specifically for the transport of assembled (capable of being driven) highway vehicles. A stinger-steered automobile transporter is being defined (paragraph (n)) as a truck-tractor semitrailer combination wherein the fifth wheel is located behind and below the rear axle of the power unit.

Paragraph 658.13(d) is being revised to incorporate the results of FHWA's consideration of the comments on: (1) Carrying cargo on the power unit, (2) the 75-foot overall length limitation for stinger-steered automobile transporters, and (3) grandfathered semitrailer length for automobile transporters.

Paragraph 658.13(d) is also being revised to establish that saddlemount with fullmount vehicle transporter combinations are considered specialized equipment and to establish the minimum overall length limit of these combinations at 65 feet.

Interpretations pertaining to length and width exclusive devices, including tie-downs, will be addressed under a separate action. Therefore the proposed revision to paragraph 658.13(e) is being withdrawn.

Based on its consideration of the docket comments, the FHWA has determined to adopt the regulation as proposed in the November 25, 1985, NPRM with regard to the following issues: (1) The minimum 65-foot overall vehicle length limitation (exclusive of overhang), (2) the carrying of vehicles on

the power unit, (3) the use of low boy semitrailers for carrying highway vehicles, (4) the minimum front and rear overhang limitations, (5) minimum 65-foot overall length limitation for saddle-mount with fullmount vehicle transporter combinations, and (6) reasonable access for automobile transporters.

#### Regulatory Impact

The FHWA has considered the impacts of this notice and has determined that it is not a major rulemaking action within the meaning of E.O. 12291 and not a significant rulemaking under the regulatory policies and procedures of the DOT. These determinations by the agency are based on the nature of the rulemaking. The FHWA has determined that this rulemaking technically amends the June 5 final rule, clarifying and further defining certain issues contained therein. The impacts of the provisions addressed in this rulemaking do not differ in substance from those fully considered in the original impact statement accompanying the June 5 final rule. Automobile transporters make up a small segment of the total medium to heavy truck population (approximately 13,000 vehicles out of a total medium to heavy truck population of over 2 million). The stinger-steered units constitute an even smaller percentage. Productivity gains, although insignificant in the total picture, could be considerable for this minor constituency, but cannot be quantified on the basis of available data. Safety considerations have been addressed earlier in this preamble. The Regulatory Impact Analysis prepared for the June 5 rulemaking is available for inspection in the Headquarters Office of FHWA, 400 Seventh Street SW., Washington, DC.

Under the criteria of the Regulatory Flexibility Act, FHWA hereby certifies that this action will not have a significant economic impact on a substantial number of small entities. (Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program).

#### Lists of Subjects in 23 CFR Part 658

Grants programs-transportation, Highways and roads, Motor carrier-size and weight.

Issued on: January 25, 1988.

Robert E. Farris,  
Deputy Administrator, Federal Highway  
Administration.

#### PART 658—TRUCK SIZE AND WEIGHT; ROUTE DESIGNATION—LENGTH, WIDTH AND WEIGHT LIMITATIONS

In consideration of the foregoing, the FHWA hereby amends Chapter 1 of Title 23, Code of Federal Regulations, Part 658 as set forth below.

1. The authority citation for 23 CFR Part 658 continues to read as follows:

Authority: Secs. 133, 411, 412, 413, and 416 of Pub. L. 97-424, 96 Stat 2097 (23 U.S.C. 127; 49 U.S.C. 2311, 2312, 2313; 49 App. U.S.C. 2316), as amended by Pub. L. 98-17, 97 Stat. 59, and Pub. L. 98-554, 98 Stat 2829; 23 U.S.C. 315; and 49 CFR 1.48.

2. Section 658.5 is amended by adding paragraphs (m) and (n) as follows:

#### § 658.5 Definitions.

(m) *Automobile Transporters*—Any vehicle combination designed and used specifically for the transport of assembled (capable of being driven) highway vehicles.

(n) *Stinger-Steered Automobile Transporter*—An automobile transporter configured as a semitrailer combination wherein the fifth wheel is located on a drop frame located behind and below the rear-most axle of the power unit.

3. Section 58.13 is amended by revising paragraph (d) to read as follows:

#### § 658.13 Length.

(d) *Specialized Equipment*—(1) *Automobile Transporters*. (i) Automobile transporters are considered to be specialized equipment. As provided in 658.5(k), automobile transporters may carry vehicles on the power unit behind the cab and on an over-cab rack. No State shall impose an overall length limitation of less than 65 feet on traditional automobile transporters (5th wheel located on tractor frame over rear axle(s)), including "low boys," or less than 75 feet on stinger-steered automobile transporters. Paragraph (c) requires the States to allow operation of vehicles with the dimensions that were legal in the State on December 1, 1982.

(ii) All length provisions regarding automobile transporters are exclusive of front and rear overhang. Further, no State shall impose a front overhang limitation of less than three (3) feet nor a rearmost overhang limitation of less than four (4) feet.

(iii) Drive-away saddle-mount with fullmount vehicle transporter combinations are considered to be specialized equipment. No State shall impose an overall length limit of less than 65 feet on saddle-mount with fullmount combinations. (Triple saddle-mount combinations shall be allowed when conforming to the 65-foot length limit and the applicable safety regulations at 49 CFR 393.71.)

(2) [Reserved]

[FR Doc. 88-1901 Filed 1-28-88; 8:45 am]

BILLING CODE 4910-22-M

#### 23 CFR Part 658

[FHWA Docket Nos. 83-14 and 85-16]

#### Truck Size and Weight; Grandfathered Semitrailer Lengths

AGENCY: Federal Highway  
Administration (FHWA), DOT.

ACTION: Final rule.

**SUMMARY:** This notice sets forth the grandfathered semitrailer lengths for fifty States, the District of Columbia, and Puerto Rico in accordance with the grandfather right established in section 411(b) of the Surface Transportation Assistance Act of 1982 (STAA). The grandfathered length for each State was determined by existing State law, practices, or agreement between the individual States and the trucking industry as to the length of semitrailers lawfully in use in each State, without need of special permit, on or prior to December 1, 1982.

**EFFECTIVE DATE:** This final rule is effective January 29, 1988.

**FOR FURTHER INFORMATION CONTACT:** Mr. C.J. MacGowan, Office of Motor Carrier Information Management and Analysis (202) 366-4032 or Mr. David C. Oliver, Office of Chief Counsel, (202) 366-1354, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC. 20580. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except legal holidays.

**SUPPLEMENTARY INFORMATION:** A final rule implementing the truck size and weight provisions of the Surface Transportation Assistance Act of 1982, Pub. L. 97-424, 96 Stat. 2097 (STAA), was published at 49 FR 23302 on June 5, 1984 (FHWA Docket No. 83-14). The provisions established in that final rule are contained in 23 CFR Part 658.

One issue not completely resolved by the June 5 rulemaking involves the determination of the maximum length of semitrailers and trailers which could

legally operate, without special permit, in each State on December 1, 1982. Identification of these lengths is important because section 411(b) of the STAA provides for the continued legality of semitrailers and trailers of such dimensions as those in actual and legal use in the State on that date. The applicable sentence reads:

No State shall establish, maintain, or enforce any regulation of commerce which has the effect of prohibiting the use of trailers or semitrailers of such dimensions as those that were in actual and lawful use in such State as of December 1, 1982.

This grandfather right applies only to those units operating on the National Network and under the reasonable access provision of the STAA. The States can regulate the overall length of vehicle combinations on other highways. This position has recently been affirmed by the Federal courts.

A segment of the June 5 rule established the grandfathered semitrailer lengths for 23 States, the District of Columbia, and Puerto Rico. The rule also committed the FHWA to initiate separate rulemaking for establishment of grandfathered semitrailer lengths for the remaining 27 States.

On March 1, 1985, a notice of proposed rulemaking (NPRM) 50 FR 8342 (FHWA Docket No. 85-16) published a proposed list of grandfathered semitrailer lengths for the remaining 27 States. The proposed grandfathered length for each State was based on criteria developed by the FHWA and published in the same NPRM. The FHWA received 50 comments to the NPRM, 30 from political persons or entities and 20 from corporations or trade associations (hereafter referred to as "industry"). In total, the comments represented 23 States.

The published lengths for the States of Colorado, Illinois, Massachusetts, Nebraska, North Dakota, and Tennessee generated no comment from any source. Therefore, this final rule adopts the lengths as published.

Comments were received asserting that the lengths in four States should be as follows: Florida, 57 feet 6 inches; Minnesota, 53 feet; Washington, 57 feet 4 inches; and Wisconsin, 53 feet. However, no conclusive justification for these lengths was provided, as semitrailers longer than 48 feet operated in these States only under special permit. Accordingly, FHWA is establishing 48 feet as the maximum semitrailer length in these States, modified only in Wisconsin, which has a kingpin-to-rear axle restriction.

The proposed grandfathered lengths for six other States are being revised due to subsequent agreements between each individual State and industry, a court decision, or kingpin-to-rear axle restrictions. Those States are: California, 48 feet unrestricted, 53 feet with a kingpin-to-rear axle restriction; Delaware, 53 feet; Indiana, 48 feet 6 inches unrestricted, 53 feet with a kingpin-to-rear axle restriction; Mississippi, 53 feet; and Oklahoma, 59 feet 6 inches. This final rule adopts these proposed grandfathered lengths.

In addition, a recent circuit court ruling in the case of *National Freight v. Larson*, 760 F.2d 499 (3d Cir. 1985), *cert. denied*, \_\_\_ U.S. \_\_\_, 106 S.Ct. 228 (1985), held that Pennsylvania must allow 53-foot semitrailers with no overall length limit to operate on the National Network, with reasonable access provided by the STAA. However, that decision also indicated that the State can regulate the overall length of vehicle combinations on other highways. As a result of this decision, the FHWA is also revising the proposed regulatory language in the March 1, 1985, NPRM, 23 CFR 658.13(c)(1) to delete the second sentence.

In Texas, although the State has submitted a limit of 57 feet, semitrailers up to 59 feet long are allowed under an equipment grandfather claim, i.e., the 57 to 59 foot semitrailer was legal if the year model indicated a date prior to December 1, 1982. As the STAA provides for the continued operation of semitrailers with specific dimensions, the states cannot limit continued operation to specific equipment. Therefore, this rule is establishing the Texas limit at 59 feet.

By memorandum dated November 2, 1983, from the Office of the Attorney General to the Director of the Utah Department of Transportation, the legal length limit of semitrailers in the State was established at 45 feet. The motor carrier industry has provided an argument with some support indicating that longer semitrailers did in fact operate in the state prior to the passage of the STAA of 1982. The State has responded to a request for clarification of this matter by letter of April 29, 1987, which assumes for the purpose of argument the operation of such longer semitrailers *de facto*. Notwithstanding this assumption it is the state's position that state law on the applicable date legalized only the operations of 45-foot long semitrailers and that therefore the *de facto* operation is without effect for our purposes here. The FHWA administers a federally-aided state program. It is our stated intent to rely on state interpretations of state law insofar

as they have not been preempted. Accordingly, we are establishing the grandfathered semitrailer length for Utah at 48 feet, in reliance upon the state determination of state law on December 1, 1982.

The State of Arizona has submitted information confirming that some industries were using semitrailers up to 57 feet 6 inches long, and staying within the State's overall length limitation of 55 feet, prior to December 1, 1982. Therefore, the grandfathered semitrailer length for Arizona is being established at 57 feet 6 inches.

In the States of Alabama, Arkansas, and Iowa industry contends that the proposed semitrailer lengths do not reflect the actual length of semitrailers that lawfully operated in those States prior to December 1, 1982. Industry contends that the appropriate grandfathered length for each of those States should be: Alabama, 53 feet 6 inches; Arkansas, 53 feet 6 inches; and Iowa, 53 feet. Some support for the operation of semitrailers of these lengths is present in the Docket. Following the rationale of the National Freight decision, the FHWA is establishing the grandfathered semitrailer length for these States as follows: Alabama, 53 feet 6 inches; Arkansas, 53 feet 6 inches; and Iowa, 53 feet.

In another four States, industry has requested lengths be established as follows: Idaho, 57 feet 4 inches; Montana, 57 feet 4 inches; Nevada, 55 feet; and New Mexico, 59 feet. However, no substantive evidence has been provided. On the other hand, each of these States has provided a plausible rationale for establishing the following lengths, which have been adopted in this final rule: Idaho, 48 feet; Montana, 53 feet; Nevada, 53 feet; and New Mexico, 57 feet 6 inches.

Three States objected to the proposed grandfather semitrailer lengths listed in the June 5, 1984, rule. These States and the proposed lengths are: Oregon, 53 feet; Rhode Island, 48 feet; and Wyoming, 57 feet 4 inches.

The State of Oregon claims that State law specified only a 60-foot overall maximum combination length. However, industry presented documentation for trips by 53-foot long semitrailers, but within the 60-foot overall combination length. Therefore, the grandfathered semitrailer length for Oregon is established at 53 feet.

The State of Rhode Island presented evidence of State law indicating a semitrailer length of 48 feet 6 inches. Therefore, the grandfathered semitrailer length for Rhode Island is established at 48 feet 6 inches.

The State of Wyoming contended that State statutes provided for overall combination vehicle length with no specific semitrailer length restriction. However, industry did not provide evidence supporting actual and lawful use of semitrailers in excess of 57 feet 4 inches. Therefore, the grandfathered semitrailer length for Wyoming is established at 57 feet 4 inches.

The States cannot restrict, by law or regulation, operations of semitrailers of grandfathered lengths or shorter on the National Network, established by 23 CFR Part 658. In addition, it should be noted that the right to continued operation applies to all semitrailers with these lengths and not just to specific equipment that was in existence and in operation on December 1, 1982.

**Regulatory Impact**

The FHWA has considered the impacts of this rule and has determined that it is not a major rulemaking action within the meaning of E.O. 12291. However, pursuant to E.O. 12498, this rulemaking action has been included in the Regulatory Program for significant rulemaking actions. These determinations by the agency are based on the nature of the rulemaking. The FHWA has determined that this rulemaking technically amends the June 5, 1984, final rule, finalizing certain issues left unresolved at that time. While the particular grandfathered lengths proposed for some States are new, the impacts of these changes have already been considered by the previous documentation. A Regulatory Impact Analysis was prepared for the June 5, 1984, rulemaking and is available for inspection in the Headquarters' office of FHWA, 400 Seventh Street, SW., Washington, DC.

For the same reasons and under the criteria of the Regulatory Flexibility Act, FHWA hereby certifies that this action will not have a significant impact on a substantial number of small entities.

In consideration of the foregoing, the FHWA hereby amends Chapter 1 of Title 23, Code of Federal Regulations, by revising Part 658 as set forth below.

**List of Subjects in 23 CFR Part 658**

Grant programs—transportation, Highways and roads, Motor carriers—size and weight.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation and Federal programs and activities apply to this program.)

Issued on: January 20, 1988.  
 Robert E. Farris,  
 Deputy Administrator, Federal Highway Administration.

**658—TRUCK SIZE AND WEIGHT ROUTE DESIGNATIONS—LENGTH, WIDTH AND WEIGHT LIMITATIONS**

1. The authority citation for 23 CFR Part 658 continues to read as follows:

Authority: Secs. 133, 411, 412, 413, and 416 of Pub. L. 97-424, 96 Stat. 2097 (23 U.S.C. 127; 49 U.S.C. 2311, 2312, 2313, and App. 2316), as amended by Pub. L. 98-17, 97 Stat. 59, and Pub. L. 98-554, 98 Stat. 2829; 23 U.S.C. 315; and 49 CFR 1.48.

2. Section 658.13 is amended by revising paragraph (c)(1), removing paragraph (c)(2), and redesignating and revising paragraph (c)(3) as paragraph (c)(2) to read as follows:

**658.13 Length.**

\* \* \* \* \*

(c) \* \* \*

(1) No State shall prohibit the use of trailers or semitrailers of such dimensions as those that were in actual and lawful use in such State on December 1, 1982, as set out in Appendix B of this part.

(2) If on December 1, 1982, State length limitations on a semitrailer were described in terms of the distance from the kingpin to rearmost axle, or end of semitrailer, the operation of any semitrailer that complies with that limitation must be allowed.

\* \* \* \* \*

3. Part 658 is amended by adding Appendix B to read as follows:

**APPENDIX B—GRANDFATHERED SEMITRAILER LENGTHS**

State	Feet and inches
Alabama	53-6
Alaska	48-0
Arizona	57-6
Arkansas	53-6
California	<sup>1</sup> 48-0
Colorado	57-4
Connecticut	48-0
Delaware	53-0
District of Columbia	48-0
Florida	48-0
Georgia	48-0
Hawaii	48-0
Idaho	48-0
Illinois	53-0
Indiana	<sup>2</sup> 48-6
Iowa	53-0
Kansas	57-6
Kentucky	53-0
Louisiana	59-6
Maine	48-0

**APPENDIX B—GRANDFATHERED SEMITRAILER LENGTHS—Continued**

State	Feet and inches
Maryland	48-0
Massachusetts	48-0
Michigan	48-0
Minnesota	48-0
Mississippi	53-0
Missouri	53-0
Montana	53-0
Nebraska	53-0
Nevada	53-0
New Hampshire	48-0
New Jersey	48-0
New Mexico	57-6
New York	48-0
North Carolina	48-0
North Dakota	53-0
Ohio	53-0
Oklahoma	59-6
Oregon	53-0
Pennsylvania	53-0
Puerto Rico	48-0
Rhode Island	48-6
South Carolina	48-0
South Dakota	53-0
Tennessee	50-0
Texas	59-0
Utah	48-0
Vermont	48-0
Virginia	48-0
Washington	48-0
West Virginia	48-0
Wisconsin	<sup>3</sup> 48-0
Wyoming	57-4

<sup>1</sup> Semitrailers up to 53 feet may also operate without a permit by conforming to a kingpin-to-rearmost axle distance of 38 feet.

<sup>2</sup> Semitrailers up to 53 feet in length may operate without a permit by conforming to a kingpin-to-rearmost axle distance of 40 feet 6 inches.

<sup>3</sup> Semitrailers up to 53 feet in length may operate without a permit by conforming to a kingpin-to-rear axle distance of 41 feet, measured to the center of the rear tandem assembly.

[FR Doc. 88-1905 Filed 1-28-88; 8:45 am] BILLING CODE 4910-22-M

**DEPARTMENT OF THE TREASURY**

**Internal Revenue Service**

**26 CFR Part 301**

[T.D. 8172]

**Procedure and Administration; Qualification of Trustee or Like Fiduciary in Bankruptcy**

**AGENCY:** Internal Revenue Service, Treasury.

**ACTION:** Final regulations.

**SUMMARY:** This document contains final regulations eliminating a requirement

that a bankruptcy trustee, debtor in possession or like fiduciary in a bankruptcy proceeding give notice of appointment or authority to act. This rule change eliminates an unnecessary requirement.

**DATES:** These regulations are effective as of January 29, 1988.

**FOR FURTHER INFORMATION CONTACT:** Mark S. Jennings of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224 (Attn: CC:LR:T) (202-566-3458; not a toll-free number).

**SUPPLEMENTARY INFORMATION:**

**Background**

This document contains an amendment to the procedure and Administration Regulations (26 CFR Part 301) under section 6036 of the Code. This amendment is issued under the authority contained in sections 6036 and 7805 of the Code (68A Stat. 744; 26 U.S.C. 6036; 68A Stat. 917; 26 U.S.C. 7805).

**Explanation of Provision**

Section 6036 provides that every receiver, bankruptcy trustee, or like fiduciary or executor shall give notice of his qualifications to the Secretary of the Treasury as provided by regulations. The Secretary may provide exemptions from this notice requirement as he deems proper.

Section 301.6036-1(a)(1), before amendment by this document, required receivers, bankruptcy trustees, debtors in possession and other like fiduciaries in a bankruptcy proceeding to provide the appropriate district director with notice of appointment within 10 days of the date thereof. Notice was not required, however, if it had been given to the Secretary or other Treasury official under any provision of title 11 of the United States Code.

The amendment adopted by this document eliminates the notice requirement under section 6036 for bankruptcy trustees, debtors in possession and other like fiduciaries in a bankruptcy proceeding. This is because the Internal Revenue Service has determined that the notice requirements contained in the Bankruptcy Rules are sufficient for its purposes.

**Executive Order 12291 and Regulatory Flexibility Act**

The Commissioner of Internal Revenue has determined that this final rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis is therefore not required. A general notice of

proposed rulemaking is not required by 5 U.S.C. 553 for final regulations subject to 5 U.S.C. 553(b)(B). Accordingly, the final regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. Chapter 6).

**Drafting Information**

The principal author of this Treasury decision is Bennett C. Steinhauer 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 drafting this Treasury decision, both on matters of substance and style.

**List of Subjects in 26 CFR Part 301**

Administrative practice and procedure, Bankruptcy, Courts, Crime, Employment taxes, Estate taxes, Excise Taxes, Gift taxes, Income taxes, Investigations, Law enforcement, Penalties, Pensions, Statistics, Taxes, Disclosure of information, Filing requirements.

**Adoption of amendments to the regulations**

Accordingly, 26 CFR Part 301 is amended as follows:

**PART 301—[AMENDED]**

**Paragraph 1.** The authority citation for 26 CFR Part 301 is amended by adding the following citation:

Authority: 26 U.S.C. 7805; \* \* \* § 301.6036-1 also issued under 26 U.S.C. 6036.

**Par. 2.** Section 301.6036-1 is amended by revising paragraph (a)(1), the heading and introductory text of paragraph (a)(4)(i), and paragraph (e) as follows:

**§ 301.6036-1 Notice required of executor or of receiver or other like fiduciary.**

(a) *Receivers and other like fiduciaries.* (1) *Exemption for bankruptcy proceedings.* (i) A bankruptcy trustee, debtor in possession or other like fiduciary in a bankruptcy proceeding is not required by this section to give notice of appointment, qualification or authorization to act to the Secretary or his delegate. (However, see the notice requirements under the Bankruptcy Rules.)

(ii) Paragraph (a)(1)(i) of this section is effective for appointments, qualifications and authorizations to act made on or after January 29, 1988. For appointments, qualifications and authorizations to act made before the foregoing date, 26 CFR 301.6036-1 (a)(1) and (4)(i) (revised as of April 1, 1986) apply.

\* \* \* \* \*

(4) *Contents of Notice*—(i) *Proceedings other than bankruptcy.* The written notice required under paragraph (a)(2) of this section shall contain—

\* \* \* \* \*

(e) *Applicability.* Except as provided in paragraph (a)(1)(ii) of this section, the provisions of this section shall apply to those persons referred to in this section whose appointments, authorizations, or assignments occur on or after the date of publication of these regulations in the Federal Register as a Treasury decision.

\* \* \* \* \*

This Treasury decision merely eliminates a requirement that a bankruptcy trustee, debtor in possession, or like fiduciary in a bankruptcy proceeding give notice of appointment or authority to act. For this reason, it is found unnecessary to issue this Treasury decision 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: January 14, 1988.

O. Donaldson Chapoton,  
*Assistant Secretary of the Treasury.*  
[FR Doc. 88-1809 Filed 1-28-88; 8:45 am]  
BILLING CODE 4830-01-M

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 73**

[MM Docket No. 87-207; RM-5709, RM-6064, RM-6065]

**Radio Broadcasting Services; Accomac and Deltaville, VA and Moyock, NC**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document allots Channel 257B1 to Accomac, Virginia and Channel 222A to Deltaville, Virginia at the request of C & R Communications, Golden Rule Organization Workshop, Inc., respectively. It also substitutes Channel 221B1 for Channel 221A at Moyock, North Carolina and modifies the license of Station WOFM(FM) at the request of the licensee, Southland Communications, Inc. Channel 222A at Deltaville requires a site restriction of 6.7 kilometers (4.2 miles) northeast of the city. Channel 221B1 at Moyock requires a site restriction of 20.1 kilometers (12.5 miles) north of the

community. With this action, this proceeding is terminated.

**DATES:** *Effective* March 10, 1988. The window period for filing applications for Channel 222A at Deltaville, Virginia and Channel 257B1 at Accomac, Virginia will open on March 11, 1988, and close on April 11, 1988.

**FOR FURTHER INFORMATION CONTACT:** Patricia Rawlings, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, MM Docket No. 87-207, adopted December 24, 1987, and released January 25, 1988. The full text

of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.

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

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

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments is amended, under Virginia by adding Channel 257B1 at Accomac and Channel 222A at Deltaville; and by deleting Channel 221A and adding Channel 221B1 at Moyock, North Carolina.

Mark N. Lipp,

*Chief, Allocations Branch, Mass Media Bureau.*

[FR Doc. 88-1827 Filed 1-28-88; 8:45 am]

**BILLING CODE 6712-01-M**

# Proposed Rules

Federal Register

Vol. 53, No. 19

Friday, January 29, 1988

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

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### 23 CFR Part 658

[FHWA Docket No. 86-8, Notice 2]

#### Truck Size and Weight; Specialized Equipment—Boat Transporters

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** Public comment is requested by the Federal Highway Administration on a request to designate boat transporters as specialized equipment under the provisions of section 411(d) of the Surface Transportation Assistance Act of 1982 (STAA). This notice proposes: (1) A definition of boat transporters, (2) to afford the boat transporters the same lengths and overhang as that provided the automobile transporters, and (3) to provide a definition and a minimum length limit of 65 feet for a truck-trailer boat transporter.

**DATE:** Comments on this docket must be received on or before April 28, 1988.

**ADDRESS:** Submit signed, written comments, preferably in triplicate, to FHWA Docket No. 86-8, Federal Highway Administration, Room 4205, HCC-10, 400 Seventh Street SW., Washington, DC 20590. All comments received will be available for examination at the above address between 8:30 a.m. and 3:30 p.m., e.t., Monday through Friday, except legal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

**FOR FURTHER INFORMATION CONTACT:** Mr. Philip W. Blow, Office of Motor Carrier Information Management and Analysis, (202) 366-4036 or Mr. David C. Oliver, Office of the Chief Counsel, (202) 366-1354, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590. Office hours are

from 7:45 a.m. to 4:15 p.m. e.t., Monday through Friday, except legal holidays.

**SUPPLEMENTARY INFORMATION:** A rule implementing the truck size and weight provisions of the Surface Transportation Assistance Act of 1982 (STAA), Pub. L. 97-424, 96 Stat. 2097, was published in the Federal Register on June 5, 1984 (49 FR 23302). This document represented the culmination of major efforts by the FHWA to implement the truck size and weight provisions of the STAA. The rule addresses, among many issues, automobile transporters pursuant to section 411(d) of the STAA in part by determining that auto transporters constituted specialized equipment and were not subject to the provisions of 23 CFR 658.13 (a) through (c). Section 658.13(d) provided final requirements for automobile transporters relative to overall length and allowable overhang. That rule also noted our intent to institute more definitive rulemaking on this subject as soon as possible.

The National Marine Manufacturers Association and Celebrity Boats, Inc., of Benton, Illinois, have petitioned that FHWA classify "boat haulers" as "specialized equipment" within the meaning of section 411(d) of the STAA, 49 U.S.C. 2311(d), and that, similar to the rules pertaining to automobile transporters, they be subject of federally established limits on the National Network for commercial vehicles (see 23 CFR Part 658). The petitioners indicate that the needs of the boat transporter industry are analogous to the needs of the automobile transporter industry which was afforded "specialized equipment" status as part of the 1982 STAA.

The petitioners also claim that vehicles used to transport boats operate in a manner similar to the operation of vehicles used for automobile transport. The granting of "specialized equipment" designation for boat transporters and treatment analogous to the afforded to automobile transporters would entail the establishment of Federal minimum length specifications that would preclude States from imposing length maximums that are less than the Federal limit on the National Network established by 23 CFR 658.9; grant boat transporters the ability to carry cargo on the power unit of a truck combination; and grant front and rear allowances for overhang. The advantages of "specialized equipment" designation

include greater cargo-carrying capacity and more economical use of boat transporters equipment.

The FHWA issued an advance notice of proposed rulemaking (ANPRM) at 51 FR 10234 on March 25, 1986, seeking public comments on this request. Comments and information were solicited on the following issues relating to boat transporters: maneuvering characteristics, safety, control, off-tracking, crosswind effects, and the need for overall length limits on boat transporters, information on similarities and dissimilarities between boat transporters and auto transporters and information on the consistency of truck configurations used for hauling boats.

In addition, proposals were requested regarding an actual definition and description of "boat transporters" as well as comments on the need to preempt current State regulation of these vehicles.

Fifty-four responses were received in reply to the March 25 ANPRM (Docket 86-8). The respondents are generally categorized as State agencies and the District of Columbia—13; trucking companies—7; trucking associations—1; and boat manufacturers—33. Most of the manufacturers also operate equipment for transporting their products.

The industry (both trucking and manufacturing companies) comments were unanimous in their comments that boat transporters' operation and equipment were very similar to those of the automobile transporters and that the same dimensions and configurations should be allowed the boat transporters. Five States agreed as to the similarity between the equipment and operations of the auto and boat transporters and to the appropriateness of extending the same allowances to the boat transporters.

Seven States objected to any rulemaking concerning boat transporters and questioned the need to preempt State laws for specialized equipment. They further questioned the appropriateness of defining boat transporters as specialized equipment and asked for a definition of specialized equipment. Several States suggested dimensions should be set based on equipment type and not equipment use.

Five of the States commented that the lengths noted in the ANPRM (63 to 68 feet) would cause problems with off-tracking and maneuvering off the

National Network. They also questioned the handling and safety of all longer vehicles. Most of the industry commenters noted that their equipment and loadings had not caused any unusual handling or control problem. Several noted that the shape of the boat hulls minimizes any crosswind effect. Eight of the industry commenters made reference to their safety records noting such achievements as "1.6 million miles in '85 without a chargeable accident and won a safety award," "No accidents in 15 years," and "only one accident (during a blizzard) in 10 years."

In reviewing the comments to the docket, the FHWA found that a number of boat transporters were using a vehicle combination not covered by the June 5, 1984, rule. This combination is a truck-trailer wherein a straight truck pulls a trailer using a ball and socket connection rather than a "fifth wheel" as used by the traditional semi-trailer and the stinger steered semi-trailer. While most of the load on this type of trailer is carried by the trailer axle(s), some of the load is carried by the towing unit through the connection. Neither the American Association of State Highway and Transportation Officials (AASHTO) definitions nor the Federal Motor Carrier Safety Regulations specifically define this type of trailer. Additional information is being sought as to the handling and off-tracking of this "truck-trailer" combination. It appears that the off-tracking would be similar to that of the stinger steered configuration since the connection is well behind the rear axle of the towing vehicle. However, due to the usually longer wheelbase of the towing vehicle, the off-tracking may be different.

Section 133(a)(7) of the Federal-aid Highway Act of 1987 (Pub. L. 100-17, 101 Stat. 132) enacted on April 2, 1987, amends section 411(d) of the STAA of 1982 wherein "boat transporters" is added as an example of specialized equipment. This clearly shows the congressional intent in authorizing the Secretary of Transportation "to make such determinations as were necessary to accommodate specialized equipment." In addition to the comments received to the ANPRM, this recent action by Congress reinforces the basis for continuing with this rulemaking.

Those desiring to comment on this notice of proposed rulemaking are asked to submit their views in writing. Comments will be available for public inspection both before and after the closing date at the above address. All comments received to this notice will be considered before further rulemaking action is taken.

### Regulatory Impact

The FHWA has considered the impacts of this proposal and has determined that it is not a major rulemaking action within the meaning of E.O. 12291. However, pursuant to E.O. 12498, this rulemaking action has been included in the Regulatory Program for significant rulemaking actions. These determinations by the agency are based on the nature of the rulemaking. The FHWA has determined that this rulemaking proposes to technically amend the June 5, 1984, final rule by clarifying and further defining certain issues contained therein. The impacts of the provisions addressed in this proposed rulemaking have already been considered by the impact documentation prepared for the June 5 final rule. Any changes to the June 5 final rule resulting from this NPRM would not appreciably affect the impact documentation initially prepared. The Regulatory Impact Analysis prepared for the June 5 rulemaking (FHWA Docket 83-14) is available for inspection in the headquarters office of FHWA, 400 Seventh Street SW, Washington, DC.

For the same reasons and under the criteria of the Regulatory Flexibility Act, FHWA hereby certifies that this section will not have a significant economic impact on a substantial number of small entities.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

### List of Subjects in 23 CFR Part 658

Grant programs-Transportation, Highways and roads, Motor carrier-size and weight.

Issued on: January 13, 1988.

R.D. Morgan,  
Executive Director, Federal Highway Administration.

The FHWA proposes to amend 23 CFR Part 658 as follows:

### PART 658—TRUCK SIZE AND WEIGHT; ROUTE DESIGNATIONS—LENGTH, WIDTH AND WEIGHT LIMITATIONS

1. The authority citation for Part 658 is revised to read as follows:

Authority: Secs. 133, 411, 412, 413, and 416 of Pub. L. 97-424, 96 Stat. 2097 (23 U.S.C. 127; 49 App. U.S.C. 2311, 2312, 2313, and 2316), as amended by Pub. L. 98-17, 97 Stat. 59, Pub. L. 98-554, 98 Stat. 2829, and Sec. 133(a)(7) of Pub. L. 100-17, 101 Stat. 132; 23 U.S.C. 315; and 49 CFR 1.48.

2. Section 658.5 is amended by adding paragraphs (p) and (q) as follows:  
§ 658.5 Definitions.

(p) *Boat transporters*. Any vehicle combination designed and used specifically to transport assembled boats and boat hulls. Boats may be partially disassembled to facilitate transporting.

(q) *Truck-trailer boat transporter*. A boat transporter combination consisting of a straight truck towing a trailer using a ball and socket connection. The trailer axle(s) is located substantially at the trailer center of gravity (rather than the rear of the trailer) but so as to maintain a downward force on the trailer tongue.

3. Section 658.13 is amended by adding paragraph (d)(2) to read as follows:

### § 658.13 Length.

(d) \*\*\*

(2) *Boat transporters*. (i) Boat transporters are considered to be specialized equipment. As provided for automobile transporters in § 658.5(k), boat transporters may carry boats on the power unit so long as the length and width restrictions of the vehicles and load are not exceeded. No State shall impose an overall length limitation of less than 65 feet on traditional boat transporters (fifth wheel located on tractor frame over rear axle(s)), including "low boys," or less than 75 feet on stinger-steered boat transporters. In addition, a truck-trailer boat transporter combination not less than 65 feet in length (exclusive of overhang) shall be allowed. Paragraph (c) of this section requires the States to allow operation of vehicles with the dimensions that were legal in the State on December 1, 1982.

(ii) All length provisions regarding boat transporters are exclusive of front and rear overhang. Further, no State shall impose a front overhang limitation of less than three (3) feet nor a rearmost overhang limitation of less than four (4) feet.

FR Doc. 88-1904 Filed 1-28-88; 8:45 am]

BILLING CODE 4910-22-M

### 23 CFR Part 658

[FHWA Docket No. 85-16, Notice No. 2]

Truck-Tractor Semitrailer-Semitrailer; B-Trains

AGENCY: Federal Highway Administration (FHWA), DOT.

**ACTION:** Supplemental notice of proposed rulemaking.

**SUMMARY:** Public comment is requested by the FHWA in regard to a proposal to designate a truck-tractor semitrailer-semitrailer combination vehicle (with a B-train assembly connecting the two trailing units) as specialized equipment under the provisions of section 411(d) of the Surface Transportation Assistance Act of 1982 (STAA), Pub. L. 97-424, 96 Stat. 2097.

The FHWA has tentatively concluded that the "B-train" assembly can be operated safely on the National Network and is setting forth the basis for its tentative conclusions for further public comment.

**DATE:** Comments on this docket must be received on or before March 14, 1988.

**ADDRESS:** Submit written comments, preferably in triplicate, to FHWA Docket No. 85-16, Notice No. 2, Federal Highway Administration, Room 4205, HCC-10, 400 Seventh Street SW., Washington, DC 20590. All comments received will be available for examination at the above address between 8:30 a.m. and 3:30 p.m., e.t., Monday through Friday, except legal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

**FOR FURTHER INFORMATION CONTACT:** Mr. Philip Blow, Office of Motor Carrier Information Management and Analysis, (202) 366-4032 or Mr. David C. Oliver, Office of Chief Counsel, (202) 366-1354, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m. e.t., Monday through Friday, except legal holidays.

**SUPPLEMENTARY INFORMATION:** In a notice of proposed rulemaking (NPRM) titled "Truck Size and Weight Revisions" (50 FR 8342, March 1, 1985) the FHWA proposed to interpret 23 CFR 658.13 in such a manner that a combination of vehicles described as a truck-tractor semitrailer-semitrailer be considered as a truck-tractor semitrailer-trailer for purposes of 23 CFR Part 658.

However, one respondent to Docket 85-16 pointed out that the proposed method of recognizing the truck-tractor semitrailer-semitrailer combination by adding the words "truck-tractor semitrailer-semitrailer" after the words "truck-tractor semitrailer-trailer" each time they appeared in § 658.13 was not literally consistent with the statute. The FHWA agrees with this comment and is proposing to recognize the truck-tractor semitrailer-semitrailer combination as specialized equipment under the

provisions of section 411(d) of the STAA.

In addition, other matters were raised in response to the March 1, 1985, NPRM that also merit a supplemental NPRM. In particular, a number of commenters questioned the safety aspects of the "B-train" assembly. The FHWA has tentatively concluded that the "B-train" assembly can be operated safely on the National Network and is setting forth the basis for its tentative conclusions for further public comment. Commenters need not repeat comments previously submitted. However, any information addressing the issues raised in this supplemental NPRM will be considered before the FHWA issues a final rule.

**Summary of Comments**

Farmers and Feeders, Inc., of West Fargo, North Dakota, requested that the FHWA recognize a combination of vehicles consisting of a truck-tractor semitrailer-semitrailer for unrestricted use on the Interstate System and designated Federal-aid primary highways (National Network). It further requested that the rearward extension of the first semitrailer designed to accommodate a fifth wheel be adjudged a length exclusive device. This connection mechanism commonly referred to as a "B-train" has one less articulation point than the conventionally connected semitrailer-trailer combination and thus appears to increase stability and reduce off-tracking. This conclusion is drawn from research conducted at the University of Michigan Transportation Research Institute and the National Research Council of Canada.

Notwithstanding the fact that a portion of the second semitrailer is resting on a fifth wheel attached to the first semitrailer by an extension of the frame, the FHWA proposed that the fifth wheel assembly at the rear of the first semitrailer in a B-train semitrailer-semitrailer configuration be considered a length exclusive device because of its beneficial effect upon stability and off-tracking. However, when there is not a semitrailer mounted to the B-train assembly, it would be included in the length measurement of the semitrailer.

There were twelve responses to the March 1, 1985, NPRM regarding § 658.5(e)(2) which designated the fifth wheel connection point connected to the frame of the lead semitrailer in a semitrailer-semitrailer combination a length exclusive device. Four States and three trucking organizations were in favor, and five States were opposed.

The State of Montana's objection was based on its contention that the amendment exceeds the scope of the

STAA. The State of Florida contended that it was necessary to first evaluate such a combination of vehicles. The State of Minnesota asserted that an overall length should be established for such a length exclusive device. Minnesota also indicated that if the fifth wheel connection on the rear frame of the lead semitrailer were determined to be a length exclusive device, it would be a hazard when the second semitrailer was not attached. The FHWA invites further comment on these issues.

The State of South Dakota allows longer semitrailers in combinations and does include the "B-train" assembly in the overall length of the lead semitrailer, but imposes offtracking requirements on semitrailer-semitrailer combinations. It appears that the State reads the proposed rule as adversely impacting those States with length laws more permissive than the national minimum standards. It is not the intent of the proposal to preempt State length laws which are more permissive than STAA minimum length limit requirements for vehicle combinations or to affect State laws which establish offtracking requirements for those vehicle combinations. As an example, since South Dakota law restricts off-tracking to a maximum of 17 feet, this requirement will still apply for truck-tractor semitrailer-semitrailer combinations except in cases where it would have the effect of prohibiting the second semitrailer from being at least 28 feet (or 28½ feet if grandfathered) as statutorily required.

The State of Washington contended that determination of such a length exclusive device would create an advantage for operators who design a fifth wheel connection in such a way that the freight-carrying part of the second semitrailer can significantly overlap the fifth wheel connection point, and will not be measured as part of the freight-carrying length of the two units. The State indicated that if this overlap occurred, it would not conform to the present method of measuring overall lengths of combinations of vehicles.

Many State laws require specific methods of measuring vehicle lengths. For example, some length measurement requirements include the rear frame fifth wheel assembly (the B-train) in the cargo-carrying length determination. One objective of the proposal to designate the fifth wheel connection point at the rear of a lead semitrailer as a length exclusive device is to ensure that the cargo box of a lead semitrailer be not less than 28 feet long (or 28½ feet if grandfathered).

There were thirteen responses to the March 1, 1985, NPRM proposal to add to § 658.5(1) the definition of truck-tractor semitrailer-semitrailer. Eight State entities and three trucking organizations were in favor and two States were opposed. The State of Florida objected to truck-tractor semitrailer-semitrailer combinations because it felt it was necessary to first evaluate the maneuvering characteristics, sway, effects on load distribution, and lighting requirements of such a combination of vehicles. Further comments on this issue are requested. The State of Montana objected to the inclusion of the truck-tractor semitrailer-semitrailer combination because it felt that the inclusion exceeded the scope of the STAA. The FHWA agrees with this comment and is proposing to recognize the truck-tractor semitrailer-semitrailer combination as specialized equipment under the provisions of section 411(d) of the STAA.

#### Regulatory Impact

The FHWA has considered the impacts of this proposal and has determined that it is not a major rulemaking action within the meaning of E.O. 12291. Pursuant to E.O. 12498, this rulemaking action has been included on the Regulatory Program for significant rulemaking actions. These determinations by the agency are based on the nature of the rulemaking. The FHWA has determined that this rulemaking proposes to technically amend the final rule on truck size and weight (June 5, 1984; 49 FR 23302), by clarifying and further defining certain issues contained therein. The impacts of the provisions addressed in this proposed rulemaking have already been fully considered by the impact documentation prepared for the June 5 final rule. Any changes to the June 5 final rule resulting from this NPRM would not appreciably affect the impact documentation initially prepared. The Regulatory Impact Analysis prepared for the June 5 rulemaking is available for inspection in the headquarters office of FHWA, 400 Seventh Street SW., Washington, DC.

For the same reasons and under the criteria of the Regulatory Flexibility Act, FHWA hereby certifies that this action, if promulgated, will not have a significant economic impact on a substantial number of small entities.

In consideration of the foregoing, the FHWA proposes that the Secretary of Transportation designate the truck-tractor semitrailer-semitrailer combination as described in this NPRM as specialized equipment.

#### List of Subjects in 23 CFR Part 658

Grant programs—transportation, Highways and roads, Motor carriers—size and weight.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Issued on: October 1, 1987.

R.A. Barnhart,

*Federal Highway Administrator, Federal Highway Administration.*

In consideration of the foregoing, the FHWA proposes to amend Chapter 1 of Title 23, Code of Federal Regulations, by amending Part 658 as set forth below.

#### PART 658—TRUCK SIZE AND WEIGHT; ROUTE DESIGNATIONS—LENGTH, WIDTH AND WEIGHT LIMITATIONS

1. The authority citation for 23 CFR Part 658 continues to read as follows:

Authority: Sec. 133, 411, 412, 413, and 416 of Pub. L. 97-424, 98 Stat. 2097 (23 U.S.C. 127; 49 U.S.C. 2311, 2312, 2313 and App. 2316), as amended by Pub. L. 98-17, 97 Stat. 59, and Pub. L. 98-554, 98 Stat. 2829; 23 U.S.C. 315; and 49 CFR 1.48.

2. Section 658.5 is amended by adding paragraph (o) as follows:

#### § 658.5 Definitions.

\* \* \* \* \*

(o) *Truck-tractor Semitrailer-Semitrailer.* In a truck-tractor semitrailer-semitrailer combination vehicle, the two trailing units are connected with a "B-train" assembly. The B-train assembly is a rigid frame extension attached to the rear frame of a first semitrailer which allows for a fifth wheel connection point for the second semitrailer. This combination has one less articulation point than the conventional "A dolly" connected truck tractor semitrailer-trailer combination.

3. Section 658.13 is amended by adding paragraph (d)(3) to read as follows:

#### § 658.13 Length.

\* \* \* \* \*

#### (d) *Specialized Equipment.*

\* \* \* \* \*

(3) Truck-tractor semitrailer-semitrailer. (i) Truck-tractor semitrailer-semitrailer combination vehicles are considered specialized equipment. No State shall impose a length limitation of less than 28 feet on any semitrailer operating in a truck-tractor semitrailer-semitrailer combination. No State shall impose an overall length limitation on a truck-tractor semitrailer-semitrailer

combination when each semitrailer length is 28 feet. All longer-length truck-tractor semitrailer-semitrailer vehicle combinations legally operating on December 1, 1982, are grandfathered and continued operation must be allowed.

(ii) The B-train assembly is excluded from the measurement of trailer length when used between the first and second trailer of a truck-tractor semitrailer-semitrailer combination vehicle. However, when there is no semitrailer mounted to the B-train assembly, it will be included in the length measurement of the semitrailer.

[FR Doc. 88-1902 Filed 1-28-88; 8:45 am]

BILLING CODE 4910-22-M

#### DEPARTMENT OF THE TREASURY

#### Internal Revenue Service

#### 26 CFR Parts 1 and 602

[LR-62-87]

#### Low-Income Housing Credit for Federally-Assisted Buildings; Public Hearing on Proposed Regulations

**AGENCY:** Internal Revenue Service, Treasury.

**ACTION:** Notice of public hearing on proposed regulations.

**SUMMARY:** This document provides notice of a public hearing on proposed regulations relating to the low-income housing credit for certain Federally-assisted buildings under section 42 of the Internal Revenue Code.

**DATES:** The public hearing will be held on Thursday, March 17, 1988, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by Thursday, March 3, 1988.

**ADDRESS:** The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, DC. The requests to speak and outlines of oral comments should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-62-87), Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Marcia Evans of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, telephone 202-566-3935 (not a toll-free call).

**SUPPLEMENTARY INFORMATION:** The subject of the public hearing is proposed regulations and the amendments thereto under section 42(d) (6) of the Internal Revenue Code of 1986 which provides

rules for the low-income housing credit allowable for certain Federally-assisted buildings acquired during the 10-year period described in section 42(d)(2)(B)(ii). The proposed regulations appeared in the *Federal Register* for Tuesday, November 3, 1987 (52 FR 42116).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and who also desire to present oral comments at the hearing on the proposed regulations should submit, not later than March 3, 1988, an outline of the oral comments to be presented at the hearing and the time they wish to devote to each subject.

Each speaker will be limited to 10 minutes for an oral presentation exclusive of the time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

By direction of the Commissioner of Internal Revenue:

Donald E. Osteen,

Director, Legislation and Regulations Division.

[FR Doc. 88-1810 Filed 1-28-88; 8:45 am]

BILLING CODE 4830-01-M

## DEPARTMENT OF JUSTICE

### 28 CFR Part 16

[AAG/A Order No. 8-88]

#### Exemption of Records Systems Under the Privacy Act

**AGENCY:** Department of Justice.

**ACTION:** Proposed rule.

**SUMMARY:** The Department of Justice, Civil Division, proposes to amend 28 CFR Part 16 to exempt four systems of records from certain provisions of the Privacy Act, 5 U.S.C. 552a. Specifically, the Division proposes to exempt the Civil Division Case File System/ JUSTICE/CIV-001, and the Freedom of Information/Privacy Acts File System, JUSTICE/CIV-005, from subsections (c)(3) and (4), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G) and (H), (e)(5), (e)(8), and (g).

These exemptions are necessary to protect the confidentiality of civil investigatory and criminal law enforcement materials and of properly classified information. In addition, the Division proposes to exempt the Consumer Inquiry/Investigatory System, JUSTICE/CIV-006, from subsections (c)(3) and (4), (d), (e)(1) and (e)(5), and the Congressional and Citizen Correspondence File, JUSTICE/CIV-007, from subsection (d). These exemptions are needed to protect the integrity of civil investigatory and criminal law enforcement materials.

**DATE:** All comments must be received by March 29, 1988.

**ADDRESS:** Address all comments to J. Michael Clark, Assistant Director, Facilities and Administrative Services Staff, Room 6402, U.S. Department of Justice, 601 D Street NW., Washington, DC 20530.

**FOR FURTHER INFORMATION CONTACT:** J. Michael Clark, 202-272-6474.

**SUPPLEMENTARY INFORMATION:** This order relates to individuals rather than small business entities. Nevertheless, pursuant to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601-612, it is hereby stated that the order will not have "a significant economic impact on a substantial number of small entities."

#### List of Subjects in 28 CFR Part 16

Administrative practice and procedure, Courts, Freedom of Information, Privacy and Sunshine Acts.

These systems have been published in the Notice section of today's *Federal Register*.

Accordingly, pursuant to the authority vested in the Attorney General by 5 U.S.C. 552 and delegated to me by Attorney General Order 793-78, it is proposed to amend 28 CFR Part 16 by adding § 16.89 as set forth below.

Dated: January 6, 1988.

Hary H. Flickinger,  
Assistant Attorney General for Administration.

#### PART 16—[AMENDED]

1. The authority for Part 16 continues to read as follows.

**Authority:** 28 U.S.C. 509, 510; 5 U.S.C. 301, 552, 552a; 31 U.S.C. 483 unless otherwise noted.

2. It is proposed to amend 28 CFR by adding § 16.89 to read as follows:

#### § 16.89 Exemption of Civil Division Systems—Limited Access.

(a) The following systems of records are exempt pursuant to 5 U.S.C.

552a(j)(2) from subsections (c)(3) and (4), (d), (e)(1), (e)(2), (e)(3), (e)(4) (C) and (H), (e)(5), (e)(8), and (g); in addition, the following systems of records are exempt pursuant to 5 U.S.C. 552a (k)(1) and (k)(2) from subsections (c)(3) (d), (e)(1), (e)(4) (G) and (H):

(1) Civil Division Case File System, JUSTICE/CIV-001.

(2) Freedom of Information/Privacy Acts File System, JUSTICE/CIV-005.

These exemptions apply only to the extent that information in these systems is subject to exemption pursuant to 5 U.S.C. 552a (j)(2), (k)(1) and (k)(2).

(b) Only that information which relates to the investigation, prosecution, or defense of actual or potential criminal or civil litigation, or which has been properly classified in the interest of national defense and foreign policy is exempted for the reasons set forth from the following subsections:

(1) *Subsection (c)(3).* To provide the subject of a criminal or civil matter or case under investigation with an accounting of disclosures of records concerning him or her would inform that individual (and others to whom the subject might disclose the records) of the existence, nature, or scope of that investigation and thereby seriously impede law enforcement efforts by permitting the record subject and others to avoid criminal penalties and civil remedies.

(2) *Subsections (c)(4), (e)(4) (G) and (H), and (g).* These provisions are inapplicable to the extent that these systems of records are exempted from subsection (d).

(3) *Subsection (d).* To the extent that information contained in these systems has been properly classified, relates to the investigation and/or prosecution of grand jury, civil fraud, and other law enforcement matters, disclosure could compromise matters which should be kept secret in the interest of national security or foreign policy; compromise confidential investigations or proceedings; hamper sensitive civil or criminal investigations; impede affirmative enforcement actions based upon alleged violations of regulations or of civil or criminal laws; reveal the identity of confidential sources; and result in unwarranted invasions of the privacy of others. Amendment of the records would interfere with ongoing criminal law enforcement proceedings and impose an impossible administrative burden by requiring criminal investigations to be continuously reinvestigated.

(4) *Subsection (e)(1).* In the course of criminal or civil investigations, cases, or matters, the Civil Division may obtain

information concerning the actual or potential violation of laws which are not strictly within its statutory authority. In the interest of effective law enforcement, it is necessary to retain such information since it may establish patterns of criminal activity or avoidance of other civil obligations and provide leads for Federal and other law enforcement agencies.

(5) *Subsection (e)(2)*. To collect information from the subject of a criminal investigation or prosecution would present a serious impediment to law enforcement in that the subject (and others to whom the subject might be in contact) would be informed of the existence of the investigation and would therefore be able to avoid detection or apprehension, to influence witnesses improperly, to destroy evidence, or to fabricate testimony.

(6) *Subsection (e)(3)*. To comply with this requirement during the course of a criminal investigation or prosecution could jeopardize the investigation by disclosing the existence of a confidential investigation, revealing the identity of witnesses or confidential informants, or impeding the information gathering process.

(7) *Subsection (e)(5)*. In compiling information for criminal law enforcement purposes, the accuracy, completeness, timeliness and relevancy of the information obtained cannot always be immediately determined. As new details of an investigation come to light, seemingly irrelevant or untimely information may acquire new significance and the accuracy of such information can often only be determined in a court of law. Compliance with the requirement would therefore restrict the ability of government attorneys in exercising their judgment in developing information necessary for effective law enforcement.

(8) *Subsection (e)(8)*. To serve notice would give persons sufficient warning to evade law enforcement efforts.

(c) The following system of records is exempted pursuant to 5 U.S.C. 552a(j)(2) from subsections (c)(3) and (4), (d), (e)(1) and (e)(5); in addition, this system is also exempted pursuant to 5 U.S.C. 552a(k)(2) from subsections (c)(3), (d), and (e)(1).

Consumer Inquiry/Investigatory System,  
JUSTICE/CIV-006.

These exemptions apply only to the extent that information in this system of records is subject to exemption pursuant to 5 U.S.C. 552a (j)(2) and (k)(2).

(d) Only that information compiled for criminal or civil law enforcement purposes is exempted for the reasons set forth from the following subsections:

(1) *Subsection (c)(3)*. This system occasionally contains investigatory material based on complaints of actual or alleged criminal or civil violations. To provide the subject of a criminal or civil matter or case under investigation with an accounting of disclosures of records concerning him/her would inform that individual of the existence, nature, or scope of that investigation, and thereby seriously impede law enforcement efforts by permitting the record subject and other persons to whom he might disclose the records to avoid criminal penalties and civil remedies.

(2) *Subsections (c)(4)*. This subsection is inapplicable to the extent that an exemption is being claimed for subsection (d).

(3) *Subsection (d)*. Disclosure of information relating to the investigation of complaints of alleged violation of criminal or civil law could interfere with the investigation, reveal the identity of confidential sources, and result in an unwarranted invasion of the privacy of others. Amendment of the records would interfere with ongoing criminal law enforcement proceedings and impose an impossible administrative burden by requiring criminal investigations to be continuously reinvestigated.

(4) *Subsection (e)(1)*. In the course of criminal or civil investigations, cases, or matters, the Civil Division may obtain information concerning the actual or potential violation of laws which are not strictly within its statutory authority. In the interest of effective law enforcement, it is necessary to retain such information since it may establish patterns of criminal activity or avoidance of other civil obligations and provide leads for Federal and other law enforcement agencies.

(5) *Subsection (e)(5)*. In compiling information for criminal law enforcement purposes, the accuracy, completeness, timeliness and relevancy of the information obtained cannot always be immediately determined. As new details of an investigation come to light, seemingly irrelevant or untimely information may acquire new significance and the accuracy of such information can often only be determined in a court of law. Compliance with this requirement would therefore restrict the ability of government attorneys in exercising their judgment in developing information necessary for effective law enforcement.

(e) The following system of records is exempt pursuant to 5 U.S.C. 552a(j)(2) and (k)(2) from subsection (d):

Congressional and Citizen Correspondence  
File, JUSTICE/CIV-007.

This exemption applies only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(j)(2) and (k)(2).

(f) Only that portion of the Congressional and Citizen Correspondence File maintained by the Communications Office which consists of criminal or civil investigatory information is exempted for the reasons set forth from the following subsection:

(1) *Subsection (d)*. Disclosure of investigatory information would jeopardize the integrity of the investigative process, disclose the identity of individuals who furnished information to the government under an express or implied promise that their identities would be held in confidence, and result in an unwarranted invasion of the privacy of others. Amendment of the records would interfere with ongoing criminal law enforcement proceedings and impose an impossible administrative burden by requiring criminal investigations to be continuously reinvestigated.

[FR Doc. 88-1815 Filed 1-28-88; 8:45 am]  
BILLING CODE 4410-01-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 87-612, RM-5873]

### Radio Broadcasting Services; North Little Rock, AR

AGENCY: Federal Communications  
Commission.

ACTION: Proposed rule.

**SUMMARY:** This document requests comments on a petition filed by Earl N. Hodges, d/b/a Mid-South Frequency Monitoring Service, seeking the allotment of Channel 266A to North Little Rock, Arkansas, as that community's first local FM service.

**DATES:** Comments must be filed on or before March 17, 1988, and reply comments on or before April 1, 1988.

**ADDRESS:** Federal Communications  
Commission, Washington, DC 20554.

In addition to filing comments with the FCC, interested parties should serve the petitioners, as follows: Earl N. Hodges, Mid-South Frequency Monitoring Service, 4004 Clay Drive, Jonesboro, AR 72401.

**FOR FURTHER INFORMATION CONTACT:**  
Nancy Joyner, Mass Media Bureau, (202)  
634-6530.

**SUPPLEMENTARY INFORMATION:** This is a  
summary of the Commission's Notice of

Proposed Rule Making, MM Docket No. 87-612, adopted December 22, 1987, and released January 25, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. see 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 88-1823 Filed 1-28-88; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 87-613, RM-6055]

#### Radio Broadcasting Services; Jenkins, KY

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition by Kincraft Industries, Inc., licensee of Station WIFX-FM, Channel 232A, Jenkins, Kentucky, proposing to modify its license from Class A facilities to Class C2 facilities operations on the same Channel 232.

**DATES:** Comments must be filed on or before March 17, 1988, and reply comments on or before April 1, 1988.

**ADDRESS:** Federal Communications Commission, Washington, DC 20554.

In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Richard J. Hayes,

Jr., Esq., 1359 Black Meadow Road, Spotsylvania, Virginia 22553 (Counsel to Petitioner).

**FOR FURTHER INFORMATION CONTACT:** Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-613, adopted December 22, 1987, and released January 25, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Mass Media Bureau.

[FR Doc. 88-1824 Filed 1-28-88; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 87-614, RM-5996]

#### Radio Broadcasting Services; Valley Station, KY

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition by Mid-America Communications, Inc., proposing the allotment of FM Channel 290A to Valley Station, Kentucky as that community's first FM service.

**DATES:** Comments must be filed on or before March 17, 1988, and reply comments on or before April 1, 1988.

**ADDRESS:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Gene A. Bechtel, Esq., Bechtel & Cole, Chartered, 2101 L Street NW., Suite 502, Washington, DC 20037 (Counsel to Petitioner).

**FOR FURTHER INFORMATION CONTACT:** Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-614, adopted December 22, 1987, and released January 25, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Mass Media Bureau.

[FR Doc. 88-1825 Filed 1-28-88; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 87-615, RM-5877]

#### Radio Broadcasting Services; Virgie, KY

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition by Shelby

Valley Broadcasting, Inc., proposing the allotment of FM Channel 298A to Virgie, Kentucky as that community's first FM channel. Comments are requested on the issue of community status for Virgie.

**DATES:** Comments must be filed on or before March 17, 1988, and reply comments on or before April 1, 1988.

**ADDRESS:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Lauren A. Colby, Esq., 10 East Fourth Street, P.O. Box 113, Frederick, Maryland 21701 (Counsel to Petitioner).

**FOR FURTHER INFORMATION CONTACT:** Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-615, adopted December 22, 1987, and released January 25, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed

Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Mass Media Bureau.

[FR Doc. 88-1826 Filed 1-28-88; 8:45 am]

BILLING CODE 6712-01-M

# Notices

Federal Register

Vol. 53, No. 19

Friday, January 29, 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.

## ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

### Special Committee on Financial Services; Public Meeting

**ACTION:** Special Committee on Financial Services; Meeting Time.

**SUMMARY:** Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Special Committee on Financial Services of the Administrative Conference of the United States. The committee has scheduled this meeting to develop proposed recommendations dealing with Implementation of the Bank Holding Company Act: The Adjudicatory Procedures of the Federal Reserve Board, based upon a study by Professor Alfred C. Aman. Copies of the Committee's report may be obtained from the contact person named at this notice.

**DATE:** Friday, February 5, 1988 at 2:00 pm.

**Location:** Administrative Conference of the United States, 2120 L Street NW., Suite 500, Washington, DC 20037.

**Public Participation:** Committee meetings are open to the interested public, but limited to the space available. Persons wishing to attend should notify the contact person at least two days prior to the meeting. The committee chairman may permit members of the public to present oral statements at the meetings. Any member of the public may file a written statement with the committee before, during, or after the meeting. Minutes of the meeting will be available on request.

**FOR FURTHER INFORMATION CONTACT:** Brian C. Murphy, Office of the Chairman, Administrative Conference of the United States, 2120 L Street NW.,

Suite 500, Washington, DC 20037.  
Telephone : (202) 254-7020.

Jeffrey S. Lubbers,  
Research Director.

[FR Doc. 88-1808 Filed 1-28-88; 8:45 am]  
BILLING CODE 6110-01-M

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

[Docket No. 87-178]

#### Availability of Environmental Assessment and Finding of No Significant Impact Relative To Issuance of a Permit To Field Test Genetically Engineered Herbicide Tolerant Tomato Plants

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice.

**SUMMARY:** This document provides notice that an environmental assessment and finding of no significant impact has been prepared by the Animal and Plant Health Inspection Service relative to the issuance of a permit to Calgene, Inc., to allow the field testing of genetically engineered tomato plants, designed to be tolerant to the herbicide glyphosate. The assessment provides a basis for the conclusion that the field testing of the genetically engineered tomato plants does not present a risk of plant pest introduction or dissemination and also will not cause any significant impact to the quality of the human environment. Based upon this finding of no significant impact, the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

**ADDRESS:** Copies of the environmental assessment and finding of no significant impact are available for public inspection at the Biotechnology and Environmental Coordination Staff, Animal and Plant Inspection Service, U.S. Department of Agriculture, Room 406, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Copies of the environmental assessment are also available upon request at this same address.

**FOR FURTHER INFORMATION CONTACT:** Dr. John Payne, Staff Microbiologist, Biotechnology and Environmental Coordination Staff, Animal and Plant

Health Inspection Service, U.S. Department of Agriculture, Room 406, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-7908.

### SUPPLEMENTARY INFORMATION:

#### Background

On June 16, 1987, the Animal and Plant Health Inspection Service (APHIS) published a final rule in the Federal Register (52 FR 22892-22915) which established a new Part 340 in Title 7 of the Code of Federal Regulations (7 CFR Part 340) entitled, "Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests" (hereinafter "the rule"). The rule regulates the introduction (importation, interstate movement, and release into the environment) of genetically engineered organisms and products which are plant pests or which there is reason to believe are plant pests (regulated articles). The rule sets forth procedures for obtaining a permit for the release into the environment of a regulated article and for obtaining limited permits for the importation or interstate movement of a regulated article. A permit must be obtained before a regulated article can be introduced in the United States.

APHIS has stated that it would prepare environmental assessments and, where necessary, environmental impact statements prior to issuing a permit for the release into the environment of a regulated article (see 52 FR 22906).

Calgene, Inc., of Davis, California, has submitted an application for a permit for release into the environment of genetically engineered tomato plants that are designed to be tolerant to the herbicide bromoxynil. In the course of reviewing the permit application, APHIS assessed the impact to the environment of releasing the tomato plants under the conditions described in the Calgene application. APHIS concluded that the field testing will not present a risk of plant pest introduction or dissemination and will also not cause any significant impact on the human environment.

The environmental assessment and finding of no significant impact which is based on data submitted by Calgene, Inc., as well as a review of other relevant literature, provides the public with documentation of APHIS' review

and analysis of the environmental impacts associated with conducting the field testing.

The facts supporting APHIS' finding of no significant impact are summarized below and are contained in the environmental assessment.

1. A gene for herbicide tolerance has been inserted into a chromosome of these tomato plants. In nature, genetic material contained on the chromosomes of tomato plants can only be transferred to other compatible plants by cross-pollination. In this field test, the introduced gene cannot spread to other plants by cross-pollination for the following reasons: (1) The field test plot is located a sufficient distance from any compatible plants with which the genetically engineered tomato plants might cross-pollinate; (2) no pollen will be produced since the tops of the plants will be removed upon flower initiation; and (3) the field test will be conducted at a time of year when tomatoes are rarely grown.

2. Neither the herbicide tolerance gene itself, nor its gene product, confer on the tomato plant any plant pest characteristics. Traits that lead to weediness in plants are polygenic traits and cannot be conferred by adding a single herbicide tolerance gene.

3. The bacterium from which the herbicide tolerance gene was isolated is not a plant pest and is widely distributed in the soil.

4. The herbicide tolerance gene does not provide the transformed tomato plants with any measurable selective advantage over nontransformed tomato plants in their ability to be disseminated or to become established in the environment.

5. The vector used to transfer the herbicide gene to tomato plants has been evaluated for its use in this specific experiment and does not pose a plant pest risk in this experiment. The vector, although derived from a DNA sequence with known plant pest potential, has been disarmed; that is, genes that are necessary for producing plant pathogenicity have been removed from the vector. The vector has been tested and shown to be nonpathogenic to plants.

6. The vector agent, the bacterium that was used to deliver the vector DNA and the herbicide tolerance gene into the plant cell, has been shown to have been eliminated and no longer associated with the transformed tomato plants.

7. Horizontal movement of the introduced gene is not possible. The vector acts by delivering the gene to the plant genome where it is inserted into the plant chromosomal DNA, and the remaining vector material degrades. The

vector does not survive in the plant. No mechanism exists in nature to move the inserted gene from the plant to other organisms.

8. Glyphosate is one of the new herbicides that is rapidly degraded in the environment. It has been shown to be less toxic to animals than many herbicides commonly used.

9. The size of the pest plot is very small (129 feet wide by 750 feet long) and is biologically isolated from many species of wild plants and animals by a surrounding area of cultivated land.

10. The plot has good physical security. Physical isolation will be ensured and incursion by large animals and humans will be prevented by a chain-linked fence surrounding the plot. The occupants of a nearby farm house will provide additional security.

The environmental assessment and finding of no significant impact has been prepared in accordance with (1) The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4331 *et seq.*); (2) Regulations of the Council on Environmental Quality for Implementing the Procedural Provisions of NEPA (Title 40, Code of Federal Regulations (CFR) Parts 1500-1508); (3) USDA regulations implementing NEPA (7 CFR Part 1b); and (4) APHIS guidelines implementing NEPA (44 FR 50381-50384 and 44 FR 51272-51274).

Done at Washington, DC, this 25th day of January 1988.

James W. Glosser,  
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 88-1906 Filed 1-28-88; 8:45 am]

BILLING CODE 3410-34-M

[Docket No. 87-177]

**Availability of Environmental Assessment and Finding of No Significant Impact Relative To Issuance of a Permit To Field Test Genetically Engineered Herbicide Tolerant Tomato Plants**

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice.

**SUMMARY:** This document provides notice that an environmental assessment and finding of no significant impact has been prepared by the Animal and Plant Health Inspection Service relative to the issuance of a permit to Calgene, Inc., to allow the field testing of genetically engineered tomato plants, designed to be tolerant to the herbicide bromoxynil. The assessment provides a basis for the conclusion that the field testing of the genetically engineered

tomato plants does not present a risk of plant pest introduction or dissemination and also will not cause any significant impact to the quality of the human environment. Based upon this finding of no significant impact, the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

**ADDRESS:** Copies of the environmental assessment and finding of no significant impact are available for public inspection at the Biotechnology and Environmental Coordination Staff, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 406, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Copies of the environmental assessment are also available upon request at this same address.

**FOR FURTHER INFORMATION CONTACT:** Dr. John Payne, Staff Microbiologist, Biotechnology and Environmental Coordination Staff, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 406, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-7908.

**SUPPLEMENTARY INFORMATION:**

**Background**

On June 16, 1987, the Animal and Plant Health Inspection Service (APHIS) published a final rule in the *Federal Register* (52 FR 22892-22915) which established a new Part 340 in Title 7 of the Code of Federal Regulations (7 CFR Part 340) entitled, "Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests" (hereinafter "the rule"). The rule regulates the introduction (importation, interstate movement, and release into the environment) of genetically engineered organisms and products which are plant pests or which there is reason to believe are plant pests (regulated articles). The rule sets forth procedures for obtaining a permit for the release into the environment of a regulated article and for obtaining limited permits for the importation or interstate movement of a regulated article. A permit must be obtained before a regulated article can be introduced in the United States.

APHIS has stated that it would prepare environmental assessments and, where necessary, environmental impact statements prior to issuing a permit for the release into the environment of a regulated article (see 52 FR 22906).

Calgene, Inc., of Davis, California, has submitted an application for a permit for

release into the environment of genetically engineered tomato plants that are designed to be tolerant to the herbicide bromoxynil. In the course of reviewing the application, APHIS assessed the impact to the environment of releasing the tomato plants under the conditions described in the Calgene application. APHIS concluded that the field testing will not present a risk of plant pest introduction or dissemination and will also not cause any significant impact on the human environment.

The environmental assessment and finding of no significant impact which is based on data submitted by Calgene, Inc., as well as a review of other relevant literature, provide the public with documentation of APHIS' review and analysis of the environmental impacts associated with conducting the field testing.

The facts supporting APHIS' finding of no significant impact are summarized below and are contained in the environmental assessment.

1. A gene for herbicide tolerance has been inserted into a chromosome of these tomato plants. In nature, genetic material contained on the chromosomes of tomato plants can only be transferred to other compatible plants by cross-pollination. In this field test, the introduced gene cannot spread to other plants by cross-pollination for the following reasons: (1) The field test pilot is located a sufficient distance from any compatible plants with which the genetically engineered tomato plants might cross-pollinate; (2) no pollen will be produced since the tops of the plants will be removed upon flower initiation; and (3) the field test will be conducted at a time of year when tomatoes are rarely grown.

2. Neither the herbicide tolerance gene itself, nor its gene product confers on the tomato plant any plant pest characteristics. Traits that lead to weediness in plants are polygenic traits and cannot be conferred by adding a single herbicide tolerance gene.

3. The bacterium from which the herbicide gene was isolated is not a plant pest and is widely distributed in the soil.

4. The herbicide tolerance gene does not provide the transformed tomato plants with any measurable selective advantage over nontransformed tomato plants in their ability to be disseminated or to become established in the environment.

5. The vector used to transfer the herbicide tolerance gene to tomato plants has been evaluated for its use in this specific experiment and does not

pose a plant pest risk in this experiment. The vector, although derived from a DNA sequence with known plant pest potential, has been disarmed; that is, genes that are necessary for producing plant pathogenicity have been removed from the vector. The vector has been tested and shown to be nonpathogenic to plants.

The vector agent, the bacterium that was used to deliver the vector DNA and the herbicide tolerance gene into the plant cell, has been shown to have been eliminated and no longer associated with the transformed tomato plants.

7. Horizontal movement of the introduced gene is not possible. The vector acts by delivering the gene to the plant genome where it is inserted into the plant chromosomal DNA, and the remaining vector material degrades. The vector does not survive in the plant. No mechanism exists in nature to move the inserted gene from the plant to other organisms.

8. Bromoxynil is one of the new herbicides that is rapidly degraded in the environment. It has been shown to be less toxic to animals than many herbicides commonly used.

9. The size of the test plot is very small (96 feet wide by 750 feet long) and is biologically isolated from many species of wild plants and animals by a surrounding area of cultivated land.

10. The plot has good physical security. Physical isolation will be ensured and incursion by large animals and humans will be prevented by a chain-linked fence surrounding the plot. The occupants of a nearby farm house will provide additional security.

The environmental assessment and finding of no significant impact has been prepared in accordance with (1) The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4331 *et seq.*); (2) Regulations of the Council on Environmental Quality for Implementing the Procedural Provisions of NEPA (Title 40, Code of Federal Regulations (CFR) Parts 1500-1508); (3) USDA regulations implementing NEPA (7 CFR Part 1b); and (4) APHIS guidelines implementing NEPA (44 FR 50381-50384 and 44 FR 51272-51274).

Done at Washington, DC, this 25th day of January, 1988.

James W. Glosser,

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 88-1907 Filed 1-28-88; 8:45 am]

BILLING CODE 3410-34-M

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-580-001]

#### Certain Steel Wire Nails From Korea; Final Results of Antidumping Duty Administrative Review

**AGENCY:** International Trade Administration, Import Administration, Commerce.

**ACTION:** Notice of final results of antidumping duty administrative review.

**SUMMARY:** On December 3, 1987, the Department of Commerce published the preliminary results of administrative review of the antidumping duty order that was in effect prior to October 1, 1984 on certain steel wire nails from Korea. The review covers three manufacturers/exporters of this merchandise and the consecutive periods from February 3, 1982 through September 30, 1984.

We gave interested parties an opportunity to comment on the preliminary results. We received no comments. Based on our analysis, the final results of review are unchanged from those presented in the preliminary results.

**EFFECTIVE DATE:** January 29, 1988.

**FOR FURTHER INFORMATION CONTACT:** G. Leon McNeill or Maureen Flannery, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-3601/2923.

#### SUPPLEMENTARY INFORMATION:

##### Background

On October 1, 1985, the Department of Commerce ("the Department") revoked the antidumping duty order on certain steel wire nails from Korea effective October 1, 1984 (50 FR 40045). On December 3, 1987, the Department published in the Federal Register (52 FR 45984) the preliminary results of its administrative review of the antidumping duty order that was in effect prior to October 1, 1984. We have now completed that administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

##### Scope of the Review

Imports covered by the review are shipments of certain steel wire nails, currently classifiable under items 646.2500 and 646.2600 of the TSUSA. These products are currently classifiable under HS item numbers 7317.00.55.10 and 7317.00.55.20.

The review covers three manufacturers/exporters of Korean nails, Kabul/Dong-A Nails Mfg. Co., Ltd. and Kuk Dong Metal Ind. Co., Ltd., and the consecutive periods from February 3, 1982 through September 30, 1984.

#### Final Results of the Review

We invited interested parties to comment on the preliminary results. We received no comments or requests for a hearing. Based on our analysis, the final results of review are unchanged from those we presented in the preliminary results. We determine that the following margins exist for the consecutive periods from February 3, 1982 through September 30, 1984:

Manufacturer/Exporter	Margin (percent)
Kabul/Dong-A Nails Mfg. Co., Ltd.....	0.06
Kuk Dong Metal Ind. Co., Ltd.....	5.40

The Department will instruct the Customs Service to assess antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisal instructions on each exporter directly to the Customs Service.

This administrative review, covering the consecutive periods from February 3, 1982 through September 30, 1984, does not affect the revocation of the antidumping duty order. Therefore, we will instruct the Customs Service to continue to liquidate entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after October 1, 1984 without regard to antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.53a.

Date: January 25, 1988.

Joseph A. Spetrini,  
Acting Assistant Secretary for Import Administration.

[FR Doc. 88-1895 Filed 1-28-88; 8:45 am]

BILLING CODE 3510-DS-M

[C-408-006]

#### Sodium Gluconate From the European Communities; Final Results of Changed Circumstances Administrative Review and Termination of Suspended Investigation

AGENCY: International Trade Administration, Import Administration, Commerce.

**ACTION:** Notice of final results of changed circumstances administrative review and termination of suspended investigation.

**SUMMARY:** On August 21, 1987, the Department of Commerce published the preliminary results of its administrative review of the suspended countervailing duty investigation on sodium gluconate from the European Communities and announced its tentative determination to terminate the suspended investigation. The review covers the period from January 1, 1986.

We gave interested parties an opportunity to comment. We received no comments from interested parties. We determine that the petitioner's withdrawal of its petition indicates no further interest in continuation of the investigation, and we are terminating the investigation. The termination is effective as of January 1, 1986.

**EFFECTIVE DATE:** January 1, 1986.

**FOR FURTHER INFORMATION CONTACT:** Al Jemmott or Bernard Carreau, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

#### SUPPLEMENTARY INFORMATION:

##### Background

On September 11, 1986, the petitioner, Pfizer Inc., informed the Department of Commerce ("the Department") that it was withdrawing its petition in the suspended countervailing duty investigation on sodium gluconate ("SG") from the European Communities ("the EC") (46 FR 58132, November 30, 1981) and requested that the Department terminate the investigation. On December 4, 1986, the Belzak Corporation, a domestic manufacturer of sodium glucoheptonate ("SGH"), requested instead that the Department terminate the suspension agreement and resume the investigation.

On August 21, 1987, the Department published in the Federal Register (52 FR 31653) the preliminary results of its changed circumstances administrative review of the suspended investigation. The Department preliminarily determined that since SG and SGH are not like products, the Belzak Corporation is not an "interested party" to this proceeding and that, therefore, it is unnecessary to consider its request. The Department has now completed this administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

##### Scope of Review

Imports covered by the review are shipments of the chemical sodium

gluconate from the EC. Such merchandise is currently classifiable under item 437.5250 of the Tariff Schedules of the United States Annotated. This product is currently classifiable under Harmonized System item number 2918.16.50. The review covers the period from January 1, 1986.

#### Final Results of Review and Termination

We invited interested parties to comment on the preliminary results and tentative determination to terminate the suspended investigation. We received no comments from interested parties.

On September 21, 1987, we received a request from the Belzak Corporation to make a final determination as to whether it is an interested party to this proceeding. Based on our analysis in the preliminary results of review, we determine that the Belzak Corporation is not an interested party to this proceeding.

After reviewing the changed circumstances of this case, we determine that domestic interested parties are no longer interested in the continuation of the suspended investigation on sodium gluconate from the EC and that this investigation should be terminated. Therefore, we are terminating the suspended investigation on sodium gluconate from the EC effective January 1, 1986.

This administrative review, termination, and notice are in accordance with sections 751 (b) and (c) of the Tariff Act (19 U.S.C. 1675 (b), (c)) and 19 CFR 355.41 and 355.42.

Joseph A. Spetrini,  
Acting Assistant Secretary for Import Administration.

Date: January 25, 1988.

[FR Doc. 88-1898 Filed 1-28-88; 8:45 am]

BILLING CODE 3510-DS-M

#### Importers and Retailers' Textile Advisory Committee; Partially Closed Meeting

A meeting of the Importers and Retailers' Textile Advisory Committee will be held on Friday, February 19, 1988, Herbert C. Hoover Building, Room H3407, 14th Street and Constitution Avenue NW., Washington, DC 20230. (The Committee was established by the Secretary of Commerce on August 13, 1963 to advise Department officials of the effects on import markets and retailing of cotton, wool, and man-made fiber, silk blend and other vegetable fiber textiles.)

General Session: 10:00 a.m. Review of import trends, international activities,

report on conditions in the market, and other business.

**Executive Session: 10:30 a.m.**  
Discussion of matters properly classified under Executive Order 12356 (3 CFR, 1982 Comp. p. 166) and listed in 5 U.S.C. 552b(c)(1).

The general session will be open to the public with a limited number of seats available. A Notice of Determination to close meetings or portions of meetings to the public on the basis of 5 U.S.C. 552b(c)(1) has been approved in accordance with the Federal Advisory Committee Act. A copy of the notice is available for public inspection and copying in the Central Facility Room H6628, U.S. Department of Commerce, (202) 337-3031.

For further information or copies of the minutes, contact Alfreda Burton (202) 377-5761.

Dated: January 22, 1988.

James H. Babb,

*Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 88-1869 Filed 1-28-88; 8:45 am]

BILLING CODE 3510-DR-M

#### Management-Labor Textile Advisory Committee; Partially Closed Meeting

A meeting of the Management-Labor Textile Advisory Committee will be held on Friday, February 19, 1988, Herbert C. Hoover Building, Room H3407, 14th Street and Constitution Avenue NW., Washington, DC 20230. (The Committee was established by the Secretary of Commerce on October 18, 1961 to advise officials of problems and conditions in the textile and apparel industry.)

**General Session: 2:00 p.m.** Review of import trends, report on conditions in the domestic market, and other business.

**Executive Session: 2:30 p.m.**  
Discussion of matters properly classified under Executive Order 12356 (3 CFR, 1982 Comp. p. 166) and listed in 5 U.S.C. 552b(c)(1).

The general session will be open to the public with a limited number of seats available. A Notice of Determination to close meetings or portions of meetings to the public on the basis of 5 U.S.C. 552b(c)(1) has been approved in accordance with the Federal Advisory Committee Act. A copy of the notice is available for public inspection and copying in the Central Facility Room H6628, U.S. Department of Commerce, (202) 377-3031.

For further information or copies of the minutes, contact Alfreda Burton (202) 377-5761.

Dated: January 22, 1988.

James H. Babb,

*Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 88-1870 Filed 1-28-88; 8:45 am]

BILLING CODE 3510-DR-M

#### Short-Supply Review on Certain Cold-Rolled Sheet; 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 paragraph 8 of the U.S.-Japan Arrangement Concerning Trade in Certain Steel Products with respect to certain aluminum-killed cold-rolled steel sheet.

**DATE:** Comments must be submitted on or before February 8, 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:** Paragraph 8 of the U.S.-Japan Arrangement Concerning Trade in 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 category or sub-category (including substantial objective evidence such as allocation, extended delivery periods, or other relevant factors), an additional tonnage shall be allowed for such category or sub-category \* \* \*."

We have received a short-supply request for certain aluminum-killed cold-rolled sheet, in coils, conforming to AISI standard C 1001, to be used in the manufacture of aperture masks for television screens. The steel is 381-762 mm in width, 0.0762-0.3048 mm in thickness, and in coils weighing from 1,500 to 3,000 kgs.

Any party interested in commenting on this request should send written comments as soon as possible, and no later than February 8, 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.

Joseph A. Spetrini,

*Acting Assistant Secretary for Import Administration.*

January 25, 1988.

[FR Doc. 88-1897 Filed 1-28-88; 8:45 am]

BILLING CODE 3510-DS-M

#### Minority Business Development Agency

[Transmittal No. DRO-88-9998; Project I.D. No. DRO-88-9998]

#### Denver Minority Business Development Center (MBDC); Program Applications

**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 \$227,647 for the project's performance period of July 1, 1988 to June 30, 1989. The MBDC will operate in the Denver, Colorado Standard Metropolitan Statistical Area (SMSA).

The first year's cost for the MBDC will consist of:

Name	Federal	Non-Federal	Total
Denver SMSA.....	\$193,500	<sup>1</sup> \$34,147	\$227,647

<sup>1</sup> Can be a 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.

Applications 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 firm'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 applicants 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 factors as an MBDC's satisfactory performance, the availability of funds, and Agency priorities.

**CLOSING DATE:** The closing date for receipt of applications is March 4, 1988.

**ADDRESS:** MDBA—Dallas Regional Office, 1100 Commerce Street, Suite 7B23, Dallas, Texas 75242-0790.

**FOR FURTHER INFORMATION CONTACT:** Deselene Crenshaw, Acting Business Development Clerk, Dallas Regional Office, 214/767-8001.

**SUPPLEMENTARY INFORMATION:** Questions concerning the preceding information, copies of applications kits and applicable regulations can be obtained at the above address.

A pre-bid conference will be held in Dallas on February 12, 1988 at 1:00 PM. Conference site information may be obtained by contacting the individual designated above.

Additional RFAs will be available at the conference site.

**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: Denver MBDC  
(Geographic Area or SMSA)  
Project Identification Number: DRO-88-9998  
Project Start and End Dates: 07/01/88 to 06/30/89  
Project Duration: 12 months

Total Federal Funding (85%): \$193,500  
Minimum Non-Federal Share (15%): \$34,147

Total Project Cost (100%): \$227,647

Closing Date for Submission of this Application: March 4, 1988.

**Geographic Specification:** The Minority Business Development Center shall offer assistance in the geographic area of: Denver, Colorado.

**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: \$3,226,000  
Billable M&TA: \$99,000  
Number of Professional Staff: 4  
Procurements: \$6,452,000  
M&TA Hours: 1,980  
Number of Clients: 89

[FR Doc. 88-1891 Filed 1-28-88; 8:45 am]  
BILLING CODE 3510-21-M

**Minority Business Development Center Program; Alaska**

**AGENCY:** Minority Business Development Agency, Commerce.  
**ACTION:** Notice.

**SUMMARY:** The Minority Business Development Agency (MBDA) announces that it is soliciting applications under its Minority Business Development Center (MBDC) Program to operate an MBDC for a 3 year period, subject to available funds. The cost of performance for the first 12 months is estimated at \$194,118 for the project performance period of July 1, 1988 to June 30, 1989. The MBDC will operate in the Alaska Metropolitan Statistical Area (MSA). The first year cost for the MBDC will consist of \$165,000 in Federal funds and a minimum of \$29,118 in non-Federal funds (which can be a combination of cash, in-kind contribution and fees for services).

The I.D. Number for this project will be 10-10-88012-01.

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, nonprofit and for-profit organizations, local and state governments, American Indian tribes and educational institutions.

The MBDC will provide management and technical assistance 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; and serve as a conduit of information and assistance regarding minority business.

Applications 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; the firm'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 applicants 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 factors as the MBDC's satisfactory performance, the availability of funds, and Agency priorities.

A pre-application conference to assist all interested applicants will be held at the following address and time:

Minority Business Development Agency,  
U.S. Department of Commerce, 221  
Main Street, Room 1280, San  
Francisco, California 94105  
March 1, 1988 at 10:00 a.m.

**Proposals are to be mailed to the following address:** Minority Business Development Agency, U.S. Department of Commerce, San Francisco Regional Office, 221 Main Street, Room 1280, San Francisco, California 94105, 415/974-9597.

**Closing Date:** The closing date for applications is March 14, 1988. Applications must be postmarked by midnight March 14, 1988.

*For Further Information Contact:* Dr. Xavier Mena, Regional Director, San Francisco Regional Office.

*Supplementary Information:* Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

(11.800 Minority Business Development Catalog of Federal Domestic Assistance)

Xavier Mena,

*Regional Director, San Francisco Regional Office.*

January 25, 1988.

[FR Doc. 88-1832 Filed 1-28-88; 8:45 am]

BILLING CODE 3510-21-M

### Minority Business Development Center Program; Fresno, CA

**AGENCY:** Minority Business Development Agency, Commerce.

**ACTION:** Notice.

**SUMMARY:** The Minority Business Agency (MBDA) announces that it is soliciting applications under the Minority Business Development Center (MBDC) Program to operate an MBDC for a 3 year period, subject to available funds. The cost of performance for the first 12 months is estimated at \$227,647 for the project performance period of July 1, 1988 to June 30, 1989. The MBDC will operate in the Fresno Metropolitan Statistical Area (MSA). The first year cost for the MBDC will consist of \$193,500 in Federal funds and a minimum of \$34,147 in non-Federal funds (which can be a combination of cash, in-kind contribution and fees for services).

The I.D. Number for this project will be 09-10-88013-01.

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, nonprofit and for-profit organizations, local and state governments, American Indian tribes and educational institutions.

The MBDC will provide management and technical assistance 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 on minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications 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; the firm'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 applicants 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 factors as the MBDC's satisfactory performance, the availability of funds, and Agency priorities.

A pre-application conference to assist all interested applicants will be held at the following address and time:

Minority Business Development Agency,  
U.S. Department of Commerce, 221  
Main Street, Room 1280, San  
Francisco, California 94105  
March 1, 1988 at 10:00 am.

*Proposals are to be mailed to the following address:* Minority Business Development Agency, U.S. Department of Commerce, San Francisco Regional Office, 221 Main Street, Room 1280, San Francisco, California 94105, 415/974-9597.

*Closing Date:* The closing date for applications is March 14, 1988. Applications must be postmarked by midnight March 14, 1988.

*For Further Information Contact:* Dr. Xavier Mena, Regional Director, San Francisco Regional Office.

*Supplementary Information:* Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

(11.800 Minority Business Development Catalog of Federal Domestic Assistance)

Xavier Mena,

*Regional Director, San Francisco Regional Office.*

January 25, 1988.

[FR Doc. 88-1833 Filed 1-28-88; 8:45 am]

BILLING CODE 3510-21-M

### Minority Business Development Center Program; Oxnard, CA

**AGENCY:** Minority Business Development Agency, Commerce.

**ACTION:** Notice.

**SUMMARY:** The Minority Business Development Agency (MBDA) announces that it is soliciting applications under its Minority Business Development Center (MBDC) Program to operate an MBDC for a 3 year period, subject to available funds. The cost of performance for the first 12 months is estimated at \$194,118 for the project performance period of July 1, 1988 to June 30, 1989. The MBDC will operate in the Oxnard Metropolitan Statistical Area (MSA). The first year cost for the MBDC will consist of \$165,000 in Federal funds and a minimum of \$29,118 in non-Federal funds (which can be a combination of cash, in-kind contribution and fees for services).

The I.D. Number for this project will be 09-10-88015-01.

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, nonprofit and for-profit organizations, local and state governments, American Indian tribes and educational institutions.

The MBDC will provide management and technical assistance 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; and serve as a conduit of information and assistance regarding minority business.

Applications 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; the firm'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 applicants 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 factors as the MBDC's satisfactory performance, the availability of funds, and Agency priorities.

A pre-application conference to assist all interested applicants will be held at the following address and time:

Minority Business Development Agency,  
U.S. Department of Commerce, 221  
Main Street, Room 1280, San  
Francisco, California 94105  
March 1, 1988 at 10:00 a.m.

*Proposals Are To Be Mailed to the Following Address:* Minority Business Development Agency, U.S. Department of Commerce, San Francisco Regional Office, 221 Main Street, Room 1280, San Francisco, California 94105, 415/974-9597.

*Closing Date:* The closing date for applications is March 14, 1988. Applications must be postmarked by midnight March 14, 1988.

*For Further Information Contact:* Dr. Xavier Mena, Regional Director, San Francisco Regional Office.

*Supplementary Information:* Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

(11.800 Minority Business Development Catalog of Federal Domestic Assistance)  
January 25, 1988.

Xavier Mena,  
Regional Director, San Francisco Regional Office.

[FR Doc. 88-1835 Filed 1-28-88; 8:45 am]  
BILLING CODE 3510-21-M

### Minority Business Development Center Program; Riverside, CA

**AGENCY:** Minority Business Development Agency, Commerce.

**ACTION:** Notice.

**SUMMARY:** The Minority Business Development Agency (MBDA) announces that it is soliciting applications under the Minority Business Development Center (MBDC) Program to operate an MBDC for a 3 year period, subject to available funds. The cost of performance for the first 12 months is estimated at \$282,824 for the project performance period of July 1, 1988 to June 30, 1989. The MBDC will operate in the Riverside Metropolitan Statistical Area (MSA). The first year cost for the MBDC will consist of \$240,400 in Federal funds and a minimum of \$42,424 in non-Federal funds (which can be a combination of cash, in-kind contribution and fees for services).

The I.D. Number for this project will be 09-10-88010-01.

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals,

nonprofit and for-profit organizations, local and state governments, American Indian tribes and educational institutions.

The MBDC will provide management and technical assistance 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 on minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications 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; the firm'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 applicants 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 factors as the MBDC's satisfactory performance, the availability of funds, and Agency priorities.

A pre-application conference to assist all interested applicants will be held at the following address and time:

Minority Business Development Agency,  
U.S. Department of Commerce, 221  
Main Street, Room 1280, San  
Francisco, California 94105  
March 1, 1988 at 10:00 a.m.

*Proposals are to be Mailed to the Following Address:* Minority Business Development Agency, U.S. Department of Commerce, San Francisco Regional Office, 221 Main Street, Room 1280, San Francisco, California 94105, 415/974-9597.

*Closing Date:* The closing date for applications is March 14, 1988. Applications must be postmarked by midnight March 14, 1988.

*For Further Information Contact:* Dr. Xavier Mena, Regional Director, San Francisco Regional Office.

*Supplementary Information:* Questions concerning the preceding information, copies of application kits

and applicable regulations can be obtained at the above address.

(11.800 Minority Business Development Catalog of Federal Domestic Assistance)  
Xavier Mena,  
Regional Director, San Francisco Regional Office.

January 25, 1988.

[FR Doc. 88-1837 Filed 1-28-88; 8:45 am]

BILLING CODE 3510-21-M

### Minority Business Development Center Program, Salinas, CA

**AGENCY:** Minority Business Development Agency, Commerce.

**ACTION:** Notice.

**SUMMARY:** The Minority Business Development Agency (MBDA) announces that it is soliciting applications under its Minority Business Development Center (MBDC) Program to operate an MBDC for a 3 year period, subject to available funds. The cost of performance for the first 12 months is estimated at \$194,118 for the project performance period of July 1, 1988 to June 30, 1989. The MBDC will operate in the Salinas Metropolitan Statistical Area (MSA). The first year cost for the MBDC will consist of \$165,000 in Federal funds and a minimum of \$29,118 in non-Federal funds (which can be a combination of cash, in-kind contribution and fees for services).

The I.D. Number for the project will be 09-10-88017-01.

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, nonprofit and for-profit organizations, local and state governments, American Indian tribes and educational institutions.

The MBDC will provide management and technical assistance 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; and serve as a conduit of information and assistance regarding minority business.

Applications 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; the firm'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 applicants 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 factors as the MBDC's satisfactory performance, the availability of funds, the Agency priorities.

A pre-application conference to assist all interested applicants will be held at the following address and time:

Minority Business Development Agency,  
U.S. Department of Commerce, 221  
Main Street, Room 1280, San  
Francisco, California 94105  
March 1, 1988 at 10:00 a.m.

*Proposals are to be mailed to the following address:* Minority Business Development Agency, U.S. Department of Commerce, San Francisco Regional Office, 221 Main Street, Room 1280, San Francisco, California 94105, 415/974-9597.

*Closing Date:* The closing date for applications is March 14, 1988. Applications must be postmarked by midnight March 14, 1988.

*For Further Information Contact:* Dr. Xavier Mena, Regional Director, San Francisco Regional Office.

*Supplementary Information:* Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

(11.800 Minority Business Development Catalog of Federal Domestic Assistance)

Xavier Mena,

Regional Director, San Francisco Regional Office.

January 25, 1988.

[FR Doc. 88-1838 Filed 1-28-88; 8:45 am]

BILLING CODE 3510-21-M

### Minority Business Development Center Program, Las Vegas, NV

**AGENCY:** Minority Business Development Agency, Commerce.

**ACTION:** Notice.

**SUMMARY:** The Minority Business Development Agency (MBDA) announces that it is soliciting applications under its Minority Business Development Center (MBDC) Program to operate an MBDC for a 3 year period, subject to available funds. The cost of

performance for the first 12 months is estimated at \$194,118 for the project performance period of July 1, 1988 to June 30, 1989. The MBDC will operate in the Las Vegas Metropolitan Statistical Area (MSA). The first year cost for the MBDC will consist of \$165,000 in Federal funds and a minimum of \$29,118 in non-Federal funds (which can be a combination of cash, in-kind contribution and fees for services).

The I.D. Number for the project will be 09-10-88014-01.

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, nonprofit and for-profit organizations, local and state governments, American Indian tribes and educational institutions.

The MBDC will provide management and technical assistance to eligible clients for the establishment and operation of businesses. The MBDC program is designated 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; and serve as a conduit of information and assistance regarding minority business.

Applications 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; the firm'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 applicants 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 factors as the MBDC's satisfactory performance, the availability of funds, the Agency priorities.

A pre-application conference to assist all interested applicants will be held at the following address and time:

Minority Business Development Agency,  
U.S. Department of Commerce, 221  
Main Street, Room 1280, San  
Francisco, California 94105  
March 1, 1988 at 10:00 a.m.

*Proposals are to be mailed to the following address:* Minority Business Development Agency, U.S. Department of Commerce, San Francisco Regional Office, 221 Main Street, Room 1280, San Francisco, California 94105, 415/974-9597.

*Closing Date:* The closing date for applications is March 14, 1988. Applications must be postmarked by midnight March 14, 1988.

*For Further Information Contact:* Dr. Xavier Mena, Regional Director, San Francisco Regional Office.

*Supplementary Information:* Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

(11.800 Minority Business Development Catalog of Federal Domestic Assistance)

Xavier Mena,

Regional Director, San Francisco Regional Office.

January 25, 1988.

[FR Doc. 88-1838 Filed 1-28-88; 8:45 am]

BILLING CODE 3510-21-M

### Minority Business Development Center Program; Portland, OR

**AGENCY:** Minority Business Development Agency, Commerce.

**ACTION:** Notice.

**SUMMARY:** The Minority Business Development Agency (MBDA) announces that it is soliciting applications under its Minority Business Development Center (MBDC) Program to operate an MBDC for a 3 year period, subject to available funds. The cost of performance for the first 12 months is estimated at \$194,118 for the project performance period of July 1, 1988 to June 30, 1989. The MBDC will operate in the Portland Metropolitan Statistical Area (MSA). The first year cost for the MBDC will consist of \$165,000 in Federal funds and a minimum of \$29,119 in non-Federal funds (which can be a combination of cash, in-kind contribution and fees for services).

The I.D. Number for this project will be 10-10-88016-01.

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, nonprofit and for-profit organizations, local and state governments, American Indian tribes and educational institutions.

The MBDC will provide management and technical assistance 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; and serve as a conduit of information and assistance regarding minority business.

Applications 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; the firm'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 applicants 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 factors as the MBDC's satisfactory performance, the availability of funds, and Agency priorities.

A pre-application conference to assist all interested applicants will be held at the following address and time: Minority Business Development Agency, U.S. Department of Commerce, 221 Main Street, Room 1280, San Francisco, California 94105.

March 1, 1988 at 10:00 a.m.

*Proposals are to be mailed to the following address:* Minority Business Development Agency, U.S. Department of Commerce, San Francisco Regional Office, 221 Main Street, Room 1280, San Francisco, California 94105, 415/974-9597.

*Closing Date:* The closing date for applications is March 14, 1988. Applications must be postmarked by midnight March 14, 1988.

*For Further Information Contact:* Dr. Xavier Mena, Regional Director, San Francisco Regional Office.

*Supplementary Information:* Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

(11.800 Minority Business Development Catalog of Federal Domestic Assistance)

January 25, 1988.

Xavier Mena,

*Regional Director, San Francisco Regional Office.*

[FR Doc. 88-1836 Filed 1-28-88; 8:45 am]

BILLING CODE 3510-21-M

**Office of Patent and Trademark  
Advisory Committee for Patents and  
Trademarks; Open Meeting**

**AGENCY:** Patent and Trademark Office, Commerce.

**SUMMARY:** The Committee was established on December 17, 1986, to advise the Patent and Trademark Office on domestic and foreign patent issues, international trademark matters, the Administration of the Office, and its office-wide automation program.

*Time and Place:* March 1, 1988, from 9:00 a.m. to 4:30 p.m. The Committee will meet in the Commissioner's Conference Room at the Patent and Trademark Office, Crystal Park 2, Room 912, in Crystal City, Arlington, VA.

*Agenda:*

- (1) Orientation
- (2) Automation Activities
- (3) Quality Products
- (4) Innovation Promotion

*Note:* Because snow precluded a number of committee members from attending the January 8, 1988 meeting, the basic agenda will be carried over for the March 1 meeting.

*Public Observation:* The meeting will be open to public observation; approximately 12 seats will be available for the public on a first-come, first-served basis. If time permits, oral comments by the public of no more than three minutes on each topic within the above agenda will be allowed. Written comments and suggestions will be accepted before or after the meeting on any of the agenda matters.

**FOR FURTHER INFORMATION CONTACT:** Donald G. Kelly, Executive Assistant to the Assistant Secretary, Crystal Park 2, Suite 906, Patent and Trademark Office, Washington, DC 20231. Telephone: 703/557-3071.

Date: January 22, 1988.

Donald J. Quigg,

*Assistant Secretary and Commissioner of Patents and Trademarks.*

[FR Doc. 88-1882 Filed 1-28-88; 8:45 am]

BILLING CODE 3510-16-M

**COMMITTEE FOR THE  
IMPLEMENTATION OF TEXTILE  
AGREEMENTS**

**Announcement of an Import Limit and  
Guaranteed Access Level for Certain  
Cotton Textile Products Produced or  
Manufactured in the Dominican  
Republic**

January 26, 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, and the President's February 20, 1986 announcement of a Special Access Program for textile products assembled in participating Caribbean Basin beneficiary countries from fabric formed and cut in the United States, and pursuant to the requirements set forth in 51 FR 21208 (June 11, 1986) and 52 FR 26057 (July 11, 1987), has issued the directive published below to the Commissioner of Customs to be effective on February 1, 1988. For further information contact Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of this limit, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, please call (202) 377-3715.

**Summary**

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to establish an import restraint limit and guaranteed access level for cotton textile products in Categories 347/348, produced or manufactured in the Dominican Republic and exported during the five-month period which began on January 1, 1988 and extends through May 31, 1988.

**Background**

A notice published in the *Federal Register* on July 23, 1987 (52 FR 27700) announced that the United States Government had requested the Government of the Dominican Republic to enter into consultations concerning exports of cotton textile products in Categories 347/348. Under the terms of the Bilateral Textile Agreement of December 18, 1986, as amended, between the two governments, agreement was reached to amend further their bilateral agreement to establish a specific limit for Categories 347/348 for the five-month period

beginning on January 1, 1988 and extending through May 31, 1988.

A specific limit for Categories 347/348 of 800,000 dozen for the period August 1, 1987 through December 31, 1987 was also established. Any overshipments of this level will be charged to the level set forth in this directive.

A further notice published in the *Federal Register* on November 17, 1987 (52 FR 43930) announced that the Governments of the United States and the Dominican Republic, under the terms of the Bilateral Textile Agreement of December 18, 1986, as amended, and the Special Access Program, had reached agreement to establish a guaranteed access level for properly certified cotton textile products in Categories 347/348 which are assembled in the Dominican Republic from fabric formed and cut in the United States and exported from the Dominican Republic during the five-month period beginning on January 1, 1988 and extending through May 31, 1988. Notes were exchanged on December 17, 1987.

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 Proposed Tariff Schedule of the United States Annotated (see *Federal Register* notice 52 FR 47745, dated December 11, 1987).

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreements, but are designed to assist only in the implementation of certain of their provisions.

Philip J. Martello,

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

January 26, 1988.

**Committee for the Implementation of Textile Agreements**

Commissioner of Customs,  
*Department of the Treasury, Washington, D.C. 20229*

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); pursuant to the Bilateral Textile Agreement of December 18, 1986, as amended, between the Governments of the United States and the Dominican Republic; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on February 1, 1988, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 347/348, produced or manufactured in the Dominican Republic and exported during the

five-month period beginning on January 1, 1988 and extending through May 31, 1988, in excess of 250,000 dozen.<sup>1</sup>

Textile products in Categories 347/348 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

The limit set forth above is subject to adjustment pursuant to the provisions of the bilateral agreement of December 18, 1986, as amended, between the Governments of the United States and the Dominican Republic which provide, in part, that: (1) specific limits may be exceeded by designated percentages to account for swing, provided that an equal amount in equivalent square yards is deducted from another specific limit; and (2) specific limits also may be increased for carryover and carryforward. Any appropriate future adjustments under the foregoing provisions of the bilateral agreement will be made to you by letter.

Additionally, pursuant to the bilateral agreement of December 18, 1986, as amended, and under the terms of the Special Access Program, as set forth in 51 FR 21208 (June 10, 1986) and 52 FR 26057 (July 11, 1987), effective on February 1, 1988, a guaranteed access level of 1,000,000 dozen has been established for properly certified textile products assembled in the Dominican Republic from fabric formed and cut in the United States in Categories 347/348 which are exported from the Dominican Republic during the five-month period which began on January 1, 1988 and extends through May 31, 1988.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

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,

Philip J. Martello,

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 88-1909, Filed 1-28-88; 8:45 am]

BILLING CODE 3510-DR-M

**Announcement of Import Levels for Certain Cotton and Man-Made Fiber Textiles; and Silk Blend and Other Vegetable Fiber Textile Products Produced or Manufactured in India; Correction**

January 26, 1988.

In the *Federal Register* notice and in the table of the letter to the Commissioner of Customs published in the *Federal Register* on January 4, 1988

<sup>1</sup> The limit has not been adjusted to account for any imports exported after December 31, 1987.

(53 FR 58), delete Categories 800 and 810 from Group II.

The title of this document should be corrected to include silk blend and other vegetable fibers.

James H. Babb,

*Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 88-1867 Filed 1-28-88; 8:45 am]

BILLING CODE 3510-DR-M

**Announcement of Establishment of New Visa and Certification Requirements for Certain Cotton and Man-Made Fiber Textile Products From Costa Rica**

January 26, 1988.

The Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, and the President's February 20, 1986 announcement of a Special Access Program for textile products assembled in participating Caribbean Basin beneficiary countries from fabric formed and cut in the United States, and pursuant to the requirements set forth in 51 FR 21208 (June 11, 1986) and 52 FR 26057 (July 10, 1987), has issued the directive published below to the Commissioner of Customs to be effective on February 1, 1988. For further information, contact Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212.

**Summary**

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to establish visa and certification requirements for apparel products in Categories 340/640 manufactured or assembled in Costa Rica and exported to the United States.

**Background**

A CITA directive dated December 31, 1987 (53 FR 161) announced, among other things, the establishment of a guaranteed access level for cotton and man-made fiber textile products in Categories 340/640 for the twelve-month period which began on January 1, 1988 and extends through December 31, 1988.

Under the terms of the Bilateral Textile Agreement, effected by exchange of notes dated November 25 and December 19, 1987, between the Governments of the United States and Costa Rica and the Special Access Program, as set forth in 51 FR 21208

(June 11, 1986) and 52 FR 26057 (July 10, 1987), the two governments have established a new visa and certification system, as an administrative arrangement under the terms of the bilateral agreement. The visa and certification requirements apply to apparel products in Categories 340/640 exported on or after February 1, 1988. Apparel products in Categories 340/640 that have been exported from Costa Rica prior to February 1, 1988 shall not be denied entry for lack of a visa or a certification. To be entered under the Special Access Program and subject to the GAL on Categories 340/640, shipments must be accompanied by a certification issued by the appropriate Costa Rican authorities and a complete CBI Export Declaration (Department of Commerce Form ITA-370P, stock number 003-009-00505-1, available from the Government Printing Office, Washington, D.C. 20402 (202/783-3238)). Each shipment of apparel products in Categories 340/640 from Costa Rica not accompanied by a properly issued certification and a CBI Export Declaration must be accompanied by a properly issued visa.

Any shipment for entry under the Special Access Program which is not accompanied by a valid and correct certification and CBI Export Declaration in accordance with the provisions as outlined below shall be denied entry unless the Government of Costa Rica authorizes the entry and any charges to the appropriate specific limit. Any shipment which is declared as qualifying for the Special Access Program but found not to qualify shall be denied entry into the United States.

In the event of denial of entry for a minor error on Form ITA-370P, a request for a certification waiver may be made by the importer to the Office of Textiles and Apparel, Rm. 3110, U.S. Department of Commerce—Attn: Trade Data Division.

Facsimiles of the visa and certification stamp can be obtained from the Office of Textiles and Apparel, U.S. Department of Commerce, Room H3100, Washington, DC 20230.

Interested persons are advised to take all necessary steps to ensure that apparel products in Categories 340/640, produced or manufactured in Costa Rica, which are to be entered into the United States for consumption, or withdrawn from warehouse for consumption, that are exported on or after February 1, 1988 will meet the

stated certification and visa requirements.

**James H. Babb,**

*Chairman, Committee for the Implementation of Textile Agreements.*

January 26, 1988.

**Committee for the Implementation of Textile Agreements**

Commissioner of Customs,  
*Department of the Treasury, Washington, DC 20229*

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); pursuant to the Bilateral Textile Agreement of November 25 and December 19, 1987 between the Governments of the United States and Costa Rica; and in accordance with the provisions of the Executive Order 11651 of March 3, 1972, as amended, and the Special Access Program, as set forth in 51 FR 21208 (June 11, 1986), you are directed, effective on February 1, 1988, and until further notice, 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 withdrawal from warehouse for consumption of cotton and man-made fiber apparel products in Categories 340/640, produced or manufactured in Costa Rica and exported on or after February 1, 1988 which are not visaed or certified in accordance with the procedures outlined below. Apparel products in Categories 340/640, exported from Costa Rica prior to February 1, 1988 shall not be denied entry for lack of visa or certification.

To be entered under the Special Access Program (TSUSA number 807.0010) and subject to the GAL, shipments of Categories 340/640 must be accompanied by a certification issued by the appropriate Costa Rican authorities and a completed CBI Export Declaration. Each shipment of textile products in Categories 340/640 of Costa Rica not accompanied by a properly issued certification and a CBI Export Declaration shall be accompanied by a properly issued visa.

The visa is a circular stamp in blue ink placed on the front of the original commercial invoice. The certification is a square stamp in blue ink placed on the front of the original commercial invoice. The original visa or certification shall not be stamped on duplicate copies of the invoice. The original of the invoice with an original visa or certification stamp shall be required to enter the shipment into the United States. Duplicates of the invoice may not be used for this purpose.

The visa or certification stamp will include the following information:

1. The visa or certification number and date. The visa or certification number shall be nine digits and letters. It shall begin with one digit for the last digit of the year of export followed by the two-character country code for Costa Rica is "CR." On the visa stamp, these first two codes shall be followed by the number "1" and a five-digit serial number identifying the shipment (e.g., 7CR123456). On the certification stamp, these first two codes shall be followed by the

number "2" and a five-digit serial number identifying the shipment (e.g., 7CR212345).

2. The signature of the issuing official.

3. The correct category and quantity in the shipment in the units of quantity provided for in Annex of the Agreement.

Entry of textile products subject to the certification system into the Customs territory of the United States will be permitted only for those shipments accompanied by:

1. A valid certification by the Government of Costa Rica.

2. A completed copy of the CBI Export Declaration (U.S. Department of Commerce Form ITA-370P) with a proper declaration by the Costa Rica assembler that the articles were subject to assembly in Costa Rica from parts described on that CBI Export Declaration; and

3. A proper importer's declaration.

U.S. Customs shall not accept a visa or certification and entry will not be permitted if the visa or certification number, date of issuance, signature, category, quantity or units of quantity are missing, incorrect or illegible, or have been crossed out or altered in any way. If the quantity indicated on the visa or certification is less than that of the shipment, entry shall not be permitted. If the quantity indicated on the visa or certification is more than that of the shipment, entry shall be permitted.

If the visa or certification is not acceptable to U.S. Customs, then a new visa or certification must be obtained from the Government of Costa Rica or a visa waiver issued by the U.S. Department of Commerce at the request of the Government of Costa Rica and presented to the U.S. Customs Service before any portion of the shipment will be released. The waiver, if used, only waives the requirement to present a visa with the shipment. It does not waive the quota requirement.

Any shipment which is declared for the Special Access Program (TSUSA number 807.0010) but found not to qualify, may be permanently denied entry into the United States.

In the event of denial of entry for a minor error on form ITA-370P, a request for a certification waiver may be made by the importer to the Office of Textiles and Apparel, Rm. 3110, U.S. Department of Commerce, Attn: Trade Data Division.

If the visaed or certified invoice is deficient, the U.S. Customs Service will not return the original document after entry, but will provide a certified copy of that visaed invoice for use in obtaining a new correct original visaed invoice, or a visa waiver.

If import quotas are in force, U.S. Customs shall charge only the actual quantity in the shipment and the correct category will be charged to the restraint level. If a shipment from Costa Rica has been allowed entry into the commerce of the United States with either an incorrect visa or no visa and redelivery is requested but cannot be made, the shipment will be charged to the correct category limit whether or not a replacement visa or visa waiver is provided.

Visaed merchandise and products eligible for the Caribbean Basin Textile Special

Access Program may not appear on the same invoice.

Merchandise for the personal use of the importer and not for resale and properly marked or mutilated commercial samples valued at \$250 or less do not require a visa or certification for entry into the United States and shall not be charged to agreement levels.

Facsimiles of the visa and certification stamps are enclosed with this letter.

You are directed to permit entry into the United States for consumption and withdrawal from warehouse for consumption of designated shipments of apparel products in Categories 340/640, produced or manufactured in Costa Rica and exported to the United States, notwithstanding the designated merchandise does not fulfill the aforementioned visa and certification requirements, whenever requested to do so in writing by the Chairman of the Committee for the Implementation of Textile Agreements.

The actions taken with respect to the Government of Costa Rica and with respect to imports of textiles and textile products from Costa Rica have been determined by the Committee for the Implementation of Textile Agreements to involve 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. 88-1868 Filed 1-28-88; 8:45 am]

BILLING CODE 3510-DR-M

### COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

#### Procurement List 1988; Additions

**AGENCY:** Committee for Purchase from the Blind and Other Severely Handicapped.

**ACTION:** Additional to Procurement List.

**SUMMARY:** This action adds to Procurement List 1988 a commodity to be produced by and services to be provided by workshops for the blind and other severely handicapped.

**EFFECTIVE DATE:** February 29, 1988.

**ADDRESS:** Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202-3509.

**FOR FURTHER INFORMATION CONTACT:** C.W. Fletcher, (703) 557-1145.

**SUPPLEMENTARY INFORMATION:** On October 23, 1987, November 6, and November 30, 1987 the Committee for Purchase from the Blind and Other Severely Handicapped published notices (52 FR 39878, 42704, 45479) of addition to Procurement List 1988, December 10, 1987 (52 FR 49626).

#### Additions

After consideration of the relevant matter presented, the Committee has determined that the commodity and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77 and 41 CFR 51-2.6.

I certify that the following actions will not have a significant impact on a substantial number of small entities. The major factors considered were:

a. The action will not result in any additional reporting, recordkeeping or other compliance requirements.

b. The action will not have a serious economic impact on any contractors for the commodity and services listed.

c. The action will result in authorizing small entities to provide the commodity and services procured by the Government.

Accordingly, the following commodity and services are hereby added to Procurement List 1988.

#### Commodity

Fixture, Lighting, Industrial  
6210-00-688-4929

#### Services

Commissary Shelf Stocking and Custodial Service  
Kirtland Air Force Base, New Mexico  
Commissary Warehouse Service  
Maxwell Air Force Base, Alabama  
Commissary Warehouse Service  
Minot Air Force Base, North Dakota  
Commissary Warehouse Service  
Francis E. Warren Air Force Base, Wyoming  
Janitorial/Custodial  
Newark Air Force Base, Ohio  
Janitorial/Custodial  
Fort Belvoir Billeting Building #505  
Fort Belvoir, Virginia

E.R. Alley, Jr.,

*Acting Executive Director.*

[FR Doc. 88-1863 Filed 1-28-88; 8:45 am]

BILLING CODE 6820-33-M

#### Procurement List 1988; Proposed Additions

**AGENCY:** Committee for Purchase from the Blind and Other Severely Handicapped.

**ACTION:** Proposed Additions to Procurement List.

**SUMMARY:** The Committee has received proposals to add to Procurement List 1988 commodities to be produced and services to be provided by workshops for the blind or other severely handicapped.

Comments Must Be Received on or Before: February 29, 1988.

**ADDRESS:** Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202-3509.

**FOR FURTHER INFORMATION CONTACT:** C.W. Fletcher, (703) 557-1145.

**SUPPLEMENTARY INFORMATION:** This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77 and 41 CFR 51-2.6. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

#### Additions

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities and services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities and services to Procurement List 1988, December 10, 1987 (52 FR 49626).

#### Commodities

Bookcase  
7110-01-148-2414  
Credenza  
7110-01-148-2419  
7110-01-148-2420  
Cabinet, Telephone  
7110-01-148-2421  
Table  
7110-01-226-1706  
7110-01-226-1707  
7110-01-226-9888  
Mirror, Glass  
7105-00-133-4846  
7105-00-496-9866

#### Services

Janitorial Service  
Prince Georges County Memorial  
USAR Center  
6600 Baltimore Avenue  
Riverdale, Maryland  
Southern Maryland Memorial USAR  
Center  
Dower House Road  
Washington, DC

E.R. Alley, Jr.,

*Acting Executive Director.*

[FR Doc. 88-1864 Filed 1-28-88; 8:45 am]

BILLING CODE 6820-33-M

### DEPARTMENT OF DEFENSE

#### Agency Information Collection Activities Submitted to OMB

*Reason for this Notice:* The Department of Defense has submitted to OMB for clearance the following proposal for collection of information

under the provisions of the Paperwork Reduction act (44 U.S.C. Chapter 35).

*Title Applicable Form and Applicable OMB Control Number:* Acquisition Management Systems and Data Requirements Control List (AMSDL); Many Forms; 0740-0188

*Type of Request:* Revision

*Annual Burden Hours:* 158,627,700.

*Annual Responses:* 1,442,070.

*Needs and Uses:* The AMSDL is a listing of data acquisition documents (information collection requests) utilized in DoD contracts. Information collection requests contained in these contracts number 1,890. These information collection requests from the public (contractors) are necessary for the Government to support the design, test, manufacture, training, operation, maintenance, and logistical support of items of defense material being acquired under the provisions of the Armed Services Procurement Act Title 10, U.S.C.

*Affected Public:* Business or other for profit; nonprofit institution and small businesses/organizations.

*Frequency:* On occasion, weekly, monthly, quarterly, semi-annual, annual, and biennially.

*Respondent's Obligation:* Mandatory.

*OMB Desk Officer:* Mr. Edward Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Edward Springer at Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503.

*DoD Clearance officer:* Ms. Pearl Rascoe-Harrison.

A copy of the information collection proposal may be obtained from, Ms. Rascoe-Harrison WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202-4302, telephone 202/746-0933.

Linda M. Bynum,

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

January 25, 1988.

[FR Doc. 88-1856 Filed 1-28-88; 8:45 am]

BILLING CODE 3810-01-M

### Office of the Secretary

#### DOD Advisory Group on Electron Devices; Advisory Committee Meeting

**SUMMARY:** The DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

**DATE:** The meeting will be held at 0900, Thursday, 25 February 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:** David Slater, AGED Secretariat, 201 Varick Street, New York, 10014.

**SUPPLEMENTARY INFORMATION:** The mission of the Advisory Group is to provide the Under Secretary of Defense for Acquisition, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The AGED meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The agenda for this meeting will include programs on Radiation Hardened Devices, Microwave Tubes, Displays and Lasers. The review will include details of classified defense programs 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.

L. Bynum,

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

January 25, 1988.

[FR Doc. 88-1858 Filed 1-28-88; 8:45 am]

BILLING CODE 3810-01-M

#### DOD Advisory Group on Electron Devices; Working Group C; Advisory Committee Meeting

**SUMMARY:** Working Group C (Mainly Opto Electronics) of the DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

**DATE:** The meeting will be held at 0900, Tuesday, 23 February and 0900, Wednesday, 24 February 1988.

**ADDRESS:** The meeting will be held at the Air Force Weapons Laboratory, in Room 266, Building 413, Kirtland Air Force Base, Albuquerque, New Mexico.

**FOR FURTHER INFORMATION CONTACT:** Gerald Weiss, AGED Secretariat, 201 Varick Street, New York, 10014.

**SUPPLEMENTARY INFORMATION:** The mission of the Advisory Group is to provide the Under Secretary of Defense for Acquisition, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and

development programs in the area of electron devices.

The Working Group C meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. This opto-electronic device area includes such programs as imaging devices, infrared detectors and lasers. 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.

L. Bynum,

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

January 25, 1988.

[FR Doc. 88-1857 Filed 1-28-88; 8:45 am]

BILLING CODE 3810-01-M

### DEPARTMENT OF EDUCATION

#### Notice Inviting Applications for New Awards Under the Bilingual Education: Education Personnel Training Program for Fiscal Year 1988 (CFDA No.: 84.003F)

*Purpose:* Provides grants to institutions of higher education to meet the needs for additional or better trained educational personnel for programs for limited English proficient persons.

*Deadline for Transmittal of Applications:* March 18, 1988.

*Deadline for Intergovernmental Review Comments:* May 17, 1988.

*Applications Available:* February 12, 1988.

*Available Funds:* \$4,000,000.

*Estimated Range of Awards:* \$40,000-\$220,000.

*Estimated Average Size of Awards:* \$121,000.

*Estimated Number of Awards:* 33.

*Project Period:* 36 months.

*Applicable Regulations:* (a) The Bilingual Education: Educational Personnel Training Program Regulations (34 CFR Part 561), and (b) the Education Department General Administrative Regulations, (34 CFR Parts 74, 75, 77, 78, and 79).

*Additional Factors:* In accordance with 34 CFR 561.32(b), the Secretary—in evaluating applications under the published criteria—distributes an additional 10 points among the factors listed in § 561.32(a) as follows: (1) Job placement and development (4 points);

(2) Evidence of prior participant's success in serving LEP children in projects previously funded (2 points); (3) Evidence of demonstrated capacity and cost-effectiveness (4 points).

*For Applications or Information Contact:* James F. Rogers, Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education, 400 Maryland Avenue, SW. (Room 421, Reporters Building), Washington, DC 20202. Telephone: (202) 447-9228.

*Program Authority:* 20 U.S.C. 3251(a)(1).

Dated: January 25, 1988.

Alicia Coro,

*Office of Bilingual Education and Minority Languages Affairs.*

[FR Doc. 88-1875 Filed 1-28-88; 8:45 am]

BILLING CODE 4000-01-M

### Notice Inviting Application for New Awards Under the Bilingual Education: Family English Literacy Program for Fiscal Year 1988 (CFDA No.: 84.003J)

*Purpose:* Provides grants to local educational agencies, institutions of higher education, including junior or community colleges, and private nonprofit organizations. Eligible applicants may apply separately or jointly.

The purpose of the awards is to establish, operate, and improve family English literacy programs.

*Deadline for Transmittal of Applications:* March 18, 1988.

*Deadline for Intergovernmental Review Comments:* May 17, 1988.

*Applications Available:* February 12, 1988.

*Available Funds:* \$800,000.

*Estimated Range of Awards:* \$100,000-\$150,000.

*Estimated Average Size of Awards:* \$133,000.

*Estimated Number of Awards:* 6.

*Project Period:* 36 months.

*Applicable Regulations:* (a) The Bilingual Education: Family English Literacy Program Regulations, (34 CFR Part 525), and (b) the Education Department General Administrative Regulations, (34 CFR Parts 74, 75, 77, 78, and 79).

*Additional Factors:* In accordance with 34 CFR § 525.32(b) the Secretary—in evaluating applications under the published criteria—distributes an additional 15 points among the factors listed in § 525.32(a) as follows: (1) Historically underserved (4 points); (2) Geographical distribution (4 points); (3) Financial need (4 points); (4) Relative number and proportion of children from low-income families (3 points).

*For Applications or Information Contact:* Dr. Mary T. Mahony, Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education, 400 Maryland Avenue SW. (Room 421, Reporters Building), Washington, DC 20202. Telephone: (202) 245-2609.

*Program Authority:* 20 U.S.C. 3231(a)(5).

Dated: January 25, 1988.

Alicia Coro,

*Director, Office of Bilingual Education and Minority Languages Affairs.*

[FR Doc. 88-1874 Filed 1-28-88; 8:45 am]

BILLING CODE 4000-01-M

### Notice Inviting Applications for New Awards Under the Special Alternative Instructional Programs for Fiscal Year 1988 (CFDA No.: 84.003E)

*Purpose:* Provides grants to local educational agencies (LEAs) and institutions of higher education applying jointly with one or more LEAs to establish, operate, and improve Special Alternative Instructional Programs.

*Deadline for Transmittal of Applications:* March 18, 1988.

*Deadline for Intergovernmental Review Comments:* May 17, 1988.

*Applications Available:* February 12, 1988.

*Available Funds:* \$1,000,000.

*Estimated Range of Award:* \$80,000-\$90,000.

*Estimated Average Size of Awards:* \$83,000.

*Estimate Number of Awards:* 12.

*Project Period:* 36 months.

*Applicable Regulations:* (a) The Special Alternative Instructional Programs Regulations, 34 CFR Parts 500-501, and (b) the Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, 78, and 79.

*Additional Factors:* In accordance with 34 CFR 501.32(b), the Secretary—in evaluating applications under the published criteria—distributes an additional 15 points among the factors listed in § 501.32(a) as follows: Historically underserved (4 points); Relative need (4 points); Geographic distribution (3 points); Relative number and proportion of children from low-income families (4 points). In addition, in accordance with 34 CFR § 501.33(b) the Secretary will award 5 points on the factors listed in § 501.33 (a) as follows: Administrative impracticability of establishing a bilingual education program (3 points); Unavailability of qualified personnel (1 point); Applicant's current or past efforts to establish a bilingual education program (1 point).

*For Applications or Information Contact:* Robert Trifiletti, Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education, 400 Maryland Avenue S.W. (Room 421, Reporters Building), Washington, DC 20202. Telephone: (202) 245-2609.

*Program Authority:* 20 U.S.C. 3231.

Dated: January 25, 1988.

Alicia Coro,

*Director, Office of Bilingual Education and Minority Languages Affairs.*

[FR Doc. 88-1873 Filed 1-28-88; 8:45 am]

BILLING CODE 4000-01-M

## DEPARTMENT OF ENERGY

### Economic Regulatory Administration

[ERA Docket No. 86-63-NG]

#### ANR Pipeline Co.; Order Amending and Extending Authorization To Import Natural Gas From Canada and Authorizing Spot Sales

**AGENCY:** Economic Regulatory Administration, DOE.

**ACTION:** Notice of order granting amendment and extension of authorization to import natural gas from Canada, and providing for spot sales.

**SUMMARY:** The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice that it has issued an order extending the authorization originally granted by DOE/ERA Opinion and Order No. 32 of ANR Pipeline Company (ANR) to import up to 75,000 Mcf of natural gas per day from Canada from October 31, 1987, through October 31, 1994. The amendment is based on a new gas sales contract between ANR and its Canadian supplier, ProGas Limited (ProGas), which supersedes all prior sales agreements and a new ANR/ProGas special marketing agreement.

Within the limits of the import authorization granted of up to 75,000 Mcf per day, the order also authorizes ANR to import natural gas which, if not needed to meet system supply contract demand, may be released to third parties in the spot market pursuant to the ANR/ProGas special marketing agreement. The duration of ANR's authority for spot market sales has been restricted to two years from the date of first delivery to conform with the ERA's policy on blanket authorizations.

A copy of this order is available for inspection and copying in the Natural Gas Division Docket Room, GA-076, Forrestal Building, 1000 Independence

Avenue SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays.

Issued in Washington, DC, January 22, 1988.

Constance L. Buckley,  
Director, Natural Gas Division, Office of  
Fuels Programs, Economic Regulatory  
Administration.

[FR Doc. 88-1855 Filed 1-28-88; 8:45 am]

BILLING CODE 6450-01-M

## Federal Energy Regulatory Commission

[Docket Nos. ER88-200-000 et al.]

### Commonwealth Edison Co. et al.; Electric Rate and Corporate Regulation Filings

January 25, 1988.

Take notice that the following filings have been made with the Commission:

#### 1. Commonwealth Edison Company

[Docket No. ER88-200-000]

Take notice that on January 15, 1988, Commonwealth Edison Company (Edison) tendered for filing a Letter Agreement dated September 8, 1987 between Edison and Iowa Electric Light and Power Company (Iowa). The Letter Agreement provides for Edison and Iowa to make Short Term Power and General Purpose Energy available to each other.

Edison requests expedited consideration of the filing and an effective date coincident with the Commission's order accepting the rate for filing. Accordingly, Edison requests waiver of the Commission's notice requirements, to the extent necessary.

Copies of this filing were served upon the Illinois Commerce Commission, the Iowa State Commerce Commission and Iowa Electric Light and Power Company.

Comment date: February 8, 1988, in accordance with Standard Paragraph E at the end of this notice.

#### 2. Maine Yankee Atomic Power Company

[Docket No. ER88-202-000]

Take notice that on January 15, 1988, Maine Yankee Atomic Power Company (Maine Yankee) tendered for filing proposed changes to two supplements to its Electric Rate Schedule FPC No. 1 (the Power Contract). These two proposed changes, together with other changes addressed in its filing, increase revenues from jurisdictional sales and services by \$9,739,021, based upon Period I data for the 12-month period ending December

31, 1986. Maine Yankee proposes to make the changes effective March 15, 1988.

Maine Yankee requests Commission approval of a decrease in the level of return on common equity that the Company can collect from the level of 13.6%, which was made effective June 1, 1987, to 13.5%. Maine Yankee is also proposing to modify the period over which it would collect decommissioning costs to 10 years, and to increase the amount collected from its customers based on a new cost estimate. The result would be to increase collections from the current level effective June 1, 1987 of \$4,796,000 per annum to \$14,466,467 per annum.

In addition, Maine Yankee is providing its customers notice that it is instituting certain other changes to the manner in which it calculates its billing to be effective March 15, 1988. Specifically, the Company proposes a modification to the methodology used to determine depreciation expense based on a recognition of shorter useful lives for certain classes of assets than had previously been assumed for depreciation purposes. Billing will also be adjusted to reflect the amortization of materials and supplies and the last core fuel that would otherwise remain unrecovered at the end of Maine Yankee's useful life. Maine Yankee will calculate its cash working capital pursuant to the guidelines set forth by the Commission in FERC Opinion No. 19-A. Maine Yankee notes that these three latter changes are subject to implementation under Maine Yankee's cost of service formula tariff without prior FERC approval. Finally, Maine Yankee also describes in its filing the billing effects resulting from implementation, which began on January 1, 1988, of the reduced federal income tax rates under the Tax Reform Act of 1986.

Copies of the filing were served upon Maine Yankee's jurisdictional customers and secondary purchasers of its power, as well as the utility regulatory authorities in each state having jurisdiction over such customers.

Comment date: February 8, 1988, in accordance with Standard Paragraph E at the end of this notice.

#### 3. Nevada Power Company

[Docket No. ER88-196-000]

Take notice that on January 14, 1988, Nevada Power Company (NPC) tendered for filing a Notice of Cancellation of the Mohavae Project Layoff Agreement between Southern California Edison Company (SCE) and NPC, Rate Schedule F.P.C. No. 8.

NPC requests to cancel said Agreement effective June 31, 1973.

Copies of this filing have been served upon SCE, Public Service Commission of Nevada, and the California Public Utilities Commission, and the Office of Consumer Advocate.

Comment date: February 8, 1988, in accordance with Standard Paragraph E at the end of this notice.

#### 4. Nevada Power Company

[Docket No. ER88-197-000]

Take notice that on January 14, 1988, Nevada Power Company (NPC) tendered for filing a Notice of Cancellation of the Wheeling Services Agreement between Tucson Gas and Electric Company (Tucson) and NPC, Rate Schedule F.P.C. No. 27.

NPC requests to cancel said Agreement effective May 30, 1977.

Copies of this filing have been served upon Tucson, the Arizona Corporation Commission, and the Public Service Commission of Nevada, and the Nevada Office of Consumer Advocate.

Comment date: February 8, 1988, in accordance with Standard Paragraph E at the end of this notice.

#### 5. Nevada Power Company

[Docket No. ER88-198-000]

Take notice that on January 14, 1988, Nevada Power Company (NPC) tendered for filing a Notice of Cancellation of the Agreement between Nevada Power Company to provide transmission service to Arizona Power Pooling Association, Inc. (APPA), Rate Schedule FERC No. 28.

NPC requests to cancel said Agreement effective May 31, 1987.

Copies of this filing have been served upon APPA, the Arizona Corporation Commission, and the Public Service Commission of Nevada, and the Office of Consumer Advocate.

Comment date: February 8, 1988, in accordance with Standard Paragraph E at the end of this notice.

#### 6. Nevada Power Company

[Docket No. ER88-199-000]

Take notice that on January 14, 1988, Nevada Power Company (NPC) tendered for filing a Notice of Cancellation of the Power Company Sale Agreement among Southern California Edison Company (SCE), Arizona Public Service Company (APS), Tucson Gas and Electric Company, NPC and Arizona Power Pooling Association, Inc. (APPA), Rate Schedule FERC No. 29.

NPC requests to cancel said Agreement effective May 31, 1987.

Copies of this filing have been served upon SCE, Tucson Electric Power Company (formerly Tucson Gas and Electric Company), APPA, APS, the Arizona Corporation Commission, the Public Service Commission of Nevada, and the California Public Utilities Commission, and the Office of Consumer Advocate.

Comment date: February 8, 1988, in accordance with Standard Paragraph E at the end of this notice.

#### 7. Public Service Company of Oklahoma

[Docket No. ER88-204-000]

Take notice that on January 15, 1988, Public Service Company of Oklahoma (PSO) tendered for filing an Agreement between PSO and seven of its wholesale customers, the Cities of Cordell, Kaw, Manitou and South Coffeyville, Oklahoma, the Southwestern Power Administration, Western Farmers Electric Cooperative and KAMO Electric Cooperative, Inc. (the Customers). The Agreement is filed as a supplement to PSO's filed rate schedules providing for requirements service to the Customers. Under the Agreement, PSO and the Customers have agreed not to seek to make a change in PSO's rates for service to the Customers effective earlier than January 1, 1989. The Agreement reflects the mutual conclusion of PSO and the Customers that even in the light of the recent decrease in the federal corporate income tax rate from 46% to 34%, PSO's presently effective rates (which are based upon a 1982 test year) continue to be just and reasonable. PSO requests that the Agreement be accepted for filing and made effective as a supplement to PSO's existing applicable rate schedules as of January 15, 1988.

Comment date: February 8, 1988, in accordance with Standard Paragraph E at the end of this document.

#### 8. Southern Company Services, Inc.

[Docket No. ER88-201-000]

Take notice that on January 15, 1988, Southern Company Services, Inc. acting on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company and Mississippi Power Company, (Southern Companies), tendered for filing an agreement extending the term of Service Schedule EP (Economic Energy Participation Schedule) to an Interchange Contract between Southern Companies and Florida Power & Light Company (FPL).

The filing extends the term of Schedule EP to April 30, 1988 and provides that the parties may further extend the term of the service schedule by mutual agreement.

Comment date: February 8, 1988, in accordance with Standard Paragraph E at the end of this notice.

#### 9. Southwestern Electric Power Company

[Docket No. ER88-203-000]

Take notice that on January 15, 1988, Southwestern Electric Power Company (SWEPCO) tendered for filing a Letter Agreement dated November 17, 1987, between SWEPCO and City Utilities of Springfield, Missouri (CU). The Letter Agreement provides for purchases and sales of replacement energy between SWEPCO and CU pursuant to the terms and conditions of Service Schedule RE, Supplement No. 1 to SWEPCO's FERC Rate Schedule 93.

SWEPCO requests an effective date of November 24, 1987, in accordance with the terms of the Letter Agreement, and therefore requests waiver of the Commission's notice requirements. Copies of the filing were served upon CU and the Louisiana Public Service Commission, the Arkansas Public Service Commission and the Public Utility Commission of Texas.

Comment date: February 8, 1988, in accordance with Standard Paragraph E at the end of this notice.

#### Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

*Acting Secretary.*

[FR Doc. 88-1900 Filed 1-28-88; 8:45 am]

BILLING CODE 6717-01-M

#### [Project No. 9023-002]

#### JDJ Energy Co.; Surrender of Preliminary Permit

January 27, 1988.

Take notice that JDJ Energy Company, permittee for the Shepherd of the Hills State Trout Hatchery Conduit Project

No. 9023 has requested that the preliminary permit be terminated. The preliminary permit for Project No. 9023 was issued on September 20, 1985, and would have expired on August 31, 1988. The project would have been located on Table Rock Lake, in Taney County, Missouri.

The permittee filed the request on July 20, 1987, and the preliminary permit for Project No. 9023 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday, or holiday as described in 18 CFR 385.2007, in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Lois D. Cashell,

*Acting Secretary.*

[FR Doc. 88-1852 Filed 1-28-88; 8:45 am]

BILLING CODE 6717-01-M

#### [Docket No. CI87-361-001]

#### ANR Production Co.; Application for Extension

January 25, 1988.

Take notice that on January 11, 1988, ANR Production Company (ANR), of Coastal Tower, Nine Greenway Plaza, Houston, TX 77046, filed an Application pursuant to section 7 of the Natural Gas Act (NGA) and Parts 154 and 157 and § 2.77 of the Regulations, requesting that the Commission extend the authorizations issued in Docket No. CI87-361-000 for a three-year term. In Docket No. CI87-361-000 the Commission granted ANR the following authorizations: (1) Limited-term blanket abandonment of sales by ANR (or its co-owners in the same production) of certificated gas released by the original pipeline-purchaser; and (2) limited-term blanket certificate with pregranted abandonment of sales for resale in interstate commerce of gas released by the original pipeline-purchaser and covered by such blanket limited-term abandonment. The authorizations were without supply or market restrictions and without limitation on vintage of gas, as more fully described in the Application which is on file with the Commission and open for public inspection. ANR's prior authorizations included a waiver of §§ 154.94(h) and 154.94(k) and Part 271 of the Regulations. ANR's prior authorizations in Docket No. CI87-361-000 are due to expire March 31, 1988.

Any person desiring to be heard or to make any protest with reference to said application should, on or before February 4, 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 to the 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 Applicant to appear or to be represented at the hearing.

Lois D. Cashell,  
*Acting Secretary.*

[FR Doc. 88-1841 Filed 1-28-88; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. C187-360-001]

**Coastal Oil & Gas Corp.; Application for Extension**

January 25, 1988.

Take notice that on January 11, 1988, Coastal Oil & Gas Corporation (Coastal), of Coastal Tower, Nine Greenway Plaza, Houston, TX 77046, filed an Application pursuant to section 7 of the Natural Gas Act (NGA) and Parts 154 and 157 and § 2.77 of the Regulations, requesting that the Commission extend the authorizations issued in Docket No. C187-360-000 for a three-year term. In Docket No. C187-360-000 the Commission granted Coastal the following authorizations: (1) Limited-term blanket abandonment of sales by Coastal (or its co-owners in the same production) of certificated gas released by the original pipeline-purchaser; and (2) limited-term blanket certificate with pregranted abandonment of sales for resale in interstate commerce of gas released by the original pipeline-purchaser and covered by such blanket limited-term abandonment. The authorizations were without supply or market restrictions and without limitation on vintage of gas, as more fully described in the Application which is on file with the Commission and open for public inspection. Coastal's prior authorizations included a waiver of §§ 154.94(h) and 154.94(k) and Part 271 of the Regulations. Coastal's authorizations in Docket No. C187-360-000 are due to expire March 31, 1988.

Any person desiring to be heard or to make any protest with reference to said application should, on or before February 4, 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 to the 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 Applicant to appear or to be represented at the hearing.

Lois D. Cashell,  
*Acting Secretary.*

[FR Doc. 88-1842 Filed 1-28-88; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. CP88-161-000]

**Distrigas of Massachusetts Corp.; Application**

January 20, 1988.

Take notice that on January 11, 1988, Distrigas of Massachusetts Corporation ("Applicant"), Two Oliver Street, Boston, Massachusetts 02019, filed an application pursuant to section 7 of the Natural Gas Act for Temporary and Permanent Certificates of Public Convenience and Necessity authorizing Applicant to make interruptible sales of natural gas for resale (IRS).

Applicant states that it is a natural gas company and is seeking to obtain temporary and permanent certificates under section 7 of the Natural Gas Act authorizing the operation of existing facilities for the transportation and sale of natural gas for resale in interstate commerce. Applicant requests authority no later than January 25, 1988 to meet needs of customers caused by extremely cold weather. Applicant also seeks authorization for any company that might transport the gas to the resale customers from the point of sale at Applicant's terminal in Everett, Massachusetts.

Applicant states that as a result of reduction in purchases of volumes of LNG by its existing customers it will have a supply of LNG in its terminal pursuant to the long term supply contract between Distrigas Corporation and Sonatrach, the Algerian national oil company, which probably will be in

excess of customer purchase under Applicant's existing GS Rate Schedule that will be available for delivery to others. To meet customers needs for LNG and to alleviate any excess supply to make room for future cargoes, Applicant proposes to undertake interruptible sales for resale at negotiated market prices. LNG will be available for sale under the requested authorization to the extent volumes and service have been declined by existing customers under Applicant's GS and TS Rate Schedules.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 3, 1988 file with the Federal Energy Regulatory Commission, 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 385.214 or 385.211) 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 service 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's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application of 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 and permission and approval for the proposed abandonment are 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 Applicant to appear or to be represented at the hearing.

Lois D. Cashell,  
*Acting Secretary.*

[FR Doc. 88-1843 Filed 1-28-88; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. CP88-160-000]

**Distrigas of Massachusetts Corp.;  
Application**

January 20, 1988.

Take notice that on January 11, 1988, Distrigas of Massachusetts Corporation ("Applicant"), Two Oliver Street, Boston, Massachusetts 02019, filed an application pursuant to section 7 of the Natural Gas Act for Temporary and Permanent Certificates of Public Convenience and Necessity authorizing Applicant to provide interruptible terminalling service (ITS) from its LNG terminal at Everett, Massachusetts, for the purpose of making interruptible direct sales to end users.

Applicant states that it is a natural gas company and is seeking to obtain temporary and permanent certificates under section 7 of the Natural Gas Act authorizing the operation of existing facilities for the interruptible transportation (terminalling) of natural gas for direct interruptible sales in interstate commerce. Applicant requests authority no later than January 25, 1988 to meet needs of customers created by extremely cold weather. Applicant also seeks authorization for any company that might transport the gas to end users from the point of sale at Applicant's terminal.

Applicants states that as a result of reduction in purchases of volumes of LNG by its existing customers it will have a supply contract between Distrigas Corporation and Sonatrach, the Algerian national oil company, which probably will be in excess of customer purchases under Applicant's existing GS Rate Schedule and that will be available for delivery to others. To alleviate this excess supply, Applicant proposes to make interruptible direct sales at negotiated market prices. LNG will be available under the requested authorization to the extent volumes and service have been declined by existing customers under Applicant's GS and TS Rate Schedules.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 3, 1988 file with the Federal Energy Regulatory Commission, 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 385.214 or 385.211) 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 service 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's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application of 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 and permission and approval for the proposed abandonment are 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 Applicant to appear or be represented at the hearing.

Lois D. Cashell,  
*Acting Secretary.*

[FR Doc. 88-1844 Filed 1-28-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES88-26-000]

**El Paso Electric Co.; Notice of  
Application**

January 26, 1988

Take notice that on January 19, 1987, El Paso Electric Company filed an application with the Federal Energy Regulatory Commission seeking authority pursuant to section 204 of the Federal Power Act to issue up to 1,000,000 shares of Common Stock, no par value, pursuant to the El Paso Electric Company Employee Stock Option Plan.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before February 18, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any persons wishing to become a party must file a motion to intervene. Copies

of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,  
*Acting Secretary.*

[FR Doc. 88-1847 Filed 1-28-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TC88-8-000]

**Kentucky West Virginia Gas Co.; Filing  
of Curtailment Plan**

January 25, 1988.

Take notice that on January 12, 1988, Kentucky West Virginia Gas Company (Kentucky West), P.O. Box 1388, Ashland, Kentucky 41105, filed in Docket No. TC88-8-000 the following tariff sheets to its FERC Gas Tariff, Second Revised Volume No. 1:

First Revised Sheet No. 54  
Original Sheet No. 54A  
Original Sheet No. 54B  
Original Sheet No. 54C  
Original Sheet No. 54D  
Original Sheet No. 54E  
Original Sheet No. 54F  
Original Sheet No. 54G  
Original Sheet No. 54H

Kentucky West states that the foregoing tariff sheets set forth a gas curtailment plan on its pipeline system in conformity with Subpart B of Part 281 of the Commission's Regulations. Kentucky West requests that the subject tariff sheets become effective February 12, 1988.

Kentucky West states that copies of this filing were served upon the company's jurisdictional customers and interested state Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before February 8, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person not previously granted intervention in this proceeding and wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,  
*Acting Secretary.*

[FR Doc. 88-1846 Filed 1-28-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP87-309-000]

**Paiute Pipeline Co. and Southwest Gas Corp.; Informal Technical Conference**

January 25, 1988.

Take notice that on February 3, 1988, at 10:00 a.m., the Commission staff will convene an informal technical conference in the above-captioned proceedings to discuss the outstanding issues regarding the proposal by Paiute Pipeline Company (Paiute), and Southwest Gas Corporation (Southwest) to transfer all of the FERC jurisdictional natural gas facilities and properties now owned, leased, and operated by Southwest to Paiute, and (2) Paiute's request for a blanket certificate to transport natural gas pursuant to Commission Order No. 436.

The conference will be held at the Commission's offices at 825 North Capitol Street NE., Washington, DC 20426.

All interested parties are invited to attend. Attendance at the conference will not confer party status.

For further information contact Thomas Anderson, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, Room 7017, 825 North Capitol Street NE., Washington, DC 20426, (202) 357-8976.

Lois D. Cashell,

*Acting Secretary.*

[FR Doc. 88-1854 Filed 1-28-88; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 8122-002]

**R&D Power Co.; Surrender of Exemption**

January 25, 1988.

Take notice that R&D Power Company, exemptee for the proposed Placerville Power Project No. 8122, has requested that its exemption be terminated. The exemption was issued September 24, 1985. The project would have been located on Iowa Canyon Creek, near Placerville, in El Dorado County, California, on lands of El Dorado National Forest. The project would have consisted of an intake structure, a headrace, a surge tank, a penstock, a powerhouse with a total rated capacity of 450 kW, a tailrace, and a transmission line. Construction of the project has not commenced.

The exemptee filed the request on December 28, 1987, and the exemption for Project No. 8122 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday or holiday as described in 18 CFR 385.2007, in which case the exemption shall remain in

effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Lois D. Cashell,

*Acting Secretary.*

[FR Doc. 88-1853 Filed 1-28-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA88-1-9-001]

**Tennessee Gas Pipeline Co.; Rate Change Under Tariff Rate Adjustment Provisions**

January 25, 1988.

Take notice that on January 15, 1988, Tennessee Gas Pipeline Company (Tennessee) tendered for filing the following tariff sheets to its FERC Gas Tariff to be effective January 1, 1988:

**Second Revised Volume No. 1**

Substitute Sixth Revised Sheet No. 5

Substitute Fifth Revised Sheet No. 6

Substitute Fifth Revised Sheet No. 20

Substitute Second Revised Sheet No. 20A

Substitute Fifth Revised Sheet No. 21

Substitute Fourth Revised Sheet No. 22

Substitute Original Sheet No. 22A

Substitute Fourth Revised Sheet No. 23

Substitute Fourth Revised Sheet No. 24

Tennessee states that its filing is made in compliance with the Commission's order issued December 31, 1987, and reflects a decrease in its Demand rates of 37 cents and an increase in its Gas Rates of 4 cents from the rates stated in its prior filing. In addition, the Quantity Charge in various transportation rate schedules listed on Sheet new Current Average Cost of Purchased Gas reflected in Tennessee's rates is 189.03 cents per dth.

Tennessee states that copies of the filing have been mailed to all of its customers and affected state regulatory commissions. Any persons desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, Washington, DC 20426, in accordance with Rules 208 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before February 1, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene; provided, however, that any person who had previously filed a petition to intervene in this proceeding is not

required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

*Acting Secretary.*

[FR Doc. 88-1851 Filed 1-28-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP85-177-048]

**Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff**

January 25, 1988.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on January 15, 1988, tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, the tariff sheets listed on Appendix A of the filing in compliance with the Commission's November 13 and December 31, 1987 Orders in Docket No. RP85-177, *et al.*

Texas Eastern states that in its January 11, 1988 letter filed with the Commission in Docket No. RP85-177, *et al.*, Texas Eastern gave notice of its acceptance in accordance with the Commission's November 13 and December 31, 1987 Orders based upon its understanding of the effect of the December 31, 1987 Order. As a result, Texas Eastern states that the effectiveness of the tariff sheets listed on Appendix A, as well as the remaining tariff sheets filed on November 16, 1987, are subject to the receipt from the Commission of an affirmation that Texas Eastern's interpretation of the December 31 Order is correct.

Further, Texas Eastern states that Ordering paragraph (C) of the December 31, 1987 Order states that the Commission is not accepting for filing Texas Eastern's proposed tariff sheets relating to the Gas Supply Inventory Reservation Charge (GSIRC). It states that, because the GSIRC is an integral part of the new services proposed by Texas Eastern under proposed Rate Schedules CD-1, CD-2, FT-1 and IT-1, Texas Eastern indicated in the January 11, 1988 letter that it interprets Ordering paragraph (C) as providing that Rate Schedules CD-1, CD-2, FT-1 and IT-1 will not be implemented at this time but will be held pending the resolution of Docket No. CP88-136-000 and will be considered in that docket. Thus, according to Texas Eastern, the tariff sheets listed on Appendix A reflect the deletion of Rate Schedules CD-1, CD-2, FT-1 and IT-1 and related forms of service agreements. All references to the aforementioned Rate Schedules and the

GSIRC throughout Fifth Revised Volume No. 1 have also been deleted.

Texas Eastern requests, subject to confirmation by the Commission that Texas Eastern's interpretation of the December 31 Order is correct, that the Commission waive all necessary rules and regulations to permit the tariff sheets proposed for filing as well as remaining tariff sheets filed on November 16, 1987, to become effective as set forth in the January 11, 1988 letter.

#### Appendix A

##### *Fifth Revised Volume No. 1*

Substitute Original Sheet No. 1  
 Substitute Original Sheet No. 11  
 Second Substitute Original Sheet No. 50  
 Substitute Original Sheet No. 50A  
 Substitute Original Sheet No. 50B  
 Substitute Original Sheet No. 50C  
 Substitute Original Sheet No. 50D  
 Substitute Original Sheet No. 102  
 Substitute Original Sheet Nos. 107-114  
 Substitute Original Sheet No. 116  
 Substitute Original Sheet Nos. 121-127  
 Substitute Original Sheet No. 141  
 Substitute Original Sheet No. 202  
 Substitute Original Sheet No. 205  
 Substitute Original Sheet No. 208  
 Substitute Original Sheet No. 213  
 Substitute Original Sheet No. 216  
 Substitute Original Sheet Nos. 300-316  
 Substitute Original Sheet Nos. 326-337  
 Substitute Original Sheet Nos. 400-406  
 Substitute Original Sheet No. 415  
 Substitute Original Sheet No. 417  
 Substitute Original Sheet No. 421  
 Substitute Original Sheet No. 423  
 Substitute Original Sheet No. 424  
 Substitute Original Sheet Nos. 426-428  
 Substitute Original Sheet No. 432  
 Substitute Original Sheet Nos. 437-440  
 Substitute Original Sheet Nos. 442-444  
 Substitute Original Sheet No. 447  
 Substitute Original Sheet Nos. 451-452  
 Substitute Original Sheet No. 455  
 Substitute Original Sheet Nos. 461-464  
 Substitute Original Sheet Nos. 467-481  
 Substitute Original Sheet No. 600  
 Substitute Original Sheet Nos. 607-633  
 Substitute Original Sheet Nos. 676-681  
 Substitute Original Sheet Nos. 735-740

Texas Eastern states that since its acceptance of a blanket certificate to perform transportation under § 284.221 of the Commission's rules is pending the resolution of Docket No. CP88-136-000, it is also filing corrected tariff sheets to reflect the continuing effectiveness of Rate Schedule X-133. It states that this Rate Schedule represents an agreement that provides for the interruptible transportation of up to 9,500 dekatherms of gas per day by Texas Eastern on behalf of the Brooklyn Union Gas Company for a term limited to August 3, 1988 or the date Texas Eastern accepts a

blanket certificate under Order No. 436. It further states that this agreement was approved by the Commission in Docket Nos. CP86-225-000, CP86-247-001, and CP86-247-002 on August 3, 1987. The following Original Volume No. 2 tariff sheets set forth in this agreement are proposed to be effective January 1, 1988:

Substitute First Revised Sheet Nos. 1267-1283

Texas Eastern states that copies of the filing were served on Texas Eastern's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before February 1, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

*Acting Secretary.*

[FR Doc. 88-1849, Filed 1-28-88; 8:45 am]

BILLING CODE 6717-01-M

#### [Docket No. C188-200-000]

#### **Texas Eastern Transmission Corp.; Application**

January 25, 1988.

Take notice that on January 4, 1988, Texas Eastern Transmission Corporation, (Applicant), P.O. Box 251, Houston, Texas 77252, filed an application for a certificate of public convenience and necessity for authorization to abandon the purchase obligation for certain certificated producer sales to Texas Eastern of natural gas related to West Cameron Block 522, offshore Louisiana.

Applicant states that it entered into separate gas purchase agreements with the Amerada Hess Corporation, Cabot Petroleum Corporation, Case-Pomeroy Oil Corporation, Felmont Oil Corporation, Kerr-McGee Corporation, Louisiana Land and Exploration Company, Marathon Oil Company and Phillips Petroleum Company (hereinafter referred to as "producer-suppliers") during the period of 1975 through 1977 to purchase natural gas from reserves located within the southern boundary of West Cameron Block 522.

Applicant states that it entered into three separate transportation agreements to transport the natural gas to Applicant's onshore facilities. Pursuant to a transportation agreement with Natural Gas Pipeline Company of America (Natural) dated January 28, 1976, the gas purchased from the producer-suppliers was transported by Natural from the purchase point at the platform in West Cameron Block 543 through Natural's 16" line to an interconnection with Stingray Pipeline Company (Stingray) located in West Cameron Block 565. This Natural transport was permanently authorized by Commission order dated June 26, 1980 in Docket No. CP76-278-000 (11 FERC ¶ 61,327).

Applicant states that in order to provide transportation beyond West Cameron Block 565, Applicant entered into two transportation agreements with Trunkline Gas Company (Trunkline), both dated March 22, 1976. The first agreement provided for the transportation of natural gas by Trunkline through its capacity entitlement in the Stringray system. This gas was transported to a Stingray/Natural onshore Louisiana interconnection. Natural provides a transportation service for Trunkline and delivers the natural gas to a Trunkline/Natural interconnection in Cameron Parish, Louisiana. The second Trunkline agreement provided for the transportation through Trunkline's wholly-owned facilities to an interconnection with Applicant in Allen Parish, Louisiana. A certificate authorizing the Trunkline transports was granted by Commission order dated March 22, 1976, in Docket No. CP76-310-000 (56 FPC 399). Under Trunkline's rate schedules T-7 and T-8, Applicant pays a combined monthly demand charge of \$59,070 per month.

Since December, 1985, Applicant has not received any gas deliveries under the producer-supplier gas purchase agreements. On April 17, 1986, the producers-suppliers, with the exception of Amerada Hess Corporation, were notified that Applicant was terminating the gas purchase agreements because of insufficient delivery capacity by providing sellers with the required one hundred and fifty (150) days written notice stipulated in the purchase agreements. The agreements were therefore terminated September 14, 1987. Applicant alleges that due to administrative oversight, Amerada Hess was not notified until October 29, 1987, of Applicant's decision to terminate. Applicant has submitted a letter agreement to Amerada Hess verifying

the termination of the gas purchase agreement and expects the execution of such in the near future.

Applicant and Trunkline executed a letter agreement dated February 25, 1986, which provided for the termination of the two transportation agreements effective July 1, 1987. Trunkline filed an application on July 31, 1987 in Docket No. CP87-475-000, to abandon the transportation service for Applicant. That application is presently pending before the Commission.

Applicant seeks authorization herein to abandon the purchase of natural gas from West Cameron Block 522 dedicated under the sales certificates listed below:

Producer-suppliers	Docket No.	Purchase contract term date
Amerada Hess Corporation.	CI77-384	
Cabot Petroleum Corporation <sup>1</sup> .	CI76-260	Sept. 14, 1987.
Case-Pomeroy Oil Corporation.	CI76-266	Sept. 14, 1987.
Felmont Oil Corporation.	CI76-265	Sept. 14, 1987.
Kerr-McGee Corporation <sup>2</sup> .	CI76-238	Sept. 14, 1987.
Louisiana Land & Exploration Co..	CI77-540	Sept. 14, 1987.
Marathon Oil Company.	CI77-363	Sept. 14, 1987.
Phillips Petroleum Company.	CI77-655	Sept. 14, 1987.

<sup>1</sup> Cabot Petroleum Corporation filed an application for abandonment of gas sales on November 23, 1987.

<sup>2</sup> Kerr-McGee Corporation, the designated operator for the producer-suppliers, has submitted an application, dated December 21, 1987, for abandonment of gas sales.

Applicant submits that the grant of this application is in the public interest and required by the public convenience and necessity. Following formal termination of the contracts on September 14, 1987, Texas Eastern requested the producer-suppliers to expedite the submittal of their abandonment filings; however, since Applicant has no control over the timeliness of producer abandonment filings, it applies herein for authorization to abandon this purchase and believes that it is in the public interest for the Commission to expeditiously authorize abandonment of both Texas Eastern's purchase obligations. Applicant's customers will benefit by the elimination of a monthly demand charge of \$59,070 payable to Trunkline for an unneeded transportation service.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 5, 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 to the 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 Applicant to appear or be represented at the hearing.

Lois D. Cashell,  
*Acting Secretary.*  
[FR Doc. 88-1848 Filed 1-28-88; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. CI87-476-001]

#### TXG Gas Marketing Co.; Application for Extension

January 25, 1988.

Take notice that on January 12, 1988, TXG Gas Marketing Company (TXG), 313 Frederica Building, Suite 200, P.O. Box 568, 313 Frederica Street, Owensboro, Kentucky 42302-0568, filed an application pursuant to sections 7 (b) and (c) of the Natural Gas Act (NGA), Part 157 of the Regulations under the NGA, and § 2.77 of the Regulations of the Federal Energy Regulatory Commission (Commission), for an amendment of its blanket sales certificate with pregranted abandonment to extend such authorization for a term through March 31, 1989, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Any person desiring to be heard or to make any protest with reference to said application should, on or before February 4, 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 to the 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 Applicant to appear or to be represented at the hearing.

Lois D. Cashell,  
*Acting Secretary.*  
[FR Doc. 88-1850 Filed 1-28-88; 8:45 am]  
BILLING CODE 6717-01-M

#### ENVIRONMENTAL PROTECTION AGENCY

[FRL-3320-6]

#### Draft NPDES General Permit for Oil and Gas Operations on the Outer Continental Shelf (OCS) of Alaska; Chukchi Sea General Permit

AGENCY: Environmental Protection Agency.

ACTION: Notice of draft NPDES general permit.

**SUMMARY:** The Regional Administrator, Region 10, is proposing to issue a draft National Pollutant Discharge Elimination System (NPDES) general permit for oil and gas stratigraphic test and exploration wells on the Alaskan Outer Continental Shelf.

The proposed Chukchi Sea general permit will authorize discharges from oil and gas stratigraphic test and exploration wells only (not production wells) in the federal waters of the Chukchi Sea. The permit will authorize discharges from operations in all areas offered for lease by the U.S. Department of the Interior's Minerals Management Service (MMS) during Federal Lease Sale 109.

When issued, the proposed permit will establish effluent limitations, standards, prohibitions, and other conditions on discharges from facilities in the general permit area. These conditions are based on the administrative record. EPA regulations and the permit contain a procedure which allows the owner or operator of a point source discharge to apply for an individual permit instead of coverage under the general permit.

A brief description of the basis for the conditions and requirements of the proposed permit is given in the fact sheet published below.

**DATES:** Persons interested in submitting comments on the draft general permit or requesting a public hearing may do so in writing to EPA, Region 10, at the address below. Comments and hearing requests

must be received by the regional office by February 29, 1988. All comments should include the name, address, and telephone number of the commenter and the relevant facts upon which it is based. All written comments and requests should be submitted to EPA at the address below to the attention of the Director, Water Division.

**ADDRESS:** Public comments, requests for a public hearing, and requests for coverage should be sent to: Environmental Protection Agency, Region 10, Attn: Ocean Programs Section WD-137, 1200 Sixth Avenue, Seattle, Washington 98101. The administrative record for the draft permit is available for public review at EPA, Region 10, 13th Floor, at the address listed above.

**FOR FURTHER INFORMATION CONTACT:** Anne Dailey, Region 10, at the address listed above or by telephone at (206) 442-2110. Copies of the draft general permit and today's publication may be obtained by writing to the above address or by calling Kris Flint at (206) 442-8155.

**SUPPLEMENTARY INFORMATION:**

**Request for Coverage**

Written request for authorization to discharge under the general permit shall be provided, as described in Part I.A. of the draft permit, to EPA, Region 10, at least 60 days prior to initiation of discharges. Authorization to discharge requires written notification from EPA that coverage has been granted and that a specific permit number has been assigned to operations at the discharge site. The permit also requires permittees to notify EPA no more than seven (7) days prior to the initiation of discharges at the site, and prior to the initiation of discharges from each new well at a given site.

**FACT SHEET**

**I. General Permits and Requests for Individual NPDES Permits**

Section 301(a) of the Clean Water Act (the Act) provides that the discharge of pollutants is unlawful except in accordance with the terms of an NPDES permit: Under EPA's regulations (40 CFR 122.28(a)(2)), EPA may issue a single general permit to a category of point sources located within the same geographic area if the regulated point sources:

- Involve the same or substantially similar types of operations;
- Discharge the same types of wastes;
- Require the same effluent limitations or operating conditions;
- Require similar monitoring requirements; and

- In the opinion of the Regional Administrator, are more appropriately controlled under a general permit than under individual permits.

In addition, under EPA regulations (40 CFR 122.28(c)(1)), the Regional Administrator is required to issue general permits covering discharges from offshore oil and gas facilities within the Region's jurisdiction. Where the offshore area includes areas for which separate permit conditions are required, such as areas of environmental concern, a separate individual or general permit may be required by the Regional Administrator.

The Regional Administrator has determined that exploratory oil and gas facilities operating in the area described in this general NPDES permit are more appropriately controlled by a general permit than by individual permits. The decision of the Regional Administrator is based on an evaluation of the section 403(c) Ocean Discharge Criteria (40 CFR Part 125, Subpart M) for discharges from exploratory operations into the waters of Lease Sale 109, the Agency's recent permit decisions in other Alaskan OCS areas, and the Draft Environmental Impact Statement (Draft EIS) for OCS Lease Sale 109.

Any owner and/or operator authorized to discharge under a general permit may request to be excluded from coverage under the general permit by applying for an individual permit as provided by 40 CFR 122.28(b). The operator shall submit an application together with the reasons supporting the request to the Director, Water Division, EPA, Region 10 ("Director"). A source located within a general permit area, excluded from coverage under the general permit solely because it already has an individual permit (i.e., a permit that has not been continued under the Administrative Procedure Act), may request that its individual permit be revoked, and that it be covered by the general permit. Upon revocation of the individual permit, the general permit shall apply. Procedures for modification, revocation, termination, and processing of NPDES permits are provided by 40 CFR 122.62-122.64. As in the case of individual permits, violation of any condition of a general permit constitutes a violation of the Act that is enforceable under section 309 of the Act.

**II. Covered Facilities and Nature of Discharges**

The general permit proposed today authorizes the discharge of drilling muds, drill cuttings, and associated operational wastewaters from exploratory operations in federal waters. Exploratory operations are

defined as those operations involving the drilling of wells to determine the nature of potential hydrocarbon reserves. Under the permit, the number of wells from which discharges may occur is generally limited to a maximum of five at a single site. Exploration facilities covered by this general permit are included in the Offshore Subcategory of the Oil and Gas Extraction Point Source Category (40 CFR Part 435).

This general permit authorizes the following discharges: Drilling mud; drill cuttings and washwater; deck drainage; sanitary wastes; domestic wastes; desalination unit wastes; blowout preventer fluid; boiler blowdown; fire control system test water; non-contact cooling water; uncontaminated ballast water; noncontaminated bilge water; excess cement slurry; mud, cuttings, and cement at the seafloor; and test fluids. Descriptions of discharges are given in Part II.A of the draft permit.

Drilling muds and cuttings are the major pollutants sources discharged from exploratory drilling operations.

**III. Statutory Basis for Permit Conditions**

Sections 301(b), 304, 308, 401, 402, and 403 of the Act provide the basis for the permit conditions contained in the permit. The general requirements of these sections fall into three categories, which are described below. A discussion of the basis for specific permit conditions follows in Part IV of this fact sheet.

**A. Technology-Based Effluent Limitations**

**1. BPT Effluent Limitations:** The Act requires particular classes of industrial dischargers to meet effluent limitations established by EPA. EPA promulgated effluent limitations guidelines requiring Best Practicable Control Technology Currently Available (BPT) for the Offshore Subcategory of the Oil and Gas Extraction Point Source Category (40 CFR Part 435, Subparts A and D) on April 13, 1979 (44 FR 22069).

BPT effluent limitations guidelines required "no discharge of free oil" for discharges of deck drainage, drilling muds, drill cuttings, and well treatment fluids. This limitation required that a discharge shall not cause a film or sheen upon or discoloration on the surface of the water or adjoining shorelines, or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines (40 CFR 435.11(d)). The BPT effluent limitations guideline for sanitary waste required that the concentration of chlorine be maintained as close to 1 mg/

1 as possible in discharges from facilities housing ten or more persons. For facilities continuously manned by nine or fewer persons or only intermittently manned by any number of persons, the BPT effluent limitations guideline for sanitary waste required no discharge of floating solids. A "no floating solids" guideline is also applied to domestic waste. BPT limitations on oil and grease in produced water allowed a daily maximum of 72 mg/l and a monthly average of 48 mg/l.

#### 2. *BAT and BCT Effluent Limitations:*

As soon as practicable but in no case later than March 31, 1989, all permits are required by section 301(b)(2) of the Act to contain effluent limitations for all categories and classes of point sources which: (1) Control toxic pollutants (40 CFR 401.15) and nonconventional pollutants through the use of Best Available Technology Economically Achievable (BAT), and (2) represents Best Conventional Pollutant Control Technology (BCT). BCT effluent limitations apply to conventional pollutants (pH, BOD, oil and grease, suspended solids, and fecal coliform). In no case may BCT or BAT be less stringent than BPT.

BAT and BCT effluent limitations guidelines and New Source Performance Standards (NSPS) were proposed on August 26, 1985 (50 FR 34592). Promulgation of the final guidelines and standards for muds and cuttings is expected to occur in mid-1988. In the absence of effluent limitations guidelines for the Offshore Subcategory, permit conditions must be established using Best Professional Judgment (BPJ) procedures (40 CFR 122.43, 122.44, and 125.3). This permit incorporates BAT and BCT effluent limitations based on the Agency's Best Professional Judgment. Previous BPJ determinations for offshore oil and gas exploratory operations were incorporated into the general permits for the Bering and Beaufort Seas (49 FR 23734, June 7, 1984), Norton Sound (50 FR 23578, June 4, 1985), and Cook Inlet (51 FR 35460, October 3, 1986).

As required by section 304(b)(2)(B) of the Act, in developing the BPJ/BAT permit conditions, the Agency considered the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, the cost of achieving such effluent reduction, non-water quality environmental impact (including energy requirements), and such other factors as the Director deemed appropriate.

The types of equipment and processes employed in exploratory drilling

operations are well known to the Agency. Region 10 has issued numerous general and individual permits for such operations. The records for this permit and those earlier permits thoroughly discuss the types of equipment, facilities and processes employed in exploratory drilling operations. With regard to the engineering aspects of the application of various types of control techniques, there are no BAT permit limitations based on installation of control equipment. All proposed BAT permit limitations can be achieved through product substitution, the technology basis for the limitations in this permit. Any costs of achieving the effluent limitations and any non-water quality environmental impacts were also evaluated. A discussion of such evaluations is presented below with respect to any limitation where applicable.

As required by section 304(b)(4)(B) of the Act, Region 10 considered the same factors in determining BPJ/BCT permit conditions, but with one exception. Rather than considering "the cost of achieving such effluent reduction," any BCT determination includes "consideration of the reasonableness of the relationship between the costs of attaining a reduction in effluents and the effluent benefits derived, and the comparison of the cost and level of reduction of such pollutants from publicly owned treatment works to the cost and level of reduction of such pollutants from a class or category of industrial sources." BCT effluent limitations cannot be less stringent than BPT; therefore, if the candidate industrial technology fails the BCT "cost test", BCT effluent limitations are set equal to BPT.

Region 10's evaluation of the BAT factors, as discussed above, is also applicable to BCT, as well as to the Region's best professional judgment determinations of BPT in instances where there is no BPT effluent limitation guideline for a particular wastestream. Unlike the BAT permit limitations, there is one BCT limitation based on installation of control equipment. There is a 10 percent limitation on the oil content of cuttings, based on the efficiency of conventional cuttings washers. With respect to the BCT "cost test," all BCT limitations are equal to the BPT effluent limitations guidelines or to the Region's best professional judgment determinations of BPT. Therefore, no incremental costs will be incurred.

#### *B. Ocean Discharge Criteria*

Section 403 of the Act requires that an NPDES permit for a discharge into

marine waters located seaward of the inner boundary of the territorial seas be issued in accordance with guidelines for determining the degradation of the marine environment. These guidelines, referred to as the Ocean Discharge Criteria (40 CFR Part 125, Subpart M), and section 403 are intended to "prevent unreasonable degradation of the marine environment and to authorize imposition of effluent limitations, including a prohibition of discharge, if necessary, to ensure this goal" (45 FR 65942, October 3, 1980).

If EPA determines that the discharge will cause unreasonable degradation, an NPDES permit will not be issued. If a determination of unreasonable degradation cannot be made because of a lack of sufficient information, EPA must then determine whether a discharge will cause irreparable harm to the marine environment and whether there are reasonable alternatives to on-site disposal. To assess the probability of irreparable harm, EPA is required to make a determination that the discharger, operating under appropriate permit conditions, will not cause permanent and significant harm to the environment during a monitoring period in which additional information is gathered. If data gathered through monitoring indicate that continued discharge may cause unreasonable degradation, the discharge must be halted or additional permit limitations established.

The Director has concluded that there is sufficient information to determine that exploratory oil and gas facilities operating under the effluent limitations and conditions in this general permit will not cause unreasonable degradation of the marine environment pursuant to the Ocean Discharge Criteria guidelines. Conditions imposed under section 403(c) of the Act are discussed below in Part IV.D., Requirements Based on the Ocean Discharge Criteria Evaluation.

#### *C. Section 308 of the Clean Water Act*

Under section 308 of the Act and 40 CFR 122.44(j), the Director must require a discharger to conduct monitoring to determine compliance with effluent limitations and to assist in the development of effluent limitations. EPA has included several monitoring requirements in this permit, as listed in the table below.

### **IV. Specific Permit Conditions**

#### *A. Approach*

The determination of appropriate conditions for each discharge was accomplished through:

(1) Consideration of technology-based effluent limitations to control conventional pollutants under BCT;

(2) Consideration of technology-based effluent limitations to control toxic and nonconventional pollutants under BAT; and

(3) Evaluation of the Ocean Discharge Criteria for discharges in the Chukchi Sea lease sale area, assuming conditions in (1) and (2), above, were in place.

Discussions of the specific effluent limitations and monitoring requirements derived from (1) through (3) appear below in Part IV.B. through D., respectively. For convenience, these conditions and the regulatory basis for each are cross-referenced by discharge in the following table:

Discharge and permit condition	Statutory basis
<b>Drilling muds and cuttings:</b>	
Authorized muds and additives only.....	BAT.
No oil-based muds.....	BCT.
No diesel.....	BAT.
10% max. oil content of cuttings.....	BCT.
No free oil.....	BCT.
3 mg/kg cadmium and 1 mg/kg mercury in barite.	BAT.
Monitoring of metals, oil content and toxicity.	Section 308.
Monitor volume discharged.....	Section 308.
Chemical inventory.....	Section 308.
Depth and area related discharge rate limits.	Section 403(c).
<b>Deck drainage:</b>	
No free oil.....	BCT.
Monitor discharge rate.....	Section 308.
<b>Sanitary wastes:</b>	
No floating solids.....	BCT.
Chlorine 1.0 mg/l (facilities with more than 10 people).	BCT.
Monitor discharge rate.....	Section 308.
<b>Domestic wastes:</b>	
No floating solids.....	BCT.
Monitor discharge rate.....	Section 308.
<b>Miscellaneous discharges (Discharges 006 to 014 in the permit):</b>	
No free oil.....	BCT.
Monitor discharge rate.....	Section 308.
Inventory of added substances.....	Section 308.
<b>Test fluids:</b>	
pH 6.5-8.5.....	BCT & Marine Water Quality Criteria.
No free oil.....	BCT.
Oil & grease limits: 48 mg/l monthly avg., 72 mg/l daily max.	BCT.
Monitor frequency and volume of discharge.	Section 308.
<b>All discharges:</b>	
No halogenated phenol compounds, diesel oil, sodium chromate, sodium dichromate, or trisodium nitrotriacetic acid.	BAT.
No floating solids.....	BCT.

### B: BCT Requirements

#### 1. Oil and grease in test fluids:

Limited volumes of formation waters which are encountered during testing of the well are authorized for discharge as test fluids. Under BPT oil and grease in discharges of produced water were limited to a 48 mg/l monthly average and a 72 mg/l daily maximum based oil/water separation technologies. Since formation waters may be present in test fluids, these limits are applied to the discharge of test fluids under BCT. This

limitation is equal to BPT because Region 10 does not have technology performance data available at this time on which to base a more stringent limitation. As this limitation is equal to the BPT level of control, there is no incremental cost involved.

2. *Free oil and oil-based muds:* No discharge of free oil is permitted from discharges authorized by this permit. Region 10 has determined that the BPT effluent limitations guideline of no discharge of free oil from the discharge of deck drainage, drilling muds, drill cuttings, and well treatment fluids should apply to other discharges, including uncontaminated bilge water, uncontaminated ballast water, test fluids, desalination unit wastes, boiler blowdown, non-contact cooling water, excess cement slurry, blowout preventer fluid, fire control system test water, mud, cuttings and cement at the seafloor. Thus, the no free oil limitation is Region 10's best professional judgment determination of BPT controls for these discharges. They have been subject to a no free oil limitation in previous permits issued by Region 10, and past practices have not resulted in violations of this limitation.

Under the draft permit, the discharge of oil-based drilling muds (with oil as the continuous phase and water as the dispersed phase) is prohibited since oil-based muds would violate the BCT effluent limitation of no discharge of free oil.

No technology performance data available to Region 10 indicate that more stringent standards are appropriate at this time. Region 10 has, therefore, set BCT effluent limitations equal to the BPT level of control. As such, these limitations impose no incremental costs.

Compliance with free oil limitation for deck drainage and miscellaneous discharges will be by visual observation for a sheen on the receiving water, except for deck drainage and bilge water under the conditions described below. This requirement is similar to that in the Region's BPT permits and will not result in any additional costs to the industry. The requirement was also a condition of Region 10's BAT/BCT permits for the Bering and Beaufort Seas (49 FR 23734, June 7, 1984), Norton Sound (50 FR 23578, June 4, 1985), and Cook Inlet (51 FR 35460, October 3, 1986).

Compliance with the free oil limitation for muds and cuttings will be monitored by year-round use of the Static Sheen Test. The Static Sheen Test will also be required for the monitoring of deck drainage and bilge water during unstable or broken ice and stable ice

conditions. This requirement for muds and cuttings was a condition of the Region's BPT permits and thus imposes no additional costs to industry. These requirements and those on deck drainage and bilge water were also conditions of the Region's BAT/BCT permits. Use of the Static Sheen Test will prevent a violation of the free oil limitation due to those discharges most likely to be contaminated with oil. This would not be possible with an after-the-fact visual observation of a sheen on the receiving water.

3. *Oil content of cuttings:* The draft general permit restricts the discharge of oil-contaminated cuttings by prohibiting the discharge of free oil (see paragraph 2. above) and by limiting the maximum mineral oil content of cuttings. The limitation of 10 percent by weight on oil content is based on the efficiency of conventional cuttings washers in removing oil from drill cuttings. Region 10 expects that if mineral oil-based drilling muds or water-based muds with high concentrations of mineral oil additives are used, drill cuttings would, at a minimum, have to be washed by cuttings washers to meet the free oil limitation. The limitation on the maximum oil content of drill cuttings has been imposed as an additional means of effectively controlling the discharge of oil from cuttings associated with muds.

Region 10 expects that cuttings washers will routinely be required only for drilling operations which use mineral oil-based drilling muds or water-based muds with high concentrations of mineral oil additives, and not for all drilling operations. Due to the rare usage of muds by exploratory drilling operations, very few, if any, Alaskan exploratory facilities will require the installation of cuttings washers. Any facility requiring a cuttings washer to meet the 10 percent oil limitation is expected to already require a cuttings washer to meet the BPT effluent limitation of no free oil. Therefore, there is no incremental cost involved beyond the cost of monitoring compliance, and the limitation passes the BCT costs test.

Region 10 has taken an approach to controlling the oil content of cuttings which differs from that taken by Regions 4 and 6 in their Gulf of Mexico permit (51 FR 284897, July 9, 1986). Regions 4 and 6 have imposed a visible sheen test to determine compliance of cuttings with the no free oil limit, in combination with a prohibition on the discharge of cuttings from oil-based mud systems. The prohibition on the discharge of cuttings from oil-based systems is necessary since some of these cuttings

are expected to have free oil and the visible sheen test results would not be evident until after a discharge to the receiving water had occurred. Region 10 has chosen to require the Static Sheen Test rather than the visible sheen test. An advantage of the Static Sheen Test is that it is done prior to discharge and cuttings which do not pass the test cannot be discharged. This test is also appropriate for the harsh weather and extended periods of darkness common in Alaska. Although the 10 percent oil limitation in Region 10 is less stringent than the prohibition by Regions 4 and 6 on discharges of cuttings from oil-based mud systems, any cuttings which pass the 10 percent limitation must also pass the Static Sheen Test prior to discharge.

EPA is presently studying a newly developed technology for removing oil and grease from drill cuttings from oil-based and invert emulsion drilling muds discharged into the Gulf of Mexico (52 FR 20262, March 31, 1987). This new technology, if successful, may be able to achieve a limit lower than 10 percent oil and grease and not result in the discharge of free oil. Should this new information become available during the public notice period, Region 10 will consider it in developing the final permit.

The permit requires an analysis of drill cuttings for oil content daily when oil-based drilling fluids or oil additives are used. Analysis is also required daily when drilling fluids could be contaminated with hydrocarbons from the formation. In addition, analysis is required immediately on any sample that has failed the daily Static Sheen Test if a discharge has occurred. Two alternative analytical methods for determining the oil content of drill cuttings are specified in the permit: (1) The Soxhlet extraction procedure for oil and grease (as specified in 40 CFR Part 136), and (2) the American Petroleum Institute retort distillation procedure for oil (Recommended Practice 13B, 1980). The Region invites comments on the appropriateness of either or both of these methods for determining compliance.

4. *pH*: The pH of discharged test fluids (which may have a substantially different pH from that of the ambient receiving water) has been limited to a range of 6.5–8.5 at the point of discharge. In Region 10's best professional judgment, this limitation appropriately equals a BPT level of control. No more stringent standard has been identified by the Region at this time. Therefore, Region 10 is setting a BCT effluent limitation for the pH of test fluids equal to that of BPT. This limitation will

ensure that pH changes greater than 0.2 pH unit will not occur beyond the edge of the 100-meter mixing zone (40 CFR 125.121(c)). This requirement has been and is routinely complied with by operations under previous BPT permits and thus, reflects no cost incremental to BPT.

5. *Floating solids*: The BCT prohibition on floating solids is equal to the BPT level of control for sanitary wastes. As with the free oil limitations for other waste streams, Region 10 has determined that the BPT effluent limitations guideline of no discharge of floating solids from the discharge of sanitary wastes should apply to all other discharges as well. Thus, the no floating solids limitation is Region 10's best professional judgment determination of BPT limitations for these discharges. They have been subject to this limitation in previous permits issued by Region 10, and past practices have not resulted in violations of this limitation. No technology performance data available to Region 10 indicate that a more stringent standard is appropriate at this time. Therefore, Region 10 has determined that the BCT effluent limitation on floating solids from these discharges is equal to the BPT level of control. As such, the extension of this limitation to all discharges will involve no incremental cost.

6. *Chlorine*: The requirement of maintaining residual chlorine levels as close as possible to, but no less than 1 mg/l in sanitary waste discharges for facilities manned by ten (10) or more people is a BCT determination equal to BPT. There is therefore no incremental cost to the industry.

#### C. BAT Requirements

1. *Diesel oil*: The discharge of drilling muds and associated cuttings which have been contaminated by diesel oil is prohibited. Diesel, which is sometimes added to water-based mud system, is a complex mixture of petroleum hydrocarbons, known to be highly toxic to marine organisms and to contain numerous toxic and nonconventional pollutants. While this limitation thereby controls the toxic as well as nonconventional pollutants present in diesel, Region 10's primary concern is to control the toxic pollutants. The pollutant "diesel oil" is being used as an "indicator" of the listed toxic pollutants present in diesel oil which are controlled through compliance with the effluent limitation (i.e., no discharge). The technology basis for this limitation is product substitution of less toxic mineral oil for diesel oil.

Regarding the technology of product substitution, mineral oil-based fluids

have a demonstrated product development and performance as acceptable substitutes for diesel oil-based fluids. This determination is based on the following: (1) The availability and successful formulation and use of chemical additives that are compatible with mineral oils (see 51 FR 29604–06, August 19, 1986), (2) the commercial availability of mineral oil spotting fluids (*ibid.*), and (3) the demonstrated performance of mineral oil spotting fluids as documented by published case histories (*ibid.*), and (4) a consideration of the performance statistics from the 1983–1984 American Petroleum Association (API) surveys, the 1983–1986 Offshore Operators Committee (OOC) survey, and the Diesel Pill Monitoring Program (52 FR 36463–36464, September 29, 1987).

In previous notices and associated administrative records (Draft and Final Modification to the Bering and Beaufort Seas, Cook Inlet Final, and Norton Sound Final) Region 10 has thoroughly discussed the basis for the limitation of diesel oil, as well as determinations regarding cost and environmental considerations. This information is therefore not being repeated in detail here; it is instead being incorporated by reference.

One suggested alternative to the diesel oil prohibition would be to allow the discharge of drilling muds in which a diesel pill had been used, provided that the pill is removed and the residual drilling mud meets specified limitations on oil content. Such an approach depends on accomplishing effective pill removal such that the drilling mud can meet all other effluent limitations. The oil content limitation would be set at a level which not only reflects BAT control of toxic pollutants in diesel oil but also provides adequate safeguards for the marine environment. The Diesel Pill Monitoring Program (DPMP) was conducted to address the effectiveness of pill recovery in removing diesel oil from drilling muds. Region 10 has concluded from results available to date that the recovery techniques implemented in the DPMP were not successful in recovering the diesel pill and reducing mud toxicity to acceptable levels (52 FR 36465–36466, September 29, 1987). Available DPMP results indicate that the toxicity of drilling muds increases with their diesel oil content, and that pill recovery techniques currently in use are incapable of removing up to 30 percent of the diesel oil added as a pill. Hence, Region 10 has determined that the prohibition on the discharge of drilling fluids and cuttings contaminated with diesel oil is

appropriate for the BAT level of control. Should new information from the study result in conclusions contrary to those drawn from the preliminary results, the Region will consider such new information in future permit determinations.

Region 10 has considered using "free oil," "oil-based drilling fluids," and "oil content of cuttings" as indicators of toxic pollutants. While the Region has determined that such effluent limitations will control the discharge of toxic pollutants in diesel oils, it is unnecessary to designate these pollutants as indicators since the same levels of control have been established under BCT, which are equal to levels of control required by the BPT effluent limitations guidelines. Therefore, redundant limitations under BAT are not proposed for these pollutant parameters.

In conclusion, Region 10 has evaluated alternative control technologies and alternative control parameters to reduce the toxic pollutants in discharged drilling muds. Based upon this evaluation, the Region has determined that the prohibition on the discharge of diesel contaminated drilling mud is reasonable and appropriate since complete diesel pill recovery is unproven and substitution of a mineral oil pill for a diesel pill is technologically feasible and economically achievable.

#### 2. Mercury and cadmium in barite:

The permit contains limitations of 1 mg/kg mercury and 3 mg/kg cadmium in barite, a major constituent of drilling muds. These restrictions are designed to limit the discharge of mercury, cadmium, and other potentially toxic metals which can occur as contaminants in some sources of barite. An identical limitation is included in the general permits for the Bering and Beaufort Seas, Norton Sound, and Cook Inlet.

As discussed in the fact sheets for the above permits, the justification for the limitation under BAT is product substitution; i.e., Alaskan operators can substitute "clean" barite, which meets the above limitations, for contaminated barite which does not. Numerous offshore exploratory wells have been drilled in Alaska over the past years, and chemical analyses have shown that the barite used has not exceeded the limitations. Given that "clean" barite is available and that operators in the above referenced general permit areas have been complying with an identical limitation, Region 10 believes that this limitation is both technologically feasible and economically achievable.

Region 10 has determined that it is impractical at this time to place the limitations on drilling mud until

additional data are collected. Furthermore, if the limitation were placed on the drilling mud rather than on the barite, it would not be feasible for an operator to determine in advance if the discharge complied with the permit requirements since metals analyses must be conducted at commercial laboratories onshore. Such a requirement may impose costly and unreasonable delays while the analyses were being conducted.

Region 10 does recognize the possibility of changes in the available supply of "clean" barite. The draft permit contains a provision (Part II.B.1.g.) which would allow the Director the discretion to grant a waiver from the limitations on a case-by-case basis if the permittee (1) satisfactorily demonstrates that barite which meets the limitation is not available, and (2) provides results of analyses of the substitute barite. In determining the availability of "clean" barite under this provision, Region 10 will reasonably consider all relevant factors, including the cost of obtaining barite which meets the limitations.

3. *Generic muds and authorized additives:* The draft permit limits the discharge of toxic substances in drilling fluids by allowing only the discharge of generic drilling muds (listed in Table 1 of the draft permit) and additives for which acceptable bioassay or chemical data are available. Permittees are required to certify in advance of discharge that only generic drilling muds and authorized additives will be discharged.

The generic muds listed on Table 1 of the draft permit are the same generic muds listed on Table 1 of the Cook Inlet NPDES general permit (51 FR 35460, October 3, 1986). The six listed generic muds are the result of several changes to the original eight generic muds (listed on previous tables in permits for Norton Sound, Bering Sea, and Beaufort Sea). Three lignosulfonate muds (previously 2, 7, and 8) have been combined into a single mud, Generic Mud No. 2. The Region will use the toxicity of the most toxic of the three muds (old Generic Mud No. 8) in performing additive toxicity calculations. If a permittee requests authorization to discharge an additive in Generic Mud No. 2 as listed in Table 2 of this draft permit and can demonstrate that generic mud components will not exceed the concentrations of old Generic Mud Nos. 2 or 7, Region 10 will use the toxicity values for those muds instead. Reference to "generic muds" throughout this fact sheet means the six muds currently listed on Table 1 of the draft permit.

Authorized additives which may be discharged in combination with Generic Muds Nos. 2 through 6 are listed in Table 2 of the draft permit. The Region has determined that the toxicity limitations (i.e., generic muds and authorized additives) constitute a reasonable approach which is expected to control not only listed toxic pollutants, but other toxic substances (i.e., toxic nonconventional pollutants) as well. The technology basis for this permit condition is product substitution: That is, mud additives and components which would cause the toxicity of a mud system to exceed that of Generic Mud No. 1 can be replaced by less toxic mud additives and components. This principle has been successfully applied in Region 10 with the development of several "non-generic" muds. These "non-generic muds" are functionally similar to Generic Mud No. 1 but they are less toxic and may be used with specialty drilling fluid additives (e.g., polymers) without exceeding the toxicity of Generic Mud No. 1 (30,000 ppm spp using *M. Bahía*).

Permittees may discharge additives listed in Table 2 of the draft permit up to the specified concentrations in Generic Muds Nos. 2 through 6 without prior authorization. This table is an updated version of Table 2 in the Cook Inlet general permit (51 FR 35460, October 3, 1986). Tables 1 and 2 of this permit may be updated during the effective period of the permit. Updated versions will be mailed to permittees when they become effective, and will supersede all earlier versions. Any additive or mud receiving authorization in the future by update will be evaluated according to the regional criteria used for this permit before the tables are amended.

Most additives listed in Table 2 of the permit may not be discharged in Generic Mud No. 1 without prior authorization because Region 10 has determined that the addition of additives would cause the toxicity of the discharged mud to be more toxic than Generic Mud No. 1 alone. The only additives listed on Table 2 which may be routinely added to Generic Mud No. 1 are: aluminum stearate; calcium carbide; cellophane flakes; flakes of silicate mineral mica; inert spheres (glass or plastic); basic zinc carbonate (Mil-Gard); crushed granular nut hulls; sodium polyphosphate; vegetable plus polymer fibers, flakes, and granules; zinc carbonate and lime; and zinc oxide (Sulf-X ES). (Mention of any trade names or commercial products does not constitute endorsement or recommendation by the U.S. Environmental Protection Agency.)

These additives were originally authorized in Table 2 of the Bering Sea (AKG283000) and Beaufort Sea (AKG284000) general permits. They are not expected to appreciably affect the toxicity of Generic Mud No. 1. Although the most recent versions of Table 2 (Norton Sound [AKG287000] and Cook Inlet [AKG285000]) did not clearly exclude other additives from discharge in Generic Mud No. 1, the Region's authorizations in fact have not authorized other additives. Thus, this condition is not expected to have any effect on industry.

Any discharge of a generic mud which has been modified by addition of an additive not listed in Table 2 requires prior authorization by Region 10. Permittees may request authorization to discharge additives (including mineral oils) not listed in Table 2 by submitting appropriate information and bioassay data in advance of discharge. Region 10 will determine whether the use of requested additives is likely to cause the mud system to be more toxic than Generic Mud No. 1, which is the base formulation the Agency uses to determine acceptable toxicity levels for discharge of fluids. Other criteria (e.g., persistence and degradation) are also considered in the evaluation process, as appropriate. For the evaluation of mineral oil additives the draft permit contains a provision (Part II.B.1.f.) which allows an exception for the discharge of muds which exceed the toxicity of Generic Mud No. 1 if the least toxic available alternative is discharged.

In some cases, interim authorizations for the discharge of muds and additives may be granted if preliminary bioassay data are submitted and appear acceptable but the Region determines that additional bioassay testing or other analyses are required. For example, such testing may be required to examine possible cumulative or synergistic effects if the additive is to be used in combination with a number of other additives or if a "non-generic mud" (described above) is to be used, with or without additives. Because the additional testing may take a considerable amount of time to conduct, interim authorization to discharge may be granted, if a reasonable amount of data are available, so that operations are not impaired for an unreasonable amount of time. The information obtained under the requirements of an interim authorization will be used in further evaluations of the subject additives or muds. Thus, interim authorizations do not set a precedent for future full authorization of the subject additives or muds. Interim

authorizations may require testing a used drilling mud from a rig.

This approach to limiting toxicity is expected to control the discharge of listed toxic as well as nonconventional pollutants in drilling muds. For example, the toxicity of muds containing lubricants, including mineral oil products, may vary widely, and such additives may greatly increase the toxicity of the mud. Studies on diesel-contaminated drilling muds have shown toxicity to be strongly correlated with the content of aromatic hydrocarbons, which include listed toxic pollutants. Some mineral oils also contain aromatic hydrocarbons which are listed toxics, such as fluorene, naphthalene, and phenanthrene. The toxicity of muds containing these oils is assumed to be caused, in part, by the listed toxic pollutants as well as by the nonconventional pollutants. Region 10 has determined that it is technically and economically infeasible to directly limit the toxic pollutants in drilling muds, as discussed above in Part IV.C.1. Therefore, the Region has determined that the toxicity limitations constitute a reasonable approach which is expected to control not only listed toxic pollutants, but other toxic substances (i.e., toxic nonconventional pollutants) as well.

Under section 308 of the Act, compliance with this permit condition will be monitored in two ways. First, by requiring that permittees certify that only generic muds and authorized additives will be discharged; and second, by requiring that permittees submit an end-of-well inventory listing all chemicals and the amounts of each added to each mud system. In addition, permittees must analyze at least one mud sample for metals content and toxicity. The draft permit requires that any discharged mud system which has a mineral oil lubricity or spotting agent must be sampled and analyzed when the mineral oil content is highest. In the event that no mineral oil lubricity or spotting agents are used, analyses are required on a sample of discharged mud use at the greatest well depth, typically referred to as an "end-of-well" sample. The metals data will be used to verify that mercury and cadmium limits on barite are adequately controlling metal concentrations in used muds. The Drilling Fluids Toxicity Test will provide a comparison between the toxicity of used muds containing mixtures of additives and the bioassay data submitted on individual additives prior to discharge.

**4. Other toxic and nonconventional compounds:** Under the permit discharges

of the following pollutants are prohibited: Halogenated phenol compounds, trisodium nitrilotriacetic acid, sodium chromate, and sodium dichromate. The class of halogenated phenol compounds includes toxic pollutants, and sodium chromate and sodium dichromate contain chromium, also a toxic pollutant. Trisodium nitrilotriacetic acid is a nonconventional pollutant. The discharge of these compounds was previously prohibited in the BPT general permits for the Beaufort Sea and Norton Sound (48 FR 54881, December 7, 1983) as well as in the BAT/BCT general permits for the Bering and Beaufort Seas, Norton Sound, and Cook Inlet. These compounds are therefore subject to BAT limitation. Because operators complied with this provision in the BPT permit, there is no additional cost to the industry.

The draft permit contains a provision that the discharge of surfactants, dispersants, and detergents shall be minimized except as necessary to comply with the safety requirements of the Occupational Health and Safety Administration and the Minerals Management Service. These products contain primarily nonconventional pollutants. This provision previously appeared in the BPT permits for the Beaufort Sea and Norton Sound, as well as in the Region's other BAT/BCT permits. Because operators complied with the provision in the BPT permits, there is no additional cost to the industry.

#### *D. Requirements Based on the Ocean Discharge Criteria Evaluation*

**1. Drilling muds, cuttings, and washwater:** Additional restrictions on these discharges are necessary to ensure no unreasonable degradation of the environment. Lease Sale 109 includes water depths that range from 8 to 80 meters. Discharge rate limitations on total muds and cuttings have been established in the Ocean Discharge Criteria Evaluation process in order to allow adequate dispersion of the discharges. These maximum rates are:

- 1,000 bbl/hr for discharges into waters greater than 40 m in depth;
- 750 bbl/hr for discharges into waters greater than 20 m but not more than 40 m in depth; and
- 500 bbl/hr for discharges into waters from 8 m to not more than 20 m in depth.

These limits are necessary because for any given discharge rate, the dilution of drilling muds and cuttings is not as great in shallow waters as in deeper waters. However, at any particular water depth, greater dilution close to the

discharge point will be achieved with a lower discharge rate. These maximum rates will ensure that acceptable toxicity limits will not be exceeded at the edge of the 100 meter mixing zone (Bigham et al. 1984, p. 62).

Additionally, two areas included in the draft permit are of particular concern to Region 10. They involve discharges of drilling muds and cuttings (a) below-ice to water depths shallower than 20 meters (excluding ice thickness) and (b) within 1,000 meters of an area of biological concern (e.g., the gray whale feeding area between Pt. Franklin and Wainwright).

For (a) above, the Director has determined that below-ice discharges to areas shallower than 20 meters will not cause unreasonable degradation of the marine environment provided that they are subject to the limitations and conditions of the draft permit. Monitoring is also required to verify that the discharge of effluents to these areas will not produce conditions in the future that would lead to unreasonable degradation. This monitoring requirement is the same as that required by the draft Beaufort Sea II general permit (52 FR 36617, September 30, 1987). Region 10 believes that the OOC (Offshore Operators Committee) model can successfully be used to predict the fate of under-ice discharges into waters greater than 20 meters deep (excluding ice thickness).

Concerning (b) above, the Director has determined that discharges within 1,000 meters of an area of biological concern will not cause unreasonable degradation of the marine environment provided that they are subject to the limitations and conditions of the draft permit. The worst-case exploratory drilling scenario has the potential for adversely impacting the abundance and composition of immobile or sessile benthic invertebrates that provide food for marine mammals. The worst-case scenario was up to five wells drilled with all mud systems discharged at the same location. If the discharges from more than one well were placed at one location and were dispersed only by low current velocities, the depth and rate of drilling mud sedimentation may be great enough to affect the integrity of the benthic habitat, particularly for larval stages of invertebrates. Although the area of benthic habitat affected could be very small relative to foraging areas of endangered whales and marine mammals like walrus, the possibility of effects to marine mammals and special nursery areas of marine birds cannot be ruled out, given the limited information available. Consequently, a conditional

monitoring program is proposed, depending on the results of additional data gathered when the specific number and location of exploratory oil drilling sites are identified (e.g., through exploration plans, biological surveys, and environmental reports required by the Minerals Management Service).

Monitoring of benthic invertebrate populations is needed to determine whether the benthic community is affected adversely by thin layers of drilling muds and cuttings as suggested by the data presented in the ODCE for this lease sale. The requirement is conditional, dependent on a determination of whether significant numbers of marine mammals are expected to be foraging in the area of the proposed exploratory drilling. If so, then a monitoring program and toxicity tests on the discharge must be conducted.

The need for monitoring of additional exploratory drilling operations will have to be decided on a case-by-case basis, dependent on the results of the initial monitoring program. The need for a benthic invertebrate monitoring program is based on at least two independent studies which have demonstrated that as little as 0.1 cm (0.04 in) of drilling mud can adversely affect the benthos (Turk and Risk 1981 and Atema et al. 1982). Atema et al. (1982) found that 1 mm of drilling mud covering a natural substrate caused severe delays in shelter construction by post-larval Atlantic lobsters. Further, Turk and Risk (1981) found that a sedimentation rate of 19 mm/month caused a ten-fold decline in the density of a tube-building amphipod.

The specifics of each monitoring program will be determined by the Director in consultation with the Regional Environmental Supervisor of the Alaska Department of Environmental Conservation and the permittee.

2. *Other discharges (003-015).* These discharges are adequately controlled by the technology-based limitations in Part II.C. through E. of the draft permit to ensure no unreasonable degradation of the marine environment due to those discharges.

## V. Other Legal Requirements

### A. Oil Spill Requirements

Section 311 of the Act prohibits the discharge of oil and hazardous materials in harmful quantities. Routine discharges specifically controlled by the permit are excluded from the provisions of section 311. However, this permit does not preclude the institution of legal action or relieve permittees from any

responsibilities, liabilities, or penalties for other, unauthorized discharges of oil and hazardous materials which are covered by section 311 of the Act.

### B. Endangered Species Act

Based on information in the Draft Ocean Discharge Criteria Evaluation and in the Draft Environmental Impact Statement prepared for Federal Lease Sale 109, EPA has concluded that the discharges authorized by this general permit are not likely to adversely affect any endangered or threatened species nor adversely affect its critical habitat. EPA is requesting written concurrence from the U.S. Fish and Wildlife Service and the National Marine Fisheries Service on this determination. Region 10 will consult with the services as appropriate, depending upon the outcome of the request for concurrence, and otherwise will comply with the requirements of section 7 of the Endangered Species Act before issuing the final permit.

### C. Coastal Zone Management Act

EPA has determined that the activities authorized by this general permit are consistent with local and state Coastal Management Plans. The proposed permit and consistency determination will be submitted to the State of Alaska for state interagency review at the time of public notice. The requirements for State Coastal Zone Management Review and approval must be satisfied before the general permit may be issued.

### D. Marine Protection, Research and Sanctuaries Act

No marine sanctuaries as designated by this Act exist in the vicinity of the permit areas.

### E. State Water Quality Standards and State Certification

No state waters are included in this permit.

### F. Executive Order 12291

The Office of Management and Budget has exempted this action from the review requirements of Executive Order 12291 pursuant to section 8(b) of that order.

### G. Paperwork Reduction Act

EPA has reviewed the requirements imposed on regulated facilities in this draft general permit under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* Most of the information collection requirements have already been approved by the Office of Management and Budget (OMB) in submissions made for the

NPDES permit program under the provisions of the Clean Water Act. In addition, the environmental monitoring requirements pursuant to section 403(c) of the Clean Water Act in Part II.B.4 of this permit are similar to the monitoring requirements that were approved by OMB for the previously issued Beaufort Sea general permit (June 7, 1984; 49 FR 23734) and the Norton Sound general permit (50 FR 23578, June 4, 1985).

The final general permit will explain how the information collection requirements respond to any OMB or public comments.

#### H. The Regulatory Flexibility Act

After review of the facts presented in the notice of intent printed above, I hereby certify, pursuant to the provisions of 5 U.S.C. 605(b), that this general permit will not have a significant impact on a substantial number of small entities. This certification is based on the fact that the regulated parties have greater than 500 employees and are not classified as small businesses under the Small Business Administration regulations established at 49 FR 5024 *et seq.* (February 9, 1984). These facilities are classified as Major Group 13—Oil and Gas Extraction SIC 1311 Crude Petroleum and Natural Gas.

Dated: January 22, 1988.

Robie G. Russell,

Regional Administrator, Region 10.

#### VI. References

- Atema, J., D.F. Leavitt, D.E. Barshaw, and M.C. Cuomo. 1982.  
Effects of drilling muds on behavior of the American lobster, *Homoarus americanus*, in water column and substrate exposures. *Can. J. Fish. Aquat. Sci.* 39:875-890.
- Bigham, G. L. Hornsby, and G. Wiens. 1984.  
Technical support document for regulating dilution and deposition of drilling muds on the Outer Continental Shelf. Prepared for U.S. Environmental Protection Agency, Region 10, Seattle, WA, and Jones and Stokes Associates, Bellevue, WA, by Tetra Tech, Inc., Bellevue, WA. November 1984. 68 pp. plus appendices.
- Cooper Consultants, Inc. and EnviroSphere Company. 1986.  
Ocean Discharge Criteria Evaluation for Chukchi Sea OCS Oil and Gas Lease Offering 109. Draft Report, September 1986. Prepared for U.S. EPA Region 10, Minerals Management Service, Alaskan OCS Region. 1987.
- Draft Environmental Impact Statement: Proposed Chukchi Lease Sale 109. March 1987.
- Turk, T.R. and M.J. Risk. 1981.  
Effect of sedimentation on infaunal invertebrate populations of Cobequid

Bay, Bay of Fundy. *Can. J. Fish. Aquat. Sci.* 38:642-648.

[FR Doc. 88-1627 Filed 1-28-88; 8:45 am]

BILLING CODE 6560-50-M

#### [ER-FRL-3321-8]

#### Environmental Impact Statement and Regulations; Availability of EPA Comments

Availability of EPA comments prepared January 11, 1988 through January 15, 1988 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382-5075/76. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in *Federal Register* dated April 24, 1987 (52 FR 13749).

#### Draft EISs

ERP No. D-AFS-E61065-00, Rating LO, Nolichucky Gore Segment, Wild and Scenic River Study, Eligibility and Suitability, National Wild and Scenic Rivers System, Nondesignation or Designation, Nolichucky River, Pisgah National Forest, Mitchell and Yancey Counties, NC and Cherokee National Forest, Unicoi County, TN. **SUMMARY:** EPA expressed no objections to the proposed designation since it provides a important focus for protecting this valuable resource. Management practices should emphasize phasing-out and/or prohibiting incompatible activities within the Gorge.

ERP No. D-BLM-L70010-OR, Rating EC2, Brothers/LaPine Planning Area, Resource Management Plan, Implementation, Prineville District, Crook, Deschutes, Harney, Klamath and Lake Counties, OR. **SUMMARY:** EPA has environmental concerns based on insufficient information on the project specific evaluation process, degradation of water quality, and cumulative effects.

ERP No. D-COE-J36041-ND, Rating EO2, Souris Basin Flood Control Project, Storage of Floodwater in Saskatchewan and Construction of Compatible Lake Darling Project Features, Implementation, Renville, Ward, McHenry, and Bottineau Counties, ND. **SUMMARY:** EPA raised concerns that the baseline conditions against which project impacts (especially water quality impacts) were projected are not realistic. EPA understands the COE, in conjunction with all interested parties, is developing better methods to project water quality impacts. EPA also requested the analysis in the final EIS of

a multi-level release as a project design feature.

ERP No. D-FAA-K51032-CA, Rating EC2, Burbank-Glendale-Pasadena Airport, Replacement Passenger Terminal Construction, Approval, Los Angeles County, CA. **SUMMARY:** EPA expressed environmental concerns since the project could aggravate serious air quality problems in the Los Angeles Basin (LAB). EPA asked for more discussion in the final EIS on LAB air quality problems, air quality impacts, and emissions analyses; and for a discussion of commitments to mitigate adverse air quality and noise impacts.

ERP No. D-GSA-K81018-CA, Rating LO, Oakland Federal Building Construction, Approval, Alameda County, CA. **SUMMARY:** EPA expressed a lack of objections with this project.

ERP No. DS-UMI-K54104-CA, Rating LO, Los Angeles Metro Rail Rapid Transit Project, Construction, Funding, Los Angeles County, CA. **SUMMARY:** EPA expressed a lack of objections with this project.

#### Final EISs

ERP No. F-BLM-K61074-NV, Winnemucca District Wilderness Study Areas, Wilderness Recommendations, Designation, Humboldt, Washoe, Lander, Pershing, and Churchill Counties, NV. **SUMMARY:** EPA concurred with BLM's proposed recommendation of partial wilderness status for seven of 18 wilderness study areas, and noted that air and water quality are best protected under wilderness designation.

Dated: January 26, 1988.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 88-1916 Filed 1-28-88; 8:45 am]

BILLING CODE 6560-50-M

#### [ER-FRL-3321-7]

#### Environmental Impact Statements; Availability

#### Responsible Agency

Office of Federal Activities, General Information (202) 382-5073 or (202) 382-5075.

Availability of Environmental Impact Statements Filed January 18, 1988 Through January 22, 1988 Pursuant to 40 CFR 1506.9

EIS No. 880016, Final, FHW, KY, Georgetown Bypass Construction, US 460 West/Frankfort Road to US 460/ 62 East/Paris-Cynthiana Roads Intersection, Funding and 404 Permit, Scott County, KY, Due: March 4, 1988,

- Contact: Robert E. Johnson (502) 564-7250.
- EIS No. 880017, Draft, BLM, ID, Idaho Statewide Small Wilderness Study Areas (WSAs), Wilderness Recommendations, Designation or Nondesignation, Box Creek, Lower Salmon Falls Creek, Henry's Lake, Worm Creek, Goldbury, Borah Peak, Boulder Creek, LittleButte WSAs', Valley, Twin Falls, Fremont, Bear Lake, Custer, Blaine and Lincoln Counties, ID; Due: April 28, 1988; Contact: Gary Wyke (208) 334-1952.
- EIS No. 880018, Draft, SFW, AK, Arctic National Wildlife Refuge, Comprehensive Conservation Plan, Wilderness Review and Wild River Plan, Implementation, AK, Due: April 25, 1988, Contact: William Knauer (907) 786-3399.
- EIS No. 880019, Final, BLM, WY, Adobe Town and Ferris Mountain Wilderness Study Areas, Wilderness Recommendations, Designation or Nondesignation, Rawlins District, Carbon and Sweetwater Counties, WY, Due: February 29, 1988, Contact: Richard Colvin (307) 324-7171.
- EIS No. 880020, Final, BLM, CA, Central California Section 202 Wilderness Study Areas (WSAs), Wilderness Recommendations, Designation or Nondesignation, Sheep Ridge, Milk Ranch/Case Mountain and Ventana Contiguous WSAs, Tulare and Monterey Counties, Due: February 29, 1988, Contact: Bob Rheiner (805) 861-4406.
- EIS No. 880021, Draft, BLM, CO, Northwest Colorado Coal Preference Right Lease Applications, Chapman-Riebold (C-0125366) and Jensen-Miller (C-4275), Leasing, Rio Blanco County, CO, Due: April 29, 1988, Contact: Roger Wickstrom (303) 878-3601.
- EIS No. 880022, Draft, FHW, MD, MD-100 Extension, US 29 to I-95, Funding and 404 Permit, Howard County, MD, Due: March 14, 1988, Contact: Edward Terry (301) 962-4010.
- EIS No. 880023, Final, AFS, ID, Salmon National Forest, Land and Resource Management Plan, Implementation, Idaho, Lemhi, and Valley Counties, ID, Due: February 29, 1988, Contact: Richard T. Hauff (028) 756-2215.
- EIS No. 880024, Draft, BLM, AZ, Phoenix Resource Area Management Plan, Implementation, Apache, Navajo, Gila, Maricopa, Pima, Pinal, Santa Cruz and Yavapai Counties, AZ, Due: March 14, 1988, Contact: Tim Sanders (602) 863-4464.
- EIS No. 880025, Final, FHW, MD, Warren Road Extension, MD-45/York Road to I-83/Harrisburg Expressway, Funding and 404 Permit, Baltimore County, MD, Due: February 29, 1988, Contact: Edward Terry (301) 962-4010.

EIS No. 880026, Final, EPA, LEG, Montreal Protocol on Substances that Delete the Ozone Layer, Stratospheric Protection Program, Implementation, Due: March 14, 1988, Contact: Stephen Seidel (202) 382-2787. The Environmental Protection Agency and the Department of Joint Lead Agencies for this project.

#### Amended Notices

- EIS No. 870360, Draft, AFS, Pacific Northwest Region, National Forest System Lands, Competing and Unwanted Vegetation Management Plan, Implementation, Oregon, Idaho, Washington, and California, Due: February 15, 1988, Contact: Gary Larsen (503) 221-2727. Published FR 10-23-87—Review period extended.
- EIS No. 880013, FS Suppl, COE, Lake Wichita-Holliday Creek Flood Control Project, McGrath Creek Flood Control Plan, Implementation, Wichita County, TX, Due: February 22, 1988, Contact: Buell Atkins (918) 581-7857. Published FR 1-22-88—Incorrect Status and Change in close of comment period.

Dated: January 26, 1988.

Richard E. Sanderson,  
Director, Office of Federal Activities.  
[FR Doc. 88-1915 Filed 1-28-88; 8:45 am]  
BILLING CODE 6560-50-M

#### [ER-FRL-3322-1]

#### Designation of an Ocean Dredged Material Disposal Site (ODMDS) in Massachusetts Bay; Intent To Prepare an Environmental Impact Statement

**AGENCY:** U.S. Environmental Protection Agency (EPA), Region I.

**ACTION:** Notice of intent to prepare an Environmental Impact Statement (EIS) on the foul area dredged material disposal site in Massachusetts Bay.

*Purpose:* In accordance with section 102(2)(c) of the National Environmental Policy Act (NEPA), and with a voluntary policy to prepare EISs for all ocean disposal site designations, EPA issues this Notice of Intent pursuant to 40 CFR 1501.7.

*For Further Information and To Be Placed on the Project Mailing List Contact:* Kymberlee Keckler, Chemical Engineer, U.S. EPA Region I, JFK Federal Building, WQE-1900, Boston, MA 02203 Telephone: (Commercial) (617) 565-4432 or (FTS) 835-4432.

**SUMMARY:** Since 1977, the existing site known as the Foul Area Disposal Site, has been operating under an interim designation status for dredged material disposal. EPA has identified a

continuing need for use of the present interim site, and is therefore proposing to grant final designation to the site. Designation in itself does not result in disposal; it only serves to make an ocean disposal site option available for consideration in the alternatives analysis for each dredging project in the area.

*Need for Action:* On May 7, 1974, the EPA published a Statement of Policy on Environmental Impact Statements (EISs). Section (1)(d)(2) of that policy specifies that EISs must be prepared in connection with ocean disposal site designations under section 102(d) of the Marine Protection, Research, and Sanctuaries Act. Final site designation will serve to clarify the site's status for the long term, including its availability as an ocean disposal alternative for consideration during the case-by-case permit reviews for future dredging projects in the region.

*Alternatives:* The EIS will consider various alternatives including alternative disposal methods, alternative ocean disposal sites, environmental evaluation of the existing interim site to determine if its use should be continued, and the no-action alternative.

*Scoping:* The Environmental Protection Agency (EPA), Region I, will hold a public scoping meeting on Wednesday, February 24, 1988 from 6:00 to 8:00 P.M. in the auditorium of the Department of Transportation, 55 Broadway, Kendall Square, Cambridge, MA. Details of the history of the project and the alternatives to be considered will be presented. The public is invited to attend and identify issues that should be addressed in the EIS.

*Estimated Date of Draft EIS Release:* September 30, 1988.

*Responsible Official:* Michael R. Deland, Regional Administrator for Region I.

Richard E. Sanderson,  
Director, Office of Federal Activities.  
[FR Doc. 88-1917 Filed 1-28-88; 8:45 am]  
BILLING CODE 6560-50-M

#### [ER-FRL-3321-9]

#### Designation of an Ocean Dredged Material Disposal Site (ODMDS) Off Pensacola, FL; Intent To Prepare an Environmental Impact Statement

**AGENCY:** U.S. Environmental Protection Agency (EPA), Region IV.

**ACTION:** Notice of intent to prepare an Environmental Impact Statement (EIS) on the final designation of an ODMDS off Pensacola, Florida. This EIS will consider a site substantially further

offshore Pensacola than that Pensacola site described in the proposed designation rule noticed on August 10, 1987, in Volume 52, *Federal Register*, page 29550. Final Agency action on that proposed rule remains pending.

**Purpose:** The U.S. EPA, Region IV, in accordance with section 102(2)(C) of the National Environmental Policy Act (NEPA) and in cooperation with the U.S. Navy will prepare a Draft EIS on the designation of an ODMDS off Pensacola, Florida. 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:** Reginald Rogers, U.S. EPA, 345 Courtland Street NE., Atlanta, Georgia 30365, (404) 347-2126, FTS 257-2126; or Laurens Pitts; Naval Facilities; Engineering Command, P.O. Box 10068, Charleston, South Carolina 29411-0068, (803) 743-0797.

**SUMMARY:** EPA proposes to designate an ODMDS offshore Pensacola, Florida, for the disposal of dredged material that meets the criteria for ocean dumping, contained in 40 CFR Part 227. An EIS is required to provide the necessary information to evaluate alternatives and designate the preferred ODMDS.

**Need for Action:** EPA's proposal is made at this time because EPA is aware that application is likely to be made for future ocean dumping in this area. The U.S. Navy is proposing to establish a new homeport for the *USS Kitty Hawk* at Naval Air Station (NAS), Pensacola, Florida. The *USS Lexington*, currently based at Pensacola, will be moved to Corpus Christi, Texas, as part of the overall Gulf Homeport action. The proposed project will require deepening the existing channel to NAS, Pensacola. Approximately 3.9 million cubic yards of new-work dredged material is initially proposed for disposal. The Navy's EIS on that homeporting project indicates that ocean dumping is its preferred alternative for certain dredged materials from the project. However, the ODMDS would not be limited to the potential dumping of suitable dredged material from the proposed Navy project.

**Alternatives:** 1. No action. The no action alternative is defined as not designating an ocean disposal site.

2. Alternative offshore disposal sites (Site A and Site B).

**Scoping:** A scoping meeting will not be held. However, EPA encourages Federal, State and local agencies as well

as interested parties to identify significant issues to be addressed in the EIS at this time. Comments and concerns should be sent to Reginald Rogers at the above address.

**Estimated Date of Release:** The Draft EIS will be made available in January 1988.

**Responsible Official:** Lee A. DeHihns, III; Acting Regional Administrator; EPA, Region IV.

Richard E. Sanderson,  
Director, Office of Federal Activities.  
[FR Doc. 88-1918 Filed 1-28-88; 8:45 am]

BILLING CODE 6560-50-M

[OPP-50675; FRL-3321-6]

### Receipt of Application for an Experimental Use Permit Genetically Engineered Microbial Pesticide

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA has received an application form Crop Genetics International (CGI) for an EPA experimental use permit (EUP) for a genetically engineered microbial pesticide. This is one of the first genetically engineered microbial pesticides to be proposed for an EUP under section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136(c). This microbial pesticide is unique in that it actually lives within the treated crop plants. The Agency has determined that this application may be of regional and national significance. Therefore, in accordance with 40 CFR 172.11(a), the Agency is soliciting public comments on this application.

**DATE:** Written comments must be received on or before February 29, 1988.

**ADDRESS:** Comments in triplicate, should bear the docket control number OPP-50675 and be submitted to: Information Services Section, Program Management and Support Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person bring comments to: Rm. 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not

contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. Information on the proposed test and all written comments will be available for public inspection in Rm. 236 at the Virginia address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

**FOR FURTHER INFORMATION CONTACT:**  
By mail:

Phil Hutton, Product Manager (PM) 17,  
Registration Division (TS-767C),  
Office of Pesticide Programs,  
Environmental Protection Agency, 401  
M St., SW., Washington, DC 20460.  
Office location and telephone number:  
Rm. 207, CM#2, 1921 Jefferson Davis  
Highway, Arlington, VA (703-557-  
2690).

**SUPPLEMENTARY INFORMATION:** An application for an EUP has been received from Crop Genetics International of 7170 Standard Drive, Hanover, Maryland 21076. This application was assigned EPA File Symbol 58788-EUP-R. The proposed experiment involves the endophytic bacterium *Clavibacter xyli* subspecies *cynodontis* that has been genetically engineered to contain a delta-endotoxin gene obtained from *Bacillus thuringiensis* subspecies *kurstaki*. After inoculation, the endophytic bacterium grows within the corn plants and produces the pesticidal agent which is active against the larval stages of the European Corn Borer.

The purpose of the EUP is to assess the efficacy of the product in control of the European Corn Borer on corn plants, study the characteristics of the recombinant organism in the environment, and evaluate the effect of the organism on crop yield. CGI proposes to initiate the field tests in the spring of 1988. The proposed field test sites are in Ingleside and Beltsville, Maryland. The sites are each approximately 2 acres in size, isolated and secured. Each site will consist of: (1) A central corn plant population arranged in distinct blocks; (2) a plant-free barren zone surrounding the test plants; (3) a zone surrounding the barren zone containing plants to be monitored to detect dissemination of the test agent; (4) a security fence; and (5) a fallow zone surrounding the security fence.

Studies to be performed at both sites will: (1) Determine *Clavibacter xyli* subsp. *cynodontis*/*Bacillus thuringiensis* subsp. *kurstaki* recombinant levels in inoculated plants; (2) monitor mechanical and natural

spread of the recombinant organism to corn and other plant species; (3) monitor the recombinant organism in plant residues; (4) monitor the presence of the recombinant organism in runoff water and soil; and (5) compare yields of colonized and control corn plants. European Corn Borer control will be studied at the Ingleside site. At Beltsville, ARS-USDA cooperating scientists will examine the effects of recombinant colonization on: (1) Crop residue decomposition; (2) vesicular-arbuscular mycorrhizae associations; and (3) gram negative phylloplane bacterial populations.

According to the applicant, test sites will be monitored until the recombinant organism can no longer be detected in plant materials or soil. In the event that there is movement of the recombinant organism beyond the contained area, biocides will be employed to the extent necessary for control. At the completion of the test, all plant debris will be decontaminated.

The labeling proposed by CGI that would govern the conduct of the experiment, states:

Applicators should wear protective clothing including goggles, dust mask, and gloves. Surfaces of planting equipment should be treated with 10% household bleach and wiped with paper towels after use. Dispose of unused material, paper towels and rinse water by autoclaving or place in vessels containing 10% household bleach for disinfection prior to disposal. For use only in accordance with the terms and conditions of the Experimental Use Permit.

Following the review of the CGI application and any comments received in response to this notice, EPA will decide whether to issue or deny the EUP and, if issued, under what conditions the experiment is to be conducted. Any issuance of an EUP will be announced in the Federal Register.

Dated: January 25, 1988.

Edwin F. Tinsworth,  
Director, Registration Division, Office of  
Pesticide Programs.

[FR Doc. 88-1883 Filed 1-28-88; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59252; FRL-3321-4]

### Certain Chemical; Approval of Test Marketing Exemption

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This notice announces EPA's approval of an application for a test marketing exemption (TME) under section 5(h)(1) of the Toxic Substances

Control Act (TSCA) and 40 CFR 720.38. EPA has designated this application as TME-88-2. The test marketing conditions are described below:

**EFFECTIVE DATE:** January 22, 1988.

Written comments will be received until February 16, 1988.

**ADDRESS:** Written comments, identified by the document control number "[OPTS-59252]" and the specific TME number "[TME-88-2]" should be sent to: Document Control Officer (TS-790), Confidential Data Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E-201, 401 M St. SW., Washington, DC 20460, (202-382-3532).

**FOR FURTHER INFORMATION CONTACT:** Roy Seidenstein, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Environmental Protection Agency, Rm. E-613, 401 M St., SW., Washington, DC 20460, (202-382-3395).

**SUPPLEMENTARY INFORMATION:** Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use, and disposal of the substance for test marketing purposes will not present any unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will not present any unreasonable risk of injury.

EPA hereby approves TME-88-2. EPA has determined that test marketing of the new chemical substance described below, under the conditions set out in the TME application, and for the time period and restrictions (if any) specified below, will not present any unreasonable risk of injury to health or the environment. Production volume, use, and the number of customers must not exceed those specified in the application. All other conditions and restrictions described in the application and in this notice must be met.

Inadvertently, notice of receipt of the application was not published. Therefore, an opportunity to submit comments is being offered at this time. The complete nonconfidential document is available in the Public Reading Room NE G004 at the above address between 8 a.m. and 4 p.m., Monday through Friday, excluding legal holidays. EPA may modify or revoke the test marketing

exemption if comments are received which cast significant doubt on its finding that the test marketing activities will not present any unreasonable risk of injury.

The following additional restrictions apply to TME-88-2. A bill of lading accompanying each shipment must state that the uses of the substance are restricted to those approved in the TME. In addition, the Company shall maintain the following records until five years after the dates they are created, and shall make them available for inspection or copying in accordance with section 11 of TSCA:

1. The applicant must maintain records of the quantity of the TME substance produced.

2. The applicant must maintain records of dates of the shipments to the customer and the quantities supplied in each shipment.

3. The applicant must maintain copies of the bill of lading that accompanies each shipment of the TME substance.

### T-88-2

*Date of Receipt:* December 9, 1987.

*Close of Review Period:* January 22, 1988. The extended comment period will close February 16, 1988.

*Applicant:* PCR, Inc.

*Chemical:* 2-chloro-1,1,1,2-tetrafluoroethane.

*Use:* (C) A thermal density modification medium.

*Production Volume:* 1,200 kg/month.

*Number of Customers:* 6 domestic (2 foreign).

*Worker Exposure:* During manufacture, approximately 4 workers may be exposed to low levels by inhalation. During processing, approximately 200 workers may be exposed to 130 mg/day. For activities involving significant exposure, the protective equipment specified in the Material Safety Data Sheet (respirators, gloves, goggles) is mandatory.

*Test Marketing Period:* Three years.

*Commencing on:* Date of the first manufacture.

*Risk assessment:* EPA identified no significant environmental concerns. EPA identified potential health concerns for carcinogenicity, mutagenicity and developmental toxicity, based on test data submitted under section 8(e) of TSCA for compounds with chemical structure similar to the test market substance. However, EPA believes that any potential health hazards will be mitigated by the protective equipment specified in the Material Safety Data Sheet. Therefore, the test market substance will not present any

unreasonable risk of injury to health or the environment.

The Agency reserves the rights to rescind approval or modify the conditions and restrictions of an exemption should any new information come to its attention which casts significant doubt on its findings that the test market activities will not present any unreasonable risk of injury to health or the environment.

Dated: January 22, 1988.

Charles L. Elkins,

Director, Office of Toxic Substances.

[FR Doc. 88-1885 Filed 1-28-88; 8:45 am]

BILLING CODE 6560-50-M

**FEDERAL COMMUNICATIONS COMMISSION**

[M M Docket No. 87-581]

**Applications for Consolidated Hearing; Marshall M. Bandy, et al.**

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, city and state	File No.	MMDocket No.
A. Marshall M. Bandy, Ringgold, GA.	BPH-870105ME	87-581
B. Werner Wortsman, Ringgold, GA.	BPH-870106MC	.....
C. Lionel F. Pye, Jr., Ringgold, GA.	BPH-870106ME	.....
D. Paul Croft and Danny Jack White d/b/a Ringgold Broadcasting, Ltd., Ringgold, GA.	BPH-870107ME	.....
E. Ringgold Associates, Ringgold, GA.	BPH-870107MM	.....
F. Valeria W. Watts, Ringgold, GA.	BPH-870107MN	.....
G. Ringgold FM Partnership Communications, Ringgold, Ga.	BPH-870107MG (Dismissed)	.....

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used to signify whether the issue in question applies to the particular applicant.

*Issue Heading and Applicants*

1. Comparative, A, B, C, D, E, F
2. Ultimate, A, B, C, D, E, F

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets branch (Room 230), 1919 M Street NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street NW., Washington, DC 20037 (Telephone No. (202) 857-3800).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 88-182-8 Filed 1-28-88; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 87-584]

**Applications For Consolidated Hearing; Fairmont Community Broadcasters, et al.**

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, city and State	File No.	MM Docket No.
A. Fairmont Community Broadcasters, Fairmont, WV.	BPH-870309MA	87-584
B. Fairmont Broadcasting Company, Fairmont, WV.	BPH-870309MC	.....
C. Joseph Capobianchi d/ b/a J.C. Broadcasting, Fairmont, WV.	BPH-870310MC	.....

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

*Issue Heading and Applicants*

1. Air Hazard, B
2. Comparative, A-C

3. Ultimate, A-C

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street NW., Washington, DC 20037. (Telephone (202) 857-3800).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 88-1829 Filed 1-28-88; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket No. 87-621; File No. 6169-CM-P-80 and File No. 10861-CM-P-80]

**Hi-Band Broadcasting Co. and Microband Corporation of America; For Construction Permits; Multipoint Distribution Service For a New Station on Channel 1 at Thibodaux/Houma, La:**

**Memorandum Opinion and Order**

Adopted: December 17, 1987.

Released: January 22, 1988.

By the Common Carrier Bureau.

1. For consideration are the above-referenced applications. These applications are for construction permits in the Multipoint Distribution Service and they propose operations on Channel 1 at Thibodaux-Houma, Louisiana. The applications are therefore mutually exclusive and require comparative consideration. There are no petitions to deny or other objections under consideration.

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

3. Accordingly, it is hereby Ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e) and 0.291 of the Commission's Rules, 47 CFR 0.291, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent Order, to determine, on a comparative basis,

which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered:<sup>1</sup>

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It is Further Ordered, That Hi/Band Broadcasting Company, Microband Corporation of America and the Chief of the Common Carrier Bureau, ARE MADE PARTIES to this proceeding.

5. It is further ordered, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's Rules, 47 CFR 1.221.

7. The Secretary shall cause a copy of this Order to be published in the Federal Register.

James R. Keegan

Chief, Domestic Facilities Division, Common Carrier Bureau.

[FR Doc. 88-1822 Filed 1-28-88; 8:45]

BILLING CODE 6712-01-M

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### Federated States of Micronesia; Amendment To Notice of a Major Disaster Declaration

[FEMA-803-DR]

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

**SUMMARY:** This notice amends the notice of a major disaster for the Federated States of Micronesia (FEMA-803-DR), dated November 25, 1987, and related determinations.

**DATED:** January 26, 1988.

**FOR FURTHER INFORMATION CONTACT:** Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3614.

<sup>1</sup> Consideration of these factors shall be in light of the Commission's discussion in *Frank K. Spain*, 77 FCC 2d 20 (1980).

## 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 Alfred A. Hahn of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

This action terminates my appointment of David P. Grier, IV 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. 88-1821 Filed 1-28-88; 8:45 am]

BILLING CODE 6718-02-M

## FEDERAL RESERVE SYSTEM

### Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than February 12, 1988.

**A. Federal Reserve Bank of Chicago** (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Barry Eugene Monaghan*, Guthrie Center, Iowa; to acquire 10.9 percent of the voting shares of Guthrie County Bancshares, Inc., Guthrie Center, Iowa, and thereby indirectly acquire Guthrie County State Bank, Guthrie Center, Iowa.

**B. Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Richard M. and Rebecca I. Adler Trust*, Los Angeles, California; to acquire 56 percent of the voting shares

of APSB Bancorp, North Hollywood, California, and thereby indirectly acquire American Pacific State Bank, North Hollywood, California.

2. *Richard J. Meyer*, Fullerton, California; to acquire 2.78 percent of the voting shares of Pacific Inland Bancorp, Anaheim, California, and thereby indirectly acquire Pacific Inland Bank, Anaheim, California.

Board of Governors of the Federal Reserve System, January 25, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-1816 Filed 1-28-88; 8:45 am]

BILLING CODE 6210-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary

#### Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on January 8, 1988.

#### Social Security Administration

(Call Reports Clearance Officer on 301-965-4149 for copies of package)

1. Certificate of Election of Reduced Spouse's Benefits—0960-0398—This form is used by the Social Security Administration to entitle spouses to reduced benefits for months in which they do not have an entitled child in care.

*Respondents:* Individuals or households.

*Number of Respondents:* 30,000;

*Frequency of Response:* Occasionally;

*Estimated Annual Burden:* 1,000 hours.

*OMB Desk Officer:* Elana Norden

#### Health Care Financing Administration

(Call Reports Clearance Officer on 301-594-1238 for copies of package)

1. Medical Records Review Under Prospective Payment System (PPS)—0938-0359—Professional Review Organizations are authorized to conduct medical review efforts under the PPS. In order to conduct medical review

activities, we request hospitals to make available specific records.

**Respondents:** Businesses or other for-profit, Small businesses or organizations.

**Number of Respondents:** 6,000;

**Frequency of Response:** Occasionally;

**Estimated Annual Burden:** 115,353 hours.

**OMB Desk Officer:** Allison Herron

#### Public Health Services

(Call Reports Clearance Officer on 202-245-2100 for copies of package)

#### Centers for Disease Control

1. NCHS Laboratory-Based Questionnaire Research—0937-0169—Questionnaires for two NCHS surveys (National Health Interview Survey and National Health and Nutrition Examination Survey) will be developed using laboratory methods which combine the techniques of cognitive research and survey research to reduce measurement errors.

**Respondents:** Individuals or households.

**Number of Respondents:** 650;

**Frequency of Response:** Occasionally;

**Estimated Annual Burden:** 650 hours.

#### Office of the Assistant Secretary for Health

1. Application for Appointment as a Commissioned Officer in the U.S. Public Health Service—0937-0025—The forms will be used by individuals to apply for appointment in the Commissioned Corps of the Public Health Service and to obtain references as part of that application process. Information supplied on the forms will be used by appropriate PHS officials to evaluate candidates for appointment.

**Respondents:** Individuals or households. Occasionally;

**Estimated Annual Burden:** 3,600 hours.

#### National Institutes of Health

1. Research and Research Training Grant Application and Related Forms—0925-0001—This clearance request is to revise the approval under OMB 0925-0001 to include: applications for the "Award for Leadership and Excellence in Alzheimer's Disease" information collections associated with proposed rules for the National Library of Medicine Financial Support of Biomedical Scientific Publications and the National Institute of Environmental Health Sciences Hazardous Waste Worker Training; special information collections for expedited review of AIDS grant solicitations; and the Final Invention Statement and Certification (Currently 0925-0159).

**Respondents:** State or local governments, Businesses or other for-profit, Federal agencies or employees, Non-profit institutions, Small businesses or organizations.

**Number of Respondents:** 75,061;

**Frequency of Response:** Single-time;

**Estimated Annual Burden:** 700,924 hours.

Alcohol, Drug Abuse, and Mental Health Administration

1. Targeted Outreach Demonstration Project—AIDS Initial Assessment—0930-0124—The Targeted Outreach Demonstration Project data instrument is designed to obtain information or intravenous drug use, and sexual behaviors of populations at high risk of AIDS and to test the effectiveness of community-based outreach and intervention strategies in reducing the spread of AIDS among IV users, their sexual partners, and prostitutes. The revision will assist in locating individuals for follow-up purposes and makes minor improvements to the questionnaire.

**Respondents:** Individuals or households.

**Number of Respondents:** 12,000;

**Frequency of Response:** Occasionally;

**Estimated Annual Burden:** 12,000 hours.

**OMB Desk Officer:** Shannah Koss-McCallum

As mentioned above, copies of the information collection clearance packages can be obtained by calling the Reports Clearance Officer, on one of the following numbers:

PHS: 202-245-2100

HCFA: 301-594-1238

SSA: 301-965-4149

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, DC 20503.

ATTN: (name of OMB Desk Officer)

Date: January 25, 1988.

James F. Trickett,

Deputy Assistant Secretary, Administrative and Management Services.

[FR Doc. 88-1890 Filed 1-28-88; 8:45 am]

BILLING CODE 4150-04-M

#### Office of Human Development Services

#### Federal Council on The Aging; Meeting

**Agency Holding the Meeting:** Federal Council on the Aging.

**Time and Date:** Meeting begins at 9:30 a.m. and ends at 5:00 p.m. on

Wednesday, February 17, 1988 and begins at 9:30 a.m. and ends at 3:00 p.m. on Thursday, February 18, 1988.

**Place:** On Wednesday, February 17 and Thursday, February 18, at the VISTA International Hotel, 1400 M. Street, NW., Washington, DC 20005 from 0930-1700 on Wednesday the 17th and from 0930-1500 on Thursday the 18th.

**Status:** Meeting is open to the public.

**Contact Persons:** Pete Conroy, Room 4545, Wilbur Cohen Federal Building, 245-2451.

The Federal Council on the Aging was established by the 1973 Amendments to the Older Americans Act of 1965 (Pub.L. 93-029, 42 U.S.C. 3015) for the purpose of advising the President, the Secretary of Health and Human Services, the Commissioner on Aging and the Congress on matters relating to the special needs of older Americans.

Notice is hereby given pursuant to the Federal Advisory Committee Act (Pub.L. 92-453, 5 U.S.C. App. 1, Sec. 10, 1976) that the Council will hold a 1988 quarterly meeting on February 17 and 18 from 9:30 a.m.-5:00 p.m. and from 9:30 a.m.-3:00 p.m. respectively, in the Board Meeting Room of the VISTA International Hotel, 1400 M. Street NW., Washington, DC 20005.

The 2-day meeting will consist of executive sessions that will include discussion of Current Projects, Committee Reports, Agenda Projects and Budget for 1988-89, the 1987 Annual Report to the President and Recommendations included therein—location of 1988 meetings. In addition, a briefing on the activities of the Administration on Aging by the Commissioner on aging.

Dated: January 25, 1988.

Ingrid Azvedo,

Chairperson, Federal Council on the Aging.

[FR Doc. 88-1871 Filed 1-28-88; 8:45 am]

BILLING CODE 4130-01-M

#### Public Health Service

#### Continuous Cardiac Output Monitoring by Electrical Bioimpedance

The Public Health Service (PHS), through the Office of Health Technology Assessment (OHTA), announces that it is seeking information in coordinating an assessment on the safety, clinical effectiveness, and indications for continuous cardiac output monitoring by electrical bioimpedance. Specifically, we are seeking information on the following questions: (1) Is the use of this

technology safe and effective in monitoring cardiac output? (2) Is it sufficiently accurate and precise to serve as a reliable technique for monitoring cardiac output? (3) Is its use appropriate for all patients, or only certain categories of patients, e.g., the critically ill? (4) Is its use appropriate in both the inpatient and outpatient setting? (5) Has the technique gained acceptance by specialists in the field of cardiology? (6) What is known about the predictive value of the technique? (7) Is it intended for use primarily as a screening technique or as a diagnostic test?

PHS assessments consist of a synthesis of information obtained from appropriate organizations in the private sector as well as from PHS agencies and others in the Federal Government. The assessments are based on the most current knowledge concerning the safety and clinical effectiveness of a technology. Based on these assessments, a PHS recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide OHTA with information relevant to this assessment should do so in writing no later than March 15, 1988 or within 90 days from the date of publication of this notice.

The information being sought is a review and assessment of past, current, and planned research related to this technology, a bibliography of published controlled clinical trials and other well-designed clinical studies, information related to the clinical acceptability and effectiveness of this technology, and a characterization of the patient population most likely to benefit from this technology. Proprietary or confidential information is not being sought.

Written material should be submitted to: Richard S. Bodaness, M.D., Office of Health Technology Assessment, 5600 Fishers Lane, Room 18A-27, Rockville, MD 20857, (301) 443-4990.

Date: January 20, 1988.

Enrique D. Carter,

*Director, Office of Health Technology Assessment, National Center for Health Services Research, and Health Care Technology Assessment.*

[FR Doc. 88-1888 Filed 1-28-88; 8:45 am]

BILLING CODE 4180-17-M

### Medical Technology Intensive EEG/ Video Monitoring

The Public Health Service (PHS) through the Office of Health Technology Assessment (OHTA), announces that it

is performing an assessment of what is known of the safety, clinical effectiveness, and use (indications) of electroencephalographic (EEG) video monitoring for seizure disorders. Intensive EEG video monitoring usually entails the simultaneous and prolonged recording of patients who are subject to clinical seizures with videotape and telemetered EEG, along with the frequent monitoring of plasma antiepileptic drug levels. With this type of monitoring, the telemetered EEG is displayed on the video screen simultaneously with face and whole-body views of the patient, so that the electrical and clinical manifestations during an attack can be correlated. The monitoring area usually simulates a home environment. Camera and microphone arrangements allow nearly continuous observation of the patient who engages in activities such as conversation, television viewing, games, sleeping, and eating.

This assessment seeks to answer the following questions: (1) Is intensive video monitoring widely accepted as a safe and clinically effective method for evaluating seizure disorders? (2) What are the specific clinical indications for which intensive EEG video monitoring is deemed appropriate? (3) Can specific subgroups of patients with seizure disorders and other syndromes characterized by episodic behavioral disturbances be identified in whom intensive EEG/video monitoring is required to establish an accurate diagnosis be identified? (4) Can guidelines be developed to specify which types of patients with which condition and at what point in their clinical evaluation and or management would benefit from this type of evaluation? If so what would such guidelines consist of? (5) What are the optimal uses and ultimate benefits of this technology? (6) Can intensive EEG/video monitoring be accomplished in the outpatient setting? (7) What length of time (hospital stay) is required to accomplish intensive EEG video monitoring? (8) What would be the cost associated with such monitoring? (9) Are there any disadvantages or limitations associated with the use of intensive EEG video monitoring?

The PHS assessments consist of a synthesis of information obtained from appropriate organizations in the private sector and from PHS and other agencies in the Federal Government. PHS assessments are based on the most current knowledge concerning the safety and clinical effectiveness of a technology. Based on this assessment, a PHS recommendation will be formulated to assist the Office of Civilian Health

and Medical Program of the Uniformed Services (OCHAMPUS) in establishing coverage policy. The information being sought is a review and assessment of past, current, and planned research related to this technology, a bibliography of published, controlled clinical trails and other well-designed clinical studies. Information related to the characterization of the patient population most likely to benefit from it, as well as on clinical acceptability and the effectiveness of this technology and extent of use are also being sought. Proprietary information is not being sought. Any person or group wishing to provide OHTA with information relevant to this assessment should do so in writing no later than April 29, 1988 or within 90 days from the date of publication of this notice.

Written material should be submitted to: Mr. Martin Erlichman, Health Science Analyst, Office of Health Technology Assessment, 5600 Fishers Lane, Room 18A-27, Rockville, MD 20857, (301) 443-4990.

Date: January 20, 1988.

Enrique D. Carter,

*Director, Office of Health Technology Assessment, National Center for Health Services Research, and Health Care Technology Assessment.*

[FR Doc. 88-1889 Filed 1-28-88; 8:45 am]

BILLING CODE 4180-17-M

### Advisory Committee; Meeting

In accordance with section 19(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of February 1988:

Name: Health Care Technology Study Section.

Date and Time: February 16, 1988, 8:30 am.

Place: Holiday Inn—Georgetown, Dumbarton Room, 2101 Wisconsin Avenue, Northwest, Washington, DC:

Closed for entirety of meeting.

Purpose: The Study Section is charged with conducting the initial review of health services research grant applications addressing the effects of health care technologies and procedures, including those in the area of information sciences, as well as those addressing the process of diffusion and adoption of new technologies and procedures.

Agenda: This is a special meeting of the Study Section to review a single grant application submitted in response to a special solicitation for continued support of the legislatively-mandated

establishment and operation of the National Advisory Council on Health Care Technology Assessment. In Appendix 2 and Title 5, U.S. Code 552b(c)(6), the Director, National Center for Health Services Research and Health Care Technology Assessment has made a formal determination that the entire meeting shall be closed because the discussions are likely to reveal personal information concerning individuals associated with the application. This information is exempt from mandatory disclosure.

Anyone wishing to obtain a Roster of Members, Minutes of Meeting, or other relevant information should contact Dr. Alan E. Mayers, National Center for Health Services Research and Health Care Technology Assessment, Room 18A20, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-3091.

Agenda items are subject to change as priorities dictate.

Date: January 22, 1988.

J. Michael Fitzmaurice,  
Director, National Center for Health Services Research and Health Care Technology Assessment.

[FR Doc. 88-1887 Filed 1-28-88; 8:45 am]

BILLING CODE 4160-17-M

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of the Assistant Secretary for Fair Housing and Equal Opportunity

[Docket No. D-88-872; FR-2430]

### Redelegation of Authority to Award and Administer Discretionary Assistance Awards Under the Fair Housing Assistance Program and the Community Housing Resource Board Program

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

**ACTION:** Notice of redelegation of authority.

**SUMMARY:** The Assistant Secretary for Fair Housing and Equal Opportunity, as the administrator of the Fair Housing Assistance Program and the Community Housing Resource Board Program, is delegating to the Regional Administrators-Regional Housing Commissioners, and the Regional Directors of Fair Housing and Equal Opportunity the authority to award and administer cooperative agreements and grants under the Fair Housing Assistance Program for Type I—noncompetitive funding and the

Community Housing Resource Board Program.

**EFFECTIVE DATE:** January 21, 1988.

**FOR FURTHER INFORMATION CONTACT:** William O. Anderson, Director, Office of Management and Field Coordination, Office of Fair Housing and Equal Opportunity, Room 5124, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. Telephone (202) 755-9340. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:** The Secretary of Housing and Urban Development has delegated the authority to administer the Fair Housing Assistance Program Type I—noncompetitive funding and the Community Housing Resource Board Program to the Assistant Secretary for Fair Housing and Equal Opportunity. See 24 CFR Part 111 (§ 111.108) and 24 CFR Part 120 (§ 120.15).

This delegation of authority authorizes HUD Regional Administrators-Regional Housing Commissioners and HUD Regional Directors of Fair Housing and Equal Opportunity to award and administer cooperative agreements and grants, and make related determinations under the Fair Housing Assistance Program for Type I—noncompetitive funding and the Community Housing Resource Board Program.

### Redelegation of Authority

The Assistant Secretary for Fair Housing and Equal Opportunity hereby redelegates that authority to award and administer cooperative agreements and grants under the Fair Housing Assistance Program for Type I—noncompetitive funding (24 CFR 111) and the Community Housing Resources Board Program (24 CFR Part 120) to the HUD Regional Administrators-Regional Housing Commissioners and to the Regional Directors of Fair Housing and Equal Opportunity.

Dated: January 21, 1988.

William E. Wynn,  
General Deputy Assistant Secretary for Fair Housing and Equal Opportunity.

[FR Doc. 88-1903 Filed 1-28-88; 8:45 am]

BILLING CODE 4210-28-M

## DEPARTMENT OF THE INTERIOR

### Office of the Secretary

### Establishment of the Garrison Diversion Unit Federal Advisory Council

**AGENCY:** Office of the Secretary, Interior.

**ACTION:** Notice of advisory committee establishment.

**SUMMARY:** This notice announces the establishment of the Garrison Diversion Unit Federal Advisory Council. The Council will ensure that the Unit's mitigation, enhancement, and other fish and wildlife programs proceed with broad oversight and coordination. The Council will be charged with the responsibility of reviewing implementation plans, budgetary requirements, and program results, and making annual recommendations for any needed revisions to the wildlife resource management programs for consideration by the Secretary of the Interior, the Governor of North Dakota, and the managing agencies.

**FOR FURTHER INFORMATION CONTACT:** James E. Pinkerton, Committee Management Officer, 859 Riddell Building, U.S. Fish and Wildlife Service, Washington, DC 20240; (202) 653-7500.

**SUPPLEMENTARY INFORMATION:** This notice is published in accordance with the provision of 5 U.S.C. 552(a)(1), and section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. App. 1). Notice is hereby given that the Secretary of the Interior is establishing the Garrison Diversion Unit Federal Advisory Council. The establishment of the Council is based on the Garrison Diversion Unit Commission's 1984 Report and Pub. L. 99-294. The Council will, on a case-by-case basis, make recommendations to the Secretary of the Interior regarding land acquisition for wildlife programs.

Both the 1984 report and Pub. L. 99-294 contain provisions concerning the mitigation program. With Council oversight, the agencies implementing the mitigation program will arrive at a specific mitigation strategy. The certification of establishment is published below.

### Certification

I hereby certify that the Garrison Diversion Unit Federal Advisory Council is in the public interest in connection with the performance of duties imposed on the Department of the Interior.

Date: January 4, 1988.

Donald Paul Hodel,  
Secretary of the Interior.

[FR Doc. 88-1830 Filed 1-28-88; 8:45 am]

BILLING CODE 4310-55-M

**Bureau of Land Management**

[CA-060-08-5101-09-FB15]

**Intent for 1988 Amendment Review of the California Desert Plan in Imperial County, CA****AGENCY:** Bureau of Land Management, Interior.

**SUMMARY:** Notice is hereby given that the Bureau of Land Management is initiating the 1988 Review of the California Desert Conservation Area Plan in accordance with the amendment procedures outlined in Chapter 7 of the Plan. The purpose of this review is to consider the need for possible amendments to the Plan based on requests from individuals, public and private organizations, and the Bureau's own observations.

**DATE:** Proposed amendments are being accepted from the public until March 18, 1988.

**ADDRESS:** For further information contact: Gerald E. Hillier, District Manager, California Desert District, 1695 Spruce Street, Riverside, CA 92507.

**SUPPLEMENTARY INFORMATION:** Requests for amendments or changes in the California Desert Plan are now being accepted from public agencies, interested individuals, and organizations. Supporting rationale should be provided for each proposed change. Requests will be considered in light of the following criteria:

- (1) Is the proposed amendment based on new data not considered when the Plan was developed?
- (2) Does the information represent a change in legal or regulatory mandate?
- (3) Is the supporting detail sufficient and the problem clearly stated so that the request can be considered?
- (4) Does the information represent a formal change in State or local government or agency plan?

The California Desert District Advisory Council will review the suggested amendments at its public meeting on or about April 7-8, 1988 in El Centro, CA. This meeting will serve as a scoping meeting for the environmental document to be prepared on the amendments.

Please send you comments and proposals to the following address: 1988 Plan Amendments, Bureau of Land Management, California Desert District,

1695 Spruce Street, Riverside, CA 92507 (714) 351-6428.

H.W. Riecken,  
Acting District Manager.

Date: January 22, 1988.

[FR Doc. 88-1892 Filed 1-28-88; 8:45 am]

BILLING CODE 4310-40-M

[WY-030-08-4332-09; FES 88-2]

**Availability of Final Environmental Impact Statement; Rawlins District, WY****AGENCY:** Bureau of Land Management (BLM), Interior.

**ACTION:** Notice of availability of final environmental impact statement (EIS) for the Adobe Town and Ferris Mountains Wilderness Study Areas (WSAs), Rawlins District, Wyoming.

**SUMMARY:** This EIS assesses the environmental consequences of managing this Adobe Town Wilderness Study Area (WSA) and the Ferris Mountains WSA as wilderness or nonwilderness. The alternatives assessed in this EIS for the Adobe Town WSA include: (1) A "no wilderness" alternative; (2) an "all wilderness" alternative; and (3) two "partial wilderness" alternatives. For the Ferris Mountains WSA, the alternatives assessed include: (1) A "no wilderness" alternative; (2) an "all wilderness" alternative; and (3) an "enhanced wilderness" alternative.

The total acreage and the proposed action for each of the WSAs analyzed in the EIS are as follows:

WSA	Acres suitable	Acres non-suitable
Adobe Town WSA.....	10,920	74,790
Ferris Mountains WSA.....	22,245	0
Total.....	33,165	74,790

The Bureau of Land Management wilderness proposals will ultimately be forwarded by the Secretary of the Interior to the President and from the President to the Congress. The final decision on wilderness designation rests with Congress. In any case, no final decision on these proposals can be made by the Secretary during the 30 days following the filing of this EIS. This complies with the Council on Environmental Quality Regulation, 40 CFR 1506.10B(2).

**SUPPLEMENTARY INFORMATION:** A limited number of individual copies of the EIS may be obtained from the Area Manager, BLM Great Divide Resource Area, P.O. Box 670, Rawlins, Wyoming 82301, or call (307) 324-4841. Copies are

also available for inspection at the following locations:

Department of the Interior, Bureau of Land Management, 18th and "C" Streets NW., Washington, DC 20240; Bureau of Land Management, Wyoming State Office, 2525 Warren Ave., Cheyenne, Wyoming 82001; Bureau of Land Management, Rawlins District Office, P.O. Box 670, Rawlins, Wyoming 82301.

**FOR FURTHER INFORMATION CONTACT:** Rick Colvin, EIS Team Leader, at BLM Rawlins District, P.O. Box 670, Rawlins, WY 82301, (307) 324-7171.

Dated: January 21, 1988.

Bruce Blanchard,

Director, Office of Environmental Project Review.

[FR Doc. 88-1591 Filed 1-28-88; 8:45 am]

BILLING CODE 4310-22-M

[CA-930-08-4332-13 ]

**Availability of Final Environmental Impact Statement; Central California Section 202 Wilderness Study Areas****AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of Availability of Final Environmental Impact (EIS) on the Wilderness Recommendations for the Central California Section 202 Wilderness Study Area (WSA).

**SUMMARY:** This EIS assesses the environmental consequences of managing three Wilderness Study Areas (WSAs) as wilderness or non-wilderness. The alternatives assessed include: (1) A "no wilderness/no action" alternative for each WSA and (2) an "all wilderness" alternative for each WSA, and (3) a "partial wilderness" alternative for one of the WSAs.

The names of the WSAs analyzed in the EIS, their total acreage, and the proposed actions for each are as follows:

Sheep Ridge—4,905 acres; 0 acres suitable, 4,905 acres nonsuitable.

Milk Ranch/Case Mountain—5,742 acres; 0 acres suitable, 5,742 acres nonsuitable.

Ventana Contiguous—702 acres; 0 acres suitable, 702 acres nonsuitable.

For Section 202 WSAs that he does not recommend for wilderness designation (all three WSAs in this final EIS), the State Director has the authority to release those public lands from wilderness study and return them to multiple-use management in accordance with existing land use plans. A Record

of Decision will be prepared for these WSAs for State Director's approval. Multiple-use management may begin 30 days after the State Director files the final EIS with the Environmental Protection Agency or approximately 30 days from the filing of this notice.

**SUPPLEMENTARY INFORMATION:** A limited number of individual copies of the EIS may be obtained from the Area Managers, Caliente Resource Area, 520 Butte Street, Bakersfield, CA 93305, and Hollister Resource Area, PO Box 365, Hollister, CA 95024. Copies are also available for inspection at the following locations:

Department of the Interior, Bureau of Land Management, 18th and "C" Streets, NW., Washington, DC 20240

or

Bureau of Land Management, California State Office, 2800 Cottage Way, Room E-2841, Sacramento, CA 95825

or

Bureau of Land Management, Bakersfield District Office, 800 Truxtun Avenue, Bakersfield, CA 93301.

**FOR FURTHER INFORMATION CONTACT:**

Bob Rheiner, District Manager, Bakersfield District Office, Federal Bldg., Room 302, 800 Truxtun Avenue, Bakersfield, CA 93301, (805) 861-4406. Ed Hastey,

State Director.

Date: January 26, 1988.

[FR Doc. 88-1972 Filed 1-28-88; 8:45 am]

BILLING CODE 4310-40-M

[NV-930-08-4212-13; N-35298]

**Realty Action, Exchange of Public Lands, Elko County, NV**

The following described public lands administered by the Bureau of Land Management have been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716.

**Mount Diablo Meridian, Nevada**

T. 32 N., R. 55 E.,  
Sec. 28, All;  
Sec. 32, All;  
Sec. 34, N½, N½S½;  
Sec. 36, W½W½.  
Comprising 1,920 acres.

In exchange for these lands, the United States will acquire the following described private lands from Mr. Ray Corta:

**Mount Diablo Meridian, Nevada**

T. 32 N., R. 54 E.,  
Sec. 13, All.  
T. 31 N., R. 55 E.,

Sec. 9, All;  
Sec. 15, All.  
Comprising 1,920 acres.

The purpose of this exchange is to acquire non-Federal lands which have high public values for recreation, fuelwood harvest, deer winter range and fisheries. The exchange will also improve the Bureau of Land Management's ability to manage the Dixie Creek Watershed. The exchange is consistent with the Bureau's Elko Resource Management Plan and the public interest will be well served by completing the exchange. The exchange would not be consummated any sooner than 60 days after the date this notice is published in the **Federal Register**.

All surface and subsurface mineral rights, excluding oil and gas, would be exchanged. Other leasable minerals such as potash, coal and phosphate would be exchanged.

An appraisal to determine the value of the lands to be exchanged was completed August 28, 1987. The selected and offered lands were found to be of equal value.

The lands to be disposed of are within the Dixie Flats grazing allotment with grazing privileges held by Mr. Ed Tomera. The selected lands provide a total of 97 AUMs. Mr. Tomera was sent a Two-Year Notice/Waiver of Grazing Privileges on June 7, 1985, for a portion (1,280 acres) of the land to be disposed of. A second notice covering the remaining lands (640 acres) was sent to Mr. Tomera on July 22, 1987.

Land transferred from the United States will contain the following reservations in the patent:

1. A right-of-way for ditches and canals constructed by the authority of the United States pursuant to the Act of August 30, 1890 (43 U.S.C. 954).

2. Those rights for roadway purposes granted to the United States of America (Bureau of Land Management) and assigns by right-of-way N-47151 pursuant to the Act of October 21, 1976 (90 Stat. 278; 43 U.S.C. 1767).

3. All the oil and gas mineral deposits in the lands so patented, and to the United States, or persons authorized by it, the right to prospect for and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

A more detailed reservation will be contained in the patent and may be obtained from the office listed below.

The patent would be issued subject to:

1. The terms and conditions of oil and gas leases N-43461 issued to Exxon Corporation and N-15260 issued to Hunt Oil Company.

2. Continuation of grazing by Mr. Ed Tomera on section 32, T. 32 N., R. 55 E., MDM, until July 22, 1989. Mr. Tomera will be required to pay grazing fees to the exchange proponent for any grazing use that is made, equivalent to those fees imposed by the BLM.

Title to the offered lands when conveyed to the United States will contain a reservation for all the oil and gas mineral deposits in the lands so patented to Southern Pacific Company, their heirs or assigns, the right to prospect for and remove such deposits from the same.

Completion of this exchange will be conditioned upon:

1. The exchange proponent granting an 80-foot wide Exclusive Road Easement to the United States of America, its licensees and permittees, including the right of access for the people of the United States of America, encompassing the existing road across section 3 T. 31 N., R. 55 E., MDM:

2. The exchange proponent granting a General Easement to the United States for the following range improvements located in section 32, T. 32 N., R. 55 E., MDM:

BLM Project No. 1080, Scott Flat Seeding Fence

BLM Project No. 1022, White Flat Fence

Publication of this notice in the **Federal Register** will segregate the subject lands from all appropriations under the public land laws including the mining and mineral leasing laws. This segregation will terminate upon the issuance of patent or two years from the date of this notice or upon publication of a Termination of Segregation.

Further information concerning the exchange, including the environmental assessment, is available for review at the Bureau of Land Management, Elko District Office, 3900 E. Idaho Street, Elko, Nevada.

For a period of 45 days from the date of publication in the **Federal Register** interested parties may submit comments to the District Manager, Elko District Office, P.O. Box 831, Elko, NV 89801. All objections will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of timely objections, this proposal shall become the final determination of the Department of the Interior

Rodney Harris,

District Manager.

[FR Doc. 88-1893 Filed 1-28-88; 8:45 am]

BILLING CODE 4310-HC-M

### Agricultural Cooperative Notice to the Commission of Intent to Perform Interstate Transportation for Certain Nonmembers

Date: January 26, 1988.

The following Notices were filed in accordance with section 10526 (a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform nonmember, nonexempt, interstate transportation must file the Notice, Form BOP 102, with the Commission within 30 days of its annual meetings each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change.

The name and address of the agricultural cooperative (1) and (2), the location of the records (3), and the name and address of the person to whom inquiries and correspondence should be addressed (4), are published here for interested persons. Submission of information which could have bearing upon the propriety of a filing should be directed to the Commission's Office of Compliance and Consumer Assistance, Washington, DC 20423. The Notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, DC

- (1) Norpac Services, Inc.  
4350 S.W. Galewood St., Lake Oswego, OR 97035-0657
- (3) 18053 SW Lower Boones Ferry Rd., Durham, OR 97062
- (4) Mel Priddy, P.O. Box 2249, Lake Oswego, OR 97035-0657

Noreta R. McGee,

Secretary.

[FR Doc. 88-1865 Filed 1-28-88; 8:45 am]

BILLING CODE 7035-01-M

### Intent To Engage In Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

A. 1. Parent corporation and address of principal office: Cargill, Incorporated, P.O. Box 9300, Minneapolis, Minnesota 55440.

2. Wholly-owned subsidiaries which will participate in the operations and addresses of their respective principal offices and place of incorporation:

- (i) ACCO Feeds, Inc., P.O. Box 521, Abilene, Texas 79804—Delaware

- (ii) Caprock Industries, Inc., P.O. Box 948, Gruver, Texas 79040—Delaware

- (iii) Cargill Marine and Terminal, Inc., P.O. Box 9300, Minneapolis, Minnesota 55440—Delaware

- (iv) Cargill Transportation Services, Inc., P.O. Box 5621, Minneapolis, Minnesota 55440—Delaware

- (v) Excel Corporation, Inc., P.O. Box 2519, Wichita, Kansas 67201—Delaware  
Subsidiary of Excel Corporation:

- (a) Excel Transportation, Inc., P.O. Box 2519, Wichita, Kansas 67201—Kansas.

- (vi) Hohenberg Bros. Company, 266 South Front Street, Memphis, Tennessee 38101—Tennessee

Subsidiary of Hohenberg Bros. Company:

- (a) R.T. Hoover & Co., 900 Hawkins, El Paso, Texas 79915—Texas.

- (vii) Leslie Salt Co., 7200 Central Avenue, Newark, California 94560—Delaware

- (viii) North Star Steel Company, 15407 McGinty Road West, Minnetonka, Minnesota 55343—Minnesota

Subsidiary of North Star Steel Company:

- (a) Magnimet Corporation, P.O. Box 868, Monroe, Michigan 48161—Michigan.

- (ix) North Star Steel Texas, Inc., Old Highway 90, Beaumont, Texas 77662—Delaware

- (x) Young's Inc., Rural Route 1, Roaring Spring, Pennsylvania 16673—Pennsylvania.

- (xi) Sunny Fresh Foods, Inc., P.O. Box 5613, Minneapolis, Minnesota 55440—Delaware

B. 1. Parent corporation and address of principal office: M.A. Hanna Company, 100 Erieview Plaza, Cleveland, Ohio 44114.

2. Wholly-owned subsidiaries which may participate in the operations, and their respective States of incorporation:

- (i) Allied Color Industries, Inc., Ohio;

- (ii) AVecor, Inc., California;

- (iii) Burton Rubber Processing, Inc., Ohio;

- (iv) Colonial Rubber Works, Inc., Tennessee;

- (v) Day International Corporation, Michigan;

- (vi) Faulkner Plastics, Inc., Florida;

- (vii) PMS Consolidated, Inc., Delaware.

Noreta R. McGee,

Secretary.

[FR Doc. 88-1866 Filed 1-28-88; 8:45 am]

BILLING CODE 7035-10-M

### DEPARTMENT OF JUSTICE

[AAG/A Order No. 4-88]

### Privacy Act of 1974; Modified System of Records

Under the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), the Civil Division, Department of Justice, proposes to modify a system of records last published in the *Federal Register* on December 9, 1981 (46 FR 60292), and entitled "Civil Division Case File System (JUSTICE/CIV-001)."

Specifically, the Division will modify the system notice by making minor changes, both factual and editorial; by revising the routine use language in several instances to provide clarity and to include additional specificity; by deleting routine uses; by adding routine uses for disclosure of certain records pursuant to Freedom of Information Act (FOIA) requests and to other agencies in connection with the processing of FOIA and Privacy Act (PA) requests; by revising the categories of records to show that the system contains national security, civil investigatory and criminal law enforcement information; and by indicating that a rule has been promulgated to exempt the system from certain PA provisions. All changes have been italicized for public convenience in the system notice reprinted below. The exemption of this system is more fully described in the Proposed Rules Section of today's *Federal Register*.

Title 5 of the U.S. Code, sections 552a (e) (4) and (11), require that the public be given 30 days in which to comment on new routine uses of information in the system. However, the Office of Management and Budget (OMB), which has oversight responsibility under the Act, requires 60 days in which to review the proposed new routine uses and exemptions for the system. Therefore, the public, OMB, and the Congress are invited to submit written comments by March 29, 1988 to J. Michael Clark, Assistant Director, Facilities and Administrative Services Staff, Justice Management Division, Department of Justice, Room 6402, 601 D Street NW., Washington, DC 20530. If no comments are received, the proposal will be implemented without further notice in the *Federal Register*.

Dated: January 6, 1988.

Harry H. Flickinger,  
Assistant Attorney General for  
Administration.

JUSTICE/CIV-001

SYSTEM NAME:

Civil Division Case File System.

**SYSTEM LOCATION:**

*Civil Division, U.S. Department of Justice, 521 12th Street NW., Washington, DC 20530; Record Management Unit, 5320 Marinelli Road, Rockville, MD 20852; and Federal Records Center, Suitland, MD 20409.*

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

*Individuals referenced in potential or actual cases and matters under the jurisdiction of the Civil Division; and attorneys, paralegals, and other employees of the Civil Division directly involved in these cases or matters.*

**CATEGORIES OF RECORDS IN THE SYSTEM:**

*(1) Records in this system pertain to a broad variety of litigation under the jurisdiction of the Civil Division relating to torts, civil fraud and other commercial matters, federal programs and national security, immigration, and consumer issues. The case files contain court records, inter-agency and intra-agency correspondence, and legal research. These records may include civil investigatory and/or criminal law enforcement information and information classified pursuant to Executive Order to protect national security interests. (2) Summary information (i.e., names of principal parties or subjects, case file numbers, assignments, status, and classification) of these cases or matters is maintained prior to FY 78 on index cards and from FY 78 in an automated case tracking system. (3) A timekeeping function for attorneys, paralegals, and other employees of the Civil Division directly involved in litigation supplements the automated case tracking system from May of 1981.*

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

General authority to maintain the system is contained in 5 U.S.C. 301 and 44 U.S.C. 3101. The particular system was established in accordance with 28 CFR 0.77(f) and 28 U.S.C. 552 and was delegated to the Civil Division pursuant to the memorandum from the Deputy Attorney General, dated July 17, 1974.

**PURPOSE OF THE SYSTEM:**

*Case records are maintained for the purpose of litigating or resolving any case or matter under consideration by the Civil Division. The automated case tracking and timekeeping system exists for the purpose of managing and evaluating the Division's litigative activities.*

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

A record maintained in this system of records may be disseminated as a routine use of such record as follows: (1) In any case in which there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, the record in question may be disseminated to the appropriate federal, state, local or foreign agency charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law; (2) in the course of investigating the potential or actual violation of any law, whether civil, criminal or regulatory in nature, or during the course of a trial or hearing, or the preparation for a trial or hearing for such violation, a record may be disseminated to a federal, state, local or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual or organization possesses information or is responsible for acquiring information relating to the investigation, trial or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant; (3) a record relating to a case or matter that has been referred by an agency for investigation, prosecution, or enforcement, or that involves a case or matter within the jurisdiction of an agency, or where the agency or officials thereof are a party to litigation or where the agency or officials may be affected by a case or matter, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter (4) a record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement (5) a record may be disseminated to a federal, state, local, foreign, or international law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency; (6) a record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in civil or criminal proceedings in which the United States or one of its officers or agencies has an interest;

*(7) a record, or any facts derived therefrom, may be disclosed in a grand jury proceeding or in a proceeding before a court or adjudicative body before which the Civil Division is authorized to appear when the United States, or any agency or subdivision thereof, is a party to litigation and such records are determined by the Civil Division to be arguably relevant to the litigation;*

*(8) to facilitate processing Freedom of Information and Privacy Act requests for these records, information may be disclosed to another Federal agency to (a) permit a decision as to access, amendment or correction of records to be made in consultation with or by that agency, or (b) verify the identity of an individual or the accuracy of information submitted by an individual who has requested access to, or amendment or correction of records;*

*(9) information may be disseminated pursuant to a request under 5 U.S.C. 552, provided that the release does not violate personal privacy interests;*

*(10) information may be released to the news media and the public in accordance with 28 CFR 50.2 unless it is determined that release would constitute an unwarranted invasion of personal privacy;*

*(11) a record may be disclosed to the National Archives and Records Administration and the General Services Administration in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.*

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

*Manual records are stored in file cabinets and on index cards. Automated records are stored on magnetic disks. Classified information is stored in locked safes.*

**RETRIEVABILITY:**

*Manual records are retrieved by file number. This number can be obtained from index cards arranged alphabetically by subject name for records received prior to FY 78 and from logical queries to the computer-based data for FY 78 and subsequent years.*

**SAFEGUARDS:**

*Classified information is maintained in locked safes. Access to all information is limited to Department of Justice personnel who have need for the records to perform their duties. Automated records are safeguarded and protected in accordance with*

*Department rules and procedures governing the handling of computerized information.*

**RETENTION AND DISPOSAL:**

When a case file is closed by the responsible attorney, it is sent to the Federal Records Center for retention in accordance with the authorized Record Disposal Schedule for the classification of the case. Such schedules are approved by the National Archives.

After the designated period has passed, the file is destroyed. However, the index and docket cards are not purged. Automated records constitute a cumulative resource file for which there are no plans to delete records.

**SYSTEM MANAGER(S) AND ADDRESS:**

Assistant Attorney General; Civil Division; U.S. Department of Justice; 10th and Constitution Avenue NW., Washington, DC 20530.

**NOTIFICATION PROCEDURE:**

Address inquiries to: Assistant Attorney General; Civil Division; U.S. Department of Justice; 10th and Constitution Avenue NW., Washington DC 20530.

**RECORD ACCESS PROCEDURES:**

*Portions of this system are exempt from disclosure and contest by 5 U.S.C. 552a (j)(2), (k)(1) and (k)(2). Submit in writing all requests for access to those portions not so exempted to the system manager identified above. Clearly mark the envelope and letter "FOI/PA Request" and provide a return address. The subject of the record should also provide his/her full name and notarized signature, date and place of birth, case caption, or other information which may assist in locating the records sought.*

**CONTESTING RECORD PROCEDURES:**

Individuals desiring to contest or amend information maintained in the system should direct their request to the Assistant Attorney General, Department of Justice, 10th and Constitution Avenue NW., Washington, DC 20530. The request should clearly state what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

**RECORD SOURCE CATEGORIES:**

*Information may be obtained from all individuals referred to in all cases or matters under consideration of the Civil Division. Timekeeping information is obtained from all Civil Division attorneys, paralegals, and other employees directly involved in such litigation or matters.*

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

*The Attorney General has exempted certain categories of records in this system from subsections (c) (3) and (4), (d), (e)(1), (e)(2), (e)(3), (e)(4) (G) and (H), (e)(5), (e)(8), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2), (k)(1) and (k)(2). That is, these exemptions apply only to the extent that the file contains information which has been properly classified pursuant to an Executive Order, or to the extent that it contains investigatory and other law enforcement materials. Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.*

[FR Doc. 88-1811 Filed 1-28-88; 8:45 am]  
BILLING CODE 4410-01-M

**[AAG/A Order No. 5-88]**

**Privacy Act of 1974; Modified System of Records**

Under the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), the Civil Division, Department of Justice, proposes to modify an existing system of records entitled "Freedom of Information/Privacy Acts File (JUSTICE/CIV-005)." Notice of the system was last published in the Federal Register on December 6, 1983 (48 FR 54728).

Specifically, the Division will modify the system notice by making minor changes, both factual and editorial; by revising the routine use language in several instances to provide clarity and to include specificity; by deleting two routine uses; by adding a routine use for disclosure of certain records pursuant to a Freedom of Information Act request; by revising the categories of records to show that the system contains national security, civil investigatory and criminal law enforcement information; and by indicating that a rule has been promulgated to exempt the system from certain Privacy Act provisions. All changes have been italicized for public convenience in the system notice reprinted below. The exemption of this system is more fully described in the Proposed Rules Section of today's Federal Register.

Title 5 of the U.S. Code, Sections 552a(e) (4) and (11), require that the public be given 30 days in which to comment on new routine uses of information in the system. However, the Office of Management and Budget (OMB), which has oversight responsibility under the Act, requires 60 days in which to review the proposed

new routine uses and exemptions for the system. Therefore, the public, OMB, and the Congress are invited to submit written comments by March 29, 1988, to J. Michael Clark, Assistant Director, Facilities and Administrative Services Staff, Justice Management Division, Department of Justice, Room 6402, 601 D Street NW., Washington, DC 20530. If no comments are received, the proposal will be implemented without further notice in the Federal Register.

Dated: January 6, 1988.

Harry H. Flickinger,  
Assistant Attorney General for  
Administration.

**JUSTICE/CIV-005**

**SYSTEM NAME:**

Freedom of Information/Privacy Acts File.

**SYSTEM LOCATION:**

*Civil Division, U.S. Department of Justice, 550 11th Street, NW., Washington, DC 20530.*

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons who request disclosure of Civil Division records pursuant to the Freedom of Information Act (FOIA); persons who request access to or correction of records pertaining to themselves contained in Civil Division systems of records pursuant to the Privacy Act (PA); persons whose FOIA or PA requests for records have been referred to the Civil Division by another component of Department of Justice or another agency, and, where applicable, persons about whom records have been requested.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

(1) *The manual records consist of FOIA and PA requests for Civil Division records; related correspondence and memoranda; and copies of records from other PA systems of records responsive to the requests, which may include information concerning national security, civil investigations, and criminal law enforcement matters.* (2) *An automated record of selected data which has been extracted from each case file is maintained on magnetic diskettes as an index to the files, to follow the progress of the requests, and to obtain statistical data for monthly and annual reports.*

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

This system is established and maintained pursuant to 5 U.S.C. 301 and 44 U.S.C. 3101.

**PURPOSE OF THE SYSTEM:**

*These records are maintained for the purpose of processing administrative requests and appeals under the Freedom of Information and Privacy Acts and complying with reporting requirements of the Acts.*

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

*Information may be disclosed to another Federal agency to (a) permit a decision as to access, amendment or correction of records to be made in consultation with or by that agency, or (b) verify the identity of an individual or the accuracy of information submitted by an individual who has requested access to or amendment or correction of records.*

*(2) A record may be disclosed to the National Archives and Records Administration and to the General Services Administration to conduct records management inspections authorized by 44 U.S.C. 2904 and 2906.*

*(3) Information may be released to the news media and the public pursuant to 28 CFR 50.2 unless it is determined that release would constitute an unwarranted invasion of personal privacy.*

*(4) Information may be released pursuant to a request under 5 U.S.C. 552, provided that release does not violate personal privacy interests.*

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ASSESSING, RETAINING AND DISPOSAL OF RECORDS IN THE SYSTEM:****STORAGE**

*The request records (manual) are stored in cabinets. Classified information is stored in a locked file cabinet. Automated records are maintained on magnetic diskettes.*

**RETRIEVABILITY:**

*Files are retrievable by the requester's name or if filed chronologically by the requester's name and the date of final response.*

**SAFEGUARDS:**

*Classified information is maintained in locked safes. Access to all information is limited to Department of Justice personnel who have need for the records to perform their duties. Automated records are safeguarded and protected in accordance with Department rules and procedures governing the handling of computerized information. All records are stored in offices which are occupied during the day and locked at night.*

**RETENTION AND DISPOSAL:**

*The file is destroyed after the designated period has passed in accordance with the General Records Schedule 14, items 16, et seq. and 25, et seq.*

**SYSTEM MANAGER AND ADDRESS:**

Assistant Attorney General, Civil Division, U.S. Department of Justice, 10th and Constitution Avenue NW., Washington, DC 20530.

**NOTIFICATION PROCEDURE:**

Address inquiries to the System Manager listed above, c/o FOI/PA Office. The envelope and letter should be clearly marked. "FREEDOM OF INFORMATION/PRIVACY ACTS REQUEST."

**RECORD ACCESS PROCEDURES:**

A request for access to a record from this system shall be made in writing with the envelope and letter clearly marked "FREEDOM OF INFORMATION /PRIVACY ACTS REQUEST." The requester shall also provide a return address for transmitting the information. Access requests shall be directed to the system-manager listed above, c/o the FOI/PA Office.

**CONTESTING RECORD PROCEDURES:**

Individuals desiring to contest or amend information maintained in the system should direct a request to the system manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought. The envelope and letter should be clearly marked "FREEDOM OF INFORMATION/PRIVACY ACTS REQUESTS."

**RECORD SOURCES CATEGORIES:**

The source of information contained in this system are the individuals making requests, the systems of records searched in the process of responding to requests, and other agencies referring requests for access to or correction of records originating in the Civil Division.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

*The Attorney General has exempted certain categories of records in this system from subsections (c) (3) and (4), (d), (e)(1), (e)(2), (e)(3), (e)(4), (G) and (H), (e)(5), (e)(8), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2), (k)(1) and (k)(2). That is, these exemptions apply only to the extent that the file contains information which has been properly classified pursuant to an Executive Order or to the extent that it contains investigatory and other law*

*enforcement materials. Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.*

[FR Doc. 88-1812 Filed 1-28-88; 8:45 am]

BILLING CODE 4410-01-M

**[AAG/A Order No. 6-88]****Privacy Act of 1974; Modified System of Records**

Under the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), the Civil Division, Department of Justice, proposes to modify an existing system of records entitled "Consumer Inquiry/ Investigatory System (JUSTICE/CIV-006)." Notice of the system, formerly described as the "Consumer Mail File System," was last published in the *Federal Register* on December 20, 1983 (48 FR 56283).

Specifically, the Division will modify the system notice by making minor changes, both factual and editorial; by revising the routine use language in several instances to provide clarity and to include additional specificity; by deleting a routine use; by adding routine uses for disclosure of records pursuant to a Freedom of Information Act (FOIA) request and to other agencies in connection with the processing of FOIA and Privacy Act (PA) requests; by revising the categories of records to show that the system contains civil investigatory and criminal law enforcement information; and by indicating that a rule has been promulgated to exempt the system from certain PA provisions. All changes have been italicized for public convenience in the system notice reprinted below. The exemption of this system is more fully described in the Proposed Rules Section of today's *Federal Register*.

Title 5 of the U.S. Code, sections 552a(e) (4) and (11), require that the public be given 30 days in which to comment on new routine uses of information in the system. However, the Office of Management and Budget (OMB), which has oversight responsibility under the Act, requires 60 days in which to review the proposed new routine uses and exemptions for the system. Therefore, the public, OMB, and the Congress are invited to submit written comments by March 29, 1988 to J. Michael Clark, Assistant Director, Facilities and Administrative Services Staff, Justice Management Division, Department of Justice, Room 6402, 601 D Street NW., Washington, DC 20530. If no comments are received, the proposal

will be implemented without further notice in the **Federal Register**.

Dated: January 6, 1988.

Harry H. Flickinger,  
Assistant Attorney General for  
Administration.

**JUSTICE/CIV-006**

**SYSTEM NAME:**

Consumer Inquiry/Investigatory  
System.

**SYSTEM LOCATION:**

Civil Division, U.S. Department of  
Justice, 666 11th Street NW.,  
Washington, DC 20530.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals with complaints or  
inquiries on consumer matters.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The records consist of complaints and  
inquiries from private individuals, any  
replies thereto and other  
correspondence and internal  
memoranda related to the investigation  
of such inquiries for violations of  
criminal or civil Federal law.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

U.S.C. 3101; 5 U.S.C. 301.

**PURPOSE OF THE SYSTEM:**

These records are maintained for the  
purpose of responding to consumer  
complaints or inquiries and to further or  
initiate investigations for law  
enforcement purposes.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(1) A complaint/inquiry, or any  
information developed in response  
thereto may be disclosed to other  
Federal, State or local agencies for law  
enforcement purposes, to ensure  
complete action on the matter, or to  
better assess consumer-related  
problems and programs.

(2) A complaint/inquiry or any  
information derived therefrom may be  
disclosed to a private firm that is the  
subject of a complaint/inquiry to  
resolve the issues raised in the  
complaint/inquiry or to fulfill the  
Department's law enforcement  
responsibilities.

(3) To facilitate processing Freedom  
of Information and Privacy Act requests  
for these records, a record may be  
disclosed to another Federal agency to  
(a) permit a decision as to access,  
amendment or correction of records to  
be made in consultation with or by that

agency or (b) verify the identity of an  
individual or the accuracy of  
information submitted by an individual  
who has requested access to, or  
amendment or correction of records.

(4) Information may be released  
pursuant to a request under 5 U.S.C. 552,  
provided that the release does not  
violate personal privacy interests.

(5) A record or information derived  
therefrom may be released to the news  
media and the public pursuant to 28  
CFR 50.2 unless it is determined that  
release would constitute an  
unwarranted invasion of personal  
privacy.

(6) A record may be disclosed to the  
National Archives and Records  
Administration and to the General  
Services Administration to conduct  
records management inspections  
authorized by 44 U.S.C. 2904 and 2906.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

These records are stored in file  
folders in cabinets.

**RETRIEVABILITY:**

Information is retrieved by name  
subject matter and date.

**SAFEGUARDS:**

Information contained in the system is  
unclassified. During duty hours access  
to this system is monitored and  
controlled by Civil Division personnel in  
the area where the system is  
maintained. The area is locked during  
non-duty hours.

**RETENTION AND DISPOSAL:**

In accordance with the General  
Record Schedule 14, item 6, records are  
retained for one year after close of the  
file or completion of the project, after  
which the files are destroyed.

**SYSTEMS MANAGER AND ADDRESS:**

Assistant Attorney General, Civil  
Division, U.S. Department of Justice,  
10th and Constitution Avenue, NW.,  
Washington, D.C. 20530.

**NOTIFICATION PROCEDURE:**

Address inquiries to the Assistant  
Attorney General, Civil Division,  
Department of Justice, 10th and  
Constitution Avenue, NW., Washington,  
D.C. 20530.

**RECORD ACCESS PROCEDURE:**

A request for access to a record from  
this system shall be written and clearly  
identified as a "Privacy Access  
Request." The request should include  
the name of the party making the inquiry  
and the date of the inquiry. The

requester should indicate a return  
address. The request should be directed  
to the system manager listed above.

**CONTESTING RECORD PROCEDURES:**

Individuals desiring to contest or  
amend information maintained in the  
system should state clearly and  
concisely what information is being  
contested, the reasons for contesting it  
and the proposed amendment to the  
information sought. The request should  
be directed to the system manager listed  
above.

**RECORD SOURCE CATEGORIES:**

Sources of records maintained in the  
system are the public inquiries, and  
information provided by private firms  
regarding the subject matter of such  
inquiries.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

The Attorney General has exempted  
certain categories of records in this  
system from subsections (c) (3) and (4),  
(d), (e) (1) and (e) (5) of the Privacy Act  
pursuant to 5 U.S.C. 552a(j) (2) and (k)  
(2). That is, these exemptions apply only  
to the extent that the file contains  
records combined for civil or criminal  
law enforcement purposes. Rules have  
been promulgated in accordance with  
the requirements of 5 U.S.C. 553 (b), (c)  
and (e) and have been published in the  
Federal Register.

[FR Doc. 88-1813 filed 1-28-88; 8:45 am]

BILLING CODE 4410-01-M

**[AAG/A Order No. 7-88]**

**Privacy Act of 1974; Modified System of Records**

Under the provisions of the Privacy  
Act of 1974 (5 U.S.C. 552a), the Civil  
Division, Department of Justice,  
proposes to modify an existing system  
of records entitled "Congressional and  
Citizen Correspondence File (JUSTICE/  
CIV-007)." Notice of the system was last  
published in the Federal Register on  
December 6, 1983 (48 FR 54727).

Specifically, the Division will modify  
the system notice by making minor  
changes, both factual and editorial; by  
deleting a routine use; by revising some  
of the routine use language to provide  
clarity and to include additional  
specificity; by adding a routine use for  
disclosure of information pursuant to a  
Freedom of Information Act (FOIA)  
request and to other agencies in  
connection with the processing of FOIA  
and Privacy Act (PA) requests; by  
revising the categories of records to

show that the system contains civil investigatory and criminal law enforcement information; and by indicating that a rule has been promulgated to exempt the system from certain PA provisions. All changes have been italicized for public convenience in the system notice reprinted below. The exemption of this system is more fully described in the Proposed Rules Section of today's Federal Register.

Title 5 of the U.S. Code, sections 552a(e) (4) and (11), require that the public be given 30 days in which to comment on new routine uses of information in the system. However, the Office of Management and Budget (OMB), which has oversight responsibility under the Act, requires 60 days in which to review the proposed new routine uses and exemptions for the system. Therefore, the public, OMB, and the Congress are invited to submit written comments by March 29, 1987 to J. Michael Clark, Assistant Director, Facilities and Administrative Services Staff, Justice Management Division, Department of Justice, Room 6402, 601 D Street NW., Washington, DC 20530. If no comments are received, the proposal will be implemented without further notice in the Federal Register.

Dated: January 6, 1988.

Harry H. Flickinger,  
Assistant Attorney General for  
Administration.

Justice/CTV-007

**SYSTEM NAME:**

Congressional and Citizen  
Correspondence File.

**SYSTEM LOCATIONS:**

Civil Division, U.S. Department of  
Justice, 550 11th Street NW.,  
Washington, DC 20530.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

(1) Current and past members of Congress who correspond with the Department on civil and other related matters; and (2) Private individuals who correspond with the Department of civil and other related matters.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

(1) The records consist of written inquiries from private individuals (or Members of Congress) on various matters, including requests for action on Private Relief Bills, and copies of responses thereto. Included also may be internal memoranda and other materials compiled in connection with the underlying criminal or civil investigation of such matters. (2) An automated record of selected data which has been extracted from each

request file is maintained on magnetic diskettes as an index to the files, to follow the progress of the correspondence, and to obtain statistical data for monthly and fiscal reports.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

The system is established and maintained in accordance with 5 U.S.C. 301 and 44 U.S.C. 3101.

**PURPOSE OF THE SYSTEM:**

*These records are maintained for the purpose of permitting Civil Division and other Department of Justice personnel to respond to congressional and public inquiries, requests, or complaints.*

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(1) *A record, or any facts derived therefrom, may be referred or conveyed to other Federal, State, or local agencies for consultation or for direct response by that agency to the inquiry.*

(2) *To facilitate processing of Freedom of Information and Privacy Act requests for these records, information may be disclosed to another Federal agency to (a) permit a decision as to access, amendment or correction of records to be made in consultation with or by that agency, or (b) verify the identity or the accuracy of information submitted by an individual who has requested access to, or amendment or correction of records.*

(3) *A record may be released to the National Archives and Records Administration and to the General Services Administration to conduct records management inspections authorized by 44 U.S.C. 2904 and 2906.*

(4) *Information may be released pursuant to a request under 5 U.S.C. 552, provided that disclosure does not violate personal privacy interests.*

(5) *Information may be released to the news media and the public pursuant to 28 CFR 50.2 unless it is determined that release would constitute an unwarranted invasion of personal privacy.*

**STORAGE:**

*Inquiry records (manual) are stored in file folders in cabinets. Automated records are maintained on magnetic diskettes.*

**RETRIEVABILITY:**

*The files are retrievable by date of final response, name of correspondent, or by subject matter.*

**SAFEGUARDS:**

*Access to records is limited to Department of Justice personnel who*

*have need for the records to perform their duties. Automated records are safeguarded and protected in accordance with Department rules and procedures governing the handling of computerized information. Information contained in the system is unclassified. The files are maintained in a room that is occupied by office personnel during the day and locked at night.*

**RETENTION AND DISPOSAL:**

*In accordance with the useful life of these records, the files are retained for two years after final response after which the files are destroyed.*

**SYSTEM MANAGER AND ADDRESS:**

Assistant Attorney General, Civil  
Division, U.S. Department of Justice,  
10th and Constitution Avenue NW.,  
Washington, DC 20530.

**NOTIFICATION PROCEDURE:**

Address inquiries to the System Manager listed above. c/o FOI/PA Office. The envelope and letter should be clearly marked, "FREEDOM OF INFORMATION/PRIVACY ACTS REQUEST."

**RECORD ACCESS PROCEDURES:**

A request for access to a record from this system shall be made in writing, with the envelope and letter clearly marked, "FREEDOM OF INFORMATION/PRIVACY ACTS REQUEST." The requester shall also provide a return address for transmitting the information. Access requests shall be directed to the system manager listed above. c/o the FOI/PA Office.

**CONTESTING RECORD PROCEDURES:**

Individuals desiring to contest or amend information maintained in the system should direct a request to the system manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought. The envelope and letter should be clearly marked, "FREEDOM OF INFORMATION/PRIVACY ACTS REQUEST."

**RECORD SOURCE CATEGORIES:**

Sources of information maintained in the system are congressional and citizen correspondents.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

*The Attorney General has exempted certain categories of records in this system from subsection (d) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and (k)(2). That is, this*

*exemption applies only to the extent that the file contains investigatory and other law enforcement materials. Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.*

[FR Doc. 88-1814 Filed 1-28-88; 8:45 am]

BILLING CODE 4410-01-M

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-20.215]

#### Negative Determination Regarding Application for Reconsideration; Phoenix Steel Corp., Phoenixville, PA

After being granted a filing extension, counsel for the United Steel Workers (USW) requested administrative reconsideration of the Department's negative determination on the subject petition for trade adjustment assistance for workers at Phoenix Steel Corporation, Phoenixville, Pennsylvania. The denial notice was signed on November 30, 1987 and published in the Federal Register on December 15, 1987 (52 FR 47646).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

- (1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;
- (2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or
- (3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

Counsel claims that the Department should have considered the cumulative effect of imports prior to 1985 on the Phoenix Steel Corporation. The Department's narrow focus on imports for the years 1985, 1986 and the first quarter of 1987 is not in keeping with the remedial character of the Trade Act.

The Phoenixville plant produced carbon steel seamless tubing. All production operations ceased in March 1987.

Investigation findings show that the worker petition did not meet the increased import criterion of the Group Eligibility Requirements of the Trade Act of 1974. U.S. imports of seamless carbon steel pipe and tubing decreased absolutely and relative to domestic shipments in 1986 compared to 1985 and

in the first quarter of 1987 compared to the same quarter in 1986. Imports of seamless carbon steel pipe and tube over 4.5 inches and less than 16 inches in outside diameter, the size produced by Phoenix Steel, declined absolutely in 1986 compared to 1985 and in the first quarter of 1987 compared to the same quarter in 1986.

With respect to imports prior to 1985, Departmental files show that workers at Phoenixville were certified for adjustment assistance under petition TA-W-13.790 from April 1, 1982 until June 7, 1985. To certify workers again with pre-1985 imports several years later under a different petition is to run contrary to the intent of the law. Section 223(b)(1) of the Trade Act states that worker separations prior to one year of the date of a petition cannot be covered under a certification. The date of the current petition is October 13, 1987.

Finally, the Group Eligibility Requirements state that there must be increased imports of the product produced by the workers' firm which contributed importantly to the worker separations and this did not occur. Investigation findings show that most of the workers were laid off in the first quarter of 1987.

#### Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 21st day of January 1988.

Harold A. Bratt,  
Deputy Director, Office of Program Management, UIS.

[FR Doc. 88-1910 Filed 1-28-88; 8:45 am]

BILLING CODE 4510-30-M

#### Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance; Terry Corp.

In the matter of TA-W-19,451 Windsor, Connecticut and TA-W-19,451A Cranford, New Jersey.

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on May 15, 1987 applicable to all workers of Terry Corporation, Windsor, Connecticut. The Certification was published in the Federal Register on June 16, 1987 (52 FR 22862).

Based on new information furnished to the Department by the company, the

certification is amended to include the Cranford, New Jersey Sales Office which also was closed.

The intent of the Certification is to cover all workers at the Terry Corporation who were affected by the closing of the plant. The notice, therefore is amended by providing the new location of Cranford, New Jersey.

The amended notice applicable to TA-W-19,451 is hereby issued as follows:

"All workers of Terry Corporation, Windsor, Connecticut and Cranford, New Jersey who became totally or partially separated from employment on or after March 23, 1986 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974."

Signed at Washington, DC, this 22nd day of January 1988.

Barbara Ann Farmer,  
Acting Director, Office of Program Management, UIS.

[FR Doc. 88-1911 Filed 1-28-88; 8:45 am]

BILLING CODE 4510-30-M

#### Employment Standards Administration, Wage and Hour Division

#### Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the

foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the *Federal Register*, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue NW., Room S-3504, Washington, DC 20210.

#### Modifications to General Wage Determination Decisions

The numbers of the decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume, State, and page

number(s). Dates of publication in the *Federal Register* are in parentheses following the decisions being modified.

#### Volume I:

<b>Alabama:</b>	
AL88-4 (Jan. 8, 1988) .....	p. 8.
AL88-18 (Jan. 8, 1988) .....	p. 35.
AL88-21 (Jan. 8, 1988) .....	p. 41.
<b>Connecticut:</b>	
CT88-1 (Jan. 8, 1988) .....	pp. 62-66.
	pp. 70-71.
<b>Georgia:</b>	
GA88-3 (Jan. 8, 1988) .....	pp. 218-219.
<b>Massachusetts:</b>	
MA88-1 (Jan. 8, 1988) .....	p. 377.
<b>Volume II</b>	
<b>Kansas:</b>	
KS88-9 (Jan. 8, 1988) .....	p. 362.
<b>Michigan:</b>	
MI88-2 (Jan. 8, 1988) .....	pp. 425-439.
MI88-3 (Jan. 8, 1988) .....	pp. 441-452.
MI88-4 (Jan. 8, 1988) .....	pp. 454, 457-459.
MI88-5 (Jan. 8, 1988) .....	pp. 462-474.
MI88-7 (Jan. 8, 1988) .....	pp. 478-480, 483.
	pp. 489-498.
<b>Missouri:</b>	
MO88-2 (Jan. 8, 1988) .....	p. 604.
<b>Ohio:</b>	
OH88-1 (Jan. 8, 1988) .....	pp. 724-727.
OH88-3 (Jan. 8, 1988) .....	p. 759.
OH88-28 (Jan. 8, 1988) .....	p. 815.
OH88-29 (Jan. 8, 1988) .....	pp. 820-856b.
<b>Texas:</b>	
TX88-9 (Jan. 8, 1988) .....	p. 958.
Listing by location (index) .....	pp. xxxiii-xxxiv.

#### Volume III

<b>Arizona:</b>	
AZ88-1 (Jan. 8, 1988) .....	pp. 10-11, 14.
AZ88-2 (Jan. 8, 1988) .....	p. 19.
AZ88-4 (Jan. 8, 1988) .....	p. 32.
<b>California:</b>	
CA88-2 (Jan. 8, 1988) .....	pp. 44-47, 49, 53.
	pp. 56, 58, 61.
CA88-4 (Jan. 8, 1988) .....	pp. 77, 83-86, 92, 94.
<b>Nevada:</b>	
NV88-1 (Jan. 8, 1988) .....	pp. 242-258b.
NV88-3 (Jan. 8, 1988) .....	pp. 266-270b.
NV88-5 (Jan. 8, 1988) .....	pp. 291-293, 295.

#### General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts." This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country. Subscriptions may be

purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783-3238.

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC, this 2nd day of January 1988.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 88-1666 Filed 1-28-88; 8:45 am]

BILLING CODE 4510-27-M

#### NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

##### Records Schedules; Availability and Request for Comments

**AGENCY:** National Archives and Records Administration, Office of Records Administration.

**ACTION:** Notice of availability of proposed records schedules; request for comments.

**SUMMARY:** The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Records schedules identify records of sufficient value to warrant preservation in the National Archives of the United States. Schedules also authorize agencies after a specified period to dispose of records lacking administrative, legal, research, or other value. Notice is published for records schedules that (1) propose the destruction of records not previously authorized for disposal, or (2) reduce the retention period for records already authorized for disposal. NARA invites public comments on such schedules, as required by 44 U.S.C. 3303a(a).

**DATE:** Requests for copies must be received in writing on or before March 14, 1988. Once the appraisal of the records is completed, NARA will send a copy of the schedule. The requester will be given 30 days to submit comments.

**ADDRESS:** Address requests for single copies of schedules identified in this notice to the Records Appraisal and Disposition Division (NIR), National

Archives and Records Administration, Washington, DC 20408. Requesters must cite the control number assigned to each schedule when requesting a copy. The control number appears in parentheses immediately after the name of the requesting agency.

**SUPPLEMENTARY INFORMATION:** Each year U.S. Government agencies create billions of records on paper, film, magnetic tape, and other media. In order to control this accumulation, agency records managers prepare records schedules specifying when the agency no longer needs the records and what happens to the records after this period. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. These comprehensive schedules provide for the eventual transfer to the National Archives of historically valuable records and authorize the disposal of all other records. Most schedules, however, cover records of only one office or program or a few series of records, and many are updates of previously approved schedules. Such schedules also may include records that are designated for permanent retention.

Destruction of records requires the approval of the Archivist of the United States. This approval is granted after a thorough study of the records that takes into account their administrative use by the agency of origin, the rights and interests of the Government and of private persons directly affected by the Government's activities, and historical or other value.

This public notice identifies the Federal agencies and their subdivisions requesting disposition authority, includes the control number assigned to each schedule, and briefly describes the records proposed for disposal. The records schedule contains additional information about the records and their disposition. Further information about the disposition process will be furnished to each requester.

#### Schedules Pending

1. Department of the Army (N1-338-87-11). Facilitative records of Army terminals (records documenting overall policies and procedures are permanent).
2. Department of Commerce, Bureau of Economic Analysis (NC1-375-81-1). Comprehensive schedule covering the records of the entire Bureau.
3. Department of Commerce, International Trade Administration (N1-151-87-9). Subject files of industrial advisory committees.
4. Department of Energy, Western Area Power Administration (N1-201-88-

1). Records relating to energy management and marketing functions.

5. Federal Communications Commission, News Media Division (N1-173-88-1). Informational releases.

6. Department of the Interior, National Park Service (N1-79-86-1). Comprehensive schedule for headquarters and regional office records.

7. Department of Justice, Criminal Division (N1-60-88-2). Nonlitigative correspondence received by the division and requiring a response.

8. Department of Justice, Federal Bureau of Investigation (N1-65-88-4). Pornographic Materials Reference File.

9. National Archives and Records Administration, Office of the National Archives, Field Archives Division (N2-21-88-1). U.S. District Court bankruptcy case files designated as disposable under the current schedule, and other selected case papers.

10. Department of Transportation, Maritime Administration (N1-357-88-2). Asbestos liability releases form.

11. Department of the Treasury, Financial Management Service, Chief Counsel's Office (N1-425-88-1). Closed litigation case files.

Dated: January 25, 1988.

Don W. Wilson,

Archivist of the United States.

[FR Doc. 88-1894 Filed 1-28-88; 8:45 am]

BILLING CODE 7515-01-M

#### NATIONAL SCIENCE FOUNDATION

##### Cell Biology Advisory Panel; Meeting

Name: Advisory Panel for Cell Biology.

Date and Time: Wednesday, Thursday, and Friday, February 17, 18, and 19, 1988, from 9:00 AM to 5:00 PM.

Place: Room 1242, 1800 G Street, NW., Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. M.V.

Parthasarathy, Program Director, Cell Biology Program, Room 321. Telephone: 202-357-7474.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

January 25, 1988.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 88-1912 Filed 1-28-88; 8:45 am]

BILLING CODE 7555-01-M

#### Committee Management; Establishment

The Assistant Director for Biological, Behavioral, and Social Sciences has determined that the establishment of the Advisory Panel for the Plant Science Centers is necessary and in the public interest in connection with the performance of duties imposed upon the Director, National Science Foundation (NSF) and other applicable law. This determination follows consultation with the Committee Management Secretariat, General Services Administration

Name of Committee: Advisory Panel for the Plant Science Centers.

Purpose: Primarily to advise on the merit of proposals for research and training centers in plant science submitted to NSF for financial support. Additionally, the Panel provides oversight, general advice and policy guidance to the Plant Science Centers Program.

M. Rebecca Winkler,

Committee Management Officer.

January 26, 1988.

[FR Doc. 88-1914 Filed 1-28-88; 8:45 am]

BILLING CODE 7555-01-M

#### Advisory Panel for Developmental Biology; Meeting

The National Science Foundation announces the following meeting.

Name: Advisory Panel for Developmental Biology.

Date and Time: February 17, 18, 19, 1988, starting at 9:00 A.M. to 5:00 P.M.

Place: National Science Foundation 1800 G Street, NW., Conference Room, 1243.

Type of Meeting: Closed.

Contact Person: Dr. Ralph Hecht, Program Director or Dr. Judith Plesset, Assistant Program Director for Developmental Biology, Room 321, Telephone number: 202/357-7989.

Purpose of Advisory Panel: To provide advice and recommendations concerning support of research in developmental biology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information,

financial data, such as salaries, and the personal information concerning individuals associated with the proposal. These matters are within exemptions (4) and (6) of 5 U.S.C. 522(c), Government in the Sunshine Act.

M. Rebecca Winkler,

*Committee Management Officer.*

January 25, 1988.

[FR Doc. 88-1913 Filed 1-28-88; 8:45 am]

BILLING CODE 7555-01-M

[Docket No. 50-366]

**Edwin I. Hatch Nuclear Plant, Unit 2;  
Georgia Power Co. et al. ;  
Environmental Assessment and  
Finding of No Significant Impact**

In the matter of Georgia Power Co. and Oglethorpe Power Corp.; Municipal Electric Authority of Georgia; City of Dalton, GA.

The U.S. Nuclear Regulatory Commission (the Commission) is issuing an exemption from the requirements of 10 CFR 50.62(c)(4) to Georgia Power Company (the licensee) for the Edwin I. Hatch Nuclear Plant, Unit 2, located in Appling County, Georgia.

**Environmental Assessment**

*Identification of Proposed Action*

The exemption allows the use of a minimum flow rate of 41.2 GPM and an available sodium pentaborate concentration ranging from 6.2 weight percent (w/o) to 13 w/o depending on the volume of the sodium pentaborate solution existing in the standby liquid control system (SLCS) storage tank. The flow rate and concentration of sodium pentaborate are different from the requirements of 10 CFR 50.62(c)(4) which specify a flow rate of 86 GPM and a concentration of 13 w/o of sodium pentaborate.

The exemption responds to the licensee's application for exemption dated January 6, 1988.

*The Need for the Proposed Action*

The exemption is needed because the licensee proposes to depart from 10 CFR 50.62(c)(4) requirements in view of Hatch, Unit 2, having a reactor vessel diameter which is smaller than that used to establish the minimum flow and boron content requirements set forth in the regulation. The flow and concentration requirements in 10 CFR 50.62 were based upon achieving a desired negative reactivity insertion rate into a 251-inch reactor vessel. However, the regulation does not explicitly refer to the vessel size.

The reactor vessel for Hatch, Unit 2 is 218 inches in diameter. Accordingly, the licensee has proposed to meet the

requirements of 10 CFR 50.62(c)(4) by using sodium pentaborate enriched to 60 atomic percent in the Boron-10 isotope, in solution with a concentration ranging from 6.2 w/o to 13 w/o depending upon the solution volume, and with a minimum injection flow rate of 41.2 GPM. For the Hatch, Unit 2 reactor vessel size, this injection flow rate and solution concentration, using a minimum of 60 atomic percent Boron-10 in the sodium pentaborate, results in a negative reactivity insertion rate equivalent to that specified in 10 CFR 50.62(c)(4) for a 251-inch reactor vessel.

*Environmental Impacts of the Proposed Action*

The exemption provides a degree of protection for the Hatch Unit 2 reactor equivalent to that required by the regulation for reactors with larger reactor vessels for prompt injection of negative reactivity into a boiling water reactor pressure vessel in the event of an ATWS. Consequently, the probability of accidents has not been increased by the exemption and the post-accident radiological releases would not be greater than previously determined. The exemption does not otherwise affect radiological plant effluents. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with this exemption.

The exemption does not affect nonradiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant nonradiological environmental impacts associated with the exemption.

*Alternatives to the Proposed Action*

Since the Commission has concluded that there are no significant environmental effects that would result from the action, any alternatives with equal or greater environmental impacts need not be evaluated.

The principal alternative would be to deny the requested exemption. This would not reduce the environmental impacts attributable to this facility and would result in a larger expenditure of licensee resources to comply with the Commission's regulations.

*Alternative Use of Resources*

This action involves no use of resources not previously considered in the Final Environmental Statement related to operation of the Hatch, Unit 2 Plant, dated March 1978.

*Agencies and Persons Consulted*

The Commission's staff reviewed the licensee's request and did not consult other agencies or persons.

**Finding of No Significant Impact**

Based upon the foregoing environmental assessment, we conclude that the action will not have a significant effect on the quality of the human environment. The Commission has, therefore, determined not to prepare an environmental impact statement for the exemption.

For further details with respect to this action, see the application for the exemption dated January 6, 1988 which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Appling County Public Library, 301 City Hall Drive, Baxley, Georgia 31513.

Dated at Bethesda, Maryland, this 25th day of January 1988.

For the Nuclear Regulation Commission.

Lawrence P. Crocker,

*Acting Director, Project Directorate II-3,  
Division of Reactor Projects I/II, Office of  
Nuclear Reactor Regulation.*

[FR Doc. 88-1880 Filed 1-28-88; 8:45 am]

BILLING CODE 7590-01-M

**NUCLEAR REGULATORY  
COMMISSION**

**Advisory Committee on Reactor  
Safeguards; Meeting Agenda**

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards will hold a meeting on February 11-13, 1988, in Room 1046, 1717 H Street NW., Washington, DC. Notice of this meeting was published in the **Federal Register** on January 20, 1988.

**Thursday, February 11, 1988**

**8:30 a.m.-8:45 a.m.: Comments by ACRS  
Chairman (Open)**—The ACRS  
Chairman will report briefly regarding  
items of current interest.

**8:45 a.m.-10:00 a.m.: Nuclear Power  
Plant Maintenance (Open)**—Review  
and comment regarding proposed  
NRC Interim Policy Statement on  
Maintenance of Nuclear Power Plants  
(SECY-87-314 dated December 30,  
1987).

**10:15 a.m.-12:15 p.m.: Advanced Light  
Water Reactor Requirements  
(Open)**—Briefing regarding proposed  
EPRI requirements for advanced light  
water reactors with more passive  
safety features.

1:15 p.m.-4:30 p.m.: *Advanced MHTGR and MLMCR Nuclear Power Plants* (Open)—Briefing and discussion regarding proposed design features of DOE advanced MHTGR and MLMCR (PRISM and SAFR) nuclear power plants.

4:30 p.m.-6:30 p.m.: *Advanced (Non-Water) Nuclear Power Plants* (Open)—Review and comment regarding proposed NRC requirements for key safety features of advanced MHTGR and MLMCR designs.

Friday, February 12, 1988

8:30 a.m.-10:30 a.m.: *TVA Nuclear Management and Plant Operations* (Open)—Review and comment regarding proposed changes in TVA nuclear management organization and proposed restart of TVA nuclear plants.

10:45 a.m.-12:45 p.m.: *NRC Quantitative Safety Goals* (Open)—Briefing and discussion regarding status of proposed NRC plan for implementation of the NRC Quantitative Safety Goals.

1:45 p.m.-2:30 p.m.: *Systematic Assessment of Operating Experience* (Open/Closed)—Briefing regarding analysis and evaluation of valve and valve operator performance in nuclear power plant feedwater systems and experience with use of radioisotopes.

Portions of this session will be closed as required to discuss Proprietary Information related to the matters being considered.

2:30 p.m.-3:00 p.m.: *Nuclear Waste Management* (Open)—Report and discussion of Congressional changes in the NWPAA and its impact on NRC programs/activities as well as the status of other miscellaneous matters related to high-level and low-level nuclear radwaste.

3:15 p.m.-3:45 p.m.: *Future ACRS Activities* (Open)—Discuss anticipated ACRS subcommittee activities and items proposed for consideration by the full Committee.

3:45 p.m.-4:45 p.m.: *Resolution of Generic Issues* (Open)—Discuss procedures being used by the NRC Staff to define and/or modify the scope of generic issues and unresolved safety issues as well as the effectiveness of staff activities that deal with generic issues and USIs.

4:45 p.m.-6:00 p.m.: *ACRS Subcommittee Activities* (Open)—Reports and discussion of ACRS subcommittee activities in designated areas including thermal-hydraulic phenomena, decay heat removal, and nuclear safety research prioritization methodology.

Saturday, February 13, 1988

8:30 a.m.-10:00 a.m.: *ACRS Reports* (Open)—Discuss proposed ACRS reports regarding items considered during this meeting, proposed NRC resolution of USI A-47, Safety Implications of Control Systems in Nuclear Power Plants, and the ACRS annual report to the U.S. Congress on the NRC safety research program.

10:15 a.m.-10:45 a.m.: *New ACRS Members* (Closed)—Discuss qualifications of candidates proposed for appointment to the ACRS and internal allocation of resources to support advisory functions related to nuclear reactor and nuclear radwaste regulation.

This session will be closed as necessary to discuss information the release of which would represent a clearly unwarranted invasion of personnel privacy and information that involves the internal personal rules and practices of the agency.

10:45 a.m.-11:00 a.m.: *ACRS Practices and Procedures* (Open)—Discuss proposed change in ACRS Bylaws regarding activities of ACRS members.

11:00 a.m.-12:00 Noon and 1:00 p.m.-2:00 p.m.: *Important Safety-Related Issues* (Open)—Discuss proposed hierarchical structure for important safety-related matters identified by ACRS members.

2:00 p.m.-3:30 p.m.: *Miscellaneous* (Open)—Complete discussion of issues considered during this meeting.

Procedures for the conduct of and participation in ACRS meetings were published in the *Federal Register* on October 2, 1987 (51 FR 37241). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley, prior to the meeting. In view of the possibility that the

schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with subsection 10(d) Pub. L. 92-463 that it is necessary to close portions of this meeting as noted above to discuss information related to the internal personnel rules and practices of the agency (5 U.S.C. 552b(c)(2)), information the release of which would represent a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)), and Proprietary Information applicable to the matter being discussed (5 U.S.C. 552b(c)(4)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202/634-3265), between 8:15 a.m. and 5:00 p.m.

Date: January 22, 1988.

John C. Hoyle,

*Advisory Committee Management Officer.*

[FR Doc. 88-1859 Filed 1-28-88; 8:45 am]

BILLING CODE 7590-01-M

## Relocation of Office of Nuclear Reactor Regulation

Effective February 1, 1988, the NRC's Office of Nuclear Reactor Regulation (NRR) has been relocated at the agency's new office building located at One White Flint North, 11555 Rockville Pike, Rockville, Maryland. The agency's mailing address remains unchanged—U.S. Nuclear Regulatory Commission, Washington, DC 20555. Specific telephone numbers for the relocated NRR personnel may be obtained from the NRC Operator on 301-492-7000. A new NRC telephone directory (NUREG/BR-0046) is expected to be issued in late February or early March 1988.

Dated at Bethesda, Maryland, this 28th day of January 1988.

For the Nuclear Regulatory Commission.

David L. Meyer,

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

[FR Doc. 88-1879 Filed 1-28-88; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-440]

**The Cleveland Electric Illuminating Co. et al. (Perry Nuclear Power Plant, Unit No. 1); Exemption**

I

The Cleveland Electric Illuminating Company (CEI), Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company, and Toledo Edison Company (the licensees) are the holders of Facility Operating License No. NPF-58 which authorizes operation of Perry Nuclear Power Plant, Unit No. 1 (the facility) at steady-state reactor power levels not in excess of 3579 megawatts thermal. The license provides, among other things, that it is subject to all rules, regulations, and Orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

The facility is a boiling water reactor (BWR) located at the licensees' site in Lake County, Ohio.

II

10 CFR Part 50, Appendix J, Section III.D.3, states:

Type C tests. Type C tests shall be performed during each reactor shutdown for refueling but in no case at intervals greater than 2 years.

These tests would become due at the Perry Nuclear Power Plant, Unit No. 1, for certain containment isolation valves which are the subject of this Exemption, between February 18, 1988, and June 15, 1988. The tests necessary to meet this section of Appendix J to 10 CFR Part 50 are required by Technical Specification 4.6.1.2 of the Perry Nuclear Power Plant, Unit No. 1, Technical Specifications.

III

On September 11, 1987, the licensees submitted a request for exemption from Section III.D.3 of Appendix J to 10 CFR Part 50 for the Perry Nuclear Power Plant, Unit No. 1, for 14 containment isolation valves. The licensees proposed to perform Type C local leak rate tests (LLRTs) of these valves prior to startup from the first refueling outage for Unit No. 1 (currently scheduled for January 1989) in lieu of the 2-year interval required by Section III.D.3. The licensees also submitted by separate correspondence dated September 11, 1987, as amended September 18, 1987, a related Technical Specification change request to the Perry Unit No. 1 license which would revise Technical Specification 4.6.1.2 to be consistent with the requested exemption. The licensees also responded to the Commission's staff requests for additional information related to the

exemption and amendment request by letter dated January 8, 1988.

The Commission's staff has determined that the licensees' request for extension of the requested containment isolation valve Type C LLRTs until the first refueling outage will not present a significant safety concern and is therefore acceptable based on the following considerations:

1. The integrated temperature/pressure profiles experienced by the valves considered in this one-time exemption request will not be significantly greater than expected for subsequent refueling cycle test intervals.

2. The favorable results of previous leakage tests performed at the Perry Nuclear Power Plant, Unit 1, on these valves, coupled with their small contribution to allowable leakage, confirmatory industry experience and expected gradual deterioration of valves of these types provide reasonable assurance and confidence that granting the requested schedular exemption will not result in a significant decrease in the integrity of the containment boundary.

3. The 2-year interval testing requirement for Type B and C penetrations is intended to be often enough to prevent significant deterioration from occurring and long enough to permit LLRTs to be performed during plant outages. Leak testing of the penetrations during plant shutdown is preferable because of the lower radiation exposures to plant personnel. Moreover, some penetrations, because of their intended functions, cannot be tested during power operations. For penetrations that cannot be tested during power operations or those that, if tested during power operation would cause a degradation in the plant's overall safety (e.g., the closing of a redundant line in a safety system), the increase in confidence of containment integrity following a successful test is not significant enough to justify a plant shutdown specifically to perform the LLRTs within the 2-year period, as long as the penetrations are in compliance with items 1 and 2 above.

For details with respect to the staff's evaluation see the Safety Evaluation Supporting Amendment to Facility Operating License No. NPF-58 dated January 19, 1988.

In support of the requirement of 10 CFR 50.12 for demonstration that special circumstances exist with respect to the requested exemption, the licensees have stated that pursuant to 10 CFR 50.12(a)(2), (iii) and (v), the following special circumstances exist:

50.12(a)(2)(iii)—A requirement for shutdown to comply with the two year testing

requirement in Appendix J would impose a hardship and costs not contemplated by the rule when written since Appendix J clearly indicates an intent that required testing be performed during normal refueling outages except in unusual situations when the two year limit would apply. To require a plant shutdown to comply with the two year limit for testing even though the plant has not accumulated two full years of power operation would result in an unnecessary loss of power to the grid at a time when the distribution system's need for power is high as well as the extra costs attendant to having two successive outages.

50.12(a)(2)(v)—The requested exemption is temporary and became necessary as a result of the delays in attaining full power operation common to initial startup activities. If an outage of sufficient duration is encountered prior to the first refueling outage at Perry, CEI agrees to perform the testing which is the subject of this exemption request with the exception of valves 1E12-F023, 1E51-F013, 1E51-F066 which require removal of the drywell head for testing. Testing of these valves can only be performed during a refueling outage.

The Commission's staff has reviewed the licensees' description of the special circumstances relative to this exception request and has determined that special circumstances as required by 10 CFR 50.12 do exist.

The Commission's regulations in 10 CFR 50.12(a)(2)(v) state that special circumstances exist when the exemption would provide only temporary relief from the applicable regulation and that the applicant or licensee has made good faith efforts to comply with the regulation. The requested exemption is a one-time schedular exemption to delay LLRTs for 14 containment isolation valves until the first refueling outage. The licensees have completed satisfactorily LLRTs of all other containment isolation valves involving several hundred valves. However, due to plant constraints it was not possible to complete testing on these remaining 14 valves during previously scheduled maintenance outages without significantly extending these outages for the sole purpose of conducting these LLRTs. The staff has determined that the licensees have demonstrated a good faith effort to comply with the Appendix J requirement to conduct LLRTs on containment isolation valves.

IV.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the requested exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Further, the Commission finds that special

circumstances are present in that the requested exemption is temporary in nature and the licensees have made a good faith effort to comply with the regulation. Therefore, the Commission hereby grants the following Exemption from the requirements of Section III.D.3 of Appendix J to 10 CFR Part 50:

The 2-year limit on the Type C testing internal for the 14 valves identified in the licensees' September 11, 1987, request for exemption is extended on a one-time basis until prior to startup from the first refueling outage for Perry Nuclear Power Plant, Unit No. 1, provided the licensees conduct LLRTs of the 11 valves not requiring drywell head removal should an outage of sufficient duration occur before the first refueling outage.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant impact on the environment (53 FR 1871).

A copy of the Commission's Safety Evaluation referred to in this Exemption is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC 20555, and at the local public document room located at the Perry Public Library, 3753 Main Street, Perry, Ohio 44081.

A copy may be obtained upon written request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects—III, IV, V and Special Projects.

This Exemption is effective upon issuance.

For the Nuclear Regulatory Commission.

**Dennis M. Crutchfield,**

*Director, Division of Reactor Projects—III, IV, V and Special Projects.*

Dated at Bethesda, Maryland this 22nd day of January, 1988.

[FR Doc. 88-1878 Filed 1-28-88; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-409]

**Dairyland Power Cooperative; Notice of Consideration of Issuance of Amendment To Facility License and Opportunity For Prior Hearing**

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility License No. DPR-45 issued to Dairyland Power Cooperative (the licensee). License No. DPR-45 authorizes the possession but not the operation of the LaCrosse Boiling Water Reactor (LACBWR), located in Vernon County, Wisconsin.

The proposed amendment would revise the provisions in the LACBWR Technical Specifications (TS) to reduce the required shift crew size since the reactor is permanently shutdown and the fuel has been moved to the Fuel Element Storage Well. The proposed amendment will continue to require a shift supervisor with a Senior Reactor Operator License and will require one operator who is a qualified Control Room Watchstander. Shift crew size requirements for reactor startup, power operations, hot shutdown and refueling would be deleted as these modes of operation are no longer permitted by the present license. The requirement for an Auxiliary Operator on each shift would also be deleted. The proposed amendment is in response to the licensees application dated November 12, 1987.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By February 29, 1988, the licensee may file a request for a hearing with respect to issuance of an amendment to the subject facility operating license and any person whose interests may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition, and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be

entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding at to which petitioner wishes to intervene. Any persons who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases of each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene 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 or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Lester S. Rubenstein: 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-Rockville, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Kevin P. Gallen Esq., Newman and Holtzinger, P.C. 1615 L

Street, NW, Washington, DC, 20036, attorney for the licensees.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714 (d).

For further details with respect to this action, see the application for amendment dated November 12, 1987, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, 20555, and at the LaCrosse Public Library, 800 Main Street, LaCrosse, Wisconsin 54601.

Dated at Bethesda, Maryland this 25th day of January 1988.

For The Nuclear Regulatory Commission.

Peter B. Erickson,

*Project Manager, Standardization and Non-Power Reactor Project Directorate, Division of Reactor Projects III, IV, V and Special Projects Office of Nuclear Reactor Regulation.*

[FR Doc. 88-1877 Filed 1-28-88; 8:45am]

BILLING CODE 7590-01-M

[Docket No. 50-160, License No. R-97, EA 88-32]

**Georgia Institute of Technology; Order Modifying License, Effective Immediately**

**I**

The Georgia Institute of Technology (Georgia Tech) 900 Atlantic Drive, NW., Atlanta, GA 30332, is the holder of Operating License No. R-97 issued by the Nuclear Regulatory Commission (NRC or Commission) on December 29, 1964, and subsequently amended. The license, as amended, authorizes Georgia Tech to operate its modified research reactor located on its campus in Atlanta, Georgia, at power levels up to 5 megawatts (thermal) for research and development activities in accordance with the conditions specified therein.

**II**

The Georgia Tech Research Reactor (GTRR) is utilized to conduct irradiation experiments including the irradiation of topaz and other gem-quality minerals. During the week of August 17, 1987, the improper opening of an irradiated topaz container resulted in contamination of the reactor building. An inspection of the licensee's operational and health physics activities, including actions

pertaining to this contamination event, was conducted on December 16, 1987, and January 4-5, 1988 during which it was learned of the August contamination event. The inspection revealed that the experiment conditions and manipulation of the experiment materials resulted in unexpected elevated radiation levels from the experiment container and also the unmonitored release of Cadmium-115 (Cd-115) in the reactor building. The exposure dose rate at one foot from the experiment material was approximately 3 rem per hour (R/hr) on August 18, 1987 and qualitative measurements of radioactive contamination indicated level on masolin wipes of approximately 20 mR/hr on August 19, 1987. The NRC staff also determined during the inspection that the licensee had not provided adequate exposure assessments for personnel involved in the August 1987 incident, nor had the licensee conducted adequate verification surveys to demonstrate that the contamination had not been spread by personnel to areas outside of the reactor building. Inspection findings indicated that the licensee had not conducted its activities in full compliance with NRC requirements. A written Notice of Violation has not been issued at this time; additional inspection activities are being conducted. Nonetheless, the following safety concerns, which could result in unnecessary personnel radiation exposures and the potential spread of contamination away from the reactor building as a result of experiment manipulations, have already been identified:

A. On May 4, 1987, an enforcement conference was held with the licensee in which the licensee outlined steps to be implemented to improve the management controls over operations and health physics at the GTRR to assure safe operation. These actions included steps to assure appropriate interaction between health physics and operations components of the organization. A recent inspection has shown these actions have not been fully successful and indicate that management control problems continue.

B. The licensee's health physics and operating procedures were inadequate in that they failed to address the precautions and equipment to prevent unnecessary exposure and contamination during handling and manipulation of materials irradiated during experiments at the GTRR.

C. The licensee failed to follow operating procedures as required by Technical Specifications as follows:

1. The August 1987 experiment involved irradiation of topaz gemstones for a total of 41.8 megawatt hours compared to 30 megawatt-hours authorized on the Request for Minor Experiment Approval regarding topaz irradiations dated April 3, 1987.

2. Procedure 3102, Quality Assurance for Experiments, October 28, 1982, requires that the approval form for Category 4 experiments, such as the topaz irradiation, address quantitative controls of reactivity, activation, shielding, cooling and materials. Request for Minor Experiment Approval, dated April 3, 1987, regarding the topaz irradiation lists the estimated isotopic activities to be "nil." However, following an initial irradiation in April 1987, activation of the experiment materials, including the container, resulted in radiation levels of approximately 3 R/hr at a distance of one foot from the container. These elevated exposure levels were not evaluated or included in experiment plans for the August 1987 topaz irradiation.

D. Assessments of internal and external personnel exposures for personnel involved in the August 1987 incident and decontamination event were not adequate in that they did not determine and document intakes of radioactive material, extremity dose or skin dose.

E. Surveys conducted were inadequate as follows:

1. Continuous air samples collected from within the reactor building during the August 1987 incident were not adequate to determine intakes in that they were not representative of concentrations of radioactive material in the work area.

2. Subsequent to the August 1987 incident, surveys were inadequate to define the extent and amount of radioactive contamination in the reactor building, on personnel, and in personal property offsite which could have been potentially contaminated.

F. At the time of the inspection the licensee had failed to complete a thorough review of the August 1987 contamination event regarding its cause or causes, nor had any corrective measures been implemented as of January 5, 1988 to prevent recurrence during future experiments.

G. Licensee management has indicated that there are other events similar to the August 1987 event that also have not yet been fully evaluated by the licensee. These safety concerns were the subject of discussions between Region II and the licensee on January 7, 1988. Upon the conclusion of these

discussions, Region II verbally requested, and the licensee agreed that irradiation experiments would be suspended until further notice.

### III

After consideration of the apparent violations and safety hazards posed by the licensee's conduct of experiment activities, as exhibited during the August 1987 event, and the subsequent lack of aggressive review and corrective actions by the licensee, I have determined that certain actions by the licensee are required, and an Order modifying the Georgia Institute of Technology license is necessary, to protect the health and safety of the public and licensee's employees. Therefore, pursuant to 10 CFR 2.204, I find that the public health, safety, and interest require that this Order be effective immediately.

### IV

Accordingly, pursuant to sections 104, 161b, 161c, 161i, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 *et seq.*, and 10 CFR 2.204, it is hereby ordered, effective immediately, that:

A. The licensee shall cease utilization of the reactor facility for irradiation experiments until the following conditions are met and the NRC approves, in writing, the resumption of irradiation experiments.

1. Management controls over facility operation, including irradiation experiments, are assessed to identify weaknesses.

2. A formal review is conducted, including record reviews and in-depth personnel interviews, to determine (a) if other occurrences similar to the August 1987 incident have occurred, and (b) the principal root causes of the August 1987 incident and any other similar incidents.

3. An assessment of internal exposure, external whole body, extremity, and skin doses to personnel involved in the August 1987 incident (any other identified incidents) and/or decontamination activities is conducted.

4. The GTRR health physics and operating procedures are reviewed to identify inadequacies which contributed to the August 1987 contamination event (and any other identified events).

5. Corrective actions are identified and a schedule established for implementing the corrective actions, including necessary changes in management controls, operations, and procedures.

6. A training program addressing all changes to management controls, operations, and procedures is developed and implemented.

7. The licensee's reviews and assessments of the above matters are documented and a summary of these reviews and assessments, including corrective actions and appropriate schedules, are submitted in writing to the NRC for review and approval.

B. Results of the licensee's survey of the house of the individual involved in the August 1987 contamination event shall be provided in writing to the NRC within 10 days of the issuance of this order.

The Regional Administrator, Region II, may in writing relax or rescind any of the above conditions upon written request and demonstration of good cause by the licensee.

### V

The licensee or any person other than the licensee adversely affected by this Order may request a hearing on this Order within twenty days of its issuance. Any request for hearing shall be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Copies shall also be sent to the Assistant General Counsel for Enforcement at the same address and the Regional Administrator, NRC Region II, 101 Marietta Street NW., Suite 2900, Atlanta, GA 30323. If a person other than the licensee requests a hearing, that person shall set forth with particularity the manner in which the petitioners' interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d). A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or any person who has an interest adversely affected by the Order, the Commission will issue an Order designating the time and place of any such hearing. If the Licensee fails to request a hearing within 20 days of the date of this Order, the provisions of this Order shall be final without further proceedings. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

For the Nuclear Regulatory Commission.  
James M. Taylor,  
*Deputy Executive Director for Regional Operations.*

Dated at Bethesda, Maryland this 20th day of January 1988.

[FR Doc. 88-1881 Filed 1-28-88; 8:45 am]  
BILLING CODE 7590-01-M

[Docket Nos. 50-443-OL and 50-444-OL (ASLBP No. 82-471-02-OL) (Offsite Emergency Planning)]

### Public Service Co. of New Hampshire et al. (Seabrook Station, Units 1 and 2; Hearing

January 22, 1988.

Atomic Safety and Licensing Board, Before Administrative Judges: Ivan W. Smith, Chairman, Gustave A. Lineberger, Jr., Dr. Jerry Harbour.

The evidentiary hearing in this proceeding will resume at 1:00 p.m. on February 8, 1988 at Courtroom No. 2, Bankruptcy Court, 11th Floor, Thomas P. O'Neill Federal Building, 10 Causeway Street, Boston, Massachusetts 02222, and continue throughout the week. Rebuttal testimony will be received at the same place beginning February 22, 1988 at 1:00 p.m.

For the Atomic Safety and Licensing Board.  
Ivan W. Smith,  
*Chairman, Administrative Law Judge.*

Bethesda, Maryland, January 22, 1988.

[FR Doc. 88-1860 Filed 1-28-88; 8:45 am]  
BILLING CODE 7590-01-M

### SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC-16238; 812-6930]

### Drexel Series Trust; Application

January 22, 1988.

**AGENCY:** Securities and Exchange Commission ("SEC").

**ACTION:** Notice of application for exemption under the Investment Company Act of 1940 ("the 1940 Act").

*Applicant:* Drexel Series Trust ("Applicant").

*Relevant 1940 Act Sections:* Exemption requested under section 6(c) from the provisions of sections 2(a)(32), 2(a)(35), 22(c) and 22(d) of the 1940 Act and Rules 22c-1 and 22d-1 thereunder.

**SUMMARY OF APPLICATION:** The Applicant seeks an order amending its prior order (Investment Company Act Release No. 15388, October 20, 1986) ("Prior Order") permitting a contingent deferred sales load ("CDSL") so as to permit an additional waiver of the CDSL.

**FILING DATE:** The application was filed on December 1, 1987, and amended on January 19, 1988.

*Hearing or Notification of Hearing:* If no hearing is ordered, the requested order 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 February 16, 1988. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicant with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

**ADDRESSES:** Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicant, 60 Broad Street, New York, New York 10004.

**FOR FURTHER INFORMATION CONTACT:** Paul J. Heaney, Financial Analyst (202) 727-2847, or Brion R. Thompson, Special Counsel (202) 727-3016 (Division of Investment Management).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier who can be contacted at (800) 231-3282 (in Maryland (201) 258-4300).

#### Applicant's Representations

1. The Applicant is a diversified, open-end management investment company registered under the 1940 Act which currently offers nine series of shares without an initial sales charge. Its principal distributor is Drexel Burnham Lambert Incorporated ("DBL") and its investment adviser is Drexel Management Corporation ("DMC").

2. The Prior Order amended an original order (Investment Company Act Release No. 14343, January 30, 1985) and permits the Applicant to assess and waive a CDSL on certain redemptions of its shares, to impose a service charge on exchanges among series of the Applicant and to provide a pro rata credit for any CDSL paid in connection with redemptions of shares of any series of the Applicant followed by a reinvestment effected within thirty days of such redemption. Pursuant to the Prior Order, the rate of the CDSL, when imposed, declines from 5% to 0% depending on the number of years since the investor made the purchase payment from which an amount is being redeemed. For purposes of determining the applicable CDSL, it is assumed that a redemption is made of shares not subject to the CDSL first and then of shares subject to the lowest CDSL.

3. The Prior Order also permits the Applicant to waive the CDSL on the following redemptions: (i) Redemptions

following the death or disability of a shareholder, providing redemption is requested within one year of such event; (ii) any partial or complete redemption in connection with certain distributions from IRAs or other qualified retirement plans, (iii) involuntary redemptions pursuant to the Applicant's right to liquidate shareholder accounts, (iv) redemptions by employee benefit plans for the benefit of employees of DBL and its affiliates; and (v) redemptions of shares of the Government Securities Series purchased by the automatic investment of monthly distributions from shares of Drexel Burnham Lambert Unit Trusts High Income Trust Securities, a unit investment trust.

4. The Applicant now seeks an amendment to the Prior Order to permit the Applicant to further waive the CDSL on any redemption of shares of the Applicant purchased by or on behalf of any officer, director, trustee, account executive or full-time employee (or a spouse or child of any such person) of the Applicant, DBL, DMC or any company affiliated with DBL or DMC, provided that such redemption occurs at least 90 days after the purchase of the shares (or of shares of another series of the Applicant which were exchanged for the shares) being redeemed. The Applicant further requests that the proposed amended order extend to any additional series or classes of shares of the Applicant that may be offered in the future on substantially the same basis.

#### Applicant's Legal Analysis

1. The proposed additional waiver of the CDSL is fair and equitable and in the interest of the Applicant's shareholders and the public. An intended effect of the proposed waiver is to encourage the individuals who may be involved in the management, administration or marketing of the shares of the Applicant to acquire and maintain an equity position in the Applicant. To further promote this objective, and because short-term trading in shares of the Applicant would defeat the stated purpose of the proposed waiver, such waiver will not be available on redemptions of shares of the Applicant occurring within less than 90 days of purchase.

2. The Applicant will not be charged with any revenue lost as a result of the proposed waiver. Applicant's Board of Directors will also consider receipts from the CDSL obtained by DBL in connection with its annual review of its plan of distribution adopted pursuant to Rule 12b-1 under the 1940 Act. The proposed waiver is consistent with the scope of reduced or waived sales charges permitted under Rule 22d-1

under the 1940 Act inasmuch as the expense of marketing and selling shares of the Applicant to the individuals specified in the waiver is minimal, thereby resulting in economies of the sort contemplated by Rule 22d-1. Further, since many mutual funds waive all initial sales charges on sales of shares to employees of affiliated persons and affiliated persons of affiliated persons of such funds under Rule 22d-1, the proposed waiver of the CDSL by the Applicant in similar circumstances is consistent with the 1940 Act and the protection of investors, without being discriminatory.

#### Applicant's Conditions

If the requested order is granted, Applicant agrees to the following conditions:

1. Applicant will comply with the provisions of Rule 22d-1 under the 1940 Act.
2. Applicant will comply with the provisions of Rule 12b-1 (or a successor rule) under the 1940 Act, as such rule may be amended from time to time.
3. Applicant will comply with the provisions of Rule 11a-3 (or any similar rule) under the 1940 Act when and if such rule is adopted by the SEC.

For the SEC, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,  
Secretary.

[FR Doc. 88-1862 Filed 1-28-88; 8:45 am]  
BILLING CODE 8010-01-M

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#### DEPARTMENT OF THE TREASURY

##### Public Information Collection Requirements Submitted to OMB for Review

Date: January 22, 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.

##### U.S. Customs Service

OMB: 1515-0032

Form Number: 5125

Type of Review: Reinstatement

**Title:** Application for Withdrawal of Bonded Stores for Fishing Vessel and Certification of Use

**Description:** The document is used by the master of fishing vessels for the conditionally free withdrawal of supplies to be used during the voyage from bonded warehouses. It allows for consecutive arrivals in the U.S. It is also used to certify the proper disposition of those supplies.

**Respondents:** Businesses or other for-profit, Small businesses or organizations

**Estimated Burden:** 42 hours

**OMB Number:** 1515-0142

**Form Number:** None

**Type of Review:** Reinstatement

**Title:** Transfer of Cargo to a Container Station

**Description:** The container station operator may file an application for transfer of a container intact to a container station which is moved from the place of unloading or from a bonded carrier after transportation in-bond before filing of the entry for the purposes of breaking bulk and redelivery.

**Respondents:** Businesses or other for-profit, Small businesses or organizations

**Estimated Burden:** 1,560 hours

**Clearance Officer:** B.J. Simpson (202) 566-7529, U.S. Customs Service, Room 6426, 1301 Constitution Avenue NW., Washington, DC 20229.

**OMB Reviewer:** Milo Sunderhauf (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

**Dale A. Morgan,**

*Departmental Reports, Management Officer.*

[FR Doc. 88-1819 Filed 1-28-88; 8:45 am]

BILLING CODE 4810-25-M

### Fiscal Service

[Dept. Circ. 570, 1987 Rev., Supp. No. 12]

#### Surety Companies Acceptable on Federal Bonds; Regency Insurance Co.

A Certificate of Authority as an acceptable surety on Federal bonds is hereby issued to the following company under sections 9304 to 9308, Title 31, of the United States Code. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1987 Revision, on page 24623 to reflect this addition:

*Regency Insurance Company.*  
Business Address: 217 East Hallandale

Beach Blvd., P.O. Box 190, Hallandale, Florida 33009-0190. *Underwriting Limitation:*<sup>b</sup> \$164,000. *Surety License:*<sup>c</sup> FL. *Incorporated in:* Florida. Federal Process Agents.<sup>d</sup>

Certificates of Authority expire on June 30 each year, unless revoked prior to that date. The Certificates are subject to subsequent annual renewal as long as the companies remain qualified (31 CFR, Part 223). A list of qualified companies is published annually as of July 1 in Treasury Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information.

Copies of the Circular may be obtained from the Surety Bond Branch, Finance Division, Financial Management Service, Department of the Treasury, Washington, DC 20227, telephone (202) 287-3921.

**Mitchell A. Levine,**

*Assistant Commissioner, Comptroller, Financial Management Service.*

Dated: January 25, 1988.

[FR Doc. 88-1861 Filed 1-28-88; 8:45 am]

BILLING CODE 4810-35-M

# Sunshine Act Meetings

Federal Register

Vol. 53, No. 19

Friday, January 29, 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).

## 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). The regular meeting of the Board is scheduled for February 2, 1988.

**DATE AND TIME:** The meeting is scheduled to be held at the offices of the Farm Credit Administration in McLean, Virginia, on February 2, 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, 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4003.

**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. FCA Mission Statement;
2. Proposed Final Rule Amending 12 CFR Part 620, on Shareholder Disclosure and 12 CFR Part 621, on Accounting and Reporting Requirements;
3. Proposed Interim Rule with Request for Comment, Amending 12 CFR Part 620 on Shareholder Disclosure;
4. Contribution of 1987 Undistributed Earnings to a Contingency Reserve Fund by the Federal Intermediate Credit Bank of Spokane;

### \* Closed Session

5. Examination and Enforcement Matters; and
6. Implementation of Agricultural Credit Act of 1987.

Dated: January 27, 1988.

David A. Hill,  
Secretary, Farm Credit Administration Board.  
[FR Doc. 88-1993 Filed 1-27-88; 3:39 pm]  
BILLING CODE 6705-01-M

\* Session closed to the public—exempt pursuant to 5 U.S.C. 552b(c)(4), (8) and (9).

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Matter To Be Withdrawn From Consideration at an Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the following matter will be withdrawn from the "discussion agenda" for consideration at the open meeting of the Board of Directors of the Federal Deposit Insurance Corporation scheduled to be held at 2:00 p.m. on Tuesday, February 2, 1988, in the Board Room on the sixth floor of the FDIC Building located at 550-17th Street, NW., Washington, DC:

Memorandum and resolution re: Proposed amendments to Part 308 of the Corporation's rules and regulations, entitled "Rules of Practice and Procedures."

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 898-3813.

Dated: January 27, 1988.  
Federal Deposit Insurance Corporation.  
Margaret M. Olsen,  
Deputy Executive Secretary.  
[FR Doc. 88-2013 Filed 1-27-88; 3:59 pm]  
BILLING CODE 6714-01-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 11:15 a.m. on Tuesday, January 26, 1988, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider: (1) Matters relating to the possible failure of certain insured banks; (2) a request for financial assistance pursuant to section 13(c) of the Federal Deposit Insurance Act; and (3) a recommendation regarding an administrative enforcement proceeding against an insured bank.

In calling the meeting, the Board determined, on motion of Director Robert L. Clarke (Comptroller of the Currency), seconded by Chairman L. William Seidman, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the

matters could be considered in a closed meeting 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: January 27, 1988.  
Federal Deposit Insurance Corporation.  
Margaret M. Olsen,  
Deputy Executive Secretary.  
[FR Doc. 88-2014 Filed 1-27-88; 3:59 pm]  
BILLING CODE 6714-01-M

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Matter To Be Added to the Agenda for Consideration at an Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the following matter will be added to the "discussion agenda" for consideration at the open meeting of the Board of Directors of the Federal Deposit Insurance Corporation scheduled to be held at 2:00 p.m. on Tuesday, February 2, 1988, in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street NW., Washington, DC:

Staff status report on bank examination frequency.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 898-3813.

Dated: January 27, 1988.  
Federal Deposit Insurance Corporation.  
Margaret M. Olsen,  
Deputy Executive Secretary.  
[FR Doc. 88-2015 Filed 1-27-88; 3:59 pm]  
BILLING CODE 6714-01-M

## FEDERAL ENERGY REGULATORY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: January 28, 1988, 53 FR 21439.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: January 27, 1988, 10:00 a.m.

CHANGE IN THE MEETING: The following Docket Number has been added:

Item No., Docket No., and Company  
CAG-1

Docket No. CP88-203-000, El Paso Natural  
Gas Company

Lois D. Cashell,  
*Acting Secretary.*

[FR Doc. 88-1899 Filed 1-28-88; 4:08 pm]

BILLING CODE 6717-02-M

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**FEDERAL MARITIME COMMISSION**

**TIME AND DATE:** 10:00 a.m., February 3,  
1988.

**PLACE:** Hearing Room One, 1100 L  
Street, NW., Washington, DC 20573.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:**

1. Inquiry Into Laws, Regulations and  
Policies of the Republic of Korea Affecting  
Shipping in the United States/Korea Trade.

**CONTACT PERSON FOR MORE  
INFORMATION:** Joseph C. Polking,  
Secretary, (202) 523-5725.

Joseph C. Polking,

*Secretary.*

[FR Doc. 88-1995 Filed 1-27-88; 3:39 pm]

BILLING CODE 6730-01-M

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**POSTAL SERVICE BOARD OF GOVERNORS**

**Amendment to Meeting**

**"FEDERAL REGISTER" CITATION OF  
PREVIOUS ANNOUNCEMENT:** 53 FR 2145,  
January 26, 1988.

**PREVIOUSLY ANNOUNCED DATE OF  
MEETING:** February 2, 1988.

**CHANGE:** Addition of the following item  
to the open meeting agenda:  
"Officer Compensation"

**CONTACT PERSON FOR MORE  
INFORMATION:** David F. Harris, (202) 268-  
4800.

David F. Harris,

*Secretary.*

[FR Doc. 88-1922 Filed 1-27-88; 8:45 am]

BILLING CODE 7710-12-M

# Corrections

Federal Register

Vol. 53, No. 19

Friday, January 29, 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.

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## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 910

[Lemon Regulation 593]

#### Lemons Grown in California and Arizona; Limitation of Handling

##### *Correction*

In rule document 87-29765 appearing on page 48794 in the issue of Monday, December 28, 1987, make the following correction:

In the second column, in the first line, remove "not".

BILLING CODE 1505-01-D

## VETERANS ADMINISTRATION

### 48 CFR Part 852

#### Acquisition Regulations; Construction Contracting Procedures

##### *Correction*

In rule document 88-1080 beginning on page 1630 in the issue of Thursday, January 21, 1988, make the following corrections:

##### 852.236-72 [Corrected]

1. On page 1631, in the third column, in the 22nd line, the section number should read "852.236-72".

##### 852.236-75 [Corrected]

2. On the same page, in the same column, in the 18th line from the bottom, the section number should read "852.236-75".

BILLING CODE 1505-01-D



**Federal Register**

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Friday  
January 29, 1988

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**Part II**

**Environmental  
Protection Agency**

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**40 CFR Part 60**

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**Standards of Performance for New  
Stationary Sources; Industrial Surface  
Coating; Plastic Parts for Business  
Machines; Final Rule**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 60

[AD-FRL-3163-4]

#### Standards of Performance for New Stationary Sources; Industrial Surface Coating; Plastic Parts for Business Machines

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** Standards of performance for new, modified, or reconstructed facilities that surface coat plastic parts for business machines were proposed in the *Federal Register* on January 8, 1986 (51 FR 854). This action promulgates the standards of performance for affected facilities that surface coat plastic parts for business machines. These standards implement section 111 of the Clean Air Act and are based on the Administrator's determination that emissions from facilities that surface coat plastic business machine parts cause, or contribute significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare. The intended effect of these standards is to require all new, modified, and reconstructed facilities that surface coat plastic parts for business machines to control emissions of volatile organic compounds (VOC) to the level achievable by the best demonstrated system of continuous emission reduction, considering costs, nonair quality health, and environmental and energy impacts.

**EFFECTIVE DATE:** January 29, 1988.

Under section 307(b)(1) of the Clean Air Act, judicial review of the actions taken by this notice is available *only* by the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication of this rule. Under section 307(b)(2) of the Clean Air Act, the requirements that are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

**ADDRESSES:** *Background Information Document.* The background information document (BID) for the promulgated standards may be obtained from the U.S. EPA Library (MD-35), Research Triangle Park, North Carolina 27711, telephone number (919) 541-2777. Please refer to "Surface Coating of Plastic Parts for Business Machines—Background Information for Promulgated Standards" (EPA-450/3-85-019b). The BID contains

(1) a summary of all the public comments made on the proposed standards and the Administrator's response to the comments; (2) a summary of the changes made to the standards since proposal; and (3) the final Environmental Impact Statement, which summarizes the impacts of the standards.

*Docket.* A docket, number A-83-50, containing information considered by EPA in development of the promulgated standards, is available for public inspection between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section (LE-131), South Conference Center, Room 4, 401 M Street SW., Washington, DC 20460. A reasonable fee may be charged for copying.

**FOR FURTHER INFORMATION CONTACT:** For policy questions—Mr. Doug Bell or Ms. Laura Butler, Standards Development Branch, Emission Standards and Engineering Division (MD-13), U.S. EPA, Research Triangle Park, North Carolina 27711, telephone (919) 541-5578; for technical questions—Mr. James C. Berry, Chemicals and Petroleum Branch, Emission Standards and Engineering Division (MD-13), U.S. EPA, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5605.

#### SUPPLEMENTARY INFORMATION:

##### I. The Standards

Standards of performance for new sources established under Section 111 of the Clean Air Act reflect:

\* \* \* application of the best technological system of continuous emission reduction which (taking into consideration the cost of achieving such emission reduction, any nonair quality health and environmental impacts and energy requirements) the Administrator determines has been adequately demonstrated [Section 111(a)(1)].

For convenience, this will be referred to as "best demonstrated technology" or "BDT."

The promulgated standards apply to new, modified, or reconstructed spray booths that perform surface coating of plastic parts for business machines. The standards require that these affected facilities limit VOC emissions to no more than 1.5 kilograms of VOC per liter (kg VOC/l) of coating solids applied (i.e., deposited on the surface) for prime and color coats and to no more than 2.3 kg VOC/l of coating solids applied for texture and touch-up coats.

The BDT for these standards is a combination of coating formulations and application technologies. The BDT for prime and color coating is based on the use of organic-solvent-based coatings

containing approximately 60 percent, by volume, solids as applied and sprayed at a transfer efficiency (TE) of 40 percent. The BDT for fog coating, a special type of color coating, is the application of waterborne coatings at a TE of 25 percent. The BDT for texture and touch-up coating is the application of organic-solvent-based coatings containing approximately 60 percent solids at a TE of 25 percent. The standards for prime, color, texture, and touch-up coating can also be met by using waterborne coatings applied at a TE of 25 percent. As noted in Table 1 of the regulation, a TE of 25 percent may be assumed for air atomized spray equipment for prime, color, texture, touch-up, and fog coats; and a TE of 40 percent may be assumed for either air-assisted airless or electrostatic air spray equipment for prime and color coats.

Compliance is determined by using data on the VOC content of the coatings applied and of the solvents used for diluting the coatings, records of monthly coating consumption, and a TE value obtained from Table 1 of the regulation to calculate the VOC emissions from each type of coating used at each affected facility during each nominal 1-month period. Data on the VOC content of the coatings applied and of the solvents used for diluting the coating must be determined by the use of EPA Reference Method 24. Coaters have the option of using Table 1 or demonstrating to the Administrator on a case-by-case basis that they achieve TE's higher than the assigned values for the spray equipment. Reports of noncompliance will be submitted on a quarterly basis; statements of compliance will be submitted on a semiannual basis.

It is important to note that the standards for surface coating of plastic parts under section 111 of the CAA are technology-based and are intended to reflect best demonstrated technology. As described elsewhere in this preamble, higher-efficiency application equipment has been identified as part of BDT and the numerical level of the standards reflects the use of this equipment. The TE table values are based on typical or average performance of this and other equipment. They are consistent with the data upon which the standards are based. They are provided to assist facilities in demonstrating compliance with the NSPS when these technologies are used. The TE values are not necessarily appropriate for any purposes other than determining compliance with the NSPS. Such other purposes include SIP requirements,

emission trading baselines, and emission reduction credit calculations.

## II. Environmental Impacts

There has been no change in the environmental impacts since proposal. The promulgated standards will reduce the national VOC emissions in 1990 from new, modified, and reconstructed facilities that perform exterior coating of plastic parts for business machines by about 2,200 megagrams (Mg) (2,430 tons), or 51 percent of the total emissions from affected facilities. In a typical plant, the promulgated standards will reduce annual overall VOC emissions by 51 percent below baseline.

Water pollution from waterwash spray booths will be reduced under this new source performance standard (NSPS) because of improved TE for prime and color coating.

Solid waste generated by a typical plant will be reduced approximately 25 percent below baseline discharge levels because improving TE for prime and color coating from 25 percent to 40 percent will reduce solid waste that results from overspray.

There are no noise or radiation impacts associated with these standards.

## III. Energy Impacts

There has been no change in energy impacts since proposal. The coatings outlined in the control technologies that are the basis for the regulatory alternatives can all be cured at low temperatures and, therefore, have a negligible effect on the energy requirements for facilities that surface coat plastic parts for business machines. Therefore, the energy impact attributed to the standards is considered negligible.

## IV. Cost Impacts

There has been no change in cost impacts since proposal. The initial capital cost for a typical medium-size plant controlled to the level of the standards is \$545,000, and the annualized cost is approximately \$752,000 below the regulatory baseline. The nationwide cumulative 5-year capital costs for plants covered by the standards are \$23 million compared with \$20 million at the regulatory baseline. The nationwide annualized costs in the fifth year of applicability of the standards at plants covered by the standards are estimated to be \$120 million compared with the annualized costs of \$150 million at new plants with emissions at the regulatory baseline. The total nationwide cost to comply with the standards in the fifth year of

applicability is projected to be a net credit of \$30 million.

## V. Economic Impact

As discussed, the standards result in a net annualized credit in the fifth year. Also, in the fifth year of implementation, the standards will result in reductions of 24 percent and 13 percent in the overall price for the surface coating of plastic parts for business machines for small plants and large plants, respectively. In addition, the availability of the lower cost technologies on which the standards are based could increase the amount of plastic parts coated for business machines to 24.6 million square meters ( $m^2$ ) in 1990 compared to 23.6 million  $m^2$  without the standards.

The environmental, energy, and economic impacts are discussed in greater detail in the BID for the proposed standards ("Surface Coating of Plastic Parts for Business Machines—Background Information for Proposed Standards" [EPA-450/3-85-019a]).

In addition to the economic impact analysis, an analysis also was made of the cost effectiveness of alternative standards to determine the alternative that achieves the greatest emission reduction for a reasonable cost and to ensure that the controls required by this rule are reasonable relative to other regulations. In this case, the promulgated standards will reduce the operating costs of the affected spray booths and result in a net annualized credit of \$30 million in the fifth year compared to the baseline. Additional details on costs can be found in the proposal BID.

## VI. Public Participation

Prior to proposal of the standards, interested parties were advised by public notice in the Federal Register (50 FR 12869) (April 1, 1985) of a meeting of the National Air Pollution Control Techniques Advisory Committee to discuss the standards recommended for proposal for the surface coating of plastic parts for business machines. This meeting was held on May 2, 1985. The meeting was open to the public, and each attendee was given an opportunity to comment on the standards recommended for proposal.

The proposed standards were published in the Federal Register on January 8, 1986. The preamble to the proposed standards discussed the availability of the BID ("Surface Coating of Plastic Parts for Business Machines—Background Information for Proposed Standards" [EPA-450/3-85-019a]), which describes in detail the regulatory alternatives considered and the impacts of those alternatives. Public comments

were solicited at the time of proposal, and copies of the proposal BID were distributed to interested parties.

The opportunity for interested persons to present data, views, or arguments concerning the proposed standards at a public hearing was provided. However, there were no requests to hold such a hearing, and, therefore, no hearing was held.

The public comment period was from January 8, 1986, to March 18, 1986. Five comment letters were received during the comment period concerning issues relative to the proposed standards of performance for affected spray booths. The comments have been carefully considered, and, where determined to be appropriate by the Administrator, changes have been made in the proposed standards.

## VII. Significant Comments and Changes to the Proposed Standards

Comments on the proposed standards were received from industry, one State air pollution control agency, and one trade association. A detailed discussion of these comments and responses can be found in the promulgation BID, which is referred to in the ADDRESSES section of this preamble. The summary of comments and responses in the BID serves as the basis for the revisions that have been made to the standards between proposal and promulgation.

In response to the public comments and as a result of reevaluation by EPA, several changes have been made to the standards since proposal. Section 60.721 has been amended by the addition of a definition for "coating operation." This definition clarifies the compliance provisions of the regulation for situations where two or more types of coatings are applied at different times at a single affected spray booth.

Also, the meaning of the symbol "T" used in the equations to determine compliance was revised to be the transfer efficiency for a coating operation. A symbol " $T_{avg}$ " was added to represent the volume-weighted average transfer efficiency for a coating operation to ensure that the distinction is clear between transfer efficiency and average transfer efficiency in equations presented later in the regulation.

Section 60.722 has been clarified to state specifically that all VOC emissions that are caused by coatings applied in each affected facility, regardless of the actual point of discharge of those emissions into the atmosphere, are covered by the standards and must be included when compliance with the numerical emission limits is determined.

Table 1 in § 60.723 has been revised to clarify the applicability of the TE values for specific coating types (i.e., prime, color, texture, touch-up, and fog). Approval of alternate TE's on a case-by-case basis will be granted by the Administrator if the owner or operator can demonstrate to the satisfaction of the Administrator that TE's other than those presented in Table 1 are appropriate.

The major comments and responses are summarized in this preamble. Most of the comment letters contained multiple comments. The comments have been divided into the following areas: Standards and Affected Facility, Achievability of the Standards, Recordkeeping and Reporting Requirements, Emission Control Technology, Economic Impact, and Electromagnetic Interference/Radio Frequency Interference (EMI/RFI) shielding.

#### *Standards and Affected Facility*

One commenter stated that because the affected facility is the spray booth, the standards for VOC emissions set forth in § 60.722 could be interpreted as applying only to those VOC's emitted from the spray booth. The effect of this interpretation would be to exclude VOC's that are emitted from outside the spray booth (i.e., flash-off area and oven) from being covered by the standards. To rectify this problem, the commenter suggested that VOC emission limits be established for the entire line (i.e., spray booth, flash-off area, and oven) but that the reconstruction provisions still apply only to the spray booth.

The EPA believes that the wording of the proposed standards precludes the interpretation suggested by the commenter and, therefore, that it is unnecessary to implement the commenter's solution. Section 60.722 of the regulation uses the language "no affected facility *shall cause* the discharge into the atmosphere" (emphasis added). The coatings application that takes place in the spray booth is clearly the cause of VOC emissions from the flash-off area and oven. Therefore, VOC emissions from these areas are covered by the standards.

The language of § 60.723 of the regulation also precludes the commenter's interpretation. The calculations by which performance is determined include all VOC's resulting from coatings applied in the spray booth and do not allow for the exclusion of VOC's that may be emitted from the flash-off area and oven.

However, to protect against possible misinterpretation, EPA has revised the regulation to specify that all VOC emissions caused by coatings applied in each affected facility, regardless of the actual point of discharge of emissions into the atmosphere, shall be included in determining compliance with the emission limits. It also should be noted that because the affected facility remains unchanged, the reconstruction provisions still apply only to the spray booth.

#### *Achievability of the Standards*

One commenter stated that coatings that comply with the standards cannot achieve performance levels for abrasion, adhesion, and chemical resistance. Another commenter stated that these coatings could not meet chemical and stain resistance specifications for certain business machine uses. This commenter suggested that the regulation allow variances on a case-by-case basis if the coater can demonstrate to the satisfaction of the Administrator that no coating exists that meets both the emission limits and necessary performance specifications.

The EPA has determined that high-solids solvent-based and waterborne coatings that comply with the emission limits when used with appropriate coating application technologies are being used for prime, color, texture, and touch-up coats by coaters in at least two States. These coatings have been approved by some original equipment manufacturers (OEM's) for performance specifications including abrasion, adhesion, and chemical and physical stain resistance. The EPA expects coaters to use high-solids solvent-based coatings to achieve compliance and has determined that these coatings are available for use. Waterborne coatings also can be used to meet the standards and are available for use. For these reasons, EPA has determined that the standards are achievable and has not revised the standards.

One commenter stated that none of the waterborne primers available will achieve the standards.

The EPA has determined that waterborne primers that will achieve the standards are available for use with waterborne coatings and are being used in production. These waterborne coatings can be applied as a prime/barrier coat for certain types of plastic that are sensitive to direct application of solvent-based coatings. In many cases, waterborne coatings are not used as primers, but are applied as a color coat to the part(s) without the use of a primer coating.

#### *Recordkeeping and Reporting Requirements*

One commenter stated that recordkeeping requirements to determine compliance are excessive, particularly for large surface coating operations that coat both plastic and metal parts with a variety of coatings. The commenter also stated that the cost of analyzing coatings using EPA Reference Method 24 could be unreasonable. He requested that the language of the standards be changed to allow alternate methods of compliance on a case-by-case basis for facilities that use a large number of paint formulations. One such method suggested by the commenter would allow small-volume coatings to be grouped with a large-volume coating (i.e., 90 percent of the total coating volume) having similar formulation and application characteristics. The costs of monthly compliance testing would be reduced because it would be necessary only to test the large volume coating formulation and to measure the total coatings volume.

The time and costs associated with the recordkeeping necessary to determine compliance with the standards have previously been evaluated by EPA and were determined to be reasonable. Most coaters maintain operation or inventory logs that contain at least some of the information that is required by these standards, and some coaters are already maintaining the information needed to perform the calculations to determine compliance with the standards. In addition, the recordkeeping requirements, as written, are the only feasible way for a coater to demonstrate continuous monthly compliance with the standards. Also, in most cases, coating composition data determined by EPA Reference Method 24 can be obtained from the coating manufacturer. In rare cases such as when coaters manufacture coatings in-house or modify (e.g., add solvent to) the formulation of a purchased coating, a coater may have to perform an EPA Reference Method 24 test in-house when such data are not available from an outside coating manufacturer. The cost to the coater to perform EPA Reference Method 24 is estimated to be \$200 per coating. The EPA considers this cost to be reasonable.

Because the time and costs necessary to perform the compliance calculations were determined to be reasonable and because EPA Reference Method 24 coating composition data can, in most cases, be obtained from the coating manufacturer, EPA has determined that

the recordkeeping and reporting requirements of the standards are not excessive. Therefore, the standards have not been revised.

One commenter stated that the 1-liter sample size requested for the determination of VOC content of each coating using EPA Reference Method 24 is unreasonable, especially in the case of specialty coatings. The commenter said that 1 liter may be equivalent to the total volume of coating manufactured or supplied for a specialty coating, whereas EPA Reference Method 24 requires only a 10-gram sample size. The commenter noted that the cost of manufacturing or purchasing additional paint for sample analysis alone would be unreasonable. The commenter recommended that the standards be rewritten to specify a sample size of 10 grams.

The sample size was set at 1 liter for several reasons: (1) Losses of the sample could occur during transfer of the sample between pieces of equipment or sample container and equipment, (2) losses of the sample could occur during equipment setup, and (3) additional runs of the EPA Reference Method 24 tests could require additional sample in the event of problems with the initial runs. Therefore, to account for any sample losses and for the need for additional test runs, the sample size remains at 1 liter.

Additionally, the low-volume usage of specialty coatings is expected to be a rare occurrence. It should be noted that coaters who perform the EPA Reference Method 24 test are free to use as small a volume as necessary to conduct the test. The 1-liter sample size requirement applies when a coating sample is requested for analysis by EPA.

#### *Economic Impact*

One commenter said that because compliance coatings that will meet all performance specifications are not available, the proposed standards would force OEM's either to change to solid wall plastics with molded-in color, which would eliminate structural foam and all coatings and severely impact both industries, or to move tooling, molding, and finishing operations offshore, which would result in additional loss of jobs in the already depressed business machine cabinetry market as well as loss of local, State, and Federal tax revenues.

The EPA has determined that both waterborne and high-solids solvent-based coatings that meet the standards are available and are being used by industry. In addition, EPA has performed an economic market analysis, presented in Chapter 9 of the Volume I

BID for this industry, that indicates that the use of the combination of the BDT coatings and coating application equipment will result in a net credit to industry of \$30 million/yr. Therefore, because BDT coatings are available and are being used and because there is a net credit from the use of BDT coatings and application techniques, no adverse economic impacts are expected.

#### **VIII. Administrative**

The docket is an organized and complete file of all the information considered by EPA in the development of this rulemaking. The docket is a dynamic file because material is added throughout the rulemaking development. The docketing system is intended to allow members of the public and industries involved to readily identify and locate documents so that they can intelligently and effectively participate in the rulemaking process. Along with the statement of basis and purpose of the proposed and promulgated standards and EPA responses to significant comments, the contents of the docket, except for interagency review materials, will serve as the record in case of judicial review [Section 307(d)(7)(A)].

The effective date of this regulation is January 29, 1988. Section 111 of the Clean Air Act provides that standards of performance or revisions thereof become effective upon promulgation and apply to affected facilities, the construction or modification of which was commenced after January 8, 1986, the date of proposal.

As prescribed by section 111, the promulgation of these standards is based on the Administrator's determination that facilities that surface coat plastic parts for business machines contribute significantly to air pollution which may reasonably be anticipated to endanger public health or welfare. In accordance with section 117 of the Act, publication of these promulgated standards was preceded by consultation with appropriate advisory committees, independent experts, and Federal departments and agencies.

This regulation will be reviewed 4 years from the date of promulgation as required by the Clean Air Act. This review will include an assessment of such factors as the need for integration with other programs, the existence of alternative methods, enforceability, improvements in emission control technology, and reporting requirements.

Section 317 of the Clean Air Act requires the Administrator to prepare an economic impact assessment for any new source standard of performance promulgated under section 111(b) of the

Act. An economic impact assessment was prepared for this regulation and for other regulatory alternatives. All aspects of the assessment were considered in the formulation of the standards to ensure that cost was carefully considered in determining BDT. The economic impact assessment is included in the BID for the proposed standards.

Information collection requirements associated with this regulation (those included in 40 CFR Part 60, Subpart TTT) have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, and have been assigned OMB control number 2060-0162.

Under Executive Order 12291, EPA is required to judge whether a regulation is a "major rule" and, therefore, subject to the requirements of a regulatory impact analysis (RIA). The Agency has determined that this regulation would result in none of the adverse economic effects set forth in section 1 of the Order as grounds for finding a regulation to be a "major rule." The regulation results in a net annual credit to the industry, and no price increases are expected. The Agency has concluded, therefore, that this regulation is not a "major rule" under Executive Order 12291.

The Regulatory Flexibility Act of 1980 requires the identification of potentially adverse impacts of Federal regulations upon small business entities. The Act specifically requires the completion of a Regulatory Flexibility Analysis in those instances where small business impacts are possible. Because these standards impose no adverse economic impacts, a Regulatory Flexibility Analysis has not been conducted.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities.

#### **List of Subjects in 40 CFR Part 60**

Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements, Incorporation by reference, Surface coating of plastic parts for business machines.

Date: January 13, 1988.

Lee M. Thomas,  
Administrator.

#### **PART 60—[AMENDED]**

1. The authority citation for Part 60 is revised to read as follows:

Authority: 42 U.S.C. 7401, 7411, 7414, 7416, and 7601.

2. 40 CFR Part 60 is amended by adding a new Subpart TTT to read as follows:

**Subpart TTT—Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines**

Sec.

60.720 Applicability and designation of affected facility.

60.721 Definitions.

60.722 Standards for volatile organic compounds.

60.723 Performance test and compliance provisions.

60.724 Reporting and recordkeeping requirements.

60.725 Test methods and procedures.

60.726 Delegation of authority.

**Subpart TTT—Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines**

§ 60.720 Applicability and designation of affected facility.

(a) The provisions of this subpart apply to each spray booth in which plastic parts for use in the manufacture of business machines receive prime coats, color coats, texture coats, or touch-up coats.

(b) This subpart applies to any affected facility for which construction, modification, or reconstruction begins after January 8, 1986.

§ 60.721 Definitions.

(a) As used in this subpart, all terms not defined herein shall have the meaning given them in the Act or in Subpart A of this part.

"Business machine" means a device that uses electronic or mechanical methods to process information, perform calculations, print or copy information, or convert sound into electrical impulses for transmission, such as:

- (1) Products classified as typewriters under SIC Code 3572;
- (2) Products classified as electronic computing devices under SIC Code 3573;
- (3) Products classified as calculating and accounting machines under SIC Code 3574;
- (4) Products classified as telephone and telegraph equipment under SIC Code 3661;
- (5) Products classified as office machines, not elsewhere classified, under SIC Code 3579; and
- (6) Photocopy machines, a subcategory of products classified as photographic equipment under SIC code 3661.

"Coating operation" means the use of a spray booth for the application of a single type of coating (e.g., prime coat); the use of the same spray booth for the

application of another type of coating (e.g., texture coat) constitutes a separate coating operation for which compliance determinations are performed separately.

"Coating solids applied" means the coating solids that adhere to the surface of the plastic business machine part being coated.

"Color coat" means the coat applied to a part that affects the color and gloss of the part, not including the prime coat or texture coat. This definition includes fog coating.

"Conductive sensitizer" means a coating applied to a plastic substrate to render it conductive for purposes of electrostatic application of subsequent prime, color, texture, or touch-up coats.

"Fog coating" (also known as mist coating and uniforming) means a thin coating applied to plastic parts that have molded-in color or texture or both to improve color uniformity.

"Nominal 1-month period" means either a calendar month, 30-day month, accounting month, or similar monthly time period that is established prior to the performance test (i.e., in a statement submitted with notification of anticipated actual startup pursuant to 40 CFR 60.7(2)).

"Plastic parts" means panels, housings, bases, covers, and other business machine components formed of synthetic polymers.

"Prime coat" means the initial coat applied to a part when more than one coating is applied, not including conductive sensitizers or electromagnetic interference/radio frequency interference shielding coatings.

"Spray booth" means the structure housing automatic or manual spray application equipment where a coating is applied to plastic parts for business machines.

"Texture coat" means the rough coat that is characterized by discrete, raised spots on the exterior surface of the part.

"Touch-up coat" means the coat applied to correct any imperfections in the finish after color or texture coats have been applied.

"Transfer efficiency" means the ratio of the amount of coating solids deposited onto the surface of a plastic business machine part to the total amount of coating solids used.

"VOC emissions" means the mass of VOC's emitted from the surface coating of plastic parts for business machines expressed as kilograms of VOC's per liter of coating solids applied (i.e., deposited on the surface).

(b) All symbols used in this subpart not defined below are given meaning in the Act or Subpart A of this part.

$D_c$  = density of each coating as received (kilograms per liter)

$D_d$  = density of each diluent VOC (kilograms per liter)

$L_c$  = the volume of each coating consumed, as received (liters)

$L_d$  = the volume of each diluent VOC added to coatings (liters)

$L_s$  = the volume of coating solids consumed (liters)

$M_d$  = the mass of diluent VOC's consumed (kilograms)

$M_o$  = the mass of VOC's in coatings consumed, as received (kilograms)

$N$  = the volume-weighted average mass of VOC emissions to the atmosphere per unit volume of coating solids applied (kilograms per liter)

$T$  = the transfer efficiency for each type of application equipment used at a coating operation (fraction)

$T_{avg}$  = the volume-weighted average transfer efficiency for a coating operation (fraction)

$V_o$  = the proportion of solids in each coating, as received (fraction by volume)

$W_o$  = the proportion of VOC's in each coating, as received (fraction by weight)

§ 60.722 Standards for volatile organic compounds.

(a) Each owner or operator of any affected facility which is subject to the requirements of this subpart shall comply with the emission limitations set forth in this section on and after the date on which the initial performance test, required by §§ 60.8 and 60.723 is completed, but not later than 60 days after achieving the maximum production rate at which the affected facility will be operated, or 180 days after the initial startup, whichever date comes first. No affected facility shall cause the discharge into the atmosphere in excess of:

- (1) 1.5 kilograms of VOC's per liter of coating solids applied from prime coating of plastic parts for business machines.
- (2) 1.5 kilograms of VOC's per liter of coating solids applied from color coating of plastic parts for business machines.
- (3) 2.3 kilograms of VOC's per liter of coating solids applied from texture coating of plastic parts for business machines.
- (4) 2.3 kilograms of VOC's per liter of coatings solids applied from touch-up coating of plastic parts for business machines.

(b) All VOC emissions that are caused by coatings applied in each affected facility, regardless of the actual point of discharge of emissions into the atmosphere, shall be included in

determining compliance with the emission limits in paragraph (a) of this section.

**§ 60.723 Performance tests and compliance provisions.**

(a) Section 60.8 (d) and (f) do not apply to the performance test procedures required by this section.

(b) The owner or operator of an affected facility shall conduct an initial performance test as required under § 60.8(a) and thereafter a performance test each nominal 1-month period for each affected facility according to the procedures in this section.

(1) The owner or operator shall determine the composition of coatings by analysis of each coating, as received, using Reference Method 24, from data that have been determined by the coating manufacturer using Reference Method 24, or by other methods approved by the Administrator.

(2) The owner or operator shall determine the volume of coating and the mass of VOC used for dilution of coatings from company records during each nominal 1-month period. If a common coating distribution system serves more than one affected facility or serves both affected and nonaffected spray booths, the owner or operator shall estimate the volume of coatings used at each facility by using procedures approved by the Administrator.

(i) The owner or operator shall calculate the volume-weighted average mass of VOC's in coatings emitted per unit volume of coating solids applied (N) at each coating operation [i.e., for each type of coating (prime, color, texture, and touch-up) used] during each nominal 1-month period for each affected facility. Each 1-month calculation is considered a performance test. Except as provided in paragraph (b)(2)(iii) of this section, N will be determined by the following procedures:

(A) Calculate the mass of VOC's used ( $M_o + M_d$ ) for each coating operation during each nominal 1-month period for each affected facility by the following equation:

$$M_o + M_d = \sum_{i=1}^n L_{ci} D_{ci} W_{oi} + \sum_{j=1}^m L_{dj} D_{dj}$$

where n is the number of coatings of each type used during each nominal 1-month period and m is the number of different diluent VOC's used during each nominal 1-month period. ( $\sum L_{dj} D_{dj}$  will be 0 if no VOC's are added to the coatings, as received.)

(B) Calculate the total volume of coating solids consumed ( $L_s$ ) in each nominal 1-month period for each coating operation for each affected facility by the following equation:

$$L_s = \sum_{i=1}^n L_{ci} V_{si}$$

where n is the number of coatings of each type used during each nominal 1-month period.

(C) Select the appropriate transfer efficiency (T) from Table 1 for each type of coating applications equipment used at each coating operation. If the owner or operator can demonstrate to the satisfaction of the Administrator that transfer efficiencies other than those shown are appropriate, the Administrator will approve their use on a case-by-case basis. Transfer efficiency values for application methods not listed below shall be approved by the Administrator on a case-by-case basis. An owner or operator must submit sufficient data for the Administrator to judge the validity of the transfer efficiency claims.

(D) Where more than one application method is used within a single coating operation, the owner or operator shall determine the volume of each coating applied by each method through a means acceptable to the Administrator and compute the volume-weighted average transfer efficiency by the following equation:

$$T_{avg} = \frac{\sum_{i=1}^n \sum_{k=1}^p L_{cik} V_{sik} T_k}{L_s}$$

TABLE 1.—TRANSFER EFFICIENCIES

Application methods	Transfer efficiency	Type of coating
Air atomized spray .....	0.25	Prime, color, texture, touch-up, and fog coats.
Air-assisted airless spray.	.40	Prime and color coats.
Electrostatic air spray ..	.40	Do.

where n is the number of coatings of each type used and p is the number of application methods used.

(E) Calculate the volume-weighted average mass of VOC's emitted per unit volume of coating solids applied (N) during each nominal 1-month period for

each coating operation for each affected facility by the following equation:

$$N = \frac{M_o + M_d}{L_s T_{avg}}$$

( $T_{avg} = T$  when only one type of coating operation occurs).

(ii) Where the volume-weighted average mass of VOC's emitted to the atmosphere per unit volume of coating solids applied (N) is less than or equal to 1.5 kilograms per liter for prime coats, is less than or equal to 1.5 kilograms per liter for color coats, is less than or equal to 2.3 kilograms per liter for texture coats, and is less than or equal to 2.3 kilograms per liter for touch-up coats, the affected facility is in compliance.

(iii) If each individual coating used by an affected facility has a VOC content (kg VOC/l of solids), as received, which when divided by the lowest transfer efficiency at which the coating is applied for each coating operation results in a value equal to or less than 1.5 kilograms per liter for prime and color coats and equal to or less than 2.3 kilograms per liter for texture and touch-up coats, the affected facility is in compliance provided that no VOC's are added to the coatings during distribution or application.

(iv) If an affected facility uses add-on controls to control VOC emissions and if the owner or operator can demonstrate to the Administrator that the volume-weighted average mass of VOC's emitted to the atmosphere during each nominal 1-month period per unit volume of coating solids applied (N) is within each of the applicable limits expressed in paragraph (b)(2)(ii) of this section because of this equipment, the affected facility is in compliance. In such cases, compliance will be determined by the Administrator or a case-by-case basis.

**§60.724 Reporting and recordkeeping requirements.**

(a) The reporting requirements of § 60.8(a) apply only to the initial performance test. Each owner or operator subject to the provisions of this subpart shall include the following data in the report of the initial performance test required under § 60.8(a):

(1) Except as provided for in paragraph (a)(2) of this section, the volume-weighted average mass of VOC's emitted to the atmosphere per volume of applied coating solids (N) for the initial nominal 1-month period for each coating operation from each affected facility.

(2) For each affected facility where compliance is determined under the provisions of § 60.723(b)(2)(iii), a list of the coatings used during the initial nominal 1-month period, the VOC content of each coating calculated from data determined using Reference Method 24, and the lowest transfer efficiency at which each coating is applied during the initial nominal 1-month period.

(b) Following the initial report, each owner or operator shall:

(1) Report the volume-weighted average mass of VOC's per unit volume of coating solids applied for each coating operation for each affected facility during each nominal 1-month period in which the facility is not in compliance with the applicable emission limits specified in § 60.722. Reports of noncompliance shall be submitted on a quarterly basis, occurring every 3 months following the initial report; and

(2) Submit statements that each affected facility has been in compliance with the applicable emission limits specified in § 60.722 during each nominal 1-month period. Statements of compliance shall be submitted on a semiannual basis.

(c) These reports shall be postmarked not later than 10 days after the end of the periods specified in § 60.724(b)(1) and § 60.724(b)(2).

(d) Each owner or operator subject to the provisions of this subpart shall maintain at the source, for a period of at least 2 years, records of all data and calculations used to determine monthly VOC emissions from each coating operation for each affected facility as specified in 40 CFR 60.7(d).

(e) Reporting and recordkeeping requirements for facilities using add-on controls will be determined by the Administrator on a case-by-case basis.

(Approved by the Office of Management and Budget under Control No. 2060-0162)

**§60.725 Test methods and procedures.**

(a) The reference methods in Appendix A to this part except as provided under § 60.8(b) shall be used to determine compliance with § 60.722 as follows:

(1) Method 24 for determination of VOC content of each coating as received.

(2) For Method 24, the sample must be at least a 1-liter sample in a 1-liter container.

(b) Other methods may be used to determine the VOC content of each coating if approved by the Administrator before testing.

**§60.726 Delegation of authority.**

(a) In delegating implementation and enforcement authority to a State under section 111(c) of the Act, the authorities contained in paragraph (b) of this section shall be retained by the Administrator and not transferred to a State.

(b) Authorities which will not be delegated to States:

Section 60.723(b)(1)  
 Section 60.723(b)(2)  
 Section 60.723(b)(2)(i)(C)  
 Section 60.723(b)(2)(i)(D)  
 Section 60.723(b)(2)(iv)  
 Section 60.724(a)(2)  
 Section 60.724(e)  
 Section 60.725(b)

[FR Doc. 88-1500 Filed 1-28-88; 8:45 am]

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# Federal Register

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**Friday  
January 29, 1988**

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**Part III**

**Department of  
Health and Human  
Services**

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**Food and Drug Administration**

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**Cumulative List of Orphan Drug and  
Biological Designations; Notice**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

[Docket No. 84N-0102]

**Cumulative List of Orphan Drug and Biological Designations**

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) previously announced the availability of a list, which is brought up to date quarterly, identifying the drugs and biologicals granted orphan drug designation pursuant to section 526 of the Federal Food, and Drug, and Cosmetic Act. (See the Federal Register of April 13, 1984 (49 FR 14808).) By this notice, FDA is announcing the availability of a cumulative list of designated orphan drugs and biologicals as of December 31, 1987.

**ADDRESS:** Copies of the list of current orphan drug designations and of any future lists are or will be available from the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** Roger C. Gregorio, Office of Orphan Products Development (HF-35), Food

and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4903.

**SUPPLEMENTARY INFORMATION:** FDA's Office of Orphan Products Development reviews and takes final action on applications submitted by sponsors seeking orphan drug designation under section 526 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360bb). In accordance with this section of the act, which requires public notification of designations, FDA maintains a list of designated orphan drugs and biologicals. This list is made current on a quarterly basis and is available on request from FDA's Dockets Management Branch (address above). Those requesting a copy should specify Docket No. 84N-0102, which is the docket number for this notice. At the end of each calendar year, the agency intends to publish in the Federal Register an up-to-date cumulative list of designated orphan drugs and biologicals including the names of designated compounds, the specific disease/condition for which the compounds are designated, and the sponsors' names and addresses. The cumulative list of compounds receiving orphan drug designation through 1986 was published in the Federal Register of February 5, 1987 (52 FR 3778).

The list that is the subject of this notice consists of designated orphan

drugs and biologicals through December 31, 1987, and therefore, brings the February 5, 1987, publication up to date.

The orphan drug designation of a drug or biological applies only to the sponsor who requested the designation. Each sponsor interested in developing an orphan drug or biological must apply for orphan drug designation in order to obtain exclusive marketing rights. Copies of the interim guidelines for use in preparing an application for orphan drug designation may be obtained from the Office of Orphan Products Development (HF-35) (address above).

The names used in this notice for the drug and biological products that have not been approved/licensed for marketing may not be the established/proper names approved by FDA for these products if they are eventually approved/licensed for marketing. Since these products are investigational, some may not have been reviewed for purposes of assigning the most appropriate established/proper name.

Dated: January 21, 1988.

Ronald G. Chesemore,  
Acting Associate Commissioner for Regulatory Affairs.

**Orphan Designations Pursuant to Section 526 of the Federal Food, Drug, and Cosmetic Act as Amended by the Orphan Drug Act (Pub. L. 97-414) Through 1987**

**ORPHAN DRUG AND BIOLOGICAL DESIGNATIONS THROUGH 1988**

[Approved for Marketing\*]

[Exclusive Approval\*\*]

**Biological Designations**

Name of biological	Designated use	Sponsor's name and address
<i>Generic</i> -alpha-1-anti-trypsin (recombinant DNA origin). <i>Trade</i> —Not established.	Supplementation therapy for alpha-1 antitrypsin deficiency in the ZZ phenotype population.	Cooper Biomedical, Inc., 3145 Porter Drive, Palo Alto, CA 94304.
<i>Generic</i> -alpha-1-proteinase inhibitor (Alpha-1 PI). <i>Trade</i> —Prolastin®/™.	Replacement therapy in the Alpha 1 PI congenital deficiency state.	Cutter Laboratories, P.O. Box 1986, Berkeley, CA 94701.
<i>Generic</i> -anti-J5mAb. <i>Trade</i> —Not established.	Treatment of patients with gram-negative bacteremia which has progressed to endotoxin shock.	Centocor, Inc., 244 Great Valley Parkway, Malvern, PA 19355.
<i>Generic</i> -antimelanoma antibody XMMME-001-RTA. <i>Trade</i> —Same as generic.	Treatment of Stage III melanoma not amenable to surgical resection.	Xoma Corporation, 3516 Sacramento Street, San Francisco, CA 94118.
<i>Generic</i> -Anti-TAP-72 immunotoxin. <i>Trade</i> —XOMAZYME-791.	Treatment of metastatic colorectal cancer adenocarcinoma.	XOMA Corporation, 2910 Seventh Street, Berkeley, CA 94701.
<i>Generic</i> -antithrombin III (AT-III). <i>Trade</i> —Not established.	For use as replacement therapy in congenital deficiency of AT-III for prevention and treatment of thrombosis and pulmonary emboli.	Cutter Laboratories, P.O. Box 1986, Berkeley, CA 94701.
<i>Generic</i> -antithrombin III concentrate I.V. <i>Trade</i> —Kyberlin.	Prophylaxis and treatment of thromboembolic episodes in patients with genetic AT-III deficiency.	Hoechst-Roussel, Pharmaceuticals, Inc., Route 202-206 North, Somerville, NJ 08876.
<i>Generic</i> -antithrombin III (human). <i>Trade</i> —Antithrombin.	Hereditary AT-III deficiency.....	Kabi Vitrum Inc., 1311 Harbor Bay Parkway, Alameda, CA 94501.
<i>Generic</i> -antithrombin III (human). <i>Trade</i> —Antithrombin III (Human).	For use in preventing or arresting episodes of thrombosis in patients with congenital antithrombin III deficiency and/or to prevent the occurrence of thrombosis in patients with antithrombin III deficiency who have undergone trauma or who are about to undergo surgery or parturition.	The American National Red Cross, National Headquarters, 17th and E Street, NW., Washington, DC 20006.

## ORPHAN DRUG AND BIOLOGICAL DESIGNATIONS THROUGH 1988—Continued

[Approved for Marketing\*]

[Exclusive Approval\*\*]

## Biological Designations

Name of biological	Designated use	Sponsor's name and address
<i>Generic</i> -benzylpenicillin, benzylpenicilloic acid, and benzylpenilloic acid. <i>Trade</i> —Pre-Pen/MDM.	For use in assessing the risk of administering penicillin when it is the preferred drug of choice in adult patients who have previously received penicillin and have a history of clinical hypersensitivity.	Kremers-Urban Co., P.O. Box 2038, Milwaukee, WI 53201.
<i>Generic</i> -botulinum A toxin. <i>Trade</i> —Oculinum.	Treatment of strabismus and blepharospasm.....	Alan B Scott, M.D., 2232 Webster Street, San Francisco, CA 94115.
<i>Generic</i> -botulinum toxin. <i>Trade</i> —Ortholinum.	For use in the treatment of spasmodic torticollis .....	Alan B. Scott, M.D., 2232 Webster Street, San Francisco, CA 94115.
<i>Generic</i> -CD5-T Lymphocyte Immunotoxin. <i>Trade</i> —XOMAZYME-H65.	For ex vivo treatment to eliminate mature T cells from potential bone marrow grafts and for in-vivo treatment of bone marrow recipients to prevent graft rejection and graft vs host disease (GVHD). For treatment of graft versus host disease (GVHD) and/or rejection in patients who have received bone marrow transplants.	XOMA Corporation, 2910 Seventh Street, Berkeley, CA 94710.
<i>Generic</i> -Cytomegalovirus Immune Globulin (Human). <i>Trade</i> —Not established.	For use in the prevention or attenuation of primary cytomegalovirus disease in immunosuppressed recipients of organ transplants.	Massachusetts Public Health Biologic Laboratories, 305 South Street, Jamaica Plain, MA 02130.
<i>Generic</i> -digoxin Immune Fab (Ovine). <i>Trade</i> —Digidote.	Life-threatening acute cardiac glycoside intoxication manifested by conduction disorders, ectopic ventricular activity and (in some cases) hyperkalemia.	Boehringer Mannheim, Corporation, 1301 Piccard Drive, Rockville, MD 20850.
<i>Generic</i> -digoxin Immune Fab (Ovine). <i>Trade</i> —Digibind*/**.	Treatment of potentially life-threatening digitalis intoxication in patients who are refractory to management by conventional therapy.	Burroughs-Wellcome Co., 3030 Cornwallis Road, Research Triangle Park, NC 27709.
<i>Generic</i> -erwinia 1-asparaginase. <i>Trade</i> —Not established.	Treatment of acute lymphocytic leukemia .....	Porton Products Ltd., 5445 Balboa Boulevard, Suite 115, Encino, CA 91316.
<i>Generic</i> -erwinia 1-asparaginase. <i>Trade</i> —Not established.	Acute lymphoblastic leukemia.....	Lympho Med, Inc., 2020 Ruby Street, Melrose Park, IL 60160.
<i>Generic</i> -erythropoietin (recombinant-human). <i>Trade</i> —Not established.	Treatment of anemia associated with end stage renal disease (ESRD).	Amgen, 1900 Oak Terrace Lane, Thousand Oaks, CA 91320.
<i>Generic</i> -erythropoietin (recombinant-human). <i>Trade</i> —Not established.	Treatment of anemia associated with end stage renal disease (ESRD).	McDonnell Douglas Corporation, P.O. Box 516, St. Louis, MO 63166.
<i>Generic</i> -erythropoietin (recombinant-human). <i>Trade</i> —Not established.	Treatment of anemia associated with end stage renal disease (ESRD).	Ortho Pharmaceutical Corporation, Route 202, P.O. Box 300, Raritan, NJ 08869-0602.
<i>Generic</i> -erythropoietin (recombinant-human). <i>Trade</i> —EPOCH.	Treatment of anemia associated with end stage renal disease (ESRD).	Chugai Pharmaceutical Co., Ltd., 1-9, Kyobashi 2-Chome, Chuo-Ku, Tokyo 104, Japan.
<i>Generic</i> -erythropoietin (recombinant-human). <i>Trade</i> —Not established.	Treatment of anemia associated with end stage renal disease (ESRD).	Organon Teknika Corporation, 800 Capitola Drive, Durham, NC 27713.
<i>Generic</i> -factor XIII. <i>Trade</i> —Fibrogammin.....	Congenital Factor XIII deficiency .....	Hoechst-Roussel, Pharmaceuticals, Inc., Route 202-206 North, Somerville, NJ 08876.
<i>Generic</i> -hemin. <i>Trade</i> —Panhematin*/**.....	Amelioration of recurrent attacks of acute intermittent porphyria temporally related to the menstrual cycle in susceptible women and similar symptoms which occur in other patients with acute intermittent porphyria, porphyria variegata and hereditary coproporphyrin.	Abbott Laboratories, North Chicago, IL 60064.
<i>Generic</i> -Indium In 111 antimelanoma antibody XMMME-0001-DTPA. <i>Trade</i> —Same as generic.	Diagnostic use in imaging systemic and nodal melanoma metastasis.	Xoma Corporation, 3516 Sacramento Street, San Francisco, CA 94118.
<i>Generic</i> -interferon alfa-n1. <i>Trade</i> —Wellferon.	Treatment of AIDS-related Kaposi's Sarcoma..... For use in the treatment of Human Papillomavirus (HPV) in patients with severe resistant/recurrent respiratory (laryngeal) papillomatosis.	Burroughs Wellcome Co., 3030 Cornwallis Road, Research Triangle Park, NC 27709.
<i>Generic</i> -interferon alfa-2a (recombinant). <i>Trade</i> —Roferon-A.	Treatment of AIDS-related Kaposi's Sarcoma .....	Hoffmann-LaRoche, Inc., Nutley, NJ 07110.
<i>Generic</i> -interferon alfa-2b (recombinant). <i>Trade</i> —Intron A.	Treatment of chronic myelogenous leukemia (CML)..... Treatment of metastatic renal cell carcinoma..... Treatment of AIDS-related Kaposi's Sarcoma..... Treatment of ovarian carcinoma.....	Schering Corporation, 2000 Galloping Hill Rd., Kenilworth, NJ 07033.
<i>Generic</i> -Iodine I 131 Lym-1 monoclonal antibody. <i>Trade</i> —Not established.	For use in the treatment of B-cell lymphoma.....	Lederle Laboratories, Division Cyanamid Co., Pearl River, NY 10965.

## ORPHAN DRUG AND BIOLOGICAL DESIGNATIONS THROUGH 1988—Continued

[Approved for Marketing\*]

[Exclusive Approval\*\*]

Biological Designations		
Name of biological	Designated use	Sponsor's name and address
<i>Generic</i> -monoclonal antibodies (murine or human) recognizing B-cell lymphoma idiotypes. <i>Trade</i> —Not established.	For the treatment of B-cell lymphoma .....	IDEC, Inc., 291 North Bernardo Avenue, Mountain View, CA 94043.
<i>Generic</i> -monoclonal antiendotoxin antibody XMMEN-OE5. <i>Trade</i> —Same as generic.	Treatment of patients with gram-negative sepsis which has progressed to shock.	Pfizer Inc., 235 East 42nd Street, New York, NY 10017.
<i>Generic</i> -pentastarch. <i>Trade</i> —Pentastan*/**	For use as an adjunct in leukapheresis, to improve the harvesting and increase the yield of leukocytes by centrifugal means.	DuPont Critical Care, 1600 Waukegan Road, McGaw Park, IL 60085.
<i>Generic</i> -ST1-RTA Immunotoxin (SR 44163). <i>Trade</i> —Not established.	For use in the prevention of acute Graft versus Host Disease (GVHD) in allogenic bone marrow transplantation and for the treatment of patients with B-chronic lymphocytic leukemia (CLL).	Sanofi, Inc., 101 Park Avenue, New York, NY 10178.
<i>Generic</i> -Technetium Tc 99m Anti-melanoma Murine Monoclonal Antibody Kit. <i>Trade</i> —Not established.	For use in detecting, by imaging, metastases of malignant melanoma.	NeoRx Corporation, 410 West Harrison, Seattle, WA 98119.
<i>Generic</i> -trisaccharides A and B. <i>Trade</i> —Not established.	Treatment of moderate to severe clinical forms of hemolytic disease of the newborn arising from placental transfer of antibodies against blood group substances A and B. For use in ABO-incompatible solid organ transplantation, including kidney, heart, liver, and pancreas. Treatment of moderate to very severe clinical forms of transfusion reactions arising from ABO incompatible transfusion of blood, blood products and blood derivatives.	CHEMBIOMED Ltd., 16th Floor Campus Towers, 11145-87th Avenue, Edmonton, Alberta, Canada T6G OY1.

## ORPHAN DRUG AND BIOLOGICAL DESIGNATIONS THROUGH 1987

[Approved for Marketing\*]

[Exclusive Approval\*\*]

Drug Designations		
Name of drug	Designated use	Sponsor's name and address
<i>Generic</i> -acetylcysteine. <i>Trade</i> —Mucomyst/Mucomyst 10 IV.	For use in the intravenous treatment of patients presenting moderate to severe acetaminophen overdose.	Bristol-Myers, U.S. Pharmaceutical Group, 2404 Pennsylvania Street, Evansville, IN 47721-0001.
<i>Generic</i> -allopurinol. <i>Trade</i> —Zyloprim.....	For use in the ex-vivo preservation of cadaveric kidneys for transplantation.	Burroughs Wellcome Co., 3030 Cornwallis Road, Research Triangle Park, NC 27709.
<i>Generic</i> -allopurinol riboside. <i>Trade</i> —Not established.	Treatment of cutaneous and visceral leishmaniasis and Chagas' disease.	Burroughs Wellcome Co., 3030 Cornwallis Road, Research Triangle Park, NC 27709.
<i>Generic</i> -amsacrine. <i>Trade</i> —Amsidyl.....	Treatment of patients with acute adult leukemia.....	Warner-Lambert Co., 201 Tabor Road, Morris Plains, NJ 07950.
<i>Generic</i> -anagrelide. <i>Trade</i> —not established.	Treatment of polycythemia vera .....	Bristol-Myers Co., P.O. Box 4755, Syracuse, NY 13221-4755.
<i>Generic</i> -anagrelide. <i>Trade</i> —Not established.	Treatment of thrombocytosis in chronic myelogenous leukemia.	Bristol-Myers, Co., Pharmaceutical Research and Development Division, 5 Research Parkway, P.O. Box 5100, Wallingford, CT 06492.
<i>Generic</i> -antipyrine. <i>Trade</i> —not established.	Antipyrine test as an index of hepatic drug-metabolizing capacity.	Upsher-Smith Laboratories, Inc., 14905 23rd Avenue North, Minneapolis, MN 55441.
<i>Generic</i> -AS-101. <i>Trade</i> —Not established....	For use in the treatment of acquired immune deficiency Syndrome (AIDS).	Scientific Testing, Inc., 783 Jersey Avenue, New Brunswick, NJ 08901.
<i>Generic</i> -bacitracin, U.S.P. <i>Trade</i> —Altracin...	Antibiotic-associated pseudomembranous enterocolitis caused by toxins A and B elaborated by <i>Clostridium difficile</i> .	A.L. Laboratories, Inc., 452 Hudson Terrace, P.O. Box 1621, Englewood Cliffs, NJ 07632.
<i>Generic</i> -baclofen (intrathecal). <i>Trade</i> —Liorasal.	For use in the treatment of intractable spasticity caused by spinal cord injury or multiple sclerosis.	Medtronic, Inc., 7000 Central Ave. N.E., Minneapolis, MN 55432.

## ORPHAN DRUG AND BIOLOGICAL DESIGNATIONS THROUGH 1987—Continued

[Approved for Marketing\*]

[Exclusive Approval\*\*]

Drug Designations		
Name of drug	Designated use	Sponsor's name and address
<i>Generic-benzoate/phenylacetate. Trade—Ucephan */**.</i>	For adjunctive therapy in the prevention and treatment of hyperammonemia in patients with urea cycle enzymopathy (UCE) due to carbamylphosphate synthetase, ornithine, transcarbamylase, or arginosuccinate synthetase deficiency.	Kendall McGaw Laboratories, P.O. Box 25080, Santa Ana, CA 92799-5080.
<i>Generic-BW B759U. Trade—not established.</i>	Treatment of severe human cytomegalovirus infections (HCMV) in specific immunosuppressed patient populations (e.g., bone marrow transplant recipients and AIDS).	Burroughs Wellcome Co., 3030 Cornwallis Road, Research Triangle Park, NC 27709.
<i>Generic-BW 12C. Trade—Not established...</i>	For use in the treatment of sickle cell disease crisis.....	Burroughs, Wellcome Co., 3030 Cornwallis Road, Research Triangle Park, NC 27709.
<i>Generic-calcitonin-Human. Trade—Cibacalcin */**.</i>	Treatment of symptomatic Paget's disease of bone (osteitis deformans).	Pharmaceuticals Division, Ciba/Geigy Corporation, 556 Morris Avenue, Summit, NJ 07901.
<i>Generic-chenodiol. Trade—Chenix*/**.....</i>	For patients with radiolucent stones in well opacifying gallbladders, in whom elective surgery would be undertaken except for the presence of increased surgical risk due to systemic disease or age.	Reid-Rowell, Inc., 210 Main Street West, Baudette, MN 56623-0370.
<i>Generic-chlorhexidine gluconate mouthrinse. Trade—Peridex.</i>	For use in the amelioration of oral mucositis associated with cytoreductive therapy used in conditioning patients for bone marrow transplantation therapy.	The Procter and Gamble Co., Sharon Woods Technical Ctr., HB Building, 1511 Reed Hartman Highway, Cincinnati, OH 45241.
<i>Generic-clofazimine. Trade—Lamprene*/**.</i>	Treatment of lepromatous leprosy, including dapsone-resistant lepromatous leprosy and lepromatous leprosy complicated by erythema nodosum leprosum.	Pharmaceuticals Division, Ciba-Geigy Corporation, 556 Morris Avenue, Summit, NJ 07901.
<i>Generic-colchicine. Trade—Not established.</i>	For use in arresting the progression of neurologic disability caused by chronic progressive multiple sclerosis.	Pharmacontrol Corporation, P.O. Box 931, 661 Palisade Avenue, Englewood Cliffs, NJ 07632.
<i>Generic-copolymer 1 (COP 1). Trade—Not established.</i>	For use in the treatment of multiple sclerosis (MS).....	TAG Pharmaceuticals, C/O Lemmon Company, Sellersville, PA 18960.
<i>Generic-cromolyn sodium. Trade—Cromoral.</i>	Mastocytosis.....	Fisons Corporation 2 Preston Court Bedford, MA 01730.
<i>Generic-cromolyn Sodium, 4% ophthalmic solution. Trade—Opticrom 4% Ophthalmic Solution*/**.</i>	Treatment of vernal keratoconjunctivitis (VKC).....	Fisons Corporation, 2 Preston Court, Bedford, MA 01730.
<i>Generic-cyproterone acetate. Trade—Cyproteron/Androcur.</i>	Treatment of severe hirsutism.....	Berlex Laboratories, Inc., 110 East Hanover Avenue, Cedar Knolls, NJ 07927.
<i>Generic-cysteamine (2-aminoethanethiol). Trade—Not established.</i>	Treatment of nephropathic cystinosis.....	Jess G. Thoene, M.D., Section of Biochemical Genetics and Metabolism, Department of Pediatrics, University of Michigan School of Medicine, Ann Arbor, MI 48109.
<i>Generic-dantrolene sodium. Trade—Dantrium.</i>	Treatment of the neuroleptic malignant syndrome.....	Norwich Eaton Pharmaceuticals, Inc., P.O. Box 191, Norwich, NY 13815.
<i>Generic-defibrotide. Trade—not established.</i>	Treatment of thrombotic thrombocytopenic purpura.....	Crinos International, Via Belvedere 1, 22079 Villa Guardia (Como), Italy.
<i>Generic-dextran sulfate sodium (UA001). Trade—Not established.</i>	Treatment of acquired immunodeficiency syndrome (AIDS).	Ueno Fine Chemicals Industry, Ltd., 2-31 Koraibashi, Higashi-Ku, Osaka 541, Japan.
<i>Generic-diaziquone. Trade—not established.</i>	Treatment of primary brain malignancies (Grade III-IV astrocytomas).	Warner-Lambert Co., 201 Tabor Road, Morris Plains, NJ 07950.
<i>Generic-diethyldithiocarbamate. Trade—Imuthiol.</i>	Treatment of acquired immunodeficiency syndrome (AIDS).	Merieux Institute, Inc., 7855 N.W. 12th Street, Suite 114, Miami, Florida 33126.
<i>Generic-dimethyl sulfoxide (DMSO). Trade—Sclerosol.</i>	Treatment of cutaneous manifestations of scleroderma....	Research Medical, Inc., A Subsidiary of Research Industries Corporation, 1847 West 2300 South, Salt Lake City, UT 84119.
<i>Generic-disodium silibinin dihemisuccinate. Trade—Legalon.</i>	Treatment of hepatic intoxication by Amanita phalloides (mushroom poisoning).	Pharmaquest Corporation, 201 Tamal Vista Blvd., Corte Madera, CA 94925 and Dr. Madaus GmbH and Co., Ostmerheimer Str. 198, 5000 Koln 91, Federal Republic of Germany.

## ORPHAN DRUG AND BIOLOGICAL DESIGNATIONS THROUGH 1987—Continued

[Approved for Marketing\*]

[Exclusive Approval\*\*]

Drug Designations		
Name of drug	Designated use	Sponsor's name and address
<i>Generic-eflornithine</i> HC1 (DFMO). <i>Trade</i> —Ornidyl.	Trypanosoma brucei gambiense sleeping sickness .....	Merrell Dow Research, P.O. Box 6300; 2110 East Galbraith Road, Cincinnati, OH 45215-6300.
<i>Generic-epidermal growth factor</i> (human). <i>Trade</i> —not established.	Acceleration of corneal epithelial regeneration and healing of stromal incisions from corneal transplant surgery. For use in the acceleration of corneal epithelial regeneration and the healing of stromal tissue in the condition of non-healing corneal defects.	Chiron Corporation, 4560 Horton Street, Emeryville, CA 94608.
<i>Generic-epidermal growth factor</i> (human). <i>Trade</i> —not established.	Promotion of cutaneous wound healing in extreme burn treatment protocols.	Ethicon, Inc. Somerville, NJ 08876-0151.
<i>Generic-epoprostenol</i> prostacyclin, PGI <sub>2</sub> , PGX. <i>Trade</i> —Flolan.	Replacement of heparin in patients requiring hemodialysis and who are at increased risk of hemorrhage.	Burroughs Wellcome Co. 3030 Cornwallis Road Research Triangle Park, NC 27709.
<i>Generic-epoprostenol</i> . <i>Trade</i> —Cyclo-Prostin.	Replacement of heparin in patients requiring hemodialysis and who are at increased risk of hemorrhage.	The Upjohn Co., 301 Henrietta Street, Kalamazoo, MI 49001.
<i>Generic-epoprostenol</i> , prostacyclin, PGI <sub>2</sub> , PG <sub>x</sub> , <i>Trade</i> —Flolan.	For use in the treatment of primary pulmonary hypertension (PPH).	Burroughs Wellcome Co., 3030 Cornwallis Road, Research Triangle Park, NC 27709.
<i>Generic-etidronate disodium</i> . <i>Trade</i> —Didronel **/**.	Treatment of hypercalcemia of a malignancy inadequately managed by dietary modification and/or oral hydration.	Norwich Eaton Pharmaceuticals, Inc., P.O. Box 191, Norwich, NY 13815.
<i>Generic-ethanolamine oleate</i> . <i>Trade</i> —Not established.	Bleeding esophageal varices.....	Glaxo, Inc., P.O. Box 13960, Five Moore Drive, Research Triangle Park, NC 27709.
<i>Generic-flumecinol</i> . <i>Trade</i> —Zixoryn .....	Hyberbilirubinemia in newborn infants unresponsive to phototherapy.	Farnaco, Inc., P.O. Box 586, Westport, CT 06881.
<i>Generic-flunarizine</i> . <i>Trade</i> —Sibelium .....	Treatment of alternating hemiplegia.....	Janssen Pharmaceutica, 40 Kingsbridge Road, Piscataway, NJ 08854.
<i>Generic-ganciclovir</i> (DHPG). <i>Trade</i> —Not established.	Treatment of cytomegalovirus (CMV) infections of a serious life- or sight-threatening nature in immunocompromised patients.	Syntex (USA), Inc., 3401 Hillview Avenue, Palo Alto, CA 94304.
<i>Generic-glucocerebrosidase/beta-glucosidase</i> (placenta-derived). <i>Trade</i> —Not established.	Replacement therapy in patients with Gaucher's Disease Type I.	Genzyme Corporation, 75 Kneeland Street, Boston, MA 02111.
<i>Generic-guanethidine</i> monosulfate. <i>Trade</i> —Ismelin I.V..	Treatment of moderate to severe reflex sympathetic dystrophy and causalgia.	Ciba-Geigy Corporation, 556 Morris Avenue, Summit, NJ 07901.
<i>Generic-HPA-23</i> . <i>Trade</i> —Not established ...	Treatment of acquired immunodeficiency syndrome (AIDS).	Rhone-Poulenc Pharmaceuticals, Division of Rhone Poulenc, Inc., P.O. Box 125, Black Horse Lane, Monmouth Junction, NJ 08852.
<i>Generic-hexamethylmelamine</i> . <i>Trade</i> —Hexastat.	Treatment of advanced adenocarcinoma of the ovary .....	Ives Laboratories, 685 Third Avenue, New York, NY 10017.
<i>Generic-hydroxycobalamin/sodium thiosulfate</i> . <i>Trade</i> —Not established.	Treatment of severe acute cyanide poisoning.....	Evreka, Inc., P.O. Box 1513, 1990 Broadway, New York, NY 10023.
<i>Generic-iodine I 131 meta-iodobenzylguanidine</i> . <i>Trade</i> —Not established.	Diagnostic adjunct in patients with pheochromocytoma.....	William H. Beierwaltes, M.D., Physician-in-charge, Nuclear Medicine, University of Michigan Medical Center, 1405 E. Ann Street, Ann Arbor, MI 48109.
<i>Generic-iodine I 131 6B-iodomethyl-19-norcholesterol</i> . <i>Trade</i> —Not established.	Adrenal cortical imaging.....	William H. Beierwaltes, M.D., Physician-in-charge, Nuclear Medicine, University of Michigan, Medical Center, 1405 E. Ann Street, Ann Arbor, MI 48109.
<i>Generic-ifosfamide</i> . <i>Trade</i> —Not established.	Treatment of soft tissue and bone sarcomas .....	Bristol-Myers Company, P.O. Box 4755, Syracuse, NY 13221-4755.
	Treatment of testicular cancer .....	Bristol-Myers company, Pharmaceutical Research and Development Division, Wallingford, CT 06492.
<i>Generic-1-alpha-acetyl-methadol</i> (LAAM). <i>Trade</i> —not established.	Treatment of heroin addicts suitable for maintenance on opiate agonists.	Dixon and Williams, Pharmaceutical Co, Inc., 43 Old Wood Road, Bernardsville, NJ 07924
<i>Generic-1-carnitine</i> . <i>Trade</i> —Vita Carn* .....	Genetic carnitine deficiency .....	Kendall McGaw Laboratories, P.O. Box 25080, Santa Ana, CA 92799-5080.

## ORPHAN DRUG AND BIOLOGICAL DESIGNATIONS THROUGH 1987—Continued

[Approved for Marketing\*]

[Exclusive Approval\*\*]

Drug Designations		
Name of drug	Designated use	Sponsor's name and address
<i>Generic-1-carnitine. Trade—Vita Carn</i> .....	Treatment of manifestations of carnitine deficiency in patients with end stage renal disease (ESRD) who require dialysis.	Kendall McGaw Laboratories, P.O. Box 25080, Santa Ana, CA 92799-5080.
<i>Generic-1-carnitine. Trade—Carnitor*/**</i> .....	Primary and secondary carnitine deficiency of genetic origin.	Sigma Tau, Inc., 723 North Beers Street Holmdel, NJ 07733.
<i>Generic-leucovorin. Trade—Leucovorin Calcium.</i>	For use in combination with 5-fluorouracil for the therapy of metastatic adenocarcinoma of the colon and rectum.	Lederle Laboratories Div., American Cyanamid Company, Pearl River, NY 10965.
<i>Generic-LHRH [(DES-GLY <sup>19</sup>)-D-Tri<sup>6</sup>-Pro<sup>9</sup>-N-Ethylamide)]. Trade—Not established.</i>	For use in the treatment of central precocious puberty.....	Roberts Laboratories, Inc., Meridian Center III, 6 Industrial Way West, Eatontown, NJ 07724.
<i>Generic-1-5 hydroxytryptophan (L-5HTP). Trade—Not established.</i>	Treatment of postanoxic intention myoclonus .....	Bolar Pharmaceutical Co, Inc., 130 Lincoln Street, Copiague, NY 11726.
<i>Generic-luteinizing hormone releasing hormone (GnRH). Trade—Not established.</i>	For use in the induction of ovulation in women with hypothalamic amenorrhea due to a deficiency or absence in the quantity or pulse pattern of endogenous GnRH secretion.	Ortho Pharmaceutical, Route 202 P.O. Box 300, Raritan, NJ 08869-0602.
<i>Generic-mazindol. Trade—Sanorex</i> .....	Treatment of Duchenne muscular dystrophy (DMD).....	Platon J. Collipp, M.D., 176 Memorial Drive, Jesup, GA 31545.
<i>Generic-mefloquine HC1. Trade—Mefloquin.</i>	Treatment and prevention of chloroquine-resistant falciparum malaria.	Mephra AG, 4143 Dornach, Aesch Basel, Switzerland.
<i>Generic-mesna. Trade—Uromitexan</i> .....	For use in inhibiting the urotoxic effects induced by ifosfamide.	Degussa Corporation, P.O. Box 2004, Route 46 at Hollister Road, Teterboro, NJ 07608.
<i>Generic-mesna. Trade—Not established</i> .....	For the inhibition of the urotoxic effects induced by oxazaphosphorine compounds such as cyclophosphamide.	Adria Laboratories, Division of Erbamont, Inc., P.O. Box 16529, Columbus, OH 43216-6529.
<i>Generic-methotrexate sodium. Trade—Methotrexate.</i>	Treatment of osteogenic sarcoma.....	Leder Laboratories, Pearl River, NY 10965.
<i>Generic-metronidazole (topical). Trade—MetroGel.</i>	For use in the treatment of acne rosacea.....	Curatek Pharmaceuticals, Inc., 1965 Pratt Blvd., Elk Grove Village, IL 60007.
<i>Generic-metronidazole (topical). Trade—Flagyl.</i>	For use as a topical treatment of Grade III and IV, anaerobically infected, decubitus ulcers.	G.D. Searle and Co., Box 5110, Chicago, IL 60680.
<i>Generic-midodrine HC1. Trade—Midamine</i> ..	Treatment of idiopathic orthostatic hypotension.....	Roberts Laboratories, Inc., 230 Half Mile Road, Red Bank, NJ 07701.
<i>Generic-mitoxantrone HC1. Trade—Novantrone*/**.</i>	Treatment of acute myelogenous leukemia (AML), also referred to as acute nonlymphocytic leukemia (ANLL).	Lederle Laboratories Division, American Cyanamid Company, Pearl River, NY 10965.
<i>Generic-monoctanoic. Trade—Moc-tanin*/**.</i>	Dissolution of cholesterol gallstones retained in the common bile duct.	Ethitek Pharmaceuticals Co., 8100 North Lawndale Avenue, Skokie, IL 60076.
<i>Generic-morphine sulfate concentrate (preservative free). Trade—Duramorph.</i>	For administration via microinfusion devices in repeated doses or constant infusion, for <i>epidural</i> use in the treatment of severe chronic pain which responds inadequately to systemic analgesic therapy or when epidural administration is considered preferable to systemic administration and for <i>intrathecal</i> use in patients with refractory pain due to malignancy.	Elkins-Sinn, Inc., 2 Esterbrook Lane, Cherry Hill, NJ 08003-4099.
<i>Generic-naltrexone HC1. Trade—Trexan*/**.</i>	Blockade of the pharmacological effects of exogenously administered opioids as an adjunct to the maintenance of the opioid-free state in detoxified formerly opioid-dependent individuals.	E.I du Pont de Nemours Inc., dba Du Pont Pharmaceuticals, 1000 Stewart Avenue, Garden City, NY 11530.
<i>Generic-oxlymorphone HC1. Trade—Numorphon H.P.</i>	Relief of severe intractable pain in narcotic-tolerant patients.	Du Pont Pharmaceuticals, Inc., P.O. Box 12, Manati, Puerto Rico 00701.
<i>Generic-PEG-adenosine deaminase (PEG-ADA). Trade—Imudon.</i>	For use as enzyme replacement therapy for ADA deficiency in patients with severe combined immunodeficiency (SCID).	Enzon, Inc., 300C Corporate Court, South Plainfield, NJ 07080.
<i>Generic-pentamidine isethionate. Trade—Pentam 300*/**.</i>	For the treatment of <i>Pneumocystis carinii</i> pneumonia.....	LyphoMed, Inc., 2020 Ruby Street, Melrose Park, IL 60160.
<i>Generic-pentamidine isethionate. Trade—not established.</i>	For the treatment of <i>Pneumocystis carinii</i> pneumonia.....	Rhone-Poulenc, Inc., 52 Vanderbilt Ave., New York, NY 10017.
<i>Generic-pentamidine isethionate (inhalation). Trade—Aeropent.</i>	For use in the prevention of <i>Pneumocystis carinii</i> pneumonia in patients at high risk of developing this disease.	Fisons Corporation, 2 Preston Cort, Bedford, MA 01730.

## ORPHAN DRUG AND BIOLOGICAL DESIGNATIONS THROUGH 1987—Continued

[Approved for Marketing\*]

[Exclusive Approval\*\*]

Drug Designations		
Name of drug	Designated use	Sponsor's name and address
<i>Generic-pentostatin. Trade—Not established.</i>	For use in the treatment of Hairy Cell Leukemia.....	Warner-Lambert Co., 2800 Plymouth Road, P.O. Box 1047, Ann Arbor, MI 48106.
<i>Generic-physostigmine salicylate. Trade—Antilirium.</i>	Friedreich's and other inherited ataxias.....	Forrest Pharmaceuticals, Inc., 2510 Metro Boulevard, Maryland Heights, MO 64043-9979.
<i>Generic-piracetam. Trade—Nootropil.....</i>	For use in the treatment of myoclonus.....	U.S.B, Secteur Pharmaceutique, 326 Ave. Louise, 1050 Brussels, Belgium.
<i>Generic-potassium citrate. Trade—Urocit-K **/**.</i>	Prevention of calcium renal stones in patients with hypocitraturia and for the avoidance of the complication of calcium stone formation in patients with uric lithiasis. Prevention of uric acid nephrolithiasis.....	Charles Y.C. Pak, M.D., The Univ. of Texas Health, Science Center at Dallas, 5323 Harry Hines Blvd., Dallas, TX 75235.
<i>Generic-potassium citrate and citric acid. Trade—Polycitra-K.</i>	For use in the dissolution and control of uric acid and cystine calculi in the urinary tract.	Willen Drug Company, 18 North High Street, Baltimore, MD 21202.
<i>Generic-prednimustine. Trade—Sterecyt.....</i>	Treatment of malignant non-Hodgkin's lymphomas.....	Pharmacia, Inc., 800 Centennial Ave., Piscataway, NJ 08855.
<i>Generic-protirelin (TRH). Trade—Thymone..</i>	Amyotrophic lateral sclerosis (ALS).....	Abbott Laboratories, North Chicago, IL 60064.
<i>Generic-quinacrine HC1. Trade—Not established.</i>	For use in the prevention of recurrence of pneumothorax in patients at high risk of recurrence, e.g., patients with cystic fibrosis.	LyphoMed, Inc., 2020 Ruby Street, Melrose Park, IL 60160.
<i>Generic-rifampin. Trade—Rifadin I.V.....</i>	For use as antituberculosis treatment where use of the oral form of the drug is not feasible.	Merrell Dow Pharmaceuticals, 2110 E. Galbraith Rd., Cincinnati, OH 45215.
<i>Generic-rifampin, isoniazid, pyrazinamide. Trade—Rifater V.</i>	Short course treatment of tuberculosis.....	Merrell Dow Research Inst., 2110 E. Galbraith Rd., Cincinnati, OH 45215.
<i>Generic-selegiline HCl. Trade—Deprenyl.....</i>	Adjuvant to levodopa or levodopa and carbidopa treatment of idiopathic Parkinson's disease (paralysis agitans), postencephalitic parkinsonism, and symptomatic parkinsonism.	Somerset Pharmaceuticals, One Olde Town Court, Bernardsville, NJ 07924.
<i>Generic-sodium monomercap-toundecahydro-closo-dodeca-borate. Trade—Borolife.</i>	Treatment of glioblastoma multiforme as an alternative to conventional photon therapy.	Theragenics Corporation, 900 Atlantic Drive, NW., Atlanta, GA 30318.
<i>Generic-sodium oxybate (sodium gamma hydroxybutyrate). Trade—Not established.</i>	Treatment of narcolepsy and the auxiliary symptoms of cataplexy, sleep paralysis, hypnagogic hallucinations and automatic behavior.	Sigma F and D, Division, Ltd., Sigma Chemical Co., 3050 Spruce Street, St. Louis, MO 63103.
<i>Generic-sodium oxybate (sodium gamma hydroxybutyrate). Trade—Not established.</i>	Treatment of narcolepsy and the auxiliary symptoms of cataplexy, sleep paralysis, hypnagogic hallucinations and automatic behavior.	Biocraft Laboratories, Inc., 92 Route 46, Elmwood Park, NJ 07407.
<i>Generic-sodium pentosan polysulphate. Trade—Elmiron.</i>	Treatment of interstitial cystitis.....	Medical Market Specialties, Inc., P.O. Box 150, Boonton, NJ 07005.
<i>Generic-sodium tetradecyl sulfate. Trade—Sotradecol.</i>	Treatment of bleeding esophageal varices.....	Elkins-Sinn, Inc., 2 Esterbrook Lane, Cherry Hill, NJ 08003-4099.
<i>Generic-somatrem. Trade—Protropin*/**.....</i>	For long-term treatment of children who have growth failure due to a lack of adequate endogenous growth hormone secretion.	Genentech, Inc., 460 Point San Bruno Blvd., South San Francisco, CA 94080.
<i>Generic-somatrem. Trade—Protropin.....</i>	Short stature associated with Turner's syndrome.....	Genentech, Inc., 460 Point San Bruno Blvd., South San Francisco, CA 94080.
<i>Generic-somatropin. Trade—Humatrope*/**.</i>	For long-term treatment of children who have growth failure due to inadequate secretion of normal endogenous growth hormone.	Eli Lilly and Co., Lilly Corporate Center, Indianapolis, IN 46285.
<i>Generic-somatropin. Trade—salzen.....</i>	Treatment of idiopathic or organic growth hormone deficiency in children with growth failure.	Serono Laboratories, Inc., 280 Pond Street, Randolph, MA 02368.
<i>Generic-somatropin. Trade—Protropin II.....</i>	For use in the long-term treatment of children who have growth failure due to a lack of adequate endogenous growth hormone secretion.	Genentech, Inc., 460 Point San Bruno Blvd., South San Francisco, CA 94080.

## ORPHAN DRUG AND BIOLOGICAL DESIGNATIONS THROUGH 1987—Continued

[Approved for Marketing\*]

[Exclusive Approval\*\*]

Drug Designations		
Name of drug	Designated use	Sponsor's name and address
<i>Generic-somatropin. Trade—Norditropin.....</i>	Treatment of growth failure in children due to inadequate growth hormone secretion. For adjunctive use in the induction of ovulation in women with infertility due to (1) hypogonadotropic hypogonadism, and (2) bilateral tubal occlusion or unexplained infertility, who are undergoing in vivo fertilization procedures or in vitro fertilization with embryo transfer procedures, respectively, and who fail to ovulate in response to gonadotropin therapy alone. For use in the treatment of short stature associated with Turner's Syndrome.	Nordisk-USA, 3202 Monroe Street, Suite 100, Rockville, MD 20852.
<i>Generic-spiramycin. Trade—Rovamycine.....</i>	For use in the symptomatic relief and parasitic cure of chronic cryptosporidiosis in patients with immunodeficiency.	Rhone-Poulenc, Inc., 52 Vanderbilt Ave., New York, NY 10017.
<i>Generic-superoxide dismutase (human). Trade—Not established.</i>	Protection of donor organ tissue from damage or injury mediated by oxygen-derived free radicals that are generated during the necessary periods of ischemia (hypoxia, anoxia), and especially reperfusion, associated with the operative procedure.	Pharmacia-Chiron Partnership, 4560 Horton Street, Emeryville, CA 94608.
<i>Generic-surface active extract of saline lavage of bovine lungs. Trade—Infasurf.</i> <i>Generic-surfactant (human) (amniotic fluid derived). Trade—Human Surf.</i>	Treatment and prevention of respiratory failure due to pulmonary surfactant deficiency in preterm infants. For use in the prevention and treatment of neonatal respiratory distress syndrome (RDS).	ONY Inc., TDC Incubation Center, 2211 Main Street, Buffalo, NY 14214. T. Allen Merritt, University of California, San Diego Medical Center, 225 W. Dickinson Street, H-814-J, San Diego, CA 92103.
<i>Generic-surfactant TA (modified bovine lung surfactant extract). Trade—Survanta.</i>	For the prevention and treatment of neonatal respiratory distress syndrome (RDS).	Ross Laboratories, Division of Abbott Laboratories, 625 Cleveland Avenue, Columbus, OH 43216.
<i>Generic-teniposide (VM-26). Trade—Not established.</i>	Treatment of refractory childhood acute lymphocytic leukemia (ALL).	Bristol-Myers Co., Pharmaceutical Research & Development Division, P.O. Box 4755, Syracuse, NY 13221-4755.
<i>Generic-teriparatide. Trade—Parathar*/**...</i>	For use as a diagnostic agent to assist in establishing the diagnosis in patients presenting with clinical and laboratory evidence of hypocalcemia due to either hypoparathyroidism or pseudohypoparathyroidism.	Rorer Pharmaceutical Corp., Fort Washington, PA 19034.
<i>Generic-terlipressin. Trade—Glypressin.....</i>	For the treatment of bleeding esophageal varices.....	Ferring AB, Soldattorsvagen 5, Box 30651, 200 62 Malmo, Sweden.
<i>Generic-thymoxamine HC1. Trade—Not established.</i>	For use in the reversal of phenylephrine-induced mydriasis in patients who have narrow anterior angles and are at risk of developing an acute attack of angle-closure glaucoma following mydriasis.	Iolab Pharmaceuticals, 500 Iolab Drive, Claremont, CA 91711.
<i>Generic-tiopronin. Trade—Thiola.....</i>	For use in the prevention of cystine nephrolithiasis in patients with homozygous cystinuria.	Charles Y.C. Pak, M.D., The Univ. of Texas Health Science Center at Dallas, 5323 Harry Hines Blvd., Dallas, TX 75235.
<i>Generic-tranexamic acid. Trade—Cyklopron.</i>	Treatment of hereditary angioneurotic edema..... Treatment of patients undergoing prostatectomy where there is hemorrhage or risk of hemorrhage as a result of increased fibrinolysis or fibrinogenolysis.	Kabi Vitrum, Inc., 1311 Harbor Bay Parkway, Alameda, CA 94501.
<i>Generic-tranexamic acid. Trade—Cyklopron*/**.</i>	Treatment of patients with congenital coagulopathies who are undergoing surgical procedures e.g. dental extractions.	Kabi Vitrum, Inc., 1311 Harbor Bay Parkway, Alameda, CA 94501.
<i>Generic-tretinoin. Trade—Not established...</i>	Treatment of squamous metaplasia of the ocular surface epithelia (conjunctiva and/or cornea) with mucous deficiency and keratinization.	Spectra Pharmaceutical Services, Inc., Hanover Business Park, 155 Webster Street, Hanover, MA 02339.
<i>Generic-trientine HC1. Trade—Cuprid*/**...</i>	Treatment of patients with Wilson's disease who are intolerant, or inadequately responsive to penicillamine.	Merck Sharp and Dohme, Research Laboratories, Division of Merck, and Co., Inc., West Point, PA 19486.
<i>Generic-trimetrexate gluconate. Trade—Not established.</i>	Treatment of metastatic colorectal adenocarcinoma, metastatic carcinoma of the head and neck (i.e., buccal cavity, pharynx and larynx), and pancreatic adenocarcinoma. Treatment of <i>Pneumocystis carinii</i> pneumonia (PCP) in AIDS patients.	Warner-Lambert Company, 2800 Plymouth Road, P.O. Box 1047, Ann Arbor, MI 48106.

## ORPHAN DRUG AND BIOLOGICAL DESIGNATIONS THROUGH 1987—Continued

[Approved for Marketing\*]

[Exclusive Approval\*\*]

Drug Designations		
Name of drug	Designated use	Sponsor's name and address
<i>Generic-urofollitropin. Trade—Metrodin */</i> **	For use in the induction of ovulation in patients with polycystic ovarian disease who have an elevated LH/FSH ratio and who have failed to respond to adequate clomiphene citrate therapy.	Serono Laboratories, Inc., 280 Pond Street, Randolph, MA 02368.
<i>Generic-viloxazine hydrochloride. Trade—Vivalan.</i>	Treatment of narcolepsy and cataplexy.....	Stuart Pharmaceuticals, Division of ICI Americas Inc., Wilmington, DE 19897.
<i>Generic-zidovudine (AZT). Trade—Retrovir*/**.</i>	Treatment of acquired immunodeficiency syndrome (AIDS) and AIDS related complex (ARC) in certain patients.	Burroughs Wellcome Co., 3030 Corwallis Road, Research Triangle Park, NC 27709.
<i>Generic-zinc acetate. Trade—Not established.</i>	For use in the treatment of Wilson's disease.....	Lemmon Company, 650 Cathill Road, Sellersville, PA 18960.
<i>Generic-4-aminopyridine (4-AP). Trade—Not established.</i>	For the relief of symptoms of multiple sclerosis.....	Rush-Presbyterian-St. Luke's Medical Center, 1753 West Congress Parkway Chicago, IL 60612.
<i>Generic-5-AZA-2'-deoxycy-tidine (DAC). Trade—Not established.</i>	For use in the treatment of acute leukemia.....	Pharmachemie B.V., Nijverheidsweg 48-50, Post Office Box 552, 2003 RN Haarlem, Holland.
<i>Generic-2'-3'-dideoxy-adenosine. Trade—Not established.</i>	Treatment of acquired immune deficiency syndrome (AIDS).	Division of Cancer Treatment, National Cancer Institute, Bldg 31, Room 3A49, National Institutes of Health, Bethesda, MD 20892.
<i>Generic-2'-3'-dideoxycytidine. Trade—Not established.</i>	Treatment of acquired immune deficiency syndrome (AIDS).	The Division of Cancer Treatment, National Cancer Institute, Building 31, Room 3A49, National Institutes of Health, Bethesda, MD 20892.
<i>Generic-2,3-dimercaptosuccinic Acid (DMSA). Trade—Not established.</i>	Treatment of lead poisoning in children.....	Johnson and Johnson, Baby Products Co., Grandview Road, Skillman, NJ 08858.
<i>Generic-24,25 dihydroxy-cholecalciferol. Trade—Not established.</i>	Treatment of uremic osteodystrophy.....	Lemmon Company/TAG Pharmaceuticals, Inc., P.O. Box 630, Sellersville, PA 18960.

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# Federal Register

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Friday  
January 29, 1988

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Part IV

## Department of Education

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National Institute on Disability and  
Rehabilitation Research; Notice of Final  
Funding Priorities for Fiscal Year 1988

## DEPARTMENT OF EDUCATION

### National Institute on Disability and Rehabilitation Research; Final Funding Priorities for Fiscal Year 1988

**AGENCY:** Department of Education.

**ACTION:** Notice of final funding priorities for fiscal year 1988.

**SUMMARY:** The Secretary of Education announces final funding priorities for some of the research activities to be supported under the Rehabilitation Research and Training Center (RRTC) program of the National Institute on Disability and Rehabilitation Research (NIDRR) in fiscal year 1988.

**EFFECTIVE DATE:** These priorities take effect either 45 days after publication in the *Federal Register* or later if Congress takes certain adjournments. If you want to know the effective date of these priorities, call or write the Department of Education contact person.

**FOR FURTHER INFORMATION CONTACT:** Betty Jo Berland, the National Institute on Disability and Rehabilitation Research (Telephone: (202) 732-1141). Deaf and hearing-impaired individuals may call (202) 732-1198 for TDD services.

**SUPPLEMENTARY INFORMATION:** Authority for the RRTC program of NIDRR, formerly NIHR, is contained in section 204 of the Rehabilitation Act of 1973. Under this program, awards are made to institutions of higher education, public and private agencies and organizations—including Indian tribes—and tribal organizations, in affiliation with universities. NIDRR can make awards for up to sixty months.

On October 7, 1987 NIDRR published in the *Federal Register* (52 FR 37574) for public comment twelve proposed priorities for RRTCs in fiscal year 1988. That notice included proposed priorities in areas of psychosocial and vocational rehabilitation research, such as employability development, supported work, rehabilitation, community integration for individuals with developmental disabilities, rehabilitation of special populations and elderly disabled persons, research on families with disabled members, and research to make housing more accessible, that NIDRR intends to approach through RRTCs in fiscal year 1988. The notice requesting transmittal of the applications for these priority Centers was published with the Notice of Proposed Priorities, and the closing date for receipt of applications was December 15, 1987. This notice does not solicit additional applications, nor will

NIDRR accept applications transmitted after December 15, 1987.

### Analysis of Comments and Changes

NIDRR received 34 letters of comment from the public. A discussion of the requests for substantive changes and clarifications follows, with general comments first, and then comments on each individual priority.

#### *Study Institute's and State-of-the-Art Studies*

**Comment:** Several commenters questioned the purpose or meaning of "state-of-the-art" study. One other commenter suggested that each Center should conduct an annual institute on rehabilitation issues, leading to a publication, as is required in some of the vocational priorities.

**Discussion:** NIDRR intends this to mean that the RRTC should conduct a review of the state-of-the-art, either by a conference, an expert review, or some other means proposed by the applicant. NIDRR is not requiring that every Center conduct an ambitious study institute each year because of the fact that work in some of the priority areas will be quite new and the constituencies for the institutes not yet well-defined. This is not true in the vocational area where there is a tradition and an expectation that such institutes will occur. However, the Secretary notes that the conduct of study institutes is one means by which a Center can conduct some of its dissemination activities.

**Changes:** The phrase, "Conduct \* \* \* a state-of-the-art study" has been modified to read, "a study of the state-of-the-art" to reflect more clearly NIDRR's intent.

#### *Inclusion of Long-Term Mentally Ill Individuals*

**Comment:** One commenter remarked that there should be priorities for research on persons disabled by chronic mental illness, and suggested that priorities of supported employment, facilities improvement, rehabilitation information systems management, and community integration of elderly persons with mental retardation should include focus on persons with mental illness.

**Discussion:** NIDRR currently supports four RRTCs dealing specifically with issues of mental illness. In addition, NIDRR recently funded a priority project to evaluate models of supported employment for this population. The Secretary will not require these currently announced Centers to focus on problems of persons with mental illness. However, the supported employment and the facilities improvement Centers

are encouraged to assess extending these programs to new populations, including those with mental illness. NIDRR intends to continue research related to this important target population outside these priorities.

**Changes:** None.

#### *Rehabilitation Information Management*

**Comments:** Several commenters suggested that NIDRR establish a priority for improving management generally in the state rehabilitation agency system. These commenters suggested that issues such as "organizational culture", staff training, planning and evaluation, and other traditional management issues should not be neglected.

**Discussion:** The Secretary agrees that the general management issues are important ones, and also that there are interesting theoretical models for increasing productivity in public agencies that could be worthwhile subjects of further exploration. However, the Secretary wants to avoid the dilution of effort and instead to focus on the solution to discrete but important problems in management. Therefore, the decision was made to focus this RRTC for this time period on improving the management of information in rehabilitation agencies. Certain issues of planning and evaluation, staff development, and organizational cultures may be touched upon in the context of improving information management, thereby developing models that might be adapted to a broader range of issues. NIDRR also urges applicants to approach these issues in investigator-initiated competitions in the Field-Initiated Research and Innovation Grant programs.

**Changes:** None.

#### *Enhancing Employability*

**Comments:** One commenter suggested that this priority contains two very different issues in the employability development process. One issue focuses on the disabled person and his or her abilities, limitations, needs, and aspirations. The other issue focuses on the needs of the rehabilitation professional, the employer, and others for training, support, and program models. The commenter suggested that these two separate aspects of the problem should be isolated and two separate priorities announced.

**Discussion:** The Secretary agrees that these are different issues and that they, traditionally have been approached by different groups of researchers, usually in isolation. For this reason, this Center

priority was designed to include comprehensive, multifaceted, interdisciplinary, and synergistic research and training in this area.

*Changes:* None.

#### *Rehabilitation of Native Americans*

*Comments:* NIDRR received a number of comments concerning the priority for a Center in rehabilitation of American Indians with disabilities. The first of these was that the Center's scope should be expanded by changing the target population to Native Americans.

Some commenters objected to the priority's requirement that there be a focus on developing models to improve employment of Native Americans with disabilities on and adjacent to reservations, on the grounds that the economies in these areas are too limited to afford employment opportunities to Indians with disabilities. Others urged that the priority should focus on culturally sensitive, comprehensive approaches to rehabilitation, including issues of substance abuse and self-esteem. Some commenters stated that the priority ignored the needs of specific subpopulations, including youthful and elderly population groups and urban Indians.

A number of commenters urged that NIDRR require the RRTC to work on issues of prevention and restoration. Finally, some commenters stated that the recent Congressionally-mandated study, entitled "A Study of the Special Problems and Needs of American Indians with Handicaps Both On and Off the Reservation", prepared by the two existing RRTCs on Native Americans obviates the need for further studies of the specific rehabilitation problems of Native Americans with disabilities.

*Discussion:* NIDRR chose to use the term "American Indians" because that was the focus of the Congressional mandate for a study. However, the Secretary agrees to the use of a more inclusive designation for the Center.

The Secretary recognizes that the economies on and adjacent to many Indian reservations are depressed, and that employment opportunities are scarce. This is the very reason that an RRTC must analyze the precise nature of those labor markets *in order to develop models for increasing employment.* The Secretary and NIDRR believe that employment is a critical component of independent living and are committed to developing employment options for all persons with disabilities who want to work. The Center is supposed to develop and test culturally sensitive models to enhance employment within the context of the

area economies. This may be a difficult task, but it is one that is crucial to the independence and dignity of many individuals with disabilities. The Center is not precluded from developing employability enhancement models for urban Indians, but it is not required to do so, nor is it required to conduct analyses of urban labor markets. In fact, the study referenced above included a number of "Recommendations for Improving the Status of American Indians with Disabilities". Among those related to employment (see page 18 of the Executive Summary) was to " \* \* \* facilitate the development of jobs for American Indian people with disabilities within the existing job market, particularly on and adjacent to reservations".

NIDRR provides support to studies of rehabilitation for all age groups. Each applicant for the Center grant may select any age group or groups as the focus of this research, and may include special research or dissemination projects that serve either very young or elderly Native Americans.

NIDRR realizes that the problems of Native Americans with disabilities are extremely complex, and are compounded by factors in the external community, including economic limitations and service delivery problems, as well as by attitudinal and cultural issues, language and geographic barriers, substance abuse, learned dependency, and other factors. The RRTC will approach and develop potential solutions to only a fraction of those issued during this five-year period. However, the priority as announced both implies and explicitly states that the RRTC is expected to develop culturally relevant models for employability development, for general service delivery, for training, and for information dissemination. The priority has been amended slightly to emphasize this fact.

Although NIDRR recognizes the importance of both primary and secondary prevention of disability, it does not require that this be a focus of this RRTC. The Public Health Service is generally charged with the responsibility for prevention. NIDRR does not believe its resources for this RRTC should be widely diverted from the needs of Native Americans who do have disabilities, and therefore has not made this a focus of this Center.

Finally, the Secretary does not believe that the recent above-referenced study meets all the needs for additional information on the incidence, prevalence, etiology, distribution, and impact of disability on Native Americans, or of the need for

information on service use and availability. The study used only secondary data, which are not ideal for providing the level of detail and specificity needed for this purpose. The priority envisioned that there will be primary data collection and analysis relating to subsamples of the population. Indeed the study itself, in its recommendation to "Improve the Data Available on American Indians Who Are Disabled" (see page 19 of the Executive Summary), indicated eleven areas in need of future research. Many of these were relevant to this priority, including further analysis of mental retardation as a disabling condition among American Indians, an assessment of the needs of reservation Indians within the context of local communities, and an investigation of the status of disabled urban Indians to assess their integration into the community, access to services, employment, and other issues.

*Changes:* The name of the Center has been changed to include Native Americans rather than only American Indians. The specific requirements for employment studies and service delivery studies have been altered slightly to make explicit the emphasis on developing culturally relevant service models for Native Americans.

#### *Access to Community Living Environments*

*Comments:* One commenter suggested that NIDRR specify the National Advisory Committee for this Center must include a representative of a State Vocational Rehabilitation agency. A second commenter suggested that the third paragraph be amended to include reference to accessible adaptable environments. Several commenters suggested that the priority should include research on supportive services for independent living, since service issues are often a major barrier to access to community living.

*Discussion:* NIDRR agrees that the National Advisory Committee for the Center should include a representative of a State rehabilitation agency and has so specified in the final priority. The word "adaptable" may help to clarify the intent of the Center, and thus the statement has been amended to refer to environments that are adaptable as well as accessible. However, the Secretary does not agree that research into the issues of community support services should be a specific requirement for this Center. The Secretary does not want to dilute the focus of the Center, in light of the fact that NIDRR supports other research on community support systems.

For that reason, the priority states that the Center must coordinate with other Centers and projects in relevant areas.

**Changes:** The priority has been changed to require that a representative of a State rehabilitation agency be included on the National Advisory Committee. The word "adaptable" has been inserted in the third paragraph of the priority.

#### *Rehabilitation of Elderly Persons With Disabilities*

**Comments:** Two commenters suggested that as the population of persons who become disabled after they are older greatly exceeds that with pregeriatric onset of disability, the Center should focus on the former population.

**Discussion:** The Secretary realizes the increasing incidence of disability as the population ages. However, the elderly population with mild to moderate impairments and disabling conditions is also served by a number of generic service agencies and other agencies that focus specifically on problems of aging persons. The population of those with pregeriatric onset of disability, especially those living outside of institutions, is increasing at a faster rate than the general aging population. This population includes many who have had long-term rehabilitation needs and services, and often their needs are not addressed by service systems not related to rehabilitation and disability. It is important to begin analyzing the needs of this population and planning to meet those needs in order to avoid unnecessary institutionalization.

**Changes:** None.

#### *New Directions for Rehabilitation Facilities*

**Comment:** One commenter requested that NIDRR clarify that the RRTC on new directions for rehabilitation facilities would assist those facilities to serve individuals with profound mental retardation as one of the new population groups.

**Discussion:** It is NIDRR's intention that this group be taken into consideration as a target population. Thus the priority has been changed to indicate that persons with profound mental retardation comprise one of the emerging population groups that should be served by facilities in community settings, with the expectation that the RRTC in this area will incorporate this group into its scope of work.

NIDRR supports a program of Rehabilitation Research and Training Centers to conduct programmatic, multidisciplinary, and synergistic research, training, and information

dissemination in designated areas of high priority. The following final funding priorities represent priorities for research in a variety of rehabilitation areas that the Secretary intends to support through the RRTC program in the coming year.

These final priorities were established on the basis of NIDRR initial planning and public comments received during the comment period. The publication of these final priorities does not bind the Federal Government to fund projects in any of these areas. Funding of particular projects depends on the availability of funds and on the quality of the applications that are received.

The priorities represent areas in which NIDRR intends to support research and related activities through grants or cooperative agreements for one or more Rehabilitation Research and Training Centers. Rehabilitation Research and Training Centers have been established to conduct coordinated and advanced programs of rehabilitation research and to provide training to rehabilitation personnel engaged in research or the provision of services. RRTCs must be operated in collaboration with institutions of higher education and must be associated with rehabilitation service programs. Each Center conducts a synergistic program of research, evaluation, and training activities focused on a particular rehabilitation problem area. Each Center is encouraged to develop practical applications for all of its research findings as well as for related findings of other studies. Centers generally disseminate and encourage the utilization of new rehabilitation knowledge through such means as writing and publishing undergraduate and graduate texts and curricula and publishing findings in professional journals. All materials that the Centers develop for dissemination and training must be appropriately accessible to individuals with a range of handicapping conditions. RRTCs also conduct programs of in-service training for rehabilitation practitioners, education at the pre-doctoral and post-doctoral levels, and continuing education. Each RRTC will conduct an interdisciplinary program of training in rehabilitation research, including training in research methodology and applied research experience, that will contribute to the number of qualified researchers working in the area of rehabilitation research. Centers will also conduct studies of the state-of-the-art in relevant aspects of their priority areas. Each RRTC will also provide training to individuals with disabilities and their

families in managing and coping with disabilities.

NIDRR will conduct, not later than three years after the establishment of any RRTC, one or more reviews of the activities and achievements of the Center, to include review by peers. Continued funding depends at all times on satisfactory performance and accomplishment. (See 34 CFR 75.253). Each Center will be expected to provide appropriate attendees for a general grants management meeting in Washington, D.C., to be arranged by NIDRR shortly after the Center grant has been awarded.

#### **Final Priorities (12)**

##### *New Directions for Rehabilitation Facilities*

There are approximately 5,500 rehabilitation facilities in the United States. Facilities have traditionally served as settings for vocational training and evaluation, medical rehabilitation, and long-term employment for individuals with disabilities. State vocational rehabilitation agencies often use contracts and service agreements with facilities for the purchase of vocational rehabilitation services. The Federal Government has provided fiscal incentives for facility expansion and guidelines for the purchase of facility-based services by agencies using Federal grant monies. Rehabilitation services are rapidly shifting from providing evaluation and training in facilities toward providing these services in regular integrated job sites. State rehabilitation agencies may use vendor payments or grant arrangements to obtain transitional employment services that provide training and follow-along services in competitive job sites. Rehabilitation facilities are the most frequent suppliers of these transitional services. At the same time, facilities are also establishing programs for public schools, for post-employment and job retention services, and to train nondisabled persons.

However, many facilities face significant challenges in expanding their expertise and redirecting their services. They are particularly likely to have difficulties organizing programs and services for "new" groups such as persons with traumatic brain injuries, severe learning disabilities, profound mental retardation, and chronic mental illness in community-based settings.

A critical element of any Center to be funded in response to this priority will be the involvement of disabled individuals in the planning, implementation, and review of the

Center's activities, and specifically in the process of selecting work sites and consumer-oriented performance criteria.

An absolute priority is announced for an RRTC to:

- Develop and evaluate model transitional employment programs, or program components, that assist vocationally limited disabled individuals to acquire and maintain competitive employment;
- Identify, assess, and disseminate new models of enclave and subcontract arrangements that can provide employment for small groups of disabled persons in integrated work settings;
- Develop, based on studies of the direct placement of disabled individuals in competitive jobs, improved techniques and related services to assist disabled individuals to obtain and maintain employment;
- Develop and disseminate new models that facilities can use to provide supportive networks for disabled persons in competitive employment;
- Develop research-based training programs to train staff of rehabilitation facilities to provide services in regular employment settings;
- Develop procedures to assess the needs of disabled youth exiting public schools, to enable communities to develop responsive employment programs;
- Assist facilities that have limited data gathering and research capacities to develop appropriate data and information systems and to participate in research efforts to improve their community-based employment programs;
- Identify and evaluate new technologies such as laser discs, computers, and robotics and provide guidelines and training for the use of such innovations by community employment programs to increase their effectiveness and efficiency in assisting disabled individuals to gain and maintain employment;
- Assess the employment-related needs of special populations of disabled individuals and identify methods by which such groups may be served more effectively by community-based employment services programs;
- Organize and direct an annual study institute on a rehabilitation topic, publish the results in a resource manual, and distribute the manual to State vocational rehabilitation programs; and professionals.

#### *Enhancing Employability of Individuals With Handicaps*

Approximately thirteen million people between sixteen and sixty-four years of age are work-disabled. Of the disabled

population not employed, (9.5 million) an estimated 8.7 million are not seeking employment. Disabled persons, particularly persons with severe disabilities, are far more likely than nondisabled persons to be out of work. Persons with disabilities who are employed tend to work fewer hours, fewer weeks in the year, and earn less than nondisabled persons. A research and training effort is needed to develop capabilities at the national, state, and local levels to enhance employment potentials for all persons with disabilities.

Research at this Center will be concerned with both the enhancement of individual employability and the enhancement of job opportunities. Services to individuals typically include skills training, employment readiness training, and job placement. Services to employers may include increasing awareness of disability, job development, technical assistance on job modifications, and other disability services. The Center will address employability problems of disabled individuals in preparing for, obtaining, maintaining, and advancing in employment. This area of research will focus on career preparation, career initiation, and career enhancement for disabled individuals. The objective of this research will be the development of techniques whereby disabled individuals can improve their work-related skills and general employability.

A second emphasis of the research and training activities will be the development of more and better employment opportunities, primarily through enhancing employer knowledge of disability, and assisting employers to locate and hire qualified disabled workers. The Center will conduct research which will improve work settings and employer practices for workers who experience the onset of disabilities while employed. The RRTC will assist rehabilitation service delivery systems to adapt to the changing employability needs of persons with disabilities, whether by restructuring services programs, retraining staff, or adopting new service techniques.

NIDRR intends to establish one or more Centers that will be national resources for research and training to assist rehabilitation facilities to establish exemplary community-based employment programs. A critical element of any Center to be supported in response to this priority will be the involvement of individuals with disabilities in the planning, conduct, and review of the research and related activities.

An absolute priority is announced for one or more RRTCs to:

- Develop research and training models to enhance the capabilities of disabled individuals to develop rehabilitation plans, select career goals, and match personal abilities and expectations to available vocational opportunities;
- Conduct research and training to improve the use of vocational evaluations and assessments, and develop reliable and valid assessment measures that will optimize personal choice and the range of employment opportunities for disabled individuals;
- Develop strategies and techniques that will enable special and vocational education and vocational rehabilitation agencies to work together to assist both employers and disabled youth in the transition from school to work;
- Develop technical assistance and training to enable rehabilitation agencies, business and labor associations, and consumer groups to assist employers to hire, retain, or return to work persons with disabilities;
- Investigate the efficacy of a system to facilitate contacts between disabled people seeking jobs and disabled persons who are employed in order to increase the likelihood that the former will obtain and maintain employment;
- Develop and test new approaches for consumer organizations and independent living programs to enhance employment of persons with disabilities;
- Implement and expand computer-assisted vocational rehabilitation techniques to improve the access of rehabilitation counselors to current job data and expedite employment;
- Organize and direct an annual study institute on a rehabilitation topic, publish the results, and distribute the manual to state vocational rehabilitation agencies; and
- Conduct at least one study of the state-of-the-art to identify current knowledge and recommend future research, and organize research and training conferences and short-term institutes to disseminate the results of Center projects to rehabilitation consumers and professionals.

#### *Improving Supported Employment Outcomes for Developmentally and Other Severely Disabled Individuals*

During the past several years, Federal legislation and various employment programs for developmentally and other severely disabled individuals have incorporated the concept of supported employment (Developmental Disabilities Act of 1984, Pub. L. 98-527, the Education of the Handicapped Act

Amendments of 1986, Pub. L. 99-457, and the Rehabilitation Act Amendments of 1986, Pub. L. 99-506). Supported employment is defined as, "competitive work in integrated work settings for individuals with severe handicaps for whom competitive employment has not traditionally occurred, or for individuals for whom competitive employment has been interrupted or intermittent as a result of a severe disability, and who, because of their handicaps, need ongoing support services to perform such work." There is now substantial agreement on many of the issues involved in the administration of supported employment programs, including training needs for direct service and leadership personnel, standards for performance, and measures for the evaluation of outcomes. Preliminary indications from studies of exemplary programs illustrate that these programs can provide significant benefits for program participants at reasonable costs. Other studies have evaluated the role of specific components of supported work, such as paid work in jobs with nondisabled coworkers, behavioral techniques to teach job duties, and the involvement of parents and advocates. The rapid growth in the number and size of supported employment programs has exceeded the capacity of the resource base of trained personnel and established program operating procedures to meet the needs of those persons with more severe disabilities who require ongoing support to maintain regular employment.

Recent research efforts have examined strategies for interagency coordination to promote long-term support for persons with severe disabilities who are employed. Current activities focus on technical assistance, development of information systems, and networks to share information among supported employment programs.

The success of supported employment with developmentally and severely disabled persons has led to replications and expansions to other disability groups. Consequently, NIDRR anticipates there will be a variety of supported employment research and service activities taking place during the period of performance of this RRTC. Although the RRTC to be established under this priority will focus primarily on developmentally disabled persons, the Center will be encouraged to identify methods, techniques and models of value for other efforts in supported employment.

A critical element of any Center to be funded in response to this priority will

be the involvement of disabled individuals in the planning, implementation, and review of the Center's activities, and specifically in the process of selecting work sites and consumer-oriented performance criteria. The Center will be an essential component of a national information system on supported employment. It will be expected to share reports, research findings, and program models with other programs on supported employment identified by NIDRR.

An absolute priority is announced for an RRTC to:

- Analyze vocational assessment techniques, training methods, placement strategies, integration with nondisabled persons, followup and employer assistance, and techniques of imparting job-related social skills, in order to improve supported employment for persons with developmental and other severe disabilities;
- Identify costs and benefits of alternative supported employment models, including time-limited and long-term support programs, for various populations of disabled persons, in order to provide better estimates for planning supported employment opportunities;
- Develop new, and validate existing, approaches to enhancing productivity, wages and benefits, job security, job advancement, and career transitions to increase employment satisfaction for employees and employers in supported work settings;
- Develop and provide training to severely disabled persons, family members, counselors, and peers, to increase their awareness of supported work and to integrate supported employment with other major components of independent living, including transportation, recreation, and residing in the community;
- Analyze and organize training on regulations, employer incentives, standards, contracts, job agreements, economic development factors, and related issues to increase organizational capacities;
- Identify best practices and most effective methods including staffing requirements for large organizations to set up small supported employment units in dispersed locations;
- Conduct research on transition from school to supported employment to improve linkages among programs and to identify issues, methods, and models for both school and adult programs;
- Develop technical assistance and training to ensure that developmentally and other severely disabled youth exiting public school programs will have

well-defined pathways for entry into supported employment;

- Analyze long-term funding options for supported employment for individuals who have exhausted the time-limited services provided by the vocational rehabilitation system;
- Analyze the relationship of supported employment to eligibility for income and health insurance benefits in order to inform prospective employers and disabled individuals on financial consequences of supported work;
- Conduct at least one comprehensive study of the state-of-the-art in an important area of supported employment, and serve as a national resource to disseminate information on supported employment programs;
- Provide opportunities for professional development through the temporary exchange of staff with other RRTCs, Federal, State, or local agencies, private industry, or other relevant organizations;
- Identify and assess methods to use technology to improve supported employment; and
- Develop, evaluate, and disseminate materials to provide information, technical assistance, and motivation for supported employment programs, using various media and assuring that all materials are accessible to various persons with disabilities, and are distributed to businesses that may be interested in supported employment programs.

#### *Improving the Management of Rehabilitation Information Systems*

Access to specialized information is an essential element of all rehabilitation activities. Major strides in research and training on such severe, but low-incidence, disabilities as spina bifida, spinal cord injury, and deaf-blindness have come through the establishment of specialized information systems and data linkages among programs. Independent living and vocational and other rehabilitation programs generate and use large amounts of information. Eligibility determinations, case management requirements, organizational structures, decisions of rehabilitation professionals and clients, and client or program evaluations all require complex information systems.

In addition, broad and rapid dissemination of new knowledge requires central data depositories with access through on-line data retrieval at the point of use. The implementation and improvement of rehabilitation information systems have substantial program implications; these systems generate needs for staff competent in

the use of computers, for interagency and intra-agency coordinating agreements, and for continuous review and revision of the system. Rehabilitation agencies are increasingly using information technology and various databases in all aspects of their rehabilitation programs. As a result of past research and development efforts in this area, several significant rehabilitation information bases and automated information systems are in place or under development, including Spinal Cord Injury Data Systems, Traumatic Brain Injury Systems, Independent Living Systems, the State-Federal Vocational Rehabilitation System, and the databases on the demographics of disability.

At this time, it is important to assure that current and future databases are properly integrated, maintained, and used to enhance rehabilitation practices and results. A Center working in this area must identify model linkages and other arrangements through which the operators of these information systems can cooperate on mutual program goals; develop and test methods to use specific information system components in planning, delivering, and evaluating rehabilitation services; and provide training and information exchange to improve the management of rehabilitation information systems.

A critical element of any Center to be funded in response to this priority will be the involvement of disabled individuals in the planning, implementation, and review of the Center's activities, and specifically in the process of increasing consumer access to information on rehabilitation program processes and outcomes.

An absolute priority is announced for an RRTC to:

- Develop specific procedures and methods to enhance access to, and effective use of, disability-related information systems by rehabilitation agencies, consumers, and related organizations;
- Identify program needs, including staffing, system design, and organizational development components, and develop training programs to promote improved rehabilitation information management;
- Evaluate existing computer programs, and develop new programs where needed, to improve rehabilitation use of information systems in such areas as functional assessment, development of service plans, case management, and evaluation of rehabilitation processes and outcomes;
- Provide technical assistance to professional and consumer groups on issues related to rehabilitation

information systems, with particular attention to availability of resources, avoidance of duplication of data components, methods of data analysis, and cooperation among information sources;

- Facilitate communication between research and model demonstration systems and rehabilitation service delivery agencies on issues in the management of service programs;
- Conduct conferences, presentations, short-term institutes, and other training activities to facilitate linkages among rehabilitation information systems, particularly those organized as a result of research support from NIDRR; and
- Organize at least two national conferences on the state-of-the-art in information management for rehabilitation research and service delivery during the period of the project.

#### *Improving Community Integration for Persons with Mental Retardation*

A basic tenet of the concept of community integration of people with mental retardation is that they live and work in non-restrictive community environments. The expressed preferences of disabled individuals and their families favor maximum community integration, living in typical residences, working in regular jobs, and using community facilities for daily living activities and recreation. Most States have closed institutions, or parts of institutions, where people with mental retardation had resided in the past. These institutions now have discharged their clients into a variety of community settings. One of the major challenges to successful deinstitutionalization is that of developing local community capacity to provide appropriate options in residences, work, education, and recreation for individuals with mental retardation. It is important to support rather than supplant families so that citizens with disabilities are not forced into institutions or other out-of-home settings. Results of previous research indicate that small-scale, normalized living arrangements are most effective in promoting successful integration into the community for most disabled populations.

Social relationships and support systems are an integral part of successful integration into community living. People with disabilities need opportunities and social skills to interact with a range of nondisabled persons in the community, including family members, neighbors, merchants and providers of community services, and other participants in job, school, or recreational settings. The involvement

of parents and consumers in all aspects of the design, operation, and monitoring of community services to persons with mental retardation has increased the sensitivity of service providers.

A program of coordinated, interdisciplinary research and training is needed to develop and disseminate rehabilitation approaches that improve the social and community living skills of persons with mental retardation; enhance the available residential options; and increase the capacities of consumers, parents, and professionals to operate a program of community integration that is guided by the needs and preferences of individuals with mental retardation and their families. A critical element of any Center to be supported in response to this priority will be the involvement of disabled persons and their families in the design, implementation, and evaluation of Center activities.

A Center in this area must serve as a national resource for information on the community integration of persons with mental retardation and maintain a database on the results of research in this area. The Center must also make a particular effort to establish linkages with other RRTCs on community integration, mental retardation, and independent living; national disability organizations; parent training projects; University Affiliated Facilities; and Developmental Disability Councils.

An absolute priority is announced for an RRTC to:

- Identify existing housing options and document best practices to enable persons with mental retardation to reside with their families, in foster-care homes, or in other small-scale residences, and develop guidelines for effectively matching the living arrangements to the needs of the individual;
- Identify options for long-term financing of housing accommodations, recreational opportunities, health services, respite care, and other support needed by mentally retarded persons and their families, and develop and disseminate information on these options;
- Develop and evaluate new options for living arrangements, recreational activities, health services, and other community programs and services that will improve the integration of persons with mental retardation into their communities;
- Develop and evaluate strategies that will train families and service providers to help persons with mental retardation establish and maintain

supportive social relationships in the community;

- Develop and evaluate strategies to train persons with mental retardation to determine their own vocational, recreational, housing, and independent living choices, and to train service providers to respond in positive ways to the choices made by persons with mental retardation; and
- Conduct at least one conference on the state-of-the-art in improving the community integration of persons with mental retardation in order to disseminate the research findings and to provide guidance for future research.

#### *Access to Community Living Environments*

Providing appropriate housing for severely disabled people is a major undertaking involving a complex array of individuals with various types and degrees of disability and housing needs on the one hand, and a variety of housing types and options, design challenges, financial issues, technology requirements, and statutory and administrative authorities on the other.

It is an area in which millions of dollars are spent annually, research is minimal, and useful information is difficult to find. These problems extend beyond housing alone to encompass recreational, educational, vocational, commercial, and transportation barriers that are encountered in the course of daily living.

An immediate objective is to make better use of the information that is available, including research data, models of accessible housing, and standards and guidelines that have been developed for housing construction. Over the longer term, it is important to develop better housing designs, based on field and laboratory research, and tested by disabled persons in regular use. One prerequisite to improving housing design in a permanent and comprehensive way is to make those who design, build, adapt, maintain, manage, and finance housing more aware of the potential for creating more accessible adaptable environments.

A convergence of knowledge from the fields of architecture, engineering, construction, rehabilitation, independent living, and related areas is required to create appropriate housing, recreational facilities, and other environments in which disabled persons can live independently. The knowledge base must include information about modifications to existing structures and equipment, as well as design concepts that can be used to build facilities to benefit all citizens. The knowledge base must be developed from the results of

research, needs assessments, and analysis of the physical capabilities of individuals with disabilities.

A Center to be funded in response to this priority must maintain liaison with the Accessibility Subcommittee of the Interagency Committee on Handicapped Research and the Architectural and Transportation Barriers Compliance Board, as well as with NIDRR-supported research projects and Centers in such areas as housing, independent living, and community integration. A critical element of any Center to be funded under this priority will be the involvement of individuals with disabilities and their families in the planning, conduct, and review of the research and related activities. The Center must form a National Advisory Committee composed of individuals with disabilities and representatives of disability-focused organizations, state rehabilitation agencies, architects, designers, engineers, planners, builders, manufacturers, and housing providers to provide input on needs and to facilitate the evaluation and dissemination of Center products.

An absolute priority is announced for an RRTC to:

- Analyze legal, regulatory, commercial, and financial disincentives to the development of suitable living environments of severely disabled persons and develop strategies to address those problems;
- Develop recommendations for housing adaptations appropriate for persons with hearing and vision impairments;
- Develop models of accessible environments and provide for their evaluation by disabled individuals;
- Develop, acquire, and maintain both graphic and text databases and serve as a national resource for information on standards, design criteria, plans, building products, costs, funding sources, and performance evaluations of accessible housing, providing information and referral;
- Conduct training programs to increase awareness of the concepts of accessibility and availability of adaptive environmental design for the full range of audiences concerned with accessible housing;
- Promote the concepts of accessible housing and universal adaptable design, including ideas from abroad, among schools of architecture and urban planning; and
- Conduct at least one state-of-the-art study on a significant aspect of accessibility.

#### *Improving the Community Integration of Elderly Persons With Mental Retardation and Other Developmental Disabilities*

Demographers and gerontologists estimate that the population of persons over sixty-five years of age in the United States will grow from 27 million in 1983 to 87 million in 2040. In addition, they estimate that by the year 2040, twelve percent of the population will be over seventy-five years of age. The population of elderly persons with mental retardation and other developmental disabilities is of particular concern to NIDRR. There may be more than 150,000 persons over sixty years of age who have mental retardation and other developmental disabilities, and predictions are that this number will approach 600,000 within forty years.

A review of the relevant current literature reveals that services to this specific aging population, and consequently the research and training to support such services, are very sparse. One reason for this is that neither the public nor private sectors has addressed adequately the needs of the elderly population in general or the problems of this subpopulation in particular. Although some programs have been adopted in an effort to assist elderly citizens to improve their lives, it is difficult for individuals with mental retardation and other developmental disabilities to use the generic service systems.

Only in the last twenty years has living outside of institutions, in normal community settings, been a viable option for older persons with mental retardation. Thus, any existing data about the effects of aging with mental retardation and other developmental disabilities are based on individuals residing in institutions. These data are inadequate to assess the needs of this aging subpopulation living in regular community settings. A third reason for the dearth of programs is that funds for services and research in the area of mental retardation and other developmental disabilities have been directed toward children and young people. Recent legislation pertaining to persons with these disabilities did not anticipate that improved health care, the growth of early intervention programs, improved living arrangements, and improved community-based resources would result in significantly extended lifespans for this population. There has been no organized planning to meet the current and future needs of this aging population.

Older people with and without developmental disabilities share many needs that are not now being met in their communities, and which frequently lead unnecessarily to institutionalization. Both groups require improved home care and supportive living arrangements, and often need mental health services, nutritional guidance, recreational and transportation services, legal assistance, and opportunities to socialize, as well.

A program of coordinated, interdisciplinary research and training is needed to develop and disseminate rehabilitation approaches to maintaining physical, psychological, family, and vocational functioning for aging persons who have mental retardation and other developmental disabilities. A critical element of any Center to be funded under this priority will be the involvement of individuals with developmental disabilities and their families in the planning, conduct, and review of the research and related activities.

A Center in this area must serve as a national resource for information on aging persons who have mental retardation and other developmental disabilities, and maintain information on the results of research in this area. The Center also must make particular effort to establish linkages with other Research and Training Centers focusing on community integration, mental retardation, and independent living; Centers on Aging and University Affiliated Facilities; and organizations representing disabled individuals and their families. This Center must also disseminate its research findings to a broad target audience of service providers, including health care professionals, social workers and gerontologists, attorneys and insurance carriers, rehabilitation professionals, and others.

An absolute priority is announced for an RRTC to:

- Analyze existing services for noninstitutionalized mentally retarded and other developmentally disabled aging persons, identify those generic services that may be appropriate for this population and barriers to the use of those services, and develop strategies for more effective collaboration between Developmental Disabilities service agencies and those responsible for services to elderly persons;

- Develop and evaluate programs that will enable families and other caregivers to detect declines in behavioral and functional levels of aging persons with mental retardation and other developmental disabilities, with particular attention to persons with

Down Syndrome, and to intercede to maintain maximum functional ability;

- Investigate the reactions of this population to transitional periods, such as deaths of family and friends, retirement, change in residence, and changes in physical and mental functioning, and develop effective counseling techniques matched to individual needs;

- Develop and evaluate innovative models using long-term funding streams for small-scale community living arrangements that will allow older people with mental retardation and other developmental disabilities to remain in nonrestrictive settings after their families and other primary caregivers may be unable to care for them;

- Develop and evaluate innovative strategies to provide families and other full-time caregivers with needed respite and support, in order to prevent institutionalization;

- Develop and evaluate materials to increase the awareness of individuals providing services to the general aging population about the needs of individuals with developmental disabilities;

- Conduct at least one study of the state-of-the-art in improving the functioning of aging persons who have developmental disabilities, to focus attention on the research findings and to provide guidance for future research.

#### *Improving the Functioning of Families Whose Members Have Disabilities*

Many of the recently acquired characteristics of American families—single parents, two working parents, geographic mobility, separation from the extended family, economic pressures, lack of leisure time, and increased stress—have particularly severe consequences for families with disabled members. Families with disabled members have the additional pressures of identifying, accessing, arranging, managing, and financing a wide range of medical, educational, rehabilitative, employment, recreation, transportation, and housing services. Families with disabled children, parents, or grandparents must also attend to the social and emotional needs of all members of the family.

Despite the magnitude of these challenges, there are many special needs families who have learned to master these complex tasks and at the same time to assist other disabled persons, raise other children, and engage in a variety of community and leisure time activities. There remain many other special needs families who have not been successful in attaining

their goals of creating a balanced and rewarding family life.

The current literature, including a report from an NIDRR-sponsored conference on special needs families, indicates that one cause of inadequate family coping may be that family members, and the professionals on whom they rely, expect disability to have a negative impact on family functioning. This expectation may become a self-fulfilling prophecy which diminishes the self-esteem of the disabled person and adds unnecessary stress to the family unit. Professionals working with special needs families often approach them from a perspective of pathology, which again may undermine the ability of these families to cope constructively. The end product may be a family with low expectations, lacking a support system, unable to cope, and regarding institutionalization of the disabled member as the only viable option.

The attitudes of society in general also affect the functioning of a family unit and the member who is disabled. Too often, society in general tends to have negative conceptions and low expectations concerning persons with disabilities. People often regard disabled persons as incapable of making decisions or as not sharing wishes, values, and goals typical of the broader society. They are often unaware of the positive contributions that disabled individuals make to their families and to society as a whole. These negative biases make it very difficult for families to find integrated schools, housing, worksites, and recreation programs, or to assist all members of the family to achieve maximum levels of functioning.

A program of coordinated, interdisciplinary research and training is needed to develop and disseminate rehabilitation strategies and information to assist families with disabled members to improve their coping skills, attitudes, and general knowledge about services. The Center must include research and training to address the needs of families whose disabled members are of various ages and have various family roles, including children disabled at birth or who incur disability later, and parents who incur disability as well as disabled persons who become parents. A critical element of any Center funded under this priority will be the involvement of individuals with disabilities and their close relatives in the planning, conduct, and review of the Center's program. These programs must be open to the involvement of diverse groups, such as single parents, members of ethnic and racial minorities, and traditionally

underserved families such as those whose members have mental health impairments or are dependent on respirators.

A Center in this area must serve as a national resource for information on families whose members have disabilities and maintain a database on the results of research in this area. The Center must also make particular effort to establish linkages with other NIDRR-supported RRTCs, organizations representing disabled members and their families, independent living centers, and other agencies serving disabled people. The Center must conduct training and other activities to disseminate the results of its research to a wide range of target audiences, including disabled individuals and their families, health care professionals, educators, rehabilitation service providers, communications media, and those who provide social and community services to the general population.

An absolute priority is announced for an RRTC to:

- Study successful family coping and develop and evaluate individualized interventions that could assist families to improve their functioning;
- Conduct research and training to enable families and their disabled members to become involved in the development, provision, and evaluation of integrated, age-appropriate, community-based services;
- Assess the impact of the attitudes of disabled individuals, the members of their families, and the general public on the functioning of the family unit;
- Evaluate the impact of the availability/unavailability of support services on family functioning, and the disincentives to raising children and maintaining adults at home;
- Develop and disseminate criteria to match disabled individuals and foster-care families, in order to promote maintenance in least restrictive environments; and
- Conduct at least two studies of the state-of-the-art in improving functioning in special needs families in order to focus attention on the Center's findings and to provide guidance for future research.

#### *Rehabilitation of Economically Disadvantaged Individuals with Disabilities*

While the demographic data are inadequate to make precise comparisons of the amount of disability in economically disadvantaged populations, including minorities, one general finding is that the incidence and prevalence of disability is greater in

those populations. Furthermore, there is evidence that economically disadvantaged individuals are less likely than other disabled individuals to use vocational rehabilitation services. Indications are that the distribution of rehabilitation facilities and trained personnel does not meet the needs of economically disadvantaged individuals with disabilities, and there are few models of effective rehabilitation service delivery for these special populations.

Different cultures have different attitudes toward disability and different expectations for rehabilitation of persons with disabilities. There are differences in the structure and functioning of disadvantaged Asian, Black, Hispanic, and white families. Support systems that often assist middle-class disabled individuals during rehabilitation may be quite different in disadvantaged communities. The willingness of the poor disabled individual to seek and accept rehabilitation differs as a function of the mores of his/her culture. Despite some efforts, the rehabilitation community has conducted insufficient research to illuminate and address effectively the rehabilitation needs of disabled economically disadvantaged individuals. There are many psychological, social, and financial barriers to the optimal rehabilitation of disadvantaged individuals. There are insufficient trained personnel working with these populations; and there is a lack of research on effective rehabilitation techniques and technology applicable to the special problems of disadvantaged disabled individuals.

NIDRR intends to initiate a program of coordinated, interdisciplinary research and training to develop and disseminate behavioral, medical, and technological rehabilitation approaches to maximizing functional capacity of disadvantaged individuals with disabilities. This Center will serve as a national information resource on issues relating to rehabilitation of economically disadvantaged and create an accessible data base for clinicians, researchers and disabled individuals. The Center will provide, prior to the end of its period of performance, documentation of one or more rehabilitation techniques suitable for consideration for an NIDRR-sponsored consensus conference.

A critical element of any Center to be funded under this priority will be the involvement of economically disadvantaged individuals, with disabilities and their families in the planning, conduct, and review of the research and related activities.

Universities and affiliated organizations with particular familiarity with problems of disabled disadvantaged and minority individuals, including Historically Black Colleges and Universities, are encouraged to submit applications under this priority.

An absolute priority is announced for an RRTC to:

- Conduct research on the incidence and prevalence of disabilities among economically disadvantaged populations, including minorities, to provide an information base for developing services for those populations;
- Identify the factors contributing to unemployment among disabled economically disadvantaged individuals and develop model programs to increase the rate of employment;
- Assess the availability of various technological aids and devices currently commercially available for the purpose of improving the access of economically disadvantaged to appropriate technology;
- Conduct research on attitudinal barriers to the rehabilitation of disadvantaged individuals in order to improve rehabilitation services available for these populations;
- Identify and develop formal and informal support systems that assist economically disadvantaged disabled individuals to obtain rehabilitation services and disseminate information on ways to develop optimal systems; and
- Conduct a conference on the state-of-the-art in rehabilitation techniques that are effective in addressing the special problems of economically disadvantaged individuals with disabilities.

#### *Rehabilitation of Older Persons With Disabilities*

Older persons who experienced onset of disability early in life, as well as persons who incurred their disability after they became elderly, have very specific rehabilitation problems that need to be addressed through research. At least eighty percent of individuals over sixty-five years of age have one or more identifiable chronic diseases. The most common of these include arthritis, reported in more than forty percent of older people; impaired vision or hearing (twenty to thirty percent); diabetes (ten to fifteen percent); chronic heart conditions (fifteen to twenty percent); or a diminution of mental function (five percent or more). These conditions often lead to functional losses that interfere with the ordinary activities of daily living. About one-fifth of persons over seventy years of age report that they

need the help of another person for at least some part of every day; this figure rises to forty percent for persons over the age of eighty. The number of older Americans with pre-geriatric onset of disability is increasing, and their number is likely to continue to increase as the life expectancies of disabled persons rise.

There are many psychological, social and financial barriers to the optimal rehabilitation of older disabled individuals. The wide range of individual differences within categories of disabling conditions makes the development of individualized treatment a difficult challenge for professionals, disabled individuals, and society. Presently, financial assistance programs facilitate institutionalization of elderly persons with disabilities, there is a lack of well-trained personnel to work in the rehabilitation of older disabled persons, and there is a paucity of research on effective rehabilitation techniques and technology applicable to elderly disabled individuals. Older disabled individuals and their families, as well as those who provide services to them, are expressing a growing preference for the development of options for older disabled persons to participate in the full range of community activities as an alternative to segregated services or institutions. At present, there are insufficient models for rehabilitation services to promote maximum independence and community-based services for older persons with disabilities.

A special emphasis of this project will be the physical and psychosocial functioning of persons with pre-geriatric onset of physical disability, such as persons with spinal cord injury, post-polio syndrome, and cerebral palsy. It is of critical importance to determine their unique rehabilitation needs in order to formulate optimum strategies for supporting individuals with these disabilities in the community. A comparative analysis should be performed on support systems needed by aging persons with both pre- and post-geriatric onset of disability.

A program of coordinated, interdisciplinary research and training is needed to develop and disseminate behavioral, medical, and technological rehabilitation approaches to maximizing the functional capacity of elderly individuals with disabilities. The Center must have a national scope, and must involve all investigators in the development of training programs that will be provided at various sites throughout the country. A critical element of any Center to be funded

under this priority will be the involvement of older individuals with disabilities and their families in the planning, conduct, and review of the research and related activities. The Center will provide, prior to the end of its period of performance, documentation of one or more rehabilitation techniques suitable for consideration for an NIDRR sponsored consensus conference.

An absolute priority is announced for an RRTC to:

- Investigate alternative methods of financing home support and community services for disabled elderly individuals in rehabilitation programs to prevent premature placement of those individuals in domiciliary care;
- Assess the effectiveness of existing rehabilitation techniques and technology in reducing such secondary complications as pressure ulcers, incontinence, depression, and memory loss among older persons;
- Conduct research comparing older disabled individuals with a pre-geriatric onset of disability and individuals who become disabled late in life in order to develop effective rehabilitation programs for both groups;
- Identify, develop, and test models that integrate long-term care facilities for older disabled individuals into community environments to improve existing facilities and develop options for new, integrated community care facilities;
- Assess the availability and effectiveness of various commercially available technological aids and devices in improving the rehabilitation of older disabled individuals;
- Study the special rehabilitation and socio-economic problems of individuals with early onset of physical disabilities, such as spinal cord injury, post-polio syndrome and cerebral palsy;
- Determine the impact, if any, of Independent Living services in providing older severely disabled individuals with the least restrictive environment and the maximum level of independence within their community;
- Develop public education materials outlining strategies for reducing secondary complications of disability;
- Conduct research on attitudinal barriers to the rehabilitation of older disabled individuals and disseminate information to reduce those barriers;
- Identify and develop formal and informal support systems to assist older disabled individuals to obtain and use rehabilitation services and disseminate information to develop effective models; and

- Conduct one study of the state-of-the-art in rehabilitation and community integration techniques that are effective for older individuals who were disabled early in life and one such study on techniques appropriate to the needs of older persons who become disabled.

#### *Improving Rehabilitation of Native Americans*

Native Americans are often isolated from rehabilitation services by linguistic, attitudinal, cultural, and geographic barriers which may not be evident either to the person who is disabled or to the service provider. The Native American population with disabilities may require specialized rehabilitation services and a unique service delivery system to meet certain needs that often differ from those of other populations.

Information presently available on the incidence and prevalence of disability among Native Americans is based upon secondary analysis of data on the general population. The representation of Native Americans in any general sample is inadequate to reflect accurately the presence and distribution of specific types of disabling conditions among that subgroup. There is not sufficient data on the employment histories or patterns of service use in this population to plan appropriate rehabilitation services for Native Americans. However, it is known that there is a high rate of disabling conditions among American Indians and that the distribution is different from that in the general population, and that disabled Native Americans are less likely than other disabled people to receive effective rehabilitation services.

A Center to address these problems must involve Native Americans with disabilities in various capacities in all facets of the development and operation of the Center, and applicants must include evidence of involvement of disabled Native Americans in policymaking and administration of the RRTC. The Center also must form linkages with the various service delivery systems serving Native Americans, both on and off reservations. These systems should include Federal, State, regional, tribal, local, and private agencies in order to demonstrate methods for disseminating findings and for utilizing existing resources to improve service delivery.

Such a Center must provide training to rehabilitation service providers, researchers, and managers to increase their awareness of the unique rehabilitation needs of Native Americans and of innovative

approaches to meet these needs. This training should involve collaborative sponsorship with other Rehabilitation Research and Training Centers, as well as with public, private, and tribal rehabilitation, health, and human services agencies.

An absolute priority is announced for an RRTC to:

- Survey Native American populations to determine the incidence, prevalence, and demographic distribution of disability among American Indians and/or Native Americans, estimate levels of employment and unemployment for Indians with disabilities, and identify patterns of service use;
- Analyze labor market conditions on and around Indian reservations and develop culturally sensitive model employability development programs that take into account these labor market conditions;
- Develop and evaluate culturally sensitive methods for assessing rehabilitation needs of Native Americans, and develop and test appropriate models to meet some of those needs;
- Develop methods to evaluate attitudinal barriers to service delivery as a basis for designating improved models of rehabilitation service delivery;
- Identify the rehabilitation training needs and provide training to rehabilitation service providers, researchers, managers, policymakers, and Native Americans with disabilities;
- Design appropriate models for career development, job enhancement, and job retention in order to improve employment opportunities and rehabilitation outcomes;
- Develop and disseminate culturally relevant informational materials to increase use of rehabilitation services by Native Americans;
- Develop strategies to ensure optimal use of available rehabilitative technology by Native Americans; and
- Conduct at least one study of the state-of-the-art in some significant aspect for improving rehabilitation

services to Native Americans with disabilities.

#### *Mental Health Rehabilitation of Individuals With Deafness*

An estimated fourteen million Americans, or 66 in every 1000, have significant hearing impairment. At least two million—9 in 1000—are profoundly deaf. About half a million persons became deaf before they reached age nineteen, that is, before they had established vocations. About 200,000 persons, one of every thousand Americans, became deaf before the age of three, that is, before they developed effective language. This last group, the prelingually deaf, though a small minority, requires separate attention from those deafened after the acquisition of language. This segment of the population presents a major challenge to public and private mental health rehabilitation efforts. Few skilled professionals and service programs are available to provide timely, expert mental health rehabilitation interventions. For many, satisfactory adjustment is further complicated by the presence of additional disabilities, lower levels of educational attainment, underemployment, and reduced earnings.

Research in this area is needed to identify the characteristics of effective counseling strategies and interventions matched to the characteristics of deaf individuals; to refine the quantitative and qualitative methods for assessing psychological, social, and emotional adjustment and performance; and to develop models for effective delivery of coordinated programs of mental health rehabilitation services.

A critical element of any Center to be supported under this priority will be the involvement of individuals who are deaf in the planning, conduct, and review of all Center activities. All assessment instruments, training materials and courses, databases, and technical assistance developed by the Center must be provided in formats that are fully accessible to individuals with various types of hearing impairments. This Center will develop a national data

base in this field of activity and serve as a central repository of information on mental health illness of individuals with deafness.

An absolute priority is announced for an RRTC to:

- Investigate the causes of abnormal social, emotional, linguistic, and cognitive development of people with deafness or severe hearing impairment;
- Develop assessment techniques, rehabilitation interventions, and training approaches, including interpreter training, to benefit this population;
- Develop models for clinical interventions and service delivery to improve the availability and effectiveness of mental health rehabilitation services for individuals with deafness;
- Develop and evaluate models of technical assistance to state rehabilitation agencies to improve the development and implementation of mental health rehabilitation services for deaf individuals;
- Provide advanced training in research for professional practitioners in mental health rehabilitation of persons who are deaf and hearing impaired, with an emphasis on recruiting individuals with deafness for that training;
- Explore and develop suitable visual media, appropriately captioned, to enhance the dissemination of new knowledge in this area to appropriate audiences;
- Serve as a resource for information on mental health and deafness and maintain a database on the results of research in this area; and
- Conduct at least one study of the state-of-the-art in a significant aspect of mental health rehabilitation of individuals with deafness.

(Catalog of Federal Domestic Assistance No. 84.133B, National Institute on Disability and Rehabilitation Research)

Program Authority: 29 U.S.C. 762.

Dated: January 19, 1988.

William J. Bennett,

Secretary of Education.

[FR Doc. 88-1876 Filed 1-28-88; 8:45 am]

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# Federal Register

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Friday  
January 29, 1988

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## Part V

### Department of Education

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Office of Special Education and  
Rehabilitative Services

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34 CFR Part 367

Independent Living Services for Older  
Blind Individuals; Notice of Proposed  
Rulemaking

**DEPARTMENT OF EDUCATION****Office of Special Education and  
Rehabilitative Services****34 CFR Part 367****Independent Living Services for Older  
Blind Individuals****AGENCY:** Department of Education.**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Secretary proposes to add a new part to implement Title VII, Part C of the Rehabilitation Act of 1973, as amended. This program authorizes grants to designated State units for projects that provide independent living services for older blind individuals.

These proposed regulations include information about the kinds of project activities supported under this program, the application requirements, and the selection criteria for evaluating applications.

**DATES:** Comments must be received on or before March 29, 1988.

**ADDRESSES:** All comments concerning these proposed regulations should be addressed to Judith Miller Tynes, Rehabilitation Services Administration, U.S. Department of Education, Mary E. Switzer Building, Room 3326, (M/S 2312) 330 C Street SW., Washington, DC 20202.

A copy of any comments that concern information collection requirements should also be sent to the Office of Management and Budget at the address listed in the Paperwork Reduction Act section of this preamble.

**FOR FURTHER INFORMATION CONTACT:** Judith Miller Tynes (202) 732-1346.

**SUPPLEMENTARY INFORMATION:** The proposed regulations also contain post-award requirements that relate to permissible methods of providing project services and mandatory confidentiality of client information.

**Executive Order 12291**

These proposed regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

**Regulatory Flexibility Act Certification**

The Secretary certifies that these proposed regulations would not have a significant economic impact on a substantial number of small entities. Because these proposed regulations would affect only States and State

agencies, the regulations would not have an impact on small entities. States and State agencies are not defined as "small entities" in the Regulatory Flexibility Act.

**Paperwork Reduction Act of 1980**

Sections 367.20 and 367.21 contain information collection requirements. As required by the Paperwork Reduction Act of 1980, the Department of Education will submit a copy of this section to the Office of Management and Budget (OMB) for its review. (44 U.S.C. 3504(h))

Organizations and individuals desiring to submit comments on the information collection requirements should direct them to the Office of Information and Regulatory Affairs, Room 3002, New Executive Office Building, Washington, DC 20503; Attention: James D. Houser.

**Invitation To Comment**

Interested persons are invited to submit comments and recommendations regarding these proposed regulations.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in Room 3326, Mary E. Switzer Building, 330 C Street SW., Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and their overall requirement of reducing regulatory burden, the Secretary invites comment on whether there may be further opportunities to reduce any regulatory burdens found in these proposed regulations.

**List of Subjects in 34 CFR Part 367**

Education, Independent living services, Older blind individuals, Reporting and recordkeeping requirements, Vocational rehabilitation. (Catalog of Federal Domestic Assistance Number 84.177, Independent Living services for Older Blind Individuals Program)

Dated: January 12, 1988.

William J. Bennett,  
Secretary of Education.

The Secretary proposes to amend Title 34 of the Code of Federal Regulations by adding a new Part 367 to read as follows:

**PART 367—INDEPENDENT LIVING  
SERVICES FOR OLDER BLIND  
INDIVIDUALS****Subpart A—General**

Sec.

367.1 What is Independent Living Services for Older Blind Individuals?

367.2 Who is eligible for an award?

367.3 What activities may the Secretary fund?

367.4 What regulations apply?

367.5 What definitions apply?

**Subpart B—How Does One Apply for an Award?**

367.10 What assurances must a designated State unit submit to receive a grant?

**Subpart C—How Does the Secretary Make an Award?**

367.20 How does the Secretary evaluate an application?

367.21 What selection criteria does the Secretary use?

367.22 What additional factors does the Secretary consider?

**Subpart D—What Conditions Must Be Met after an Award?**

367.30 How are services to be administered under this program?

367.31 What are the requirements pertaining to the protection, use and release of personal information?

Authority: 29 U.S.C. 796f, unless otherwise noted.

**Subpart A—General****§ 367.1 What is Independent Living Services for Older Blind Individuals?**

This program support projects that provide independent living services to older blind individuals.

(Authority: 29 U.S.C. 796f)

**§ 367.3 Who is eligible for an award?**

Any designated State unit is eligible for an award under this program.

(Authority: 29 U.S.C. 796f)

**§ 367.3 What activities may the Secretary fund?**

Authorized activities under this program include—

(a) Services to help correct blindness or visual impairment such as—

- (1) Outreach services;
- (2) Visual screening;
- (3) Surgical or therapeutic treatment to prevent, correct, or modify disabling eye conditions;
- (4) Ocular prostheses; and
- (5) Hospitalization related to these services;

(b) The provision of eyeglasses and other visual aids;

(c) The provision of services and equipment to assist an older blind

individual to become more mobile and more self-sufficient;

(d) Mobility training, braille instruction, and other services and equipment to help an older blind individual adjust to blindness;

(e) Guide services, reader services, and transportation;

(f) Any other appropriate services designed to assist a blind person in coping with daily living activities, including supportive services or rehabilitation teaching services; and

(g) Activities that will improve or expand services for older blind individuals and help improve public understanding of the problems of those individuals.

(Authority: 29 U.S.C. 796f)

#### § 367.4 What regulations apply?

The following regulations apply to Independent Living Services for Older Blind Individuals:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 74 (Administration of Grants), Part 75 (Direct Grant Programs), Part 77 (Definitions that Apply to Department Regulations), and Part 78 (Education Appeal Board).

(b) The regulations in this Part 367.

(c) The regulations in 34 CFR 365.13.

(Authority: 29 U.S.C. 796f)

#### § 367.5 What definitions apply?

(a) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR 77.1:

Applicant  
Application  
Award  
Budget period  
Department  
EDGAR  
Fiscal year  
Grant period  
Nonprofit  
Private  
Project  
Project period  
Public  
Secretary

(b) *Other definition.* The following definitions also apply to this part: "Designated State unit" means either—

(1) The State agency vocational rehabilitation bureau, division, or other organizational unit that is primarily concerned with vocational rehabilitation or vocational and other rehabilitation of individuals with handicaps and that is responsible for the administration of the vocational rehabilitation program of the State agency; or

(2) The independent State commission, board, or other agency that

has vocational rehabilitation, or vocational and other rehabilitation as its primary function.

"Independent living services for older blind individuals" means any services enumerated in § 367.3 that will assist an older blind individual to correct blindness or visual impairment or to adjust to blindness by becoming more able to care for individual needs.

"Older blind individual" means an individual aged fifty-five or older whose severe visual impairment makes gainful employment extremely difficult to obtain but for whom independent living goals are feasible.

(Authority: 29 U.S.C. 796f)

#### Subpart B—How Does One Apply For an Award?

##### § 367.10 What assurances must a designated State unit submit to receive a grant?

Each designated State unit shall submit to the Secretary assurances that any new methods and approaches relating to the services described in § 367.3 for older blind individuals that are developed by projects under this program will be incorporated into its State plan for independent living services authorized by section 705 of the Act.

(Authority: 29 U.S.C. 796f)

#### Subpart C—How Does the Secretary Make an Award?

##### § 367.20 How does the Secretary evaluate an application?

(a) The Secretary evaluates each application on the basis of the criteria in § 367.21.

(b) The Secretary awards up to 100 points for these criteria.

(c) The maximum possible score for each criterion is indicated in parentheses.

(Authority: 29 U.S.C. 796f)

##### § 367.21 What selection criteria does the Secretary use?

The Secretary uses the following criteria to evaluate an application:

(a) *Extent of need for the project.* (20 points)

(1) The Secretary reviews each application to determine the extent to which the project meets specific needs recognized in the statute that authorizes the program, including consideration of—

(i) The needs addressed by the project;

(ii) How the applicant identified those needs;

(iii) How those needs will be met by the project; and

(iv) The benefits to be gained by meeting those needs.

(2) The Secretary reviews each application to determine the extent that the need for independent living services for older blind individuals is justified in terms of complementing or expanding existing independent living programs and facilities and the potential of the project to support the overall mission of the State-Federal independent living program as stated in Title VII, section 701 of the Act.

(b) *Plan of operation.* (20 points) The Secretary reviews each application to determine the quality of the plan of operation for the project, including—

(1) The quality of the design of the project;

(2) The extent to which the plan of management is effective and ensures proper and efficient administration of the project;

(3) How well the objectives of the project relate to the purpose of the program;

(4) The quality of the applicant's plan to use its resources and personnel to achieve each objective;

(5) How the applicant will ensure that project participants who are otherwise eligible to participate are selected without regard to race, color, national origin, gender, age, or handicapping condition; and

(6) The extent to which the plan of operation and management includes involvement by blind individuals in planning for and conducting of program activities.

(c) *Quality of key personnel.* (10 points)

(1) The Secretary reviews each application to determine the quality of key personnel the applicant plans to use on the project, including—

(i) The qualifications of the project director;

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (c)(1) (i) and (ii) of this section will commit to the project; and

(iv) How the applicant, as part of its nondiscriminatory employment practices, will ensure that its personnel are selected for employment without regard to race, color, national origin, gender, age or handicapping condition.

(2) To determine personnel qualifications under paragraphs (c)(1) (i) and (ii) of this section, the Secretary considers—

(i) Experience and training in fields related to the scope of the project; and

(ii) Any other qualifications that pertain to the objectives of the project.

(d) *Budget and cost effectiveness.* (5 points) The Secretary reviews each application to determine the extent to which—

(1) The budget is adequate to support the project;

(2) Costs are reasonable in relation to the objectives of the project; and

(3) The applicant demonstrates the cost-effectiveness of project services in comparison with alternative services and programs available to older blind individuals.

(e) *Evaluation plan.* (5 points) The Secretary reviews each application to determine the quality of the evaluation plan for the project, including the extent to which the applicant's methods of evaluation—

(1) Accurately evaluate the success and cost-effectiveness of the project; and

(2) To the extent possible, are objective and produce data that are quantifiable.

(Cross-reference: See 34 CFR 75.590 Evaluation by the grantee.)

(f) *Adequacy of resources.* (5 points) The Secretary reviews each application to determine the adequacy of the resources that the applicant plans to devote to the project, including accessibility of facilities, equipment and supplies.

(g) *Service comprehensiveness.* (20 points)

(1) The Secretary reviews each application to determine the extent to which effective outreach services for independent living will be provided within the project to enable older blind individuals to live more independently in the home and community.

(2) The Secretary reviews each application to determine the extent to which the availability of the following core services that will meet the independent living needs of older blind individuals with varying degrees of visual impairment are included:

(i) Orientation and mobility skills training that will enable older blind individuals to travel independently, safely and confidently in familiar and unfamiliar environments.

(ii) Skills training in braille, handwriting and typewriting or other means of communication.

(iii) Communication aids such as large print, cassette tape recorders and readers.

(iv) Training to perform daily living activities such as meal preparation, identifying coins and currency, selection of clothing, telling time and maintaining a household.

(v) Provision of low-vision services and aids such as magnifiers to perform reading and mobility tasks.

(vi) Family and peer counseling services to assist the older blind individual adjust emotionally to the loss of vision as well as to assist in the individual's integration into the community and its resources.

(vii) Any other needed services such as transportation or guide services provided to individuals with severe handicaps under the State-Federal independent living program authorized by 34 CFR Part 365.

(h) *Likelihood of sustaining program.* (15 points) The Secretary reviews each application to determine—

(1) The likelihood that the service program will be sustained after the completion of Federal project grant assistance;

(2) The extent to which the applicant intends to continue to operate the service program through cooperative agreements and other formal measures; and

(3) The extent to which the applicant will identify and, to the extent possible, use comparable services and benefits under other programs for which project clients might be eligible.

(Authority: 29 U.S.C. 796f)

**§ 367.22 What additional factors does the Secretary consider?**

In addition to the criteria in § 367.21, the Secretary considers the geographic

distribution of projects in making an award.

(Authority: 29 U.S.C. 711(c) and 796f)

**Subpart D—What Conditions Must Be Met After an Award?**

**§ 367.30 How are services to be administered under this program?**

Each designated State unit may either directly provide independent living services under this program or it may make subgrants to other public agencies or private nonprofit organizations to provide these services.

(Authority: 29 U.S.C. 796f)

**§ 367.31 What are the requirements pertaining to the protection, use and release of personal information?**

(a) All personal information about individuals served by any project under this part, including lists of names, addresses, photographs, and records of evaluation, must be held confidential.

(b) The use of information (including records) concerning individuals must be limited to purposes directly connected with the project, including project evaluation activities. This information may not be disclosed, directly or indirectly, other than in the administration of the project unless the consent of the agency providing the information and the individual to whom the information applies, or the individuals' representative, has been obtained in writing. However, the Secretary and other Federal or State officials responsible for enforcing legal requirements have access to this information without written consent being obtained. The final product of the project may not reveal any personal identifying information without written consent of the individual or the individual's representative.

(Authority: 29 U.S.C. 711(c))

[FR Doc. 88-1872 Filed 1-28-88; 8:45 am]

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**Federal Register**

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**Friday  
January 29, 1988**

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**Part VI**

**Department of  
Health and Human  
Services**

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**Food and Drug Administration**

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**21 CFR Part 357**

**Digestive Aid Drug Products for Over-  
the-Counter Human Use; Tentative Final  
Monograph; Notice of Proposed  
Rulemaking**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

**21 CFR Part 357**

[Docket No. 81N-0106]

**Digestive Aid Drug Products for Over-the-Counter Human Use; Tentative Final Monograph**

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Food and Drug Administration (FDA) is issuing a notice of proposed rulemaking in the form of a tentative final monograph that would establish conditions under which over-the-counter (OTC) digestive aid drug products are generally recognized as safe and effective and not misbranded. FDA is issuing this notice of proposed rulemaking after considering the report and recommendations of the Advisory Review Panel on OTC Miscellaneous Internal Drug Products and public comments on an advance notice of proposed rulemaking that was based on those recommendations. This proposal is part of the ongoing review of OTC drug products conducted by FDA.

**DATES:** Written comments, objections, or requests for oral hearing on the proposed regulation before the Commissioner of Food and Drugs by March 29, 1988. New data by January 30, 1989.

Comments on the new data by March 29, 1989. Written comments on the agency's economic impact determination by May 31, 1988.

**ADDRESS:** Written comments, objections, new data, or requests for oral hearing to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** William E. Gilbertson, Center for Drug Evaluation and Research (HFN-210), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8000.

**SUPPLEMENTARY INFORMATION:** In the Federal Register of January 5, 1982 (47 FR 454), FDA published, under § 330.10(a)(6) (21 CFR 330.10(a)(6)), an advance notice of proposed rulemaking to establish a monograph for OTC digestive aid drug products, together with the recommendations of the Advisory Review panel on OTC Miscellaneous Internal Drug Products (Miscellaneous Internal Panel) which was the advisory review panel responsible for evaluating data on the

active ingredients in this drug class. Interested persons were invited to submit comments by April 5, 1982. Reply comments in response to comments filed in the initial comment period could be submitted by May 5, 1982.

In a notice published in the Federal Register of March 30, 1982 (47 FR 13385), the agency advised that it had extended the comment period until June 4, 1982, and the reply comment period to July 5, 1982, on the advance notice of proposed rulemaking for OTC digestive aid drug products to allow for consideration of additional data and information.

In accordance with § 330.10(a)(1), the data and information considered by the Panel were put on public display in the Dockets Management Branch (HFA-305), Food and Drug Administration (address above), after deletion of a small amount of trade secret information.

In response to the advance notice of proposed rulemaking, one physician, seven drug manufacturers, one research firm, and one trade association submitted comments. Copies of the comments received are on public display in the Dockets Management Branch.

In order to conform to terminology used in the OTC drug review regulations (21 CFR 330.10), the present document is designated as a "tentative final monograph." Its legal status, however, is that of a proposed rule. In this tentative final monograph (proposed rule) to establish Subpart D of Part 357 (21 CFR Part 357, Subpart D), FDA states for the first time its position on the establishment of a monograph for OTC digestive aid drug products. Final agency action on this matter will occur with the publication at a future date of a final rule for OTC digestive aid drug products.

This proposal constitutes FDA's tentative conclusions on OTC digestive aid drug products based on the agency's independent evaluation of the Panel's report and the comments received. Modifications have been made for clarity and regulatory accuracy and to reflect new information. Such new information has been placed on file in the Dockets Management Branch (address above). These modifications are reflected in the following summary of the comments and FDA's responses to them.

In reviewing the Panel's recommendations on OTC digestive aid drug products, the agency recognizes that there is significant overlap between the rulemaking on OTC digestive aid drug products and other rulemakings in the OTC drug review. A number of ingredients reviewed as digestive aids

were also reviewed for similar claims in other rulemakings. For example, glutamic acid hydrochloride was reviewed in the rulemaking for OTC stomach acidifier drug products and the pancreatic enzymes, pancreatin and pancrelipase, were reviewed in the rulemaking for OTC exocrine pancreatic insufficiency drug products. (See the Federal Register of October 19, 1979 (44 FR 60316); December 21, 1979 (44 FR 75666); January 15, 1985 (50 FR 2184); and November 8, 1985 (50 FR 46594), respectively.) Simethicone was evaluated for use in relieving the symptoms of gas in the rulemaking for OTC antifatulent drug products. (See 21 CFR Part 332.) A number of the ingredients reviewed as digestive aids are antacid ingredients that are included in the rulemaking for OTC antacid drug products as well as the rulemaking for OTC drug products for relief of symptoms associated with overindulgence in alcohol and food. (See 21 CFR Part 331 and the Federal Register of October 1, 1982 (47 FR 43540), respectively.) In addition, the claims for many of these ingredients in the other rulemakings are very similar to those in the digestive aid rulemaking, i.e., to relieve symptoms of gastrointestinal distress (e.g., heartburn, sour stomach, acid indigestion, gas, upset stomach, etc.).

Therefore, in proceeding with the development of this tentative final monograph on OTC digestive aid drug products, the agency has decided to limit the digestive aid rulemaking to those ingredients and labeling claims that have not been adequately covered by other rulemakings on OTC drug products. For further discussion, see comment 4 below.

The OTC procedural regulations (21 CFR 330.10) now provide that any testing necessary to resolve the safety or effectiveness issues that formerly resulted in a Category III classification, and submission to FDA of the results of that testing or any other data, must be done during the OTC drug rulemaking process before the establishment of a final monograph. Accordingly, FDA will no longer use the terms "Category I" (generally recognized as safe and effective and not misbranded), "Category II" (not generally recognized as safe and effective or misbranded), and "Category III" (available data are insufficient to classify as safe and effective, and further testing is required) at the final monograph stage, but will use instead the terms "monograph conditions" (old Category I) and "nonmonograph conditions" (old Categories II and III). This document

retains the concepts of Categories, I, II, and III at the tentative final monograph stage.

The agency advises that the conditions under which the drug products that are subject to this monograph would be generally recognized as safe and effective and not misbranded (monograph conditions) will be effective 12 months after the date of publication of the final monograph in the *Federal Register*. On or after that date, no OTC drug product that is subject to the monograph and that contains a nonmonograph condition, i.e., a condition that would cause the drug to be not generally recognized as safe and effective or to be misbranded, may be initially introduced or initially delivered for introduction into interstate commerce unless it is the subject of an approved application. Further, any OTC drug product subject to this monograph that is repackaged or relabeled after the effective date of the monograph must be in compliance with the monograph regardless of the date the product was initially introduced or initially delivered for introduction into interstate commerce. Manufacturers are encouraged to comply voluntarily with the monograph at the earliest possible date.

In the advance notice of proposed rulemaking for OTC digestive aid drug products (published in the *Federal Register* of January 5, 1982 (47 FR 454)), the agency suggested that the conditions included in the monograph (Category I) be effective 6 months after the date of publication of the final monograph in the *Federal Register*. Experience has shown that relabeling of products covered by the monograph is necessary in order for manufacturers to comply with the monograph. New labels containing the monograph labeling have to be written, ordered, received, and incorporated into the manufacturing process. The agency has determined that it is impractical to expect new labeling to be in effect 6 months after the date of publication of the final monograph. Experience has shown also that if the deadline for relabeling is too short, the agency is burdened with extension requests and related paperwork.

In addition, some products will have to be reformulated to comply with the monograph. Reformulation often involves the need to do stability testing on the new product. An accelerated aging process may be used to test a new formulation; however, if the stability testing is not successful, and if further reformulation is required, there could be a further delay in having a new product available for manufacture.

The agency wishes to establish a reasonable period of time for relabeling and reformulation in order to avoid an unnecessary disruption of the marketplace that could not only result in economic loss, but also interfere with consumers' access to safe and effective drug products. Therefore, the agency is proposing that the final monograph be effective 12 months after the date of its publication in the *Federal Register*. The agency believes that within 12 months after the date of publication most manufacturers can order new labeling and reformulate their products and have them in compliance in the marketplace.

If the agency determines that any labeling for a condition included in the final monograph should be implemented sooner than the 12-month effective date, a shorter deadline may be established. Similarly, if a safety problem is identified for a particular nonmonograph condition, a shorter deadline may be set for removal of that condition from OTC drug products.

In the event that no new data are submitted to the agency during the allotted 12-month new data period or if submitted data are not sufficient to establish "monograph conditions" for OTC digestive aid drug products, the final rule will declare these products to be new drugs under section 201(p) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321 (p)), for which applications approved under section 505 of the act (21 U.S.C. 355) and 21 CFR 314 are required for marketing. Such rule will also declare that in the absence of an approval application, these products would be misbranded under section 502 of the act (21 U.S.C. 352). The rule will then be incorporated into 21 CFR Part 310, Subpart E—Requirements for Specific New Drugs or Devices, instead of into an OTC drug monograph in Part 357.

All "OTC Volumes" cited throughout this document refer to the submissions made by interested persons pursuant to the call-for-data notices published in the *Federal Register* of November 16, 1973 (38 FR 31696) and August 27, 1975 (40 FR 38179) or to additional information that has come to the agency's attention since publication of the advance notice of proposed rulemaking. The volumes are on public display in the Dockets Management Branch.

#### I. The Agency's Tentative Conclusions on the Comments

##### *General Comments*

1. One comment contended that OTC drug monographs are interpretive, as opposed to substantive, regulations. The comment referred to statements on this

issue submitted earlier to other OTC drug rulemaking proceedings.

The agency addressed this issue in paragraphs 85 through 91 of the preamble to the procedures for classification of OTC drug products, published in the *Federal Register* of May 11, 1972 (37 FR 9464), and in paragraph 3 of the preamble to the tentative final monograph for OTC antacid drug products, published in the *Federal Register* of November 12, 1973 (38 FR 31260). FDA reaffirms the conclusions stated there. Subsequent court decisions have confirmed the agency's authority to issue substantive regulations by rulemaking. See, e.g., *National Nutritional Foods Association v. Weinberger*, 512 F.2d 688, 696-98 (2d Cir. 1975) and *National Association of Pharmaceutical Manufacturers v. FDA*, 487 F. Supp. 412 (S.D.N.Y. 1980), *aff'd* 637 F.2d 887 (2d Cir. 1981).

2. One comment contended that FDA lacks the statutory authority to prescribe exclusive lists of terms from which indications for OTC drug use must be drawn, thus prohibiting alternative OTC labeling terminology that is truthful, accurate, not misleading, and intelligible to the consumer. The comment stated that existing statutory provisions (15 U.S.C. 1453(a)), and sections 508 and 502(e) of the act (21 U.S.C. 358 and 352(e)) do not grant FDA the authority to legislate the exact wording of OTC drug claims to the exclusion of other equally accurate and truthful claims. The comment further contended that section 502(c) of the act (21 U.S.C. 352(c)) may in fact be violated by manufacturers if some of the terms being prescribed by OTC review panels are adopted because the act requires that label information be in such terms as to render it likely to be read and understood by consumers under ordinary conditions of purchase and use.

In the *Federal Register* of May 1, 1986 (51 FR 16258), the agency published a final rule changing its labeling policy for stating the indicating for use of OTC drug products. Under the final rule, the label and labeling of OTC drug products are required to contain in a prominent and conspicuous location, either (1) the specific wording on indications for use established under an OTC drug monograph, which may appear within a boxed area designated "APPROVED USES"; (2) other wording describing such indications for use that meets the statutory prohibitions against false or misleading labeling, which shall neither appear within a boxed area nor be designated "APPROVED USES"; or (3) the approved monograph language on indications, which may appear within a

boxed area designated "APPROVED USES," plus alternative language describing indications for use that is not false or misleading, which shall appear elsewhere in the labeling. All required OTC drug labeling other than indications for use (e.g., statement of identity, warnings, and directions) must appear in the specific wording established under an OTC drug monograph where exact language has been established and identified by quotation marks in an applicable monograph or other regulation, e.g., 21 CFR 201.63 or 330.1(g). The proposed rule in this document is subject to the final rule revising the labeling policy.

3. One comment disagreed with the Panel's recommendation that inactive ingredients be listed on the label. The comment argued that a list of inactive ingredients would be meaningless to all but a few consumers and that such a list might overemphasize the importance of the inactive ingredients, obscure more meaningful information such as warnings or directions for use, and be more confusing than helpful. The comment also stated that if the quantity of the inactive ingredients had to be listed there would be an additional problem of changing the labels whenever the quantity of an inactive ingredient is changed.

The act specifies the requirements for ingredient labeling of OTC drug products. Section 502(e) of the act (21 U.S.C. 352(e)) requires that all active ingredients and certain other ingredients, whether included as active or inactive, be disclosed on the label. The act also limits the requirement for stating quantity of ingredients in OTC drug products to those specifically mentioned in section 502(e). Although the act does not require the disclosure of all inactive ingredients in the labeling of OTC drug products, the agency agrees with the Panel that listing of inactive ingredients in OTC drug product labeling would be useful information for some consumers. Consumers with known allergies or intolerance to certain ingredients would then be able to identify substances that they may wish to avoid.

The Proprietary Association, the trade association that represents approximately 85 OTC drug manufacturers who reportedly market between 90 and 95 percent of the volume of all OTC drug products sold in the United States, has announced that its member companies would voluntarily begin to list inactive ingredients in the labeling of OTC drug products under guidelines established by the association (Ref. 1). Under another

voluntary program begun in 1974, the member companies of The Proprietary Association have been including the quantities of active ingredients on OTC drug labels. The agency is not at this time proposing to require the listing of inactive ingredients in OTC drug product labeling. However, the agency commends these voluntary efforts and urges all other OTC drug manufacturers to similarly label their products.

#### Reference

(1) "Proprietary Association Adopts Disclosure of Inactive Ingredients," News Release, The Proprietary Association, Washington, DC, May 14, 1984, copy included in OTC Volume 17GTFM.

4. Several comments disagreed with the Panel's recommendations to divide digestive aid drug products into two categories, that is, (1) products for immediate postprandial upper abdominal distress (IPPUAD) and (2) products for intestinal distress—with the distinguishing feature between the two categories being the time to onset of symptoms. The comments pointed out that the symptoms of bloating, distention, fullness, and pressure are the same for both categories. The comments stated that patients do not differentiate symptoms on the basis of time relationships and, therefore, establishing a time-based differentiation of symptoms has no logical basis. One comment argued that adopting the Panel's recommendations would create a "phantom" category of products that the consuming public could not understand. Most comments recommended that the concept of IPPUAD be abolished, and several suggested that the digestive aid monograph be expanded to encompass all abdominal and intestinal distress claims, whether due to food-related or other causes, e.g., stress, travel, or changes in the environment.

The Panel reviewed digestive aid drug products as those products which were claimed to alleviate symptoms in the stomach as well as the intestines following the ingestion of food. In reviewing these products, the Panel decided to classify them into the following two groups: (1) Those that treat symptoms that occur within 30 minutes after ingestion of food (immediate postprandial upper abdominal distress drug products) and (2) those that treat symptoms that occur from 30 minutes to several hours after ingestion of food (intestinal distress drug products). As one comment pointed out, the symptom complex of bloating, distention, fullness, and pressure was common to both classifications.

After reviewing the available data and information, the agency agrees with the comments that the distinction between IPPUAD and intestinal distress, with the distinguishing feature being the time to onset of symptoms, is one that will have little meaning to consumers. In addition, historically, this distinction has not been made in the labeling of digestive aid drug products. Further, the agency notes that the Miscellaneous Internal Panel also reviewed drug products for relieving symptoms of overindulgence in food and drink and did not make such a time distinction in that rulemaking. Therefore, the agency is not adopting the two classifications of IPPUAD and intestinal distress and is defining a digestive aid drug product as "a drug product intended to relieve the symptoms of gastrointestinal distress (including fullness, pressure, bloating, and stuffed feeling (commonly referred to as gas), and minor pain and cramping) following the ingestion of food."

The agency does not believe it is appropriate to expand the scope of this rulemaking to include gastrointestinal distress other than that related to food. As discussed in the preamble above, there is significant overlap with respect to ingredients and claims within the digestive aid rulemaking and other OTC drug rulemakings, i.e., antacid, antifatulent, exocrine pancreatic insufficiency, overindulgence in food and drink, and stomach acidifier. For example, the final monograph for OTC antacid drug products includes the indication for the relief of heartburn, sour stomach, acid indigestion, and upset stomach associated with these symptoms. The labeling does not specify the etiology of the symptoms and, therefore, would not preclude the use of antacids for relieving upset stomach associated with heartburn, sour stomach, or acid indigestion that may occur following the ingestion of food or from other causes, e.g., stress, etc. Further, the term "acid indigestion" suggests a food-related cause.

In order to avoid duplication, the agency is limiting the digestive aid rulemaking to include only those ingredients that have not been adequately covered by other OTC drug rulemakings that address similar claims related to relief of symptoms of gastrointestinal distress. As discussed above, antacid ingredients and simethicone have been adequately considered for gastrointestinal distress claims in the rulemakings for OTC antacid drug products and OTC antifatulent drug products, respectively. In addition, as discussed in comments 8

and 10 below, pancreatic enzyme ingredients and stomach acidifier ingredients have been reviewed for use in aiding digestion in the rulemakings for OTC exocrine pancreatic insufficiency drug products and OTC stomach acidifier drug products, respectively. After reviewing the ingredients evaluated by the Panel, the agency has determined that the following ingredients are appropriate for consideration in the digestive aid rulemaking: Bismuth sodium tartrate, cellulase, charcoal, dehydrocholic acid, duodenal substance, garlic, hemicellulase, homatropine methylbromide, ox bile extract, papain, peppermint oil, pepsin, and sorbitol. Because no new data for any of these ingredients were submitted following publication of the Panel's recommendations, the agency is concurring with the Panel's categorization of these ingredients as follows:

Ingredient	Categorization
Bismuth sodium tartrate .....	II
Cellulase .....	III
Charcoal, activated and Charcoal, wood .....	III
Dehydrocholic acid .....	II
Duodenal substance .....	II
Garlic, dehydrated .....	II
Hemicellulase .....	III
Homatropine methylbromide .....	III
Ox bile extract .....	II
Papain .....	II
Peppermint oil .....	III
Pepsin .....	II
Sorbitol .....	II

In addition, the agency is aware of another enzyme (lactase) that is contained in a number of marketed products and is promoted for use as a digestive aid for persons who are intolerant to lactose-containing foods. Lactase deficiency is extremely prevalent, estimated to occur in about 75 percent of adults (Ref. 1). Although the condition can be controlled by ingesting a lactose-free diet, the agency believes that lactase enzyme products could be potentially useful for those persons who do not wish to avoid lactose in their diets. However, no submissions were made to the agency regarding these products, nor is the agency aware of any specific data that would establish general recognition of safety and effectiveness. Therefore, the agency invites specific data and information regarding the use of lactase enzyme products. After review and evaluation of the data submitted, the agency will consider lactase for inclusion in the final monograph for OTC digestive aid drug products.

Based on the above discussion, the agency is proposing the following

indication for OTC digestive aid drug products: "For relief of symptoms of gastrointestinal distress such as" (select one or more of the following: "fullness," "pressure," "bloating," or "stuffed feeling") (optional: "(commonly referred to as gas),") (optional: "pain," and/or "cramping") "which occur(s) after eating." Although the Panel included the word "distention" in its indication statements for IPPUAD and intestinal distress drug products, the agency is not proposing this word in the indication statement in this tentative final monograph. Based on the discussion in comment 7 below, the agency has determined that "distention" is not a word that is used by consumers in describing symptoms of gastrointestinal distress.

#### Reference

(1) "The Merck Manual of Diagnosis and Therapy," 14th Edition, edited by R. Berkow; Merck and Co., Inc., Rahway, NJ, p. 779, 1982.

5. Several comments objected to the Panel's review of simethicone as a digestive aid ingredient and requested that the final monograph for OTC antifatulent drug products be neither revoked nor modified based on the Panel's conclusions that there is no conclusive evidence that excess gas is the causative agent in producing undesirable gastrointestinal symptoms such as bloating, pressure, or fullness. The comments added that there is no new and significant data that question the safety or effectiveness of simethicone, which was included in the final monograph for OTC antifatulent drug products (21 CFR Part 332). Several comments stated that the Panel misinterpreted its charge from the agency which was to review the safety and effectiveness data submitted on antifatulent ingredients other than simethicone in order to determine whether such ingredients should be added to the antifatulent monograph. Referring to the call-for-data notice published in the Federal Register of August 27, 1975 (40 FR 38183), the comments stated that a re-review of simethicone for use in relieving the symptoms of gas is contrary to established OTC drug review procedures and to the specific charge to the Panel that it should not review ingredients for conditions that had been previously reviewed by other panels. The comments argued that there is no legal basis to restrict labeling to claims or situations where definitive proof of causation has been established and that OTC drug products are used to provide relief of the symptoms, not the cause. The comments stated that it is irrelevant whether excess gas actually causes the

symptoms described by consumers as "gas," provided an ingredient can be shown to be safe and effective in relieving those symptoms.

The agency agrees with the comments that the final monograph for OTC antifatulent drug products should not be revoked or modified based on the Panel's recommendations. Although the agency agrees with the Panel that data are insufficient to demonstrate that excess gas actually causes the symptoms of bloating, pressure, and fullness, data are available to demonstrate that "gas" is a word used by consumers to describe these symptoms. In developing the antifatulent final monograph, the agency relied on the results of two double-blind studies (Refs. 1 and 2) which demonstrated the effectiveness of simethicone in relieving symptoms of upper gastrointestinal distress. (See 38 FR 31266.) In both studies, the symptoms described as bloating, fullness, pressure, and stuffed feeling were among those evaluated. Although the studies did not demonstrate that the symptoms were actually caused by excess gas, simethicone was demonstrated to be effective in relieving the symptoms. In addition, the results of a consumer survey indicate that the terms "bloating," "pressure," "stuffed feeling," and "fullness" are very meaningful to and used by consumers in describing what is commonly, if not accurately, referred to as "gas." (See comment 7 below.) Therefore, the agency agrees with the comments that evidence need not be available demonstrating the cause of a symptom as long as there is sufficient evidence to show that an ingredient provides relief from the symptom.

However, as discussed in the preamble above, the agency is limiting the digestive aid rulemaking to those ingredients and labeling claims which have not been adequately covered by other rulemakings on OTC drug products. Therefore, simethicone is no longer being considered in this digestive aid rulemaking. (See also comment 7 below.)

#### References

(1) Kasich, A., "A Summary of a Double-Blind Study Comparing the Effectiveness of Simethicone and Placebo in the Relief of Symptoms of Functional Disease of the Upper Gastrointestinal Tract," copy of unpublished study included in OTC Volume 17GTFM.

(2) "A Summary of the Double-Blind Study of the Effectiveness of Simethicone in Relieving the Symptoms of Acute Upper Gastrointestinal Distress," copy of unpublished study included in OTC Volume 17GTFM.

6. Referring to the Panel's recommended indication in § 357.350(b)(1) which states, "For relief of upper abdominal" (one or more of the following symptoms: 'distress,' 'bloating,' 'distention,' 'fullness,' and 'pressure') 'which occurs soon after eating,' (optional, 'and which may be described as 'gas.')

one comment suggested that the words "and which may be described as" be deleted as unnecessary and that the word "gas" be placed among the other allowable words such as "bloating, distress, distention, fullness, and pressure."

The agency agrees with the Panel that data are insufficient to demonstrate that excess gas actually causes the symptoms of gastrointestinal distress that may occur after eating. However, data are available demonstrating that "gas" is a word that is commonly, although not accurately, used by consumers to describe those symptoms. (See comment 7 below.) Because the word "gas" is used by consumers to describe those symptoms, the agency has no objection to its use in the labeling of OTC digestive aid drug products provided there is no implication that the presence of gas, in the literal sense of excess gas bubbles in the gastrointestinal tract, is the cause of the symptoms. Likewise, there should be no implication that "gas" is a symptom distinct or different from the terms used by consumers to describe the symptoms of what they perceive as "gas," i.e., "bloating," "pressure," "fullness," "stuffed feeling." Therefore, the agency does not agree that "gas" should be placed among the other allowable words because it would imply a symptom different from the others when, in fact, it is a term used to collectively describe those symptoms.

As discussed in comment 4 above, the agency is proposing the following indication for OTC digestive aid drug products: "For relief of symptoms of gastrointestinal distress such as" (select one or more of the following: "fullness," "pressure," "bloating," or "stuffed feeling") (optional: "(commonly referred to as gas),") (optional: "pain," and/or "cramping") "which occur(s) after eating."

7. Referring to a previously submitted petition (Ref. 1), one comment requested the agency to expand the labeling indications of antifatulent drug products to include the terms "bloating," "gas pressure," "stuffed feeling," and "fullness," as descriptive words for the symptoms of gas. Noting the results of a consumer survey (Ref. 1), the comment contended that these terms are used by consumers to describe the symptoms of

gas and there is no basis to preclude the use of these terms in the labeling of OTC antifatulent drug products. The comment also requested that the term "antigas" be included in the monograph because it is more meaningful to consumers than the term "antifatulent."

The agency has reviewed and evaluated the available data and determined that the terms requested by the comment are appropriate for inclusion in the monograph for OTC antifatulent drug products. In developing the antifatulent monograph, the agency relied on the results of two double-blind studies (Refs. 2 and 3) which demonstrated the effectiveness of simethicone in relieving symptoms of upper gastrointestinal distress. (See 38 FR 31266.) In both studies the symptoms described as "bloating," "fullness," "pressure," and "stuffed feeling" were among those evaluated. In both studies, simethicone was demonstrated to be effective for relieving these symptoms.

In addition, the results of the consumer survey (Ref. 1) indicate that the terms "bloating," "pressure," "stuffed feeling," and "fullness," are very meaningful to and used by consumers in describing what is commonly, if not accurately, referred to as "gas." Based on these data, the agency is proposing elsewhere in this issue of the Federal Register to amend the antifatulent monograph to include the following indication: (Select one of the following: "Alleviates" or "Relieves") (select one or more of the following: "bloating," "pressure," "fullness," or "stuffed feeling") "commonly referred to as gas." The agency is also proposing to amend that monograph to include a "statement of identity" section to conform with the format of other final OTC drug monographs. The agency agrees that the term "antigas" is an appropriate statement of identity as an alternative or in addition to the term "antifatulent" provided there are not statements elsewhere in the labeling implying that the symptoms are caused by the presence of excess gas. For example, phrases such as "antigas formulation relieves gas trapped in the intestine" or "for gas pain" would be considered inappropriate.

#### Reference

(1) Petition from Plough, Inc., dated May 18, 1976, on file under Docket No. 76P-0218, Dockets Management Branch.

(2) Kasich, A., "A Summary of a Double-Blind Study Comparing the Effectiveness of Simethicone and Placebo in the Relief of Symptoms of Functional Disease of Upper Gastrointestinal Tract," copy of unpublished study included in OTC Volume 17GTFM.

(3) "A Summary of the Double-Blind Study of the Effectiveness of Simethicone in Relieving the Symptoms of Acute Upper Gastrointestinal Distress," copy of unpublished study included in OTC Volume 17GTFM.

8. One comment believed that there were inconsistencies in the Panel's conclusions regarding the classification of pancreatin and pancrelipase and their components. The comment questioned why pancreatin and pancrelipase were classified by the Panel as Category III for the symptoms of intestinal distress when their major constituents, amylase, lipase, and protease, were classified as single ingredients in Category II. Furthermore, the comment contended that the Panel's Category III classification for the combination of lipase, amylase, protease, and hemicellulase contradicts its own statement (47 FR 462) that any combination of ingredients containing one or more Category II ingredients is Category II.

The agency acknowledges that it seems the Panel was inconsistent with its own combination policy in classifying pancreatin and pancrelipase as Category III when the major components of these substances, as single ingredients, are classified Category II. However, pancreatin and pancrelipase are extracts of natural origin that contain amylase, lipase, and protease, and, as such, are considered by "The United States Pharmacopeia/The National Formulary" as single substances when these components are combined as specified in the compendia (Ref. 1). Therefore, the Panel considered pancreatin and pancrelipase as single ingredients.

The agency concurs with the Panel's conclusion that there are no data to support the use of amylase, lipase, or protease other than as the combination of the three principal components. Therefore, amylase, lipase, and protease as single ingredients are Category II. The ingredients pancreatin and pancrelipase were considered by the agency in the tentative final monograph for OTC exocrine pancreatic insufficiency drug products, published in the Federal Register of November 8, 1985 (50 FR 46594). In that document, the agency concurred with the Panel's recommendation that pancreatin and pancrelipase are beneficial only in cases of pancreatic enzyme insufficiency. The agency is not aware of any well-controlled studies demonstrating the effectiveness of these ingredients in aiding or facilitating the digestive process, except in cases of diagnosed pancreatic enzyme insufficiency.

Therefore, those ingredients are not being reconsidered in this rulemaking.

Hemicellulase will remain in Category III as a digestive aid single ingredient.

#### Reference

(1) "The United States Pharmacopeia XXI-National Formulary XVI," United States Pharmacopeial Convention, Inc., Rockville, MD, pp 777 and 779, 1985.

9. Several comments opposed the testing guidelines recommended by the Panel for Category III OTC digestive aid drug products. Three comments objected to the Panel's recommendation that the test population consist only of individuals who have consulted a gastroenterologist for treatment of their symptoms because these individuals are not representative of the general population who experience the symptoms of IPPUAD or intestinal distress. One comment suggested that a more representative test population would be composed of individuals who, following food consumption, successfully self-medicate with OTC drug products to relieve the occasional symptoms of gas, fullness, bloating, distention, and/or pressure. Two comments emphasized that the Panel's requirement that complete relief be demonstrated within 30 minutes of administration of medication is overburdensome with regard to establishing efficacy. The comment stressed that significant relief of symptoms within an appropriate amount of time, even if relief is only partial, is an important criterion. Two comments criticized the Panel's criteria for admission into the study. These comments contended that the requirements for comprehensive medical histories with expensive diagnostic testing are unrealistic and unnecessary.

The agency has not addressed specific testing guidelines in this document. In revising the OTC drug review procedures relating to Category III, published in the Federal Register of September 29, 1981 (46 FR 47730), the agency advised that tentative final and final monographs will not include recommended testing guidelines for conditions that industry wishes to upgrade to monograph status. Instead, the agency will meet with industry representatives at their request to discuss testing protocols. The revised procedures also state the time in which test data must be submitted for consideration in developing the final monograph. (See also part II, paragraph A.2. below—*Testing of Category II and Category III conditions.*)

10. One comment noted that although the Panel's report on OTC digestive aids does not deal directly with its product

(which is labeled for use as a stomach acidifier), the report does review the active ingredient (glutamic acid hydrochloride) contained in its product for general use in the treatment of IPPUAD and intestinal distress. The comment requested that submissions made to the rulemaking for OTC stomach acidifier drug products (Refs. 1, 2, and 3) be incorporated by reference in this rulemaking because the symptoms that characterize IPPUAD and intestinal distress are among the recognized symptoms of gastric acid deficiency. The comment contended that when the symptoms of IPPUAD and intestinal distress are due to deficiencies of hydrochloric acid its product has been shown to provide effective therapy. The comment recommends that the agency classify glutamic acid hydrochloride as a Category I digestive aid. Furthermore, the comment contended that this product is exempt from review under the "grandfather" provisions of the 1938 act and the 1962 amendments to the act.

As discussed in comment 4 above, the agency is limiting the digestive aid rulemaking to include only those ingredients that have not been adequately covered by other OTC drug rulemakings for similar claims. Glutamic acid hydrochloride was reviewed in the rulemaking for OTC stomach acidifier drug products (Docket No. 79N-0176). The use evaluated was as an aid to digestion by increasing the amount of hydrochloric acid in the stomach in cases of achlorhydria or hypochlorhydria. In the tentative final monograph for OTC stomach acidifier drug products, published in the Federal Register of January 15, 1985 (50 FR 2184), the agency classified stomach acidifier active ingredients, including glutamic acid hydrochloride, in Category II because the conditions of hypochlorhydria and achlorhydria are not established medical conditions causing any specific symptoms that require treatment. Further, the Panel stated that it knows of no proven relationship between hypoacidity or an acidity of the stomach and the symptoms of IPPUAD (47 FR 465) and the symptoms of intestinal distress (47 FR 497). The Panel also stated that it was not aware of any adequate and well-controlled clinical studies demonstrating the effectiveness of glutamic acid hydrochloride in treating the symptoms of IPPUAD (47 FR 465) or intestinal distress (47 FR 479). The Panel concluded that glutamic acid hydrochloride is not generally recognized as an effective treatment for these conditions. Based on the Panel's findings and the conclusions presented in the tentative final monograph for

OTC stomach acidifier drug products, the agency does not believe it would be appropriate to further consider glutamic acid hydrochloride in this digestive aid rulemaking.

The agency also addressed the "grandfather" status of the glutamic acid hydrochloride product in the tentative final monograph for OTC stomach acidifier drug products (50 FR 2186). Based on that discussion, the agency reaffirms that the glutamic acid hydrochloride product is subject to the OTC drug review.

The discussion in this tentative final monograph is the agency's final consideration of glutamic acid hydrochloride in the rulemaking for OTC digestive aid drug products. The agency's final conclusions with respect to the indications for glutamic acid hydrochloride referred to in the comment will appear in the final rule for OTC stomach acidifier drug products. The final regulations for OTC stomach acidifier drug products, not the final regulations for OTC digestive aid drug products, will be those applicable to this glutamic acid hydrochloride product.

#### References

- (1) OTC Volume 170103.
- (2) OTC Volume 170104.
- (3) OTC Volume 170124.

11. One comment recommended that the agency not adopt the Panel's recommended warning for aluminum-containing antacid products, which reads, "If you have kidney disease, do not take this product except under the supervision of a physician." (See 47 FR 466.) The comment argued that a fair balance of the literature indicates that the association of ingested aluminum-containing drug products in patients with impaired kidney function and encephalopathy has not been demonstrated; therefore, the recommended warning should not be adopted.

The agency reviewed all available data concerning aluminum toxicity and published its conclusions on these data in the notice of proposed rulemaking for OTC hypophosphatemia and hyperphosphatemia drug products in the Federal Register of January 15, 1985 (50 FR 2160). The agency concluded that the largest body of evidence of toxicity associated with aluminum is stongest for encephalopathy that occurs in renal failure patients undergoing dialysis. (See 50 FR 2162.) Although aluminum has not been proven to be a causative factor there is considerable indirect evidence that it has a role in development of this syndrome. Because of this potential role, the agency believes it is appropriate to

provide warning labeling to this effect. However, the agency believes that the persons at highest risk to aluminum toxicity are those with severe renal failure who are generally under the care of a physician. The agency thus concluded that it would be more prudent to inform health professionals of the potential risks involved rather than to require the kidney-disease warning recommended by the Panel. The agency reaffirms its previous conclusion (50 FR 2162) that additional information be provided in the professional labeling section of the antacid monograph (21 CFR 331.31) for aluminum-containing antacids.

**II. The Agency's Tentative Conclusions on the Panel's Report**

**A. Summary of Ingredient Categories and Testing of Category II and Category III Conditions**

**1. Summary of ingredient categories.** The agency has reviewed all claimed active ingredients submitted to the Panel, as well as other data and information available at this time, and has made some changes in the categorization of digestive aid active ingredients recommended by the Panel. In addition, as discussed in the comments above, the agency is limiting the digestive aid rulemaking to include only those ingredients that have not been adequately covered by other OTC drug rulemakings for similar claims related to relief of symptoms of gastrointestinal distress. As a convenience to the reader, the following list is included as a summary of the categorization of digestive aid active ingredients recommended by the Panel and the proposed categorization by the agency. Where the ingredient has been classified in another rulemaking, that rulemaking and the classification therein is stated.

**CATEGORIZATION OF INGREDIENTS**

Digestive aid active ingredients	Panel		Agency
	(IP-PUAD <sup>1</sup> )	(ID <sup>2</sup> )	
Almadrate sulfate	III		Antacid (I)
Aluminum hydroxide	III		Antacid (I)
Bismuth sodium tartrate		II	II
Calcium carbonate	III		Antacid (I)
Cellulase .....	II	III	III

**CATEGORIZATION OF INGREDIENTS—Continued**

Digestive aid active ingredients	Panel		Agency
	(IP-PUAD <sup>1</sup> )	(ID <sup>2</sup> )	
Charcoal, activated and Charcoal, wood.		III	III
Dehydrocholic acid	II	II	II
Dihydroxyaluminum sodium carbonate	III		Antacid (I)
Duodenal substance		II	II
Garlic, dehydrated	II	II	II
Glutamic acid hydrochloride	II	II	Stomach Acidifier (II)
Hemicellulase		III	III
Homatropine methylbromide	II	III	III
Lactase.....			( <sup>3</sup> )
Magnesium hydroxide	III	III	Antacid (I)
Magnesium trisilicate	III		Antacid (I)
Ox bile extract	II	II	II
Pancreatin and pancrelipase	II	III	Exocrine Pancreatic Insufficiency (I)
Papain .....		II	II
Peppermint oil	III		III
Pepsin.....	II	II	II
Simethicone	III	III	Antiflatulent (I)
Sodium bicarbonate	III	III	Antacid (I)
Sodium citrate	III	III	Antacid (I)
Sorbitol.....	II	II	II

<sup>1</sup> Immediate postprandial upper abdominal distress.  
<sup>2</sup> Intestinal distress.  
<sup>3</sup> Not categorized at this time. See discussion in comment 4 above.

**2. Testing of Category II and Category III conditions.** Interested persons may communicate with the agency about the submission of data and information to demonstrate the safety or effectiveness of any digestive aid ingredient or condition included in this rulemaking by

following the procedures outlined in the agency's policy statement published in the Federal Register of September 29, 1981 (46 FR 47740) and clarified April 1, 1983 (48 FR 14050). That policy statement includes procedures for the submission and review of proposed protocols, agency meetings with industry or other interested persons, and agency communications on submitted test data and other information.

**B. Summary of the Agency's Changes in the Panel's Recommendations**

FDA has considered the comments and other relevant information and concludes that it will tentatively adopt the Panel's report and recommended monograph with the changes described in FDA's responses to the comments above and with other changes described in the summary below. A summary of the changes made by the agency follows:

1. The agency is not adopting the two classifications (IPPUAD and intestinal distress) for digestive aid drug products recommended by the Panel and is proposing a new definition for OTC digestive aid drug products. (See comment 4 above.) Based on this change, the definitions section of the tentative final monograph has been modified accordingly.

2. The agency is limiting the digestive aid rulemaking to include only those ingredients that have not been adequately covered by other OTC drug rulemakings that address similar claims related to relief of symptoms of gastrointestinal distress. (See comment 4 above and Part II, paragraph A.I. above—Summary of ingredient categories.)

3. The agency is proposing a new indication statement for OTC digestive aid drug products. (See comments 4 and 6 above.)

4. In an effort to simplify OTC drug labeling, the agency proposed in a number of tentative final monographs to substitute the word "doctor" for "physician" in OTC drug monographs on the basis that the word "doctor" is more commonly used and better understood by consumers. Based on comments received to these proposals, the agency has determined that final monographs and any applicable OTC drug regulation will give manufacturers the option of using either the word "physician" or the word "doctor." This tentative final monograph proposes that option.

The agency has examined the economic consequences of this proposed rulemaking in conjunction with other rules resulting from the OTC drug review. In a notice published in the

Federal Register of February 8, 1983 (48 FR 5806), the agency announced the availability of an assessment of these economic impacts. The assessment determined that the combined impacts of all the rules resulting from the OTC drug review do not constitute a major rule according to the criteria established by Executive Order 12291. The agency therefore concludes that no one of these rules, including this proposed rule for OTC digestive aid drug products, is a major rule.

The economic assessment also concluded that the overall OTC drug review was not likely to have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act, Pub. L. 96-354. That assessment included a discretionary Regulatory Flexibility Analysis in the event that an individual rule might impose an unusual or disproportionate impact on small entities. However, this particular rulemaking for OTC digestive aid drug products is not expected to pose such an impact on small businesses. Therefore, the agency certifies that this proposed rule, if implemented, will not have a significant economic impact on a substantial number of small entities.

The agency invited public comment in the advance notice of proposed rulemaking regarding any impact that this rulemaking would have on OTC digestive aid drug products. No comments on economic impacts were received. Any comments on the agency's initial determination of the economic consequences of this proposed rulemaking should be submitted by May 31, 1988. The agency will evaluate any comments and supporting data that are received and will reassess the economic impact of this rulemaking in the preamble to the final rule.

The agency has determined that under 21 CFR 25.24(c)(6) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Interested persons may, on or before March 29, 1988, submit to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written comments, objections, or requests for oral hearing before the Commissioner on the proposed regulation. A request for an oral hearing must specify points to be covered and time requested. Written comments on the agency's economic impact

determination may be submitted on or before May 31, 1988. Three copies of all comments, objections, and requests are to be submitted, except that individuals may submit one copy. Comments, objections, and requests are to be identified with the docket number found in brackets in the heading of this document and may be accompanied by a supporting memorandum or brief. Comments, objections, and requests may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday. Any scheduled oral hearing will be announced in the Federal Register.

Interested persons, on or before January 30, 1989, may also submit in writing new data demonstrating the safety and effectiveness of those conditions not classified in Category I. Written comments on the new data may be submitted on or before March 29, 1989. These dates are consistent with the time periods specified in the agency's final rule revising the procedural regulations for reviewing and classifying OTC drugs, published in the Federal Register of September 29, 1981 (46 FR 47730). Three copies of all data and comments on the data are to be submitted, except that individuals may submit one copy, and all data and comments are to be identified with the docket number found in brackets in the heading of this document. Data and comments should be addressed to the Dockets Management Branch (HFA-305) (address above). Received data and comments may also be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

In establishing a final monograph, the agency will ordinarily consider only data submitted prior to the closing of the administrative record on March 29, 1989. Data submitted after the closing of the administrative record will be reviewed by the agency only after a final monograph is published in the Federal Register, unless the Commissioner finds good cause has been shown that warrants earlier consideration.

#### List of Subjects in 21 CFR Part 357

Labeling, Over-the-counter drugs, Digestive aid drug products.

Therefore, under the Federal Food, Drug, and Cosmetic Act and the Administrative Procedure Act, it is proposed that Subchapter D of Chapter I of Title 21 of the Code of Federal Regulations be amended in Part 357 by adding new Subpart D, consisting of §§ 357.301-357.350, to read as follows:

## PART 357—MISCELLANEOUS INTERNAL DRUG PRODUCTS FOR OVER-THE-COUNTER HUMAN USE

### Subpart D—Digestive Aid Drug Products

Sec.

357.301 Scope.

357.303 Definition.

357.310 Digestive aid active ingredients.

[Reserved]

357.350 Labeling of digestive aid drug products.

Authority: Secs. 201(p), 502, 505, 701, 52 Stat. 1041-1042 as amended, 1050-1053 as amended, 1055-1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321(p), 352, 355, 371); 5 U.S.C. 553; 21 CFR 5.10 and 5.11.

### Subpart D—Digestive Aid Drug Products

#### § 357.301 Scope.

(a) An over-the-counter digestive aid drug product in a form suitable for oral administration is generally recognized as safe and effective and is not misbranded if it meets each of the conditions in this subpart and each of the general conditions established in § 330.1

(b) References in this subpart to regulatory sections of the Code of Federal Regulations are to Chapter I of Title 21 unless otherwise noted.

#### § 357.303 Definition.

As used in this subpart:

*Digestive aid drug product.* A drug product intended to relieve the symptoms of gastrointestinal distress (including fullness, pressure, bloating, and stuffed feeling (commonly referred to as gas), and minor pain and cramping) following the ingestion of food.

#### § 357.310 Digestive aid active ingredients. [Reserved]

#### § 357.350 Labeling of digestive aid drug products.

(a) *Statement of identity.* The labeling of the product contains the established name of the drug, if any, and identifies the product as a "digestive aid."

(b) *Indications.* The labeling of the product states, under the heading "Indications," the following: "For relief of symptoms of gastrointestinal distress such as" (select one or more of the following: "fullness," "pressure," "bloating," or "stuffed feeling") (optional: "(commonly referred to as gas),") (optional: "pain," and/or "cramping") "which occur(s) after eating." Other truthful and nonmisleading statements, describing only the indications for use that have

been established and listed in this paragraph (b), may also be used, as provided in § 330.1(c)(2), subject to the provisions of section 502 of the act relating to misbranding and the prohibition in section 301(d) of the act against the introduction or delivery for introduction into interstate commerce of unapproved new drugs in violation of section 505(a) of the act.

(c) *Warnings.* The labeling of the product contains the following warnings under the heading "Warnings":

(1) "If symptoms of distress persist, stop this medication and consult your doctor."

(2) "Do not use this product in children under 12 years of age except under the supervision of a doctor."

(d) *Directions.* [Reserved]

(e) The word "physician" may be substituted for the word "doctor" in any of the labeling statements in this section.

Dated: October 30, 1987.

Frank E. Young,

*Commissioner of Food and Drugs.*

[FR Doc. 88-1782 Filed 1-28-88; 8:45 am]

BILLING CODE 4160-01-M

**FRIDAY  
JANUARY 29, 1988**

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**Friday  
January 29, 1988**

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**Part VII**

**Department of  
Health and Human  
Services**

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**Food and Drug Administration**

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**21 CFR Part 332**

**Antiflatulent Drug Products for Over-the-  
Counter Human Use; Proposed  
Amendment of Monograph; Notice of  
Proposed Rulemaking**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**21 CFR Part 332**

[Docket No. 87N-0053]

**Antiflatulent Drug Products for Over-the-Counter Human Use; Proposed Amendment of Monograph**

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Food and Drug Administration (FDA) is issuing a notice of proposed rulemaking that would amend the monograph for over-the-counter (OTC) antiflatulent drug products by adding a statement of identity section to conform to the format of other OTC drug final monographs and by revising the indications for use to include additional descriptive terms. FDA is issuing this notice of proposed rulemaking after considering the report and recommendations of the Advisory Review Panel on OTC Miscellaneous Internal Drug Products and public comments on the advance notice of proposed rulemaking for OTC digestive aid drug products that was based on those recommendations. The agency's proposed concerning OTC digestive aid drug products is being published elsewhere in this issue of the *Federal Register*. These proposals are part of the ongoing review of OTC drug products conducted by FDA.

**DATES:** Written comments or objections by March 29, 1988.

**ADDRESS:** Written comments, objections, or requests for oral hearing to the Dockets Management Branch (HFA-305), Food and Drug Administration, Room 4-62, 5600 Fishers Lane, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** William E. Gilbertson, Center for Drug Evaluation and Research (HFN-210), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8000.

**SUPPLEMENTARY INFORMATION:** In the *Federal Register* of June 4, 1974 (39 FR 19862), FDA issued a final monograph for OTC antiflatulent drug products (21 CFR Part 332).

In the *Federal Register* of January 5, 1982 (47 FR 454), FDA published, under § 330.10(a)(6) (21 CFR 330.10(a)(6)) an advance notice of proposed rulemaking to establish a monograph for OTC digestive aid drug products, together with the recommendations of the Advisory Review Panel on OTC Miscellaneous Internal Drug Products (Miscellaneous Internal Panel) which was the advisory review panel

responsible for evaluating data on this drug class. Interested persons were invited to submit comments by April 5, 1982. Reply comments in response to comments filed in the initial comment period could be submitted by May 5, 1982.

In a notice published in the *Federal Register* of March 30, 1982 (47 FR 13385), the agency advised that it had extended the comment period until June 4, 1982, and the reply comment period to July 5, 1982, on the advance notice of proposed rulemaking for OTC digestive aid drug products to allow for consideration of additional data and information.

In accordance with § 330.10(a)(10), the data and information considered by the Panel were put on public display in the Dockets Management Branch (HFA-305), Food and Drug Administration (address above), after deletion of a small amount of trade secret information.

In the tentative final monograph (proposed rule) to establish Subpart D of Part 357 (21 CFR Part 357, Subpart D), published elsewhere in this issue of the *Federal Register*, FDA states for the first time its position on the establishment of a monograph for OTC digestive aid drug products. In reviewing the Panel's recommendations on OTC digestive aid drug products together with the data and comments submitted in response to the advance of proposed rulemaking on OTC digestive aid drug products, the agency recognized that there is significant overlap between the rulemaking on OTC digestive aid drug products and other rulemakings in the OTC drug review. As discussed in comment seven of the tentative final monograph for OTC digestive aid drug products, the agency has reviewed and evaluated the available data and information and has determined that the terms "bloating," "pressure," "fullness," and "stuffed feeling" are appropriate for inclusion in the antiflatulent monograph to describe the symptoms of gas.

In developing the antiflatulent monograph, the agency relied on the results of two double-blind studies (Refs. 1 and 2) which demonstrated the effectiveness of simethicone in relieving symptoms of upper gastrointestinal distress. (See 38 FR 31286.) In both studies the symptoms described as "bloating," "fullness," "pressure," and "stuffed feeling" were among those evaluated. In both studies, simethicone was demonstrated to be effective for relieving these symptoms.

In addition, the results of a consumer survey (Ref. 3) indicate that the terms "bloating," "pressure," "stuffed feeling" and "fullness" are very meaningful to and used by consumers in describing

what is commonly, if not accurately, referred to as "gas." Based on these data, the agency is therefore proposing to amend the antiflatulent monograph by adding an additional indications statement to read as follows: (Select one of the following: "Alleviates" or "Relieves") (select one or more of the following: "bloating," "pressure," "fullness," or "stuffed feeling") "commonly referred to as gas."

Additionally, the agency is proposing to amend the antiflatulent monograph to include a "statement of identity" section to conform with the format of other final OTC drug monographs. The agency believes that the term "antigas" is an appropriate alternative statement of identity to the term "antiflatulent" provided there are no statements elsewhere in the labeling implying that the symptoms are caused by the presence of excess gas. For example, phrases such as "antigas formulation relieves gas trapped in the intestine" or "for gas pain" would be considered inappropriate. The agency has also slightly modified the existing indication to conform with the newly proposed indication.

**References**

(1) Kasich, A., "A Summary of a Double-Blind Study Comparing the Effectiveness of Simethicone and Placebo in the Relief of Symptoms of Functional Disease of the Upper Gastrointestinal Tract," copy of unpublished study included in OTC Volume 17GTFM.

(2) "A Summary of the Double-Blind Study of the Effectiveness of Simethicone in Relieving the Symptoms of Acute Upper Gastrointestinal Distress," copy of unpublished study included in OTC Volume 17GTFM.

(3) Petition from Plough, Inc., dated May 18, 1976, on file under Docket No. 76P-0218, Dockets Management Branch.

The agency has examined the economic consequences of this proposed rulemaking in conjunction with other rules resulting from the OTC drug review. In a notice published in the *Federal Register* of February 8, 1983 (48 FR 5806), the agency announced the availability of an assessment of these economic impacts. The assessment determined that the combined impacts of all the rules resulting from the OTC drug review do not constitute a major rule according to the criteria established by Executive Order 12291. The agency therefore concludes that no one of these rules, including this proposed rule for OTC antiflatulent drug products, is a major rule.

The economic assessment also concluded that the overall OTC drug review was not likely to have a significant economic impact on a

substantial number of small entities as defined in the Regulatory Flexibility Act, Pub. L. 96-354. That assessment included a discretionary Regulatory Flexibility Analysis in the event that an individual rule might impose an unusual or disproportionate impact on small entities. However, this particular rulemaking for OTC antifatulent drug products is not expected to pose such an impact on small businesses. Therefore, the agency certifies that this proposed rule, if implemented, will not have a significant economic impact on a substantial number of small entities.

The agency has determined that under 21 CFR 25.24(c)(6) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Interested persons may, on or before March 29, 1988, submit to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written comments or objections on the proposed regulation. Three copies of all comments or objections are to be submitted, except that individuals may submit one copy. Comments and objections are to be identified with the docket number found in brackets in the heading of this document and may be accompanied by a supporting memorandum or brief. Comments and objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

In establishing a final monograph, the agency will ordinarily consider only

data submitted prior to the closing of the administrative record on March 29, 1988. Data submitted after the closing of the administrative record will be reviewed by the agency only after a final monograph is published in the Federal Register, unless the Commissioner finds good cause has been shown that warrants earlier consideration.

#### List of Subjects in 21 CFR Part 332

Labeling, Over-the-counter drugs, Antifatulent drug products.

Therefore, under the Federal Food, Drug, and Cosmetic Act and the Administrative Procedure Act, it is proposed that Subchapter D of Chapter I of Title 21 of the Code of Federal Regulations be amended in Part 332 as follows:

#### PART 332—ANTIFLATULENT DRUG PRODUCTS FOR OVER-THE-COUNTER HUMAN USE

1. The authority citation for 21 CFR Part 332 is revised to read as follows:

Authority: Secs. 201(p), 502, 505, 701, 52 Stat. 1041-1042 as amended, 1050-1053 as amended, 1055-1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321(p), 352, 355, 371); 5 U.S.C. 553; 21 CFR 5.10 and 5.11.

#### Subpart C—[Removed]

2. In Part 332, "Subpart C—[Reserved]" is removed.

3. In Part 332, "Subpart D—Labeling" (consisting of §§ 332.30-332.31) is redesignated as "Subpart C—Labeling" and § 332.30 is amended by redesignating paragraphs (a), (b), and (c) as paragraphs (b), (c), and (d), by adding

new paragraph (a), and by revising new paragraph (b) to read as follows:

#### Subpart C—Labeling

##### § 332.30 Labeling of antifatulent drug products.

(a) *Statement of identity.* The labeling of the product contains the established name of the drug, if any, and identifies the product as an "antifatulent," "antigas," or "antifatulent (antigas)."

(b) *Indications.* The labeling of the product states, under the heading "Indications," any of the phrases listed in this paragraph (b), as appropriate. Other truthful and nonmisleading statements, describing only the indications for use that have been established and listed in this paragraph, may also be used, as provided in § 330.1(c)(2), subject to the provisions of section 502 of the Act relating to misbranding and the prohibition in section 301(d) of the Act against the introduction or delivery for introduction into interstate commerce of unapproved new drugs in violation of section 505(a) of the Act.

(1) (Select one of the following: "Alleviates" or "Relieves") "the symptoms referred to as gas."

(2) (Select one of the following: "Alleviates" or "Relieves") (select one or more of the the following: "bloating," "pressure," "fullness," or "stuffed feeling") "commonly referred to as gas."

\* \* \* \* \*

Dated: October 30, 1987.

Frank E. Young,

Commissioner of Food and Drugs.

[FR Doc. 88-1781 Filed 1-29-88; 8:45 am]

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Vol. 53, No. 19

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