Commission, 825 North Capitol Street NE." [5]

III. Regulatory Flexibility Act Certification

The Regulatory Flexibility Act of 1980 (RFA) [6] generally requires a description and analysis of final rules that will have a significant economic impact on a substantial number of small entities.[7] Pursuant to section 605(b) of the RFA, the Commission hereby certifies that this rule will not have a significant economic impact on a substantial number of small entities.

IV. Environmental Statement

The Commission has determined that no environmental assessment or environmental impact statement is necessary in this rulemaking proceeding. The Commission has categorically excluded actions that are procedural in nature.[8]

V. Effective Date

This rule is effective December 15, 1988.

List of Subjects in 18 CFR Part 260

Natural gas, Recordkeeping and reporting requirements.

In consideration of the foregoing, the Commission is revising Part 260 in Chapter I, Title 18, *Code of Federal Regulations*, as set forth below.

By the Commission. Commissioner Langdon voted present.

Lois D. Cashell,

Secretary.

PART 260—STATEMENTS AND REPORTS (SCHEDULE)

1. The authority citation for Part 260 is revised to read as follows:

Authority: Natural Gas Act, 15 U.S.C. 717–717w (1982); Department of Energy Organization Act, 42 U.S.C. 7101–7352 (1982); Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432 (1982), E.O. 12009, 3 CFR 1978 Comp., p. 142.

2. Section 260.9, paragraph (a) is amended by removing the words "Federal Power Commission" and inserting in its place "Federal Energy Regulatory Commisson (Commission)."

3. In § 260.9, paragraphs (b) and (c) are revised to read as follows:

§ 260.9 Report by natural gas pipeline companies on service interruptions occurring on the pipeline system.

* * * * *

(b) Natural gas pipeline companies must report such interruptions to service by telegram to the Director, Division of Engineering, Market and Environmental Analysis, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20425, at the earliest feasible time following such interruption to service and must state briefly:

(1) The location of the interruption,

(2) The time of the interruption,

(3) The customers affected by the interruption, and

(4) Emergency actions take to maintain service.

(c) If so directed by the Commission or the Director, Division of Engineering, Market and Environmental Analysis, the company must provide any supplemental information so as to provide a full report of the circumstances surrounding the occurrence.

* * * * *

[FR Doc. 88–26309 Filed 11–14–88; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 113

[T.D. 88–72]

Customs Regulations Amendments Relating to Customs Bonds

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations concerning various bond provisions set forth in Part 113. The changes are made as a result of Customs ongoing review of the revised Customs bond structure. One amendment relates to the bond for control of containers and instruments of international traffic (IITs). The section of the regulations relating to IITs provides that an IIT of U.S. origin which has not been increased in value or improved in condition by a process of manufacture or other means while abroad and which is released under that section of the regulations is not subject to entry filing or the payment of duty if it is diverted or otherwise withdrawn. The section of the regulations providing the bond conditions relating to control of containers and instruments of international traffic has no provision for the exemption from entry for a U.S. instrument which has not been increased in value or improved in condition. This document amends the bond conditions to incorporate this exemption and make the regulations concerning containers and instruments of international traffic consistent. The document also amends the bond conditions set forth in various sections of the regulations to specify that the principal and surety are jointly and severally liable under Customs bonds. Specifying that the principal and surety are severally and jointly liable will avoid unnecessary litigation when Customs attempts to collect liquidated damages under a bond.

EFFECTIVE DATE: December 15, 1988.

FOR FURTHER INFORMATION CONTACT: William Rosoff, Entry Rulings Branch, (202) 566–8556.

SUPPLEMENTARY INFORMATION:

Background

By a final rule published in the **Federal Register** as T.D. 84–213, on October 19, 1984 (49 FR 41152), the Customs bond structure was extensively revised by consolidating and reducing the number of bond forms in use. The purpose of the revision was to simplify transactions between Customs and the importing public and to facilitate establishment of an efficient computerized bond control system.

A part of the foregoing involved incorporating specific bond conditions into Part 113, Customs Regulations (19 CFR Part 113), which established a contractual obligation on the part of the bond principal to comply with substantive requirements of the regulations. As a necessary part of this scheme, the bond conditions incorporated specific consequences of default provisions for failure to comply with the substantive requirements of the regulations and bond provisions.

Since then Customs has been undertaking an ongoing review of the revised bond structure. From this review process, it was discovered that certain clarifications in Part 113 are necessary. This document amends the regulations concerning two of these clarifications. One clarification concerns instruments of international traffic and the other concerns the joint and several liability of obligors of bonds.

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[5] The Commission notes that in recent years most pipelines have implemented the presently effective rule by sending their notifications to this name and address. Hence, the change in the rule essentially codifies the present practice.

[6] 5 U.S.C. 601 through 612 (1982).

[7] Section 601(c) of the RFA defines a "small entity" as a small business, a small not-for-profit enterprise, or a small governmental jurisdiction. A "small business" is defined by reference to section 3 of the Small Business Act as an enterprise which is "independently owned and operated and which is not dominant in its field of operation." 15 U.S.C. 632(a) (1982).

[8] 18 CFR 380.4(a)(1) (1988).

Instruments of International Traffic

Section 10.41a, Customs Regulations (19 CFR 10.41a), relates to instruments of international traffic such as lift vans, cargo vans, shipping tanks, skids, pallets and similar instruments. Paragraph (d) of § 10.41a provides that if an instrument of foreign origin, or of U.S. origin which has been increased in value or improved in condition by a process of manufacture or other means while abroad, is released under § 10.41a and is subsequently diverted to point-to-point local traffic within the U.S., or is otherwise withdrawn within the U.S. from its use as an instrument of international traffic, it becomes subject to entry and the payment of any applicable duties. Section 10.41a(d) also provides that an instrument of U.S. origin which has not been increased in value or improved in condition by a process of manufacture or other means while abroad and which is released under § 10.41a is not subject to entry filing or the payment of duty if it is diverted or otherwise withdrawn.

The bond condition relating to control of containers and instruments of international traffic is found in § 113.66, Customs Regulations (19 CFR 113.66). However, no provision had been made in § 133.66(a)(2) for the exemption from entry for a U.S. instrument which has not been increased in value or improved in condition as set forth in the latter part of § 10.41a(d). Accordingly, a notice was published in the Federal Register (51 FR 27875), on August 4, 1986, proposing, among other things, to amend § 113.66(a)(2) to incorporate this exemption.

The only comment received on the proposal concerning this subject was a suggestion that § 113.66(a)(2) be further amended to state that reconditioning to restore the container to its original condition would note included in the phrase "increased in value or condition". Customs believes this suggestion is beyond the scope of the proposal and would be more properly the subject of a ruling request. As there were no other comments on this subject matter, Customs is amending § 113.66(a)(2) in this document as proposed.

Joint and Several Liability

Also proposed in the August 4, 1986, Federal Register document were amendments to the bond conditions set forth in §§ 113.62(a), 113.63(g)(1), 113.64(a), 113.64(c), 113.65(a)(3), 113.65(b), 113.66(c), 113.67(b)(2)(i), 113.68(b), 113.69, 113.70, 113.71(b), 113.72, and 113.73(a)(2), Customs Regulations (19 CFR 113.62(a), 113.63(g)(1), 113.64(a), 113.64(c), 113.65(a)(3), 113.65(b), 113.66(c), 113.67(b)(2)(i), 113.68(b), 113.69, 113.70, 113.71(b), 113.72, and 113.73(a)(2)), to specify that the principal and surety are "jointly and severally" liable under the bond.

These amendments were proposed to avoid any unnecessary litigation if Customs attempts to collect liquidated damages under a bond and a party wishes to contest that the obligors are severally liable. Adding the language to the bond conditions will minimize the chance of obligors challenging separate liability to Customs. No comments were received concerning this subject. Accordingly, the above-listed sections of the regulations are amended as proposed.

Other Proposed Amendment to be Withdrawn

The document published in the **Federal Register** on August 4, 1986, which proposed the two amendments which are being made in this document also proposed to establish a liquidated damage provision in the basic importation and entry bond condition for failure to timely deposit estimated duties. In another document appearing in today's **Federal Register**, Customs is withdrawing this proposal.

Executive Order 12291

The amendments set forth in this document do not meet the criteria for a "major rule" as specified in section 1(b) of E.O. 12291. Accordingly, no regulatory impact analysis has been prepared.

Regulatory Flexibility Act

Pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 605(b)), it is certified that the amendments will not have a significant impact on a substantial number of small entities. Accordingly, they are not subject to the regulatory analysis or other requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Drafting Information

The principal author of this document was Harold M. Singer, Regulations and Disclosure Law Branch, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 113

Customs duties and inspection, Imports, Surety bonds.

Amendments to the Regulations

Part 113, Customs Regulations (19 CFR Part 113) is amended as set forth below.

PART 113—[AMENDED]

1. The authority for Part 113 continues to read as follows:

Authority: 19 U.S.C. 66, 1623, 1624.

2. Section 113.66(a) is amended by revising paragraph (a)(2) and republishing the introductory text of paragraph (a) to read as follows:

§ 113.66 Control of containers and instruments of international traffic bond conditions.

* * * * *

(a) *Agreement to Enter Any Diverted Instrument of International Traffic.* If the principal brings in and takes out of the Customs territory of the United States an instrument of international traffic without entry and without payment of duty, as provided by the Customs Regulations and section 322(a), Tariff Act of 1930, as amended, the principal agrees to:

* * * * *

(2) Promptly enter the instrument unless exempt from entry; and

* * * * *

§§ 113.62, 113.63, 113.66, 113.67, 113.68, 113.69, 113.70, 113.71, 113.72, and 113.73 [Amended]

3. Sections 113.62(a) introductory text, 113.63(g)(1), 113.66(c), 113.67(b)(2)(i), 113.68(b), 113.69, 113.70, 113.71(b), 113.72, and 113.73(a)(2) are amended by adding a comma and "jointly and severally" after the word "surety" within the parenthesis.

§ 113.64 [Amended]

4. Section 113.64(a) is amended by adding "(principal and surety, jointly and severally)", after the word "obligors".

5. Section 113.64(c) is amended by removing "(principal and surety)" from the second sentence.

§ 113.65 [Amended]

6. Sections 113.65(a)(3) and 113.65(b) are amended by removing "agrees" and inserting in its place," and surety, jointly and severally agree".

Approved: October 18, 1988.

Michael H. Lane,

Acting Commissioner of Customs.

John P. Simpson,

Acting Assistant Secretary of the Treasury.

[FR Doc. 88-26364 Filed 11-14-88; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 24

[Docket No. R-88-831; FR-1676]

Debarment, Suspension and Limited Denial of Participation, Contractors and Participants

AGENCY: Office of the Secretary, HUD.

ACTION: Final rule.

SUMMARY: On May 26, 1988 (53 FR 19161), HUD and 24 other Federal agencies adopted a final rule on nonprocurement, debarment and suspension. All participating agencies except HUD also adopted four interim provisions of the rule which remove the references to *domestic* nonprocurement programs and follow more closely the exemption set forth in the Executive Order for foreign governments and public international organizations. This rule makes final a previously published interim rule that adopts these same provisions for HUD.

EFFECTIVE DATE: Under section 7(o)(3) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)(3)), this final rule cannot become effective until after the first period of 30 calendar days of continuous session of Congress which occurs after the date of the rule's publication. HUD will publish a notice of the effective date of this rule following expiration of the 30-session-day waiting period. Whether or not the statutory waiting period has expired, this rule will *not* become final until HUD's separate notice is published announcing a specific effective date.

FOR FURTHER INFORMATION CONTACT: Marylea W. Byrd, Office of General Counsel, Department of Housing and Urban Development, Room 10266, 451 7th Street, SW., Washington, DC 20410, telephone (202) 755-9886 (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: On May 26, 1988 (53 FR 19161), HUD and 24 other Federal agencies adopted a final rule on nonprocurement, debarment and suspension. All participating agencies except HUD also adopted four interim provisions of the rule which remove the references to *domestic* nonprocurement programs and follow more closely the exemption set forth in the Executive Order for foreign governments and public international organizations. This rule makes final a previously published interim rule that adopts these same provisions for HUD.

The Department published an interim rule on August 10, 1988 (53 FR 30049) seeking public comment. No comments were received by HUD.

Finding and Certifications

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement section 102(2)(c) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The rule incorporates four interim provisions of the common rule for government-wide debarment and suspension of participants issued pursuant to Executive Order 12549. The rule brings about uniformity of terminology in administering debarment and suspension procedures in Federal agencies. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410.

This rule does not constitute a "major rule" as that term is defined in section 1(b) of the Executive Order on Federal Regulations issued by the President on February 17, 1981. An analysis of the rule indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

In accordance with 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. The rule is intended to bring about uniformity of terminology in administering debarment and suspension procedures in Federal agencies. These changes will have neither a significant economic impact on, nor an effect on a substantial number of, small entities.

The General Counsel, as the Designated Official under Executive Order 12606, *The Family*, has determined that the rule will not have a significant impact on the family. The final rule implements several statutory provisions that improve the existing regulations governing administrative sanctions of suspension, debarment and ineligibility of HUD participants and contractors. This will have no effect on family formation, maintenance and general well-being.

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12611, *Federalism*, has determined that the final rule does not involve the preemption of State law by Federal statute or regulation, and does not have substantial direct effects on States or their political subdivisions, or on the relationship or distribution of power among the various levels of government. The rule, which implements several statutory provisions to improve the existing regulations governing administrative sanctions of suspension, debarment and ineligibility of HUD participants and contractors, will not have a significant impact on the States.

The rule was listed as item #937 in the Department's Semiannual Agenda of Regulations published on October 24, 1988 (53 FR 41974, 41985) under Executive Order 12291 and the Regulatory Flexibility Act.

List of Subjects in 24 CFR Part 24

Administrative practice and procedure, Government contracts, Organization and functions, (Government agencies), Government procurement, Grant programs: housing and community development, Loan programs: housing and community development.

PART 24—[AMENDED]

Accordingly, the Interim Rule amending 24 CFR Part 24, published in the **Federal Register** on August 10, 1988 (53 FR 30049), is adopted as final without change.

Date: November 7, 1988.

Samuel R. Pierce, Jr.,

Secretary.

[FR Doc. 88-26255 Filed 11-14-88; 8:45 am]

BILLING CODE 4210-32-M

DEPARTMENT OF JUSTICE

Parole Commission

28 CFR Part 2

Paroling, Recommitting and Supervising Federal Prisoners; Parole Hearing Requirements

AGENCY: United States Parole Commission, Justice.

ACTION: Final rule.

SUMMARY: The U.S. Parole Commission is amending its rule that requires parole