determinations: Calcium, phosphorus, chloride, sodium, potassium, fasting glucose (with period of fasting appropriate to the species), serum glutamic-pyruvic transaminase (now known as serum alanine aminotransferase), serum glutamic oxaloacetic transaminase (now known as serum aspartate aminotransferase), ornithine decarboxylase, gamma glutamyl transpeptidase, urea nitrogen, albumen, blood creatinine, total bilirubin, and total serum protein measurements. Other determinations which may be necessary for an adequate toxicological evaluation include: Analyses of lipids, hormones, acid/base balance, methemoglobin, and cholinesterase activity. Additional clinical biochemistry may be employed, where necessary, to extend the investigation of observed effects.

* * * * *

(10) * * *

(ii) At least the liver, kidneys, adrenals, and gonads shall be weighed wet, as soon as possible after dissection to avoid drying. In addition, for the rodent, the brain; for the non-rodent, the thyroid with parathyroids also shall be weighed wet.

* * * * *

(f) * * *

(3) *Test report.* In addition to the reporting requirements as specified under EPA Good Laboratory Practice Standards, 40 CFR Part 792, Subpart J, the following specific information shall be reported:

* * * * *

[FR Doc. 88-28034 Filed 12-5-88; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6690

[AK-932-09-4214-10; AA-5671]

Partial Revocation of Public Land Order No. 960 for Selection of Land by the State of Alaska; Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes a public land order (PLO) insofar as it affects 7.30 acres of public land withdrawn for the Federal Aviation Administration for inclusion into Air Navigation Site No. 4. The land is no longer needed for the purpose for which it was withdrawn. This action makes the land available for selection by the State of Alaska, if such land is otherwise available. If not selected by the State, the land will be subject to the terms and conditions of PLO No. 5186, and will remain closed to location for metalliferous minerals until a further opening order is published.

EFFECTIVE DATE: December 6, 1988.

FOR FURTHER INFORMATION CONTACT: Sandra C. Thomas, BLM State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, 907-271-3342.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and by section 17(d)(1) of the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 708 and 709; 43 U.S.C. 1616(d)(1), it is ordered as follows:

1. Public Land Order No. 960 is hereby revoked insofar as it affects the following described land:

Copper River Meridian

T. 31 S., R. 59 E., partially surveyed,
Sec. 2, lots 7, 8, 9, and 17.

The area described contains approximately 7.30 acreas.

2. Subject to valid existing rights, the land described above is hereby opened to selection by the State of Alaska under either the Alaska Statehood Act of July 7, 1958, 72 Stat. 339, et seq.; 48 U.S.C. prec. 21, or section 906(b) of the Alaska National Interest Lands Conservation Act of December 2, 1980, 94 Stat. 2371, 2437-2438; 43 U.S.C. 1635.

3. As provided by section 6(g) of the Alaska Statehood Act, the State of Alaska is provided a preference right of selection for the land described above, for a period of ninety-one (91) days from the date of publication of this order, if the land is otherwise available. Any of the land described herein that is not selected by the State of Alaska will be subject to the terms and conditions of PLO No. 5186, and any other withdrawal of record, and shall remain closed to location for metalliferous mining until a further opening order is published.

J. Steven Griles,

Assistant Secretary of the Interior.

November 28, 1988.

[FR Doc. 88-27993 Filed 12-5-88; 8:45 am]

BILLING CODE 4310-JA-M

NATIONAL TRANSPORTATION SAFETY BOARD

49 CFR Part 840

Rules Pertaining to Notification of Railroad Accidents

AGENCY: National Transportation Safety Board.

ACTION: Final rule.

SUMMARY: By this rule change, the Board is amending § 840.3 to reduce the period of time during which notification of certain railroad accidents is mandatory to 2 hours after the occurrence of an accident that results in a fatality or serious injury to two or more crewmembers or passengers, the emergency evacuation of a passenger train, or the release of hazardous materials, as further described herein; and to 4 hours for any accident that requires an evaluation of property damage.

EFFECTIVE DATE: February 6, 1989.

FOR FURTHER INFORMATION CONTACT: Mr. William G. Zielinski, Chief, Railroad Accident Division, 800 Independence Avenue, SW., Washington, DC 20594 ((202) 382-6840).

SUPPLEMENTARY INFORMATION: Section 840.3 requires notification to the National Transportation Safety Board of certain railroad, and, included therein, rail rapid transit accidents, at the earliest practical time. The Safety Board's rules that pertain to notification of railroad accidents, specifically Rule 840.3, provide a convenient mechanism for complying with the notification requirement in the form of a toll-free telephone number, and, prior to this amendment, those Rules imposed a six-hour time limit during which reporting was mandatory. Notwithstanding the toll-free telephone number and the six-hour time limit, the Safety Board determined that there were still numerous instances where reporting of accidents was not sufficiently expeditious as to afford Board personnel access to the accident site before the initiation of post-accident cleanup efforts. In order to remedy the situation, and after notice and public procedure (53 FR 11520; published April 7, 1988), the Board is amending its railroad accident notification rules to require notification within two hours of any railroad accident that involves a fatality, injury that requires admission to a hospital of two or more crewmembers or passengers, the release of hazardous materials, or an emergency evacuation. In cases that do not involve any of these eventualities but that

require a preliminary monetary estimate of damages, a four-hour limit is being placed on the notification time.

Additionally, although virtually all railroad trains and facilities are at present equipped for radio communication, the Board recognizes that in certain extraordinary circumstances, communication from the site of an accident immediately after its occurrence may be problematical. This could be the case in accidents occurring in remote areas where radio transmission is ineffective. In such instances the reporting time limits prescribed in § 840.3(a) can be computed from the time railroad personnel, other than those at the accident site at the time of its occurrence, have received notice of the accident. This provision is contained in paragraph (d) of the revised regulation.

The Safety Board received five comments in response to its notice of proposed rulemaking which was published April 7, 1988 (53 FR 11520). The Board has given the views expressed in those responses its careful consideration but finds that our expressed goal of affording Board personnel access to the accident site as early as possible, and, wherever feasible, before initiation of clean-up efforts, is paramount, and that the deleterious effects of earlier reporting may in fact never materialize.

The major obstacle to the requirements for earlier reporting concerns the difficulty of arriving at a preliminary monetary estimate of damage. One commentator expressed concern that accidents that do not meet the Board's estimated damage criteria would be reported because of hasty damage evaluation. The Board considered that possibility when it proposed a 4-hour limit for any accident requiring a damage estimate. Moreover, the Board does not believe that the reporting of any accidents that do not meet those criteria will impose an undue administrative burden on either the reporting railroad or on the Safety Board's staff.

In respect to the comment that initiation of clean-up efforts should take precedence over all other activities, the Board believes that the accident cure and prevention objectives that are its investigatory goal are equally essential. It is patent that a number of tasks, such as the proper control of hazardous materials, must be undertaken at once; however, notification to the Board at the earliest practicable time after the occurrence is equally in the best interests of public safety and accident prevention, and it is imperative that the Board be notified as soon as possible if hazardous materials are involved.

As do other agencies of Government, the Department of Transportation's Research and Special Programs Administration requires immediate reporting of most hazardous materials spills by any carrier that transports them (49 CFR 171.15); accordingly, notification to the Board through the National Response Center's telephone service is not an additional burden. All other matters dealt with in the comments, especially alternative proposals, have been give consideration by the Board.

Under the criteria of section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Safety Board has determined that these amendments will not have a significant economic impact on a substantial number of small entities because the new rules require only a somewhat more expeditious reporting, and they do not create any increase in the number of accidents for which notification must be made, the costs of complying with the rule are not substantial, and the Safety Board has so certified.

List of Subjects in 49 CFR Part 840

Administrative practice and procedure, Investigations, Hazardous materials transportation, Railroad Safety, Reporting and recordkeeping requirements.

PART 840—[AMENDED]

1. Accordingly, the authority citation for 49 CFR Part 840 continues to read as follows:

Authority: Sec. 304(a)(1)(c), Independent Safety Board Act of 1974, as amended (49 U.S.C. 1903).

2. Section 840.3 of Part 840, Chapter VIII, Title 49, Code of Federal Regulations, is revised to read as follows:

§ 840.3 Notification of railroad accidents.

The operator of a railroad shall notify the Board by telephoning the National Response Center at telephone 800–424–0201 at the earliest practicable time after the occurrence of any one of the following railroad accidents:

(a) No later than 2 hours after an accident which results in:

(1) A passenger or employee fatality or serious injury to two or more crewmembers or passengers requiring admission to a hospital;

(2) The evacuation of a passenger train;

(3) Damage to a tank car or container resulting in release of hazardous materials or involving evacuation of the general public; or

(4) A fatality at a grade crossing.

(b) No later than 4 hours after an accident which does not involve any of the circumstances enumerated in paragraph (a) of this section but which results in:

(1) Damage (based on a preliminary gross estimate) of $150,000 or more for repairs, or the current replacement cost, to railroad and nonrailroad property; or

(2) Damage of $25,000 or more to a passenger train and railroad and nonrailroad property.

(c) Accidents involving joint operations must be reported by the railroad that controls the track and directs the movement of trains where the accident has occurred.

(d) Where an accident for which notification is required by paragraph (a) or (b) of this section occurs in a remote area, the time limits set forth in that paragraph shall commence from the time the first railroad employee who was not at the accident site at the time of its occurrence has received notice thereof.

Signed at Washington, DC on November 29, 1988.

James L. Kolstad,

Acting Chairman.

[FR Doc. 88–27878 Filed 12–5–88; 8:45 am]

BILLING CODE 7533-01-M

Proposed Rules

Federal Register
Vol. 53, No. 234
Tuesday, December 6, 1988

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 979

Melons Grown in South Texas; Proposed Expenses and Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule regarding South Texas melons would authorize expenses and establish an assessment rate under Marketing Order 979 for the 1988–89 fiscal period. Authorization of this budget would allow the South Texas Melon Committee to incur expenses reasonable and necessary to administer the program. Funds for this program would be derived from assessments on handlers.

DATE: Comments must be received by December 16, 1988.

ADDRESS: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2085–S, Washington, DC 20090–6456. Comments should reference the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Robert F. Matthews, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525–S, Washington, DC 20090–6456, telephone 202–447–2431.

SUPPLEMENTARY INFORMATION: .

This rule is proposed under Marketing Order No. 979 (7 CFR Part 979), regulating the handling of melons grown in South Texas. This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

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

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

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

There are approximately 35 handlers of Texas melons under this marketing order, and approximately 70 producers. 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 the handlers and producers may be classified as small entities.

The marketing order requires that the assessment rate for a particular fiscal year shall apply to all assessable melons handled from the beginning of such year. An annual budget of expenses is prepared by the committee and submitted to the Department of Agriculture for approval. The members of the committee are handlers and producers of melons. They are familiar with the committee's needs and with the costs for goods, services and personnel in their local area and are thus in a position to formulate an appropriate budget. The budget was formulated and discussed in a public meeting. Thus, all directly affected persons have had an opportunity to participate and provide input.

The assessment rate recommended by the committee is derived by dividing anticipated expenses by expected shipments of melons. Because that rate is applied to actual shipments, it must be established at a rate which will produce sufficient income to pay the committee;s expected expenses. A recommended budget and rate of assessment is usually acted upon by the committee before the season starts, and expenses are incurred on a continuous basis. Therefore, budget and assessment rate approval must be expedited so that the committee will have funds to pay its expenses.

The South Texas Melon Committee met on November 1, 1988, and unanimously recommended a 1988–89 budget of $308,438. This total exceeds last year's budget of $251,811 by $56,627, reflecting an increase in production research project expenses from $50,723 to $104,398. Administrative expenses are up $3,517 from last year to $84,040, and promotion expenses have been reduced $565 to $120,000.

The committee also unanimously recommended an assessment rate of 4 cents per carton, down one cent from the 1987–88 rate. The recommended assessment rate, when applied to anticipated shipments of 7.7 million cartons, would yield $308,000 in assessment revenue. This amount, when added to $438 from the reserve, would be adequate to cover budgeted expenses. The current reserve minus $438 would result in a yearend reserve of $382,353. This total is within the limit of two fiscal periods' expenses allowed by the order.

While this proposed action would impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs would be significantly offset by the benefits derived from the operation of the marketing order. Therefore, the Administrator of AMS has determined that this action would not have a significant economic impact on a substantial number of small entities.

Based on the foregoing, it is found and determined that a comment period of less than 30 days is appropriate because the assessment rate approval for this program needs to be expedited. The committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis.

List of Subjects in 7 CFR Part 979

Marketing agreements and orders, Melons (Texas).

For the reasons set forth in the preamble, it is proposed that 7 CFR Part 979 be amended as follows:

PART 979—MELONS GROWN IN SOUTH TEXAS

1. The authority citation for 7 CFR Part 979 continues to read as follows:

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

2. Section 970.211 is added to read as follows:

§ 979.211 Expenses and assessment rate.

Expenses of $308,438 by the South Texas Melon Committee are authorized and an assessment rate of $0.04 per carton of melons is established for the fiscal period ending September 30, 1989. Unexpended funds may be carried over as a reserve.

Dated: December 1, 1988.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 88–28070 Filed 12–5–88; 8:45 am]

BILLING CODE 3410–02–M

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7 CFR Parts 1124 and 1125

[Docket Nos. AO–368–A16 and AO–226–A32; DA–88–108]

Milk in the Oregon-Washington and Puget Sound-Inland Marketing Areas; Decision on Proposed Amendments to Marketing Agreements and to Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision merges the Oregon-Washington and Puget Sound-Inland Federal orders, based on industry proposals considered at a public hearing held November 17–18, 1987. In addition to the presently regulated marketing areas, the merged "Pacific Northwest" marketing area would include five additional Washington counties, the unregulated portion of another Washington county, and three central Oregon counties. The Class I differentials at Portland, Oregon, and Spokane, Washington, are reduced from $1.95 to $1.90; and the Class I differentia at Seattle, Washington, is increased from $1.85 to $1.90.

The provisions of the merged order are patterned largely after those of the present Puget Sound order, with some modifications to accommodate specific marketing conditions of the Oregon-Washington order area. Provisions of the merged order that represent significant changes in regulation for handlers and producers currently pooled under the Oregon-Washington order include a single butterfat differential for adjusting order prices for variations in butterfat content, payment to producers on the basis of a uniform price for all production rather than a base-excess plan, and determination of handler obligations to the marketwide pool on an equalization basis (the difference between the use value of producer receipts and the value of those receipts at the uniform price).

The merger is needed to reflect changes in market structure in that the two separately regulated areas have become, in effect, one common market. Cooperative associations will be polled to determine whether producers favor the issuance of the merged order.

FOR FURTHER INFORMATION CONTACT: Constance M. Brenner, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, Room 2968, South Building, P.O. Box 96456, Washington, DC 20090–6456, (202) 447–7183.

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

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

Prior documents in this proceeding:

Notice of Hearing: Issued October 26, 1987; published October 29, 1987 (52 FR 41566).

Recommended Decision: Issued September 7, 1988; published September 19, 1988 (53 FR 36291).

Preliminary Statement

A public hearing was held upon proposed amendments to the marketing agreements and the orders regulating the handling of milk in the Oregon-Washington and Puget Sound-Inland marketing areas. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice (7 CFR Part 900), at Portland, Oregon on November 17–18, 1987. Notice of such hearing was issued on October 26, 1987 and published October 29, 1987 (52 FR 41566).

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

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein, subject to the following modifications:

1. Under the heading "6. Classification of milk.", one paragraph is added at the end.

2. Under the heading "7. Class prices, location adjustments and butterfat differential.", two paragraphs are added after paragraph 9.

3. Under the heading "8. Handler obligations to the pool.", one paragraph is added after paragraph 4.

4. Under the heading "9. Payments to producers.", one paragraph is added at the end.

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

1. Whether the handling of milk produced for sale in the proposed merged and expanded marketing area is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce in milk or its products;

2. Whether the marketing areas of the Oregon-Washington and Puget Sound-Inland orders should be included under one order;

3. Whether the proposed merged marketing area should be expanded to include additional territory;

4. Milk to be priced and pooled;

5. Handler reports;

6. Classification of milk;

7. Class prices, location adjustments and butterfat differential;

8. Handler obligations to the pool;

9. Payments to producers;

10. Administrative provisions.

Findings and Conclusions

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

1. *Character of commerce.* The handling of milk in the proposed and expanded marketing area is in the current of interstate commerce and directly burdens, obstructs and affects interstate commerce in milk and milk products.

The marketing area specified in the proposed order, hereinafter referred to as the "Pacific Northwest marketing