Veterinary Services Programs—Animal Quarantine Regulatory Actions, USDA/APHIS–3.

Veterinary Services Programs—Animal Welfare and Horse Protection Regulatory Actions, USDA/APHIS–4.

Farmers Home Administration

Credit Report File, USDA/FmHA–3.

Federal Grain Inspection Service

Investigations Undertaken by the Government Pursuant to the United States Grain Standards Act of 1976, as amended, or the Agricultural Marketing Act of 1946, as amended, USDA/FGIS–2.

Food and Nutrition Service

Civil Rights Complaints and Investigations, USDA/FNS–1.

Claims Against Food Stamp Recipients, USDA/FNS–3.

Investigations of Fraud, Theft, or Other Unlawful Activities of Individuals Involving Food Stamps, USDA/FNS–5.

Food Safety and Inspection Service

Meat and Poultry Inspection Program—Slaughter, Processing and Allied Industries Compliance Records System, USDA/FSIS–1.

Office of the General Counsel

Regulatory Division

Cases by the Department under the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the voluntary inspection and certification provisions of the Agricultural Marketing Act of 1946, USDA/OGC–6.

Cases by the Department under the Human Methods of Livestock Slaughter Law (i.e., the Act of August 27, 1958), USDA/OGC–7.

Cases by the Department under the 28 Hour Law, as amended, USDA/OGC–8.

Cases by the Department under the various Animal Quarantine and related laws, USDA/OGC–9.

Cases by the Department under the various Plant Protection Quarantine and related laws, USDA/OGC–10.

Cases by the Department under Horse Protection Act of 1970, USDA/OGC–41.

Cases by the Department under the Laboratory Animal Welfare Act, USDA/OGC–42.

Community Development Division

Community Development Division Litigation, USDA/OGC–11.

Farmers Home Administration (FmHA) General Case Files, USDA/OGC–12.

Food and Nutrition Division

Claims by and against USDA under the Food Assistance Legislation, USDA/OGC–13.

Perishable Agricultural Commodities, USDA/OGC–14.

Foreign Agriculture and Commodity Stabilization Division

Agricultural Stabilization and Conservation Service (ASCS), Foreign Agricultural Service (FAS), and Commodity Credit Corporation Cases, USDA/OGC–15.

Federal Crop Insurance Corporation (FCIC) Cases, USDA/OGC–16.

Administrative proceedings brought by the Department, court cases in which the government is plaintiff and court cases in which the government is a defendant brought pursuant to the United States Warehouse Act, USDA/OGC–43.

Marketing Division

Administrative proceedings brought by the Department pursuant to the Plant Variety Protection Act, the Federal Seed Act, or the Agricultural Marketing Act of 1946, USDA/OGC–18.

Cases brought by the Government pursuant to the Cotton Future provisions of the Internal Revenue Code of 1954, USDA/OGC–22.

Court cases brought by the Government pursuant to either the Agricultural Marketing Act of 1946 or the Tobacco Inspection Act, USDA/OGC–24.

Court cases brought by the Government pursuant to either the Agricultural Marketing Agreement Act of 1937, as amended, or the Anti-Hog-Cholera Serum and Hog Cholera Virus Act, USDA/OGC–25.

Court cases brought by the Government pursuant to either the Cotton Research and Promotion Act, Potato Research and Promotion Act, the Egg Research and Consumer Information Act, USDA/OGC–26.

Court cases brought by the Government pursuant to either the Export Apple and Pear Act or the Export Grape and Plum Act, USDA/OGC–27.

Court cases brought by the Government pursuant to either the Cotton Statistics and Estimates Act of 1927 or the United States Cotton Standards Act, USDA/OGC–28.

Court cases brought by the Government pursuant to either the Naval Stores Act, or the Tobacco Seed and Plant Exportation Act, USDA/OGC–29.

Court cases brought by the Government pursuant to either the Peanut Statistics Act or the Tobacco Statistics Act, USDA/OGC–30.

Court cases brought by the Government pursuant to either the Plant Variety Protection Act of the Egg Products Inspection Act, USDA/OGC–31.

Court cases brought by the Government pursuant to either the Produce Agency Act, or the Process of Renovated Butter Provisions of the Internal Revenue Code of 1954, USDA/OGC–32.

Court cases brought by the Government pursuant to either the United States Grain Standards Act or the Federal Seed Act, USDA/OGC–33.

Court cases brought by the Government pursuant to the Agricultural Fair Practices Act, USDA/OGC–34.

Cases by and against the Department under the Virus-Serum Toxin Act, USDA/OGC–44.

Packers and Stockyards Division

Packers and Stockyards Act, Administrative Cases, USDA/OGC–69.

Packers and Stockyards Act, Civil and Criminal Cases, USDA/OGC–70.

Research and Operations Division

Personnel Irregularities, USDA/OGC–75.

Office of Inspector General

Intelligence Records, USDA/OIG–2.

Investigative Files and Subject/Title Index, USDA/OIG–3.

Office of the Secretary

Non-Career Applicant File, USDA/SEC–1.

Done this 22 day of February 1988, at Washington, D.C.

Richard E. Lyng,

Secretary of Agriculture.

[FR Doc. 88–4225 Filed 2–26–88; 8:45 am]

BILLING CODE 3410–13–M

FEDERAL TRADE COMMISSION

16 CFR Part 305

Rules for Using Energy Cost and Consumption Information Used in Labeling and Advertising of Consumer Appliances

AGENCY: Federal Trade Commission.

ACTION: Final rule revision.

SUMMARY: The Federal Trade Commission's Appliance Labeling Rule requires that the table in § 305.9, which sets forth the representative average unit energy costs for four residential energy sources, be revised periodically on the basis of updated information provided by the Department of Energy ("DOE").

This notice revises the table to incorporate the latest figures for average unit energy costs as published in the **Federal Register** on December 23, 1987 by DOE.

EFFECTIVE DATE: The revised Table 1 is effective February 29, 1988. The mandatory dates for using these revised DOE cost figures are detailed below.

FOR FURTHER INFORMATION CONTACT: James Mills, 202–326–3035 or Neil J. Blickman, 202–326–3038, Attorneys, Division of Enforcement, Federal Trade Commission, Washington, DC 20580.

SUPPLEMENTARY INFORMATION: On November 19, 1979, the Federal Trade Commission issued a final Appliance Labeling Rule (44 FR 66466) in response to a directive in section 324 of the Energy Policy and Conservation Act ("EPCA"), 42 U.S.C. 6201 (1975). The Appliance Labeling Rule was subsequently amended on December 10, 1987 (52 FR 46888) to add a new category of appliances to the Rule—central air conditioners (which includes heat pumps). As a result, the rule requires the disclosure of energy efficiency or cost information on labels and in retail sales catalogs for eight categories of appliances, and mandates that these energy costs or energy efficiency ratings be based on standardized test procedures developed

by DOE. The rule also requires a general disclosure, on certain point-of-sale promotional materials, of the availability of energy cost or energy efficiency information, and requires that any claims concerning energy consumption made in writing or in broadcast advertisements be based on results of the standardized test procedures. The cost and efficiency information obtained by following the test procedures is derived by using the representative average unit energy costs provided by DOE. Table 1 in § 305.9 of the rule sets forth the representative average unit energy costs to be used for all requirements of the rule. As stated in § 305.9(b), the Table is intended to be revised periodically on the basis of updated information provided by DOE. Table 1 was first revised by publication of new DOE figures on January 13, 1981 in the **Federal Register** (46 FR 2974).

On December 23, 1987, DOE published (52 FR 48563) the most recent figures for representative average unit energy costs. Consequently, Table 1 is being updated to reflect these latest cost figures. Accordingly, Table 1 is revised to read as set forth below.

Mandatory Use of Revised Cost Figures

The dates when use of the figures in the Revised Table 1 becomes mandatory in calculating cost disclosures for use in reporting, labeling and advertising products covered by the Commission's rule and/or EPCA are as follows:

For 1988 Submissions of Data Under § 305.8 of the Commission's Rule: The new cost figures must be used in all 1988 submissions.

For Labeling and Advertising of Products Under the Commission's Rule: Based on 1988 submissions using the 1988 DOE cost figures, the staff will determine whether to publish new ranges. Any products for which new ranges are published must be labeled with estimated annual cost figures calculated using the 1988 DOE cost figures. If such new ranges are published, the effective date for labeling new products will be ninety days after publication of the ranges in the **Federal Register**. Products that have been labeled prior to the effective date of any range modification need not be relabeled. Advertising for such products will also have to be based on the new costs and ranges beginning ninety days after publication of the new ranges in the *Register*.

Advertising of Products Covered by EPCA but not by the Commission's Rule: Manufacturers of products covered by section 323(c) of EPCA, but not by the Appliance Labeling Rule (clothes dryers, television sets, kitchen ranges and ovens, humidifiers and dehumidifiers, and space heaters) must use the 1988 representative average unit costs for energy in all representatives effective May 31, 1988.

List of Subjects in 16 CFR Part 305

Advertising, Energy conservation, Household appliances, Labeling, Reporting and recordkeeping requirements.

PART 305—[AMENDED]

Accordingly, 16 CFR Part 305 is amended as follows:

1. The authority citation for Part 305 continues to read as follows:

Authority: Sec. 324 of the Energy Policy and Conservation Act, (Pub. L. 94–163) (1975), as amended by the National Energy Conservation Policy Act, (Pub. L. 95–619) (1978), 42 U.S.C. 6294; section 553 of the Administrative Procedure Act, 5 U.S.C. 553.

2. Section 305.9(a) is revised to read as follows:

§ 305.9 Representative average unit energy costs.

(a) Table 1, below, contains the representative unit energy costs to be utilized for all requirements of this part.

TABLE 1—REPRESENTATIVE AVERAGE UNIT COSTS OF ENERGY FOR FOUR RESIDENTIAL ENERGY SOURCES (1988)

Type of energy	In common terms	As required by DOE test procedure	Dollars per million Btu[1]
Electricity	8.04¢/kWh[2, 3]	$0.0804/kWh.	$23.56
Natural Gas	56.2¢/therm[4] or $5.80/MCF[5, 6]	0.00000562/Btu.	5.62
No. 2 heating oil.	$0.83/gallon[7]	0.00000598/Btu.	5.98
Propane	70.0¢/gallon[8]	0.00000769/Btu.	7.69

[1] Btu stands for British thermal unit.
[2] kWh stands for kilowatt hour.
[3] 1 kWh=3,412 Btu.
[4] 1 therm=100,000 Btu.
[5] MCF stands for 1,000 cubic feet.
[6] For the purposes of this table, 1 cubic foot of natural gas has an energy equivalence of 1,032 Btu.
[7] For the purposes of this table, 1 gallon of No. 2 heating oil has an energy equivalence of 138,700 Btu.
[8] For the purposes of this table, 1 gallon of liquid propane has an energy equivalence of 91,000 Btu.

* * * * *

Emily H. Rock,

Secretary.

[FR Doc. 88–4244 Filed 2–26–88; 8:45 am]

BILLING CODE 6750–01–M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Parts 1625 and 1627

Removal of Regulatory Language Made Obsolete by Amendments to the Age Discrimination in Employment Act of 1967 (ADEA) and Reenactment of the Exemption for Tenured Faculty

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final regulations.

SUMMARY: This document amends and/or revises the Commission's ADEA regulations to reflect certain of the 1986 amendments to the Age Discrimination in Employment Act of 1967 (ADEA). Specifically, these amendments revise or remove language made obsolete by the lifting of the Act's age 70 cap and address the temporary reenactment of the exemption for employees serving under contracts of unlimited tenure. These changes in the law generally became effective on January 1, 1987 (exceptions may apply in situations involving collective bargaining agreements).

Additionally, this document removes a discussion of health insurance benefits made largely obsolete by ADEA.

EFFECTIVE DATE: January 1, 1987.

FOR FURTHER INFORMATION CONTACT: James E. Cooks, Attorney Advisor, ADEA Division Coordination and Guidance Services, Office of Legal Counsel, Equal Employment Opportunity Commission, 2401 E Street NW., Washington, DC 20507, (202) 634–6423.

SUPPLEMENTARY INFORMATION: Section 12(a) of the ADEA, 29 U.S.C. 631(a), previously provided coverage for individuals employed or seeking employment who were at least 40 years old but less than 70 (there has not been an upper age limit in the Federal sector since 1978). However, in October of 1986, sec. 12 of the ADEA was amended by the Age Discrimination in Employment Amendments of 1986, Pub. L. 99–592, 100 Stat. 3342 (1986), which, among other things removed the age 70 limit. Accordingly, unless a specific exemption applies, an employer can no longer force retirement or otherwise discriminate on the basis of age against individuals who have attained the age of 70 or above.

The removal of the age 70 limit became effective on January 1, 1987 except where there is a collective bargaining agreement containing a conflicting provision that was in effect on June 30, 1986, and which terminates

after January 1, 1987. In that case, the amendment is effective on the termination of the agreement or January 1, 1990, whichever occurs first.

Additionally, the 1986 amendments reenacted, on a temporary basis, the exemption permitting compulsory retirement of employees serving under contracts of unlimited tenure. Section 6, Pub. L. No. 99–592.

The ADEA was first amended in 1978 to allow the compulsory or mandatory retirement of tenured faculty at age 65. That exception to the Act's age 40–69 coverage was repealed in July of 1982. However, section 12(d) of the ADEA, 29 U.S.C. 631(d), is now reenacted and revised to temporarily permit compulsory retirement of tenured faculty at institutions of higher education (as defined by section 1201(a) of the Higher Education Act of 1965) who have attained 70 years of age.

The Commission wishes to emphasize that the revisions made by this rulemaking are "housekeeping" changes and are intended solely to eliminate obsolete references in the regulations to the termination of the Act's coverage at age 70, to revise and reimplement its interpretation on the exemption for employees serving under contracts of unlimited tenure, and to remove a discussion of health insurance benefits made obsolete by section 4(g) of the ADEA. Substantive regulatory guidance involving other areas of the ADEA, e.g., the law enforcement officer and firefighter exemption, pension contributions and accruals, costs and benefits under employee benefit plans (now at 29 CFR 1625.10), is currently under study. Guidance regarding the effect of the lifting of the age 70 cap on specific parts of § 1625.10, e.g., discussion of life insurance and long-term disability benefits will be developed in due course.

The Commission is also taking this opportunity to remove from its interpretations the language now contained in § 1625.10(f)(1)(ii), 29 CFR 1625.10(f)(1)(ii), addressing health insurance. Subsequent to the publication of § 1625.10(f)(1)(ii), Congress enacted section 4(g) of the ADEA, 29 U.S.C. 623(g), providing that employers must offer any employee 65 or older, and any employee's spouse aged 65 or older, coverage under any group health plan under the same conditions as offered to any employee, and the spouse of such employee, under age 65. *See* section 116(a) of the Tax Equity and Fiscal Responsibility Act of 1982 adding ADEA's section 4(g), since amended by section 2301(b) of the Deficit Reduction Act of 1984, Pub. L. 98–369. As previously announced by the Commission, the explicit language of section 4(g), as well as the legislative intent behind its adoption, are clearly at odds with the provisions of § 1625.10(f)(1)(ii) and can no longer be relied on. *See* 50 FR 50614 (December 11, 1985). Thus, in addition to provisions made obsolete by Pub. L. 99–592, the Commission is removing § 1625.10(f)(1)(ii) from its interpretative regulations.

The Commission hereby provides notice that it is amending and/or revising its regulations to reflect the removal of the ADEA's age 70 limit, and the temporary renewal of the exemption permitting compulsory retirement of employees serving under contracts of unlimited tenure, and the Act's treatment of group health plans under section 4(g).

Impact Analysis—Classification—Executive Order 12291

The rule in this document is not classified as a "major rule" under Executive Order 12291 of Federal Regulations, because it is not likely to result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign based enterprises in domestic or export markets. Accordingly, no regulatory impact analysis is required.

Similarly, the Chairman of the EEOC certifies under 5 U.S.C. 605(b), enacted by the Regulatory Flexibility Act (Pub. L. 96–354), that this amendment will not result in a significant impact on a substantial number of small employers.

List of Subjects

29 CFR Part 1625

Age Discrimination In Employment Act.

29 CFR Part 1627

Equal employment opportunity, Reporting and recordkeeping requirements.

For reasons set out in the preamble, Title 29, Chapter XIV, Parts 1625 and 1627 of the Code of Federal Regulations, are amended as set forth below.

PART 1625—[AMENDED]

1. The authority citation for Part 1625 is revised to read as follows:

Authority: 81 Stat. 602; 29 U.S.C. 621, 5 U.S.C. 301, Secretary's Order No. 10–68; Secretary's Order No. 11–68; Sec. 12, 29 U.S.C. 631, Pub. L. No. 99–592, 100 Stat. 3342; Sec. 2, Reorg. Plan No. 1 of 1978, 43 FR 19807.

2. Section 1625.2 is amended by revising the first sentence in paragraphs (a) and (b) to read as follows:

§ 1625.2 Discrimination between individuals protected by the Act.

(a) It is unlawful in situations where this Act applies, for an employer to discriminate in hiring or in any other way by giving preference because of age between individuals 40 and over. * * *

(b) The extension of additional benefits, such as increased severance pay, to older employees within the protected group may be lawful if an employer has a reasonable basis to conclude that those benefits will counteract problems related to age discrimination. * * *

3. Section 1625.5 is amended by revising the third sentence to read as follows:

§ 1625.5 Employment applications.

* * * That the purpose is not one proscribed by the statute should be made known to the applicant, either by a reference on the application form to the statutory prohibition in language to the following effect:

The Age Discrimination in Employment Act of 1967 prohibits discrimination on the basis of age with respect to individuals who are at least 40 years of age," or by other means. * * *

4. Section 1625.8 is amended by revising the introductory text to read as follows:

§ 1625.8 Bona fide seniority systems.

Section 4(f)(2) of the Act provides that * * * It shall not be unlawful for an employer, employment agency, or labor organization * * * to observe the terms of a bona fide seniority system * * * which is not a subterfuge to evade the purposes of this Act except that no such seniority system * * * shall require or permit the involuntary retirement of any individual specified by section 12(a) of this Act because of the age of such individual. * * *

(In the case of employees covered by a collective bargaining agreement which was in effect on September 1, 1977, which was entered into by a labor organization (as defined by section 6(d)(4) of the Fair Labor Standards Act), the provisions of this section with respect to involuntary retirement of individuals between the ages of 65 and 70 were effective upon the termination of the collective bargaining agreement or January 1,

1980, whichever occurred first.) (See also § 1625.9 (d), (e), and (f).)

* * * * *

5. Section 1625.9 is amended by revising paragraph (c), removing paragraphs (d) and (e), and redesignating paragraph (f) as new paragraph (d) and revising it to read as follows:

§ 1625.9 Prohibition of involuntary retirement.

* * * * *

(c)(1) The amendment protects all individuals covered by section 12(a) of the Act. Section 12(a) was amended in October of 1986 by the Age Discrimination in Employment Amendments of 1986, Pub. L. 99–592, 100 Stat. 3342 (1986), which removed the age 70 limit. Section 12(a) provides that the Act's prohibitions shall be limited to individuals who are at least forty years of age. Accordingly, unless a specific exemption applies, an employer can no longer force retirement or otherwise discriminate on the basis of age against an individual because (s)he is 70 or older.

(2) The amendment to section 12(a) of the Act became effective on January 1, 1987, except with respect to any employee subject to a collective bargaining agreement containing a provision that would be superseded by such amendment that was in effect on June 30, 1986, and which terminates after January 1, 1987. In that case, the amendment is effective on the termination of the agreement or January 1, 1990, whichever comes first.

(d) Neither section 4(f)(2) nor any other provision of the Act makes it unlawful for a plan to permit individuals to elect early retirement at a specified age at their own option. Nor is it unlawful for a plan to require early retirement for reasons other than age.

6. Section 1625.10 is amended by revising the last sentence in paragraph (f)(1)(i), removing the existing (f)(1)(ii), redesignating (f)(1)(iii) as (f)(1)(ii), revising the introductory text of (f)(1)(ii), revising paragraph (f)(1)(ii)(B), and by redesignating (f)(1)(iv) as (f)(1)(iii) as follows:

§ 1625.10 Costs and benefits under employee benefit plans.

* * * * *

(f) * * *

(1) * * *

(i) * * * However, it is not unlawful for life insurance coverage to cease upon separation from service.

(ii) Long-term disability. Under a benefit-by-benefit approach, where employees who are disabled at younger ages are entitled to long-term disability benefits, there is no cost—based justification for denying such benefits altogether, on the basis of age, to employees who are disabled at older ages. It is not unlawful to cut off long-term disability benefits and coverage on the basis of some non-age factor, such as recovery from disability. Reductions on the basis of age in the level or duration of benefits available for disability are justifiable only on the basis of age-related cost considerations as set forth elsewhere in this section. An employer which provides long-term disability coverage to all employees may avoid any increases in the cost to it that such coverage for older employees would entail by reducing the level of benefits available to older employees. An employer may also avoid such cost increases by reducing the duration of benefits available to employees who become disabled at older ages, without reducing the level of benefits. In this connection, the Department would not assert a violation where the level of benefits is not reduced and the duration of benefits is reduced in the following manner:

* * * * *

(B) With respect to disabilities which occur after age 60, benefits cease 5 years after disablement. Cost data may be produced to support other patterns of reduction as well.

* * * * *

7. Section 1625.11 is amended by revising paragraphs (a)(1), (a)(2) and the first sentence of (g) to read as follows:

§ 1625.11 Exemption for employees serving under a contract of unlimited tenure.

(a)(1) Section 12(d) of the Act, added by the 1986 amendments, provides:

> Nothing in this Act shall be construed to prohibit compulsory retirement of any employee who has attained 70 years of age, and who is serving under a contract of unlimited tenure (or similar arrangement providing for unlimited tenure) at an institution of higher education (as defined by section 1201(a) of the Higher Education Act of 1965).

(2) This exemption from the Act's protection of covered individuals took effect on January 1, 1987, and is repealed on December 31, 1993 (see section 6 of the Age Discrimination in Employment Act Amendments of 1986, Pub. L. No. 99–592, 100 Stat. 3342). The Equal Employment Opportunity Commission is required to enter into an agreement with the National Academy of Sciences, for the conduct of a study to analyze the potential consequences of the elimination of mandatory retirement on institutions of higher education.

* * * * *

(g) An employee within the exemption can lawfully be forced to retire on account of age at age 70 (see (a)(1) above). * * *

8. Section 1625.12(a) is revised as follows:

§ 1625.12 Exemption for bona fide executive or high policymaking employees.

(a) Section 12(c)(1) of the Act, added by the 1978 amendments and as amended in 1984 and 1986, provides: "Nothing in this Act shall be construed to prohibit compulsory retirement of any employee who has attained 65 years of age, and who, for the 2-year period immediately before retirement, is employed in a bona fide executive or higher policymaking position, if such employee is entitled to an immediate nonforfeitable annual retirement benefit from a pension, profit-sharing, savings, or deferred compensation plan, or any combination of such plans, of the employer of such employee which equals, in the aggregate, at least $44,000."

* * * * *

PART 1627—[AMENDED]

1. The authority citation for Part 1627 is revised to read as follows:

Authority: Sec. 7, 81 Stat. 604; 29 U.S.C. 626; Sec. 11, 52 Stat. 1066, 29 U.S.C. 211; Sec. 12, 29 U.S.C. 631, Pub. L. No. 99–592, 100 Stat. 3342; Sec. 2, Reorg. Plan No. 1 of 1978, 43 FR 19807.

2. Section 1627.17 is amended by revising paragraph (a) as follows:

§ 1627.17 Calculating the amount of qualified retirement benefits for purposes of the exemption for bona fide executives or high policymaking employees.

(a) Section 12(c)(1) of the Act, added by the 1978 amendments and amended in 1984 and 1986, provides: "Nothing in this Act shall be construed to prohibit compulsory retirement of any employee who has attained 65 years of age, and who, for the 2-year period immediately before retirement, is employed in a bona fide executive or high policymaking position, if such employee is entitled to an immediate nonforfeitable annual retirement benefit from a pension, profit-sharing, savings, or deferred compensation plan, or any combination of such plans, of the employer of such employee, which equals, in the aggregate, at least $44,000." The Commission's interpretative statements regarding this exemption are set forth in section 1625 of this chapter.

* * * * *

Signed this 4th Day of February 1988, at Washington, DC For the Commission.

Clarence Thomas,

Chairman, Equal Employment Opportunity Commission, 2401 E Street NW., Washington, DC 20507.

[FR Doc. 88-4219 Filed 2-26-88; 8:45 am]

BILLING CODE 6570-06-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD8-87-12]

Drawbridge Operation Regulations; Bayou Black, LA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Louisiana Department of Transportation and Development, the Coast Guard is changing the regulation governing the operation of the lift span bridge on U.S. Highway 90 over Bayou Black, mile 7.0 near Gibson, Terrebonne Parish, Louisiana, by permitting the draw to remain closed to navigation at all times. This change is being made because only small pleasure boats, which are not affected by the closed drawspan, routinely pass the site. The bridge was originally built in 1919 and moved to its present location in 1946. The entire substructure is of treated timber bents over 40 years old. The total cost to bring the bridge up to current structural, mechanical and electrical operational standards would be $695,000. In view of the cost and the absence of significant navigation on the waterway, this action should accommodate the needs of vehicular traffic and still provide for the reasonable needs of small boat traffic.

EFFECTIVE DATE: This regulation becomes effective on March 30, 1988.

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

SUPPLEMENTARY INFORMATION: On 25 November 1987, the Coast Guard published a proposed rule (52 FR 45203) concerning this amendment. The Commander, Eighth Coast Guard District, also published the proposal as a Public Notice dated 3 December 1987. In each notice interested parties were given until 11 January 1988 to submit comments.

Drafting Information

The drafters of this regulation are Mr. John Wachter, project officer, and Lieutenant Commander James Vallone, project attorney.

Discussion of Comments

Three letters of comment were received about the proposed rule change. The National Marine Fisheries Service and the United States Department of Interior, Fish and Wildlife Service offered no objection to the proposed rule. The other respondent inquired about the possibility of a study being made to determine the effect of the proposed action on possible future growth of the Gibson community. The Coast Guard has carefully considered the comments. The bridge cannot now be safely operated for the passage of navigation; available bridge opening data do not indicate a need to maintain the draw in an operable condition; and, there is no known potential for sizeable future growth of the Gibson community. Therefore, in the absence of significant objection to the proposal as published in (52 FR 45203) on 25 November 1987, the final rule is unchanged from the proposed rule.

Economic Assessment and Certification

This regulation is considered to be non-major under executive Order 12291 on Federal Regulation and nonsignificant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this regulation is expected to be so minimal that a full regulatory evaluation is unnecessary. The basis for this conclusion is that during the period from 1979 to present the bridge opened an average of only 6.2 times per year for passage of navigation, consisting primarily of one privately owned houseboat. Since the economic impact of this regulation is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Regulation

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

2. Section 117.425 is revised to read as follows:

§ 117.425 Black Bayou

The draws of the Terrebonne Parish Police Jury bridges, miles 7.5, 15.0, 18.7 and 22.5, between Gibson and Houma, shall open on signal if at least 24 hours notice is given. The draw of the US90 bridge, mile 7.0 near Gibson, need not be opened for the passage of vessels.

Date: February 4, 1988.

Peter J. Rots,

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

[FR Doc. 88-4248 Filed 2-26-88; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[NC-034-FRL-3329-1]

Approval and Promulgation of Implementation Plans, North Carolina; Miscellaneous Regulatory Changes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On April 14, 1987, the North Carolina Division of Environmental Management submitted regulatory amendments for incorporation into their federally approved State Implementation Plan (SIP). The changes were proposed for approval on October 5, 1987 (52 FR 37175). The comment period ended November 4, 1987, and no comments were received. This notice finalizes the approval of the changes, making them part of the federally approved SIP.

DATES: This rule will become effective on March 30, 1988.

ADDRESSES: Copies of the State's submittal are available for review during normal business hours at the following locations:

Air Quality Section, Division of Environmental Management, North Carolina Department of Natural Resources and Community Development, Archdale Building, 512 North Salisbury Street, Raleigh, North Carolina 27611

Public Information Reference Unit, Library Systems Branch, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460

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

FOR FURTHER INFORMATION CONTACT: Bob Peddicord of the Region IV EPA Air