

A respondent shall not, however, suggest resale prices on any tag, ticket or other marking affixed or to be affixed to any product shipped to a reseller.

It is this latter provision, which prohibits a practice known as "preticketing," that respondents request the Commission to set aside insofar as it is applicable to raincoats and outerwear sold by Londontown.

Section 5(b) of the Federal Trade Commission Act, 15 U.S.C. 45(b), provides that the Commission shall reopen an order to consider whether it should be modified if the respondent "makes a satisfactory showing that changed conditions of law or fact" require such modification. A satisfactory showing sufficient to require reopening is made when a request to reopen identifies significant changes in circumstances and shows that the changes eliminate the need for the order or make continued application of the order inequitable or harmful to competition. *Louisiana-Pacific Corp.*, Docket No. C-2956, Letter to John C. Hart (June 5, 1986), at 4; *Hospital Corporation of America*, Docket No. 9161, Letter to Peter J. Nickles, Esquire (November 27, 1987), at 3.

The Commission may also modify an order pursuant to section 5(b) when, although changed circumstances would not require reopening, the Commission determines that the public interest requires such action. Therefore, § 2.51 of the Commission's Rules, 16 CFR 2.51, invites respondents in petitions to reopen to show how the public interest warrants the requested modification. In the case of a request for modification based on this latter ground, a petitioner must demonstrate as a threshold matter some affirmative need to modify the order. *Damon Corp.*, Docket No. C-2918, Letter to Joel E. Hoffman, Esq. (March 29, 1983), at 2. If the showing of need is made, the Commission will balance the reasons favoring the requested modification against any reasons not to make the modification. *Id.* The Commission will also consider whether the particular modification sought is appropriate to remedy the identified harm.

Whether the request to reopen is based on changed conditions or on public interest considerations, the burden is on the respondent to make the requisite satisfactory showing. The language of section 5(b) plainly anticipates that the petitioner must make a "satisfactory showing" of changed conditions to obtain reopening of the order. The legislative history also makes it clear that the petitioner has the burden of showing, other than by conclusory statements, why an order

should be modified. The Commission may properly decline to reopen an order if a request is "merely conclusory or otherwise fails to set forth specific facts demonstrating in detail the nature of the changed conditions and the reasons why these changed conditions require the requested modification of the order." S. Rep. No. 96-500, 96th Cong., 1st Sess. 9-10 (1979). If the Commission determines that the petitioner has made the required showing, the Commission must reopen the order to consider whether the modification is required and, if so, the nature and extent of the modification. The Commission is not required to reopen the order, however, if the petitioner fails to meet its burden of making the satisfactory showing required by the statute. The petitioner's burden is not a light one given the public interest in the finality of Commission orders. See *Federated Department Stores v. Moitie*, 425 U.S. 394 (1981) (strong public interest considerations support repose and finality).

After reviewing respondents' Request, the Commission has concluded that respondents have not made a satisfactory showing that changed circumstances require that the ban on preticketing in the order should be set aside. Respondents have submitted market share and concentration data for the years 1983-1986 that tend to indicate that Londontown does not have market power in the manufacture, distribution and sale of raincoats and outerwear. However, the complaint in this matter made no allegation as to market power or market shares, and there is no reason to believe that the order or the ban on preticketing was imposed because of considerations of market share or market power. Changed factual circumstances justify modification of an order only when the changed circumstances are significant and respondent shows that the changes eliminate the need for the order or make continued application of the order inequitable or harmful to competition. *Albertson's, Inc.*, Docket No. C-3064, (petition to reopen and set aside order granted on July 1, 1987) at 2-3; *Cooper Industries, Inc.*, Docket No. C-2970, Letter to Sean F. Boland, Esquire (September 16, 1987), at 1. *Hospital Corporation of America*, Docket No. 9161, Letter to Peter J. Nickles, Esquire (November 27, 1987), at 3. The changed circumstances alleged by respondents clearly do not meet this standard and are irrelevant to the allegations of the complaint. Accordingly, these changes do not constitute changed circumstances that require modification of the order.

The Commission has concluded, however, that it is in the public interest

to reopen and set aside the ban on preticketing in the order. Respondents have shown that the ban on preticketing prohibits them from marketing their products in a manner that is available to their competitors and that would otherwise be lawful. Accordingly, the ban on preticketing places the respondents at a competitive disadvantage with respect to their competitors who are not subject to similar provisions.

The affirmative need to modify the order to eliminate the competitive disadvantage outweighs any continuing need for the prohibition on preticketing. The ban on preticketing is in the nature of a "fencing-in" provision to prevent respondents from using otherwise lawful preticketing as a device to accomplish vertical price fixing. The Commission believes that the conduct that led to the entry of this order has been interrupted for a sufficient period of time so that the ban on preticketing is no longer necessary either to dissipate the effects of respondents' past conduct or to prevent its recurrence.

Respondents have requested that the ban on preticketing be removed only with respect to raincoats and outerwear sold by Londontown. However, the Commission believes that the provision should be deleted in its entirety inasmuch as it no longer appears to be serving a remedial purpose and is inhibiting lawful competitive behavior.

Accordingly, *It Is Ordered* that this matter be and it hereby is reopened and that the last sentence of paragraph 4 of Part I of the Commission's Decision and Order issued on September 26, 1978, shall be modified as of the effective date of this order to read as follows:

A respondent shall not, however, suggest resale prices on any tag, ticket or other marking affixed or to be affixed to any product shipped to a reseller except as to raincoats and outerwear sold by Londontown.

It Is Further Ordered that respondents show cause why the foregoing provision should not be set aside in its entirety. In accordance with § 3.72 of the Commission's Rules of Practice, 16 CFR 3.72, respondents have 30 days from the date of service of this order to file an answer hereto or be deemed to have accepted the action proposed herein.

By the Commission, Commissioner Bailey dissenting.

February 23, 1988.

Emily H. Rock,

Secretary.

[FR Doc. 88-6064 Filed 3-18-88; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 24

Current IRS Interest Rate Used in Calculating Interest on Overdue Accounts and Refunds

AGENCY: Customs Service, Treasury.

ACTION: Notice of calculation of interest.

SUMMARY: The Tax Reform Act of 1986 established a new method of determining the adjusted rate of interest on applicable overpayments or underpayments of Customs duties. The new method provides a two-tier system based on the short-term Federal rate and is adjusted quarterly. This notice advises the public that the interest rates, as set by the Internal Revenue Service, will be 10 percent for underpayments and 9 percent for overpayments for the quarter beginning April 1, 1988. It is being published for the convenience of the importing public and Customs personnel.

EFFECTIVE DATE: April 1, 1988.

FOR FURTHER INFORMATION CONTACT:

Robert B. Hamilton, Jr., Revenue Branch, National Finance Center, U.S. Customs Service, 6026 Lakeside Boulevard, Indianapolis, Indiana 46278 (317) 298-1245.

SUPPLEMENTARY INFORMATION:

Background

By notice published in the Federal Register on January 5, 1987 (52 FR 255), Customs advised the public that the Tax Reform Act of 1986 (Pub. L. 99-514), amended 26 U.S.C. 6621, mandating a new method of determining the interest rate paid on applicable overpayments or underpayments of Customs duties. The new method provides a two-tier system based on the short-term Federal rate. As amended, 26 U.S.C. 6621 provides that the interest rate that Treasury pays on overpayments will be the short-term Federal rate plus 2 percentage points. The interest rate paid to the Treasury for underpayments will be the short-term Federal rate plus 3 percentage points. The rates will be rounded to the nearest full percentage.

The interest rates are determined by the Internal Revenue Service on behalf of the Secretary of the Treasury based on the average market yield on

outstanding marketable obligations of the U.S. with remaining periods to maturity of 3 years or less and are to fluctuate quarterly. The rates are determined during the first month of a calendar quarter and become effective for the following quarter.

Determination

It has been determined that the rates of interest for the period of April 1, 1988—June 30, 1988 are 10 percent for underpayments and 9 percent for overpayments. These rates will remain in effect through June 30, 1988, and are subject to change on July 1, 1988. They will remain in effect until changed by another notice in the Federal Register.

Dated: March 11, 1988.

Wm. Rosenblatt,

Acting Commissioner of Customs.

[FR Doc. 88-6046 Filed 3-18-88; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF STATE

Bureau of Consular Affairs

22 CFR Parts 40, 41, and 42

[SD-108.865; 108.866]

VISAS; Regulations Pertaining to Both Nonimmigrants and Immigrants, Under the Immigration and Nationality Act, as Amended; Correction

AGENCY: Bureau of Consular Affairs, DOS.

ACTION: Final rule; correction.

SUMMARY: This document corrects typographical errors, and makes editorial and technical amendments, to final rule 108.865 published in the Federal Register on November 5, 1987. It also corrects the effective date to final rule 108.866 published in the Federal Register of November 17, 1987.

FOR FURTHER INFORMATION CONTACT: Guida Evans-Magher at (202) 663-1206.

SUPPLEMENTARY INFORMATION: On November 5, 1987, the Department issued final rule 108.865, 52 FR 42590-42623, which completely reorganized Parts 41 and 42 to Title 22 of the Code of Federal Regulations. This rule makes necessary editorial and technical corrections to that publication. One of these corrections, for instance, reinstates citations contained in Title 22 CFR Parts 41 and 42, which were

inadvertently omitted from final rule 108.865. Furthermore, on November 17, 1987 the Department published final rule SD 108.866 at 52 FR 43894-43897, which amended certain regulations in Parts 41 and 42 intended for incorporation into Title 22 prior to the reorganization of Parts 40, 41 and 42. For purposes of codification, however, in addition to the November 17, 1987 effective date, SD 108.866 should also have set forth the expiration date of the document. Thus for the final rule expiration would have preceded the November 29, 1987 reorganization date of Title 22 Parts 40, 41 and 42.

Accordingly, the following corrections are made: To SD 108.865, published November 5, 1987.

PART 40—[CORRECTED]

Make the following corrections to the sections listed below.

§ 40.7 [Corrected]

On page 42593, in § 40.7(a)(9)(i), reverse the order of the two sentences to begin with the second sentence "Before a finding * * *" followed by the first sentence "A determination that a crime * * *".

On page 42596, in § 40.7(a)(28)(v), line 6, remove "automatically".

On page 42596, in § 40.7(b)(1)(iv), line 2, remove "law or".

On page 42596, § 40.7(b)(1)(v) is revised to read: "(v) The necessary fee is not paid for the issuance of the visa, or, in the case of an immigrant visa, for the application therefor."

On page 42596, § 40.7(b)(1)(vi) is revised to read: "(vi) In the case of an immigrant visa application, the alien fails to swear to, or affirm, the application before the consular officer, or".

On page 42596, in § 40.7(d), line 4, insert " " after "(E)" and on line 12 remove the " " after "immunities".

PART 41—[CORRECTED]

Make the following corrections to the sections listed below.

§ 41.2 [Corrected]

On page 42598, in § 41.2(i), line 26, change "Socialist" to "Democratic".

§ 41.12 [Corrected]

On pages 42599 and 42600, in § 41.12 revise the table to read:

Class	Section of law or treaty citation	Visa symbol
Ambassador, public, minister, career, diplomatic or consular officer, and members of immediate family.	101(a)(15)(A)(i); 66 Stat. 167.....	A-1.
Other foreign government official or employee, and members of immediate family.....	101(a)(15)(A)(ii); 66 Stat. 167.....	A-2.

Class	Section of law or treaty citation	Visa symbol
Attendant, servant, or personal employee of A-1 and A-2 classes, and members of immediate family.	101(a)(15)(A)(iii); 66 Stat. 167	A-3.
Temporary visitor for business.	101(a)(15)(B); 66 Stat. 167	B-1.
Temporary visitor for pleasure.	101(a)(15)(B); 66 Stat. 167	B-2.
Temporary visitor for business and pleasure.	101(a)(15)(B); 66 Stat. 167	B-1 and B-2.
Alien in transit.	101(a)(15)(C); 66 Stat. 167	C-1.
Alien in transit to United Nations Headquarters District under § 11. (3), (4), or (5) of the Headquarters Agreement with the United Nations.	101(a)(15)(C); 66 Stat. 167	C-2.
Foreign government official, members of immediate family, attendant, servant, or personal employee, in transit.	212(d)(8); 66 Stat. 188	C-3.
Crew member (ship or aircraft crew).	101(a)(15)(D); 66 Stat. 167	D.
Treaty trader, spouse and children.	101(a)(15)(E)(i); 66 Stat. 168	E-1.
Treaty investor, spouse and children.	101(a)(15)(E)(ii); 66 Stat. 168	E-2.
Student (academic or language training program).	101(a)(15)(F)(i); 66 Stat. 168; 75 Stat. 527	F-1.
Spouse and children of alien classified F-1.	101(a)(15)(F)(ii); 75 Stat. 527	F-2.
Principal resident representative of recognized foreign member government to international organization, representative's staff, and members of immediate family.	101(a)(15)(G)(i); 66 Stat. 168	G-1.
Other representative of recognized foreign member government to international organization, and members of immediate family.	101(a)(15)(G)(ii); 66 Stat. 168	G-2.
Representative of nonrecognized or nonmember foreign government to international organization, and members of immediate family.	101(a)(15)(G)(iii); 66 Stat. 168	G-3.
International organization officer or employee, and members of immediate family.	101(a)(15)(G)(iv); 66 Stat. 168	G-4.
Attendant, servant, or personal employee of G-1, G-2, G-3, and G-4 classes and members of immediate family.	101(a)(15)(G)(v); 66 Stat. 168	G-5.
Temporary worker of distinguished merit and ability.	101(a)(15)(H)(i); 66 Stat. 168	H-1.
Temporary worker performing agricultural services unavailable in the United States.	101(a)(15)(H)(ii)(a); 100 Stat. 3411	H-2(A).
Temporary worker performing other services unavailable in the United States.	101(a)(15)(H)(ii)(b); 66 Stat. 168; 100 Stat.	H-2(B).
Trainee.	101(a)(15)(H)(iii); 66 Stat. 168; 84 Stat. 116	H-3.
Spouse and children of alien classified H-1, H-2, or H-3.	101(a)(15)(H); 84 Stat. 116	H-4.
Representative of foreign information media, spouse and children.	101(a)(15)(I); 66 Stat. 168	I.
Exchange visitor.	101(a)(15)(J); 66 Stat. 167; 75 Stat. 527	J-1.
Spouse and children of alien classified J-1.	101(a)(15)(J); 75 Stat. 527	J-2.
Fiance(e) of U.S. citizen.	101(a)(15)(K); 84 Stat. 116	K-1.
Children of alien classified K-1.	101(a)(15)(K); 84 Stat. 116	K-2.
Intracompany transferee (executive, managerial, and specialized personnel continuing employment with international firm or corporation).	101(a)(15)(L); 84 Stat. 116	L-1.
Spouse and children of alien classified L-1.	101(a)(15)(L); 84 Stat. 116	L-2.
Student (vocational or other recognized nonacademic).	101(a)(15)(M)(i); 95 Stat. 1611	M-1.
Spouse and children of alien classified M-1.	101(a)(15)(M)(ii); 95 Stat. 1611	M-2.
The parent of an alien child classified SK-3 under section 101(a)(27)(i)(i).	101(a)(15)(N); 100 Stat. 3359	N-8.
The child of parent classified N-8 or of alien classified SK-1; SK-2; SK-4 under section 101(a)(27)(i)(ii), (iii), or (iv).	101(a)(15)(N); 100 Stat. 3359	N-9.
Principal permanent representative of Member State to NATO (including any of its subsidiary bodies) resident in the United States and resident members of permanent representative's official staff; Secretary General, Deputy Secretary General, Assistant Secretaries General and Executive Secretary of NATO; other permanent NATO officials of similar rank; and members of immediate family.	Art. 12, 5 UST 1094; Art. 20, 5 UST 1098	NATO-1.
Other representatives of Member States to NATO (including any of its subsidiary bodies) including representatives, advisers and technical experts of delegations, and members of immediate family; dependents of member of a force entering in accordance with the provisions of the NATO Status-of-Forces Agreement or in accordance with the provisions of the Protocol on the Status of International Military Headquarters; members of such a force if issued visas.	Art. 13, 5 UST 1094; Art. 1, 4 UST 1794; Art. 3, 4 UST 1796	NATO-2.
Official clerical staff accompanying a representative of Member State to NATO (including any of its subsidiary bodies) and members of immediate family.	Art. 14, 5 UST 1096	NATO-3.
Officials of NATO (other than those classifiable under NATO-1) and members of immediate family.	Art. 18, 5 UST 1098	NATO-4.
Experts, other than NATO officials classifiable under the symbol NATO-4, employed on missions on behalf of NATO and their dependents.	Art. 21, 5 UST 1100	NATO-5.
Members of a civilian component accompanying a force entering in accordance with the provisions of the NATO Status-of-Forces Agreement; members of a civilian component attached to or employed by an Allied Headquarters under the Protocol on the Status of International Military Headquarters Set Up Pursuant to the North Atlantic Treaty; and their dependents.	Art. 1, 4 UST 1794; Art. 3, 5 UST 877	NATO-6.
Attendant, servant, or personal employee of NATO-1, NATO-2, NATO-3, NATO-4, NATO-5, and NATO-6 classes, and members of immediate family.	Arts. 12-20, 5 UST 1094-1098	NATO-7.

§ 41.21 [Corrected]

On page 42600, at the end of § 41.21(d)(2) introductory text, remove "s;" from the word "nonimmigrants;" and add "visa applicants;"

On page 42600, § 41.21(d)(2)(ii) is revised to read "(ii) Class A-2:INA 212(a)(27) and (29);".

§ 41.26 [Corrected]

On page 42602, in § 41.26(c)(1)(xiv),

change "(a) to (k)" to read "(c)(1)(i) to (c)(1)(xi)".

On page 42602, in § 41.26(c)(2)(xi), remove the hyphen in "Co-operation".

§ 41.27 [Corrected]

On page 42602, § 41.27(c)(1)(iii), remove "22 CFR" and insert "\$" symbol.

On page 42602, § 41.27(c)(1)(xii),

change "(a) through (k)" to read "(c)(1)(i) through (c)(1)(xi)".

On page 42602, § 41.27(c)(1)(xiii), change "(a) through (m)" to read "(c)(1)(i) through (c)(1)(xiii)".

§ 41.32 [Corrected]

On page 42604, § 41.32(f), line 10, remove the second "i" from the word "mutilated".

§ 41.101 [Corrected]

On page 42608, in § 41.101(a), line 14, insert "officer" after the first "consular".

§ 41.102 [Corrected]

On page 42608, in § 41.102(a)(6), line 2, remove "officer" after "nonimmigrant".

§ 41.105 [Corrected]

On page 42609, in § 41.105(b), last line insert the missing fourth "i" in "eligibility".

§ 41.112 [Corrected]

On page 42610, in § 41.112(d)(2) introductory text, remove "(1)" and insert "(d)(1)".

On page 42610, in § 41.112(d)(2)(ii), remove "(a)" and insert "(d)(2)(i)".

PART 42—[CORRECTED]

Make the following corrections to the sections listed below.

§ 42.11 [Correction]

On page 42615, in § 42.11(b) under Class, Section of law, and Visa symbol columns remove the fifth entry.

On page 42615, in § 42.11(c), between the 14th and 15th entries insert the following entry:

Class	Section of law	Visa symbol
"Fourth preference: Spouse of alien classified C4-1 (conditional status)"	203(b); 216(a), 100 Stat. 3537	C4-2.

On page 42615, in § 42.11(c), in the last "Fourth preference" entry remove the "." after "216(a)." and insert ", 100 Stat. 3537".

§ 42.31 [Corrected]

On page 42617, in § 42.31(a), line 19, remove "\$" symbol and insert "22 CFR".

§ 42.52 [Corrected]

On page 42618, in § 42.52(b)(3)(iii), remove "\$" symbol and insert "22 CFR".

§ 42.53 [Corrected]

On page 42618, in § 42.53(b)(2)(ii), remove "\$" symbol and insert "22 CFR".

§ 42.64 [Corrected]

On page 42619, in § 42.64(b), remove "22 CFR" and insert "\$" symbol.

§ 42.67 [Corrected]

On page 42620, in § 42.67(a)(2), line 14, remove the second "then".

§ 42.81 [Corrected]

On page 42622, in § 42.81(e), line 3, change "1" to "one".

§ 42.83 [Corrected]

On page 42623, in § 42.83 (a) and (b), lines 5 and 4, respectively, change "1" to "one".

In SD 108.866 published at 52 FR 43894 November 17, 1987, correct the effective date to read as follows:

DATES: Effective November 17, 1987; Expires November 28, 1987.

Date: March 15, 1988.

Cornelius D. Scully, III,

Director, Office of Legislation, Regulations, and Advisory Assistance, Visa Office.

Editorial Note: Additional corrections to this document are published in the Corrections Section of this issue of the Federal Register.

[FR Doc. 88-6042 Filed 3-18-88; 8:45 am]

BILLING CODE 4710-06-M

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 81**

[FRL-3351-6]

Designations of Areas for Air Quality Planning Purposes; Attainment Status Designations; Ohio

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Final rule.

SUMMARY: This rulemaking revises the Pierce Township, Clermont County designation for sulfur dioxide (SO₂) from nonattainment to attainment of the National Ambient Air Quality Standards.

USEPA's action is in response to the Ohio Environmental Protection Agency's request to redesignate this area to attainment. Under the Clean Air Act, designations can be changed if sufficient data are available to warrant such change.

EFFECTIVE DATE: This final rulemaking becomes effective on April 20, 1988.

ADDRESSES: Copies of the redesignation request, technical support documents and the supporting air quality data are available at the following address: U.S. Environmental Protection Agency, Region V, Air and Radiation Branch, 230 S. Dearborn Street, Chicago, Illinois 60604.

Copies of the redesignation request are also available at: Ohio Environmental Protection Agency,

Office of Air Pollution Control, 1800 WaterMark Drive, P.O. Box 1049, Columbus, Ohio 43266-0189.

FOR FURTHER INFORMATION CONTACT:

Debra Marcantonio, Air and Radiation Branch (5AR-26), U.S. Environmental Protection Agency, Region V, Chicago, Illinois 60604, (312) 886-6088.

SUPPLEMENTARY INFORMATION: Under section 107(d) of the Act, the Administrator of USEPA has promulgated the NAAQS attainment status for each area of every State. For Ohio, see 43 FR 8962 (March 3, 1978) and 43 FR 45993 (October 5, 1978). These area designations may be revised whenever the data warrant.

USEPA's criteria for data that warrant redesignating an area are set out in an April 21, 1983 memorandum, "Section 107 Designation Policy Summary" from Sheldon Meyers, Director, Office of Air Quality Planning and Standards. Accordingly, SO₂ redesignations must be supported by:

(a) Ambient monitoring data showing no violations over the most recent consecutive eight quarters (or four quarters if actual, commensurate, enforceable, concurrent emission reductions have also occurred).

(b) A USEPA reference modeled attainment demonstration at the SIP allowable emission limitations.

(c) Certification of compliance with the SIP limits based on the federally approved test methods.

(d) A redesignation cannot relax the SIP.

On December 14, 1982, OEPA requested USEPA to redesignate Clermont County (Pierce Township) from nonattainment to attainment for SO₂. This request was based on available ambient air quality data which have shown no violations since January 1980.

On July 17, 1984 (49 FR 28888), USEPA proposed action on the State's request. In the notice, USEPA proposed to disapprove the redesignation of Pierce Township, Clermont County, due to the lack of current compliance data for the Cincinnati Gas and Electric Company (CG&E), Beckjord Generating Station. In response to the notice of proposed rulemaking, CG&E submitted results of a recent stack test for its Beckjord plant and requested that Clermont County be designated attainment.

The Stack tests demonstrated compliance with the SIP emission limits for Units 1-4 (1.84 lbs/MMBTU) and Units 5-6 (7.18 lbs/MMBTU), and the coal burned during the test was representative of the Beckjord coal