controvert the fact or opinion by filing an appeal from an initial decision, or a petition for reconsideration of a final decision that clearly and concisely sets forth the information or argument relied on to show the contrary. If appropriate, a party may be afforded the opportunity for cross-examination or to present rebuttal evidence.

9. Appendix A to Part 2 is amended by revising paragraph (c) of section VII and paragraph (c) of section IX to read as follows:

Appendix A—Statement of General Policy and Procedure: Conduct of Proceedings for the Issuance of Construction Permits and Operating Licenses for Production and Utilization Facilities for Which a Hearing Is Required Under Section 189A of the Atomic Energy Act of 1954, As Amended*

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VII. General

* * * * *

(c) Section 2.781 specifies when consultation between Commissioners or boards, on the one hand, and the staff, on the other hand, is permitted in licensing proceedings conducted under Subpart G. Section 2.781 also permits a board, in the same type of proceeding, to consult with members of the panel from which the members of the board are drawn.

* * * * *

IX. Licensing Proceedings Subject to Appellate Jurisdiction of Atomic Safety and Licensing Appeal Board

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(c) Consultation between members of the Atomic Safety and Licensing Appeal Board for a particular proceeding and the staff is permitted on the conditions specified in 10 CFR 2.781. However, members of the atomic safety and licensing boards for particular proceedings may not consult on any disputed issue in those proceedings with members of the Appeal Panel.

* * * * *

Dated at Washington, DC, this 25th day of March, 1988.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 88-7099 Filed 3-30-88; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. C-3222]

Preferred Physicians, Inc.; Prohibited Trade Practices and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent Order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, an association of doctors in Tulsa, Okla., from conspiring to restrain competition and from fixing or increasing the prices they charge third-party payers for their services. In addition, the respondent is prohibited, for five years, from advising its members on the desirability or appropriateness of any price to be paid for physicians' services by any third-party payers.

DATE: Complaint and Order issued February 26, 1988.[1]

FOR FURTHER INFORMATION CONTACT: Toby G. Singer, FTC/S-3115, Washington, DC 20580. (202) 326-2762.

SUPPLEMENTARY INFORMATION: On Thursday, December 3, 1987, there was published in the **Federal Register**, 52 FR 45970, a proposed consent agreement with analysis In the Matter of Preferred Physicians, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Coercing And Intimidating: Section 13.345 Competitors; S.13.367 Members. Subpart—Combining Or Conspiring: S.13.384 Combining or conspiring; S.13.430 To enhance, maintain or unify prices; S.13.433 To fix prices; S.13.470 To restrain and monopolize trade. Subpart—Corrective Actions And/Or Requirements: S.13.533 Corrective actions and/or requirements; S.13.533-50 Maintain means of communication; S.13.533-60 Release of general, specific, or contractual constrictions, requirements, or restraints. Subpart—Enforcing Dealings Or Payments Wrongfully; S.13.1045 Enforcing dealings or payments wrongfully.

List of Subjects in 16 CFR Part 13

Physicians, Doctors, Trade practices.

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H-130, 6th Street & Pennsylvania Avenue, NW., Washington, DC 20580.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 88-7078 Filed 3-30-88; 8:45 am]

BILLING CODE 6750-01-M

16 CFR Part 13

[Docket No. 9199]

Rochester Anesthesiologists; Prohibited Trade Practices and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent Order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, the anesthesiologists of Rochester, NY from boycotting third-party insurance providers by combining or taking any joint action against competing anesthesiologists; by engaging in price fixing or tampering with the reimbursement levels or terms of any third-party payor for anesthesia services; or by fixing or setting their fees.

DATE: Complaint issued September 30, 1985. Order issued March 8, 1988.[1]

FOR FURTHER INFORMATION CONTACT: David M. Narrow, FTC/S-3115, Washington, DC 20580. (202) 326-2744.

SUPPLEMENTARY INFORMATION: On Thursday, Nov. 19, 1987, there was published in the **Federal Register**, 52 FR 44408, a proposed consent agreement with analysis In the Matter of Rochester Anesthesiologists, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

A comment was filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Combining Or Conspiring: Section 13.384

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H-130, 6th Street & Pennsylvania Avenue, NW., Washington, DC 20580.

Combining or conspiring; S.13.385 To boycott seller-suppliers; S.13.395 To control marketing practices and conditions; S.13.430 To enhance, maintain or unify prices. Subpart—Corrective Actions And/Or Requirements: S.13.533 Corrective actions and/or requirements; S.13.533-20 Disclosures; S.13.533-60 Release of general, specific, or contractual constrictions, requirements, or restraints.

List of Subjects in 16 CFR Part 13

Anesthesiologists, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 88-7079 Filed 3-30-88; 8:45 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 300

[Rel. No. SIPA-143; File No. SIPC 87-1]

Rules of the Securities Investor Protection Corporation

AGENCY: Securities and Exchange Commission.

ACTION: Final rule and approval order.

SUMMARY: The Commission approves a rule which was submitted to the Commission for approval by SIPC as required by section 3(e)(2) of the Securities Investor Protection Act of 1970 ("SIPC"). SIPC's proposed rule change establishes a uniform procedure for the satisfaction of claims for cash and claims for securities in a liquidation proceeding under SIPA. Because SIPC rules approved by the Commission have the force and effect as if promulgated by the Commission, those rules are published in this title of the Code of Federal Regulations.

EFFECTIVE DATE: March 25, 1988.

FOR FURTHER INFORMATION CONTACT: Harry Melamed, Division of Market Regulation (202/272-2412), Securities and Exchange Commission, 450 Fifth Street NW, Washington, DC 20549.

SUPPLEMENTARY INFORMATION: Pursuant to section 3(e)(2) of SIPA, 15 U.S.C. 78 ccc(e)(2), on September 23, 1987 SIPC filed with the Securities and Exchange Commission a proposed rule change (File No. 87-1). The proposal, as amended on November 16, 1987, establishes a uniform procedure for the satisfaction of claims for cash and claims for securities in either a liquidation proceeding or a direct payment procedure pursuant to SIPA.

The new SIPC series 500 rules set forth the standards to determine whether a customer's securities transaction will be classified as a claim for cash or a claim for securities for purposes of a SIPA liquidation proceeding or direct payment procedure.

Proposed Rule 501 states that a customer having securities in an account with a SIPC member ("debtor") will have a claim for cash with respect to any sale if either (1) the debtor has sent written confirmation to the customer that the securities have been sold or (2) the securities have become the subject of a completed or executory contract for sale for the account (whether or not a confirmation has been sent to the customer). Proposed Rule 501 further states that a customer having cash in an account with a debtor will still have a claim for cash even though the customer has instructed the debtor to purchase securities for the account unless either (1) the debtor has sent written confirmation to the customer that securities have been purchased or (2) the securities have become the subject of a completed or executory contract for purchase for the account (whether or not a written confirmation has been sent to the customer).

Proposed Rule 502 states that a customer having cash in an account with a debtor will have a claim for securities with respect to any purchase if either (1) the Debtor has sent written confirmation to the customer that the securities have been purchased or (2) the securities have become the subject of a completed or executory contract for purchase for the account (whether or not a confirmation has been sent to the customer). Proposed Rule 502 further states that a customer having securities in an account with a debtor will still have a claim for securities even though the customer has instructed the debtor to sell the securities unless either (1) the debtor has sent written confirmation to the customer that the securities have been sold or (2) the securities have become the subject of a completed or executory contract for sale for the account (whether or not a confirmation has been sent to the customer).

Proposed Rule 503 provides that the series 500 rules shall neither limit the rights of a trustee in a SIPA liquidation to avoid any securities transaction as fraudulent, preferential, or otherwise voidable under applicable law nor limit the right of SIPC in a direct payment procedure to reject a claim for cash or a claim for securities if the claim arose from a securities transaction which would be avoided in a SIPA liquidation.

The proposed rule change together with the terms of substance was published for comment by the Commission in Release No. SIPA-141, January 19, 1988, which appeared in the **Federal Register** on January 22, 1988 (53 FR 1793). No comment letters were received.

I. SIPC Rationale for Proposed Rule Change

SIPC has provided the following rationale for the proposed rule change.

SIPC indicates that SIPC and trustees appointed under SIPA have frequently litigated questions concerning whether a customer with a claim in a SIPA proceeding is entitled to a claim for cash or a claim for securities.[1] In each instance, SIPC has successfully proposed that a customer be satisfied based upon the customer's legitimate expectation of what the customer had in his or her account at the time of the demise of the SIPC member firm.[2]

SIPC states that customers have sometimes objected to having their claim deemed a claim for cash, particularly when, as a claim for cash, the claim exceeds the maximum amount SIPC may advance to a trustee to satisfy a claim for cash. That limit is currently $100,000, while the limit on a claim for securities is $500,000.[3] Conversely, customers have sometimes objected to having their claims treated as a claim for securities when the underlying value of the security in question has declined.

SIPC believes that the proposed rules will provide both nationwide uniformity and reasonable certainty for customers as to how their claims will be treated in the event of the failure of a SIPC member, and will provide an objective standard for determining each claimant's legitimate expectations. SIPC indicates that the proposed rules are in complete accord with all final judicial decisions on this subject, including

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[1] *See In re Weis Securities, Inc.; Gans v. Reddington*, CCH Fed. Sec. L. Rep. ¶ 94.780, p. 96.576 (S.D.N.Y. 1974); *SIPC, SEC v. Morgan, Kennedy & Co., Inc.*, 3 B.C.D. 15 (S.D.N.Y. 1977); *In re June S. Jones Co.*, 52 B.R. 810 (Bkrtcy. D. Oregon, 1985); *In re Bell & Beckwith; Murray v. McGraw*, 821 F. 2nd 333 (6th Cir. 1987).

[2] SIPC indicates that one of the goals of SIPA is to allow a trustee to "purchase securities as necessary for the delivery of securities to customers in satisfaction of their claims for net equities based on securities," where it is possible for the trustee to do so in a fair and orderly market. See SIPA section 8(d); 15 U.S.C. 78fff-2(d). This permits the trustee to fulfill one of the enumerated duties of a trustee under SIPA to "deliver securities to or on behalf of customers to the maximum extent practicable in satisfaction of customer claims for securities of the same class and series of an issuer" under SIPA section 7(b)(1), 15 U.S.C. fff-1(b)(1).

[3] *See* SIPA section 9(a)(1), 15 U.S.C. 78fff-3(a)(1).

cases decided prior to SIPA's enactment.[4]

SIPC argues that the proposed rules also give full effect to the Congressional intent to "satisfy the customers' legitimate expectations" and "restore the customer to his position prior to the broker-dealer's financial difficulties."[5] Indeed, SIPC believes that the results reached under the proposed rules will affirmatively effectuate the Commission's previously stated view on this subject. In 1977, during hearings on extensive amendments to SIPA, Commissioner Philip A. Loomis stated that "*[w]hen a customer sells securities, his claim from that time until settlement and delivery of the funds is a claim for cash.*"[6] SIPC indicates that this is the precise result which the proposed rules will reach.

SIPC states that in an effort to reach a different result, customers seeking to disavow securities purchased for their account have sometimes argued that a purchase of securities for their accounts has not occurred until their broker has actually delivered cash to a contra broker and the contra broker has, in turn, actually delivered the securities to their broker. Similarly, customers seeking to disavow a sale of securities have sometimes argued that a sale for their accounts has not occurred until their broker has actually delivered the securities to a contra broker and the contra broker has in turn delivered cash to their broker. SIPC indicates that based upon an analysis of the Uniform Commercial Code ("UCC"), courts have invariably rejected this argument. Thus, SIPC states that sections 8–301 and 8–314(a) of the UCC, as enacted in most states, hold that a customer selling securities loses his rights to those securities simply by delivering the securities to his or her broker.

SIPC notes that at two places [Rules 501(a)(2) and Rule 502(b)(2)], the proposed rules use the phrase "completed or executory contract for sale for or purchase from the account". At two other places [Rules 501(b)(2) and Rule 502(a)(2)], the proposed rules use the phrase "completed or executory contract for purchase for or sale to the account." These phrases are designed to have the proposed rules cover any authorized purchase or sale of securities. The proposed rules thus apply in situations where the debtor is acting as either agent or principal. The proposed rules also apply whether or not the purchase or sale transaction has been completed as between the debtor acting as agent and any contra broker. Thus, for example the selling customer is entitled only to the contract price, regardless of the fact that, as between the customer's broker and another broker, the agreement for the sale is executory, that is, not yet complete. The proposed rules are thus in complete harmony with the results which would obtain under the UCC.[7]

II. Discussion-Commission Action

The Commission believes the proposed rules will satisfy customers' legitimate expectations. For example, a customer that orders securities in his account sold and receives written confirmation of that sale anticipates that his market risk has terminated and that he has a claim for cash in the event of a SIPC liquidation. On the other hand, a customer that orders securities purchased with the cash in his account and receives written confirmation of that purchase believes that he has the investment benefits and risks in that security and that he has a claim for securities in the event of a SIPC liquidation.

In addition to satisfying customers' legitimate expectations, the Commission believes that the proposed rules will provide nationwide uniformity and will allow each customer generally to know, with certainty, how their claims will be treated in the event of the failure of a SIPC member. The rules provide an objective standard for determining each customer's legitimate expectations. By providing such a standard, the rules alleviate potential uncertainty and improve investor confidence in the securities markets.

Accordingly, the Commission finds that the proposed SIPC rules are in the public interest and are consistent with the purposes of the Act.

It is therefore ordered by the Commission, pursuant to section 3(e)(2) of SIPA, that the above mentioned proposed rule change be approved. In accordance with section 3(e)(2) of SIPA, the approved rule change shall be given force and effect as if promulgated by the Commission.

To allow public access to SIPC's rules, SIPC rules that are approved by the Commission are published under Part 300 of 17 CFR Chapter II.

List of Subjects in 17 CFR Part 300

Brokers, Securities, Securities Investor Protection Corporation.

III. Text of Amendments

In accordance with the foregoing, Title 17, Chapter II of the Code of Federal Regulations is amended as follows:

PART 300—RULES OF THE SECURITIES INVESTOR PROTECTION CORPORATION

1. The authority citation for Part 300 continues to read as follows:

Authority: Sec. 3, 84 Stat. 1636, as amended; 15 U.S.C. 78ccc.

2. By adding §§ 300.500–300.503 as follows:

Rules Relating to Satisfaction of a "Claim for Cash" or a "Claim for Securities"

§ 300.500 General.
§ 300.501 Claim for cash.
§ 300.502 Claim for securities.
§ 300.503 Voidable securities transactions.

§ 300.500 General.

These rules will be applied in determining whether a securities transaction gives rise to a "claim for cash" or a "claim for securities" on the filing date of either a liquidation proceeding pursuant to the Securities Investor Protection Act (hereinafter referred to as "the Act") or a direct payment procedure pursuant to section 10 of the Act.

§ 300.501 Claim for cash.

(a) Where a SIPC member ("Debtor") held securities in an account for a customer, the customer has a "claim for cash" with respect to any authorized securities sale:

(1) If the Debtor has sent written confirmation to the customer that the securities in question have been sold for or purchased from the customer's account; or

(2) Whether or not such a written confirmation has been sent, if the securities in question have become the subject of a completed or executory contract for sale for or purchase from the account.

(b) Where the Debtor held cash in an account for a customer, the customer has a "claim for cash", notwithstanding the fact that the customer has ordered securities purchased for the account, unless:

(1) The Debtor has sent written confirmation to the customer that the

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[4] *See* cases, *supra; see also, Tepper v. Chichester*, 285 F.2d 309 (9th Cir. 1960); *In re Stanley B. Young & Co.*, 33 F. Supp. 444 (W.D. Ky., 1940).

[5] S. Rep. No. 763, 95th Cong., 2d Sess. 2, 3 U.S. Code Cong. & Admin. News, 95th Cong., 2d Sess., at 765 (1978).

[6] Hearings Before the Subcommittee on Consumer Protection and Finance of the Committee on Interstate and Foreign Commerce, 95th Cong., 1st Sess. 233 (1977), emphasis supplied.

[7] SIPC indicates that the proposed rules will apply to standardized options transactions (as well as other securities transactions) but are not intended to affect the satisfaction of customer claims for such options as provided in SIPC's Series 400 Rules, 17 CFR 300.400.

securities in question have been purchased for or sold to the customer's account; or

(2) Whether or not such a written confirmation has been sent, if the securities in question have become the subject of a completed or executory contract for purchase for or sale to the account.

§ 300.502 Claim for securities.

(a) Where the Debtor held cash in an account for a customer, the customer has a "claim for securities" with respect to any authorized securities purchase:

(1) If the Debtor has sent written confirmation to the customer that the securities in question have been purchased for or sold to the customer's account; or

(2) Whether or not such a written confirmation has been sent, if the securities in question have become the subject of completed or executory contract for sale for or purchase from the account.

(b) Where the Debtor held securities in an account for a customer, the customer has a "claim for securities", notwithstanding the fact that the customer has ordered the securities sold for the account, unless:

(1) The Debtor has sent written confirmation to the customer that the securities in question have been sold for or purchased from the customer's account; or

(2) Whether or not written confirmation of the purchase has been sent, if the securities in question have become the subject of completed or executory contract for sale for or purchase form the account.

§ 300.503 Voidable securities transactions.

(a) Nothing in these Series 500 Rules shall be construed as limiting the rights of a trustee in a liquidation proceeding under the Act to avoid any securities transaction as fraudulent, preferential, or otherwise voidable under applicable law.

(b) Nothing in these Series 500 Rules shall be construed as limiting the right of the Securities Investor Protection Corporation, in a direct payment procedure under section 10 of the Act, to reject a claim for cash or a claim for securities if such claim arose out of a securities transaction which could have been avoided in a liquidation proceeding under the Act.

By the Commission.

March 25, 1988.

Jonathan G. Katz,

Secretary.

[FR Doc. 88-7109 Filed 3-30-88; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 122

[T.D. 88-16]

User Fee Airports

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to reflect the establishment of nine "user fee" airports. User fee airports are those which, while not qualifying for designation as an international or landing rights airport, have been approved by the Commissioner of Customs to receive the services of Customs officers for the processing of aircraft entering the U.S. and their passengers and cargo. Inasmuch as the volume of business anticipated at these airports is insufficient to justify their designation as an international or landing rights airport, the availability of Customs services is not paid for out of the Customs appropriations from the general treasury of the U.S. Instead, the services of the Customs officers are provided on a fully reimbursable basis to be paid for by the user fee airports on behalf of the recipients of the services. The Secretary of the Treasury was authorized to create up to 20 user fee airports by the Trade and Tariff Act of 1984 and the Consolidated Omnibus Budget Reconciliation Act of 1985. This authority was delegated to the Commissioner of Customs.

EFFECTIVE DATE: March 31, 1988.

FOR FURTHER INFORMATION CONTACT: Joseph E. O'Gorman, Office of Inspection and Control (202-566-8157).

SUPPLEMENTARY INFORMATION:

Background

Part 122, Customs Regulations (19 CFR Part 122), sets forth regulations that relate to the entry and clearance of aircraft, and the transportation of persons and cargo by aircraft, and are applicable to all air commerce. As part of a general revision of the Customs Regulations, by T.D. 88-12, published in the **Federal Register** on March 22, 1988 (53 FR 9285), the air commerce regulations formerly in Part 6, Customs Regulations (19 CFR Part 6), were deleted and revised air commerce regulations were set forth in Part 122 in a new format.

Under section 1109(b), Federal Aviation Act of 1958, as amended (49 U.S.C. 1509(b)), the Secretary of the Treasury is authorized to designate places in the United States as ports of entry for civil aircraft arriving from any place outside of the United States, and for merchandise carried on the aircraft. These airports are referred to as "international airports," and the location and name of each are listed in § 122.13, Customs Regulations (19 CFR 122.13). In accordance with § 122.33, Customs Regulations (19 CFR 122.33), the first landing of every civil aircraft entering the United States from a foreign area must be at one of these international airports, unless the aircraft has been specifically exempted from this requirement or permission to land elsewhere has been granted. Customs officers are assigned to all international airports to accept entries of merchandise, collect duties and enforce the customs laws and regulations.

Other than if making an emergency or forced landing, if a civil aircraft desires to land at an airport not designated by Customs as an international airport, the pilot may request permission to land at a specific airport and, if granted, Customs assigns personnel to that airport for the aircraft. The airport where the aircraft is permitted to land is called a "landing rights" airport (19 CFR 122.34).

Section 236 of Pub. L. 98-573 (the Trade and Tariff Act of 1984), which is set forth in 19 U.S.C. 58b, creates another option for civil aircraft desiring to land at an airport other than an international airport. A civil aircraft arriving from a place outside the United States may ask Customs for permission to land at an airport designated by the Secretary of the Treasury as a "user fee" airport. Section 236 grants the Secretary of the Treasury authority to make Customs services available and to charge a fee for the services at the airport located at Lebanon, New Hampshire, and at four other airports to be designated by the Secretary. Section 13032 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (Pub. L. 99-272), amended 19 U.S.C. 58b by increasing the number of airports that the Secretary has the authority to designate as user fee airports from four to twenty.

Pursuant to 19 U.S.C. 58b, as amended, an airport may be designated as a user fee airport if the Secretary determines that the volume of Customs busness at the airport is insufficient to justify the availability of Customs services at the airport and the governor of the state in which the airport is located approves the designation. Generally, the type of airport that would seek designation as a "user fee" airport would be one in which a company, such as an air courier service, has a specialized interest in regularly landing cargo.

The fees which are to be charged at user fee airports, according to the statute, shall be paid by each person using the Customs services at the airport and shall be in the amount equal to the expenses incurred by the Secretary of the Treasury in providing the Customs services which are rendered to such person at such airport, including the salary and expenses of those employed by the Secretary to provide the Customs services. To implement this provision, generally, the airport seeking designation as a user fee airport or that airport's authority agrees to pay Customs a flat fee annually and the users of the airport are to reimburse that airport/airport authority. The airport/airport authority agrees to set and periodically review its charges to ensure that they are in accord with the airport's expenses.

Pursuant to 19 U.S.C. 58b, as amended, a person who fails to pay any fee charged for using a user fee airport shall be guilty of a misdemeanor and, if convicted, shall pay a fine that does not exceed an amount equal to 200 percent of the fee.

Pursuant to Treasury Department Order No. 165, Revised (Treasury Decision 53564), all the rights, privileges, powers and duties vested in the Secretary of the Treasury by the Tariff Act of 1930, as amended, by the navigation laws, or by any other laws administered by Customs, are transferred to the Commissioner of Customs. Accordingly, the authority granted to the Secretary of the Treasury by virtue of Pub. L. 98–573 and Pub. L. 99–272 to designate user fee airports and determine appropriate fees, is delegated to the Commissioner of Customs.

Under this authority, Customs has determined that certain conditions must be met before an airport can be designated as a user fee airport. At least one full-time Customs officer must be requested and the airport must be responsible for providing Customs with satisfactory office space, equipment, and supplies, at no cost to the Federal Government. A flat fee of $73,350 has been set for the first year of service for full-time coverage by one Customs officer, with an estimated fee of $50,112 for subsequent years.

Eight airports, in addition to the one at Lebanon, New Hampshire, have already been designated as user fee airports. Accordingly, § 122.33, Customs Regulations (19 CFR 122.33), is being amended to state that the first landing of an aircraft entering the U.S. from a foreign area shall be at an international airport unless permission to land at a user fee airport designated in § 122.39, Customs Regulations (19 CFR 122.39), or elsewhere is granted. Further, § 122.1, Customs Regulations (19 CFR 122.1), is being amended to include a definition of the term "user fee airport" and a new § 122.39, Customs Regulations (19 CFR 122.39), is being added to list the airports that have been designated by Customs as user fee airports and to state that the landing procedures for user fee airports are the same procedures that exist now for landing rights airports. As other airports are designated, they will be added to the list by publication of a notice in the **Federal Register.**

The airports that have been designated as user fee airports and a phone number at which they can be contacted regarding service follows:

Airport	Contact
Natrona County International Airport, Casper WY.	Richard Stevens, (307) 472-6688.
Rickenbacker Airport, Columbus, OH.	N. Victor Goodman, (614) 461-9046.
Santa Teresa Airport, Dona Ana County, NM.	C.L. Crowder, (505) 589-2439.
Hector International Airport, Fargo, ND.	Joseph T. Parmer, (701) 241-1501.
Southwest Florida Regional Airport, Fort Myers, FL.	Gary LeTellier, (813) 768-1000.
Lebanon Municipal Airport, Lebanon, NH.	Robert Barnum, (603) 643-5454 Ext. 520.
Allentown-Bethlehem-Easton Airport, Lehigh Valley, PA.	Jack Yohe, (215) 264-2831
Midland International Airport, Midland, TX.	Victor White, (915) 563-1460.
Airborne Air Park, Wilmington, OH.	Joe Hete, (512) 382-5591.

Executive Order 12291

These amendments do not constitute a "major rule" as defined by section 1(b) of E.O. 12291. Accordingly, a regulatory impact analysis is not required.

Regulatory Flexibility Act

It is certified that the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.),* are not applicable to these amendments because the rule will not have a significant economic impact on a substantial number of small entities. As the amendments reflect section 236 of the Trade and Tariff Act of 1984 (Pub. L. 98–573), and section 13032 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (Pub. L. 99–272), any economic impact would be attributable to the actions of Congress and not Customs.

Inapplicability of Public Notice and Delayed Effective Date Requirements

Because these amendments merely implement the statutes and neither impose any additional burdens on, or take away any existing rights or privileges from, the public, pursuant to 5 U.S.C. 553(b)(B), notice and public procedure are unnecessary, and for the same reasons, pursuant to 5 U.S.C. 553(d)(2), a delayed effective date is not required.

Drafting Information

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

List of Subjects in 19 CFR Part 122

Air carriers, Air transportation, Aircraft, Airports, Freight.

Amendments to the Regulations

Part 122, Customs Regulations (19 CFR Part 122), is amended as set forth below:

PART 122—AIR COMMERCE REGULATIONS

1. The authority citation for Part 122, Customs Regulations (19 CFR Part 122), is revised to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 58b, 66, 1433, 1436, 1459, 1590, 1624, 1644, 49 U.S.C. 1509.

2. Section 122.1 is amended by adding a new paragraph (m) to read as follows:

§ 122.1 General definitions.

* * * * *

(m) *User fee airport.* A "user fee airport" is an airport so designated by Customs and listed in § 122.39. Flights from a foreign area may be granted permission to land at a user fee airport rather than at an international airport or a landing rights airport.

3. Section 122.33 is revised to read as follows:

§ 122.33 Place of first landing.

The first landing of an aircraft entering the U.S. from a foreign area shall be at an international airport (see § 122.13, International airports), unless permission to land at a designated user fee airport listed in § 122.39 is granted. Permission to land at another place may also be granted under § 122.34 (Landing rights airport). Permission to land is not required for an emergency or forced landing (see § 122.35).

4. Part 122 is amended by adding a new § 122.39 to read as follows:

§ 122.39 User fee airports.

(a) The procedures for landing at a user fee airport are the same procedures as those set forth in § 122.34 for landing rights airports.

(b) The following is a list of user fee airports designated by the Commissioner of Customs in accordance with 19 U.S.C. 58b. Information concerning service at any of these airports can be obtained by calling the airport or its authority directly.

Location	Name
Casper, Wyoming	Natrona County International Airport.
Columbus, Ohio	Rickenbacker Airport.
Dona Ana County, New Mexico.	Santa Teresa Airport.
Fargo, North Dakota	Hector International Airport.
Fort Myers, Florida	Southwest Florida Regional Airport.
Lebanon, New Hampshire.	Lebanon Municipal Airport.
Lehigh Valley, Pennsylvania.	Allentown-Bethlehem-Easton Airport.
Midland, Texas	Midland International Airport.
Wilmington, Ohio	Airborne Air Park.

Michael H. Lane,
Acting Commissioner of Customs.

Approved December 15, 1987.

John P. Simpson,
Acting Assistant Secretary of the Treasury.

[FR Doc. 88-7108 Filed 3-30-88; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD1 88-007]

Safety Zone Regulations; New Haven and Bridgeport, CT, Port Jefferson, NY, and the Offshore Platforms at Riverhead and Northport, NY

AGENCY: Coast Guard, DOT.

ACTION: Emergency Rule.

SUMMARY: The Coast Guard is establishing safety zones within the harbors of Port Jefferson, NY, New Haven, CT, and Bridgeport, CT, and the offshore platforms of Long Island Lighting Company at Northport, NY, and Northville Industries at Riverhead, NY. These zones are needed to protect all controlled vessels from safety hazards during a perioo when tug boat assistance is limited. The lack of tugboat assistance to commercial vessels presents increased dangers of vessel groundings and collisions. The purpose of establishing these safety zones is to prevent damage, destruction or loss of any vessel, bridge, or other structure on or in affected areas and to prevent environmental harm from such damage, destruction or loss.

EFFECTIVE DATES: This regulation becomes effective on 15 February 1988. It terminates 13 June 1988 unless terminated sooner by the Captain of the Port.

FOR FURTHER INFORMATION CONTACT: LT. H.C. Deens (203) 773-2464.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a Notice of Proposed Rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Publishing an NPRM and delaying its effective date would be contrary to the pubic interest since immediate action is needed to respond to potential hazards to the controlled vessels involved.

Drafting Information

The drafters of this regulation are Lieutenant H. C. Deens, Project Officer, Captain of the Port, Long Island Sound and Commander M. A. Leone, Project Attorney, First Coast Guard District Legal Office.

Discussion of Regulation

The circumstances requiring this regulation result from the hazards to the public, port, and environment presented when tug-boats normally involved in assisting the movement of large commercial vessels in the confines of harbors in Long Island Sound are not used. Some of these commercial vessels carry dangerous cargo. This regulation is issued pursuant to 33 U.S.C. 1225 and 1231 as set out in the authority citation for all of Part 165.

List of Subjects in 33 CFR Part 165

Harbors, Marine Safety, Navigation (water), Security Measures, Vessels, Waterways.

Regulation

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended as follows:

PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05-1(g), 6.04-1, 6.04-6 and 160.5.

2. Section 165.T107 is revised to read as follows:

§ 165.T107 Safety Zones: Captain of the Port Long Island Sound zone.

(a) *Location.* The following areas have been declared safety zones:

(1) The Harbor of Bridgeport, CT, which includes the navigable waters of the United States north of Bridgeport Harbor channel buoys #2 and #3 and the land structures or shore area immediately adjacent to those waters.

(2) The Harbor of New Haven, CT, which includes the navigable waters of the United States north of New Haven Harbor channel buoys #1 and #2 and the land structures or shore area immediately adjacent to those waters.

(3) The Harbor of Port Jefferson, NY, which includes the navigable waters of the United States south of Port Jefferson Harbor channel buoys #1 and #2 and the land structures or shore area immediately adjacent to those waters.

(4) Those navigable waters of the United States within a five hundred yard radius of the offshore platform operated by Long Island Lighting Company at Northport, NY, at position 40-57.3 degrees Lat., 073-20.5 degrees Long.

(5) Those navigable waters of the United States within a five hundred yard radius of the offshore platform operated by Northville Industries at Riverhead, NY, at position 40-59.9 Lat., 072-38.8 Long.

(b) *Effective dates.* This regulation becomes effective on 15 February 1988. It terminates on 13 June 1988 unless terminated sooner by the Captain of the Port.

(c) *Regulations:*

(1) *Application:* (i) These directions apply only to non-public self propelled vessels both U.S. and foreign of 1600 gross tons and over, when not tugboat assisted within the safety zones established herein, except where noted in paragraphs (ii), (iii) and (iv) of this section.

(ii) All non-public self propelled vessels both U.S. and foreign of 1600 gross tons and over shall comply with the requirements of 2(c)(3)(v) of this section.

(iii) All tugs with barge(s) in tow or being pushed, must meet the requirements of paragraphs 2(c)(3) (xiv), (xv), (xvi), (xvii) and (xviii) of this section.

(iv) All other vessels must meet the requirements of paragraphs 2(c)(3) (xvii) and (xviii) of this section.

(2) *Definitions:* (i) *"Controlled vessels"* are all vessels to which these regulations are applicable.