(c) *Exclusions.* In determining the amount of any moneys due from or payable by the United States to any individual, there shall be excluded amounts which are:

(1) Owed by the officer to the United States.

(2) Required by law to be deducted from the remuneration or other payment involved, including, but not limited to:

(i) Amounts withheld from benefits payable under Title II of the Social Security Act where the withholding is required by law.

(ii) Federal employment taxes.

(3) Properly withheld for federal and state income tax purposes if the withholding of the amounts is authorized by law and if amounts withheld are not greater than would be the case if the individual claimed all dependents to which he/she were entitled. The withholding of additional amounts pursuant to section 3402(i) of Title 26 of the United States Code may be permitted only when the officer presents evidence of a tax obligation which supports the additional withholding.

(4) Deducted for servicemen's Group Life Insurance coverage.

(5) Advances of pay that may be due and payable by the officer at some future date.

(d) *Officer notification.* (1) As soon as possible, but not later than 15 calendar days after the date of receipt of notice, the designated official shall send to the officer, at his/her duty station or last known address, written notice:

(i) That notice has been received from an authorized person, including a copy of the documents submitted;

(ii) Of the maximum limitations set forth, with a request that the officer submit supporting affidavits or other documentation necessary for determining the applicable percentage limitation;

(iii) That the officer may submit supporting affidavits or other documentation as evidence that the information contained in the notice is in error;

(iv) That by submitting supporting affidavits or other necessary documentation, the officer consents to the disclosure of such information to the party requesting the support allotment;

(v) Of the amount or percentage that will be deducted if the officer fails to submit the documentation necessary to enable the designated official to respond to the notice within the prescribed time limits;

(vi) That legal counsel will be provided by the Office of the Assistant General Counsel for Administration; and

(vii) Of the date that the allotment is scheduled to begin.

(2) The officer shall be provided with the following:

(i) A consultation in person with an attorney from the Office of the Assistant General Counsel for Administration, to discuss the legal and other factors involved with the officer's support obligation and his/her failures to make payment.

(ii) Copies of any other documents submitted with the notice.

(3) The Office of the Assistant General Counsel for Administration will make every effort to see that the officer receives a consultation concerning the support obligation and the consequences of failure to make payments within 30 days of the notice required in paragraph (d)(1). In the event such consultation is not possible, despite continuing good faith efforts to arrange a consultation, no action shall be taken to require an allotment from the pay and allowances of any NOAA Corps Officer until 30 days have elapsed after the notice described in paragraph (d)(1) is given to the affected officer.

(4) If, within 30 days of the date of the notice, the officer has furnished the designated official affidavits or other documentation showing the information in the notice to be in error, the designated official shall consider the officer's response. The designated official may return to the authorized person, without action, the notice for a statutorily required support allotment together with the member's affidavit and other documentation, if the member submits substantial proof of error, such as:

(i) The support payments are not delinquent.

(ii) The underlying support order in the notice has been amended, superseded, or set aside.

(e) *Absence of funds.* (1) When notice is served and the identified officer is found not to be entitled to moneys due from or payable by NOAA, the designated official shall return the notice to the authorized person, and advise that no moneys are due from or payable by NOAA to the named individual.

(2) Where it appears that moneys are only temporarily exhausted or otherwise unavailable, the authorized person shall be fully advised as to why, and for how long, the money will be unavailable.

(3) In instances where the officer separates from active duty service, the authorized person shall be informed by the Office of Commissioned Personnel, NOAA Corps that the allotment is discontinued.

(4) Payment of statutorily required allotments shall be enforced over other voluntary deductions and allotments when the gross amount of pay and allowances is not sufficient to permit all authorized deductions and collections.

(f) *Allotment of funds.* (1) The authorized person or allottee shall notify the designated official promptly if the operative court order upon which the allotment is based is vacated, modified, or set aside. The designated official shall also be notified of any events affecting the allottee's eligibility to receive the allotment, such as the former spouse's remarriage, if a part of the payment is for spousal support, and notice of a change in eligibility for child support payments under circumstances of death, emancipation, adoption, or attainment of majority of a child whose support is provided through the allotment.

(2) An allotment established under this Directive shall be adjusted or discontinued upon notice from the authorized person.

(3) Neither the Department of Commerce nor any officer or employee thereof, shall be liable for any payment made from moneys due from, or payable by, the Department of Commerce to any individuals pursuant to notice regular on its face, if such payment is made in accordance with this Part. If a designated official receives notice based on support which, on its face, appears to conform to the law of the jurisdiction from which it was issued, the designated official shall not be required to ascertain whether the authority that issued the orde had obtained personal jurisdiction over the member.

(4) *Effective date of allotment.* The allotment shall start with the first pay period beginning after the officer has had a consultation with an attorney from the Office of the Assistant General Counsel for Administration but not later than the first pay period beginning after 30 days have elapsed since the notice required in paragraph (d)(1) of this section is given to the affected officer. The Department of Commerce shall not be required to vary its normal NOAA Corps allotment payment cycle to comply with the notice.

(g) *Designated official.* Notice should be sent to: The Assistant General Counsel for Administration, Office of the General Counsel, U.S. Department of Commerce, Washington, DC 20230, (202) 377-5387.

[FR Doc. 88-9591 Filed 4-29-88; 8:45 am]

BILLING CODE 3510-08-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 81

[Docket No. 76N-0366]

Provisional Listing of FD&C Red No. 3, D&C Red No. 33, and D&C Red No. 36; Postponement of Closing Date

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is postponing the closing date for the provisional listings of FD&C Red No. 3 for use in coloring cosmetics and externally applied drugs, the lakes of FD&C Red No. 3 for use in coloring food and ingested drugs, and D&C Red No. 33 and D&C Red No. 36 for use as color additives in drugs and cosmetics. The new closing date for the provisional listing of these color additives will be July 1, 1988. This postponement will provide additional time for FDA to complete its evaluation of the information on FD&C Red No. 3, and to prepare appropriate **Federal Register** documents for FD&C Red No. 3, D&C Red No. 33, and D&C Red No. 36.

EFFECTIVE DATE: Effective May 2, 1988, the new closing date for FD&C Red No. 3 and its lakes, D&C Red No. 33, and D&C Red No. 36 will be July 1, 1988.

FOR FURTHER INFORMATION CONTACT: Gerad L. McCowin, Center for Food Safety and Applied Nutrition (HFF-330), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5676.

SUPPLEMENTARY INFORMATION:

FD&C Red No. 3

FDA established the current closing date of May 2, 1988, by a rule published in the **Federal Register** of November 3, 1987 (52 FR 42096). At that time, FDA postponed the closing date to provide time for the agency to (1) complete its review of the report of the scientific review panel, (2) consider the impact, if any, of the recent decision in *Public Citizen* v. *Young*, 831 F.2d 1108 (D.C. 1987), and (3) develop and issue an appropriate **Federal Register** document.

Because of the complexity of the issues involved in the evaluation of the data for FD&C Red No. 3, the agency previously concluded that the closing date for the provisional listing of FD&C Red No. 3 should be extended until May 2, 1988. (For further discussion of the issues concerning FD&C Red No. 3 see 50 FR 26377 at 26379; June 26, 1985, and 50 FR 35783 at 35786; September 4, 1985.) Additional time is now needed for the agency to complete its evaluation of the safety of FD&C Red No. 3. In addition, the extension of time will be used to complete the evaluation of the data submitted in response to the request for usage information on FD&C Red No. 3 which published in the **Federal Register** of November 19, 1987 (52 FR 44485) and December 21, 1987 (52 FR 48326). For these reasons, the agency believes it is reasonable to postpone the closing date for FD&C Red No. 3 until July 1, 1988. The extension will also permit time for the development and issuance of an appropriate **Federal Register** document.

D&C Red No. 33 and D&C Red No. 36

FDA established the current closing date of May 3, 1988, for D&C Red No. 33 and D&C Red No. 36, by a rule published in the **Federal Register** of March 4, 1988 (53 FR 6983). At that time, FDA postponed the closing date to (1) consider the impact, if any, of the recent decision in *Public Citizen* v. *Young*, 831 F.2d 1108 (D.C. 1987), and (2) provide time for the agency to prepare **Federal Register** documents that would explain the basis for the agency's decisions concerning the conditions under which these color additives could be safely used.

The agency has not yet completed documents fully describing the bases for each of these decisions and setting forth detailed conditions for use. Therefore, FDA believes that it is reasonable to postpone the closing date for these color additives until July 1, 1988, to provide time for the preparation and publication of appropriate **Federal Register** documents. The agency intends to publish these documents as soon as possible.

Conclusions

The agency has considered what, if any, effect this extension would have on the public health. FDA has concluded that there is no basis to believe that a 2-month extension would present a hazard to public health. This extension is thus consistent with *McIlwain* v. *Hayes*, 690 F.2d 1041 (D.C. Cir. 1982). Because of the shortness of time until the May 2, 1988, and May 3, 1988, closing dates, FDA concludes that notice and public procedure on this regulation are impracticable and that good cause exists for issuing the postponement as a final rule and for an effective date of May 2, 1988. This regulation will permit the uninterrupted use of these color additives until further action is taken. In accordance with 5 U.S.C. 553 (b) and (d) (1) and (3), this postponement is issued as a final regulation, effective May 2, 1988.

List of Subjects in 21 CFR Part 81

Color additives, Cosmetics, Drugs.

Therefore, under the Transitional Provisions of the Color Additive Amendments of 1960 to the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, Part 81 is amended as follows:

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

1. The authority citation for 21 CFR Part 81 continues to read as follows:

Authority: Secs. 701, 706, 52 Stat. 1055-1056 as amended, 74 Stat. 399-407 as amended (21 U.S.C. 371, 376); Title II, Pub. L. 86-618; sec. 203, 74 Stat. 404-407 (21 U.S.C. 376, note); 21 CFR 5.10.

§ 81.1 [Amended]

2. Section 81.1 *Provisional lists of color additives* is amended in the tables of paragraph (a) for the entry "FD&C Red No. 3," and of paragraph (b) for the entries "D&C Red No. 33" and "D&C Red No. 36" by revising the closing date to read "July 1, 1988."

§ 81.27 [Amended]

3. Section 81.27 *Conditions of provisional listing* is amended in the table, appearing in the introductory text in paragraph (d), by revising the closing date for the entries "FD&C Red No. 3," "D&C Red No. 33" and "D&C Red No. 36" to read July 1, 1988.

Dated: April 26, 1988.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 88-9614 Filed 4-29-88; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Public and Indian Housing

24 CFR Part 968

[Docket No. R-88-1377; FR-2415]

Comprehensive Improvement Assistance Program; Multi-Stage Funding

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Final rule.

SUMMARY: This rule amends Part 968, governing the Comprehensive Improvement Assistance Program (CIAP), usually funded in one stage, to permit multi-stage funding of projects on an exception basis. The rule currently provides that funding may exceed one stage on an exception basis, but funding is limited to two stages.

EFFECTIVE DATE: June 16, 1988.

FOR FURTHER INFORMATION CONTACT: Janice Rattley, Director, Project Management Division, Office of Public Housing, Department of Housing and Urban Development, 451 Seventh Street SW. 20410-5000, telephone (202) 755-1800. (This is not a toll-free telephone number.)

SUPPLEMENTARY INFORMATION:

Background

The statutory provision authorizing the Comprehensive Improvement Assistance Program, section 14 of the United States Housing Act of 1937 (42 U.S.C. 1437*l*), contains various requirements concerning the process of assessing the improvements needed and developing a plan for making the necessary improvements and replacements, but it does not contain any requirements concerning the number of stages in which improvements are to be funded. Therefore, the Secretary is authorized under section 14(j) to handle such an issue by regulation.

The plans required under the statute are five-year plans, which are revised each year to cover the next five-year period. The maximum length of time for completion of the comprehensive modernization for a project under the current rule is five years, regardless of whether it is funded in one stage, or on an exception basis, in two stages. At the time initial funding is approved, the total amount required for the entire project is estimated and the first increment is approved. The additional increment of funding is approved in a subsequent year if the PHA complies with all HUD requirements and funding is available.

Changes to the Rule

The current rule, in § 968.5(g), authorizes one-stage comprehensive modernization funding as the general rule. It requires two-stage funding for Public Housing Agencies (PHAs), including Indian Housing Authorities (IHAs), that lack modernization capability, i.e., that have received approval for the use of funds which have not been committed for modernization work in more than three years, where HUD has determined that the failure to commit funds is due to reasons within the PHA's control. The current rule also permits two-stage funding for projects of such magnitude that the HUD office lacks sufficient funding in a particular year for the entire project and for projects of PHAs that lack management capability.

However, the Department has determined that some comprehensive modernization programs for large projects are so complex and costly that more than two stages are needed because a particular HUD office lacks sufficient funding over a two-stage period or the PHA is unable to administer the program in just two stages. In addition, in the case of comprehensive modernization being undertaken by PHAs that lack modernization or management capability, the first stage must be devoted to addressing the capability problems, and at least two stages may be needed thereafter. Therefore, this rule revises the provisions permitting "two-stage funding" (§ 968.5(g)(2)) to allow "multi-stage funding." Under this revised rule, a maximum of five stages will be permitted.

The general rule (in § 968.5(g)(1)) that funding be done in one stage will remain. Modernization is generally to be funded in one stage. In the revised rule, however, multi-stage funding will be permitted on an exception basis for any project for which the PHA and HUD decide it is appropriate. These changes to the rule make paragraph § 968.5(g)(3) of the current rule (that permits either one-stage funding or two-stage funding for lead-based paint testing and abatement activities) unnecessary, so that paragraph is omitted in this revision.

Because of the complex nature of comprehensive modernization, the regulatory provision requiring a project funded in one stage be to completed within three years has been found to be unrealistic. Similarly, the requirement that a project funded in two stages be completed over a period not to exceed five years has been found to be unworkable. Therefore, the provision concerning the implementation period, § 968.5(g)(3) of this revised rule, limits the length of the implementation period for the original funding stage, or each additional stage permitted as an exception, to not more than five years from the date on which that stage is funded. In the case of multi-stage funding, it is expected that the first stage and each additional stage permitted under an exception will be completed in less than five years, so that the total period of multi-stage comprehensive modernization will be minimized.

This rule also updates the OMB approval number contained in the section under revision.

Justification for Final Rule

It is the policy of this Department to publish for comment, rules relating to public property, loans, grants, benefits, or contracts, despite the exemption contained in 5 U.S.C. 553 from the requirement to solicit public comment for these rules. However, in accordance with 24 CFR Part 10, the Department may omit solicitation of public comment before publishing a final rule, in a particular case, if such comment is not required by statute and solicitation and consideration of public comment are "impracticable, unnecessary or contrary to the public interest."

In this case, public comment is not required by statute. The change deals with a matter of technical procedure and permits greater flexibility in the operation of the program. In effect, it relieves a burden currently imposed by the rule that PHAs complete their modernization programs in a very short period. The change will be beneficial to PHAs and to HUD offices and will have no appreciable effect on members of the public. Consequently, the Department has determined that solicitation of public comment prior to making these changes effective is unnecessary.

Findings and Certifications

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

This rule was listed as sequence number 1020 in the Department's Semiannual Agenda of Regulations published on April 25, 1988 (53 FR 13854, 13890), under Executive Order 12291 and the Regulatory Flexibility Act.

Under 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities since its effect is merely to permit more flexibility in the way funding of the program is accomplished.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50 that implement section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4321–4347), since the determination of the number of funding stages for this program is an administrative matter.

List of Subjects in 24 CFR Part 968

Loan programs: housing and community development, Public housing, Grant programs: housing and community development, Indians, Reporting and recordkeeping requirements.

Accordingly, 24 CFR Part 968 is amended as follows:

PART 968—COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM

1. The authority citation for Part 968 continues to read as follows:

Authority: Secs. 6 and 14, United States Housing Act of 1937 (42 U.S.C. 1437d, 1437*l*); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

2. Section 968.5 is amended by adding a new paragraph (c)(3) and by revising paragraph (g) to read as follows:

§ 968.5 Procedures for obtaining approval of a modernization program.

(c) *Preliminary application.* * * *

(3) An updated assessment of needs during the next five year period, when funds are requested in a subsequent year.

* * * * *

(g) *Comprehensive Modernization approach.* HUD will fund proposed Comprehensive Modernization in one stage, or, on an exception basis, in more than one stage—not to exceed a total of five stages. Bases for exception include a PHA's lack of modernization or management capability, as defined in § 968.3 (which necessitates multi-stage funding), or a total funding requirement for the Comprehensive Modernization of a large magnitude relative to the funding available to the HUD office.

(1) *One-stage funding.* Under one-stage funding, the total amount of modernization funds for all required physical and management improvements at the project shall be approved at one time, from funds for a single FFY, under one Final Application.

(2) *Multi-stage funding.* Under multi-stage funding, the total amount of modernization funds for all required physical and management improvements at the project shall be approved in the fewest number of stages that are feasible, over several different FFYs, with the total number of stages not to exceed five. The first stage will include funds for architectural/engineering work and/or a portion of the physical improvements. Management improvements may be included in the first stage to the extent they are eligible costs under § 968.4(b).

(i) *First stage.* At the first stage of funding, the Final Application shall include a comprehensive assessment of the project's physical and management improvement needs and a plan under paragraph (i)(2) of this section addressing only the work items to be completed during this stage. When approving the first stage, the HUD office will indicate the approximate balance of the funds required to complete the Comprehensive Modernization, but also will indicate that future funding will be subject to all of the following conditions: the availability of funds, satisfactory progress by the PHA in obligating first stage and subsequent stage funds, PHA submission of additional documents, and PHA compliance with HUD regulatory and statutory requirements.

(ii) *Subsequent stages.* Where the PHA is requesting funds for a subsequent stage of a multi-stage Comprehensive Modernization, the HUD office will determine whether the PHA has made satisfactory progress in obligating prior stage funds, whether it has submitted necessary additional documents, and whether it has complied with HUD regulatory and statutory requirements. If the PHA has not satisfied these conditions, the HUD office will not approve that subsequent stage of funding at this time. The PHA submission for any subsequent stage should not duplicate items previously submitted.

(3) *Implementation.* After the Final Application for each stage is approved, the PHA and the HUD office shall agree on an implementation period that is appropriate for that funding stage, not to exceed five years for any stage from the date on which that stage is first funded.

* * * * *

§ 968.5 [Amended]

3. The first parenthetical OMB number statement following paragraph (j) of § 968.5 is amended by removing the numbers "2502–0218" and "2502–0208", and adding in their places the numbers "2577–0048" and "2577–0044", respectively.

Dated: March 24, 1988.

James E. Baugh,

General Deputy Assistant Secretary for Public and Indian Housing.

[FR Doc. 88–9642 Filed 4–29–88; 8:45 am]

BILLING CODE 4210-33-M

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 306

[Department of the Treasury Circular No. 300, Fourth Rev.]

General Regulations Governing U.S. Securities

AGENCY: Bureau of the Public Debt, Fiscal Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This rule amends the Department of the Treasury's general regulations governing U.S. securities, i.e., 31 CFR Part 306, as they apply to Treasury bonds and notes issued prior to August 1986 and currently held in bearer or registered forms, to permit the holders or owners thereof, from time to time, and under such terms and conditions as the Secretary deems appropriate, to request the conversion of their securities to book-entry form to be held in the TREASURY DIRECT Book-entry Securities System. It also allows book-entry notes and bonds issued prior to August 1986 and held under the provisions of Subpart O of 31 CFR Part 306, sometimes referred to as the commercial book-entry system, to be transferred to and held under the TREASURY DIRECT system. Securities that are held in TREASURY DIRECT will be governed by Subpart C and other applicable portions of 31 CFR Part 357.

EFFECTIVE DATE: May 2, 1988.

FOR FURTHER INFORMATION CONTACT: John E. Logue, Assistant Chief Counsel, Office of the Chief Counsel, Bureau of the Public Debt (202) 447–9859.

SUPPLEMENTARY INFORMATION: In August 1986, the Department of the Treasury ceased issuing new Treasury bonds and notes in definitive (certificated) form, offering them thereafter only in book-entry form. For bonds and notes issued after August 1, 1986, investors desiring a direct relationship with the Treasury Department may elect to have their book-entry securities held in the TREASURY DIRECT Book-entry Securities System (TREASURY DIRECT). Treasury bonds and notes held in TREASURY DIRECT are governed by the applicable provisions of the Department of the Treasury Circular, Public Debt Series No. 2–86 (31 CFR Part 357). Following the establishment of TREASURY DIRECT, the Department, as well as Federal Reserve Banks, acting as fiscal agent of the Department, have been asked from time to time whether TREASURY DIRECT would be made available for bonds and notes issued prior to August 1, 1986, held either in definitive form or in the commercial book-entry system, now referred to as Treasury/Reserve Automated Debt Entry System ("TRADES"). The TREASURY DIRECT system offers investors a number of beneficial terms and conditions, including the convenience and safety of a direct deposit system for interest and redemption payments.

In response to these inquiries, the Department has decided to amend Part 306 to allow investors the opportunity to convert their definitive bonds and notes to book-entry holdings in TREASURY DIRECT, as well as to allow holders of like securities held in book-entry form under Subpart O of Part 306 to transfer them to TREASURY DIRECT. In order to accomplish the conversions and transfers in an orderly manner, and to avoid taxing TREASURY DIRECT's capacity, eligible issues will be identified in notices published in the **Federal Register**. Certain issues with a limited period of time remaining to maturity may not be made eligible.

Section 306.23, which will be newly added to Part 306, provides for notice by publication in the **Federal Register** of those issues eligible to be held in TREASURY DIRECT, and the period of time during which requests for conversion or transfer will be accepted. It also provides that an account in TREASURY DIRECT must have been established before, or coincidental with, the conversion. The rule also provides that securities held in TREASURY DIRECT will be governed by the TREASURY DIRECT regulations, i.e., Part 357, and that the provisions of Part 306 would have no further application to such securities so long as they are held in TREASURY DIRECT. A security in TREASURY DIRECT may be subsequently transferred to the commercial book-entry system, and upon such transfer, the regulations in Part 306 will re-apply.

The Department cautions investors to take special note of the fact that certain terms and conditions of securities held under the regulations set out in Part 306 differ from those that apply to book-entry securities held under Part 357. Particular note should be taken of the differences between the forms of registration available to individual investors, and the effect of such registration, under the two sets of regulations. Copies of Department of the Treasury Circular, Public Debt Series No. 2–86 (31 CFR Part 357) are available through the Federal Reserve Banks.

Special Analysis

Because this Final Rule relates to Treasury securities, the notice and public procedures, and the delayed effective date requirements of the Administrative Procedure Act are inapplicable, pursuant to 5 U.S.C. 553(a)(2).

It has been determined that the rule does not constitute a "major rule" for purposes of Executive Order 12291. A regulatory impact analysis, therefore, is not required. Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) do not apply to this rule.

List of Subjects in 31 CFR Part 306

Federal Reserve System, Government securities, TREASURY DIRECT Book-entry Securities System.

Accordingly, for the reasons set forth in the preamble, Part 306 is amended as follows:

PART 306—[AMENDED]

The authority citation for Part 306 is revised to read:

Authority: 31 U.S.C. Chapter 31, 5 U.S.C. 301.

2. Part 306 is amended by adding § 306.23 to read as follows:

§ 306.23 Securities eligible to be held in the TREASURY DIRECT Book-entry Securities System.

(a) *Eligible issues.* The Secretary will, from time to time, cause to be published in the **Federal Register** a notice describing those series of Treasury issues of bonds and notes issued before August 1, 1986, that will be eligible for conversion to the TREASURY DIRECT Book-entry Securities System. The notice shall specify the period during which requests for conversion will be accepted.

(b) *Establishment of TREASURY DIRECT account.* To convert a bearer or registered security to book-entry form to be held in TREASURY DIRECT, the owner(s) must establish at the time of conversion, or prior thereto, an account in TREASURY DIRECT in accordance with § 357.20 of Part 357. Similarly, to transfer to TREASURY DIRECT a security held in book-entry form under Subpart O of this Part, the owner(s) must establish at the time of transfer, or prior thereto, an account in TREASURY DIRECT in accordance with § 357.20 of Part 357.

(c) *Procedure for conversion of bearer security.* To convert a bearer security to TREASURY DIRECT, the owner(s) thereof must present it to a Federal Reserve Bank or the Department of the Treasury, accompanied by a request for conversion, which must include the information needed for establishing a TREASURY DIRECT account, unless such account has been previously established, and is identified by its number in the request.

(d) *Procedures for conversion of registered security.* To convert a registered security to TREASURY DIRECT, the owner(s) thereof must execute an assignment in accordance with Subpart F of this part. The assignment must be in substantially the following form: "To the Secretary of the Treasury for conversion to book-entry and deposit in TREASURY DIRECT,". The security should be accompanied by the information needed for establishing the TREASURY DIRECT account, or where an account has been previously established, the above assignment should be reworded to include the account number.

(e) *Procedure for transfer of book-entry security held under Subpart O.* To transfer a book-entry security held under Subpart O of this part, the owner(s) must arrange with the bank or other entity where the security is being held to transfer the same to TREASURY DIRECT. No such transfer will be accepted unless a TREASURY DIRECT account has previously been established and the number thereof is shown in the transfer request.

(f) *Terms and conditions of securities held in TREASURY DIRECT.* An eligible security held in TREASURY DIRECT shall be subject to Subpart C and other applicable portions of Part 357, and the provisions of Part 306 shall not apply thereto.

(g) *Re-conversion from TREASURY DIRECT to definitive form or to book-entry under Subpart O.* The owner(s) of a security converted or transferred to TREASURY DIRECT in the manner herein provided may, by executing an appropriate transaction request, transfer the book-entry security to a book-entry account held under the provisions of Subpart O of this part. Thereafter, to the extent that the security was originally eligible for such conversion the book-entry security held under Subpart O may be converted to one in registered or bearer form. Securities transferred from TREASURY DIRECT under this subsection shall be thereupon subject to the provisions of Part 306, and Part 357 shall no longer apply thereto.

Date: April 21, 1988.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 88-9613 Filed 4-29-88; 8:45 am]

BILLING CODE 4810-35-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 162

[CGD8-87-09]

Inland Waterways Navigation Regulation—Lower Mississippi River Between Mile 311.5 AHP and Mile 340.0 AHP

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending its regulations in Title 33 Part 162.80(a) by extending the lower limit of the regulated area to mile 311.5 AHP. Completion of the new Auxiliary Control Structure necessitates extending the area where vessel mooring is prohibited. This regulation will assist in protecting the structure which is critical to flood control, navigation and water supplies.

EFFECTIVE DATE: June 1, 1988.

FOR FURTHER INFORMATION CONTACT: LTJG Richard J. Berard, Waterways Safety Officer, Coast Guard MSO New Orleans, Tidewater Building, 1440 Canal Street, Room 909, New Orleans, LA 70112, Telephone: (504) 589-4219.

SUPPLEMENTARY INFORMATION: On 16 September 1987, the Coast Guard published a notice of proposed rule making in the **Federal Register** for these regulations (52 FR 34933). Interested persons were requested to submit comments and no comments were received.

Drafting Information

The drafters of these regulations are LTJG Patrick A. Galvin, project officer, for Coast Guard MSO New Orleans, and LCDR James J. Vallone, project attorney, Eighth Coast Guard District Legal Office.

Discussion of Comments

There were no comments received on this proposal.

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. The only affect of the regulation will be to restrict vessels from mooring in an area upriver from the control structures. Normal navigation will not be impeded.

Since the impact of these regulations is expected to be minimal the Coast Guard certifies that it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 162

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

Final Regulations

In consideration of the foregoing, Part 162 of Title 33, Code of Federal Regulations, is amended as follows:

PART 162—[AMENDED]

1. The authority citation for Part 162 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 162.80(a) is revised to read as follows:

§ 162.80 Mississippi River below mouth of Ohio River, including South and Southwest passes.

(a) *Mooring on the Mississippi River between miles 311.5 AHP and 340.0 AHP.* (1) No vessel or craft shall moor along either bank of the Mississippi River between miles 311.5 AHP and mile 340.0 AHP except in case of an emergency, pursuant to an approved navigation permit, or as authorized by the District Commander. Vessels may be moored any place outside the navigation channel in this reach in case of an emergency and then for only the minimum time required to terminate the emergency. When so moored, all vessels shall be securely tied with bow and stern lines of sufficient strength and fastenings to withstand currents, winds, wave action, suction from passing vessels or any other forces which might cause the vessels to break their moorings. When vessels are so moored, a guard shall be on board at all times to ensure that proper signals are displayed and that the vessels are securely and adequately moored.

(2) Vessels may be moored any time at facilities constructed in accordance with an approved navigation permit or as authorized by the District Commander. When so moored, each vessel shall have sufficient fastenings to prevent the vessels from breaking loose by wind, current, wave action, suction from passing vessels or any other forces which might cause the vessel to break its mooring. The number of vessels in one fleet and the width of the fleet of vessels tied abreast shall not extend into the fairway or be greater than allowed under the permit.

(3) Mariners should report immediately by radio or fastest available means to the lockmaster at Old River Lock or to any government patrol or survey boat in the vicinity any emergency mooring or vessels drifting uncontrolled within the area described in paragraph (a)(1) of this section. It is the responsibility and duty of the master of a towing vessel releasing or mooring a vessel in this reach of the Mississippi River to report such action immediately.

* * * * *

Dated: April 22, 1988.

J.D. Sipes,

Captain, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 88-9424 Filed 4-29-88; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

Suspension of Community Eligibility; New York

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective date shown in this rule because of noncompliance with the revised floodplain management criteria of the NFIP. If FEMA receives documentation that the community has adopted the required revisions prior to the effective suspension date given in this rule, the community will not be suspended and the suspension will be withdrawn by publication in the **Federal Register.**

EFFECTIVE DATE: May 17, 1988.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, Federal Center Plaza, 500 C Street, SW., Room 416, Washington, DC 20472, (202) 646-2717.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022), prohibits flood insurance coverage as authorized under the NFIP (42 U.S.C. 4001–4128) unless an appropriate public body shall have adopted adequate floodplain management measures with effective enforcement measures.

On August 25, 1986, FEMA published a final rule in the **Federal Register** that revised the NFIP floodplain management criteria. The rule became effective on October 1, 1986. As a condition for continued eligibility in the NFIP, the criteria at 44 CFR 60.7 require communities to revise their floodplain management regulations to make them consistent with any revised NFIP regulation within 6 months of the effective date of that revision or be subject to suspension from participation in the NFIP.

The communities listed in this notice have not amended or adopted floodplain management regulations that incorporate the rule revision. Accordingly, the communities are not compliant with NFIP criteria and will be suspended on the effective date shown in this final rule. However, some of these communities may adopt and submit the required documentation of legally enforceable revised floodplain management regulations after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**. In the interim, if you wish to determine if a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

The Administrator finds that notice and public procedures under 5 U.S.C. 533(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified. Each community receives a 90- and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. For the same reasons, this final rule may take effect within less than 30 days.

Pursuant to the provision of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, FEMA, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment of local floodplain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to adopt adequate floodplain management measures, thus placing itself in noncompliance with the Federal standards required for community participation.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

PART 64—[AMENDED]

1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*, Reorganization Plan No. 3 of 1978, E.O. 12127.

2. Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State	Community name	County	Community No.	Effective date
New York	Addison, village of	Steuben	360762	May 17, 1988
Do	Albion, village of	Orleans	360641	Do.
Do	Amenia, town of	Dutchess	361332	Do.
Do	Arkwright, town of	Chautauqua	361105	Do.
Do	Ashford, town of	Cattaraugus	360062	Do.
Do	Ashland, town of	Chemung	360284	Do.
Do	Augusta, town of	Oneida	360517	Do.
Do	Aurelius, town of	Cayuga	360103	Do.
Do	Bath, village of	Steuben	360767	Do.
Do	Baxter Estates, village of	Nassau	360498	Do.
Do	Bayville, village of	......do	360988	Do.
Do	Benton, town of	Yates	360955	Do.
Do	Bethany, town of	Genesee	361138	Do.
Do	Brighton, town of	Monroe	360410	Do.
Do	Brockport, village of	......do	360411	Do.
Do	Buchanan, village of	Westchester	361534	Do.
Do	Cairo, town of	Greene	360286	Do.
Do	Canajoharie, town of	Montgomery	360442	Do.
Do	Canajoharie, village of	......do	360443	Do.
Do	Carlisle, town of	Schoharie	361193	Do.
Do	Catskill, town of	Greene	361116	Do.
Do	Catskill, village of	......do	360287	Do.
Do	Cayuga, village of	Cayuga	360107	Do.
Do	Cicero, town of	Onandaga	360572	Do.
Do	Clermont, town of	Columbia	361315	Do.
Do	Clifton Springs, village of	Ontario	361450	Do.
Do	Cold Springs, village of	Putnam	360670	Do.
Do	Cuba, town of	Allegany	361099	Do.
Do	Cuyler, town of	Cortland	361386	Do.
Do	Dansville, village of	Livinston	360383	Do.
Do	Danby, town of	Tompkins	360845	Do.
Do	Davenport, town of	Delaware	360192	Do.
Do	Dayton, town of	Cattaraugus	360066	Do.
Do	Delanson, village of	Schenectady	360737	Do.
Do	De Ruyter, town of	Madison	361291	Do.
Do	Dix, town of	Schuyler	360746	Do.
Do	Dunkirk, city of	Chautauqua	360137	Do.

State	Community name	County	Community No.	Effective date
Do	Durham, town of	Greene	360289	Do.
Do	Earlville, village of	Chenango	360397	Do.
Do	East Greenbush, town of	Rensselaer	361133	Do.
Do	East Randolph, village of	Cattaraugus	360068	Do.
Do	East Rochester, village of	Monroe	360414	Do.
Do	Edmeston, town of	Otsego	361270	Do.
Do	Elbridge, village of	Onandaga	360576	Do.
Do	Ellery, town of	Chautauqua	361072	Do.
Do	Esperance, village of	Schoharie	361542	Do.
Do	Fenner, town of	Madison	360399	Do.
Do	Forestville, village of	Chautauqua	361501	Do.
Do	Fort Ann, town of	Washington	361231	Do.
Do	Freetown, town of	Cortland	361325	Do.
Do	Fremont, town of	Steuben	360821	Do.
Do	Geddes, town of	Onandaga	360579	Do.
Do	Geneseo Falls, town of	Wyoming	361003	Do.
Do	Geneseo, town of	Livingston	360884	Do.
Do	Geneseo, village of	do	361452	Do.
Do	Geneva, town of	Ontario	360600	Do.
Do	Gloversville, city of	Fulton	360275	Do.
Do	Greenburgh, town of	Westchester	360911	Do.
Do	Harrison, town of	do	360912	Do.
Do	Hartsville, town of	Steuben	361602	Do.

Harold T. Duryee,
Administrator, Federal Insurance Administration.

Issued: April 26, 1988.

[FR Doc. 88-9619 Filed 4-29-88; 8:45 am]

BILLING CODE 6718-21-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. 1

[FCC 88-160]

Commission Policy Regarding Terrain Shielding in the Evaluation of Television Translator, Television Booster and Low Power Television Applications

AGENCY: Federal Communications Commission.

ACTION: Policy statement.

SUMMARY: This action establishes a limited Commission waiver policy regarding consideration of terrain shielding in the low power television service. This action is taken to permit the authorization of additional low power television, television translator, and television booster stations in areas of the country where terrain shielding is a significant factor.

EFFECTIVE DATE: June 1, 1988.

FOR FURTHER INFORMATION CONTACT: Keith A. Larson, Low Power Television Branch, FCC, Telephone (202) 632-3894.

SUPPLEMENTARY INFORMATION:

Policy Statement

Adopted: April 21, 1988.
Released: April 25, 1988.

By the Commission.

Introduction

1. The Commission herein revisits its policy regarding its treatment of the effects of terrain on propagation in the Low Power Television Service (LPTV). This action responds to our concern that some consideration of terrain shielding in the evaluation of television translator, television booster and LPTV applications is essential to the further authorization of service in many communities. Circumstances previously prohibiting any such consideration have changed. Accordingly, although we do not find that the public interest would be best served by incorporating considerations of terrain shielding into regular processing procedures at this time, the Commission will now grant waivers of its LPTV application acceptance standards concerning interference protection, when such requests are supported by either terrain studies or, alternatively, the assent to such grants by stations predicted to receive interference from proposed facilities, together with a less rigorous terrain showing. This *Policy Statement* sets forth general guidelines, on when we will consider terrain shielding requests, and provides general guidance for the submission of such requests.

Background

2. The Commission's experience and concerns with accounting for the effects of terrain on signal propagation in the assignment of television translator stations provide an understanding of both how it could impede the efficiency of application processing and why we must limit the applicability of its consideration at this time. During the years before the Low Power Television Service was created, interference protection studies on television translator applications depended largely on engineering judgment, where terrain shielding played a major role. In evaluating the likelihood of interference from proposed facilities to nearby stations, the Commission staff reviewed topographic maps and terrain profiles submitted by applicants. Decisions were sometimes made on the Basis of an assent by stations potentially affected by the grant of the application, with the understanding that the applicant would resolve any interference problems. These processing procedures were then feasible and worked effectively because the Commission dealt with relatively small backlogs of applications, the applications rarely were mutually exclusive, and most proposals were for service in areas of rugged terrain familiar to the applicants. Thousands of television translator stations were authorized in this manner and, generally, have operated without causing interference.

3. By the time the LPTV rules were adopted in 1982, the processing situation had changed drastically. The Commission then faced a backlog of more than 5,000 applications proposing translator and LPTV service throughout the country, and it was apparent that many of these applications were mutually exclusive. These circumstances prompted the Commission to conclude in the LPTV proceeding that it could no longer consider terrain shielding in the authorization process, where it stated in pertinent part:

> We believe that the overwhelming argument is presented by our experience with interim applications. It is far beyond our staff capacity to evaluate individually thousands