Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 245A—ADJUSTMENT OF STATUS TO THAT OF PERSONS ADMITTED FOR LAWFUL TEMPORARY OR PERMANENT RESIDENT STATUS UNDER SECTION 245A OF THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED BY PUB. L. 99-603, THE IMMIGRATION REFORM AND CONTROL ACT OF 1986

1. The authority citation for Part 245a continues to read as follows:

Authority: Pub. L. 99–603, 100 Stat. 3359; 8 U.S.C. 1101 note.

2. Section 245a.1(d)(4) is revised to read as follows:

§ 245a.1 Definitions.

* * * * *

(d) * * *

(4) The applicant produces documentation from a school approved to enroll foreign students under § 214.3 which establishes that the said school forwarded to the Service a report that clearly indicated the applicant had violated his or her nonimmigrant student status prior to January 1, 1982. A school may submit an affirmation that the school did forward to the Service the aforementioned report and that the school no longer has available copies of the actual documentation sent. In order to be eligible under this part, the applicant must not have been reinstated to nonimmigrant student status.

* * * * *

3. Section 245a.2(b) (8), (9), (11) and (12) are revised to read as follows:

§ 245a.2 Application for temporary residence.

* * * * *

(b) * * *

(8) An alien's eligibility under the categories described in section 245(a)(2)(b) (1) through (7) and (9) through (15) shall not be affected by entries to the United States subsequent to January 1, 1982 that were not documented on Service Form I–94, Arrival-Departure Record.

(9) An allien who would be otherwise eligible for legalization and who was present in the United States in an unlawful status prior to January 1, 1982, and reentered the United States as a nonimmigrant, such entry being documented on Service Form I–94, Arrival-Departure Record, in order to return to an unrelinquished unlawful residence.

* * * * *

(11) A nonimmigrant who entered the United States for duration of status ("D/S") is one of the following classes, A, A–1, A–2, G, G–1, G–2, G–3 or G–4, whose qualifying employment terminated or who ceased to be recognized by the Department of State as being entitled to such classification prior to January 1, 1982, and who has thereafter continued to reside in the United States in an unlawful status. An alien who was a dependent family member and who may be otherwise eligible for legalization may be considered a member of this class of eligible aliens if the dependent family member was also in A and G status when the principal A or G alien's status terminated or ceased to be recognized by the Department of State.

(12) A nomimmigrant who entered the United States for duration of status ("D/S") in one of the following classes, F, F–1, or F–2, who completed a full course of study, including practical training and whose time period if any to depart the United States after completion of study expired prior to January 1, 1982 and who has remained in the United States in an unlawful status since that time. A dependent F–2 alien otherwise eligible who was admitted into the United States with a specific time period, as opposed to duration of status, documented on Service Form I–94, Arrival-Departure Record that extended beyond January 1, 1982 is considered eligible if the principal F–1 alien is found eligible.

* * * * *

4. Section 245a.2(d)(4)(iii) is revised to read as follows:

§ 245a.2 Application for temporary residence.

* * * * *

(d) * * *

(4) * * *

(iii) Form I–134, Affidavit of Support, completed by a spouse in behalf of the applicant and/or children of the applicant or a parent in behalf of children which guarantees complete or partial financial support. Acceptance of the affidavit of support shall be extended to other family members where family circumstances warrant.

* * * * *

5. Section 245a.2(r) is revised to read as follows:

§ 245a.2 Application for temporary residence.

* * * * *

(r) *Certifications.* The Regional Processing Facility director may, in accordance with § 103.4 of this chapter, certify a decision to the Associate Commissioner, Examinations (Administrative Appeals Unit) when the case involves an unusually complex or novel question of law or fact. The party affected shall be given notice of such certification and of the right to submit a brief within thirty (30) days from service of the notice.

* * * * *

6. Section 245a.2(t)(4) is revised to read as follows:

§ 245a.2 Application for temporary residence.

* * * * *

(t) * * *

(4) If a determination is made by the Service that the alien has, in connection with his or her application, engaged in fraud or willful misrepresentation or concealment of a material fact, knowingly provided a false writing or document in making his or her application, knowingly made a false statement or representation, or engaged in any other activity prohibited by section 245A(c)(6) of the Act, the Service shall refer the matter to the United States Attorney for prosecution of the alien or of any person who created or supplied a false writing or document for use in an application for adjustment of status under this part.

* * * * *

7. Section 245a.3(b)(3) is revised to read as follows:

§ 245a.3 Application for adjustment from temporary to permanent resident status.

* * * * *

(b) * * *

(3) Is admissible to the United States as an immigrant, except as otherwise provided in paragraph (f) of this section; and has not been convicted of any felony, or three or more misdemeanors; and

* * * * *

Dated: April 20, 1988.

Alan C. Nelson,

Commissioner.

[FR Doc. 88–14103 Filed 6–21–88; 8:45 am]

BILLING CODE 4410-10-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 30, 34, 71, and 73

Retention Periods for Records; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule appearing in the Federal Register on May 27, 1988 (53 FR 19240) which establishes a definite retention period for each record that must be maintained under a materials or facilities license or application. This action is necessary to update a cross reference to a redesignated section and to correct several printing errors.

EFFECTIVE DATE: July 26, 1988.

FOR FURTHER INFORMATION CONTACT: Brenda J. Shelton, Chief, Records and Reports Management Branch, Division of Information Support Services, Office of Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301-492-8132.

SUPPLEMENTARY INFORMATION:

PART 30—RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

§ 30.34 [Corrected]

1. On page 19245, in the seventh line of § 30.34(g), the reference reading "§ 35.14(b)(4) (i) through (iv)" should be corrected to read "§ 35.204".

PART 34—LICENSES FOR RADIOGRAPHY AND RADIATION SAFETY REQUIREMENTS FOR RADIOGRAPHIC OPERATIONS

§ 34.4 [Corrected]

2. On page 19246, in the fifth line of § 34.4, the word "or" should be corrected to read "of".

PART 71—PACKAGING AND TRANSPORTATION OF RADIOACTIVE MATERIAL

§ 71.101 [Corrected]

3. On page 19256, in the fourth line of § 71.101(b), the reference to "77.101" should be corrected to read "§71.101".

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

§ 73.46 [Corrected]

4. On page 19258, in the first line of § 73.46(d)(10), the word "existing" should be corrected to read "exiting".

5. On page 19258, in the second line of § 73.46(h)(1), the word "safeguard" should be corrected to read "safeguards".

Dated at Bethesda, Maryland, this 16th day of June 1988.

For the Nuclear Regulatory Commission.

Donnie H. Grimsley,

Director, Division of Freedom of Information and Publications Services, Office of Administration and Resources Management.

[FR Doc. 88-14051 Filed 6-21-88; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 261

[Docket No. R-0601]

Rules Regarding Availability of Information; Correction

AGENCY: Board of Governors of the Federal Reserve Systems.

ACTION: Final rule; correction.

SUMMARY: The Board of Governors of the Federal Reserve System is clarifying references to public access to computer tapes contained in its Rules Regarding Availability of Information, which appeared in the **Federal Register** on June 7, 1988 (53 FR 20812).

EFFECTIVE DATE: July 11, 1988.

FOR FURTHER INFORMATION CONTACT: Stephen L. Siciliano, Special Assistant to the General Counsel for Administrative Law, Legal Division (202/452-3920); Elaine M. Boutilier, Senior Attorney, Legal Division (202/452-2418); Kenneth M. Kinoshita, Attorney, Legal Division (202/452-3721); or for the hearing impaired *only*, Telecommunications Device for the Deaf ("TDD"), Earnestine Hill or Dorothea Thompson (202/452-3544), Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION: On June 7, 1988 (53 FR 20812), the Board promulgated in the final form its revised Rules Regarding Availability of Information. This rule contained an error concerning the procedure for obtaining access to data files contained on computer tapes which is corrected below.

1. Section 261.5(d)(5), located at the seventh full paragraph in the first column on page 20817 currently reads, "(5) *Computer tapes.* The Board periodically prepares data of various kinds on computer tapes, which are available to the public upon request pursuant to a current schedule of charges." It is revised to read as follows:

§ 261.5 [Corrected]

* * * * *

(d) * * *

(5) *Computer tapes.* The Board periodically prepares data of various kinds on computer tapes, which are available to the public through the National Technical Information Service and may be obtained by the procedure described in § 261.6(c)(3) of this regulation.

By order of the Board of Governors of the Federal Reserve System, June 16, 1988.

William W. Wiles,

Secretary of the Board.

[FR Doc. 88-13974 Filed 6-21-88; 8:45 am]

BILLING CODE 6210-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 249

[Release No. 34-25806, File No. S7-1-88]

Revision of Form BD

AGENCY: Securities and Exchange Commission.

ACTION: Adoption of form revision.

SUMMARY: The Commission is adopting a revision of Form BD, the form which is filed by an applicant to become registered as a broker-dealer. The purpose of the revision is to provide, on Form BD, that the applicant consents that service of process relating to an application for a protective decree filed by the Securities Investor Protection Corporation may be given to the applicant's contact employee at the address listed on Form BD. In addition, the Commission is adopting a technical revision to Form BD.

EFFECTIVE DATE: August 1, 1988.

FOR FURTHER INFORMATION CONTACT: Henry E. Flowers, Esq., at (202) 272-2848, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION:

I. Introduction

In May 1987, the Commission proposed for comment a revision to Form BD,[1] the uniform registration form that is filed by an applicant to become registered as a broker-dealer under the Securities Exchange Act of 1934 (the "Exchange Act"). The proposed revision provided that the applicant consents that service of any civil action brought by or notice of any proceeding before the Commission or any self-regulatory organization ("SRO") in connection with the applicant's broker-dealer activities may be given by registered or certified mail or confirmed telegram to the applicant's contact employee at the main address identified on Form BD, or mailing address if different.

[1] Securities Exchange Act Release No. 24402 (May 7, 1987), 52 FR 17301. *See* 17 CFR 249.501.

The Commission received one comment letter on the proposed revision.[2] The commentator, the Securities Investor Protection Corporation ("SIPC"), requested that the proposed Form BD consent provision be expanded to include language explicitly providing that the applicant broker-dealer consents that service or notice of any application for a protective decree ("application") filed by SIPC may be given in the same manner as provided in the proposed consent, that is, by registered or certified mail or confirmed telegram to the applicant's contact employee at the main address identified on form BD, or mailing address if different.

In January 1988, the Commission adopted the amendment to Form BD providing for consent to service of process for civil, administrative, and SRO actions,[3] and proposed for comment inclusion on Form BD of consent to service of process in connection with SIPC applications.[4]

II. Discussion

SIPC's request arose from the difficulty it has experienced in a number of instances in obtaining adequate service of process in applications for protective decrees for broker-dealers that failed financially. These difficulties have resulted in delays in filing applications or in some cases refusals to entertain such applications by the courts. SIPC, a non-profit membership corporation,[5] created by the Securities Investor Protection Act of 1970 ("SIPA"), files applications for protective decrees in its essential role of providing protection to customers of member broker-dealers that fail financially.[6] If SIPC concludes that a member broker-dealer has failed or is in danger of failing to meet its obligations to customers, and finds conditions suggestive of financial irresponsibility, SIPC, upon notice to the member broker-dealer, files an application for a protective decree in a United States District Court.[7] If the court agrees with SIPC's determination, it will appoint a trustee to oversee the liquidation of the member broker-dealer. SIPC is required to advance the trustee sufficient funds to ensure that customers of the broker-dealer receive return of their funds and securities left with the broker-dealer up to certain limits. SIPC funds are available to satisfy the claims of each customer up to a maximum of $500,000 including up to $100,000 on cash claims (as distinct from claims for securities).

Thus, SIPC's ability to obtain timely service of its applications for protective decrees is important for the protection of customers of broker-dealers that fail financially. SIPC has no simple way of obtaining consent to service of process on its own behalf. Consequently, adding to Form BD a provision providing for consent to service of process on behalf of SIPC is the most feasible method of obtaining this consent.[8]

A. Consent to Service of SIPC Applications

The Commission's revision to Form BD provides that the applicant consents that service of process for an application for a protective decree filed by SIPC may be given by registered or certified mail or confirmed telegram to the applicant's contact employee at the main address identified on Form BD, or mailing address if different. The Commission received one comment letter on the revision. The commentator, SIPC, favored approval of this proposal.[9] The Commission has determined to adopt the revision as proposed, effective August 1, 1988. The Membership of the North American Securities Administrators Association ("NASAA") approved inclusion of the consent provision on the form at NASAA's Annual Spring Meeting in April. New broker-dealers will be required to provide the consent when completing the Form BD initially; existing broker-dealers will be required to provide the consent only when they amend Form BD for some other reason.

B. Technical Amendment Relating to Fiscal Year Information

In addition, the Membership of NASAA Forms Revision Committee has informed the Commission that many states require information concerning an applicant's fiscal year, and believes that Form BD is the most effective means of obtaining this information. Currently, disclosure of such information is not required on Form BD. At its Spring Meeting in April 1988, the NASAA membership approved an amendment to Form BD requiring fiscal year disclosure. In order to accommodate the needs of the various states, the Commission also is amending Item 3 of the form to require an applicant to disclose its fiscal year-end.

The Commission finds, pursuant to section 553(b)(3)(B) of the Administrative Procedure Act, that notice and comment is not necessary for this form amendment because of the minor nature of the change involved, the absence of burdens on broker-dealers completing the form,[10] the amendment's prospective application, and the impracticability of separately publishing for public comment this minor change.

III. Competition Findings

Section 23(a)(2) of the Exchange Act [11] requires the Commission, in adopting rules under the Exchange Act, to consider the anti-competitive effects of such rules, if any, and to balance any impact against the regulatory benefits gained in terms of furthering the purposes of the Exchange Act. The Commission has considered the revision in light of the standard cited in section 23(a)(2) and believes that adoption of this change will not impose any burden on competition not necessary or appropriate in furtherance of the Exchange Act.

IV. Regulatory Flexibility Act Certification

Pursuant to 5 U.S.C. 605(b), Chairman Ruder certified when the revision to Form BD was proposed that this

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[2] Letter from Theodore H. Focht, President and General Counsel, Securities Investor Protection Corporation to Jonathan G. Katz, Secretary, SEC (June 5, 1987).

[3] Securities Exchange Act Release No. 25285 (January 22, 1988), 53 FR 2484.

[4] Securities Exchange Act Release No. 25286 (January 22, 1988), 53 FR 2854.

[5] SIPC membership is composed of all broker-dealers registered under section 15(b) of the Exchange Act, with some minor exceptions.

[6] SIPC's functions are subject to broad Commission supervision. SIPC must file with the Commission proposed rule changes for approval and proposed by-law changes which become effective thirty days after filing unless disapproved by the Commission. The Commission can require SIPC to adopt, amend, or repeal any by-laws or rules. The Commission may examine SIPC's operations and require SIPC to furnish it with such reports as it considers to be in the public interest. In addition, should SIPC fail to file an application for a protective decree in what the Commission determines to be an appropriate case, the Commission may apply to United States District Court for an order compelling SIPC to file an application for a protective decree. 15 U.S.C. 78ggg(b).

[7] The Commission and SROs provide SIPC's only official channel of information regarding the financial health of its members. It does not receive regular filings, and the SROs serve as collection agents for SIPC-imposed assessments.

[8] The Commission has accommodated SIPC's needs in other settings. For instance, when a broker-dealer files notice of withdrawal from registration as a broker-dealer, such withdrawal becomes effective for SIPA purpose's six months after the effective date of broker-dealer withdrawal to allow SIPC to step in to satisfy any customer claims arising during this period that the broker-dealer is unable to satisfy. Exchange Act Rule 15b6-1(c), 17 CFR 240.15b6-1(c). This rule was basically incorporated in SIPA in 1978.

[9] Letter from Theodore H. Focht, President & General Counsel, SIPC, to Jonathan G. Katz, Secretary, SEC (February 5, 1988).

[10] Broker-dealers are already required to provide this information to the Commission under Rule 17a-5 of the Exchange Act. 17 CFR 240.17a-5.

[11] 15 U.S.C. 78w(a)(2).

revision, if adopted, would not have a significant economic impact on a substantial number of small entities. No comments were received on the certification.

V. Statutory Authority

The Securities and Exchange Commission hereby adopts the revision to Form BD which is referenced in § 249.501a of the CFR, pursuant to its authority under the Exchange Act and particularly section 15(b), 17(a), and 23(a) of the Exchange Act thereof (15 U.S.C. 78*o*(b), 78q(a) and 78w(a)).

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Form BD prescribed by § 249.501 is amended by revising the Execution paragraph and item 3 to read as follows:

* * * * *

Execution:

* * * * *

The applicant consents that service of any civil action brought by or notice of any proceeding before the Securities and Exchange Commission or any self-regulatory organization in connection with the applicant's broker-dealer activities, or of any application for a protective decree filed by the Securities Investor Protection Corporation, may be given by registered or certified mail or confirmed telegram to the applicant's contact employee at the main address, or mailing address if different, given in Item 1G.

* * * * *

3. Date of formation

(MM/DD/YY)

Applicant's fiscal year ends

(MM/DD)

Place of filing ______ for:

* * * * *

By the Commission.

Jonathan G. Katz,

Secretary.

Dated: June 16, 1988.

[FR Doc. 88-14092 Filed 6-21-88; 8:45 am]

BILLING CODE 8010-01-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Parts 193 and 561

[FAP 7H5544/R966; FRL-3402-4]

Tolerances for N,N-Dimethylpiperidinium Chloride

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document establishes temporary food additive and feed additive regulations to permit the plant growth regulator *N,N*-dimethylpiperidinium chloride in raisins at 6.0 parts per million (ppm), raisin waste at 26 ppm, and grape pomace (wet and dry) at 3.0 ppm. These regulations to establish the maximum permissible levels for residues of the pesticide in or on the commodities were requested pursuant to a petition by BASF Corp.

DATES: Effective June 22, 1988. These temporary tolerances expire June 30, 1989.

ADDRESS: Written objections, identified by the document control number, [FAP 7H5544/R966], may be submitted to: Hearing Clerk (A-110), Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: By mail:

Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

Office location and telephone number: Rm. 245, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703) 557-1800.

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule, published in the **Federal Register** of November 27, 1987 (52 FR 42537), in which it was announced that BASF Wyandotte Corp., Chemicals Division, 100 Cherry Hill Rd., Parsippany, NJ 07054, had submitted a food additive petition (FAP 7H5544) proposing to amend 21 CFR 561.197 by establishing a regualtion to permit the residues of the herbicide *N,N*-dimethylpiperidinium chloride in or on raisins at 6.0 parts per million (ppm), raisin waste at 26.0 ppm, and grape promace, wet and dry, at 3.0 ppm.

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

No comments were received in response to the notice of filing.

Subsequently, a review of the notice indicated that the following revision in wording is needed: The word "herbicide" should be replaced with "plant growth regulator," and in addition, the processed food commodity raisins was inadvertently listed under 21 CFR Part 561 instead of 21 CFR Part 193. Because these revisions pose no additional risk to humans, a period of public comment is not necessary.

The data submitted in the petition and other relevant material have been evaluated. The toxicology data considered in support of the tolerances include several actute studies, a 90-day feeding study with rats fed dosages of 0, 5, 15, 50, and 150 milligrams/kilograms (mg/kg) body weight/day with a no-observed-effect level (NOEL) of 50 mg/kg/day; a 90-day feeding study in dogs fed dosages of 0, 2.5, 7.5, 25, and 75 mg/kg/day with a NOEL of 25 mg/kg/day; a 2-year feeding/oncogenicity study in rats fed dosages of 0, 5, 15, 50, 150, and 450 mg/kg/day with no oncogenic effects observed under the conditions of the study at dose levels up to and including 450 mg/kg/day (highest dose tested [HDT]) with a systemic NOEL of 50 mg/kg/day; a 2-year feeding/oncogenicity study in mice fed dosages of 0, 15, 45, 150, and 450 mg/kg/day with no oncogenic effects observed under the conditions of the study at dose levels up to and including 450 mg/kg/day with a systemic NOEL of 150 mg/kg/day; a teratology study with rats fed dosages of 0, 15.9, 53.9, and 340 mg/kg/day with no teratogenic effects occurring at 340 mg/kg/day (HDT) and a maternal NOEL greater than 340 mg/kg/day; a three-generation reproduction study in rats fed dosages of 0, 15.9, 53.29, and 340 mg/kg/day with no reproductive effects observed at 340 mg/kg/day (HDT) and a NOEL greater than 340 mg/kg/day; and a dominant-lethal mouse mutagenic study, which was negative at 450 mg/kg/day (HDT).

The provisional acceptable daily intake (PADI) based on the 90-day dog feeding study (NOEL of 25 mg/kg/day) and using a thousandfold safety factor is calculated to be 0.03 mg/kg/day. The theoretical maximum residue contribution from existing tolerances is calculated to be 0.000872 mg/kg/day. The current action (including temporary tolerances for the raw agricultural commodity grapes) will utilize 0.84 percent of the PADI. Published tolerances utilize 2.91 percent of the PADI.

Data lacking are mutagenicity studies to assess gene mutation and primary DNA damage, a 1-year feeding study in dogs, a teratology study in rabbits, and metabolism data. These data are required before establishment of permanent tolerances. The available toxicity data are sufficient to support these temporary tolerances.

The pesticide is considered useful for the purposes for which the regulation is sought. The nature of the residue is adequately understood for the purpose of establishing these temporary food/feed additive tolerances. Adequate analytical methodology is available for enforcing the proposed temporary tolerances on grapes and the proposed fractions derived from treated grapes in the Pesticide Analytical Manual, Vol. II (gas chromatography using a nitrogen-specific detector). There are currently no