economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in CFR Part 97

Approaches, Standard instrument, Incorporation by reference.

Issued in Washington, DC, on December 23, 1988.

Robert L. Goodrich,

Acting Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.m.t. on the dates specified, as follows:

1. The authority citation for Part 97 continues to read as follows:

Authority: 49 U.S.C. 1348, 1354(a), 1421, and 1510; 49 U.S.C. 106(g) (revised, Pub. L. 97-449, January 12, 1983; and 14 CFR 11.49(b)(2)).

. . . Effective February 9, 1989

Huntsville, AL—Huntsville Airport North, VOR/DME-B, Amdt. 5
Huntsville, AL—Huntsville Intl.-Carl T. Jones Field, NDB RWY 18R, Amdt. 13
Huntsville, AL—Huntsville Intl-Carl T. Jones Field, ILS RWY 18R, Amdt. 20
Mobile, AL—Bates Field, VOR or TACAN RWY 9, Amdt. 24, CANCELLED
Springdale, AR—Springdale Muni, VOR RWY 18, Amdt. 11
Springdale, AR—Springdale Muni, VOR/DME RWY 18, Amdt. 1
Springdale, AR—Springdale Muni, ILS RWY 18, Amdt. 1
Lihue, HI—Lihue, VOR/DME or TACAN RWY 21, Amdt. 3
Lihue, HI—Lihue, VOR/DME or TACAN RWY 35, Amdt. 6
Mount Vernon, IL—Mount Vernon/Outland, VOR RWY 5, Amdt. 13
Mount Vernon, IL—Mount Vernon/Outland, VOR RWY 23, Amdt. 13
Mount Vernon, IL—Mount Vernon/Outland, ILS RWY 23, Amdt. 8
Omaha, NE—Eppley Airfield, ILS RWY 17, Amdt. 3
Lebanon, NH—Lebanon Muni, ILS RWY 18, Orig
Toledo, OH—Toledo Express, NDB RWY 7, Amdt. 21
Toledo, OH—Toledo Express, ILS RWY 7, Amdt. 22
Toledo, OH—Toledo Express, RADAR-1, Amdt. 15
Lake City, SC—Lake City Muni CJ Evans Field, NDB-A, Orig
Pelion, SC—Corporate, VOR-A, Amdt. 2
Corpus Christi, TX—Corpus Christi Intl, NDB RWY 13, Amdt. 23

. . . Effective January 12, 1989

Kansas City, MO—Kansas City Downtown, LOC RWY 3, Orig., CANCELLED
Kansas City, MO—Kansas City Downtown, ILS RWY 3, Orig
Portland, ME—Portland Intl Jetport, ILS RWY 29, Amdt. 3
Coatesville, PA—Chester County G. O. Carlson, ILS RWY 29, Amdt. 5

. . . Effective December 21, 1988

Rochester, NY—Rochester-Monroe County, ILS RWY 4, Amdt. 15
Oklahoma City, OK—Wiley Post, VOR-A, Amdt. 1
Oklahoma City, OK—Wiley Post, VOR RWY 17L, Amdt. 10
Oklahoma City, OK—Wiley Post, VOR RWY 35R, Amdt. 1
Oklahoma City, OK—Wiley Post, ILS RWY 17L, Amdt. 8
Oklahoma City, OK—Wiley Post, RADAR-1, Amdt. 2

. . . Effective December 16, 1988

Olean, NY—Olean Muni, LOC RWY 22, Amdt. 4
Olean, NY—Olean Muni, NDB RWY 22, Amdt. 11
Olean, NY—Olean Muni, RNAV RWY 22, Amdt. 4

. . . Effective December 15, 1988

Cordova, AK—Cordova-Mile 13, ILS/DME RWY 27, Amdt.8
Marianna, FL—Marianna Muni, NDB-C, Amdt. 2
Jefferson City, MO—Jefferson City Meml, ILS RWY 30, Amdt. 1
Nashville, TN—Nashville International, LDA-DME RWY 2R, Amdt. 1
El Paso, TX—El Paso Intl, LOC/DME RWY 4, Amdt. 1

The FAA published an Amendment in Docket No. 25751, Amdt. No. 1389 to Part 97 of the Federal Aviation Regulations (VOL 53 FR No. 242 Page 50513; dated Friday, December 16, 1988) under § 97.29 effective 12 January 1989, which is hereby amended as follows:

Denver, Co—Stapleton Intl, ILS RWY 36 Amdt. 3 is hereby rescinded, amendment 2 remains in effect.

[FR Doc. 89-33 Filed 1-3-89; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Tylosin and Sulfamethazine

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to remove that portion of the regulations reflecting approval of a new animal drug application (NADA) held by SmithKline Animal Health Products. The NADA provides for the use of a Type A medicated article containing 10 grams per pound each of tylosin and sulfamethazine for making Type C medicated swine feeds. Elsewhere in this issue of the **Federal Register**, FDA is withdrawing approval of the NADA.

EFFECTIVE DATE: January 17, 1989.

FOR FURTHER INFORMATION CONTACT: Mohammad I. Sharar, Center for Veterinary Medicine (HFV-216), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3183.

SUPPLEMENTARY INFORMATION: In a notice published elsewhere in this issue of the **Federal Register**, FDA is withdrawing approval of SmithKline Animal Health Products' NADA 100-127. The NADA provides for using a Type A medicated article containing 10 grams per pound each of tylosin and sulfamethazine for making Type C medicated swine feeds. This document removes the firm's drug labeler code from 21 CFR 558.630(b)(3), which is a required action after approval is withdrawn.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, Part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for 21 CFR Part 558 continues to read as follows:

Authority: Sec. 512, 82 Stat. 343-351 (21 U.S.C. 360b); 21 CFR 5.10 and 5.83.

§ 558.630 [Amended]

2. Section 558.630 *Tylosin and sulfamethazine* is amended in paragraph (b)(3) by removing "000007."

Dated: December 28, 1988.

Richard H. Teske,

Deputy Director, Center for Veterinary Medicine.

[FR Doc. 89-76 Filed 1-3-89; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 203, 234

[Docket No. R-88-1427; FR-2542]

Disclosure of Annual Rate Changes of Adjustable Rate Mortgages (ARMs) and Carryovers

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This rule will shorten the period for advance notice that a holder of an adjustable rate mortgage (ARM) must allow when it makes effective any annual adjustment to a mortgagor's monthly payment on the mortgage. The rule also eliminates the portions of 24 CFR 203.49(e) and 234.79(e) that discuss carryovers in ARM programs. The purpose of the change in the notice period is to conform HUD's practice to existing industry practice. The purpose of eliminating the discussion of carryovers is to eliminate confusion in HUD's rules caused by reference to a feature in the ARM program that has never been adopted in practice since the program was implemented in 1984.

EFFECTIVE DATE: Under section 7(o)(3) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)(3)), this final rule cannot become effective until after the first period of 30 calendar days of continuous session of Congress which occurs after the date of the rule's publication. HUD will publish a notice of the effective date of this rule following expiration of the 30-session-day waiting period. Whether or not the statutory waiting period has expired, this rule will *not* become effective until HUD's separate notice is published announcing a specific effective date.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Falkenstein, Director, Single Family Servicing Division, Room 9178, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 755-6672.

SUPPLEMENTARY INFORMATION: This final rule revises 24 CFR 203.49(g) by changing HUD's disclosure requirement from "at least 30 days" to "at least 25 days" before any annual adjustment to a mortgagor's monthly payment on an adjustable rate mortgage becomes effective. HUD's disclosure change will conform with the existing practice in national banks, as authorized by the Comptroller of the Currency, as well as with a pending requirement of the Board of Governors of the Federal Reserve System.

The Department has determined that both changes covered by this rule should be adopted without the delay occasioned by requiring prior notice and comment. When the interim rule (49 FR 23580) now comprising §§ 203.49 and 234.79 was published on June 6, 1984, HUD received 12 comments, several of which focused on the potential for confusion over carryovers. At the time, the Department decided not to revise the rule in that regard unless, after monitoring the program, it found that the question of carryovers was in fact raising problems for lenders or borrowers. It now seems unlikely that HUD/FHA ARM programs will involve carryovers and offsets in the foreseeable future. Moreover, there have been occasional inquiries from lenders (and from borrowers during periods of declining interest rates) about the use of carryovers in FHA ARMs. The Department has therefore decided to remove the reference to carryovers from §§ 203.49 and 234.79. This decision does not call for further public comment since the issue has been addressed previously in interim rule, and since removal of the reference at this time simply mirrors HUD's policy over the four-year life of the program.

With respect to the change from 30 to 25 days' notice for annual adjustments, HUD observes that the Federal Reserve Board considered imposing a 30-day notice requirement in its November 24, 1986 proposal to amend Regulation Z (51 FR 422451). However, as the preamble to the Board's final rule explained:

> * * * [s]everal commenters addressed the proposed requirement for advance notice of interest rate and payment adjustments. The primary criticism was that the advance notice was required at least 30 days before the effective date of an interest rate adjustment and not before a payment at the new level is due, as is currently required by the OCC. The commenters stated that this proposed requirement would cause problems for lenders offering short-term ARMs that closely track changes in the index values. Some commenters recommended reducing the number of days before an adjustment that notice is required and clarifying that notice should be given before a payment at a new level is due. 51 FR at 48666.

Accordingly, the Board adopted a 25-day requirement. The class of persons affected by HUD's timing change in the present rule is included in the class affected by the Board's decision, and the response of interested persons in the Regulation Z Docket is a matter of public record. It appears that no benefit would inure from an invitation by HUD for further comment. Moreover, the matter should be resolved quickly; HUD's change is intended to coordinate with action by the Board and other Federal agencies in simplifying and unifying both annual and pre-application disclosure requirements for ARMs. Compliance with the Regulation Z changes were required as of October 1, 1988, and optional before that date.

This final rule does not constitute a "major rule" as that term is defined in section 1(b) of the Executive Order on Federal Regulations issued by the President on February 17, 1981. An 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.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours at the Office of the Rules Docket Clerk at Room 10276, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410.

Under 5 U.S.C. 605(b), (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule will not have significant economic impact on a substantial number of small entities, because the change in the notice period is not considered to be a serious burden upon any borrower, and because the carryover provisions affected by the rule have never been, in fact, implemented.

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, *Federalism*, has determined that the policies contained in this rule do not have federalism implications and, thus, are not subject to review under the Order. The rule pertains only to the regulation of lenders insured by the Federal Housing Administration, and presents no discernible likelihood of any conflict with State or local law.

The General Counsel, as the Designated Official under Executive Order 12606, *The Family*, has

determined that this rule does not have a potentially significant impact on family formation, maintenance, and general well-being, and, thus, is not subject to review under the Order. The rule has only incidental effect on the procedural details of operation of a HUD insurance program, and no significant relationship to family-related issues is evident.

This rule was listed as item 984 in the Department's Semiannual Agenda of Regulations published on October 24, 1988 (53 FR 41974, 41995) under Executive Order 12291 and the Regulatory Flexibility Act.

Information collection requirements contained in this regulation have been approved by the Office of Management and Budget under the provisions of the Paperwork Relocation Act of 1980 (Pub. L. 46–511) and have been assigned OMB control number 2502–0322.

List of Subjects

24 CFR Part 203

Home improvements, Loan progams: housing and community development, Mortgage insurance, Solar energy.

24 CFR Part 234

Condominiums, Mortgage insurance, Homeownership, Projects, Units.

Accordingly, the Department amends 24 CFR Parts 203 and 234 as follows:

1. The authority citation for 24 CFR 203 continues to read as follows:

Authority: Sec. 203, 211, National Housing Act (12 U.S.C. 1709, 1715b); Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d). In addition, Subpart C also is issued under Sec. 230, National Housing Act (12 U.S.C. 1715u).

PART 203—MUTUAL MORTGAGE INSURANCE AND REHABILITATION LOANS

2. Sections 203.49(e)(1), (f)(1), and (g) are revised to read as follows:

§ 203.49 Eligibility of adjustable rate mortgages.

* * * * *

(e) * * *

(1) No single adjustment to the interest rate may result in a change in either direction of more than one percentage point from the interest rate in effect for the period immediately preceding that adjustment. Index changes in excess of one percentage point may not be carried over for inclusion in an adjustment in a subsequent year. Adjustments in the effective rate of interest over the entire term of the mortgage may not result in a change in either direction of more than five percentage points from the initial contract interest rate.

* * * * *

(f) * * *

(1) The fact that the mortgage interest rate may change, and an explanation of how changes correspond to changes in the interest rate index;

* * * * *

(g) *Annual disclosure.* At least 25 days before any adjustment to a mortgagor's monthly payment may occur, the mortgagee must advise the mortgagor of the new mortgage interest rate, the amount of the new monthly payment, the current index interest rate value, and how the payment adjustment was calculated.

* * * * *

3. The authority citation for 24 CFR 234 continues to read as follows:

Authority: Secs. 211, 234, National Housing Act, (12 U.S.C. 1715b, 1715y); sec. 7(d), Department of Housing and Urban Development Act, (42 U.S.C. 3535(d)).

4. Sections 234.79 (e)(1), (f)(1), and (g) are revised to read as follows:

§ 234.79 Eligibility of adjustable rate mortgages.

* * * * *

(e) * * *

(1) No single adjustment to the interest rate may result in a change in either direction of more than one percentage point from the interest rate in effect for the period immediately preceding that adjustment. Index charges in excess by one percentage point may not be carried over for inclusion in an adjustment in a subsequent year. Adjustments in the effective rate of interest over the entire term of the mortgage may not result in a change in either direction of more than five percentage points from the initial contract interest rate.

* * * * *

(f) * * *

(1) The fact that the mortgage interest rate may change, and an explanation of how changes correspond to changes in the interest rate index;

(g) *Annual disclosure.* At least 25 days before any adjustment to a mortgagor's monthly payment may occur, the mortgagee must advise the morgagor of the new mortgage interest rate, the amount of the new monthly payment, the current index interest rate value, and how the payment adjustment was calculated.

* * * * *

Date: October 27, 1988.

James E. Schoenberger,

General Deputy Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 89–71 Filed 1–3–89; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 177

San Carlos Irrigation Project, Arizona

September 30, 1988.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Final rule.

SUMMARY: The Bureau of Indian Affairs published in the **Federal Register**, Volume 52, Number 237, December 10, 1987, a proposed rule to amend the pertinent sections of the regulations governing the charges and costs assessed the power customers for electric power, energy and associated services provided by the San Carlos Irrigation Project (SCIP), Arizona.

This action increases Rate Schedules No. 1 and No. 2 of 25 CFR 177. The new rates reflect the increased operating costs associated with labor, equipment and supplies, as well as costs of project rehabilitation, repayment of the federal investment in the project and payment of operation and maintenance expenses.

EFFECTIVE DATE: January 4, 1989.

FOR FURTHER INFORMATION CONTACT: Ralph Esquerra, Project Engineer or Jim Ong, Jr., Power Manager, San Carlos Irrigation Project, P.O. Box 250, Coolidge, Arizona 85228, Telephone: (602) 723–5439.

SUPPLEMENTARY INFORMATION: This action increases the electric power assessment rates for electric power service given under Rate Schedule No. 1—Residential Rate and Rate Schedule No. 2—General Rate at Sections 177.51 and 177.52, respectively, of the Code of Federal Regulations, Title 25—Indians.

The Bureau of Indian Affairs, Phoenix Area Office, has received three (3) written comments in response to the proposed rule. The first letter, in the order of receipt, was from Mr. Don L. Weesner, General Manager for the San Carlos Irrigation and Drainage District (District). The initial area of concern to the District was the possible inability of the SCIP to compete with Arizona Public Service in serving large loads such as the federal facility at Florence, Arizona. The District felt that the proposed general rate schedule that would be applicable to the facility would reduce

the price advantage of electric power service provided by SCIP.

The Bureau realizes that the proposed general rate schedules will decrease the price advantage that SCIP currently provides, but the new rates will still provide a competitive advantage over the rates offered by the neighboring electric utility companies within the service area. Without the proposed increase, SCIP would not be able to generate the revenues needed to upgrade the system required to service its current as well as future industrial and governmental loads.

The District's second concern relates to the impact the proposed rates would have upon customers who operate private irrigation pumps. In order to minimize the possible adverse economic impact upon this class of customers, the District has recommended establishment of a separate rate schedule specifically for private irrigation pumping. The recommendation merits further consideration: however, SCIP is not in a position to establish a separate rate schedule for private irrigation pumping at the present time. The proposed rate schedules were developed from a rate study which considered the proportionate overall economic contribution of all SCIP customers within the schedules No. 1 and No. 2.

The second written comment received by the Bureau of Indian Affairs was from Mr. Thomas R. White, Governor, Gila River Indian Community. His first concern related to the justification for the rate schedules as proposed. As explained in the proposed rules published in the **Federal Register** on December 10, 1987, the last assessment rate increase for the San Carlos Irrigation Project—Power Division was five years ago. Since that time, normal costs for labor, materials and supplies needed to deliver safe, reliable, and efficient power and energy to all of its customers has increased substantially. The revenues generated from the assessment rate increases will enable us to continue the rehabilitation and upgrading program that is currently in progress. For instance, the Lone Butte Substation recently completed and energized on the Gila River Reservation. This substation provides a power and energy delivery point to the Gila River Indian Reservation.

Mr. White recommended that SCIP provide a detailed plan of improvements and rehabilitation to the system so the power customers will be assured of a systematic approach to the rehabilitation program. A rehabilitation and betterment report is available in the Project office.

Further, Mr. White expressed concern related to the assessment rate increase in the midst of H.R. 2060, a bill to direct the Secretary of the Interior to divest of certain utility systems without a plan of improvements. In 1984, the Bureau of Indian Affairs, Phoenix Area Office, prepared for the project Engineer a draft Rehabilitation and Betterment Report for the San Carlos Irrigation Project Power System. The Report (Plan) was presented to both the District and Gila River Indian Community for their review and comment. The Plan provided a construction schedule and cost estimates for the rehabilitation and betterment of the entire power system. Until relieved of its responsibility by enactment of the proposed legislation and actual divestiture of the power system by the United States, SCIP has a continuing obligation to operate, maintain and replace the facilities of the power system.

The third letter received by the Bureau of Indian Affairs was from Mr. Steve Jones, Executive Director of the Gila River Indian Housing Authority. The concern expressed in his letter was the financial hardship the assessment rate increase may have upon the low-income families. The "Electric Rate Study" prepared by the San Carlos Irrigation Project in January 1984 in support of the assessment rate increases recognized the probable impacts upon the low-income families within the whole service area. Exhibit B, page 2 of that Study reads, "The Project's residential customers that have a low KwH usage per month, are characterized by a low fixed income; therefore, it is determined that no increase in the minimum bill will be recommended at this time." Rate Schedule No. 1—Residential, provides the same minimum bill of $10.74 per month which includes the first 50 KwH of energy as is currently in effect. Increases for low and/or fixed income families will occur after consumption of energy in excess of 50 KwH.

Finally, one statement in the Federal Register notice of the proposed rate schedules must be changed as a result of advice received from the Solicitor's Office of the Department of the Interior. In discussing where power revenues will be spent in the future, the Federal Register notice stated that: "The additional revenues will allow the Project to meet its statutory repayment requirements and also enable the Project to apply funds towards the operation and maintenance of the irrigation system."

In a recent opinion, the Phoenix Field Solicitor held that there is no statutory authority which would allow the Project to use power revenues to cover irrigation system operation, maintenance and rehabilitation (OM&R) costs. The Field Solicitor held that under the Act of March 7, 1928 (45 Stat. 210–211), as amended (49 Stat. 1822–1823) power revenues obtained from the sale of project—generated power may be applied to irrigation system OM&R costs only after the total construction debt has been repaid. The Field Solicitor's opinion also stated there is no authority in the Act of August 7, 1946 (60 Stat. 895–896), to use power revenues obtained from the sale of purchased power to cover irrigation system OM&R costs.

The authority to issue rules and regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and Sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9). This final rule is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

The Department of the Interior has determined that this document is not a major rule and does not require a regulatory analysis under Executive Order 12291. In monetary terms, the economic effects of the proposed amendment will be below $100 million and do not meet the other tests for a major rule under E.O. 12291. The Department of the Interior certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). The expected effect on the approximately 1,500 individual and commercial electric power meters will be small and insignificant; and, in monetary terms, the proposed action involves approximately $750,000 of additional revenue per year for the Project. The anticipated impacts on competition, employment, investment and the general economic environment are minimal and insignificant. Furthermore, the Department has determined that this document does not constitute a major Federal action significantly affecting the human environment which would require preparation of an Environmental Impact Statement pursuant to the National Environmental Policy Act. The information collection requirement in Section 177.4 has been approved by the Office of Management and Budget under the Paper Work Reduction Act (44 U.S.C. 3501 et seq.) and assigned clearance number 1076–0021.

The principal authors of this document are Jim Ong, Jr., Power Manager, Bureau of Indian Affairs, San

Carlos Irrigation Project, Coolidge, Arizona 85228, Telephone Number (602) 723–5439 and Mort S. Dreamer, Irrigation and Power Engineer, Bureau of Indian Affairs, Office of Trust and Economic Development, Division of Water and Land Resources, MS–4559–MIB, Washington, DC 20240, Telephone Number (202) 343–5696.

List of Subjects in 25 CFR Part 177

Electric power, Indian-lands, Irrigation.

For the reasons set out in the preamble, Part 177 in Chapter I of Title 25 of the Code of Federal Regulations is amended as follows:

PART 177—[AMENDED]

1. The authority citation for Part 177 continues to read as follows:

Authority: Sec. 5, 43 Stat. 476; 45 Stat. 210, 211; 5 U.S.C. 301.

2. Section 177.51 is amended by revising paragraphs (b) and (c) as follows:

§ 177.51 Rate schedule No. 1—Residential rate.

* * * * *

(b) Monthly rate. (1) $10.74 minimum which includes the first 50 Kilowatt-hours.

(2) 11.7 cents per kilowatt-hour for the next 100 kilowatt-hours.

(3) 7.5 cents per kilowatt-hour for the next 350 kilowatt-hours.

(4) 6.3 cents per kilowatt-hour for all additional kilowatt-hours.

(c) Minimum bill. The minimum bill shall be $10.74 per month except when a higher minimum bill is stipulated in the contract.

* * * * *

3. Section 177.52 is amended by revising paragraphs (b) and (c) to read as follows:

§ 177.52 Rate schedule No. 2—General rate.

* * * * *

(b) Monthly rate. (1) $13.87 minimum which includes the first 50 kilowatt-hours.

(2) 16.8 cents per kilowatt-hour for the next 350 kilowatt-hours.

(3) 9.9 cents per kilowatt-hour for the next 600 kilowatt-hours.

(4) 7.6 cents per kilowatt-hour for the next 9,000 kilowatt-hours.

(5) When use is 10,000 kilowatt-hours or more: First 10,000 kilowatt-hours $843.07.

(6) Additional kilowatt-hours at 6.17 cents per kilowatt-hour, less a credit of 0.9 cents per kilowatt-hour for each kilowatt/hour above 200 times the billing demand (50 kw minimum).

(c) Minimum bill. The minimum bill shall be $3.06 per month per kilowatt of billing demand, except where the customer's requirements are of a distinctly recurring seasonal nature. Then, the minimum monthly bill shall not be more than an amount sufficient to make the total charges for the twelve (12) months ending with the current month equal to twelve times the highest monthly minimum computed for the same twelve-month period. However, no monthly billings shall be less than $13.87.

* * * * *

W.P. Ragsdale,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 89–18 Filed 1–3–89; 8:45 am]

BILLING CODE 4310–02–M

DEPARTMENT OF JUSTICE

28 CFR Part 16

[AAG/A Order No. 27–88]

Exemption of Records Systems Under the Privacy Act

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: The Department of Justice, Civil Division, is amending 28 CFR Part 16 to exempt four systems of records from certain provisions of the Privacy Act, 5 U.S.C. 552a. Specifically, the Division is exempting the Civil Division Case File System/JUSTICE/CIV–001, and the Freedom of Information/Privacy Acts File System, JUSTICE/CIV–005, from subsections (c) (3) and (4), and (d), (e)(1), (e)(2), (e)(3), (e)(4) (G) and (H), (e)(5), (e)(8), and (g). These exemptions are necessary to protect the confidentiality of civil investigatory and criminal law enforcement materials and of properly classified information. In addition, the Division is exempting the Consumer Inquiry/Investigatory System, JUSTICE/CIV–006, from subsections (c) (3) and (4), (d), (e)(1) and (e)(5), and the Congressional and Citizen Correspondence File, JUSTICE/CIV–007, from subsection (d). These exemptions are needed to protect the integrity of civil investigatory and criminal law enforcement materials.

EFFECTIVE DATE: January 4, 1989.

FOR FURTHER INFORMATION CONTACT: J. Michael Clark 202–272–6474.

SUPPLEMENTARY INFORMATION: A proposed rule with an invitation to comment was published in the **Federal Register** on January 29, 1988. The public was given 30 days in which to comment. The Office of Management and Budget (OMB) questioned the exemption of the Civil Division Case File System under section (j)(2) of the Privacy Act. The Department has advised OMB that the Consumer Litigation Branch of the Civil Division has responsibility for the prosecution of criminal statutes, such as the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 *et seq.*), as well as civil statutes. Accordingly, this system of records is appropriately exempted pursuant to subsection (j)(2). Without the exemption, the criminal law enforcement records in this system could not be legally protected from disclosure.

This order relates to individuals rather than small business entities. Nevertheless, pursuant to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601–612, it is hereby stated that the order will not have "a significant economic impact on a substantial number of small entities."

List of Subjects in 28 CFR Part 16

Administrative Practice and Procedure, Courts, Freedom of Information, Privacy and Sunshine Acts.

Authority: The authority for this rule is 5 U.S.C. 552a. Accordingly, pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by Attorney General Order 793–78, the Department is amending 28 CFR Part 16 by adding § 16.89 as set forth below.

Date: December 16, 1988.

Harry H. Flickinger,

Assistant Attorney General for Administration.

1. The authority for Part 16 continues to read as follows.

Authority: 28 U.S.C. 509, 510; 5 U.S.C. 301, 552, 552a; 31 U.S.C. 483 unless otherwise noted.

2. 28 CFR is amended by adding § 16.89 to read as follows:

§ 16.89 Exemption of Civil Division Systems—limited access.

(a) The following systems of records are exempted pursuant to 5 U.S.C. 552a(j)(2) from subsections (c) (3) and (4), (d), (e)(1), (e)(2), (e)(3), (e)(4) (G) and (H), (e)(5), (e)(8), and (g); in addition, the following systems of records are exempted pursuant to 5 U.S.C. 552a (k)(1) and (k)(2) from subsections (c)(3), (d), (e)(1), (e)(4) (G) and (H):

(1) Civil Division Case File System, JUSTICE/CIV–001.

(2) Freedom of Information/Privacy Acts File System, JUSTICE/CIV–005.

These exemptions apply only to the extent that information in these systems is subject to exemption pursuant to 5 U.S.C. 552a (j)(2), (k)(1) and (k)(2).