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Friday
January 23, 1987

Briefings on How To Use the Federal Register—
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WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2 1/2 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

WHEN: January 29; at 9 am.

WHERE: Office of the Federal Register,
First Floor Conference Room,
1100 L Street NW., Washington, DC.

RESERVATIONS: Mildred Isler 202-523-3517

PORTLAND, OR

WHEN: February 17; at 9 am.

WHERE: Bonneville Power Administration
Auditorium,
1002 N.E. Holladay Street,
Portland, OR.

RESERVATIONS: Call the Portland Federal Information Center on the following local numbers:

Portland	503-221-2222
Seattle	206-442-0570
Tacoma	206-383-5230

LOS ANGELES, CA

WHEN: February 18; at 1:30 pm.

WHERE: Room 8544, Federal Building,
300 N. Los Angeles Street,
Los Angeles, CA.

RESERVATIONS: Call the Los Angeles Federal Information Center, 213-894-3800

SAN DIEGO, CA

WHEN: February 20; at 9 am.

WHERE: Room 2S31, Federal Building,
880 Front Street, San Diego, CA.

RESERVATIONS: Call the San Diego Federal Information Center, 619-293-6030

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Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

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Presidential Documents

Title 3—

The President

Proclamation 5600 of January 20, 1987

National Safe Boating Week, 1987

By the President of the United States of America

A Proclamation

To remind Americans of the need to keep safety in mind while on the Nation's waters, one week out of every year is designated as National Safe Boating Week. This year, it is estimated, over 68 million Americans will enjoy boating on our country's lakes, rivers, streams, oceans, and bays. Boating is fun and relaxing, but the marine environment is not without hazards. Therefore, it is imperative that all boaters learn and practice safe boating techniques.

The theme of this year's National Safe Boating Week, "Be Smart! Take a Boating Course!," emphasizes the importance of learning safe ways to enjoy the sport of boating. As each year passes, our Nation's waters become increasingly crowded with new and exciting craft. In addition to the traditional sailboats, cruisers, canoes, and rowboats, we now have jet-powered water skis, sailboards, and high-speed power boats whose capabilities rival the racing craft of yesteryear.

Because of these developments, it is vital that all boaters understand the courtesies and basic principles of boating safety. Using a boat requires knowledge and experience, just like operating an automobile. Uneducated boaters not only expose themselves to hazards, but also jeopardize their passengers and other boaters. A lack of knowledge, coupled with fatigue, alcohol or drug use, or faulty equipment, can produce fatal results. Since the majority of boating accidents are due to operator error, education is the key to their prevention.

In recognition of the need for boating safety, the Congress, by joint resolution approved June 4, 1958, as amended (36 U.S.C. 161), authorized and requested the President to proclaim annually the week commencing on the first Sunday in June as National Safe Boating Week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning June 7, 1987, as National Safe Boating Week. I invite the Governors of the States, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, and American Samoa, and the Mayor of the District of Columbia to provide for the observance of this week.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of January, in the year of our Lord nineteen hundred and eighty-seven, and of the Independence of the United States of America the two hundred and eleventh.

Ronald Reagan

[FR Doc. 87-1707
Filed 1-21-87; 4:53 pm]
Billing code 3195-01-M

Rules and Regulations

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 890

Federal Employees Health Benefits Program; Change of Enrollment Opportunities for Medicare Eligibles

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is amending its regulations to allow Federal Employees Health Benefits (FEHB) Program enrollees who become eligible for coverage under Title XVIII of the Social Security Act (Medicare) to change their enrollment to any option of any available FEHB plan. These regulations will simplify administration of the FEHB Program and benefit enrollees by offering them freedom to choose a more desirable combination of benefits.

EFFECTIVE DATE: February 23, 1987.

FOR FURTHER INFORMATION CONTACT: Barbara Myers, (202) 632–4634.

SUPPLEMENTARY INFORMATION: On July 1, 1986, OPM published proposed regulations in the **Federal Register** (51 FR 23782) to allow FEHB Program enrollees who become eligible for Medicare coverage to change their enrollment to any option of any available FEHB plan.

OPM received four written comments on the proposed regulations: Two were from Federal agencies, one from an FEHB Program plan, and one from a private individual. All of the responses were generally in favor of the proposed change.

One Federal agency noted that the word "Medicaid" was erroneously substituted for "Medicare" in the heading reference and also proposed an editorial change to make the regulation easier to understand. We have corrected this typographical error and included the suggested editorial change in the final regulations.

The agency also suggested that the regulation require the enrollee to take advantage of the opportunity to make an enrollment change within 60 days after becoming eligible for Medicare and before the next regular open season date. We are not in favor of setting a time limit on this opportunity. Medicare-eligible enrollees should be allowed to change enrollment at the time they discover that current FEHB coverage no longer suits their needs. We do not believe that an open-ended opportunity to change enrollment would have an adverse effect on the FEHB Program because enrollees who may make an enrollment change under this regulation also have Medicare coverage and may use this opportunity only once. (Enrollees who need to change enrollment again after using this one-time opportunity may do so during any FEHB open season.)

E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the regulation merely expands the freedom of choice currently provided by enabling enrollees to change to any option of any available FEHB plan upon becoming eligible for Medicare.

List of Subjects in 5 CFR Part 890

Administrative practice and procedure, Government employees, Health insurance, Retirement.

U.S. Office of Personnel Management.
James E. Colvard,
Deputy Director.

Accordingly, OPM is amending 5 CFR Part 890 as follows:

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

1. The authority citation for Part 890 continues to read as follows:

Authority: 5 U.S.C. 8913; Sec. 890.102 also issued under 5 U.S.C. 1104 and sec. 3(5) of Pub. L. 95–454, 92 Stat. 1112; Sec. 890.301 also issued under 5 U.S.C. 8905(b); Sec. 890.302 also issued under 5 U.S.C. 8901(5) and 5 U.S.C. 8901(9); Sec. 890.701 also issued under 5 U.S.C. 8902(m)(2); Subpart H also issued under Title I of Pub. L. 98–615, 98 Stat. 3195, and Title II of Pub. L. 99–251.

2. Section 890.301 is amended by revising paragraph (n) to read as follows:

§ 890.301 Opportunities to register to enroll and change enrollment.

* * * * *

(n) *On becoming eligible for coverage under Title XVIII of the Social Security Act.* An enrolled employee, annuitant, or former spouse may register, at any time beginning on the 30th day before he or she is eligible for coverage under Title XVIII of the Social Security Act (Medicare), to change enrollment to any option of any available plan under this part. A change of enrollment under this paragraph may be made only once.

* * * * *

[FR Doc. 87–1569 Filed 1–22–87; 8:45 am]
BILLING CODE 6325–01–M

5 CFR Part 890

Federal Employees Health Benefits Program

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing regulations to implement changes to the Federal Employees Health Benefits (FEHB) program made by the Civil Service Retirement Spouse Equity Act of 1984 and the Federal Employees Benefits Improvement Act of 1986. The regulations advise agencies, former spouses, and other interested parties of the eligibility requirements for obtaining health coverage and the procedures for applying for benefits under the spouse equity provisions.

EFFECTIVE DATE: January 23, 1987.

FOR FURTHER INFORMATION CONTACT: Mary Ann Mercer, (202) 632–4634.

SUPPLEMENTARY INFORMATION: On June 13, 1985, OPM published interim regulations in the **Federal Register** [50 FR 24757] to implement changes to the FEHB program made by the Civil Service Retirement Spouse Equity Act of 1984, Pub. L. 98–615. Comments were requested from interested parties. Subsequently, the Federal Employees

Benefits Improvement Act of 1986, Pub. L. 99–251, was enacted which changed several of the provisions of Pub. L. 98–615. On April 28, 1986, OPM published revised interim regulations in the **Federal Register** [51 FR 15744] to implement the most recent changes in law and to clarify portions of the regulations published June 13, 1985, in response to the comments received. Another opportunity to comment was provided before publishing final regulations. One comment was received from a Federal agency.

The agency suggested that OPM specify the dissolution of marriage time-frame applicable to former spouses eligible under § 890.803(a)(3)(ii). Former spouses under this paragraph must have been married to an employee who retired before May 7, 1985, and (1) the employee annuitant must make an election to provide a survivor annuity for the former spouse; or (2) the former spouse must satisfy the five statutory conditions for a survivor annuity in 5 CFR 831.622. The revised regulations omit references to the date of dissolution of marriage in § 890.803 because benefits are paid under the section if all applicable criteria are met regardless of the date the marriage dissolved.

Telephone inquiries from agencies have pointed out the need for three clarifying changes. The supplementary information section of the revised interim regulations implied that the former spouse's premium payments are required on a postpaid basis, but the regulations were not explicit on this point. A statement has been added to § 890.808(d) to make it clear that premium payments will be required after the end of the period in which the former spouse is covered. Section 890.808(d) now also makes it clear that a former spouse whose enrollment is terminated for nonpayment of premiums may not reenroll in the FEHB Program.

The Foreign Service Retirement and Disability System and the Central Inteligence Agency (CIA) Retirement and Disability System will be administering the spouse equity legislation in conjunction with the legislation granting them authority for spousal benefits. These systems will evaluate court orders of former spouses of Foreign Service and CIA employees, former employees, or annuitants who are under their respective systems. Consequently, § 890.808(b) has been clarified to show that the employment office must obtain the determination of entitlement under § 890.803(a)(3)(i), (ii), or (iii) from the applicable retirement system.

Waiver of 30-day Delay in Effective Date of Final Regulation

Pursuant to section 553(d)(3) of title 5 of the United States Code, I find that good cause exists to make this amendment effective in less than 30 days. The regulations are effective upon publication because the authorizing statutes convey immediate health benefits entitlements. Regulatory guidance is needed immediately for effective implementation.

E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because the regulations merely implement the amendments to the Federal Employees Health Benefits Act under the Civil Service Retirement Spouse Equity Act of 1984, Pub. L. 98–615 and the Federal Employees Benefits Improvement Act of 1986, Pub. L. 99–251.

List of Subjects in 5 CFR Part 890

Aministrative practice and procedure, Claims, Government employees, Health insurance, Retirement.

U.S. Office of Personnel Management.

James E. Colvard,

Deputy Director.

Accordingly, OPM is adopting its revised interim rules published April 28, 1986 (51 FR 15744), as final rules with the following changes:

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

1. The authority citation for Part 890 continues to read as follows:

Authority: 5 U.S.C. 8913; Sec. 890.102 also issued under 5 U.S.C. 1104 and Sec. 3(5) of Pub. L. 95–454, 92 Stat. 1112; Sec. 890.301 also issued under 5 U.S.C. 8905(b); Sec. 890.302 also issued under 5 U.S.C. 8901(5) and 5 U.S.C. 8901(9); Sec. 890.701 also issued under 5 U.S.C. 8902(m)(2); Subpart H also issued under Title I of Pub. L. 98–615, 98 Stat. 3195, and Title II of Pub. L. 99–251, 100 Stat. 14.

§ 890.806 [Amended]

2. In § 890.806, paragraph (b), the paragraph reference to "§ 890.301(g)" is removed and replaced by "§ 890.301(q)."

3. In § 890.808, paragraph (b)(1) and the second sentence of paragraph (d)(1) are revised, and a fifth sentence is added to (d)(1) to read as follows:

§ 890.808 Employing office responsibilities.

* * * * *

(b) *Administration of the enrollment process.* (1) The employing office will set up a method for accepting applications for enrollment, informing the former spouse what documents to submit and where to submit them for an eligibility determination, and collecting premium payments. The method will include procedures for verifying the eligibility requirements under § 890.803(a)(1) and (2). The employing office must obtain OPM, Foreign Service Retirement and Disability System (FSRDS), or CIA Retirement and Disability System (CIARDS) documentation that the former spouse meets the additional requirement under § 890.803(a)(3)(i), (ii), or (iii).

* * * * *

(d) *Premium payments.* (1) * * * Payment must be made after the pay period in which the former spouse is covered in accordance with a schedule established by the employing office [see § 890.101(a)(9)]. * * * A former spouse whose enrollment is terminated because of nonpayment of premium may not reenroll.

* * * * *

[FR Doc. 87–1568 Filed 1–22–87; 8:45 am]

BILLING CODE 6325–01–M

DEPARTMENT OF AGRICULTURE

7 CFR Part 2

Revision of Delegations of Authority

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This document amends the delegations of authority from the Secretary of Agriculture and General Officers of the Department to reflect the transfer of certain functions.

EFFECTIVE DATE: January 23, 1987.

FOR FURTHER INFORMATION CONTACT: Samuel Cornelius, Director, Office of Advocacy and Enterprise, U.S. Department of Agriculture, Washington, DC (447–5212).

SUPPLEMENTARY INFORMATION: The delegations of authority of the Department of Agriculture are amended to reflect the establishment of the Office of Advocacy and Enterprise (OAE). This new office is responsible for the functions of the Office of Equal Opportunity (OEO), the Office of Small and Disadvantaged Business Utilization (OSDBU), and the Departmental Advocate for Competition. OEO is abolished. The Director, OAE, will serve as the Department's Director of Small and Disadvantaged Business Utilization

and the Department's Advocate for Competition. In addition, responsibilities for providing leadership for Departmental efforts to further the participation of minority colleges and universities in Departmental programs and for monitoring agency compliance are transferred from the Office of Grants and Program Systems to OAE.

Presently, the Assistant Secretary for Administration and the Director, Office of Personnel, have delegated authority to administer contracts for the investigation of USDA Equal Employment Opportunity (EEO) complaints. The delegations of authority are amended also to authorize those officials to investigate complaints by USDA employees of EEO discrimination. This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity for comment are not required, and this rule may be made effective less than 30 days after publication in the **Federal Register**. Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12291. Finally, this action is not a rule as defined by the Regulatory Flexibility Act and thus is exempt from the provisions of that Act.

List of Subjects in 7 CFR Part 2

Authority delegations (Government Agencies).

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Accordingly, Part 2, Title 7, Code of Federal Regulations is amended as follows:

1. The authority citation for Part 2 continues to read as follows:

Authority: 5 U.S.C. 301 and Reogranization Plan No. 2 of 1953.

Subpart C—Delegations of Authority to the Deputy Secretary, the Under Secretary for International Affairs and Commodity Programs, the Under Secretary for Small Community and Rural Development, and Assistant Secretaries

2. Section 2.25 is amended by removing and reserving paragraph (c)(8)(ix), by revising paragraphs (c)(8) introductory text, (c)(8)(xiii) and (e)(15), by adding new paragraphs (c)(8)(xiv) through (c)(8)(xvi) and (h)(23), by redesignating paragraphs (k) and (l) as (l) and (m), respectively and by adding a new paragraph (k) as follows:

§ 2.25 Delegations of authority to the Assistant Secretary for Administration.

* * * * *

(c) *Related to operations.* * * *

(8) Pursuant to Executive Order 12352 and sections 16, 20(b), and 21 of the Office of Federal Procurement Policy Act, as amended, designate a Senior Procurement Executive for the Department and delegate responsibility for the following:

* * * * *

(ix) [Reserved]

* * * * *

(xiii) Redelegating the authorities in § 2.25 (c)(8)(ii), (iii), (iv), (vi) and (vii) to USDA agency Procurement Executives or other qualified agency officials with the power of further redelegation.

* * * * *

(xiv) Reviewing and approving the goals and plans of the Department's Advocate for Competition to increase full and open competition.

(xv) Reviewing and approving the system of personnel and organizational accountability for competition of the Department's Advocate for Competition.

(xvi) Reviewing the Department's annual report to the Congress on Competition Advocacy activities.

* * * * *

(e) *Related to personnel.* * * *

(15) Investigate USDA EEO complaints with authority to enter into and administer contracts for such investigations.

* * * * *

(h) *Related to equal opportunity.* * * *

(23) Maintain liaison with historically black colleges and universities and with other colleges and universities with substantial minority group enrollment, and assist USDA agencies in strengthening such institutions by facilitating institutional participation in USDA programs and activities and by encouraging minority students to pursue curricula that could lead to careers in the food and agricultural sciences.

* * * * *

(k) *Related to competition advocacy.*

(l) Pursuant to the Office of Federal Procurement Policy Act (Act), as amended, designate the Department's Advocate for Competition with responsibility for sections 20 and 21 of the Act, including:

(i) Reviewing the procurement activities of the Department.

(ii) Developing new initiatives to increase full and open competition.

(iii) Developing goals and plans and recommending actions to increase competition.

(iv) Challenging conditions unnecessarily restricting competition in the acquisition of supplies and services.

(v) Designating an Advocate for Competition for each procuring activity within the Department.

(vi) Preparing the annual report to the Congress for transmittal by the Secretary on activities of the Advocate for Competition.

§ 2.30 [Amended]

3. Section 2.30 is amended by removing and reserving paragraph (a)(76).

Subpart J—Delegations of Authority by the Assistant Secretary for Administration

§ 2.75 [Amended]

4. Section 2.75 is amended by removing and reserving paragraph (a)(17).

5. Section 2.76 is amended by revising paragraphs (a)(1)(ii), (a)(10) introductory text, and (a)(10)(xiii); by removing and reserving paragraph (a)(10)(ix); and by adding new paragraphs (a)(10)(xiv) through (a)(10)(xvi) as follows:

§ 2.76 Director, Office of Operations.

(a) *Delegations* * * *

(1) * * *

(ii) Socioeconomic programs relating to contracting, excepting those matters otherwise vested by statute in the Director of Small and Disadvantaged Business Utilization or delegated to the Director of the Office of Advocacy and Enterprise.

* * * * *

(10) Pursuant to Executive Order 12352 and sections 16, 20(b), and 21 of the Office of Federal Procurement Policy Act, as amended, the Director, Office of Operations, is designated as the Senior Procurement Executive for the Department with responsibility for the following:

* * * * *

(ix) [Reserved]

* * * * *

(xiii) Redelegating the authorities in § 2.76 (a)(ii), (iii), (iv), (vi), and (vii) to USDA agency Procurement Executives or other qualified agency officials with the power of further redelegation.

(xiv) Reviewing and approving the goals and plans of the Department's Advocate for Competition to increase full and open competition.

(xv) Reviewing and approving the system of the Department's Advocate for Competition for personnel and organizational accountability for competition.

(xvi) Reviewing the Department's annual report to the Congress on Competition Advocacy activities.

6. Section 2.78 is amended by revising paragraph (a)(27) to read as follows:

§ 2.78 Director, Office of Personnel.

(a) *Delegations.* * * *

(27) Investigate USDA EEO complaints, with authority to enter into and administer contracts for such investigations.

* * * * *

§ 2.79 [Removed and reserved]

7. Section 2.79 is removed and reserved.

8. Section 2.80 is amended by revising the heading, introductory paragraph (a), and by adding new paragraphs (a)(19) through (a)(21) as follows:

§ 2.80 Director, Office of Advocacy and Enterprise

(a) *Delegations.* Pursuant to § 2.25(h), (i), and (k), the following delegations of authority are made by the Assistant Secretary for Administration to the Director, Office of Advocacy and Enterprise.

* * * * *

(19) The Director of the Office of Advocacy and Enterprise is designated as the Department's Director for Small and Disadvantaged Business Utilization in compliance with Pub. L. No. 95–507. The Director of Small and Disadvantaged Business Utilization has specific responsibilities under the Small Business Act, as amended, 15 U.S.C. 644(k). These duties include being responsible for the following:

(i) Administering the Department's small and disadvantaged business activities related to procurement contracts, minority bank deposits, and grants and loan activities affecting small and minority business, including women-owned business, Labor Surplus Area concerns, and the small business and small minority business subcontracting programs.

(ii) Providing Departmentwide liaison and coordination of activities related to small and disadvantaged business with the Small Business Administration and others in the public and private sector.

(iii) Developing policies and procedures required by the applicable provisions of the Small Business Act as amended to include the establishment of goals.

(20) Maintain liaison with historically black colleges and universities and other colleges and universities with substantial minority group enrollment, and assisting USDA agencies in strengthening such institutions by facilitating institutional participation in USDA programs and activities and by encouraging minority students to pursue curricula that could lead to careers in the food and agricultural sciences.

(21) The Director of the Office of Advocacy and Enterprise is designated as the Department's Advocate for Competition with responsibility for sections 20(b) and 21 of the Federal Procurement Policy Act, including the following:

(i) Reviewing the procurement activities of the Department.

(ii) Developing new initiatives to increase full and open competition.

(iii) Developing goals and plans and recommending actions to increase competition.

(iv) Challenging conditions unnecessarily restricting competition in the acquisition of supplies and services.

(v) Designating an Advocate for Competition for each procuring agency within the Department.

(vi) Preparing the report to Congress for transmittal by the Secretary on activities of the Advocate for Competition.

Subpart N—Delegations of Authority from the Assistant Secretary for Science and Education

§ 2.110 [Amended]

9. Section 2.110 is amended by removing and reserving paragraph (a)(7).

Dated: January 13, 1987.

For Subpart C:

Peter C. Myers,

Acting Secretary of Agriculture.

Dated: January 13, 1987.

For Subpart J:

John J. Franke, Jr.,

Assistant Secretary for Administration.

Dated: January 13, 1987.

For Subpart N:

Orville G. Bentley,

Assistant Secretary for Science and Education.

[FR Doc. 87–1548 Filed 1–22–87; 8:45 am]

BILLING CODE 1341–01–M

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Regulation 643, Amdt. 1]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 643, Amendment 1, increases the quantity of such navel oranges that may be shipped during the period January 16–22, 1987. Such action is needed to balance the supply of fresh navel oranges with the demand for such period, due to the marketing situation confronting the orange industry.

DATE: Regulation 643, Amendment 1 (§ 907.943) is effective for the period January 16–22, 1987.

FOR FURTHER INFORMATION CONTACT: Ronald L. Cioffi, Chief, Marketing Order Administration Branch, F&V, AMS, USDA, Washington, DC 20250, telephone: 202–475–3914.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under an Executive Order 12291 Secretary's Memorandum 1512–1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) the Administrator of the Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

The purpose of the RFA is to fit regulatory action to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Agricultural Marketing Agreement Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their behalf. Thus, both statutes have small entity orientation and compatibility.

This amendment is issued under Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendation and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

This action is consistent with the marketing policy for 1986–87 adopted by the Navel Orange Administrative Committee. The committee conducted a telephone vote on January 16, 1987, to consider the current and prospective conditions of supply and demand and recommended an increase in the quantity of navel oranges deemed advisable to be handled during the

specified week. The committee reports that the market for fresh navel oranges has improved significantly.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this amendment is based and the effective date necessary to effectuate the declared policy of the Act. To effectuate the declared purposes of the Act, it is necessary to make this regulatory provision effective as specified, and handlers have been apprised of such provision and the effective time.

List of Subjects in 7 CFR Part 907

Agricultural Marketing Service, Marketing agreements and orders, California, Arizona, Oranges (Navel).

PART 907—[AMENDED]

1. The authority citation for 7 CFR Part 907 continues to read:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Section 907.943 Navel Orange Regulation 643 is revised to read as follows:

§ 907.943 Navel Orange Regulation 643.

The quantities of navel oranges grown in California and Arizona which may be handled during the period January 16–22, 1987, are established as follows:

(a) District 1: 1,800,000 cartons;
(b) District 2: Unlimited cartons;
(c) District 3: Unlimited cartons;
(d) District 4: Unlimited cartons.

Dated: January 16, 1987.

Joseph A. Gribbin,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 87–1450 Filed 1–22–87; 8:45 am]

BILLING CODE 3410–02–M

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7 CFR Part 907

[Navel Orange Regulation 644]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 644 establishes the quantity of California-Arizona navel oranges that may be shipped to market during the period January 23, 1987, through January 29, 1987. Such action is needed to balance the supply of fresh navel oranges with the demand for such period, due to the marketing situation confronting the orange industry.

DATE: Regulation 644 (§ 907.944) is effective for the period January 23, 1987, through January 29, 1987.

FOR FURTHER INFORMATION CONTACT: Ronald L. Cioffi, Chief, Marketing Order Administration Branch, F&V, AMS, USDA, Washington, DC 20250, telephone: 202–447–5697.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512–1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

The purpose of the RFA is to fit regulatory action to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Agricultural Marketing Agreement Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their behalf. Thus, both statutes have small entity orientation and compatibility.

This rule is issued under Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendation and information submitted by the Navel Orange Administrative Committee and upon other available information. It is found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1986–87 adopted by the Navel Orange Administrative Committee. The committee met publicly on January 20, 1987, in Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended, by a vote of 8 to 0, a quantity of navel oranges deemed advisable to be handled during the specified week. The committee reports that the market for navel oranges is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. To effectuate the declared purposes of the act, it is necessary to make this regulatory provision effective as specified, and handlers have been apprised of such provision and the effective time.

List of subjects in 7 CFR Part 907

Marketing agreements and orders, California, Arizona, Oranges (Navel).

1. The authority citation for 7 CFR Part 907 continues to read:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Section 907.944 Navel Orange Regulation 644 is added to read as follows:

§ 907.944 Navel Orange Regulation 644.

The quantities of navel oranges grown in California and Arizona which may be handled during the period January 23, 1987, through January 29, 1987, are established as follows:

(a) District 1: 1,654,726 cartons;
(b) District 2: Unlimited cartons;
(c) District 3: Unlimited cartons;
(d) District 4: Unlimited cartons;

Dated: January 21, 1987.

Thomas R. Clark,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service

[FR Doc. 87–1690 Filed 1–22–87; 8:45 am]

BILLING CODE 3410–02–M

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7 CFR Part 910

[Lemon Regulation 545]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 545 establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 285,000 cartons during the period January 25–31, 1987. Such action is needed to balance the supply of fresh lemons with market demand for the period specified, due to the marketing situation confronting the lemon industry.

DATES: Regulation 545 (§ 910.845) is effective for the period January 25–31, 1987.

FOR FURTHER INFORMATION CONTACT: Ronald L. Cioffi, Chief, Marketing Order Administration Branch, F&V, AMS, USDA, Washington, DC 20250, telephone: (202) 447–5697.

SUPPLEMENTARY INFORMATION: This final rule has been revised under Executive Order 12291 and Departmental Regulation 1512–1 has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disporportinately burdened. Marketing orders issued pursuant to the Agricultural Marketing Agreement Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities and acting on their behalf. Thus, both statutes have small entity orientation and compatibility.

The regulation is issued under Marketing Order No. 910, as amended (7 CFR Part 910) regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendation and information submitted by the Lemon Administrative Committee and upon other available information. It is found that this action will tend to effectuate the declared policy of the Act.

This regulation is consistent with the marketing policy for 1986–87. The committee met publicly on January 20, 1987, in Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended, by a vote of 11 to 0, a quantity of lemons deemed advisable to be handled during the specified week. The committee reports that demand is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, and Lemons.

1. The authority citation for 7 CFR Part 910 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Section 910.845 is added to read as follows:

§ 910.845 Lemon Regulation 545.

The quantity of lemons grown in California and Arizona which may be handled during the period January 25 through January 31, 1987, is established at 285,000 cartons.

Dated: January 21, 1987.

Thomas R. Clark,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 87–1689 Filed 1–22–87; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 86–NM–174–AD; Amdt. 39–5523]

Airworthiness Directives: Boeing Model 767–200 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworhiness directive (AD), applicable to Boeing Model 767–200 airplanes, which requires a reduction in the limiting takeoff and landing braking performance, as defined by the Airplane Flight Manual. Recent certification testing on the Boeing Model 767–300 airplane, which uses the same brake as the Boeing Model 767–200 airplane, revealed an unexplained reduction in brake effectiveness and performance from that which was demonstrated during the Model 767–200 certification in 1982. This loss of performance exists on the Model 767–200 and could result in a runway overshoot in certain field-length-limited takeoff or landing operations.

DATE: Effective February 26, 1987.

ADDRESSES: The applicable Airplane Flight Manual performance information may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124–2207, or may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. C.E. McElroy, Flight Test Branch, ANM–160S; telephone (206) 431–1998. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive which requires a reduction in the limiting takeoff and landing braking performance, as defined by the Airplane Flight Manual, was published in the **Federal Register** on September 3, 1986 (51 FR 31342).

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the one comment received.

The Air Transport Association (ATA) of America stated that none of its members affected by the proposed rule expressed objections to the AD contents, and that all affected members have already incorporated the subject limitations into their Airplane Flight Manuals (AFM). Since operators can remove the performance limitations upon installation of the retrofit brake kits, the ATA sees no need for this proposed rule. The FAA does not concur. The specific part number brakes that are the subject of this AD are satisfactory when operated within the proper limitations. These brakes may continue to remain in service or be reinstalled, provided that the flight crew is provided the proper AFM pages. The AD is necessary to ensure that the proper information is provided. In addition, under the provisions of bilateral airworthiness agreements with foreign nations, the FAA is required to provide airworthiness directive information to the foreign airworthiness authorities and the foreign operators of Boeing Model 767–200 airplanes.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

It is estimated that 4 U.S. operators and approximately 66 airplanes of U.S. registry will be affected by this AD. The required change to the AFM's will require considerable administrative time by operators to incorporate the changes into their airport analyses and other dispatch and operations-related manuals. The cost to each operator of incorporating this change is essentially independent of the number of Model 767–200 airplanes in his fleet, but is dependent upon the number of runways system-wide. It will take approximately 240 manhours per operator to implement these changes, and that average labor cost will be $40 per manhour, plus some computer costs to generate the new performance formats. Based on these figures, the total cost impact of the AD for U.S. operators will be $50,000.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on substantial number of small entities, because few, if any, Boeing Model 767–200 airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects 14 CFR Part 39

Aviation Safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new airworthiness directive.

Boeing: Applies to Boeing Model 767–200 airplanes equipped with Bendix brakes, Part Numbers 2607092–1 and –2, certificated in any category. To preclude possible runway overshoot during certain runway-limited takeoffs or landings, due to erroneous braking performance information in the Airplane Flight Manual (AFM), accomplish either paragraph A. or B., below, within 30 days after the effective date of this AD, unless already accomplished:

A. Amend the applicable FAA-approved AFM's, Boeing Documents D6T11320 and D6T11321, to include the information contained in subject FAA-approved revisions below:

D6T11320.222, Revision 13;
D6T11320.231, Revision 13;
D6T11321.223, Revision 16;
D6T11321.232, Revision 16;
Revision 2 to Appendix 8F to D6T11321; or

B. Amend the applicable FAA-approved AFM's, Boeing Documents D6T11320 and D6T11321, by incorporating the following performance adjustments:

1. Takeoff speeds—Pre-correction (original) V1 speeds are reduced by two (2) knots for gross weights of 280,000 lbs. and greater, and by one (1) knot for gross weights below 280,000 lbs.

2. Takeoff Performance-Limited Weights—Pre-correction Field Length Limits weights are reduced by:

Field length limited weight 1,000 pounds.	Weight decrement (pounds) for flap position shown			
	1	5	15	20
380 and above	4,900	4,900	4,400	4,500
360	4,600	4,700	4,400	4,300
340	4,300	4,500	4,300	4,000
320	4,000	4,100	4,000	3,600
300	3,600	3,500	2,600	2,500
280	2,800	2,100	1,300	1,300
260	1,200	1,100	1,200	1,200
240 and below	1,000	1,100	1,200	1,200

To determine corrected runway length (as in obstacle clearance calculations), increase gross weight by the above amounts before entering the Field length limits chart.

3. Landing field length limits—For gross weights above 280,000 lbs., landing field length required is increased by 900 feet over the pre-correction value. For gross weights of 280,000 lbs. and below, the landing field length required is increased by 350 feet over the pre-correction value.

C. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

All persons affected by this directive who have not already received copies of the Airplane Flight Manual performance information may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124–2207. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective February 26, 1987.

Issued in Seattle, Washington, on January 15, 1987.

Wayne J. Barlow,

Director, Northwest Mountain Region.

[FR Doc. 87–1402 Filed 1–22–87; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 87–CE–01–AD; Amendment 39–5518]

Airworthiness Directives; Fairchild Aircraft Corporation Models SA 226–T, SA 226–T(B), SA 226–AT, SA 226–TC, SA 227–TT, SA 227–AT, and SA 227–AC Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to all Fairchild Aircraft Corporation Models SA 226–T, SA 226–T(B), SA 226–AT, SA 226–TC, SA 227–TT, SA 227–AT, and SA 227–AC airplanes which requires detailed repetitive inspections or replacement of the airplane primary control cables at specified intervals. This action is required because recently one Fairchild operator experienced a rudder cable failure in flight. Subsequent inspections following this cable failure have revealed that 23 airplanes had primary control cables which no longer met acceptable criteria for airworthiness. The actions required by this AD will detect broken control cable wires and preclude control cable failures in flight.

EFFECTIVE DATE: January 27, 1987.

Compliance: As prescribed in the body of the AD.

ADDRESSES: Information applicable to this AD may be obtained from Fairchild Aircraft Corporation, P.O. Box 32486, San Antonio, Texas 78284; Telephone (512) 824–9421. A copy of this information is also contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Mark R. Schilling, Airplane Certification Branch, ASW–150, Southwest Region, FAA, P.O. Box 1689, Fort Worth, Texas 76101; Telephone (817) 624–5163.

SUPPLEMENTARY INFORMATION: A failure of a rudder cable in flight has been reported on a Fairchild Model SA 226–TC airplane. Subsequent inspections of that operator's 18 airplanes revealed that 17 of them required replacement of a total of 73 primary control cables due

to excessive wires being broken within the cables. Additional fleet inspections of another operator of Fairchild airplanes have revealed that out of eight airplanes inspected, a total of 38 primary control cables needed replacement due to wire failures. These inspections have shown that the higher the number of hours on an airframe, the greater the number of cables which need replacement due to excessive wire failures. In every case where cable replacement was necessary, the airframe total time-in-service has exceeded 10,000 hours. Follow-on inspections performed after the initial report show a substantial number of cables with significant deterioration that required replacement. Additionally, the FAA estimates one-third of the affected airplanes already have 10,000 or more hours time-in-service. This, coupled with the high usage rate of these airplanes in commuter operations, indicates the fleet condition is such that immediate action must be taken. Through the fleet inspections, unique procedures different than existing inspection procedures have been developed to assure detection of broken wires in primary control cables on Fairchild 226 and 227 Series airplanes.

The FAA has reviewed the manufacturer's service information and determined it is inadequate in this area. Therefore, in addition to the action required herein, the FAA has requested that the inspection procedures contained in the Fairchild maintenance manuals be clarified so that required inspections will more accurately determine the condition of the control cables. Since the FAA has determined that the unsafe condition described herein is likely to exist or develop in other airplanes of the same type design, an AD is being issued requiring detailed repetitive inspections or replacement of the airplane primary control cables at specified intervals on Fairchild Models SA 226–T, SA 226–T(B), SA 226–AT, SA 226–TC, SA 227–TT, SA 227–AT, and SA 227–AC airplanes. Because an emergency conditon exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days. The FAA has determined that this regulation is an emergency regulation that is not major under secton 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption "ADDRESSES" at the location identified.

List of Subjects in 14 CFR 39

Air transportation, Aviation safety, Aircraft, Safety.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the FAR as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new AD:

Fairchild Aircraft Corporation: Applies to Models SA 226–T, SA 226–T(B), SA 226–AT, SA 226–TC, SA 227–TT, SA 227–AT, and SA 227–AC (all serial numbers) airplanes certificated in any category.

Compliance: Required as indicated, unless already accomplished.

To prevent possible primary control system cable failures, accomplish the following:

(a) For airplanes with 10,000 or more hours time-in-service (TIS) on the effective date of this AD, within the next 150 hours TIS after the effective date of this AD and each 400 hours TIS thereafter, inspect control cables in accordance with paragraph (a)(1) of this AD or, within the next 150 hours TIS and each 10,000 hours TIS thereafter, replace control cables in accordance with paragraph (a)(2) of this AD:

(1) Inspect all elevator, rudder, aileron and aileron to rudder interconnect primary control cables, including cables that are routed inside the control column, as follows:

(A) Gain access to control cables in accordance with appropriate maintenance instructions.

(B) Release tension on each cable.

(C) Pass a cloth along the entire length of each cable to clean the cable for visual inspection and to detect broken wires. Visually inspect the entire length for broken wires and general condition. Rotate the cable 180 degrees where the cable contacts any pulley/fairlead or pressure seal, birdcage cable (slightly untwist), and visually inspect for wear/broken wires and for general condition 24 inches either side of contact area when the controls are in the neutral position.

(D) Prior to further flight, replace with a new cable any cable found to have any one of the following conditions:

(i) More than three (3) broken wires within any one-foot section of the cable (any wire worn more than one-half its diameter is considered broken), or

(ii) More than one (1) one-foot section with three broken wires, or

(iii) Cables whose total number of broken wires exceeds the total number of feet in length of that cable, or

(iv) More than six (6) wires worn not more than one-half of the wire diameter in any one-inch length of cable.

(E) In cases where discrepant cables have been found, prior to further flight, inspect the condition of the associated fairleads/pressure seals or pulleys in accordance with appropriate maintenance instructions and replace any unserviceable components as required.

(F) Prior to returning the airplane to service, reset cable tensions, rerig primary control systems, reassemble the airplane and verify proper control systems operation, all in accordance with appropriate maintenance instructions, and make an appropriate maintenance record entry.

(2) Remove and replace all elevator, rudder, aileron and aileron to rudder interconnect primary control cables with new cables in accordance with appropriate maintenance instructions. Prior to returning the airplane to service, reset cable tensions, rerig primary control systems, reassemble the airplane and verify proper control systems operation, all in accordance with appropriate maintenance instructions, and make an appropriate maintenance record entry.

(b) For airplanes with less than 10,000 hours TIS on the effective date of this AD, prior to the accumulation of 10,150 hours TIS and each 400 hours TIS thereafter, inspect control cables in accordance with paragraph (a)(1) of this AD or, prior to the accumulation of 10,150 hours TIS and each 10,000 hours TIS thereafter, replace control cables in accordance with paragraph (a)(2) of this AD.

(c) Paragraphs (a) and (b) of this AD do not restrict compliance to one alternative (repetitive inspections or replacement at specified intervals) exclusive of the other, but may be complied with interchangeably provided the inspection/replacement intervals are complied with.

(d) Operators who have kept records of hours TIS on all individual control cables in an airplane may substitute these records in lieu of airplane hours TIS for determining the compliance times in this AD.

(e) Airplanes may be flown in accordance with FAR 21.197 to a location where this AD may be accomplished.

(f) An equivalent method of compliance with this AD may be used when approved by the Manager, Airplane Certification Branch, ASW–150, Southwest Regional Office, FAA, Fort Worth, Texas 76101; Telephone (817) 624–5150.

All persons affected by this directive may obtain copies of the documents

referred to herein upon request to Fairchild Aircraft Corporation, P.O. Box 32486, San Antonio, Texas 78284; or FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

This amendment becomes effective on January 27, 1987.

Issued in Kansas City, Missouri, on January 12, 1987.

Jerold M. Chavkin,

Acting Director, Central Region.

[FR Doc. 87-1405 Filed 1-22-87; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. C-2935]

National Fire Hose Corp. et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Set aside order.

SUMMARY: The Federal Trade Commission has set aside a 1978 consent order with National Fire Hose Corp., thus removing restrictions on the company's relations with its distributors.

DATES: Consent Order issued Nov. 1, 1978. Set Aside Order issued Jan. 6, 1987.

FOR FURTHER INFORMATION CONTACT: FTC/A-2115, Daniel Ducore, Washington, DC 20580. (202) 326-2687.

SUPPLEMENTARY INFORMATION: In the Matter of National Fire Hose Corp., et al., a corporation. The prohibited trade practices and/or corrective actions, as set forth at 43 FR 57143, are deleted.

List of Subjects in 16 CFR Part 13

Fire hose and accessories, Trade practices.

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

Before Federal Trade Commission

Commissioners: Daniel Oliver, Chairman; Patricia P. Bailey, Terry Calvani, Mary L. Azcuenaga, Andrew J. Strenio, Jr.

In the matter of National Fire Hose Corp., et al., a corporation.

Order Reopening and Setting Aside Order

Issued on November 1, 1978.

On September 5, 1986, the respondents National Fire Hose Corporation, Raymond L. Pepp and Dudley H. Pepp ("National") filed their Petition To Reopen Proceeding and To Set Aside Consent Order ("Petition"), pursuant to section 5(b) of the Federal Trade Commission Act, 15 U.S.C. 45(b), and § 2.51 of the Commission's Rules of Practice, 16 CFR 2.51, requesting that the Commission set aside or modify the order in Docket No. C-2935, issued on November 1, 1978. The order, among other things, prohibits the respondents from restricting or limiting the territory in which a distributor may sell National's products. The Petition was placed on the public record for thirty days, pursuant to § 2.51 of the Commission's Rules. One comment was received.

The complaint in this case alleged that National, the leading domestic manufacturer and seller of fire hose, had, by imposing territorial restrictions on its distributors of municipal fire hose, restricted competition among distributors of National's products and foreclosed the entry of new distributors into competition with National's distributors. The order prohibits National from restricting the territories in which its distributors may sell National products, from restricting the customers to which a distributor may sell and from communicating with any distributor about the establishment of new distributorships.[1]

In the Petition, National asserts that the prohibitions of the order hinder National from developing an effective and efficient distribution program and that, as a result, the order has placed National at a competitive disadvantage in the municipal fire hose market. National notes that none of its competitors is currently subject to the restrictions imposed on National by the order. National claims that setting aside the order would enable National to become a more effective interbrand competitor, because National would be able to foster the promotional and sales development efforts of its local distributors. National's local distributors presently are reluctant to undertake such efforts, because they risk losing business to distant National distributors who exploit the market business to distant National distributors who exploit the market created through the efforts of National's local distributors.

Based on the information provided by National and other available information, the Commission has concluded that National has failed to make a satisfactory showing of changed conditions of fact or law that require reopening. The Commission has determined, however, that the public interest warrants reopening the proceeding in Docket No. C-2935 and setting aside the order. National's inability under the order to impose otherwise lawful territorial restrictions on its fire hose distributors may impede National's ability to compete by lessening the efficiency of National's distribution system and by discouraging distributors from offering and promoting National's products. In addition, purchasers of National's municipal fire hose may have difficulty obtaining post-sale services and training from distributors that have lost sales due to "free riding" by other distributors and, therefore, may be exposed to increased risk of injury. As a result, National may be exposed to personal injury claims.

The impediments to effective competition resulting from the order outweigh any reasons to retain the order. There do not appear to be any significant impediments to entry into either the manufacture or distribution of fire hose, and, in fact, significant entry has occurred since the order in this case was entered. An absolute prohibition upon the use of territorial restrictions by National appears to be no longer necessary under the facts presented, because National's use of exclusive territorial arrangements with its distributors is unlikely to foreclose competitiors from distributional outlets.

The legality of distributional restraints, such as territorial restrictions, standing alone or coupled with exclusive distribution arrangements, must be determined on a case by case basis under applicable legal standards. Under the particular circumstances of this case, the likely impediment to National's ability to compete outweighs any need to retain the order, and it is therefore in the public interest to set aside the order in this case.

Accordingly, it is ordered that the order of November 1, 1978, in this matter be, and it hereby is, set aside.

By the Commission. Commissioner Bailey was recorded as voting in the negative.

Issued: January 6, 1987.

Emily H. Rock,

Secretary.

[FR Doc. 87-1447 Filed 1-22-87; 8:45 am]

BILLING CODE 6750-01-M

[1] The order prohibits National from imposing territorial restrictions on its distributors. The order does not bar National from entering into exclusive distributorship agreements with its distributors.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 389

[Docket Nos. RM86-3-003 through-068]

Ceiling Prices; Old Gas Pricing Structure

January 20, 1987.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of OMB control number.

SUMMARY: On December 15, 1986, the Federal Energy Regulatory Commission issued an order granting rehearing in part, denying rehearing in part and clarifying the final rule adopted in Order No. 451. 51 FR 46762 (December 24, 1986). This notice states the OMB Control Number for § 284.226(d) which the rehearing order added to the Commission's regulations. That section requires interstate pipelines transporting gas under the certificate granted by § 284.226(b) to comply with the reporting requirements of § 284.223(f). The amendments to the Commission's regulations adopted in the order on rehearing become effective on January 23, 1987.

EFFECTIVE DATE: January 23, 1987.

FOR FURTHER INFORMATION CONTACT: Richard Howe, Jr., Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426.

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act, 44 U.S.C. 3501–3520 (1982) and the Office of Management and Budget's (OMB) regulations, 5 CFR Part 1320 (1983), require that OMB approve certain information collection requirements imposed by agency rule. On January 14, 1987, OMB approved the information collection requirements of 18 CFR 284.226(d) and issued control number 1902–0086 for that section.

List of Subjects in 18 CFR Part 389

Reporting and recordkeeping requirements.

PART 389—[AMENDED]

Accordingly, Part 389, Chapter 1, Title 18, *Code of Federal Regulations* is amended as set forth below.

1. The authority citation for Part 389 continues to read as follows:

Authority: Paperwork Reduction Act of 1980, 44 U.S.C. 3501–3520 (1982).

§ 389.101 [Amended]

2. The Table of OMB Control Numbers in § 389.101(b) is amended by inserting "284.226(d)" in numerical order in the Section column, and "0086" in the corresponding position in the OMB Control Numbers column.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87–1538 Filed 1–22–87; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

Delegations of Authority and Organization; Center for Drugs and Biologics

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulations for delegations of authority for petitions under 21 CFR Part 10. This amendment will delegate authority to division directors in the Office of Drug Research and Review and the Office of Biologics Research and Review in the Center for Drugs and Biologics (CDB). Also, a new delegation to officials in CDB is being added concerning extensions or stays of effective dates for compliance with certain labeling requirements for human prescription drugs.

EFFECTIVE DATE: January 23, 1987.

FOR FURTHER INFORMATION CONTACT: Marjorie J. Shandruk, Office of Management and Operations (HFA–340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4976.

SUPPLEMENTARY INFORMATION: FDA is amending § 5.31 *Petitions under Part 10* (21 CFR 5.31) in paragraph (a) by deleting the phrase "and to amend any effective date established under § 201.59." To clarify which officials have this authority, § 5.94 is being added. Also under § 5.31, paragraph (a)(3) is being added to delegate this authority to directors and deputy directors of the divisions within the Offices of Drug Research and Review and Biologics Research and Review for drugs assigned to their respective divisions. Due to the increasing number of effective date extension decisions that must be acted upon, delegating this authority to these officials will facilitate and expedite the decisionmaking process.

Further redelegation of the authority delegated is not authorized. Authority delegated to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis.

List of Subjects in 21 CFR Part 5

Authority delegations (Government agencies), Organization and functions (Government agencies).

Therefore, under the Federal Food, Drug, and Cosmetic Act and under the authority delegated to the Commissioner of Food and Drugs, Part 5 is amended as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

1. The authority citation for 21 CFR Part 5 continues to read as follows:

Authority: 5 U.S.C. 504, 552; 7 U.S.C. 2217; 15 U.S.C. 638, 1451 et seq.; 21 U.S.C. 41 et seq., 61–63, 141 et seq., 301–392, 467f(b), 679(b), 801 et seq., 823(f), 1031 et seq.; 35 U.S.C. 156; 42 U.S.C. 219, 241, 242(a), 242a, 242l, 242o, 243, 262, 263, 263b through 263m, 264, 265, 300u et seq., 1395y and 1395y note, 3246b(b)(3), 4831(a), 10007, and 10008; Federal Caustic Poison Act (44 Stat. 1406); Comprehensive Drug Abuse Prevention and Control Act of 1970 (84 Stat. 1241); Federal Advisory Committee Act (Pub. L. 92–463); F.O. 11490, 11921.

2. Section 5.31 is amended by revising the introductory text of paragraph (a) and by adding paragraph (a)(3) to read as follows:

§ 5.31 Petitions under Part 10.

(a) The following officials are authorized to grant or deny citizen petitions submitted under § 10.30 of this chapter for a stay of an effective date in § 201.59 of this chapter for compliance with certain labeling requirements for human prescription drugs.

* * * * *

(3) For drugs assigned to their respective division, the Directors and Deputy Directors of the Divisions within the Offices of Drug Research and Review and Biologics Research and Review, CDB.

* * * * *

3. Subpart B is amended by adding § 5.94 to read as follows:

§ 5.94 Extensions or stays of effective dates for compliance with certain labeling requirements for human prescription drugs.

The following officials are authorized to extend or stay an effective date in § 201.59 of this chapter for compliance with certain labeling requirements for human prescription drugs.

(a) The Director and Deputy Director, Center for Drugs and Biologics (CDB).

(b) For drugs assigned to their respective offices, the Directors and Deputy Directors of the Offices of: Drug Research and Review and Biologics Research and Review, CDB.

(c) For drugs assigned to their respective divisions, the Directors and Deputy Directors of the Divisions within the Offices of Drug Research and Review and Biologics Research and Review, CDB.

Dated: January 20, 1987.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 87-1502 Filed 1-22-87; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 357

[Docket No. 79N-0378]

Anthelmintic Drug Products for Over-the-Counter Human Use; Final Monograph; OMB Approval of Requirements

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the Office of Management and Budget (OMB) has approved the collection of information requirement concerning its final rule on over-the-counter (OTC) anthelmintic drug products. The agency is amending that regulation to reflect OMB's approval.

EFFECTIVE DATE: February 2, 1987.

FOR FURTHER INFORMATION CONTACT: William E. Gilberton, Center for Drugs and Biologics (HFN-210), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8000.

SUPPLEMENTARY INFORMATION: In the Federal Register of August 1, 1986 (51 FR 27756), FDA issued a final rule in the form of a final monograph effective February 2, 1987 establishing conditions under which OTC anthelmintic drug products (products that destroy pinworms) are generally recognized as safe and effective and not misbranded. In that document (51 FR 27758-27759), FDA announced that it had submitted the final rule to the Office of Management and Budget (OMB) for approval of the collection of information requirement contained in § 357.152.

OMB has approved the collection of information requirement under OMB control number 0910-0232. This document announces OMB's approval and amends the regulation to reflect that approval.

Because this amendment is nonsubstantive, notice and public procedure are unnecessary (5 U.S.C. 553 (b)(B) and (d)).

List of Subjects in 21 CFR Part 357

Labeling, Over-the-counter drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and the Administrative Procedure Act, Subchapter D of Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

PART 357—MISCELLANEOUS INTERNAL DRUG PRODUCTS FOR OVER-THE-COUNTER HUMAN USE

1. The authority citation for 21 CFR Part 357 continues to read as follows:

Authority: Secs. 201(p), 502, 505, 701, 52 Stat. 1041-1042 as amended, 1050-1053 as amended, 1055-1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321(p), 352, 355, 371); 5 U.S.C. 553; 21 CFR 5.11.

2. In § 357.152 by adding a parenthetical statement at the end of the section, to read as follows:

§ 357.152 Package inserts for anthelmintic drug products.

* * * * *

(Collection of information requirement approved by the Office of Management and Budget under number 0910-0232)

Dated: January 15, 1987.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 87-1501 Filed 1-22-87; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances; Placement of 1-Methyl-4-phenyl-4-propionoxypiperidine (MPPP) and 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine (PEPAP) into Schedule I

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Final rule.

SUMMARY: This final rule is issued by the Administrator of the Drug Enforcement Administration (DEA) to place the narcotic substances, 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP) and 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine (PEPAP) into Schedule I of the Controlled Substances Act (CSA) (21 U.S.C. 801 et seq.). This action is based on findings made by the DEA Administrator that both MPPP and PEPAP meet the statutory criteria for inclusion in Schedule I of the CSA. These findings are in agreement with the independent reviews and evaluations of relevant data conducted by both DEA and the Assistant Secretary for Health, Department of Health and Human Services. As a result of this final rule, the regulatory controls and criminal sanctions of Schedule I will be applicable to the manufacture, distribution, importation and exportation of MPPP and PEPAP.

EFFECTIVE DATE: January 23, 1987.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief Drug Control Section, Drug Enforcement Administration, Washington, DC 20537, Telephone: (202) 633-1366.

SUPPLEMENTARY INFORMATION: MPPP and PEPAP are potent analogs of meperidine, a Schedule II synthetic narcotic analgesic. Produced in clandestine laboratories, MPPP and PEPAP have been identified in the illicit drug traffic and MPPP in particular has been associated with the production of drug-induced Parkinson's disease in a number of users.

Based on the data available to him in 1985, the DEA Administrator determined that emergency scheduling of MPPP and PEPAP into Schedule I of the CSA was necessary to avoid an imminent hazard to the public safety. Therefore, in a **Federal Register** notice (50 FR 28098-100) dated July 10, 1985, the DEA Administrator, pursuant to the emergency scheduling provisions of 21 U.S.C. 811(h), placed MPPP and PEPAP into Schedule I of the CSA for one year effective on August 12, 1985. The temporary scheduling of MPPP and PEPAP was extended until February 12, 1987 in a subsequent **Federal Register** notice (51 FR 28695-6).

Following an independent review of the relevant data on MPPP and PEPAP by DEA and a scientific and medical evaluation of these substances by the Assistant Secretary for Health, the DEA Administrator, pursuant to 21 U.S.C. 811, proposed the permanent placement of MPPP and PEPAP into Schedule I of the CSA (August 11, 1986, 51 FR 28725-6). Interested parties were given until September 10, 1986 to submit comments or objections in writing regarding this proposal. During this 30-day period, DEA did not receive any comments or objections to the proposed scheduling action.

Based upon the investigations and review conducted by DEA and upon the scientific and medical evaluation and recommendation of the Assistant

Secretary for Health, the DEA Administrator, pursuant to the provisions of 21 U.S.C. 811 (a) and (b), finds that:

(1) MPPP and PEPAP have a high potential for abuse;

(2) MPPP and PEPAP have no currently accepted medical use in treatment in the United States; and

(3) MPPP and PEPAP lack accepted safety for use under medical supervision.

The above findings are consistent with the placement of MPPP and PEPAP into Schedule I of the CSA. The Administrator further finds that MPPP and PEPAP are opiates as defined in 21 U.S.C. 802(18) since both have an addiction-forming and addiction-sustaining liability similar to that of morphine. Consequently, MPPP and PEPAP are narcotics since the definition of narcotic, as stated in 21 U.S.C. 802(17)(A), includes: "Opium, opiates, derivatives of opium and opiates."

In accordance with 21 U.S.C. 811(h)(5) the emergency scheduling order for MPPP and PEPAP shall be vacated on the effective date of this final rule permanently placing MPPP and PEPAP into Schedule I of the CSA.

Since MPPP and PEPAP are already under temporary control in Schedule I, all regulations applicable to Schedule I narcotic substances will continue to be effective.

Pursuant to 5 U.S.C. 605(b), the Administrator certifies that the placement of MPPP and PEPAP into Schedule I of the CSA will have no impact upon small businesses or other entities whose interests must be considered under the Regulatory Flexibility Act (Pub. L. 96-354). This action involves the permanent control of a substance with no legitimate medical use or manufacture in the United States.

In accordance with the provisions of 21 U.S.C. 811(a), this scheduling action is a formal rulemaking "on the record after opportunity for a hearing." Such formal proceedings are conducted pursuant to the provisions of 5 U.S.C. 556 and 557 and, as such, have been exempted from the consultation requirements of Executive Order 12291 (46 FR 13193).

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Narcotics, Prescription drugs.

Under the authority vested in the Attorney General by section 201(a) of the CSA (21 U.S.C. 811(a)) and delegated to the Administrator of DEA by Department of Justice regulations (28 CFR 0.100), the Administrator hereby orders that 21 CFR 1308.11 be amended as follows:

PART 1308—[AMENDED]

1. The authority citation for 21 CFR Part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b).

2. Section 1308.11 is amended by redesignating the existing paragraphs (b)(33) through (b)(36) and (b)(37) through (b)(47) as (b)(34) through (b)(37) and (b)(39) through (b)(49), respectively and by adding new paragraphs (b)(33) and (b)(38) to read as follows:

* * * * *

(b) * * *

(33) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine).....9661

* * * * *

(38) PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine.....9663

* * * * *

§ 1308.11 [Amended]

3. Section 1308.11 is amended by removing paragraphs (g)(2) and (g)(3) and redesignating the existing paragraphs (g)(4) through (g)(12) as (g)(2) through (g)(10).

Dated: January 16, 1987.

John C. Lawn,

Administrator, Drug Enforcement Administration.

[FR Doc. 87-1400 Filed 1-22-87; 8:45 am]

BILLING CODE 4410-09-M

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21 CFR Part 1308

Schedules of Controlled Substances; Rescheduling of Alfentanil From Schedule I to Schedule II

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Final rule.

SUMMARY: This final rule is issued by the Administrator of the Drug Enforcement Administration (DEA) in order to reschedule alfentanil, a narcotic substance, from Schedule I to Schedule II of the Controlled Substances Act (CSA) (21 U.S.C. 801 *et seq.*). This action follows final approval by the Food and Drug Administration (FDA) of a new drug application for alfentanil. Alfentanil is being moved into Schedule II because it has been approved by FDA as being safe and effective for indicated uses in medicine. As a result of this rule, the regulatory controls and criminal sanctions of a Schedule II narcotic substance under the CSA will be applicable to the manufacture, distribution, importation and exportation of alfentanil.

EFFECTIVE DATE: January 23, 1987.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief Drug Control Section, Drug Enforcement Administration, Washington, DC 20537, Telephone: (202) 633-1366.

SUPPLEMENTARY INFORMATION: A notice was published in the **Federal Register** on April 17, 1986 (51 FR 13025) proposing that alfentanil be transferred from Schedule I to Schedule II of the CSA. Interested persons were given until May 19, 1986, to submit comments or objections regarding the proposal. No correspondence of any kind was received regarding the proposal. Furthermore, according to the December 29, 1986 letter from Paula Botstein, M.D., Acting Deputy Director, Office of Drug Research and Review, Center for Drugs and Biologics, Food and Drug Administraion, the new drug application for alfentanil has been approved.

Based on the scientific and medical evaluation and recommendation contained in a January 31, 1986 letter from the Acting Assistant Secretary for Health, Department of Health and Human Services, the Administrator of the DEA, pursuant to the provisions of 21 U.S.C. 811(a) and (b), finds that:

(1) Alfentanil has a high potential for abuse;

(2) Alfentanil has a currently accepted medical use in treatment in the United States; and

(3) Abuse of alfentanil may lead to severe psychological or physical dependence.

The above findings are consistent with the placement of alfentanil into Schedule II of the CSA. The Administrator further finds that alfentanil is an opiate as defined in 21 U.S.C. 802(18) since it has an addiction-forming and addiction-sustaining liability similar to morphine. Consequently, alfentanil is a narcotic since the definition of narcotic, as stated in 21 U.S.C. 802(17)(A), includes: "Opium, opiates, derivatives of opium and opiates."

Regulations that are effective on January 23, 1987 and imposed on alfentanil are as follows:

1. *Registration.* Any person who manufactures, distributes, engages in research, imports or exports alfentanil or who proposes to engage in alfentanil's manufacture, distribution, importation, exportation or research shall obtain a registration to conduct that activity by (date of publication in Federal Register), pursuant to Part 1301 of Title 21 of the Code of Federal Regulations.

2. *Security.* Alfentanil must be manufactured, distributed and stored in accordance with §§ 1301.71, 1301.72(a)(c)(d), 1301.73, 1301.74, 1301.75(b)(c) and 1301.76 of Title 21 of the Code of Federal Regulations.

3. *Labeling and packaging.* All labels on commercial containers of, and all labeling of, alfentanil which is packaged after January 23, 1987 shall comply with the requirements of §§ 302.03–1302.05 and 1302.07–1302.08 of Title 21 of the Code of Federal Regulations.

4. *Quotas.* Quotas for alfentanil are established pursuant to Part 1303 of Title 21 of the Code of Federal Regulations.

5. *Inventory.* Registrants possessing alfentanil are required to take inventories pursuant to §§ 1304.04 and 1304.11–1304.19 of Title 21 of the Code of Federal Regulations.

6. *Records.* All registrants must keep records pursuant to §§ 1304.04 and 1304.21–1304.29 of Title 21 of the Code of Federal Regulations.

7. *Reports.* All registrants are required to file reports pursuant to §§ 1304.31–1304.41 of Title 21 of the Code of Federal Regulations.

8. *Order Forms.* Each distribution of alfentanil requires the use of an order form pursuant to Part 1305 of Title 21 of the Code of Federal Regulations.

9. *Prescriptions.* As alfentanil has been approved by the FDA for use in medical treatment, the drug may be dispensed by prescription. Prescriptions for alfentanil are to be issued pursuant to §§ 1306.01–1306.07 and 1306.11–1306.15.

10. *Importation and Exportation.* All importation and exportation of alfentanil shall be in compliance with Part 1312 of Title 21 of the Code of Federal Regulations.

11. *Criminal Liability.* Any activity with alfentanil not authorized by or in violation of the CSA or the Controlled Substances Import and Export Act continues to be unlawful. The applicable penalties before January 23, 1987 shall be those of a Schedule I narcotic controlled substance. On January 23, 1987, alfentanil for the purposes of criminal liability shall be treated as a Schedule II narcotic controlled substance. The penalties associated with Schedule I or II narcotic substances are the same.

12. *Other.* In all other respects, this order is effective on January 23, 1987.

Pursuant to Title 5, United States Code, section 605(b), the Administrator certifies that the rescheduling of alfentanil, as ordered herein, will not have a significant impact upon small businesses or other entities whose interests must be considered under the Regulatory Flexibility Act (Pub. L. 96–354). Most of the regulatory requirements imposed on Schedule II substances are the same as those imposed on Schedule I substances. Substances in Schedule II, however, may be prescribed by registered practitioners for use in medical treatment in the United States.

In accordance with the provisions of section 201(a) of the CSA (21 U.S.C. 811(a)), this scheduling action is a formal rulemaking "on the record after opportunity for a hearing." Such proceedings are conducted pursuant to the provisions of 5 U.S.C. 556 and 557 and, as such, have been exempted from the consultation requirements of Executive Order 12291 (46 FR 13193).

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Narcotics, Prescription drugs.

Under the authority vested in the Attorney General by section 201(a) of the CSA (21 U.S.C. 811(a)) and delegated to the Administrator of the Drug Enforcement Administration by regulations of the Department of Justice (28 CFR Part 0.100), the Administrator hereby orders that 21 CFR Part 1308 be amended as follows:

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

1. The authority citation for 21 CFR Part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b).

§ 1308.11 [Amended]

2. Section 1308.11 is amended by removing paragraph (b)(2) and redesignating paragraphs (b)(3) through (b)(49) as (b)(2) through (b)(48).

3. Paragraph (c) of 1308.12 is amended by redesignating the existing paragraphs (c)(1) through (c)(23) as (c)(2) through (c)(24) and by adding new paragraph (c)(1) to read as follows:

§ 1308.12 Schedule II.

* * * * *

(c) * * *

(c)(1) alfentanil..... 9737

* * * * *

Dated: January 16, 1987.

John C. Lawn,

Administrator, Drug Enforcement Administration.

[FR Doc. 87–1401 Filed 1–22–87; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Wage and Hour Division

29 CFR Part 800

Equal Pay For Equal Work Under the Fair Labor Standards Act

AGENCY: Wage and Hour Division, Labor.

ACTION: Final rule; removal of interpretative regulations.

SUMMARY: The Department of Labor is issuing a final rule to remove the interpretative regulations found at 29 CFR Part 800, which was promulgated under the equal pay provisions of the Fair Labor Standards Act.

On August 20, 1986, the Equal Employment Opportunity Commission published final interpretative regulations under the Equal Pay Act at 29 CFR Part 1620, thereby rendering obsolete and of no legal effect 29 CFR Part 800. Therefore the latter interpretative regulations are being removed from the CFR.

EFFECTIVE DATE: January 23, 1987.

FOR FURTHER INFORMATION CONTACT: Paula V. Smith, Administrator, Wage and Hour Division, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue, NW., Washington, DC 20210, (202) 523–8305. This is not a toll free number.

SUPPLEMENTARY INFORMATION: Pursuant to Reorganization Plan No. 1 of 1978, 43 FR 19807 (May 9, 1978), and Executive Order No. 12144, 44 FR 37193 (June 26, 1979), responsibility and authority for enforcement of the Equal Pay Act of 1963 (EPA), 29 U.S.C. 206(d), was transferred from the Department of Labor (DOL) to the Equal Employment Opportunity Commission (EEOC) on July 1, 1979. At that time, the EEOC published a notice in the **Federal Register** stating that the EEOC was not adopting the EPA interpretations and opinions of DOL as its own, although employers could continue to rely on them to the extent they were consistent with statutory revisions and judicial interpretations until the EEOC issued its own interpretations. 44 FR 38671 (July 2, 1979).

On August 20, 1986, the EEOC published its final interpretative regulations under the EPA in the **Federal Register,** 51 FR 29816, stating that employers may no longer rely upon the DOL interpretations of EPA at 29 CFR Part 800.

Accordingly, 29 CFR Part 800 has now been rendered obsolete and of no legal

effect, and is being withdrawn from the CFR.

Regulatory Impact

This document reflects the removal of regulations for which there is no current statutory or other legal authority. Therefore this document does not constitute a rule or regulation as defined in Executive Order No. 12291. In addition, this document was not preceded by a general notice of proposed rulemaking, and is not a rule as defined in the Regulatory Flexibility Act, 5 U.S.C. 601(2) and 604(a).

List of Subjects in 29 CFR Part 800

Employment, Equal employment opportunity, Labor, Sex discrimination, Wages.

Promulgation of Final Rule

PART 800—[Removed]

Accordingly, Title 29, Code of Federal Regulations, is hereby amended by removing Part 800.

Authority: Sec. 1–19, 52 Stat. 1060, as amended; Sec. 10, 61 Stat. 84; Pub. L. 88–38, 77 Stat. 56 (29 U.S.C. 201, *et seq.*); sec. 1, Reorg. Plan No. 1 of 1978, 43 FR 19807; Executive Order No. 12144, 44 FR 37193.

Signed at Washington, DC, this 15th day of January 1987.

Paula V. Smith,

Administrator, Wage and Hour Division.

[FR Doc. 87–1567 Filed 1–22–87; 8:45 am]

BILLING CODE 4510–27–M

VETERANS ADMINISTRATION

38 CFR Part 21

Vocational Rehabilitation: Disposition of Cases in Which Potentially Eligible Veterans Do Not Initiate or Pursue a Claim

AGENCY: Veterans Administration.

ACTION: Final rules.

SUMMARY: In these final rules the Veterans Administration (VA) has established procedures governing the administrative actions to be taken when service-disabled veterans fail to pursue a claim for vocational rehabilitation services or to continue to pursue a vocational rehabilitation program for which services have been authorized. The procedures include followup by VA staff when a veteran does not initiate or continue the rehabilitation process. The final rules will improve the administration of provisions for followup action by VA staff.

EFFECTIVE DATE: January 23, 1987.

FOR FURTHER INFORMATION CONTACT: Dr. Karen Boies, Assistant Director for Policy and Program Development, Vocational Rehabilitation and Education Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420, (202) 233–5449.

SUPPLEMENTARY INFORMATION: On pages 17996 and 17997 of the **Federal Register** of May 16, 1986, the VA published proposed regulatory amendments to improve the provisions of the case status system contained in 38 CFR 21.180 through 21.198. Interested persons were given 30 days in which to submit their comments, suggestions or objections to the proposed amendments. No comments, suggestions or objections were received, and the amendments are hereby adopted as final rules without change.

Sections 21.180 through 21.198 establish a case status system. The case status system enables the VA to monitor the veteran's progress through the rehabilitation process and provides information needed for program management.

An ambiguity in the rules for the disposition of cases in applicant status (§ 21.182) caused unnecessary expenditure of staff time to dispose of cases in which a veteran did not initiate or pursue a claim. A major function of the case management system is to assure that every reasonable effort is made to help eligible veterans begin and successfully complete a rehabilitation program. Certain steps are therefore built into the case status system to assure that cases are not discontinued without valid reasons. The ambiguity in the rules caused replication of some of these steps. The final rules eliminate the ambiguity which caused this replication and thereby resulted in unnecessary expenditure of staff time. The final rules thereby improve efficiency and provide additional time for direct service.

These final rules do not meet the criteria for major rules as contained in Executive Order 12291, Federal Regulations. They will not have a $100 million annual effect on the economy, will not cause a major increase in costs or prices, and will not have any other significant adverse effects on the economy.

The Administrator certifies that these final rules will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. Pursuant to 5 U.S.C. 605(b), these final rules are therefore exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. The reason for this certification is that the final rules concern the rights and responsibilities of individual VA beneficiaries under Chapter 31. Thus, no regulatory burdens are imposed on small entities by these final rules.

(The Catalog of Federal Domestic Assistance Number is 64.116)

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs, Loan programs, Reporting requirements, Schools, Veterans, Veterans Administration, Vocational education, Vocational rehabilitation.

Approved: December 30, 1986.

Thomas K. Turnage,

Administrator.

PART 21—[AMENDED]

38 CFR Part 21, Vocational Rehabilitation and Education, is amended as follows:

1. In § 21.62, paragraph (b)(4) is revised to read as follows:

§ 21.62 Duties of the Vocational Rehabilitation Panel.

* * * * *

(b) *Consultation required.* * * *

(4) *Discontinuance.* The panel shall review any case in which discontinuance is being considered for a veteran with a service-connected disability rated 50 percent or more disabling, except cases reassigned to "discontinued" status following termination of "applicant" status. (38 U.S.C. 1504(a))

* * * * *

2. In § 21.182, paragraph (d) is added to read as follows:

§ 21.182 "Applicant" status.

* * * * *

(d) *Transfer of terminated cases to "discontinued" status.* Each instance in which a veteran's case is terminated for reasons described in paragraph (c) (4) or (5) of this section shall be placed in "discontinued" status. (38 U.S.C. 1502)

* * * * *

3. In § 21.197, paragraphs (c)(1) and (c)(4) are revised to read as follows:

§ 21.197 "Interrupted" status.

* * * * *

(c) *Reasons for assignment to "interrupted" status.* A veteran's case may be interrupted and assigned to "interrupted" status for reasons including but not limited to the following:

(1) *Veteran does not initiate or continue rehabilitation process.* If a

veteran does not begin or continue the rehabilitation process, the veteran's case will be interrupted and assigned to "interrupted" status, including:

(i) A case in "evaluation and planning" status;

(ii) A case in "extended evaluation" status;

(iii) A case in "rehabilitation to the point of employability" status;

(iv) A case in "independent living program" status; or

(v) A case in "employment services" status.

* * * * *

(4) *Prior to assignment to "discontinued" status.* A veteran's case shall be assigned to "interrupted" status prior to discontinuance and assignment to "discontinued" status in all cases except as provided in § 21.182(d) and upon the veteran's death. The purpose of assignment to "interrupted" status is to assure that all appropriate actions have been taken to help the veteran continue in his or her program before discontinuing benefits and services.

* * * * *

(38 U.S.C. 1511)

4. In § 21.198, the introductory portion of paragraph (d) is revised to read as follows:

§ 21.198 "Discontinued" status.

* * * * *

(d) *Followup of a cases placed in "discontinued" status.* The VA shall establish appropriate procedures to follow up on cases which have been placed in "discontinued" status, except in those cases reassigned from "applicant" status. The purpose of such followup is to determine if:

* * * * *

(38 U.S.C. 1507)

[FR Doc. 87-1445 Filed 1-22-87; 8:45 am]

BILLING CODE 8320-01-M

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38 CFR Part 36

Decrease in Maximum Permissible Interest Rates on Guaranteed Manufactured Home Loans, Home and Condominium Loans, and Home Improvement Loans

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: VA (Veterans Administration) is decreasing the maximum interest rates on guaranteed manufactured home unit loans, lot loans, and combination manufactured home unit and lot loans. In addition, the maximum interest rates applicable to fixed payment and graduated payment home and condominium loans, and to home improvement and energy conservation loans are also decreased. These decreases in interest rates are possible because of recent improvements in the availability of funds in various credit markets. The decrease in the interest rates will allow eligible veterans to obtain loans at a lower monthly cost.

EFFECTIVE DATE: January 19, 1987.

FOR FURTHER INFORMATION CONTACT: Mr. George D. Moerman, Loan Guaranty Service (264), Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420 (202-233-3042).

SUPPLEMENTARY INFORMATION: The Administrator is required by section 1819(f), title 38, United States Code, to establish maximum interest rates for manufactured home loans guaranteed by the VA as he finds the manufactured home loan capital markets demand. Recent market indicators—including the prime rate, the general decrease in interest rates charged on conventional manufactured home loans, and the decrease of other short-term and long-term interest rates—have shown that the manufactured home capital markets have improved. It is now possible to decrease the interest rates on manufactured home unit loans, lot loans, and combination manufactured home unit and lot loans while still assuring an adequate supply of funds from lenders and investors to make these types of VA loans.

The Administrator is also required by section 1803(c), title 38, United States Code, to establish maximum interest rates for home and condominium loans including graduated payment mortgage loans, and loans for home improvement purposes. Market indicators similarly favor reductions in the maximum interest rates for these types of loans. These lower interest rates should assist more veterans in the purchase of homes and condominiums or to obtain improvement loans because of the decrease in the monthly loan payments for principal and interest.

Regulatory Flexibility Act/Executive Order 12291

For the reasons discussed in the May 7, 1981 **Federal Register**, (46 FR 25443), it has previously been determined that final regulations of this type which change the maximum interest rates for loans guaranteed, insured, or made pursuant to Chapter 37 of Title 38, United States Code, are not subject to the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601-612.

These regulatory amendments have also been reviewed under the provisions of Executive Order 12291. The VA finds that they are not "major rules" as defined in that Order. The existing process of informal consultation among representatives within the Executive Office of the President, OMB, the VA and the Department of Housing and Urban Development has been determined to be adequate to satisfy the intent of this Executive Order for this category of regulations. This alternative consultation process permits timely rate adjustments with minimal risk of premature disclosure. In summary, this consultation process will fulfill the intent of the Executive Order while still permitting compliance with statutory responsibilities for timely rate adjustments and a stable flow of mortgage credit at rates consistent with the market.

These final regulations come within exceptions to the general VA policy of prior publication of proposed rules as contained in 38 CFR 1.12. The publication of notice of a regulatory change in the VA maximum interest rates for VA guaranteed, insured or direct loans would deny veterans the benefit of lower interest rates pending the final rule publication date which would necessarily be more than 30 days after publication in proposed form. Accordingly, it has been determined that publication of proposed regulations prior to publication of final regulations is impracticable, unnecessary, and contrary to the public interest.

(Catalog of Federal Domestic Assistance Program numbers, 64.113, 64.114, and 64.119)

These regulations are adopted under authority granted to the Administrator by sections 210(c), 1803(c)(1), 1811(d)(1) and 1819 (f) and (g) of Title 38, United States Code.

These decreases are accomplished by amending §§ 36.4212(a) (1), (2), and (3), and 36.4311 (a), (b), and (c) and 36.4503(a), Title 38, Code of Federal Regulations.

List of Subjects in 38 CFR Part 36

Condominiums, Handicapped, Housing, Loan programs—housing and community development, Manufactured homes, Veterans.

Approved: January 16, 1987.

Thomas K. Turnage,

Administrator.

PART 36—[AMENDED]

38 CFR Part 36, Loan Guaranty, is amended as follows:

1. In § 36.4212, paragraph (a) is revised as follows:

§ 36.4212 Interest rates and late charges.

(a) The interest rate charged the borrower on a loan guaranteed or insured pursuant to 38 U.S.C. 1819 may not exceed the following maxima except on loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the veterans Administration prior to the respective effective date. (38 U.S.C. 1819(f))

(1) Effective January 19, 1987, 11 percent simple interest per annum for a loan which finances the purchase of a manufactured home unit only.

(2) Effective January 19, 1987, 10½ percent simple interest per annum for a loan which finances the purchase of a lot only and the cost of necessary site preparation, if any.

(3) Effective January 19, 1987, 10½ percent simple interest per annum for a loan which will finance the simultaneous acquisition of a manufactured home and a lot and/or the site preparation necessary to make a lot acceptable as the site for the manufactured home.

* * * * *

2. In § 36.4311, paragraphs (a), (b), and (c) are revised as follows:

§ 36.4311 Interest rates.

(a) Excepting loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the VA which specify an interest rate in excess of 8½ centum per annum, effective January 19, 1987, the interest rate on any home or condominium loan, other than a graduated payment mortgage loan, guaranteed or insured wholly or in part on or after such date may not exceed 8½ per centum per annum on the unpaid principal balance. (38 U.S.C. 1803(c)(1))

(b) Excepting loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the VA which specify an interest rate in excess of 8¾ per centum per annum, effective January 19, 1987, the interest rate of any graduated payment mortgage loan guaranteed or insured wholly or in part on or after such date may not exceed 8¾ per centum per annum. (38 U.S.C. 1803(c)(1))

(c) Effective January 19, 1987, the interest rate on any loan solely for energy conservation improvements or other alterations, improvements or repairs, which is guaranteed or insured wholly or in part on or after such date may not exceed 10 per centum per annum on the unpaid principal balance. (38 U.S.C. 1803(c)(1))

* * * * *

3. In § 36.4503, paragraph (a) is revised as follows:

§ 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after October 1, 1980, shall not exceed an amount which bears the same ratio to $33,000 as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to $27,500. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Except as to home improvement loans, loans made by the VA shall bear interest at the rate of 8½ percent per annum. Loans solely for the purpose of energy conservation improvements or other alterations, improvements, or repairs shall bear interest at the rate of 10 percent per annum. (38 U.S.C. 1811(d) (1) and (2)(A))

* * * * *

[FR Doc. 87-1443 Filed 1-22-87; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[SW-FRL-3146-1]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) today is granting final exclusions for the solid wastes generated at two particular generating facilities from the lists of hazardous wastes contained in 40 CFR 261.31 and 261.32. This action responds to delisting petitions received by the Agency under 40 CFR 260.20 and 260.22 to exclude wastes on a "generator-specific" basis from the hazardous waste lists. The effect of this action is to exclude certain wastes generated at these facilities from listing as hazardous wastes under 40 CFR Part 261.

EFFECTIVE DATE: January 23, 1987.

ADDRESSES: The public docket for this final rule is located in the Sub-basement, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC, 20460, and is available for public viewing from 9:30 a.m. to 3:30 p.m., Monday through Friday, excluding Federal holidays. Call Mia Zmud at (202) 475-9327 or Kate Blow at (202) 382-4675 for appointments. The reference number for this docket is "F-87-FPEF-FFFFF". The public may copy a maximum of 50 pages of materials from any one regulatory docket at no cost. Additional copies cost $.20/page.

FOR FURTHER INFORMATION CONTACT: For general information, contact the RCRA/Superfund Hotline, toll-free at (800) 424-9346, or (202) 382-3000. For technical information, contact Lori DeRose, Office of Solid Waste (WH-562B), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 382-5096.

SUPPLEMENTARY INFORMATION: On September 2, 1986, EPA proposed to exclude specific wastes generated by two facilities, including Florida Production Engineering Company, located in Daytona Beach, Florida (see 51 FR 31142) and Martin Marietta Aerospace, located in Ocala, Florida (see 51 FR 31144). These actions were taken in response to petitions submitted by these companies (pursuant to 40 CFR 260.20 and 260.22) to exclude their wastes from hazardous waste control. In their petitions, these companies have argued that certain of their wastes were non-hazardous based upon the criteria for which the waste was listed. The petitioners have also provided information which has enabled the Agency to determine whether any other toxicants are present in the wastes at levels of regulatory concern. The purpose of today's actions is to make final the two proposals and to make our decisions effective immediately. More specifically, today's rule allows these facilities to manage their petitioned wastes as non-hazardous. The exclusions remain in effect unless the waste varies from that originally described in the petition (*i.e.*, the waste is altered as a result of changes in the manufacturing or treatment process.[1] In addition, generators still are obligated to determine whether these wastes exhibit any of the characteristics of hazardous waste.

The Agency notes that the petitioners granted final exclusions in today's **Federal Register** have been reviewed for both the listed and non-listed criteria. As required by the Hazardous and Solid Waste Amendments of 1984, the Agency evaluated the wastes for the listed constituents of concern as well as for all other factors (including additional

[1] The current exclusions apply only to the processes covered by the original demonstrations. A facility may file a new petition if it alters its process. The facility must treat its waste as hazardous, however, until a new exclusion is granted.

constituents) for which there was a reasonable basis to believe that they could cause the waste to be hazardous. These petitioners have demonstrated through submission of raw materials data, EP toxicity test data for all EP toxic metals, and test data on the four hazardous waste characteristics that their wastes do not exhibit any of the hazardous waste characteristics, and do not contain any other toxicants at levels of regulatory concern.

Limited Effect of Federal Exclusion

States are allowed to impose requirements that are more stringent than EPA's pursuant to section 3009 of RCRA. State programs thus need not include those Federal provisions which exempt persons from certain regulatory requirements. For example, States are not required to provide a delisting mechanism to obtain final authorization. If the State program does include a delisting mechanism, however, that mechanism must be no less stringent than that of the Federal program for the State to obtain and keep final authorization.

As a result of enactment of the Hazardous and Solid Waste Amendments of 1984, any States which had delisting programs prior to the Amendments must become reauthorized under the new provisions.[2] To date only one State (Georgia) has received approval for their delisting program. The final exclusions granted today, therefore, are issued under the Federal program. States, however, can still decide whether to exclude these wastes under their State (non-RCRA) program. Since a petitioner's waste may be regulated by a dual system (*i.e.*, both Federal (RCRA) and State (non-RCRA) programs), petitioners are urged to contact their State regulatory authority to determine the current status of their wastes under State law.

The exclusions made final here involve the following petitioners:

Florida Production Engineering Co., Daytona Beach, Florida;
Martin Marietta Aerospace, Ocala, Florida.

I. Florida Production Engineering Co.

A. Proposed Exclusion

Florida Production Engineering Company (FPE) has petitioned the Agency for a one-time exclusion of its wastewater treatment sludge (lagooned sludge) from EPA Hazardous Waste No. F006, based on the low concentration and immobilization of the listed constituents in the waste. Data submitted by FPE substantiate their claim that the listed constituents of concern, although present, are essentially present in an immobile form. Furthermore, additional data provided by FPE indicate that no other hazardous constituents are present in the waste at levels of regulatory concern, and that the waste does not exhibit any of the characteristics of hazardous waste. (See 51 FR 31142, September 2, 1986 for a more detailed explanation of why EPA proposed to grant FPE's petition.)

B. Agency Response to Public Comments

The Agency did not receive any public comments regarding its decision to grant a one-time exclusion to FPE for the waste identified in its petition.

C. Final Agency Decision

For the reasons stated in the proposal, the Agency believes that the wastewater treatment sludge is non-hazardous and as such should be excluded from hazardous waste control. The Agency, therefore, is granting a one-time exclusion to Florida Production Engineering Company for its wastewater treatment sludge (EPA Hazardous Waste No. F006) generated at its Daytona Beach facility and contained in four on-site trenches.

II. Martin Marietta Aerospace

A. Proposed Exclusion

Martin Marietta Aerospace (MMA) has petitioned the Agency to exclude its wastewater treatment sludge (filter cake) from EPA Hazardous Waste No. F006, based on the low concentration and immobilization of the listed constituents in the waste. Data submitted by MMA substantiate their claim that the listed constituents of concern, although present, are essentially present in an immobile form. Furthermore, additional data provided by MMA indicate that no other hazardous constituents are present in the waste at levels of regulatory concern, and that the waste does not exhibit any of the characteristics of hazardous waste. (See 51 FR 31144, September 2, 1986) for a more detailed explanation of why EPA proposed to grant MMA's petition.)

B. Agency Response to Public Comments

The Agency did not receive any public comments regarding its decision to grant an exclusion to MMA for the waste identified in its petition.

C. Final Agency Decision

For the reasons stated in the proposal, the Agency believes that the filter cake is non-hazardous and as such should be excluded from hazardous waste control. The Agency, therefore, is granting a final exclusion to Martin Marietta Aerospace for its wastewater treatment sludge (EPA Hazardous Waste No. F006) generated at its Ocala, Florida Facility. (The Agency notes that the exclusion remains in effect unless the waste varies from that originally described in the petition (*i.e.*, the waste is altered as a result of changes in the manufacturing or treatment process).[3] In addition, generators still are obligated to determine whether these wastes exhibit any of the characteristics of hazardous waste.)

III. Effective Date

This rule is effective immediately. Although Subtitle C regulations normally take effect six months after promulgation (RCRA section 3010(b)), the Hazardous and Solid Waste Amendments of 1984 amended section 3010 of RCRA to allow rules to become effective in less than six months when the regulated community does not need the six-month period to come into compliance. That is the case here since this rule reduces, rather than increases, the existing requirements for persons generating hazardous wastes. In light of the unnecessary hardship and expense which would be imposed on the petitioners by an effective date six months after promulgation, and the fact that such deadline is not necessary to achieve the purpose of section 3010, we believe that this rule should be effective immediately. These reasons also provide a basis for making this rule effective immediately under the Administrative Procedure Act, pursuant to 5 U.S.C. 553(d).

IV. Regulatory Impact

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a Regulatory Impact Analysis. This grant of exclusions is not major since its effect is to reduce the overall costs and economic impact of EPA's hazardous waste management regulations. This reduction is achieved by excluding wastes generated at specific facilities from EPA's lists of hazardous wastes, thereby enabling

[2] RCRA Reauthorization Statutory Interpretation # 4: Effect of Hazardous and Solid Waste Amendments of 1984 on State Delisting Decisions, May 16, 1985, Jack W. McGraw, Acting Assistant Administrator for the Office of Solid Waste and Emergency Response.

[3] See footnote 1.

these facilities to treat their wastes as non-hazardous.

V. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601–612, whenever an Agency is required to publish a general notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis which describes the impact of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). The Administrator may certify, however, that the rule will not have a significant economic impact on a substantial number of small entities.

This amendment will not have an adverse economic impact on small entities since its effects will be to reduce the overall costs of EPA's hazardous waste regulations. Accordingly, I hereby certify that this final regulation will not have a significant economic impact on a substantial number of small entities.

This regulation, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 261

Hazardous wastes, Recycling.

Authority: Sec. 3001 RCRA, 42 U.S.C. 6921.

Dated: January 13, 1987.

Marcia Williams,

Director, Office of Solid Waste.

For the reasons set out in the preamble, 40 CFR Part 261 is amended as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for Part 261 continues to read as follows:

Authority: Secs. 1006, 2002(a), 3001, and 3002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended [42 U.S.C. 6905, 6912(a), 6921, and 6922].

2. In Appendix IX, Table 1, Part 261, add the following wastestreams in alphabetical order to read as follows:

Appendix IX—Wastes Excluded Under §§ 260.20 and 260.22

TABLE 1. WASTES EXCLUDED FROM NON-SPECIFIC SOURCES

Facility	Address	Waste description
Florida Production Engineering Company.	Daytona Beach, Florida.....	This is a one-time exclusion. Wastewater treatment sludges (EPA Hazardous Waste No. F006) generated from electroplating operations and contained in four on-site trenches on January 23, 1987.
* * *	* * *	* * *
Martin Marietta Aerospace.	Ocala, Florida	Dewatered wastewater treatment sludges (EPA Hazardous Waste No. F006) generated from electroplating operations after January 23, 1987.

[FR Doc. 87–1530 Filed 1–22–87; 8:45 am]
BILLING CODE 6560–50–M

40 CFR Part 799

[OPTS–42034D; FRL–3145–6]

Ethyltoluenes, Trimethylbenzenes, and the C_9 Aromatic Hydrocarbon Fraction; Final Test Standards and Reporting Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is issuing a final test rule under section 4(a) of the Toxic Substances Control Act (TSCA) that specifies test standards and reporting requirements for testing of the C_9 aromatic hydrocarbon fraction (C_9 fraction).

DATES: In accordance with 40 CFR 23.5 (50 FR 7271; February 21, 1985), this rule shall be promulgated for purposes of judicial review at 1 p.m. eastern ("daylight" or "standard," as appropriate) time on February 6, 1987. This rule shall become effective on March 9, 1987.

FOR FURTHER INFORMATION CONTACT: Edward A. Klein, Director, TSCA Assistance Office (TS–799), Office of Toxic Substances, Rm. E–543, 401 M St., SW., Washington, DC 20460, (202) 554–1404.

SUPPLEMENTARY INFORMATION: EPA is issuing a final test rule under section 4(a) of TSCA to require specific test standards and reporting requirements be used in testing the C_9 fraction under 40 CFR 799.2175.

I. Background

This notice is part of the implementation of section 4 of TSCA (Pub. L. 94–469, 90 Stat. 2003 *et seq.*, 15 U.S.C. 2601 *et seq.*), which contains authority for EPA to require the development of data relevant to assessing the risk to health and the environment posed by exposure to particular chemical substances or mixtures.

The ITC designated ethyltoluenes (mixed isomers) and 1,2,4-trimethylbenzene for priority testing consideration in its Tenth Report, published in the **Federal Register** of May 25, 1982 (47 FR 22585), and recommended in its Eleventh Report, published in the **Federal Register** of December 3, 1982 (47 FR 54624), that the other trimethylbenzenes (1,2,3- and 1,3,5-isomers) be considered for testing. EPA responded to the ITC's designation by issuing a proposed test rule for the C_9 fraction, published in the **Federal Register** of May 23, 1983 (48 FR 23088). Subsequently, in the **Federal Register** of May 17, 1985 (50 FR 20662), EPA promulgated a final Phase I rule requiring testing of the C_9 fraction. EPA based the final testing requirements for the C_9 fraction on the authority of section 4(a)(1)(B) of TSCA. For a detailed discussion of EPA's findings and testing requirements, refer to the final Phase I rule. In accordance with the Test Rule Development and Exemption Procedures for two-phase rulemaking in 40 CFR Part 790, persons subject to this rule were required to submit letters of intent to perform the testing or exemption applications. Those submitting letters of intent were required to submit proposed study plans (including time schedules) for the testing required in the final Phase I rule.

On July 31 and August 30, 1985, U.S. manufacturers and processors of the C_9 fraction through the American Petroleum Institute (API) jointly notified EPA of their intent to sponsor the testing required in the Phase I test rule (Refs. 1 and 2). API submitted proposed study plans on September 30, 1985, and revisions to the plans on January 10, 1986. In the **Federal Register** of March 27, 1986 (51 FR 10557), EPA proposed that the study plans submitted by API, and certain additions and reporting requirements proposed by EPA, be adopted as the test standards and reporting requirements for the testing of the C_9 fraction. After review of public comments, EPA is now promulgating a final Phase II rule requiring the C_9

fraction manufacturers and processors to conduct this testing in accordance with the revised EPA-approved study plans and reporting requirements for the C_9 fraction. These study plans and reporting requirements consist of API's original study plan proposal, EPA's proposed additions and any revisions made in response to public comments. These study plans and reporting requirements are the test standards and reporting requirements for this substance.

II. Proposed Test Standards

API notified EPA by letter (Refs. 1 and 2) of its intent to conduct the testing required in the final Phase I rule for the C_9 fraction (40 CFR 799.2175) on behalf of manufacturers and processors of the C_9 fraction. API submitted proposed study plans (Refs. 3 and 4) for the required testing which, after evaluation and certain additions, EPA approved for use in testing the C_9 fraction. The study plans included the following studies: Inhalation Carcinogenesis Study in Rats and Mice, Developmental Toxicity Study in Rats and Mice, Two Generation (One Litter) Inhalation Reproduction Study in Rats, Neurotoxicity Study in Rats; the following first-tier mutagenicity studies: *In Vitro* Mammalian Cytogenetics Assay Utilizing Hamster Ovary Cells, *Salmonella typhimurium* Reverse Mutation Assay, *In Vitro* Sister Chromatid Exchange Assay Utilizing Chinese Hamster Ovary Cells, *In Vitro* Mammalian Cell Mutagenesis Assay Utilizing Chinese Hamster Ovary Cells, *In Vivo* Mammalian Bone Marrow Cytogenetics Assay in rats; the following triggered second-tier mutagenicity studies: *In Vitro* Mammalian Cell Mutagenesis Assay Utilizing Mouse Lymphoma L5178Y Cells, Sex-Linked Recessive Lethal Test in *Drosophila melanogaster*, Dominant Lethal Assay in Rats; and the following triggered end-point mutagenicity studies: Heritable Translocation Assay in Mice and Mouse Visible Specific Locus Test.

The Agency proposed these plans with the EPA-specified additions as the test standards for conducting the testing of the C_9 fraction required under 40 CFR 799.2175 in the proposed Phase II test rule for the C_9 fraction, published in the **Federal Register** of March 27, 1986 (51 FR 10557). The EPA-approved study plans all conformed to the appropriate TSCA Health Effects Test Guidelines (40 CFR Part 798) or contained justified deviations from the appropriate guideline. All of the testing for the C_9 fraction will be conducted in accordance with EPA's TSCA Good Laboratory Practice standards set forth in 40 CFR Part 792.

III. Proposed Reporting Requirements

Although API had proposed a schedule for testing the C_9 fraction, the Agency determined that API's schedule for some studies was inappropriate. Therefore, EPA proposed in the Phase II rule reporting requirements and a schedule for completing and submitting all final study reports for the C_9 fraction testing which differed from API's schedule.

Subsequent to the issuance of the proposed Phase II test rule for the C_9 fraction, the Agency has decided that interim reports for the testing required for substances under section 4 of TSCA be submitted at 6-month intervals, rather than at 3-month intervals, which will be sufficient to keep EPA informed of the status of required testing and of any difficulties which the testing facility may encounter during the course of testing. Accordingly, the final reporting requirements for the testing required for the C_9 fraction specify 6-month, rather than 3-month, interim testing reports.

IV. Response to Public Comments

The only comments received by the Agency in response to the proposed Phase II test rule for the C_9 fraction were from API (Ref. 5). In addition, API submitted for the Agency's consideration a developmental toxicity study conducted in Hungary on a C_9 mixture (Ref. 7). The major issues identified during the comment period are discussed below.

A. Review of Test Data

API commented that EPA should provide a public forum for review of newly generated test data before proceeding, in particular, with third-tier mutagenicity tests or with a chronic oncogenicity bioassay. API also identified several issues which it believes should be discussed in such a public review. API expressed concern that EPA's Phase II proposal for the C_9 fraction differed from aspects of the Phase I C_9 fraction final rule. The Phase I final rule indicated that after initial tier mutagenicity testing the Agency may need to assess, with public participation, the results of these studies before deciding to require higher tier testing; whereas the C_9 Phase II proposal, in API's estimation, appeared to eliminate such a step.

EPA believes this is a misunderstanding of the proposed Phase II C_9 fraction test rule. As clearly stated in the final Phase I rule regarding triggering the end-point mutagenicity testing and oncogenicity testing (50 FR 20669 and 20672, respectively), EPA will provide for public participation in certain circumstances.

Before the last tier mutagenicity testing is to begin, EPA will hold a public review if the results of the previous tier tests are positive. If, after review of public comment, no change in the test sequence is deemed necessary, EPA will provide formal notification to the test sponsor that the final tier tests should be conducted. If, however, EPA believes additional testing is no longer warranted as a result of the earlier test results, public comment, scientific judgment, and other appropriate factors, EPA will issue a proposed amendment to rescind these requirements.

Regarding triggered oncogenicity testing, EPA promulgated the rule with the triggered chronic bioassay if any of the specified short-term tests fails to produce a negative result. If results of one or more tests are clearly positive, EPA will notify the test sponsors to initiate the chronic study. However, if mixed negative and equivocal results (i.e., non-negative response) are obtained, the Agency will review the overall weight of scientific evidence provided by all of the tests. If, in EPA's judgment, that evidence indicates that oncogenicity of the C_9 fraction is quite unlikely, the Agency will solicit public comment on whether it should rescind the requirement for the chronic test.

B. Mouse Specific Locus Assay

API commented that the lack of available laboratories for conducting the mouse specific locus assay complicates API's ability to produce these test data. API requested that the availability of qualified testing facilities be reexamined during the public program review of the mutagenicity data.

Currently, Oak Ridge National Laboratory is available for direct contracting of this testing. The testing can be performed according to EPA's Good Laboratory Practice Standards with personnel and funds provided by the test sponsor. Other laboratories may be available at the time this testing becomes necessary. In any case, the issue raised by API will be considered by the Agency in the public program review of the mutagenicity data for the C_9 fraction which, as described in the final Phase I test rule for the C_9 fraction, will precede the initiation of the testing of the C_9 fraction in the mouse specific locus test. If EPA believes the testing is no longer warranted as a result of the earlier test results, public comment, scientific judgment, and other appropriate factors, EPA will issue a

proposed amendment to rescind the requirement.

C. Repeating Mutagenicity Assays

API commented that it is inappropriate to include a generic requirement to repeat all mutagenicity assays, particularly *in vivo* assays, in which a single, statistically significant elevated response is detected without a dose response. API believes that an unusually elevated response in an *in vitro* assay at a single data point, in the absence of a dose response, warrants a repeat assay over a dose range designed to bracket the dose of interest and generate a dose-response curve. API believes a weight-of-evidence approach should be applied prior to initiation of repeat studies for *in vivo* studies.

The Agency has reconsidered the need to require repeats of mutagenicity assays and agrees that a generic requirement to repeat the *in vivo* assays is not routinely necessary. The Agency will, however, interpret any single positive finding as a positive mutagenic response in the absence of a repeat assay. The Agency is therefore not including a requirement for repeats of the following assays: *in vivo* mammalian cytogenetics, Drosophila sex-linked recessive lethal, rodent dominant lethal, rodent heritable translocation, and mouse visible specific locus. Because of the nature of *in vitro* tests in comparison to *in vivo* systems, the Agency believes that repeats are appropriate and necessary for the evaluation of the *Salmonella typhimurium* reverse mutation, *in vitro* sister chromatid exchange, *in vitro* mammalian cell mutagenesis, and *in vitro* mammalian cytogenetics assays. The Agency is thus requiring repeats of these assays over a narrow range of concentrations in the event a single, statistically significant positive effect is produced at one dose point without a dose response.

D. Non-Negative Results Triggering Oncogenicity Testing

API does not believe that an oncogenicity bioassay should be considered based on anything less than a fully positive response in the mutagenicity assays.

The final Phase I rule for the C_9 fraction requires that an oncogenicity study be performed with the C_9 fraction if any of the specified short-term tests fails to produce a negative result. API's comments did not alter EPA's belief that only clearly negative responses in all of several short-term genotoxicity tests provide sufficient basis to rule out the need for a lifetime bioassay to determine the potential for oncogenicity of a large-exposure chemical such as the C_9 fraction. As stated in the Final Phase I rule for the C_9 fraction, in the event mixed negative and equivocal results are obtained, the Agency will review the overall weight of evidence provided by all the tests and, if testing no longer appears warranted, will solicit public comment on whether to rescind the requirement for the bioassay.

E. Timing for Studies

API commented that the reporting and study timing requirements proposed by EPA were, for the most part, acceptable. API noted a few exceptions, however, and suggested that: (1) reporting requirements for the second and third tier mutation studies be measured from the submission of results of previous mutagenicity testing, rather than from the effective date of the rule; (2) the mouse specific locus assay be completed in 48 months, rather than 24 months; (3) the inhalation developmental toxicity study be completed and a final report submitted to EPA within 18 months, rather than 12 months, from the effective date of the rule; and (4) the neuropathology testing be completed and the study results submitted to EPA within 25 months, instead of 15 months, from the effective date of the rule.

EPA does not agree with API's comment that the reporting requirements for the second-tier mutagenicity assays should be measured from the submission of results of the first-tier assays. EPA believes these second-tier studies, i.e., *in vitro* mammalian cell mutagenesis assay, sex-linked recessive lethal assay, and dominant lethal assay, have relatively short performance times that can be accommodated in the 24-month period from the effective date of the rule. In establishing the time period, EPA also included the possibility of repeating assays. Because EPA has established a clear definition for positive and negative results in these tests, there should be no reason for delays in their progress. If necessary, API may request modification to any test standard or schedule during the conduct of testing through the procedures described in 40 CFR 790.55 in the event of unforeseen problems that might justify an extension.

Regarding the reporting requirements for the third-tier mutagenicity studies, the Agency does agree that the time period allowed for testing may be significantly shortened under the proposed reporting requirement for these assays should some unforeseen circumstances lengthen the period required for EPA's public program review. In view of this possibility, the EPA is specifying in the final Phase II test rule that the time period for submission of the final report resulting from the testing of this substance in the heritable translocation assay and the mouse specific locus assay will be measured from the date of EPA's notification of the test sponsor by certified letter or **Federal Register** notice of the Agency's decision that testing should be initiated. Such notification will follow a public program review of the then available data for the C_9 fraction resulting from a positive test result for this substance in the second-tier studies and a decision that the required testing must be initiated.

Regarding the time period for conduct of the mouse specific locus assay, EPA agrees that a 48-month period is appropriate for this testing and submission of the final report. The Agency acknowledges that the 24-month time period proposed underestimated the amount of time necessary to conduct this assay.

Regarding the reporting requirement for the inhalation developmental toxicity testing, EPA agrees that an 18-month period is appropriate for this testing. The Agency recognizes that development of a method of producing a stable target vapor concentration for the C_9 fraction and of a sampling and analysis method will extend the time for testing.

Lastly, EPA agrees with API to extend the study period and reporting time for the neuropathology testing. EPA believes that 15 months, as proposed, should be sufficient for conducting and reporting on the motor activity test and the functional observation studies. However, recognizing the effort necessary to complete neuropathology examinations, according to the study plans proposed for the testing of the C_9 fraction, EPA accepts API's arguments to extend the reporting period for the neuropathology examinations. Therefore, considering a 4- to 6-month chamber validation and dose level finding study, a 4-month in-life study phase (90 days plus 30 days post-exposure observation period), and 12 months for neuropathological examinations, EPA agrees that final study results will be reported within 25 months from the effective date of this rule.

F. Oncogenicity Study

API requested that EPA clarify the time period specified for the duration of the in-life portion of the study. EPA has modified the language to specify a time period of not less than 24 months for rats and 18 months for mice. This

conforms with the TSCA Test Guidelines for Oncogenicity.

API also commented that EPA's proposal that food and water consumption data be reported does not apply for an inhalation study. EPA has modified the requirement to specify that food and water consumption data shall be reported if measured. This conforms with the TSCA Test Guidelines for Oncogenicity.

G. Revised Neurotoxicity Battery

Since submitting its proposed study plan, API has identified in its comments (Ref. 5) to the proposed Phase II rule for the C_9 fraction (revised in a subsequent submission (Ref. 6)) a battery of observational tests that API believes more quantitatively measures functional impairment than those it had originally proposed for study. API believes these studies (Ref. 6) should be used in lieu of the functional observation battery previously submitted (Ref. 3). Aside from the motor activity test, API proposed to replace the functional observation studies outlined in its Proposed Study Plan. A brief description of each of the studies proposed by API to replace the originals is provided below:

1. *Righting reflex and visual placing.* In lieu of the righting reflex and visual placing assays, API proposed to use a measurement of foot splay. In this measurement, the animal's hind feet are marked in India ink and the animal is dropped 32 centimeters (cm) onto a blotter. Subsequently, the distance between the digits is measured and provides a quantitative assessment of motor coordination. Visual placing is also required for the animal to land properly.

2. *Tail pinch.* Rather than the tail pinch study, API proposed to measure thermal response time. In this assay, an animal is placed on a warm surface. The time from being placed on the plate to when the animal begins to lick his feet is recorded and provides a quantitative measure of the animal's response to an external stimulus.

3. *Startle response.* API proposed to measure the startle response quantitatively by measuring the time from the initiation of a noise to animal response and the intensity of response, using a device specifically designed to perform these measurements.

4. *Grip strength.* API proposed to quantitatively measure both fore and hind limb grip strength using strain gauges.

EPA believes these methods are reasonable for measuring motor activity in functional observation studies and is adopting them in this final Phase II test rule as the test standards for the functional observation testing of the C_9 fraction. EPA believes that the foot splay measurement is a more easily quantified study than the righting reflex originally proposed by API. While the extent to which the same functions are tapped by these different tests is not clear, it is difficult to imagine a situation in which the original tests would produce findings which would not be accompanied by similar findings on the foot splay test. EPA also believes that replacing the tail pinch test with a thermal response test is a good substitution for two reasons. First, it is more quantitative than the tail pinch test. Second, since it probably involves supraspinal mechanisms in addition to spinal mechanisms, it may detect more types of dysfunction than the tail pinch. Finally, EPA believes the use of devices designed to measure the elapsed time and intensity of response from noise initiation to animal response for the startle response test, and strain for the grip strength test should increase the quantitative aspects of these studies as well.

H. Test Sample

API, in responding to proposed Agency requirements for test substance identity, source, and stability, plans to characterize the components of the test material as well as the atmosphere that is inhaled by the test animals. Vapor phase concentrations will be routinely monitored as described in API's study plan to determine total hydrocarbon content. In addition, analytical methods will be developed by API to identify and quantify all of the test material components that are greater than 5 percent by weight of the total mixture. API plans to conduct the identification and quantification analyses once each week for the first month for all inhalation studies and then once monthly for the remainder of the studies.

EPA agrees that verifiable quantitative analytical procedures, in combination with the measurements described in the API study plan revisions (Ref. 5) under physical measurements, should provide sufficient confirmation and identification of the test atmosphere in both the inhalation developmental toxicity and oncogenicity studies.

I. Developmental Toxicity

In addition its public comments on the C_9 fraction proposed Phase II test rule, API submitted a rat inhalation developmental toxicity study on a C_9 mixture called Aromatol (Ref. 7). The C_9 test material, containing 38 percent ortho-, meta-, and para-ethyltoluene and 48 percent 1,2,4-, 1,2,3-, and 1,3,5-trimethylbenzene and intended for use as a solvent, appears to meet the definition of the test substance specified in the final Phase I test rule for the C_9 fraction. In the study, pregnant CFY rats were administered the C_9 mixture at 0, 600, 1,000, and 2,000 mg/m^3 for 24 hours per day on gestation days 7 to 15. Maternal toxicity was observed at 2,000 mg/m^3. Decreased male body weight and decreased skeletal and soft tissue development were observed in offspring (day 21) in the absence of maternal toxicity. The no observed effect level (NOEL) was 600 mg/m^3. In offspring necropsied on postnatal day 90, no postnatal functional defects were observed.

The study plan submitted by API and the proposed Phase II rule called for developmental toxicity testing of the C_9 fraction in two animal species. However, EPA has reviewed the study discussed above (Ref. 7) and finds it adequate to characterize the developmental toxicity of the C_9 fraction in one species. Thus, EPA believes there is no need to develop additional data for the rat. However, to fully characterize the developmental toxicity of the C_9 fraction, additional data in a second species are still needed. Therefore, EPA is adopting in this final rule the proposed study plan submitted by API for developmental toxicity in mice, but is not requiring the proposed developmental toxicity study in rats.

V. Final Phase II Test Rule

A. Test Standards

The test protocols contained in the approved study plans for the C_9 fraction for mutagenicity, oncogenicity, developmental toxicity in mice, and reproductive effects testing (Refs. 3 and 4) and for neurotoxicity testing (Ref. 6) and the additional requirements specified in 40 CFR 799.2175 are the test standards for the testing of the C_9 fraction required under 40 CFR 799.2175. The Agency believes that the conduct of the required tests in accordance with the approved study plans will ensure that the resulting data are reliable and adequate. The testing must be conducted in accordance with the EPA's TSCA Good Laboratory Practice Standards (40 CFR Part 792).

B. Reporting Requirements

The Agency is requiring that all data developed under this rule be reported in accordance with the TSCA Good Laboratory Practice Standards (40 CFR Part 792).

The Agency is required by TSCA section 4(b)(1)(C) to specify the time periods during which persons subject to a test rule must submit test data. On the basis of the Agency's regulatory experience for the tests required for the C_9 fraction, as well as in response to certain public comments, EPA is adopting the reporting requirements for these tests as presented below.

REPORTING REQUIREMENTS FOR THE C_9 FRACTION

Test	Reporting deadline for final report [1]	Number of interim (6-mo.) reports required
Salmonella reverse mutation assay	12	1
In vitro sister chromatid exchange assay	12	1
Gene mutation cells in culture assay	12	1
Second gene mutation in mammalian cells in culture assay	24	3
Sex-linked recessive lethal test in *Drosophila*	24	3
Mouse specific locus assay	[2] 48	7
In vitro cytogenetics test	12	1
In vivo cytogenetics test	12	1
Dominant lethal test	24	3
Heritable translocation assay	[2] 24	3
Oncogenicity (inhalation)	[3] 53	8
Inhalation developmental toxicity	18	2
Reproductive effects	29	4
Neurotoxicity battery for functional observation and motor activity	15	2
Neuropathology	25	3

[1] Months after the effective date of final phase II rule, except as indicated.

[2] Figure indicates the reporting deadline, in months, calculated from the date of notification of the test sponsor by certified letter or **Federal Register** notice that, following public program review of all of the then existing data for the C_9 fraction, the Agency has determined that the required testing must be performed.

[3] Figure indicates the reporting deadline, in months, calculated from the date of notification of the test sponsor by certified letter or **Federal Register** notice that, following submission of nonnegative mutagenicity test results, the Agency has determined that the required testing must be performed.

As required by TSCA section 4(d), the Agency will publish in the **Federal Register** a notice of the receipt of any test data submitted under this test rule within 15 days after receipt of the data. Except as otherwise provided in TSCA section 14, such data will be made available for examination by any person.

C. Conditional Exemptions Granted

The final rule for test rule development and exemption procedures (40 CFR 790.87) indicates that, when certain conditions are met, exemption applicants will be notified by certified mail or in the final Phase II test rule for a given substance that they have received conditional exemptions from test rule requirements. The exemptions granted are conditional because they will be given based on the assumption that the test sponsors will complete the required testing according to the test standards and reporting requirements established in the final Phase II test rule for the given substance. TSCA section 4(c)(4)(B) provides that if an exemption is granted prospectively (that is, on the basis that one or more persons are developing test data, rather than on the basis of prior test data submissions), the Agency must terminate the exemption if any test sponsor has not complied with the test rule.

Since sponsors have indicated to EPA by letters of intent (Refs. 1 and 2) their agreement to sponsor all of the tests required for the C_9 fraction in the final Phase I test rule for this substance (50 FR 20662; May 17, 1985) and EPA had adopted test standards and reporting requirements in this final Phase II test rule for the C_9 fraction, the Agency is hereby granting conditional exemptions to all exemption applicants for all of the testing required for the C_9 fraction in 40 CFR 799.2175.

D. Judicial Review

The promulgation date for the final Phase I test rule for the C_9 fraction was established as 1 p.m. eastern daylight time on June 3, 1985 (50 FR 20662; May 17, 1985). To EPA's knowledge, no petitions for judicial review of that Phase I final rule were filed. Any petition for judicial review of this final Phase II test rule for the C_9 fraction will be limited to a review of the test standards and reporting requirements for this substance which are established in this final rule.

E. Other Provisions

TSCA section 4 findings, required testing, test substance specifications, persons required to test, enforcement provisions, and the economic analysis are all presented in the final Phase I test rule for the C_9 fraction (50 FR 20662; May 17, 1985).

VI. Public Record

A. Supporting Documentation

EPA has established a record for this rulemaking [docket number OPTS–42034D]. This record includes the basic information considered by the Agency in developing this rule and appropriate **Federal Register** notices.

B. References

(1) American Petroleum Institute. Letter from William F. O'Keefe to TSCA Public Information Office, USEPA. July 31, 1985.

(2) American Petroleum Institute. Letter from William F. O'Keefe to TSCA Public Information Office, USEPA. August 30, 1985.

(3) American Petroleum Institute. Proposed Study Plan for Toxicity Testing of Ethyltoluenes, Trimethylbenzenes and the C_9 Aromatic Hydrocarbon Fraction. September 30, 1985.

(4) American Petroleum Institute. Letter from William F. O'Keefe to TSCA Public Information Office, USEPA. January 10, 1986.

(5) American Petroleum Institute. Letter with attachments from William F. O'Keefe to Gary Timm, Test Rules Development Branch, USEPA. May 15, 1986.

(6) American Petroleum Institute. Letter from Steven M. Swanson to Nancy Merrifield, USEPA. November 4, 1986.

(7) Ungvary, G., Tatrai, E., Lorinez, M., Fittler, Z., Barcza, G. "Investigation of the Embriotoxic Effects of Aromatol, a New C_9 Aromatic Mixture" (translation from Hungarian). *Health Science* 27:138–148. (1983).

The record is available for inspection from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays, in Rm. G–004, NE Mall, 401 M St., SW., Washington, DC 20460.

VII. Other Regulatory Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirements of a Regulatory Impact Analysis. This test rule is not major because it does not meet any of the criteria set forth in section 1(b) of the Order. The economic analysis of the testing required for the C_9 fraction is discussed in the Phase I test rule (50 FR 20662; May 17, 1985).

This final Phase II test rule was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any written comments received from OMB, together with any EPA response to these comments, are included in the public record for this rulemaking.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (15 U.S.C. 601 *et seq.*, Pub. L. 96–354, September 19, 1980), EPA is certifying that this test rule, if promulgated, will not have a significant impact on a substantial number of small businesses for the following reasons:

1. There is not a substantial number of small businesses manufacturing the C_9 fraction.
2. Small manufacturers of the C_9 fraction are not expected to perform testing themselves.
3. Small manufacturers of the C_9 fraction will experience only small reimbursement costs.
4. Small processors of the C_9 fraction are not expected to perform testing themselves or to participate in the organization of the testing efforts.
5. Small processors are unlikely to be affected by reimbursement requirements.

C. Paperwork Reduction Act

OMB has approved the information collection requirements contained in this rule under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, and has assigned the OMB control number 2070–0033. No public comments on the requirements contained in the proposed Phase II rule for the C_9 fraction (51 FR 10557; March 27, 1986) were submitted to the Office of Information and Regulatory Affairs of OMB.

List of Subjects in 40 CFR Part 799

Testing, Environmental protection, Hazardous substances, Chemicals, Recordkeeping and reporting requirements.

Dated: January 13, 1987.

John A. Moore,

Assistant Administrator for Pesticides and Toxic Substances.

PART 799—[AMENDED]

Therefore, Chapter I of 40 CFR Part 799 is amended as follows:

1. The authority citation for Part 799 continues to read as follows:

Authority: 15 U.S.C. 2603, 2611, 2625.

2. In § 799.2175 by revising paragraphs (d)(1)(ii), (2)(ii), (3)(ii), (4)(ii), (5)(ii), and (6)(ii), and adding paragraphs (e) and (f), to read as follows:

§ 799.2175 C_9 aromatic hydrocarbon fraction.

* * * * *

(d) * * *

(1) * * *

(ii) *Reporting requirements.* (A) The mutagenic effects testing for chromosomal aberrations as contained in the first tier of testing, which consists of an *in vitro* cytogenetics test and an *in vivo* cytogenetics test shall be completed and the final results submitted to the Agency within 12 months of the effective date of the final Phase II rule.

(B) The mutagenic effects testing for chromosomal aberrations as contained in the second tier of testing, which consists of a dominant lethal assay, shall be completed and the final results submitted to the Agency within 24 months of the effective date of the final Phase II rule.

(C) The mutagenic effects testing for chromosomal aberrations as contained in the third tier of testing, which consists of a heritable translocation assay, shall be completed and the final results submitted to the Agency within 24 months of the date of EPA's notification of the test sponsor by certified letter or **Federal Register** notice that testing should be initiated.

(D) Progress reports shall be submitted to the Agency for the *in vitro* and *in vivo* cytogenetics assays and the dominant lethal assay at 6-month intervals, the first of which is due within 6 months of the effective date of the final Phase II rule.

(E) Progress reports shall be submitted to the Agency for the heritable translocation assay at 6-month intervals, the first of which is due within 6 months of the date of EPA's notification of the test sponsor that testing should be initiated.

(2) * * *

(ii) *Reporting requirements.* (A) The mutagenic effects testing for gene mutations as contained in the first tier of testing, which consists of a *Salmonella typhimurium* mammalian reverse mutation microsomal assay, a sister chromatid exchange (SCE) assay, and a gene mutation in mammalian cells in culture assay, shall be completed and the final results submitted to the Agency within 12 months of the effective date of the final Phase II rule.

(B) The mutagenic effects testing for gene mutations as contained in the second tier of testing, which consists of a second gene mutation in mammalian cells in culture assay and a *Drosophila* sex-linked recessive lethal test, shall be completed and the final results submitted to the Agency within 24 months of the effective date of the final Phase II rule.

(C) The mutagenic effects testing for gene mutations as contained in the third tier of testing, consisting of a mouse specific locus assay, shall be completed and the final results submitted to the Agency within 48 months of the date of EPA's notification of the test sponsor by certified letter or **Federal Register** notice that testing should be initiated.

(D) Progress reports shall be submitted to the Agency for the *Salmonella typhimurium* mammalian reverse mutation microsomal assay, SCE assay, gene mutation in mammalian cells in culture assays, and *Drosophila* sex-linked recessive lethal test at 6-month intervals, the first of which is due within 6 months of the effective date of the final Phase II rule.

(E) Progress reports shall be submitted to the Agency for the mouse specific locus assay at 6-month intervals, the first of which is due within 6 months of the date of EPA's notification of the test sponsor that testing should be initiated.

(3) * * *

(ii) *Reporting requirements.* (A) The oncogenicity testing shall be completed and the final results submitted to the Agency within 53 months after the date of EPA's notification of the test sponsor by certified letter or **Federal Register** notice that testing should be initiated.

(B) Progress reports shall be submitted to the Agency at 6-month intervals, the first of which is due within 6 months after the date of EPA's notification of the test sponsor that testing should be initiated.

(4) * * *

(ii) *Reporting requirements.* (A) The developmental toxicity testing shall be completed and the final results submitted to the Agency within 18 months of the effective date of the final Phase II rule.

(B) Progress reports shall be submitted to the Agency at 6-month intervals, the first of which is due within 6 months from the effective date of the final Phase II rule.

(5) * * *

(ii) *Reporting requirements.* (A) The reproductive effects testing shall be completed and the final results submitted to the Agency within 29 months of the effective date of the final Phase II rule.

(B) Progress reports shall be submitted to the Agency at 6-month intervals, the first of which is due within 6 months from the effective date of the final Phase II rule.

(6) * * *

(ii) *Reporting requirements.* (A) The neurotoxicity test battery consisting of a

motor activity test and functional observational battery shall be completed and the final results submitted to the Agency within 15 months from the effective date of the final Phase II rule.

(B) The neuropathology test shall be completed and the final results submitted to the Agency within 25 months from the effective date of the final Phase II rule.

(C) Progress reports shall be submitted to the Agency at 6-month intervals, the first of which shall be due within 6 months from the effective date of the final Phase II rule.

(e) *Test standards*—(1) *General.* (i) The required testing specified in paragraphs (d) (1), (2), (3), (4), and (5) of this section shall be conducted in accordance with the study plans for testing the C_9 fraction developed by the American Petroleum Institute (API), and submitted to the Agency on September 30, 1985, and modified in a submission dated January 10, 1986, and the additional requirements specified in this paragraph.

(ii) The required testing specified in paragraph (d)(6) of this section shall be conducted in accordance with the study plan for testing the C_9 fraction developed by API, and submitted to the Agency on November 4, 1986.

(iii) Copies of the API study plans are located in the public record for this rule (Docket No. OPTS–42034) and are available for inspection in EPA's OPTS Reading Rm., NE–G004, 401 M St., SW., Washington, DC 20460, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

(2) *Mutagenic effects.* (i) For each study specified in paragraphs (d) (1)(i)(A) and (2)(i) (A), (B), (C), and (D) of this section, the study shall be repeated over a narrow range of concentrations if a single, statistically significant positive effect for at least one of the test points is produced where no statistically significant dose-related increase in the number of mutagenic events was found.

(ii) For each study specified in paragraph (d) of this section, in addition to the criteria for determining a positive result given in the study plans specified in paragraph (e)(1) of this section, the detection of a reproducible and statistically significant response for at least one of the test substance concentrations shall be interpreted as a positive result. In the absence of a repeat assay, a statistically significant response for at least one of the test substance concentrations shall be interpreted as a positive response.

(iii) For the mouse heritable translocation assay specified in paragraph (d)(1)(i)(D) of this section, the following are required.

(A) If the laboratory's historical control data base is inadequate, concurrent positive and negative controls shall be conducted which conform to the requirements specified in § 798.5200(d)(4)(i) of this chapter.

(B) Control data shall be presented, whether they are historical or concurrent, in the final report of the study and shall be identified as either the one or the other.

(3) *Oncogenicity*—(i) *Dose levels and dose selection.* The lowest dose shall not be lower than 10 percent of the high dose.

(ii) *Duration.* Each study shall last the majority of the normal lifespan of the strain of animals to be used. This time period shall not be less than 24 months for rats and 18 months for mice, and ordinarily not longer than 30 months for rats and 24 months for mice.

(iii) *Histopathology.* Target organs (including but not limited to lungs and respiratory tract) in all animals shall be subject to a histopathological examination.

(iv) *Individual animal data.* (A) Food and water consumption data shall be reported, when measured.

(B) Ophthalmological data shall be recorded when the examination is performed.

(4) *Developmental toxicity.* (i) Testing in one mammalian species other than the rat is required.

(ii) Dams shall be killed before parturition.

(5) *Test substance*—(i) *Identity and source.* The remaining components, which may be as high as 25 percent of the test mixture, shall be characterized.

(ii) *Stability under test and storage conditions.* The atmosphere being inhaled by the animals shall be characterized with regard to concentration and identification of the components inhaled.

(f) *Effective date.* The effective date of the final Phase II rule for the C_9 aromatic hydrocarbon fraction is March 9, 1987.

[FR Doc. 87–1351 Filed 1–22–87; 8:45 am]
BILLING CODE 6560–50–M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101–5

[FPMR Temporary Reg. A–29]

Establishment of Physical Fitness Facilities in GSA-Controlled Space

AGENCY: Public Buildings Service, GSA.

ACTION: Temporary regulation.

SUMMARY: This regulation establishes GSA policy on physical fitness facilities and provides guidelines regarding establishing and installing physical fitness facilities.

DATES: *Effective date:* January 23, 1987.
Expiration date: September 30, 1988.

FOR FURTHER INFORMATION CONTACT: Betsy Nordland, Assignment and Utilization Division (202–523–5427).

SUPPLEMENTARY INFORMATION: GSA has determined that this rule is not a major rule for the purposes of E.O. 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. Therefore, a Regulatory Impact Analysis has not been prepared. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and the consequence of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

List of Subjects in 41 CFR Part 101–5

Government employees, Federal buildings and facilities, Federal employee health service, Government property management, Health care.

Authority: Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).

In 41 CFR Chapter 101, the following temporary regulation is added to the appendix at the end of Subchapter A to read as follows:

January 13, 1987

Federal Property Management Regulations, Temporary Regulation A–29

To: Heads of Federal agencies
Subject: Physical fitness facilities

1. *Purpose.* This regulation establishes procedures for the establishment and installation of physical fitness facilities.

2. *Effective date.* This regulation is effective January 23, 1987.

3. *Expiration date.* This regulation expires on September 30, 1988.

4. *Background.* The General Accounting Office (GAO) issued a decision in September 1985 concerning a fitness program conducted by the National Park Service. In summary, GAO held that existing executive branch regulations did not authorize the use of appropriated funds for physical fitness programs or facilities as part of

the employee health service program. GAO reasoned that Office of Management and Budget (OMB) Circular A–72, the Office of Personnel Management (OPM) Personnel Manual and FPMR 101–5.304 did not include physical fitness programs as a category of health service that could be provided under the employee health service program. On April 14, 1986, OPM revised the language in the Personnel Manual to include the establishment and operation of physical fitness facilities in the program. Further, on April 21, OMB rescinded Circular A–72. This temporary regulation incorporates physical fitness programs and facilities as a type of occupational health service available to occupying agencies and provides guidelines regarding the establishment and installation of such programs and facilities.

5. *Comments.* Comments concerning the effect or impact of this regulation may be submitted to the General Services Administration (GSA), Office of Real Property Development (PQ), Washington, DC 20205. Comments should be submitted within 60 days of publication of this regulation.

6. *Revised policy.* The updated policy regarding the establishment and installation of physical fitness facilities is as follows:

a. Federal agencies may establish and operate occupational health services including physical fitness programs and facilities which are designed to promote and maintain employee health and enhance mission accomplishment.

b. To avoid the unnecessary duplication of fitness facilities, an agency desiring a fitness facility in a multitenant building or a Government facility should coordinate the program developmet with the other tenant agencies. Fitness facilities installed at the request of one or more agencies in a multi-tenant building will be assigned as joint-use space.

c. An agency or agencies should develop a plan for their physical fitness program/facility which addresses the needs of the employees and provides for a safe and healthful environment.

d. An agency or agencies desiring assistance in the development of their plan should contact the President's Council on Physical Fitness and Sports, Public Health Service, Department of Health and Human Services on FTS 272–2018.

e. Once an agency has defined their requirements for a physical fitness facility, a Request for Space, Standard Form 81, should be submitted to the appropriate GSA regional office in accordance with the procedures contained in Federal Property Management Regulations Temporary Regulation D–71, Chapter 101–17.200. A certification, signed by the Agency Head, should be attached which states that the plan has been prepared with consideration of the criteria listed in paragraph c above. GSA will evaluate all proposals in terms of alteration feasibility and long-range plans for the building involved.

f. GSA will be responsible for the cost of the initial space alterations (in existing or new space) for the facility and will provide standard levels of service as outlined in FPMR 101–21. However, the cost of alterations and services will be recovered through the assessment of Rent for the approriate space classification. All other costs connected with the installation, operation and maintenance of a physical fitness facility shall be borne by the requesting agency or agencies.

T.C. Golden,

Administrtor of General Services.

[FR Doc. 87–1477 Filed 1–22–87; 8:45 am]

BILLING CODE 6820–23–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6743]

List of Communities Eligible for the Sale of Flood Insurance

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain floodplain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The dates listed in the fourth column of the table.

ADDRESSEE: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 457, Lanham, Maryland 20706, Phone: (800) 638–7418.

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

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (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. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. In the communities listed where a flood map has been published, section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Director finds that the delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance."

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

PART 64—[AMENDED]

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

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

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

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 64.6 List of eligible communities.

State and County	Location	No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard areas indentified
Michigan: Newaygo	Croton, township of	260468	Nov. 26, 1986, Emerg	
Illinois: Carroll	Savanna, city of	170021	Apr. 4, 1974, Emerg.; June 4, 1980, Reg.; Nov. 20, 1986, Withdrawn.	June 4, 1980.
California: Butte	Biggs, city of	060437	Dec. 1, 1986, Emerg	
Georgia: Harris	Unincorporated areas	130338	Dec. 3, 1986, Emerg	Mar. 16, 1976.
Washington: Clark	La Center, town of	530248	do	Nov. 12, 1976.
Tennessee: Crockett	Alamo, town of	470245	Dec. 8, 1986, Emerg	Mar. 11, 1077.
Washington: San Juan	Unincorporated areas	530149	do	June 7, 1977.
Missouri: Miller	Tuscumbia,** village of	290228A	Dec. 2, 1986, Emerg	Oct. 25, 1974.
Massachusetts: Middlesex	Dunstable, town of	250191	Dec. 8, 1986, Emerg.; Dec. 8, 1986, Reg	July 5, 1982.
Iowa: Harrison	Logan,* city of	190146B	Jan. 16, 1975, Emerg.; Sept. 18, 1985, Reg.; Sept. 18, 1985, Susp.; Dec. 8, 1986, Rein.	Apr. 12, 1974, and Mar. 12, 1976 and Sept. 18, 1985.
Kentucky: Letcher	Jenkins,* city of	210138B	July 7, 1976, Emerg.; June 3, 1986, Reg.; June 3, 1986, Susp.; Dec. 9, 1986, Rein.	June 7, 1974, July 23, 1976 and June 3, 1986.
Missouri: Shannon	Winona,* city of	290419B	July 11, 1975, Emerg.; Sept. 4, 1986, Reg.; Sept. 4, 1986, Susp.; Dec. 9, 1986, Rein.	Nov. 5, 1976 and Sept. 4, 1986.
New Hampshire: Carroll	Sandwich,* town of	330017	Nov. 3, 1975, Emerg.; July 17, 1986, Reg.; July 17, 1986, Susp.; Dec. 10, 1986, Rein.	July 26, 1974, Nov. 26, 1976, and July 17, 1986.
Kansas: Montgomery**	Unincorporated areas	200595	Dec. 5, 1986, Emerg.	Oct. 18, 1977.
Maine: Kennebec	Mt. Vernon, town of	230241A	Feb. 9, 1976, Emerg.; Aug. 19, 1985, Reg.; Aug. 19, 1985, Susp.; Dec. 11, 1986, Rein.	Apr. 18, 1975 and Aug. 19, 1985.
Kansas:				
Wilson	Altoona,** city of	200382	Dec. 8, 1986, Emerg	July. 30, 1976.
Chautaugu	Sedan,** city of	200528	do	Aug. 22, 1975.
South Carolina.				
Chesterfield	Unincorporated areas	450228	Dec. 15, 1986, Emerg.	June 9, 1978.
Lee	Lynchburg, town of	450128	do	July 18, 1975.
Georgia:				
Pickens	Unincorporated areas	130149A	do	Dec. 31, 1976.
Coweta	Senoia, city of	130301	do	Apr. 4, 1975.
Michigan:				
Livingston	Brighton, city of	260783-New	Dec. 16, 1986, Emerg.	
Huron	Gore, township of	260785-New	do	
Chippewa	Raber, township of	260786-New	do	
Huron	Sand Beach, township of	260787-New	do	
Do	Sherman, township of	260788-New	do	
New Hampshire: Coos	Dalton, town of	330198	Dec. 15, 1986, Emerg.; Dec. 15, 1986, Reg.	Dec. 4, 1985.
South Carolina: Aiken	Unincorporated areas	450002A	July 31, 1975, Emerg.; Mar. 4, 1980, Reg.; Mar. 4, 1980, Susp.; Dec. 15, 1986, Rein.	Jan. 3, 1975, and Aug. 26, 1977, and Mar. 4, 1980.
Georgia: Carroll	Temple, city of	130288	Dec. 22, 1986, Emerg.	Apr. 11, 1975.
Alabama: Shelby	Unincorporated areas	010191	Dec. 15, 1986, Emerg.; Dec. 15, 1986, Reg	Feb. 24, 1978 and Sept. 16, 1982.
New York: Orange	Florida, village of	360613B	July 28, 1975, Emerg.; Dec. 4, 1986, Reg.; Dec. 4, 1986, Susp.; Dec. 16, 1986, Rein.	Mar. 22, 1974, June 11, 1976, and Dec. 4, 1986.
Michigan: Huron	Rubicon, township of	260789-New	Dec. 22, 1986, Emerg.;	
Wisconsin: Door	Ephraim, village of	550610-New	Dec. 26, 1986, Reg.	
Michigan: Juneau	Taylor, city of	260728	Nov. 25, 1986, Emerg.; Nov. 25, 1986, Reg	Oct. 17, 1986.
Wisconsin: Juneau	Lyndon Station, village of	550203	Mar. 26, 1975, Emerg.; Dec. 17, 1986, Withdrawn	
Kansas:				
Bourbon	Unincorporated Areas	200022	Dec. 22, 1986, Emerg.	Oct. 25, 1977.
Crawford	Arcadia, city of	200384	Dec. 29, 1986, Emerg	
California: Placer	Loomis [1], town of	530094B	Dec. 29, 1986, Emerg.; Dec. 29, 1986, Reg	
Washington: Kitsap	Port Orchard, city of	530094B	June 10, 1975, Emerg.; Nov. 15, 1979, Reg.; Nov. 15, 1979, Susp.; Dec. 24, 1986, Rein.	June 21, 1974, Mar. 19, 1976, and Nov. 15, 1979.

[1] The town of Loomis will use Placer County's Map for flood insurance purposes. This is a newly incorporated community formerly participating as unincorporated area of Placer County (#060239).

* Minimal conversions.

** Declared disaster area.

State and Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard areas identified
Region I			
Connecticut: Hartford, city of, Hartford County	095080B	Dec. 4, 1986, suspension withdrawn	July 1, 1970, July 1, 1974, Sept. 29, 1978, and Dec. 4, 1986.
Region IV			
Kentucky: Clark County, unincorporated areas	210278B	do	Aug. 5, 1977 and Dec. 4, 1986.
Region V			
Wisconsin:			
Gratiot, Village of, Lafayette County	550229C	do	Jan. 16, 1974, May 14, 1976, Dec. 4, 1986.
Lafayette County, unincorporated areas	550223B	do	Dec. 27, 1974, Sept. 15, 1978, and Dec. 4, 1986.
Belmont, Village of, Lafayette County.	550225B	do	May 17, 1974, May 21, 1976, and Dec. 21, 1986.
Region VII			
Kansas: Andover, city of, Butler County	200383B	do	Aug. 6, 1976, Aug. 2, 1977, and Dec. 4, 1986.

State and Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard areas identified
Region I			
Massachusetts: Hanson, town of, Plymouth County	250267B	Dec. 18, 1986, suspension withdrawn	Nov. 8, 1974, Jan. 20, 1982, and Dec. 18, 1986.
Region IV			
Kentucky: Corbin, city of Whitley County	210227B	do	June 14, 1974, Feb. 20, 1976, and Dec. 18, 1986.
Region V			
Minnesota: Morton, city of, Renville County	270399B	do	Jan. 9, 1974, June 11, 1976, and Dec. 18, 1986.
Ohio:			
Coshocton, city of, Coshocton County	390089B	do	Jan. 23, 1974, and May 21, 1976, and Dec. 18, 1986.
Gnadenhutten, village of, Tuscarawas County	390613A	do	July 30, 1976 and Dec. 18, 1986.
Dennison, village of, Tuscarawas County	390542C	do	May 28, 1976, Mar. 30, 1979, and Dec. 18, 1986.
Region VI			
Texas: Waller County, unincorporated areas	480640B	do	Aug. 23, 1977 and Dec. 18, 1986.
Region VIII			
Colorado:			
Colorado Springs, city of, El Paso County	080060B	do	Feb. 1, 1974 and Apr. 4, 1978.
El Paso, County, unincorporated areas	080059B	do	Dec. 27, 1974, Aug. 2, 1977, and Dec. 18, 1986.
Minimal Conversion			
Region III			
Pennsylvania:			
Rayburn, township of, Armstrong County	421314A	do	Feb. 21, 1975 and Nov. 1, 1986.
Slippery Rock, township of, Lawrence County	422466B	do	Apr. 14, 1978 and Nov. 1, 1986.
Region III			
Pennsylvania: Greene, township of, Erie County	421364A	do	Dec. 1, 1986.
Region VIII			
Montana: Treasure County, unincorporated areas	300170	do	Dec. 18, 1986.
Region III—Minimal Conversions			
Pennsylvania:			
Gibson, township of, Susquehanna County	422080A	Dec. 1, 1986, suspension withdrawn	Apr. 4, 1975 and Dec. 1, 1986.
Grugan, township of, Clinton County	421539B	do	Nov. 8, 1974, July 23, 1976, and Dec. 1, 1986.
Ohiopyle, borough of, Fayette County	421615B	do	Jan. 31, 1975, Mar. 19, 1976 and Dec. 1, 1986.
Otter Creek, township of, Mercer County	422486A	do	Jan. 31, 1975 and Dec. 1, 1986.

Code for reading fourth column: Emerg.—Emergency; Reg.—Regular, Susp.—Suspension; Rein.—Reinstatement.

Issued: January 13, 1987.

Harold T. Duryee,

Administrator, Federal Insurance Administration.

[FR Doc. 87–1413 Filed 1–22–87; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 64

[Docket No. FEMA–6744]

Suspension of Community Eligibility

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 dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If FEMA receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register.**

EFFECTIVE DATES: The third date ("Susp.") listed in the third column.

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

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (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 National Flood Insurance Program (42 U.S.C. 4001–4128) unless an appropriate public body shall have adopted adequate floodplain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities will be suspended on the effective date in the fourth column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures 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.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community

as having flood-prone areas. (Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Administrator finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified. Each community receives a 6-month, 90-day, 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) (enforce) adequate floodplain management, thus placing itself in noncompliance of the Federal standards required for community participation. In each entry, a complete chronology of effective dates appears for each listed community.

§ 64.6 List of eligible communities.

List of Subjects in 44 CFR Part 64

Flood insurance—Floodplains.

PART 64—[AMENDED]

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.

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

State and location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard areas identified	Date [1]
Region I				
Vermont: Winooski, city of, Chittenden County.	500044C	Mar. 27, 1974, Emerg.; Aug. 1, 1978, Reg.; Feb. 4, 1987, Susp.	Feb. 1, 1974, Aug. 1, 1978 and Feb. 4, 1987.	Feb. 4, 1987.
Region II				
New Jersey: Dover, town of, Morris County	340340C	June 2, 1972, Emerg.; Sept. 5, 1979, Reg.; Feb. 4, 1987, Susp.	Mar. 16, 1973, July 9, 1976, Sept. 5, 1979 and Feb. 4, 1987.	Do.
New York:				
Colchester, town of, Delaware County	360191C	Sept. 8, 1975, Emerg.; Jan. 3, 1986, Reg.; Feb. 4, 1987, Susp.	June 28, 1974, Nov. 14, 1975, Jan. 3, 1986 and Feb. 4, 1987.	Do.
Otego, town of, Otego County	361284B	Sept. 19, 1977, Emerg.; Feb. 4, 1987, Reg.; Feb. 4, 1987, Susp.	Oct. 29, 1976 and Feb. 4, 1987	Do.
Region III				
Virginia: Mathews County, unincorporated areas.	510096B	Mar. 27, 1974, Emerg.; Feb. 4, 1987, Reg.; Feb. 4, 1987, Susp.	Nov. 8, 1974, Sept. 17, 1976 and Feb. 4, 1976.	Do.
Region IV				
Georgia:				
Hinesville, city of, Liberty County	130125C	June 13, 1975, Emerg.; Sept. 16, 1982, Reg.; Feb. 4, 1987, Susp.	Feb. 25, 1977, Sept. 16, 1982 and Feb. 4, 1987.	Do.
Richmond County, Unincorporated areas.	130158B	Nov. 23, 1973, Emerg.; Mar. 4, 1980, Reg.; Feb. 4, 1987, Susp.	Oct. 24, 1975, Mar. 4, 1980 and Feb. 4, 1987.	Do.
North Carolina:				
Beaufort County, unincorporated areas	370013B	June 9, 1972, Emerg.; Feb. 4, 1987, Reg.; Feb. 4, 1987, Susp.	July 22, 1977 and Feb. 4, 1987	Do.
Creswell, town of, Washington County	370443A	Jan. 24, 1975, Emerg.; Feb. 4, 1987, Reg.; Feb. 4, 1987, Susp.	Feb. 4, 1987	Feb. 4, 1988.
Hyde County, unincorporated areas	370133B	Feb. 8, 1974, Emerg.; Feb. 4, 1987, Reg.; Feb. 4, 1987, Susp.	Dec. 27, 1974, June 16, 1978 and Feb. 4, 1987.	Feb. 4, 1987.
Burnettown, town of, Aiken County	450004A	Mar. 19, 1976, Emerg.; Feb. 4, 1987, Reg.; Feb. 4, 1987, Susp.	Oct. 25, 1974 and Feb. 4, 1987	Do.
South Carolina: Greenwood, city of, Greenwood County.	450093C	July 22, 1975, Emerg.; Feb. 4, 1987, Reg.; Feb. 4, 1987, Susp.	June 21, 1974, Sept. 3, 1976, June 27, 1980 and Feb. 4, 1987.	Do.
Region V				
Indiana:				
Kosciusko County, unincorporated areas.	180121C	July 30, 1975, Emerg.; Feb. 4, 1987, Reg.; Feb. 4, 1987, Susp.	Dec. 27, 1974, Sept. 9, 1977 and Feb. 4, 1987.	Do.
Syracuse, town of, Kosciusko County	180122C	May 30, 1975, Emerg.; Feb. 4, 1987, Reg.; Feb. 4, 1987, Susp.	Aug. 9, 1974, June 11, 1976 and Feb. 4, 1987.	Do.
Winona Lake, town of, Kosciusko County.	180124C	Oct. 14, 1975, Emerg.; Sept. 4, 1985, Reg.; Feb. 4, 1987, Susp.	May 3, 1974, Apr. 30, 1976, Sept. 4, 1985 and Feb. 4, 1987.	Do.
Warsaw, city of, Kosciusko County	180123C	Mar. 26, 1975, Emerg.; Feb. 4, 1987, Reg.; Feb. 4, 1987, Susp.	May 10, 1974, May 28, 1976 and Feb. 4, 1987.	Do.
Michigan: Litchfield, city of, Hillsdale County.	260409C	July 25, 1975, Emerg.; Feb. 4, 1987, Reg.; Feb. 4, 1987, Susp.	July 11, 1975, Oct. 10, 1975, May 4, 1979 and Feb. 4, 1987.	Do.
Ohio:				
Marion County, unincorporated area	390774C	Feb. 28, 1977, Emerg.; Feb. 4, 1987, Reg.; Feb. 4, 1987, Susp.	Jan. 6, 1978, Nov. 10, 1978 and Feb. 4, 1987.	Do.
Coshocton County, unincorporated area.	390765	Feb. 28, 1977, Emerg.; Feb. 4, 1987, Reg.; Feb. 4, 1987, Susp.	Jan. 20, 1978 and Feb. 4, 1987	Do.
Green Camp, village of, Marion County.	390374C	Aug. 1, 1975, Emerg.; Feb. 4, 1987, Reg.; Feb. 4, 1987, Susp.	Nov. 16, 1973, May 21, 1976, Dec. 14, 1979 and Feb. 4, 1987.	Do.
Prospect, village of, Marion County	390377C	June 10, 1975, Emerg.; Feb. 4, 1987, Reg.; Feb. 4, 1987, Susp.	Nov. 23, 1973, May 28, 1976 and Feb. 4, 1987.	Do.
La Rue, village of, Marion County	390375C	Mar. 21, 1975, Emerg.; Feb. 4, 1987, Reg.; Feb. 4, 1987, Susp.	Nov. 23, 1973, May 28, 1976, Aug. 5, 1977 and Feb. 4, 1987.	Do.
Texas: Fort Bend County, Municipal Utility District No. 25, Fort Bend County.	481570B	May 29, 1981, Emerg.; Feb. 4, 1987, Reg.; Feb. 4, 1987, Susp.	July 19, 1976, Dec. 20, 1977 and Feb. 4, 1987.	Do.
Region VII				
Kansas: Florence, city of, Marion County	200494B	Jan. 8, 1979, Emerg.; Feb. 4, 1987, Reg.; Feb. 4, 1987, Susp.	Aug. 6, 1976, Oct. 17, 1978 and Feb. 4, 1987.	Do.

State and location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard areas identified	Date [1]
Region IX				
Arizona: Oro Valley, town of, Pima County	040109D	Feb. 12, 1975, Emerg.; Dec. 4, 1979, Reg.; Feb. 4, 1987, Susp.	Apr. 11, 1975, July 16, 1976, Dec. 4, 1979, Feb. 1, 1983 and Feb. 4, 1987.	Do.
Nevada: Lyon County, unincorporated areas.	320029C	Apr. 20, 1982, Emerg.; Sept. 30, 1982, Reg.; Feb. 4, 1987, Susp.	Jan. 31, 1978, Sept. 30, 1982 and Feb. 4, 1987.	Do.
Pennsylvania:				
Cross Creek, township of, Washington County.	422145B	June 5, 1975, Emerg.; Feb. 1, 1987, Reg.; Feb. 1, 1987, Susp.	Sept. 13, 1974, Dec. 12, 1976 and Feb. 1, 1987.	Feb. 1, 1987.
Independence, township of, Washington County.	421202B	Oct. 4, 1974, Emerg.; Feb. 1, 1987, Reg.; Feb. 1, 1987, Susp.	Sept. 6, 1974, July 23, 1976 and Feb. 1, 1987.	Do.
Mt. Pleasant, borough of, Westmoreland County.	422181B	July 7, 1975, Emerg.; Feb. 1, 1987, Reg.; Feb. 1, 1987, Susp.	June 21, 1974, Aug. 13, 1976 and Feb. 1, 1987.	Do.
New Beaver, borough of, Lawrence County.	422465B	June 5, 1975, Emerg.; Feb. 1, 1987, Reg.; Feb. 1, 1987, Susp.	Jan. 31, 1975, Aug. 29, 1980 and Feb. 1, 1987.	Do.
Oakland, township of, Venango County.	422111B	Feb. 28, 1977, Emerg.; Feb. 1, 1987, Reg.; Feb. 1, 1987, Susp.	Dec. 13, 1974, May 18, 1979 and Feb. 1, 1987.	Do.
Maine:				
Bremen, town of, Lincoln County	230214B	Feb. 19, 1976, Emerg.; Feb. 4, 1987, Reg.; Feb. 4, 1987, Susp.	Jan. 31, 1975, Oct. 8, 1976 and Feb. 4, 1987.	Feb. 4, 1987.
Dixmont, town of, Penobscot County	230381A	Apr. 19, 1976, Emerg.; Feb. 4, 1987, Reg.; Feb. 4, 1987, Susp.	Feb. 21, 1975 and Feb. 4, 1987	Do.
East Millinocket, town of, Penobscot County.	230163B	June 24, 1975, Emerg.; Feb. 4, 1987, Reg.; Feb. 4, 1987, Susp.	Aug. 23, 1974, July 9, 1976 and Feb. 4, 1987.	Do.
Orland, town of, Hancock County	230288A	June 11, 1975, Emerg.; Feb. 4, 1987, Reg.; Feb. 4, 1987, Susp.	Jan. 17, 1975 and Feb. 4, 1987	Do.
Sedgwick, town of, Hancock County	230291B	Dec. 23, 1976, Emerg.; Feb. 4, 1987, Reg.; Feb. 4, 1987, Susp.	Jan. 24, 1975, Oct. 25, 1977 and Feb. 4, 1987.	Do.
Stockton Springs, town of, Waldo County.	230266A	July 30, 1975, Emerg.; Feb. 4, 1987, Reg.; Feb. 4, 1987, Susp.	Feb. 7, 1975 and Feb. 4, 1987	Do.
Swanville, town of, Waldo County	230267A	June 11, 1975, Emerg.; Feb. 4, 1987, Reg.; Feb. 4, 1987, Susp.	Feb. 7, 1975 and Feb. 4, 1987	Do.
Windsor, town of, Kennebec County	230251B	Jan. 29, 1976, Emerg.; Feb. 4, 1987, Reg.; Feb. 4, 1987, Susp.	Jan. 17, 1975, Sept. 17, 1976 and Feb. 4, 1987.	Do.

[1] Certain Federal assistance no longer available in special flood hazard areas.
Code for reading fourth column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Issued: January 13, 1987.

Harold T. Duryee,

Administrator, Federal Insurance Administration.

[FR Doc. 87-1412 Filed 1-22-87; 8:45 am]

BILLING CODE 6718-03-M

47 CFR Part 73

[MM Docket No. 86-184; RM-5156]

Radio Broadcasting Services; Lincoln, NE

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 236C2 for Channel 237A at Lincoln, Nebraska, and modifies the license of station KJUS-FM to specify operation on the higher-powered channel, at the request of Sequel Communications. With this action, this proceeding is terminated.

EFFECTIVE DATE: March 6, 1987.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This a summary of the Commission's Report and Order, MM Docket No. 86-184, adopted November 18, 1986 and released January 16, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. In § 73.202(b), the Table of FM Allotments for Lincoln, Nebraska, is amended by removing Channel 237A and adding Channel 236C2.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-1427 Filed 1-22-87; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 86-88; RM-5452]

Radio Broadcasting Services; Ocean Pines, MD

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allocates FM Channel 246A to Ocean Pines, Maryland, in response to a counterproposal filed by Jamila Broadcasting Company. The original petition filed by Keith A. Mayo requested the allotment of Channel 246A to Williards, Maryland. Keith A. Mayo has since withdrawn his interest in the allotment of a channel to that community. The allotment of FM Channel 246A at Ocean Pines could provide that community with its first FM broadcast service.

DATES: Effective March 6, 1987. The window period for filing applications will open on March 9, 1987, and close on April 6, 1987.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 86-88, adopted December 16, 1986, and released January 16, 1987. The full text of this Commission decision is available for inpsection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. In § 73.202(b), the Table of FM Allotments is amended, under Maryland, by adding Channel 246A to Ocean Pines, Maryland.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Mass Media Bureau.

[FR Doc. 87-1422 Filed 1-22-87; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 67

[CC Docket 78-72 and 80-286; FCC 86-534]

Common Carrier Services; WATS

AGENCY: Federal Communications Commission.

ACTION: Memorandum opinion and order on reconsideration.

SUMMARY: The Federal Communications Commission affirms its decision that the costs of "closed end" WATS access lines be directly assigned to the interstate or intrastate jurisdiction. The Commission found no arguments or information in the reconsideration petitions to warrant reconsideration of the decision to directly assign WATS access line costs.

ADDRESS: Federal Communications Commission, Washington, DC, 20554.

FOR FURTHER INFORMATION CONTACT: Sandra Eskin, Policy and Program Planning Division, Common Carrier Bureau, (202) 632-9342.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Memorandum Opinion and Order on Reconsideration in CC Docket 78-72 and 80-286, adopted December 2, 1986, and released December 24, 1986. The full text of Commission decisions are available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC, 20037.

Summary of Memorandum Opinion and Order

1. On January 7, 1986, the FCC released a Decision and Order, CC Docket 78-72 and 80-286 (51 FR 7942; March 7, 1986), in which it adopted the Joint Board's recommendation that the costs of "closed-end" WATS access lines be directly assigned to the interstate or intrastate jurisdiction as appropriate. Two OCCs filed petitions for clarification and/or reconsideration of the *WATS Direct Assignment Order.* By this Memorandum Opinion and Order, the Commission denies these petitions to the extent they request reversal of the decision to amend the separations rules to provide for the direct assignment of the costs of WATS access lines. However, in light of questions raised in the petitions and pleadings, the Commission in a companion Order Inviting Comments invites proposals and comments, to be reviewed by the Docket 80-286 Joint Board, on various options for the separations treatment of special access lines, including WATS access lines, that carry significant amounts of both interstate and intrastate traffic.

2. A WATS access line is a dedicated access line from the customer's premises to the local exchange carrier's WATS serving office, and is found at the originating end of OUTWATS and the terminating end of INWATS (or "800 service"). Before the Order under reconsideration became effective, the separations rules included the non-traffic-sensitive (NTS) costs of WATS access lines in the same category as the NTS costs of ordinary common lines. In that Order, the Commission adopted the Federal-State Joint Board recommendation that WATS access line costs be directly assigned to the appropriate jurisdiction, based on the rationale that these lines are dedicated to either intrastate or interstate WATS service.

3. MCI Telecommunications Corp. and Argo Communications Corp. sought reconsideration and/or clarification of the decision to change the separations treatment of WATS access lines, which became effective on June 1, 1986. The Commission in this Memorandum Opinion and Order rejects as unnecessary Argo's request for clarification that the Commission's statement that WATS access lines are used exclusively for either intrastate or interstate toll service does not apply to facilities used by OCCs to provide their WATS-like services. The FCC's statement that WATS access lines were limited to either interstate or intrastate calling implied nothing about the use made by Argo or any OCC of special access lines obtained to provide WATS-like services, and applied only to the access lines used by AT&T, and local exchange carriers, in providing WATS that was offered in a jurisdictionally pure manner.

4. The Commission also rejects all of the bases for reconsideration presented by MCI. It notes that MCI did not fault the decision to directly assign WATS access line costs, but only the jurisdictional purity rationale on which it is premised. The FCC determines that the configurations presented by MCI to support its argument do not undermine the rationale for directly assigning WATS access line costs because MCI did not show that these configurations result in more than a relatively minimal amount of cross-jurisdictional traffic on WATS access lines.

Ordering Clauses

5. Accordingly, it is hereby ordered, That, pursuant to 47 U.S.C. §§ 154 (i) and (j), 201, 202, 203, 205, 218, and 403, the petition for reconsideration and/or clarification filed by MCI is denied.

6. It is further ordered, That the petition for clarification filed by Argo is denied.

7. It is further ordered, That the petition for waiver of length of pleading restriction filed by MCI is granted.

William J. Tricarico,

Secretary.

[FR Doc. 87-1516 Filed 1-22-87; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 74

[MM Docket 86-12; FCC 86-582]

Broadcast Services; Low Power Auxiliary Stations

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action increases the available frequencies for use by low power auxiliary stations (LPAS). Specifically, it authorizes LPAS use of frequencies assigned to the low VHF-TV channels 2-6 and the UHF-TV channels 14-69. It also creates 25 kHz wide channels through the TV broadcast spectrum allowing licensees to stack up to 8 contiguous channels. Finally, it deletes from the Rules the guard bands and "taboo" frequencies for LPAS devices operating within broadcast TV channels. These actions are intended to relieve the congestion which currently exists on LPAS frequencies.

EFFECTIVE DATE: March 2, 1987.

FOR FURTHER INFORMATION CONTACT: Michael Lewis, Policy and Rules Division, Mass Media Bureau, (202) 632-9660.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *First Report and Order* (*Report*) in MM Docket 86-12, adopted, December 29, 1986, and released January 16, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230, 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, N.W., Suite 140, Washington, DC 20037.

Summary of First Report and Order

1. The *Report* increases the available LPAS spectrum by allowing licensees to use the frequencies assigned to the low VHF-TV channels and the UHF-TV band (channels 14-69, excluding channel 37). It further creates 25 kHz wide channels throughout the TV broadcast spectrum available for LPAS use, enabling licensees to stack up to 8 contiguous channels for a maximum bandwidth of 200 kHz. The *Report* deletes from the Rules the guard bands and taboo frequencies for LPAS use. In doing so, the Commission noted that the record contained no data suggesting that this action would cause interference. Finally, in response to comments filed by Coherent Communications, Inc., the Commission will soon issue a Further Notice of Proposed Rule Making in this proceeding concerning the use of low power video transmitters.

Final Regulatory Flexibility Analysis

2. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 604, a final regulatory flexibility analysis has been prepared. It is available for public viewing as part of the full text of this decision, which may be obtained from the Commission or its copy contractor.

3. The Secretary shall cause a copy of this *Report and Order*, including the Final Regulatory Flexibility Analysis, to be sent to the Chief Counsel for Advocacy of Small Business Administration.

Paperwork Reduction Act Statement

4. The *Report and Order* contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980 and found to contain no new or modified form, information collection and/or recordkeeping, labeling, disclosure, or record retention requirements; and will not increase or decrease burden hours imposed on the public.

Ordering Clauses

5. Accordingly, it is ordered, that pursuant to the authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934 as amended, Part 74 of the Commission's Rules is amended as set forth below:

List of Subjects in 47 CFR Part 74

Radio broadcasting, Television broadcasting.

Amendatory Text

47 CFR Part 74 is amended as follows:

1. The authority citation for Part 74 continues to read as follows:

Authority: 47 U.S.C. 154 and 303.

2. 47 CFR 74.802 is revised to read as follows:

§ 74.802 Frequency assignment.

(a) Frequencies within the following bands may be assigned for use by low power auxiliary stations:

26.100–26.480 MHz
54.000–72.000 MHz
76.000–88.000 MHz
161.625–161.775 MHz (except in Puerto Rico or the Virgin Islands)
174.000–216.000 MHz
450.000–451.000 MHz
455.000–456.000 MHz
470.000–488.000 MHz
488.000–494.000 MHz (except Hawaii)
494.000–608.000 MHz
614.000–806.000 MHz
944.000–952.000 MHz

(b) Operations in the bands allocated for TV broadcasting, listed below, are limited to locations removed from existing co-channel TV broadcast stations by not less than the following distances unless otherwise authorized by the FCC. (See § 73.609 for zone definitions.)

(1) 54.000–72.000 MHz and 76.000–88.000 MHz:

Zone I 105 km (65 miles)
Zones II and III 129 km (80 miles)

(2) 174.000–216.000 MHz

Zone I 97 km (60 miles)
Zones II and III 129 km (80 miles)

(3) 480.000–608.000 MHz and 614.000–806.000 MHz

All zones 113 km (70 miles)

(c) Specific frequency operation is required when operating within the bands allocated for TV broadcasting.

(1) The frequency selection shall be offset from the upper or lower band limits by 25 kHz or an integral multiple thereof.

(2) One or more adjacent 25 kHz segments within the assignable frequencies may be combined to form a channel whose maximum bandwidth shall not exceed 200 kHz.

(d) Low power auxiliary licensees will not be granted exclusive frequency assignments.

3. 47 CFR 74.803 is amended by revising paragraph (b) to read as follows:

§ 74.803 Frequency selection to avoid interference.

* * * * *

(b) The selection of frequencies in the bands allocated for TV broadcasting for use in any area shall be guided by the need to avoid interference to TV broadcast reception. In these bands, low power auxiliary station usage is secondary to TV broadcasting and land mobile stations operating in the UHF-TV spectrum and must not cause harmful interference. If such interference occurs, low power auxiliary station operation must immediately cease and may not be resumed until the interference problem has been resolved.

4. 47 CFR 74.832 is amended by revising paragraphs (d) and (f) to read as follows:

§ 74.832 Licensing requirements and procedures.

* * * * *

(d) Cable television operations, motion picture and television program producers may be authorized to operate low power auxiliary stations only in the bands allocated for TV broadcasting.

* * * * *

(f) Applications for the use of the bands allocated for TV broadcasting must specify the usual area of operation within which the low power auxiliary station will be used. This area of operation may, for example, be specified as the metropolitan area in which the broadcast licensee serves, or the usual area within which motion picture and television producers are operating. Because low power auxiliary stations operating in these bands will only be permitted in areas removed from existing co-channel TV brodcast stations, licensees have full responsibility to ensure that operation of their stations does not occur at distances less than those specified in § 74.802(b).

* * * * *

5. 47 CFR 74.861 is amended by revising paragraphs (d) introductory text and (e) to read as follows:

§ 74.861 Technical requirements.

* * * * *

(d) For low power auxiliary stations operating in the bands other than those

allocated for TV broadcasting, the following technical requirements are imposed.

* * * * *

(e) For low power auxiliary stations operating in the bands allocated for TV broadcasting, the following technical requirements apply:

(1) The power of the measured unmodulated carrier power at the output of the transmitter power amplifier (antenna input power) may not exceed the following:

(i) 54–72, 76–88, and 174–216 MHz bands—50 mW

(ii) 470–608 and 614–806 MHz bands—250 mW

(2) Transmitters may be either crystal controlled or frequency synthesized.

(3) Any form of modulation may be used. A maximum deviation of ±75 kHz is permitted when frequency modulation is employed.

(4) The frequency tolerance of the transmitter shall be 0.005 percent.

(5) The operating bandwidth shall not exceed 200 kHz.

(6) The mean power of emissions shall be attenuated below the mean output power of the transmitter in accordance with the following schedule:

(i) On any frequency removed from the operating frequency by more than 50 percent up to and including 100 percent of the authorized bandwidth: at least 25 dB;

(ii) On any frequency removed from the operating frequency by more than 100 percent up to and including 250 percent of the authorized bandwidth: at least 35 dB;

(iii) On any frequency removed from the operating frequency by more than 250 percent of the authorized bandwidth: at least $43+10\log_{10}$ (mean output power in watts) dB.

* * * * *

William J. Tricarico,

Secretary.

[FR Doc. 87–1515 Filed 1–22–87; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register
Vol. 52, No. 15
Friday, January 23, 1987

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1032

[Docket No. AO-313-A36]

Milk in the Southern Illinois Marketing Area; Emergency Partial Decision on Proposed Amendments to Marketing Agreement and to Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision adopts, on an expedited basis, an amendment to the pooling provisions of the Southern Illinois order based on an industry proposal considered at a public hearing held at Bridgeton, Missouri on December 9–11, 1986. It provides that a distributing plant which meets the pooling standards of the Southern Illinois order and one or more other Federal orders, but which was regulated under the Southern Illinois order in the preceding month, shall continue to be regulated under such order until such plant has more than 50 percent of its sales of fluid milk products in the marketing area covered by another Federal order for three consecutive months. The change is needed to reflect current marketing conditions and to insure orderly marketing in the area. The amended order must be effective by February 1, 1987, and must apply to milk received on and after that date. Accordingly, a recommended decision and the opportunity to file exceptions thereto have been omitted.

FOR FURTHER INFORMATION CONTACT: John F. Borovies, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, DC 20250, (202) 447–2089.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

The Regulatory Flexibility Act (5 U.S.C. 601–612) requires the Agency to examine the impact of a proposed rule on small businesses. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this action will not have a significant economic impact on a substantial number of small entities.

This action will maintain the current regulatory status of a small number of milk distributing plants located in the vicinity of St. Louis, Missouri. The change in the pooling standard adopted herein would provide market stability to distributing plant operators by allowing a distributing plant regulated under the Southern Illinois order in the preceding month to continue to be regulated under such order until more than 50 percent of such plant's sales of fluid milk products are made in the marketing area covered by another Federal order for three consecutive months.

Prior document in this proceeding:

Notice of Hearing: Issued November 18, 1986; published November 21, 1986 (51 FR 42109).

Preliminary Statement

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Southern Illinois marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice (7 CFR Part 900), at Bridgeton, Missouri, on December 9–11, 1986. Notice of such hearing was issued on November 18, 1986, and published on November 21, 1986 (51 FR 42109).

Interested parties were given until December 19, 1986, to file post-hearing briefs on proposal number 1 as published in the hearing notice and on whether the proposal should be considered on an expedited basis.

The hearing notice specifically invited interested persons to present evidence concerning the probable regulatory and informational impact of the proposals on small businesses. To the extent that this issue was raised, it is considered in the following findings and conclusions.

The material issues on the record of the hearing relate to:

1. Expansion of the marketing area.
2. Performance standards for pool plants.
3. Regulation of distributing plants that quality as pool plants under more than one order.
4. Definition of producer milk.
5. Classification of certain fluid milk products and biscuit mix.
6. Shrinkage and loss product allowance.
7. Location adjustments.
8. Seasonal payment plan for producers.
9. Definition of inventory.
10. Miscellaneous and conforming changes.
11. Omission of a recommended decision and the opportunity to file written exceptions thereto with respect to material issue number 3.

This decision deals with issues 3 and 11. The remaining issues will be considered in a later decision on this record. Issue 3 may also need to be dealt with further at that time.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearings and the record thereof:

3. *Regulation of distributing plants that qualify as pool plants under more than one order.* The order should be amended to provide that a distributing plant which meets the pooling standards of the Southern Illinois order and one or more other Federal orders, and which was a pool plant under the Southern Illinois order in the immediately preceding month, shall continue to be a pool plant under the Southern Illinois order until the third consecutive month in which it has more than 50 percent of its route disposition in another Federal milk marketing area.

Presently, when a distributing plant qualifies as a pool plant under the Southern Illinois order and another order, it is regulated under the order that covers the marketing area in which it has the most sales. To prevent month-to-month changes in the order regulating the plant, the order provides that a plant which has been regulated under the Southern Illinois order shall continue to be regulated by such order until the third consecutive month in which it has greater sales in another market.

Mid-America Dairymen, Inc. (Mid-Am), a cooperative association that represents about 50 percent of the

producers who supply the Southern Illinois market, proposed that the order be amended to provide greater assurance that plants that are currently regulated under the order will not become regulated under another order as a result of relatively minor changes in distribution patterns. The proposal was supported by Associated Milk Producers, Inc., a cooperative association that represents about 15 percent of the producers who supply the market. There was no opposition to the proposal, either at the hearing or in post-hearing briefs, by any interested party.

Mid-Am testified that its proposal is necessary to prevent currently regulated plants under the Southern Illinois order from becoming regulated under another order on the basis of relatively minor changes in sales. Mid-Am contends that if one or more such distributing plants were to become regulated under a different order, minimum order Class I prices to handlers and blend prices payable to producers would vary significantly among these competing plants. Mid-Am contends that substantial price differences among these plants would represent an inequitable situation for both handlers and producers and could jeopardize the ability of certain plants to obtain sufficient supplies of milk to meet fluid needs. Mid-Am contends that such disorderly marketing conditions can be prevented by assuring that these plants that are competing with each other for both sales and supplies of milk continue to be regulated under the same order.

Mid-Am testified that, with the increase in the size of distributing plants and improvements in the interstate highway system, the distribution areas of distributing plants have expanded to cover multi-state areas that are regulated by a number of different Federal milk marketing orders. As a result, it is possible for plants to shift regulation, sometimes on a temporary basis, with sales changes that represent a minor proportion of the total sales of the plants involved.

Mid-Am also testified that the likelihood of a shift in regulation of one or more plants is enhanced as a result of changes in market structure that have occurred as well as because of changes in sales patterns that are evolving as a result of such structural changes. For example, the Pevely Dairy Company, which is located in St. Louis and currently regulated under the Southern Illinois order, has obtained additional fluid milk sales in southwest Missouri as a result of the closing of Foremost Dairy in Springfield, Missouri. The southwest Missouri area is not now included in any Federal milk order area, but an industry proposal to include it in the Southwest Plains marketing area has been tentatively adopted by the Department in a recommended decision issued on December 4, 1986, and published December 9, 1986 (51 FR 44299). Mid-Am testified that, in the event the Southwest Plains marketing area expansion is finalized, Pevely Dairy and other St. Louis area plants could shift regulation from the Southern Illinois order to the Southwest Plains order. Mid-Am testified that disorderly marketing conditions would result from such a shift in regulation even though the minimum Class I price under the Southwest Plains and Southern Illinois order would be identical at St. Louis. This is because the blend price to producers under the Southwest Plains order would be about 42 cents per hundredweight below the Southern Illinois blend price at St. Louis. Mid-Am testified that dairy farmers would not likely ship milk to plants that return 42 cents less to producers than other nearby outlets. Consequently, Mid-Am testified that such a plant would have to pay additional funds to maintain a supply of milk, which would result in such a plant being at a competitive disadvantage on its sales of fluid milk relative to other St. Louis area plants regulated under the Southern Illinois order.

As another example, Mid-Am testified that as a result of organizational changes in the Kroger Company, there will be a change in the distribution from the Kroger plant located at Hazelwood, Missouri, near St. Louis, that is currently regulated under the Southern Illinois order. Mid-Am indicated that as a result of sales changes, it is expected that 27 percent of the plant's sales will be in unregulated territory, 22 percent in the Southern Illinois marketing area, 15 percent in the Central Illinois marketing area, and 25 percent in the Memphis, Tennessee, marketing area. As a result, the plant would meet the pooling provisions of three different Federal orders. Based on the projected sales, Mid-Am anticipates that the plant would become regulated under the Memphis order after it meets the pooling provisions of that order for three consecutive months. Consequently, Mid-Am contends that the plant will shift regulation on February 1 and that emergency action is necessary to prevent this occurrence.

Mid-Am also points out that with the proportion of sales by the Kroger plant being nearly the same in each area, a small shift in sales could result in further shifts in regulation of the plant between the Southern Illinois, Central Illinois, and Memphis orders. If regulated under the Central Illinois order, the Class I price at the plant would be 74 cents per hundredweight below the Southern Illinois Class I price at St. Louis. However, if regulated under the Memphis, Tennessee order, the Class I price would be 15 cents above the Southern Illinois price. In terms of producer prices, the Central Illinois blend price at St. Louis would also be substantially below the Southern Illinois blend. The projected Memphis order blend price for the Kroger plant would be 13 cents over the Southern Illinois blend. Mid-Am testified that, although such a situation would not jeopardize the supply of milk for the Kroger plant, competitive disruption would occur among producers who supply St. Louis area plants. In addition, Mid-Am pointed out that the Kroger plant receives milk from supply plants in Illinois, Iowa and Southwest Missouri. Such supply plants would also likely become regulated under the individual-handler pool Memphis market since only about two tanker loads of milk would be required to regulate such plants. Mid-Am contends that if such plants become regulated under the Memphis order, the weighted average price at the supply plant locations would be about the same as the Class III price.

Mid-Am also testified that its proposal to expand the Southern Illinois marketing area to include a greater proportion of the sales area of currently regulated plants would minimize the potential of such plants shifting regulation to another Federal order. However, since it is anticipated that the Kroger plant will shift regulation on February 1, 1987, Mid-Am contends that this proposal will prevent disorderly marketing conditions until such time as the marketing area issue can be resolved. In addition, Mid-Am contends that the adoption of its proposal will also prevent the Pevely plant from shifting regulation to the Southwest Plains order in the event that the proposed expansion of the Southwest Plains order is finalized prior to the resolution of the Southern Illinois marketing area issue. Consequently, Mid-Am testified that it is necessary to adopt its proposal on an expedited basis.

Historically under the order program, distributing plants that meet the pooling standards of more than one order have been regulated under the order in which the greatest proportion of fluid milk sales are made. This policy, which is currently provided for under the Southern Illinois order, results in

uniformly regulating plants that are primarily involved in competing with each other for sales and supplies of milk. However, exceptions to this policy have been made in view of particular marketing circumstances to prevent diorderly marketing conditions and in those cases where a shift in regulation could jeopardize the ability of plants to obtain adequate supplies of milk for fluid use.

The current Southern Illinois order also provides that a plant that has been regulated under the order, and which meets the pooling provisions of the order, shall continue to be regulated by such order until the third consecutive month in which it has greater sales in another marketing area. Such provision, which is referred to as a lock-in provision, prevents month-to-month changes in regulation as a result of short-term changes in sales and lends a degree of regulatory stability for handlers on a longer-term basis that operate plants that have sales in a number of Federal order markets and whose sales may shift on a month-to-month basis. The Mid-Am proposal would continue this approach, but would increase the proportion of sales that would have to be made in another Federal order area before a plant would shift regulation.

The policy of regulating a distributing plant under the Federal order in which it has the most sales must be reviewed in terms of the current market structure under the Southern Illinois order, which changed dramatically when the adjacent St. Louis-Ozarks order was terminated effective April 1, 1985.

When that order was terminated, a number of distributing plants located in the St. Louis metroplitan area became regulated under the Southern Illinois order because of their sales in the Southern Illinois marketing area. As a result, the proportion of sales by all Southern Illinois order regulated distributing plants that are made in the marketing area dropped from over 50 percent to about 33 percent. Consequently, about 66 percent of the sales of distributing plants are made outside the Southern Illinois marketing area. About 14 to 16 percent of the sales of all distributing plants are made in about 14 other Federal order marketing areas. More importantly, in excess of 50 percent of the sales of all Southern Illinois order distributing plants are made in nonfederally regulated territory.

The degree to which sales by Southern Illinois distributing plants are made in nonfederally regulated territory is a reflection of the sales area of the five distributing plants that became regulated under the Southern Illinois order on the basis of the sales by such plants in the heavily populated St. Louis metropolitan area. In excess of 75 percent of the fluid milk sales of these plants are in nonfederally regulated territory. It would be expected that most of these sales are in the major St. Louis metropolitan population center that is adjacent to the Southern Illinois marketing area. Consequently, only about 16 to 19 percent of the sales of these plants is within the Southern Illinois marketing area, with the remaining 6 to 9 percent of the sales being made in other Federal order markets.

The current standard for determining under which order a plant should be regulated is not appropriate in view of the degree to which sales are made in nonfederally regulated territory by Southern Illinois distributing plants, particularly the five former St. Louis-Ozarks distributing plants. The current provision disregards the fact that 75 percent or more of the sales of currently regulated plants are in nonfederally regulated territory that may well have a greater association with the Southern Illinois marketing area than with any other Federal milk marketing area. Consequently, the Mid-Am proposal should be adopted on an expedited basis. The adoption of such proposal will provide greater assurance of the continued regulation of currently regulated plants under the Southern Illinois order and prevent the possible price disruptions testified to by Mid-Am.

It is necessary to emphasize that the issue of determining under which order a plant should be regulated if it meets the pooling standard of more than one order should be reviewed further in connection with the marketing area issue that will be dealt with in a later decision on the record of this proceeding. The provision adopted herein may not be appropriate or necessary in terms of the extent to which the Southern Illinois marketing area may or may not be expanded.

The Mid-Am proposal contained a provision which would allow a plant to shift regulation to another order that does not recognize the lock-in provision proposed and which is currently provided for under the order. However, in view of the substantial proportion of sales that are made in nonfederally regulated areas, this provision which would allow a plant to shift regulation to another order should be deleted until such time as the Southern Illinois marketing area issue is resolved.

11. *Omission of a recommended decision and the opportunity to file written exceptions thereto.*

The notice setting forth the proposals to be considered at the hearing indicated that evidence would be taken to determine whether emergency marketing conditions exist that would warrant omission of a recommended decision under the rules of practice and procedure (7 CFR 900.12(d)) with respect to proposal No. 1.

Mid-Am testified that adoption of its marketing area proposal may resolve the future regulatory problems of the affected distributing plants. Mid-Am further indicated that the sales patterns of such plants continue to be in a state of flux due to the numerous chanes in marketing conditions, which are highlighted in the findings under issue No. 3. However, Mid-Am acknowledged that action on the marketing area issue could not be finalized in time to deal with the expected shift in the regulation of the Kroger plant, or the possible shift in regulation of other plants in the event that the action to expand the Southwest Plains marketing area is finalized. It is anticipated that without this amendment the Kroger plant would be regulated under another Federal Order effective February 1, 1987. To prevent this from happening, Mid-Am requested that its lock-in proposal be adopted as quickly as possible. There was no opposition to Mid-Am's request for expedited action on this issue.

If the normal rulemaking procedures of issuing a recommended decision and providing time to file exceptions thereto were followed, the amended order could not be made effective by February 1, 1987.

It is therefore found that the due and timely execution of the functions of the Secretary under the Act imperatively and unavoidably require the omission of a recommended decision and an opportunity for any interested party to file written exceptions with respect to issue No. 3.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth supplement those that were made when the Southern Illinois order was first issued and when it was amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, marketing agreement upon which a hearing has been held.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents, a Marketing Agreement regulating the handling of milk, and an Order amending the order regulating the handling of milk in the Southern Illinois marketing area, which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision and the two documents annexed hereto be published in the **Federal Register.** The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

Determination of Producer Approval and Representative Period

November 1986 is hereby determined to be the representative period for the purpose of ascertaining whether the issue of the order, as amended and as hereby proposed to be amended, regulating the handling of milk, in the Southern Illinois marketing area is approved or favored by producers, as defined under the terms of the order (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

List of Subjects in 7 CFR Part 1032

Milk marketing orders, milk, dairy products.

Signed at Washington, DC, on January 20, 1987.

Kenneth A. Gilles,

Assistant Secretary for Marketing and Inspection Services.

Order Amending the Order Regulating the Handling of Milk in the Southern Illinois Marketing Area

(This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.)

Findings and Determinations

The findings and determinations hereinafter set forth supplement those that were made when the order was first issued and when it was amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

(a) Findings. A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southern Illinois marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area; and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order Relative to Handling: It is therefore ordered that on and after the effective date hereof, the handling of milk in the Southern Illinois marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

PART 1032—MILK IN THE SOUTHERN ILLINOIS MARKETING AREA

1. The authority citation for 7 CFR Part 1032 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. In § 1032.7, paragraph (d)(2) is revised to read as follows:

§ 1032.7 Pool plant.

* * * * *

(d) * * *

(2) A distributing plant qualified pursuant to paragraph (a) of this section which also meets the pooling requirements of another Federal order and from which during the month there is a greater quantity of route disposition, except filled milk, in the marketing area regulated by the other order than in this marketing area: *Provided,* That such a distributing plant which was a pool plant under this order in the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month in which more than 50 percent of such plant's total route disposition is made in such other marketing area;

* * * * *

[FR Doc. 87–1619 Filed 1–22–87; 8:45 am]

BILLING CODE 3410–02–M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 30 and 32

Manufacturers' Registration of Radiation Safety Information for Certain Devices and Sealed Sources

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is proposing regulations that would formalize current administrative practice under which manufacturers of radiation sources and devices containing radiation sources file

safety information about their products with the NRC. The NRC evaluates and uses the information in its issuance of specific licenses to users of the products. Filing of information by a manufacturer (called registration) avoids multiple filings of the same information by the customers and thus expedites NRC's issuance of licenses. The proposed amendments, directed toward manufacturers, describe the information that the NRC needs for its evaluation of a source or device and state the registrant's responsibility to ensure that distributed products meet radiation safety specifications filed with the NRC.

DATES: Submit comments by March 24, 1987. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Send comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555. ATTN: Docketing and Service Branch

Hand deliver comments to: Room 1121, 1717 H Street NW., Washington DC, between 8:15 a.m. and 5:00 p.m. weekdays.

Examine comments received at: The NRC Public Document Room, 1717 H Street NW., Washington, DC.

Obtain single copies of the draft regulatory analysis on this proposed regulation from Steven Baggett, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 427–9005.

FOR FURTHER INFORMATION CONTACT: Steven Baggett, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 427–9005.

SUPPLEMENTARY INFORMATION:

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I. Purpose of Proposed Rule

Current NRC regulations clearly provide for the issuance of specific licenses which reference so-called "pre-marketing" evaluations and registrations of radiation safety information on certain sealed sources of radioactive material and on devices which incorporate those sources. Examples include smoke detectors used under an exemption from regulations, gauges used under a general license, and certain medical devices used under a specific license.

The regulations are less clear about pre-marketing evaluation of other products such as industrial radiographic devices and industrial gauging devices which are used under a specific license. For these products, the NRC has developed and implemented an administrative procedure for the pre-marketing evaluation and registration of radiation safety information under general provisions of its regulations.

The proposed rule would add specific provisions to the regulations for this established administrative procedure at 10 CFR 32.210. The proposed rule would describe NRC's evaluation and registration criteria and would clarify the regulatory responsibility of manufacturers of products for which the NRC evaluates and registers radiation safety information. In particular, the proposed rule would clearly state that the registrant is required to manufacture and distribute its product in accordance with its request for evaluation and registration and with the terms of NRC's registration certificate. Additionally, the registrant's quality control procedures would be expected to ensure that its product meets the specifications it furnished to the NRC.

The proposed rule would ensure that all manufacturers, applicants for specific licenses, and other interested persons are informed of and comply with the NRC's procedures and requirements for pre-marketing registration of radiation safety information on sealed sources and devices.

II. Background

Section 30.33 of Part 30, "Rules of General Applicability to Domestic Licensing of Byproduct Material," states that an application for a specific license will be approved if, among other things, "the applicant's proposed equipment and facilities are adequate to protect health and minimize danger to life or property."

With respect to certain equipment, particularly sealed sources of byproduct material and devices containing sealed sources, applicants for specific licenses frequently describe that equipment by referring to data already filed with the NRC by the equipment manufacturer under a practice of direct communication between the NRC and the manufacturer.

This practice is administratively convenient to the NRC, manufacturers, and to applicants because it reduces and simplifies paperwork. A single submission by a manufacturer is evalauted by the NRC and the results of the evaluation are used in NRC's review of multiple applications for specific licenses, thus avoiding repetitive submissions by applicants and reviews by the NRC. This practice is provided for under the general provision of § 30.32 of Part 30, whereby "information contained in previous applications, statements or reports filed with the Commission . . . may be incorporated by reference, provided that the reference is clear and specific."

The following sections explain the key terms "sealed source" and "device" and describe the program for registration of radiation safety information on this equipment.

A. Sealed Sources

Byproduct material used by a specific licensee often is contained in a sealed capsule, held between layers of non-radioactive metal foil, or firmly fixed to a non-radioactive surface by electroplating or other means. The byproduct material with its capsule or other confining barrier is termed a "sealed source." The confining barrier prevents dispersion of the byproduct material under normal and most accident conditions related to use of the source.

There is a wide range in the amount of byproduct material used in sealed sources under a specific license. For example, (1) the sealed sources used in industrial gauges frequently contain several millicuries of byproduct material, (2) the sealed sources used in industrial radiography may contain tens of curies of byproduct material, and (3) a sealed source used in a teletherapy unit for treatment of cancer may contain several thousand curies of byproduct material.

Radiation safety programs for the use of byproduct material as a sealed source are structured on the presumption that the byproduct material will not leak from the sealed source and contaminate the environment or expose individuals to radiation. This presumption depends upon the adequacy of the containment properties of the sealed source to withstand the stresses imposed by the environment in which the source is used.

Before authorizing the distribution and use of a sealed source containing byproduct material, the NRC determines the adequacy of its containment and other radiation safety features. This determination is based on radiation safety information submitted by the manufacturer or distributor of the sealed source or by the applicant for a specific license that authorizes its use. The NRC uses its regulations and radiation safety criteria set out in industry standards in making this determination.

B. Devices

Frequently, the byproduct material is contained in a sealed source that, in turn, is contained in a shielded source housing. The source housing may have a shutter mechanism that allows an operator to greatly reduce the shielding in a particular direction so that a beam of radiation can exit the housing. The radiation beam is then available for such purposes as the treatment of cancer or for the examination of flaws in metal castings.

The source housing, together with its shutter mechanism and other radiation control mechanisms (if any), is commonly called a "device." Examples of devices are teletherapy units, industrial radiographic equipment, and industrial thickness and density gauges.

Before authorizing the distribution and use of byproduct material in a device, the NRC determines the adequacy of the radiation safety features of the device. This determination is based on information submitted by the manufacturer or distributor of the device or by the applicant for a specific license that authorizes use of the device cotnaining byproduct material. The NRC uses its regulations and radiation safety criteria set out in industry standards in making this determination.

C. Sealed Source and Device Registration

1. Nationwide Registry

Manufacturers and distributors of sealed sources and devices subject to NRC regulation routinely submit radiation safety information about their products directly to the NRC. This system avoids multiple and time consuming submission of the same detailed information by each applicant for a specific license that proposes to obtain and use those products.

The NRC maintains a nationwide registry of radiation safety information on sealed sources and devices containing byproduct material. Regulatory authorities in the Agreement States (where NRC has relinquished its regulatory jurisdiction) also provide information to the NRC for the registry on their radiation safety evaluations and have access to all the information contained in the registry. Thus, when a manufacturer or distributor of products within either an Agreement State or in NRC's regulatory jurisdiction provides detailed information about its sealed source or device to its regulatory agency, the results of the radiation safety evaluation will be available for use in granting licensing approval to users of the sealed source or device throughout the United States, its territories and possessions, and in Puerto Rico.

2. NARM

Radioactive material includes "byproduct material" which is radioactive material derived from the production or use of special nuclear material, see e.g., 10 CFR 30.3(d), and subject to regulation by the NRC and the Agreement States. Another class of radioactive material called "NARM," naturally occurring and accelerator-produced radioactive materials, is not subject to regulation under the Atomic Energy Act of 1954, as amended, but is regulated by the States. As a general rule, the NRC does not accept applications for radiation safety evaluation and registration of sealed sources or devices that will contain NARM. There are two exceptions to this general rule. One exception is if the radionuclide used in the source or device is available from either a reactor (and thus defined as byproduct material) or from an accelerator (and thus defined as NARM). Cadmium-109 is an example of such a radionuclide. NRC will accept applications concerning Cd-109 assuming, for purposes of source or device evaluation and registration, that the Cd-109 will be produced in a reactor. The other exception is if the NARM is commingled with byproduct material.

3. Devices and Sealed Sources Manufactured Outside the United States

A source or device manufactured outside the United States may be registered with the NRC if the appropriate information is supplied and if NRC's administrative requirements are satisfied. Additionally, the registrant must establish an address or representative in the United States where papers may be served, where records required by the NRC will be maintained, and where the NRC can inspect the registrant's activities as necessary to fulfill the requirements of NRC's regulations.

D. Requests for Registration

Requests for evaluation and registration of sealed sources and devices must contain sufficient information for an NRC determination that the radiation safety properties of the product are adequate to protect health and minimize danger to life or property. This general guidance on the expected content of a request is supplemented by detailed guidance in two NRC documents: (1) Draft Regulatory Guide FC 603–4, "Guide for the Preparation of Applications for Radiation Safety Evaluation and Registration of Sealed Sources Containing Byproduct Material," and (2) Draft Regulatory Guide FC 601–4, "Guide for the Preparation of Applications for Radiation Safety Evaluation and Registration of Devices Containing Byproduct Material." [1] These documents discuss the expected technical content of a request and offer a suggested format. Inlcuded in each document is a checklist that may help an applicant to assure that it submits adequate information for NRC's radiation safety evaluation and determination of the conditions under which the source or device will be authorized for distribution and use. Manufacturers and distributors of sealed sources and devices are encouraged to consider these documents when preparing requests for registration.

E. Certificate of Registration

Following a determination of the adequacy of the radiation safety properties of a sealed source or device, the NRC or an Agreement State issues a numbered certificate of registration to the manufacturer or distributor. This certificate, among other things, summarizes the submitted radiation safety inforation and specifies the limitations and conditions of use of the sealed source or device, such as requirements for periodic leak tests and restrictions on environmental conditions of use. Although the certificate of registration is, in effet, a premarketing approval of the source or device, its issuance does not constitute a commitment to issue a specific license authorizing use of the source or device. Approval of an application for a specific

[1] Free single copies of Draft Regulatory Guides FC 603–4 and FC 601–4, to the extent of supply, may be obtained by writing to the Publications Services Section, Information & Records Management Branch, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Copies are also available for inspection and/or copying for a fee in the NRC Public Document Room, 1717 H Street, NW., Washington, DC 20555.

license also requires satisfaction of other requirements listed in § 30.33 of 10 CFR Part 30 such as the training and experience qualifications of the applicant.

Copies of the registration certificate are provided to regulatory authorities in the Agreement States for their use in granting specific licensing approval to users within their jurisdictions.

III. The Proposed Rule

The proposed rule in 10 CFR 32.210 would formalize this practice. Manufacturers or initial distributors would file radiation safety information about their sealed sources and devices with the NRC and NRC would evaluate that inforation, provide registration certificates, and use that information in the issuance of specific licenses to users of the sources and devices. To date, this practice has been carried out under general provisions of NRC's regulations. The proposed specific regulatory provisions for the practice are intended to ensure that manufacturers, distributors, NRC's licensees, and the public are informed of (1) the opportunity for NRC's pre-marketing evaluation and registration of sealed sources and devices intended for use under specific licenses and (2) the criteria that are used by the NRC in making its evaluation.

However, there are two additional important reasons for the proposed rule. First, it would specifically require the manufacturer or distributor (i.e., the registrant of the radiation safety information) to manufacture and distribute the product in accordance with representations made in the request for evaluation and with the provisions of the registration certificate. Under this requirement, if the registrant states a particular limit for radiation levels at a specified distance from its device, and NRC accepts that limit in its evaluation and issance of the registration certificate, the registrant is required to follow that limit notwithstanding any specific provision in NRC's rules for a higher limit on devices used under specific license. Second, the registrant's quality control program would be expected to ensure that each sealed source or device meets the specifications that it has furnished to the NRC.

The proposed rule would require the request for review of a sealed source or device to include sufficient information about the design, manufacture, prototype, testing, quality control program, labeling, proposed uses, and leak testing and, additionally, in the case of a device, sufficient information about installation, service and maintenance, operating and safety instructions, and its potential hazards, to provide reasoanble assurance that the radiation safety properties of the source or device are adequate to protect health and minimize danger to life or property.

The NRC normally evaluates a sealed source or a device using radiation safety criteria set out in industry standards. If existing industry standards and criteria do not readily apply to a particular case, the NRC formulates reasonable standards and criteria with the help of the manufacturer or distributor. The standards and criteria used must be sufficient to ensure that the radiation safety properties of the device or sealed source are adequate to protect health and minimize danger to life or property.

IV. Environmental Impact: Categorical Exclusion

The NRC has determiend that this proposed regulation is the type of action described in the categorical exclusion set out in 10 CFR 51.22(c)(3)(i). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this proposed regulation.

V. Paperwork Reduction Act Statement

This proposed amendment contains revised information collection requirements that are subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). This rule has been submitted to the Office of Management and Budget for review and approval of the paperwork requirements.

VI. Regulatory Analysis

The Commission has prepared a draft regulatory analysis on this proposed regulation. The analysis examines the costs and benefits of the alternatives considered by the Commission. The draft analysis is available for inspection in the NRC Public Document Room, 1717 H Street NW., Washington, DC. Single copies of the analysis may be obtained from Mr. Steven Baggett (see "For further information contact:" heading).

The Commission requests public comment on the draft regulatory analysis. Comments on the draft analysis may be submitted to the NRC as indicated under the **ADDRESS** heading.

VII. Regulatory Flexibility Act Certification

As required by the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission certifies that this rule, if adopted, will not have a significant economic impact on a substantial number of small entities. The Sealed Source and Device Registry now contains approximately 3,000 certificates of registration which have been issued to about 400 manufacturers and distributors. These totals include actions both by the Agreement States and by the NRC. NRC's current rate of issuance of certificates is about 100 per year to an estimated 40 manufacturers and distributors. From year to year, there is some turnover among the manufacturers and distributors. Although a substantial number would be considered small entities, the proposed rule is not expected to have a significant impact on them.

Under present practice, the estimated average technical time (in addition to time spent on laboratory work and engineering analysis) required by the manufacturer or distributor to prepare a request for evaluation of a sealed source is 10 hours and for evaluation of a device is 30 hours. The proposed rule would not change the technical time needed for the preparation of a request for an evaluation and registration.

Use of the Sealed Source and Divice Registry under present practice and as provided in the proposed rule results in savings to manufacturers and distributors and to applications for specific licenses in the following manner. The NRC annually processes about 1,500 applicants for specific licenses, or amendments thereto, which reference safety information contained in the Registry. If, in lieu of referring to information in the Registry, each license applicant submitted complete safety information for the source or device, the increased technical time needed by the applicant for license is estimated to be 5 hours for a source and 15 hours for a device. These estimated times assume that the license applicant obtains needed test and engineering data and some assistance from the manufacturer or distributor. The increased assistance provided to each of multiple customers by the manufacturer or distributor is estimated to be 2 hours for a source and 6 hours for a device.

The NRC has determined that the proposed rule would not impose an additional burden on any manufacturer or distributor of sealed sources and devices. However, it is seeking comments on suggested modifications, especially from small entities, because of the widely differing conditions under which many of them operate.

Any small entity subject to this regulation which determines that, because of its size, it is likely to bear a disproportionate adverse economic impact should notify the Commission of this in a comment that indicates the following:

(a) The manufacturer's or distributor's size in terms of annual imcome or revenue and number of employees;

(b) How the proposed regulation would result in a significant economic burden upon it as compared to that on a large entity; and

(c) How the proposed regulations could be modified to take into account its differing needs or capabilities.

VIII. Backfit Analysis

The NRC has determined that the backfit analysis provisions in 10 CFR 50.109 do not apply to this proposed rule because these amendments apply to materials licenses issued under Parts 30 and 32. These amendments do not apply to licenses under 10 CFR Part 50.

List of Subjects

10 CFR Part 30

Byproduct material, Government contracts, Intergrovernmental relations, Isotopes, Nuclear materials, Penalty, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 32

Byproduct material, Labeling, Nuclear materials, Penalty, Radiation protection, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 553, the NRC is proposing to adopt the following amendments to 10 CFR Parts 30 and 32.

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

1. The authority citation for Part 30 is revised to read as follows:

Authority: Sections 81, 82, 161, 182, 183, 186, 68 Stat. 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2111, 2112, 2201, 2232, 2233, 2236, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

Section 30.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 30.34(b) also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 30.61 also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

For purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 30.3, 30.34(b) and (c), 30.41(a) and (c), and 30.53 are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); and §§ 30.6, 30.36, 30.51, 30.52, 30.55, and 30.56(b) and (c) are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S C. 2201(o)).

2. Section 30.32 is amended by adding a new paragraph (g) to read as follows:

§ 30.32 Application for specific license.

* * * * *

(g) An application for a license to receive and possess byproduct material in the form of a sealed source or in a device that contains the sealed source must either—

(1) Identify the source or device by manufacturer and model number as registered with the Commission under § 32.210 of this chapter or with an Agreement State; or

(2) Contain the information identified in § 32.210(c).

PART 32—SPECIFIC DOMESTIC LICENSES TO MANUFACTURE OR TRANSFER CERTAIN ITEMS CONTAINING BYPRODUCT MATERIALS

3. The authority citation for Part 32 is revised to read as follows:

Authority: Sections 81, 161, 182, 183, 68 Stat. 935, 948, 953, 954, as amended (42 U.S.C. 2111, 2201, 2232, 2233); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 32.13, 32.15(a), (c), and (d), 32.19, 32.25(a) and (b), 32.29(a) and (b), 32.54, 32.55(a), (b), and (d), 32.58, 32.59, 32.62, and 32.210 are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); and §§ 32.12, 32.16, 32.20, 32.25(c), 32.29(c), 32.51a, 32.52, 32.56, and 32.210 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

4. In § 32.1, paragraph (a) is revised to read as follows:

§ 32.1 Purpose and scope.

(a) This part prescribes requirements for the issuance of specific licenses to persons who manufacture, or initially transfer items containing byproduct material for sale or distribution to persons exempted from the licensing requirements of Part 30 of th is chapter, or persons generally licensed under Part 31 or 35 of this chapter. This part also prescribes certain regulations governing holders of such licenses. In addition, this part prescribes requirements for the issuance of specific licenses to persons who introduce byproduct material into a product or material owned by or in the possession of the licensee or another and regulations governing holders of such licenses. Further, this part describes procedures and prescribes requirements for the issuance of certificates of registration (covering radiation safety information about a product) to manufacturers or initial transferors of sealed sources or devices containing sealed sources which are to be used by persons specifically licensed under Part 30 of this chapter or equivalent regulations of an Agreement State.

* * * * *

5. Subpart D consisting of § 32.210 is added as follows:

Subpart D—Specifically Licensed Items

§ 32.210 Registration of product information.

(a) Any manufacturer or intial distributor of a sealed source or device containing a sealed source whose product is intended for use under a specific license may submit a request to NRC for evaluation of radiation safety information about its product and for its registration.

(b) The request for review must be made in duplicate and sent to the U.S. Nuclear Regulatory Commission, Division of Fuel Cycle and Material Safety, Material Licensing Branch, Washington, DC 20555.

(c) The request for review of a sealed source or a device must include sufficient information about the design, manufacture, prototype testing, quality control program, labeling, proposed uses and leak testing and, additionally, in the case of a device, sufficient information about installation, service and maintenance, operating and safety instructions, and its potential hazards, to provide reasonable assurance that the radiation safety properties of the source or device are adequate to protect health and minimize danger to life and property.

(d) The NRC normally evaluates a sealed source or a device using radiation safety criteria in accepted industry standards. If these standards and criteria do not readily apply to a particular case, the NRC formulates reasonable standards and criteria with the help of the manufacturer or distributor. The NRC shall use criteria and standards sufficient to ensure that the radiation safety properties of the device or sealed source are adequate to protect health and minimize danger to life and property.

(e) After completion of the evaluation, the Commission issues a certificate of registration to the person making the request. The certificate of registration acknowledges the availability of the submitted information for inclusion in an application for a specific license proposing use of the product.

(f) The person submitting the request for evaluation and registration of safety information about the product shall manufacture and distribute the product in accordance with—

(1) The statements and representations, including quality control program, contained in the request; and

(2) The provisions of the registration certificate.

Dated at Bethesda, Maryland, this 9th day of January, 1987.

For the Nuclear Regulatory Commission.

Victor Stello, Jr.,

Executive Director for Operations.

[FR Doc. 87-1575 Filed 1-22-87; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 71 and 73

[Airspace Docket No. 86-AWP-12]

Proposed Establishment of Restricted Area R-2312, Fort Huachuca, AZ

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish Restricted Area R-2312 located near Fort Huachuca, AZ. This action will provide for the deployment of a tethered aerostat borne radar system at the request of the United States Customs Service. This action will provide the U.S. Customs Service with the capability to provide surveillance of a volume of airspace from ground level to an altitude of approximately 15,000 feet mean sea level (MSL) and detect low altitude suspect aircraft attempting to penetrate the airspace.

DATE: Comments must be received on or before March 9, 1987.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Western-Pacific Region, Attention: Manager, Air Traffic Division, Docket No. 86-AWP-12, Federal Aviation Administration, P.O. Box 92007, Worldway Postal Center, Los Angeles, CA 90009.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, DC.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Andrew B. Oltmanns, Airspace and Aeronautical Information Requirements Branch (ATO-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9245.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 86-AWP-12." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Comments are specifically invited on the overall regulatory, aeronautical, economic and energy aspects of the rule that might suggest the need to modify the rule. Send comments on environmental and land use aspects to: Department of Treasury, U.S. Customs Service, Mr. Robert O. Holliday, Director, Research and Development Division, 1301 Constitution Avenue, NW., Washington, DC 20229, (202) 566-5371.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-230, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposals

The FAA is considering amendments to Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) to establish Restricted Area R-2312 located near Fort Huachuca, AZ. The U.S. Customs Service will deploy a tethered aerostat borne radar system with the capability to detect low altitude suspect aircraft attempting to penetrate the airspace. The system will increase probability of intercept/interdiction of suspect aircraft and provide low altitude radar coverage for the Customs Service. In order to achieve their mission it will be necessary to restrict airspace from the surface to but not including 15,000 feet MSL with a 2-statute-mile radius. R-2312 will also be added to the Continental Control Area. Sections 71.151 and 73.23 of Parts 71 and 73 of the Federal Aviation Regulations were republished in Handbook 7400.6B dated January 2, 1986.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Parts 71 and 73

Aviation safety, Continental control area, Restricted areas.

The Proposed Amendments

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) as follows:

PART 71—[AMENDED]

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 71.151 [Amended]

2. Section 71.151 is amended as follows:

R–2312 Fort Huachuca, AZ [New]

PART 73—[AMENDED]

3. The authority citation for Part 73 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510, 1522; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 73.23 [Amended]

4. Section 73.23 is amended as follows:

R–2312 Fort Huachuca, AZ [New]

Boundaries. A 2-mile radius circle centered at lat. 31°29'07" N., long. 110°17'45" W.

Designated altitudes. Surface to but not including 15,000 feet MSL.

Times of designation. Continuous.

Using agency. Department of Treasury, Washington, DC.

Issued in Washington, DC, on January 14, 1987.

Daniel J. Peterson,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 87–1403 Filed 1–22–87; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 73

[Airspace Docket No. 86–AGL–30]

Proposed Amendments to Restricted Area R–4202 Lake Margrethe, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to change the time of designation and the controlling agency for Restricted Area R–4202 Lake Margrethe, MI. The Department of Army has requested a modification of the times of use of R–4202 because of increased weapons training requirements.

DATE: Comments must be received on or before March 9, 1987.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Great Lakes Region, Attention: Manager, Air Traffic Division, Docket No. 86–AGL–30, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, DC.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Paul Gallant, Airspace and Aeronautical Information Requirements Branch (ATO–240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–9246.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 86–AGL–30." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Comments are specifically invited on the overall regulatory, aeronautical, economic and energy aspects of the rule that might suggest the need to modify the rule. Send comments on environmental and land use aspects to: Mr. Greg Huntington, Attn: MIEF, 2500 S. Washington Ave., Lansing, MI 48913–5101.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–230, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Part 73 of the Federal Aviation Regulations (14 CFR Part 73) to extend the present time of designation of Restricted Area R–4202. Because of an increased weapons training requirement at Camp Grayling, MI, there is a need for utilization of R–4202 throughout the year. This modification would add the period "September 1 through May 31 by NOTAM 24 hours in advance" to the present time of designation. It is anticipated that the restricted area will be utilized approximately 20 weekends per year between September 1 and May 31. In addition to the time of designation change, the controlling agency would be corrected to Minneapolis ARTCC. Section 73.42 of Part 73 of the Federal Aviation Regulations was republished in Handbook 7400.6B dated January 2, 1986.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 73

Aviation safety, Restricted areas.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510, 1522; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 73.42 [Amended]

2. Section 73.42 is amended as follows:

R–4202 Lake Margrethe, MI [Amended]

By removing the present Time of designation and Controlling agency and substituting the following:

Time of designation. September 1 through May 31 by NOTAM 24 hours in advance; and June 1 through August 31, with specific dates to be published by NOTAM.

Controlling agency. FAA, Minneapolis ARTCC.

Issued in Washington, DC, on January 14, 1987.

Daniel J. Peterson,

Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 87–1404 Filed 1–22–87; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 91

[Docket No. 25148, Notice No. 86–20A]

Control of Drug and Alcohol Use for Personnel Engaged in Commercial and General Aviation Activities

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM); extension of comment period.

SUMMARY: This notice announces the extension of the comment period for Advance Notice of Proposed Rulemaking No. 86–20 that invited comments on drug and alcohol abuse by personnel in the aviation industry and on the options available for regulatory or other actions in the interest of aviation safety. The Experimental Aircraft Association (EAA), National Air Transportation Association (NATA), National Business Aircraft Association, Inc. (NBAA), and Equal Employment Advisory Council (EEAC) requested this extension to afford all interested persons an opportunity to present their views on the questions presented in the advance notice.

DATE: Comments must be received on or before February 23, 1987.

ADDRESS: Comments on this notice in duplicate may be mailed to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC–204), Docket No. 25148, 800 Independence Avenue, SW., Washington, DC 20591. Comments delivered must be marked Docket No. 25148. Comments may be inspected in Room 916 between 8:30 a.m. and 5 p.m. on weekdays, except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Dr. Robert S. Bartanowicz, Assistant Manager, Safety Regulations Division (APR–200), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267–9679.

SUPPLEMENTARY INFORMATION:

Comments Invited

Advance Notice of Proposed Rulemaking (ANPRM) No. 86–20 was issued on December 4, 1986 (51 FR 44432; December 9, 1986) under the FAA's policy of soliciting public participation in rulemaking proceedings. Interested persons are invited to participate in these preliminary rulemaking procedures by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address above. All communications received on or before the closing date for comments will be considered by the Administrator before taking further rulemaking action. Persons wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit with those comments a pre-addressed, stamped postcard on which the following statement is made: "Comments ot Docket No. 25148." The postcard will be date stamped and returned to the commenters. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket. If it is determined to be in the public interest to proceed with further rulemaking after considering the available data and comments received in response to the advance notice, a Notice of Proposed Rulemaking will be issued.

Availability of ANPRM

Any person may obtain a copy of this Notice and the ANPRM by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center (APA–230), 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–3484. Communications must identify the notice number of this Notice and the ANPRM. Persons interested in being placed on the mailing list for future ANPRMs and NPRMs should also request a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedures.

Background

On December 9, 1986, the FAA published Advance Notice of Proposed Rulemaking No. 86–20 [51 FR 44432], which provided for a 45-day comment period closing on January 23, 1987. In that notice, the FAA announced it is considering implementing a program that would basically ensure a drug and alcohol abuse free environment for those segments of the aviation industry where such a program is needed and would be effective in protecting the public safety. The notice stated that a minimum program would regulate Parts 121 and 135 certificate holders. The notice stated that a basic program would involve drug and alcohol testing of all pilots, flight attendants, flight engineers, flight navigators, aircraft dispatchers, mechanics, repairmen, and ground instructors employed by Part 121 and Part 135 certificate holders. Further, the notice stated that the next step could entail expanding this program to include additional individuals and occupational groups in aviation (including applicants) who are either certificated or regulated under the Federal Aviation Regulations.

Additionally, the FAA requested answers to specific questions, as well as general data, regarding drug and alcohol abuse in the aviation industry. The intent is to use this data to help determine the scope of the problem and how the agency should proceed.

Because of the significance of this area to aviation safety, the FAA considers it vital to obtain the comments of all interested persons concerning drug and alcohol abuse by personnel in the aviation industry and options available for regulatory or other actions in the interest of aviation safety.

The ANPRM has generated intense interest from individuals and organizations in the aviation community. Many organizations requested more time to contact their full membership. These include aviation organizations such as EAA, NATA, EEAC, and NBAA, which represent thousands of commercial and general aviation employees who would be

directly affected by any proposed rulemaking governing drug and alcohol abuse. These organizations have requested that the FAA extend the comment period to allow all members to provide realistic and representative comments on this issue. The FAA has become aware that many individuals in the industry have not received this notice and may not have an opportunity to comment on its contents within the original comment period. The FAA recognizes that disseminating material such as Notice No. 86-20 to all interested persons takes time. Additionally, it takes time to fully analyze the issue and to answer the posed questions so that all potential problem areas are identified and brought to the Agency's attention. For this reason, the FAA does not wish to unduly rush this important process.

Conclusion

This document extends the comment period on the ANPRM to afford the public and industry with additional time in which to review and respond to the advance notice. Because of the intense public interest in this area, the FAA has determined that this notice and the advance notice of proposed rulemaking action are considered significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). It is premature at this time for the FAA to attempt to generate definitive costs and benefits of complying with a program that would control drug and alcohol abuse. A full regulatory evaluation and Regulatory Flexibility Act determination will be prepared with the assistance of comments received as a result of the advance notice in conjunction with any notice of proposed rulemaking that may be issued on this subject.

Extension of Comment Period

In consideration of the above, the FAA concludes that the comment period should be extended. Accordingly, the comment period for Notice No. 86-20 is extended to February 23, 1987.

List of Subjects in 14 CFR Part 91

Avaiation safety, Drugs.

Authority: 49 U.S.C. 1354(a) and 1421; 49 U.S.C. 106(s) (Revised, Pub. L. 97-449, January 12, 1983).

Issued in Washington, DC, on January 21, 1987.

Anthony J. Broderick,

Associate Administrator for Aviation Standards.

[FR Doc. 87-1693 Filed 1-22-87; 8:45 am]

BILLING CODE 4910-13-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1203

Information Security Program

AGENCY: National Aeronautics and Space Administration.

ACTION: Proposed rule.

SUMMARY: 14 CFR Part 1203 is amended by adding this new subpart J, "Emergency Personnel Security Adjudication and Procedures." This proposed rule sets forth NASA's personnel security adjudication policy and procedures. The intended effect of this proposed rule is to inform individuals of the procedures within NASA with respect to those individuals whose employment with NASA may not be clearly consistent with the interests of national security.

DATE: Comments must be submitted in writing by March 24, 1987.

ADDRESS: Send comments to the Chief, NASA Security Office, Code NIS, NASA Headquarters, Washington, DC 20546. Comments received will be available for public examination in Room 6082, FB-6, 400 Maryland Avenue SW., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Jerome Verba, 202-453-2946.

SUPPLEMENTARY INFORMATION: The National Aeronautics and Space Administration has determined that:

1. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601-612, since it will not exert a significant economic impact on a substantial number of small entities.

2. This rule is not a major rule as defined in Executive Order 12291.

List of Subjects in 14 CFR Part 1203

Classified information, Foreign relations, National security, Security adjudication, Personnel security.

PART 1203—INFORMATION SECURITY PROGRAM

1. The Authority citation for Part 1203 is revised to read as follows:

Authority: 42 U.S.C. 2451 et. seq.; 5 U.S.C. 552a; 5 U.S.C. 5593, 7312, 7531-7533; E.O. 10450; E.O. 12356.

2. For reasons set out in the Preamble, 14 CFR Part 1203 is proposed to be amended by adding subpart J to read as follows:

Subpart J—Emergency Personnel Security Adjudication and Procedures

Sec.

Subpart J—Emergency Personnel Security Adjudication and Procedures

§ 1203.1000 Scope.

The scope of this subpart prescribes revised security adjudication policy and due process procedures within NASA.

§ 1203.1001 Applicability.

This proposed rule applies to NASA Headquarters and all its field installations.

§ 1203.1002 Policy.

It is NASA policy that personnel will be employed or retained in employment in a sensitive position only when employment of the individual in question is found to be clearly consistent with the interests of the national security. Executive Order 10450, as amended, emphasizes that employment in the Federal Government is a privilege, and that the interests of the national security require that all persons granted this privilege "be reliable, trustworthy, of good conduct and character, and of complete and unswerving loyalty to the United States." It also is NASA policy that due process procedures are to be utilized to ensure that the constitutional rights of each individual are protected. When emergency personnel security problems arise, two options are available. First, the appropriate official may temporarily suspend the security clearance of the employee. This procedure is outlined in § 1203.1006 of this subpart. The second option available is the more serious emergency suspension of the employee by the Administrator pursuant to the authority in 5 U.S.C. 7532. This procedure is outlined in §§ 1203.1007 through 1203.1010 of this subpart.

§ 1203.1003 Reemployment of employees who have been terminated.

No person whose employment has been terminated by a Federal department or agency pursuant to the

provisions of 5 U.S.C. 7532, Executive Order 10450, or the provisions of any other security or loyalty program relating to officers and employees of the Government will be employed in NASA unless the Administrator of NASA finds that such employment is clearly consistent with the interests of the national security. In cases where the employee was terminated by a department or agency other than NASA, the Office of Personnel Management (OPM) also must make a determination that such person is eligible for employment. The finding of the Administrator and the determination of OPM, if required, will be made a part of the official personnel folder of the person concerned.

§ 1203.1004 Basic security criteria.

Executive Order 10450 enumerates security factors which, depending on the relation of the Government employment to the national security, must be considered as criteria in evaluating cases. The security criteria are:

(a) Any behavior, activities, or associations which tend to show that the individual is not reliable or trustworthy.

(b) Any deliberate misrepresentations, falsifications, or omission of material facts.

(c) Any criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, habitual use of intoxicants to excess, drug addiction, or sexual perversion.

(d) Any illness, including any mental condition, of a nature which, in the opinion of competent medical authority, may cause significant defect in the judgment or reliability of the employee, with due regard to the transient or continuing effect of the illness and the medical findings in such a case.

(e) Any facts which furnish reason to believe that the individual may be subjected to coercion, influence, or pressure which may cause the person to act contrary to the best interests of the national security.

(f) Commission of any act of sabotage, espionage, treason, terrorism or sedition, or attempts threat or preparation therefor, or conspiring with, or aiding or abetting another to commit or attempt to commit any act of sabotage, espionage, treason, terrorism, or sedition.

(g) Establishing or continuing a sympathetic association with a saboteur, spy, traitor, seditionist, anarchist, terrorist, or revolutionist, or with an espionage or other secret agent or representative of a foreign nation whose interests may be inimical to the interests of the United States, or with any person who advocates the use of force or violence to overthrow the Government of the United States or the alteration of the form of Government of the United States by unconstitutional means.

(h) Advocacy of use of force or violence to overthrow the Government of the United States, or of the alteration of the form of Government of the United States by unconstitutional means.

(i) Knowing membership, with specific intent of furthering the aims of, or adherence to and active participation in, any foreign or domestic organization, association, movement, group, or combination of persons (hereinafter referred to as organizations) which unlawfully advocates or practices the commission of acts of force or violence to prevent others from exercising their rights under the Constitution or laws of the United States or of any States, or which seeks to overthrow the Government of the United States or any State or subdivision thereof by unlawful means.

(j) Intentional, unauthorized disclosure to any person of security information, or of other information disclosure of which is prohibited by law, or willful violation or disregard of security regulations.

(k) Performing or attempting to perform duties, or otherwise acting, so as to serve the interests of another government in preference to the interests of the United States.

(l) Refusal by the individual, upon the grounds of constitutional privilege against self-incrimination, to testify before a congressional committee regarding charges of alleged disloyalty or other misconduct.

§ 1203.1005 General guidelines for making security determinations for sensitive positions.

(a) When adjudicating conduct in terms of the national security interests, the adjudicator is responsible for determining if the conduct indicates that employment of the person would pose a risk for damage to the national security. If there is a reasonable demonstrated risk in terms of protecting the nation's security, employment or continued employment of the person must be considered as not being clearly consistent with the interests of the national security. In such case, the person must be denied appointment or removed from employment, even though such action is not warranted under the suitability criteria.

(b) The standard for demonstrating a national security risk is any conduct that indicates that the person, through individual or collective action or inaction, may impair the security interests of the nation. The issue(s) in question (except in loyalty cases) should be assessed in terms of the sensitivity of the duties and responsibilities of the position, especially access to classified information. Conduct not indicative of risk to the national security at lower position sensitivity levels may indicate real potential for damage through employment of the person in a more sensitive position. The adjudicator must be attuned to any indication of unreliability, untrustworthiness, lack of dependability, potential for subordination or blackmail, dishonesty or disregard for the law and established authority.

§ 1203.1006 Suspension of security clearance.

(a) In any emergency where it appears that retention of a security clearance by an employee pending a final decision on the security clearance may not be clearly consistent with the interests of the national security, the Director of the Field Installation involved or, for NASA Headquarters the Associate Administrator for Management or higher authority (the Inspector General is authorized to take action for all Office of Inspector General personnel), is authorized to suspend temporarily any security clearance previously granted, whether or not removal of the employee from a duty status pending adjudication of the case is considered necessary. If an emergency suspension of a security clearance is deemed necessary, the above mentioned officials will decide whether:

(1) To retain the subject in his/her current position without performing any duties which require a security clearance. If necessary, additional duties which do not require a security clearance may be substituted, or, if this action is not feasible;

(2) To detail the subject to another comparable position which does not require a security clearance, or, if this action is not feasible;

(3) To suspend the employee with pay.

(b) If the decision is made by one of the above mentioned officials to suspend temporarily a security clearance previously granted, written notification of such action will be given promptly to the employee concerned.

(c) Notification of such suspension and the reasons therefor will be forwarded promptly to the Associate Administrator for Management, NASA Headquarters, through the Chief, NASA Security Office.

(d) Each case will be handled as expeditiously as possible. A thorough investigation will be conducted. If upon

completion of the investigation, it appears to the Director of the Field Installation or other appropriate Headquarters Official that the facts warrant reinstatement of the security clearance, then it will be reinstated. If upon completion of the investigation, it appears to the Director of the Field Installation that the facts do not warrant reinstatement of the clearance, the affected employee will be given written notice of the proposed removal of his/her security clearance. This written notice will be as specific and detailed as security considerations permit. The affected employee will be given an opportunity to respond to this notice and provide any relevant information. The Director of the Field Installation will render a written decision based on the information in the notice and in the response by the employee. The Director will not be presented any information that is not presented to the subject employee. Sensitive security information may be synopsized or edited so that it may be presented to the subject employee and the Director of the Field Installation.

§ 1203.1007 Suspension from employment.

(a) The authority under this instruction and 5 U.S.C. 7532 to suspend an employee without pay may be exercised only by the Administrator, when the Administrator finds the position occupied by the employee is properly designated as a sensitive position, and when the Administrator deems such suspension necessary in the interests of the national security. Factors to be considered in determining whether this authority will be exercised will include, but will not be limited to, the following:

(1) The seriousness of the derogatory information developed;

(2) The possible access, authorized or unauthorized, of the employee to classified information or material;

(3) The opportunity, by reason of the nature of the position, for the employee to commit acts adversely affecting the national security.

(b) Should information develop, at any stage of an investigation or otherwise, which indicates that the retention of an employee in a duty status may not be clearly consistent with the interests of the national security, such information will be forwarded immediately to the Chief, NASA Security Office, for submission of the recommendations to the Administrator, through the Associate Administrator for Management, who will consult with the General Counsel.

(c) In connection with any recommendation for suspension and in subsequent proceedings under this regulation, no investigative information will be available to the Administrator or the Security Hearing Board that cannot or will not be made available to the employee concerned.

§ 1203.1008 Procedures after suspension from employment.

(a) *Notice and reply for an employee without statutory hearing rights under 5 U.S.C. 7532*—(1) *Reasons for suspension.* A suspended employee who does not have a permanent or indefinite appointment, or who has not completed the probationary or trial period, or who is not a citizen of the United States, will be notified in writing of the reasons for the suspension as soon as possible, and in any event within 30 days after suspension. The notice may be amended within 30 days of the suspended employee's receipt thereof. The notice, or any amendment thereof, will be signed by the Administrator and will be as specific and detailed as security considerations (including the need for protection of confidential sources of information) permit. Within 30 days after the receipt of such notification and/or within 30 days after the receipt of any amendment thereof, the suspended employee will have the right to submit a reply containing statements and affidavits refuting the stated reasons for suspension, or otherwise answering or explaining the matters involved therein.

(2) *Consideration of reply.* The employee's reply, if any, will be reviewed by the General Counsel and the Associate Administrator for Management in consultation with the Chief, NASA Security Office. Following such review, the General Counsel and the Associate Administrator for Management will jointly or separately furnish to the Administrator their recommendations concerning the disposition of the case. It is NASA policy that every reasonable and feasible safeguard will be provided to ensure that no employee of NASA is removed from his/her employment arbitrarily or without full consideration and review of the case.

(3) *Action by the Administrator* (i) If the Administrator finds that restoration of the employee to the position from which he/she has been suspended is clearly consistent with the interests of the national security, the employee will be restored to duty in such position and will be compensated for the period of suspension as provided in 5 U.S.C. 5596.

(ii) If the Administrator does not find that restoration of the suspended employee to the sensitive position occupied by him/her is clearly consistent with the interests of the national security, the employment of the suspended employee will be terminated. However, the Administrator may determine that employment of the suspended employee in another position is clearly consistent with the interests of the national security, in which event the employee may be returned to duty in such other position and will be compensated for the period of suspension as provided in 5 U.S.C. 5596.

(b) *Notice and reply for an employee with statutory hearing rights under 5 U.S.C. 7532.* (1) A suspended employee, who is a citizen of the United States, who has a permanent or indefinite appointment, and who has completed the probationary or trial period, will be furnished a written "Statement of Charges" against him/her within 30 days after the employee's suspension. Before issuing the "Statement of Charges," the Department of Justice will be consulted to ensure that the rights of the employee are fully considered. The "Statement of Charges" will be as specific and detailed as security considerations permit including the need for protection of confidential sources of information. The employee may, within 30 days after receipt of the "Statement of Charges," and/or within 30 days after receipt of any amendment thereof, request a hearing or file with the Associate Administrator for Management a written answer thereto and may also submit affidavits in support of such answer.

(2) If the employee elects to file only a written answer, such answer may include any facts, explanations, and reasons which the employee feels will controvert, explain, or dispute any or all of the charges and any or all of the supporting facts set forth in the "Statement of Charges," and/or may disclaim knowledge of, or admit or deny any such facts or charges.

(i) *Consideration of answer.* The employee's reply, if any, will be reviewed by the General Counsel and the Associate Administrator for Management in consultation with the Chief, NASA Security Office. Following such review, the General Counsel and the Associate Administrator for Management will jointly or separately furnish to the Administrator their recommendations concerning disposition of the case, which may include their recommendations that:

(A) The employee be restored to duty in the sensitive position from which he/she was suspended; or

(B) The employee be restored to duty in a nonsensitive position; or

(C) The employee be removed.

(ii) *Action by the Administrator.* On the basis of the Administrator's review of the case, including the aforesaid recommendations, the Administrator may take the following action:

(A) If the Administrator finds that restoration of the employee to the position from which he/she has been suspended is clearly consistent with the interests of the national security, the employee will be restored to duty in such position, and will be compensated for the period of suspension as provided in 5 U.S.C. 5596.

(B) If the Administrator does not find that restoration of the suspended employee to the sensitive position occupied by him/her is clearly consistent with the interests of the national security, the Administrator may determine that employment of the suspended employee in another position is clearly consistent with the interests of the national security, in which event the employee may be returned to duty in such other position and will be compensated for the period of suspension as provided in 5 U.S.C. 5596.

(C) If the Administrator does not find either restoration of the suspended employee in the sensitive position occupied or employment in another position is clearly consistent with the interests of the national security, the employment of the suspended employee will be terminated.

(3) If the employee elects to have a hearing, the employee will, upon filing a written request therefor with the Associate Administrator for Management within the time specified in paragraph (b)(1) of this section, be afforded an opportunity to appear personally before a Security Hearing Board, and to present witnesses and evidence in his/her own behalf. The Security Hearing Board procedures and the employee's rights are stated in § 1203.1010.

(4) If the employee fails to reply to the "Statement of Charges" or any amendment thereto within the time specified in paragraph (b)(1) of this section, final disposition of the case will be made in accordance with the procedures provided under paragraph (b)(2)(ii).

(c) Under either paragraph (a) or (b) of this section, a written statement of the decision of the Administrator will be given to the employee.

§ 1203.1009 Security Hearing Boards.

(a) Security Hearing Boards of NASA will be composed of not less than three civilian officers or employees of the Federal Government, selected by the Associate Administrator for Management from rosters maintained for that purpose by OPM in Washington, DC, and at regional offices of OPM. The Boards will always be composed of an odd number of members.

(b) No officer or employee of NASA will serve as a member of a Security Hearing Board hearing the case of an employee of NASA.

(c) No person will serve as a member of a Security Hearing Board hearing the case of an employee with whom he/she is personally acquainted or related by blood or marriage.

(d) The Associate Administrator for Management will nominate in such number as OPM may request, civilian officers or employees to the Security Hearing Board roster maintained by OPM. Nominees are required to be persons of responsibility, unquestioned integrity, and sound judgment. Each such nominee will have been the subject of a full field investigation and the nomination will be determined to be clearly consistent with the interests of the national security.

§ 1203.1010 Hearing procedure.

(a) A person designated by the General Counsel will be responsible for the presentation to the Security Hearing Board of evidence in support of the charges; provided, however, that no such evidence may be presented unless the Chief, NASA Security Office, or designee, in his/her discretion, determines that it will in no way be inconsistent with or in any way compromise the interests of the national security, that it will not tend to disclose investigative source or methods, and that it will not tend to reveal the identity of confidential informants.

(b) The following rights will be accorded the employee in connection with the employee's hearing before the Board:

(1) Written notice of the date set for the hearing before the Security Hearing Board must be sent to the employee charged under this regulation at least 15 days prior to the date set for such hearing.

(2) To participate in the entire hearing.

(3) To be represented by counsel or other representative.

(4) To reasonable cross-examination of witnesses appearing against the employee.

(5) To present the employee's case in such order or sequence as the employee chooses.

(6) To present such evidence as the Board deems relevant and material.

(7) Within the bounds of reasonableness and relevancy, the employee may request the production by the Government at the hearing, for examination by the employee, any person under the control of NASA who is readily available provided, however, that this production and examination is contingent upon the employee notifying the Associate Administrator for Management, NASA Headquarters, at least 7 days prior to the date set for the hearing, of the need for such person at the hearing, and a showing that the employee has been unable to produce such witness through his/her own efforts.

(8) To reasonable continuances upon request for good cause shown.

(9) To whatever other action is reasonable and necessary to ensure the employee a full and fair consideration of this case.

(10) To a copy of the transcript of the hearing upon request, without cost to the employee.

(c) Testimony before the Security Hearing Board will be under oath or affirmation. The Government representative, the employee or his/her representative, and the Board will have the right to examine or cross-examine witnesses.

(d) Upon convening, the Board will choose one of its members to act as chairperson for each particular case for the purpose of announcing such rulings on the relevancy, materiality, and competency of the evidence offered, or such other rulings or decisions as are necessary. If requested by the Board, there will be present at the hearing a legal officer, designated by the General Counsel, who will advise the Board as to procedure and legal matters arising in connection with the hearing. This legal officer will have had no direct involvement in the case being considered by the Board.

(e) Hearings before the Security Hearing Board will proceed in the following order:

(1) The Board will advise the employee of the rights accorded him/her before the Board as provided in paragraph (b) of this section.

(2) The "Statement of Charges" against the employee will be read by the Board and, unless waived by the employee, the Board will also read the employee's statements, affidavits, and the pertinent parts of employee's documents, if any.

(3) The person designated in accordance with paragraph (a) of this section, to present the evidence in support of the charges, will then present to the Board such evidence as is commensurate with the interests of the national security.

(4) The employee will then present such additional or corroborative material evidence as he/she desires. The employee may testify in his/her own behalf, if the employee so chooses.

(5) Rules of evidence will not be binding on the Board, but reasonable restrictions will be imposed as to the relevance, materiality, and competency of the matters considered.

(f) If at any time during the hearing or in its consideration of the case the Board determines that further investigation of the case is necessary, it will request the Chief, NASA Security Office, or designee, to cause such additional investigation to be conducted. Such a request by the Board should be as specific as possible as to the scope of the additional information required. If the additional information required is necessary during the course of the hearing to give the employee a full and fair hearing, the Board may grant such continuance as is appropriate.

(g) If, during the course of the hearing, the Board or the agency finds the allegations in the "Statement of Charges" are not sufficient to cover all matters into which inquiry should be made, the "Statement of Charges" may be amended. An appropriate adjournment will be granted for the purpose of affording the employee an opportunity to reply to such an amendment and to secure and present evidence pertaining thereto.

(h) Every reasonable and practicable effort will be made to obtain available witnesses and to facilitate their appearance at the hearing in support of the "Statement of Charges." The Board may, in its discretion, invite any person to appear at the hearing and testify if it believes such person can materially assist the Board in reaching a fair and just determination. The Board will have the right to question any person appearing as a witness before it.

(i) The Board will conduct and control the hearing in such a manner as to fully protect from disclosure any information which might adversely affect the interests of the national security, might tend to disclose investigative sources or methods, or might tend to reveal the identity of confidential informants. In this respect the Board will be bound by the advice of the Chief, NASA Security Office, or designee.

(j) A complete verbatim stenographic transcript, excepting the "Statement of Charges" and employee's answers and affidavits, which are already a part of the record, will be made of the hearing, and such transcript will constitute a permanent part of the record.

(k) Hearings will be private. Present will be the members of the Security Hearing Board; the stenographer; the employee and the counsel or other representatives, if any; the Chief, NASA Security Office, or designee; any person who may be designated, in accordance with paragraph (a) of this section, to present the evidence in support of the charges; the legal advisor for the Board; and the necessary witnesses. Witnesses will be present at the hearing only when actually giving testimony. Other persons whose presence appears to be necessary may be admitted at the discretion of the Board.

(l) Following conclusion of the hearing, the Board will make and render its decision which will be advisory only and based on the entire record in the case. If a person who has made charges against the employee, and who is not a confidential informant, is called as a witness but does not appear, his/her failure to appear will be considered by the Board in evaluating such charges, as well as the fact that there can be no subpoena to compel attendance of witnesses.

(m) If, after due notice of the time and place of the hearing, the employee, without request for postponement or other explanation, fails to appear for such hearing, the Board will not convene. Instead the Board will consider and reach its decision on the basis of all information in the record thus far made.

(n) The decision of the Board will be by a majority vote, in writing, and signed by all its concurring members. Any member who dissents from the decision of the majority will make a statement, in writing, of the reasons for the dissent and will sigh it. The decision of the Board, together with the dissenting opinion, if any, and the complete record in the case will then be forwarded by the Chief, NASA Security Office, to the NASA Administrator for final decision. The employee will not be advised of the decision of the Board or of the dissenting opinion of any of its members.

(o) On the basis of the review of the case, including the advisory decision of the Board, the Administrator will make the determination of the case, and take appropriate action in accordance with § 1203.1008 (b)(2)(ii); and the employee will be notified in writing of the Administrator's decision.

Dale D Myers,

Acting Administrator.

[FR Doc. 87-1317 Filed 1-22-87; 8:45 am]

BILLING CODE 7510-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 292

[Docket No. RM87-12-000]

Cogeneration; Small Power Production

January 20, 1987.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of public conferences and request for comments.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is establishing a schedule for a series of regional public conferences which will be held to afford the public an opportunity to comment on implementation of section 210 of the Public Utility Regulatory Policies Act of 1978 (PURPA), 16 U.S.C. 824a-3. A number of concerns regarding the Commission's implementation of section 210 of PURPA have been expressed by State utility commissions, as well as various segments of the electric utility and cogeneration industries. Therefore, the Commission believes that the time has come to provide any interested party with an opportunity to comment.

Although comments may be given regarding any aspect of the implementation of section 210 of PURPA, the Commission is particularly interested in receiving comments on the following issues:

(1) Should the Commission reconsider the avoided cost rule? If so, what alternative approaches for the pricing of power from cogeneration and small power production facilities should be considered?

(2) What problems, if any, exist with respect to the implementation of section 210 on the State commissions and non-regulated utilities? What actions could the Commission take it problems do exist?

(3) Are the standards for qualification of cogeneration and small power production facilities satisfactory (e.g., operating and efficiency standards, ownership criteria, etc.)?

(4) Do qualifying facilities have adequate access to transmission facilities? If not, what are the possible solutions?

DATES: Fourteen (14) copies of written comments and/or requests to speak should be received by the Commission on or before (March 9, 1987. Public conferences will be held in San Francisco on March 27, 1987, in New

Orleans on April 2, 1987, in Boston on April 7, 1987, and in Washington, D.C. on April 16, 1987.

ADDRESSES: All filings should refer to Docket No. RM87–12–000, and should be addressed to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426.

The specific time and location of the conferences will be provided; in a subsequent notice.

FOR FURTHER INFORMATION CONTACT: Kenneth Plumb, Secretary, (202) 357–8400.

SUPPLEMENTARY INFORMATION:

Cogeneration; Small Power Production, Docket No. RM87–12–000. Notice of Public Conference.

I. Introduction

The Federal Energy Regulatory Commission gives notice that a series of regional public conferences will be held to afford the public an opportunity to comment on issues concerning the implementation of section 210 of the Public Utility Regulatory Policies Act of 1978 (PURPA), 16 U.S.C. 824a–3. The Commission by this notice is establishing a schedule for these conferences, and an opportunity to provide written and oral comments on issues related to section 210 of PURPA.

Background

Section 210 of PURPA seeks to encourage the development of cogeneration and small power production facilities. The Commission implemented section 210 in a series of rulemaking proceedings in 1980.[1] State commissions have been implementing these rules since then.[2] The cogeneration and small power production program has therefore been in operation for over six years. During the past year, a number of concerns regarding the Commission's implementation of section 210 of PURPA have been expressed by various segments of the electric utility and cogeneration industry. In June of 1985, hearings were held before the Senate Committee on Energy and Natural Resources, in which extensive testimony concerning such concerns was filed by utilities, cogenerators, small power producers, representatives of State commissions and other parties.[3]

[1] Order No. 69, 45 FR 12,214 (1980); Order No. 70, 45 FR 17,959 (1980). Implementation by State regulatory authorities and nonregulated electric utilities, 18 CFR 292.401 (1986).

[2] *See also,* American Paper Institute Inc. v. American Electric Power Service Corp., *et al.*, 461 U.S. 402 (1982).

[3] Implementation of the Public Utility Regulatory Policies Act of 1978: Hearings Before the Senate Commission on Energy and Natural Resources, 99th Cong., 2nd Sess. 820 (1986).

The Commission believes that the time has come to provide any interested party an opportunity to comment on the implementation of section 210 of PURPA. To obtain maximum public participation, conferences will be held in New Orleans, San Francisco, Boston, and Washington, DC. The Conferences will be held in San Francisco on March 27, 1987, in New Orleans on April 2, 1987, in Boston on April 7, 1987, and in Washington, DC on April 16, 1987. A transcript of each conference will be taken. The specific time and location of the conferences will be provided in a subsequent notice.

II. Request for Specific Comments

Interested parties may make an oral presentation at the regional conferences without filing written comments. However, we encourage all parties who plan to make an oral presentation to file written comments with the Commission in advance of the conferences. Parties may also choose to file written comments only, without making an oral presentation. Although comments may be given on any aspect of the implementation of section 210 of PURPA by the Commission, State commissions, and unregulated electric utilities, the Commission is particularly interested in receiving comments on the following issues:

(1) Should the Commission reconsider the avoided cost rule? If so, what alternative approaches for the pricing of power from cogeneration and small power production facilities should be considered?

(2) What problems, if any, exist with respect to the implementation of section 210 by the state commissions and non-regulated utilities? What actions could the Commission take if problems do exist?

(3) Are the standards for qualification of cogeneration and small power production facilities satisfactory (e.g., operating and efficiency standards, ownership criteria, etc.)?

(4) Do qualifying facilities have adequate access to transmission facilities? If not, what are the possible solutions?

III. Comment Procedures

The Commission invites interested persons to submit written comments, data, views, and other information concerning the matters set forth in this notice. Due to the numerous comments which are expected, persons desiring to make an oral presentation must file a request to speak. The Commission urges persons with common points of view to jointly submit their written comments and to appoint a single spokesperson for oral presentations. The written comments and the requests to speak should be received by the Commission within 45 days after publication of the notice in the **Federal Register.** Requests to speak should identify the name of the speaker and the group represented. All filings should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, and should refer to Docket No. RM87–12–000.

All filings will be placed in the Commission's public files, and will be available for public inspection in the Commission's Division of Public Information, Room 1000, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, during regular business hours.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87–1602 Filed 1–22–87; 8:45 am]

BILLING CODE 6717–01–M

RAILROAD RETIREMENT BOARD

20 CFR Parts 209, 210, and 211

Railroad Retirement Annuities

AGENCY: Railroad Retirement Board.

ACTION: Proposed rule.

SUMMARY: The Railroad Retirement Board (Board) proposes to amend its regulations concerning the reporting requirements for railroad employers, and the creditability of service, and the creditability of compensation. These proposed amendments are necessary to comply with legislative changes in the Railroad Retirement Act.

DATE: Comments must be received on or before February 23, 1987.

ADDRESS: Secretary to the Board, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Scott Kuhlmey, Chief of Coverage, Procedures and Administrative Section, Bureau of Compensation and Certification, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, (312) 751–4876 (FTS 398–4876).

SUPPLEMENTARY INFORMATION:

Benefits under the Railroad Retirement Act are computed, in part, based on an individual's creditable railroad service and compensation and the Board is authorized by the act to require railroad

employers to furnish compensation and service records for their employees. The Railroad Retirement Solvency Act of 1983 (Pub. L. 98–76) altered the manner in which railroad compensation and service months are reported to the Board and credited to an employee's account.

The Board proposes to amend Parts 209, 210, and 211 of its regulations to implement the amendments to the Act.

The Board has determined that this is not a major rule under Executive Order 12291. Therefore, no regulatory impact analysis is required. Information collections within these regulations have been submitted to OMB for review. Comments regarding the information collections should be addressed to Pauline Lohens, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 and the OMB Reviewer, Judy Eagan, (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

List of Subjects

20 CFR Part 209

Railroad employees, Railroad retirement, Railroads.

20 CFR Part 210

Railroad employees, Railroad retirement.

20 CFR Part 211

Railroad employees, Railroad retirement.

PART 209—RAILROAD EMPLOYERS REPORTS AND RESPONSIBILITIES

1. The authority citation for Part 209 is revised to read as follows:

Authority: 45 U.S.C. 231f.

2. Part 209 is amended by adding § 209.13, to read as follows:

§ 209.13 Sick pay reports.

(a) Employers, insurance carriers or other parties paying sick pay subject to tax under the Railroad Retirement Tax Act (26 U.S.C. 3201, *et seq.*) are required to furnish the Board an annual report of creditable sick pay on or before the last day of February of the calendar year following the year in which the payment was made.

(b) Sick pay reports are to be filed in accordance with instructions issued by the Director of Compensation and Certification and are to be mailed directly to the Director. The reports may be made on magnetic tape, punch cards or the form described in § 200.2 of this chapter for employer's adjustment reports. The reports must be accompanied by a quarterly summary report of compensation adjustments as described in § 200.2 of this chapter. Adjustments to sick pay compensation should be included in the next annual sick pay report.

PART 210—CREDITABLE RAILROAD SERVICE

3. The authority citation for Part 210 is revised to read as follows:

Authority: 45 U.S.C. 231f.

4. Section 210.2 is revised to read as follows:

§ 210.2 Definition of service.

Service means a period of time for which an employee receives payment from a railroad employer for the performance of work; or a period of time for which an employee receives compensation which is paid for time lost as an employee; or a period of time credited to an employee for creditable military service as defined in Part 212 of this chapter. Service shall also include deemed months of service as provided under § 210.3(b) of this chapter and any month in which an employee is credited with compensation under § 211.12 of this chapter based on benefits paid under Title VII of the Regional Rail Reorganization Act of 1973.

5. Section 210.3 is revised to read as follows:

§ 210.3 Month of service.

(a) Reported. A reported month of service is any calendar month or any part of a calendar month for which an employee receives compensation for services performed for an employer; or receives pay for time lost as an employee; or is credited with compensation for a period of creditable military service; or is credited with compensation under § 211.12 of this chapter based on benefits paid under Title VII of the Regional Rail Reorganization Act of 1973.

(b) Deemed. A deemed month of service is any additional month of service credited to an employee subject to paragraphs (b) (1) and (2) of this section.

(1) An employee who is credited with less than twelve reported months of service for a calendar year after 1984 may be "deemed" to have performed service for compensation in additional months, not to exceed twelve, providing:

(i) The employee's compensation for the calendar year in question exceeds an amount calculated by multiplying the number of reported months credited for that year by an amount equal to one-twelfth of the current annual maximum for non-tier I components as defined in § 211.15 of this chapter; and

(ii) The employee maintains an employment relation to one or more employers or serves as an employee representative in the month or months to be deemed. For purposes of this section, employment relation has the same meaning as defined in Part 204 of this chapter, disregarding the restrictions involving the establishment of such a relationship as of August 29, 1935. Employee representative has the same meaning as defined in Part 205 of this chapter.

(2) Employees satisfying the conditions in both (b)(1)(i) and (b)(1)(ii) of this section shall have their months of service for a calendar year calculated using the following formula:

$$\text{Months of service} = \frac{\text{Employee's creditable non-tier I compensation}}{\text{Maximum annual creditable non-tier I compensation} \div 12}$$

The quotient obtained using this formula equals the employee's total months of service, reported and deemed, for the calendar year. Any fraction or remainder in the quotient is credited as an additional month of service.

(3) Examples. The provisions of paragraphs (b) (1) and (2) of this section may be illustrated by the following examples.

Example (1) Employee B worked in the railroad industry in 1985 and was credited with nine reported months of service (January through September) and non-tier I compensation of $20,000. The 1985 annual maximum for non-tier I compensation is $29,700. B maintained an employment relation in the three months he was not employed in 1985. The following computations are necessary to determine if B has sufficient non-tier I compensation to be credited with deemed months of service.

(1) Enter the annual maximum for non-tier I compensation for the calendar year..... $29,700
(2) Divide line (1) by 12 $29,700 ÷ 12..... $2,475
(3) Enter the employee's reported months of service for the calendar year..... 9
(4) Multiply line (2) by line (3) $2,475 × 9..... $22,275
(5) Enter the employee's non-tier I compensation for the calendar

year..... $20,000
(6) Subtract line (4) from line (5). Enter the result (but not less than zero). This is the employee's excess non-tier I compensation for the calendar year $20,000–$22,275..... 0

a. If line (6) is zero, the employee does not have sufficient non-tier I compensation to be credited with deemed months of service.

b. If line (6) is greater than zero, the employee has sufficient non-tier I compensation to be credited with deemed months of service.

Since the amount on line (6) is zero, employee B does not have enough non-tier I compensation to be credited with deemed months of service. B is credited with only nine reported months of service for the year.

Example (2) Assume the facts as in example (1), except that employee B was credited with non-tier I compensation of $25,000 for 1985. The following computations are necessary to determine if B has sufficient non-tier I compensation to be credited with deemed months of service.

(1) Enter the annual maximum for non-tier I compensation for the calendar year..... $29,700
(2) Divide line (1) by 12 $29,700 ÷ 12..... $2,475
(3) Enter the employee's reported months of service for the calendar year..... 9
(4) Multiply line (2) by line (3) $2,475 × 9..... $22,275
(5) Enter the employee's non-tier I compensation for the calendar year..... $25,000
(6) Subtract line (4) from line (5). Enter the result (but not less than zero). This is the employee's excess non-tier I compensation for the calendar year. $25,000–$22,275..... $2,725

a. If line (6) is zero, the employee does not have sufficient non-tier I compensation to be credited with deemed months of service.

b. If line (6) is greater than zero, the employee has sufficient non-tier I compensation to be credited with deemed months of service.

Since the amount on line (6) is greater than zero, employee B has enough non-tier I compensation to be credited with deemed months of service. B now satisfies all the requirements for deeming, therefore his months of service for the calendar year are calculated using the formula in § 210.3(b)(2).

$$\text{Months of service} = \frac{\text{Employee's creditable non-tier I compensation}}{\text{Maximum annual creditable non-tier I compensation} \div 12}$$

$$\text{(1) Months of service} = \frac{\$25,000}{\$29,700 \div 12} \text{ or } \frac{\$25,000}{\$2,475}$$

$$\text{(2) Months of service} = \frac{\$25,000}{\$2,475} \text{ or } \$25,000 \div \$2,475$$

(3) Months of service = 25,000 ÷ 2,475 or 10.10
(4) Round the result in line (3) to the next higher whole number. This is the employee's total months of service for the calendar year, 10.10 becomes..... 11

Employee B is credited with 11 months of service for 1985; nine reported months (January through September) and two deemed months (October and November).

6. Section 210.4, paragraph (a) is revised to read as follows:

§ 210.4 Year of service.

(a) A year of service is twelve months of reported or deemed service, consecutive or not consecutive. A fraction of a year of service is taken at its actual value.

* * * * *

7. Section 210.5, paragraph (f) is revised to read as follows:

§ 210.5 Creditability of service.

* * * * *

(f) *Service as employee representative.* Service performed as an employee representative is creditable in the same manner and to the same extent as service performed for an employer.

* * * * *

8. Section 210.6 is revised to read as follows:

§ 210.6 Service credited for acceptable military service.

Any calendar month in which an employee performed creditable military service, as defined in Part 212 of this chapter, shall be counted as a month of service and shall be included in the employee's years of service, as provided for in § 210.5, provided that the employee has not previously been credited with reported or deemed service for an employer for the same month(s).

PART 211—CREDITABLE RAILROAD COMPENSATION

9. The authority citation for Part 211 is revised to read as follows:

Authority: 45 U.S.C. 231f.

10. Section 211.2 is amended by revising paragraph (b)(9), by adding paragraphs (b)(11) and (b)(12), by removing paragraph (c)(2) and redesignating paragraphs (c)(3) through (c)(7) as (c)(2) through (c)(6), and by revising newly redesignated paragraph (c)(5) to read as follows:

§ 211.2 Definition of compensation.

* * * * *

(b) * * *

(9) Retroactive wage increases as provided for in section 211.11 of this part;

(10) * * *

(11) Payments paid to an employee or employee representative which are subject to tax under section 3201 or 3211 of the Internal Revenue Code of 1954 are creditable as compensation under the Railroad Retirement Act for purposes of computation of the tier I annuity under sections 3(a)(1), 4(a)(1) and 4(f)(11).

(12) Voluntary payments of any tax by an employer, without deducting such tax from the employee's salary.

(c) * * *

(5) Except as provided in § 211.2(b)(11), the amount of any payment (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment) made to, or on behalf of, an employee or any of the employee's dependents under a plan or system established by an employer which makes provisions for employees generally (or for employees generally and their dependents), or for a class or classes of employees (or for a class or classes of employees and their dependents), on account of sickness or accident disability, or medical, or hospitalization expenses in connection with sickness or accident disability; and

* * * * *

11. Section 211.4 is revised to read as follows:

§ 211.4 Vacation pay.

(a) *Employee deceased or retired.* When an employee dies or ceases work for the purpose of retiring, the vacation pay due the employee shall be reported as compensation for the last day of service or as compensation for a period immediately after the last day of service and during the employee's life, depending on whether the vacation pay is intended to make the employee's termination date affective on or after the

last day of service. Vacation pay shall not be reported for a period after the date of death or date of termination.

(b) *Employee terminated.* When an employee resigns his or her position or is discharged by the employer, any vacation pay due the employee shall be reported as compensation for the period prior to the effective date of the resignation or discharge. Vacation pay shall not be reported for a period after the date of termination.

(c) *Employee takes vacation.* When an employee takes a vacation, the vacation pay shall be reported as compensation for the period during which the vacation is taken regardless of when the payment is made.

(d) *Employee does not take vacation.* When an employee receives pay for vacation but does not take the vacation, the vacation pay shall be reported as compensation for the period covered by the employer's payroll which includes the vacation pay, except for payments made in December of the vacation year or thereafter. Vacation payments made in the month of December of the vacation year or thereafter shall be reported as compensation for December of the vacation year.

12. Section 211.5 is revised to read as follows:

§ 211.5 Employee representative compensation.

All payments made to an individual who occupies the position or office of employee representative are creditable as compensation, including compensation paid for services not connected with the representation of employees, provided that the payments do not exceed the annual maximum amount.

13. Section 211.6 is revised to read as follows:

§ 211.6 Compensation based on waiver or refund of organization dues.

A waiver or refund of organization dues which was based solely on consideration for membership in the organization is considered creditable compensation if there is proof that the wavier or refund was intended to be, and was accepted as, a dismissal of an obligation of the organization to compensate the employee for services rendered.

14. Section 211.7 is revised to read as follows:

§ 211.7 Compensation credited for creditable military service.

In determining the creditable compensation of an employee, the following amounts shall be credited for each month of military service, provided the employee's combined monthly railroad and military compensation does not exceed the maximum creditable amount:

(a) $160 for each calendar month before 1968;

(b) $260 for each calendar month after 1967 and before 1975;

(c) For years after 1974, the actual military earnings reported as wages under the Social Security Act.

15. Section 211.9 is revised to read as follows:

§ 211.9 Dismissal allowance.

Dismissal allowances paid to an employee under a protective labor agreement that covers the amounts paid for specific periods of time are creditable as compensation under the Railroad Retirement Act, provided the employee has not severed his or her employee-employer relationship. Subject to the proviso in the preceding sentence, dismissal allowances are to be reported as compensation in the month(s) for which the employee is paid the allowance.

16. Section 211.11 is revised to read as follows:

§ 211.11 Retroactive wage increase.

Employers may report retroactive wage increases as creditable compensation for the month in which the compensation is paid or for the period in which earned. If retroactive wage increases are reported as creditable to the month in which they are paid, the employee may, within the four year period defined in § 211.14(b), request that the retroactive wage increases be allocated to the month(s) in which earned. The employer will submit the necessary adjustment giving the employee the proper credits.

17. Section 211.12 is revised to read as follows:

§ 211.12 Compensation credited for Title VII benefits.

Payments made to an employee under Title VII of the Regional Rail Reorganization Act of 1973 are creditable as compensation only for the month in which the employee first filed an application for benefits under that Act. The compensation to be credited cannot exceed the monthly creditable amounts defined in § 211.13(a) of this part for compensation earned prior to 1985 or the annual creditable amount defined in § 211.13(b) of this part for compensation earned after 1984.

18. Section 211.13 is revised to read as follows:

§ 211.13 Maximum creditable compensation.

The amount of compensation that may be creditable under the Railroad Retirement Act with respect to an employee's service is subect to maximum earnings limitations. The maximum is determined using the annual taxable wage base as defined in section 3121 of the Internal Revenue Code of 1954. The maximum annual taxable wage base is defined in section 3121 of the Internal Revenue Code of 1954 as the amount of contribution and benefit base determined under section 230 of the Social Security Act. Section 230(c) of the Social Security Act provides, with respect to the computation of annuities under the Railroad Retirement Act, for two separate annual maximum amounts for years beginning with 1979. For purposes of computing the amount of an annuity under the Railroad Retirement Act, except the Tier I annuity component provided by section 3(a), 4(a) or 4(f) of the Railroad Retirement Act or in computing the social security guaranty amount under section 3(f)(3) of the Railroad Retirement Act, the annual maximum wage base is determined without regard to the increases in the annual amounts specified in clause (2) of subsection (c) of section 230. Those increases are, however, applicable in computing the Tier I component of an annuity or in computing the social security guaranty amount under section 3(f)(3) of the Railroad Retirement Act.

(a) *Compensation earned before January 1, 1985.*

(1) Compensation earned before January 1, 1985, is subject to monthly limits. The monthly maximum creditable for any month is one-twelfth of the maximum annual taxable wage base defined in section 3121 of the Internal Revenue Code of 1954 that could be applicable to the period which includes the month.

(2) The table below lists the maximum monthly creditable amounts beginning with 1937. The maximum monthly creditable amount for purposes of computing the Tier I annuity component and the social security guaranty amount is, for the years beginning with 1979, shown in parentheses.

Jan. 1937 through June 1954	$300
July 1954 through May 1959	350
June 1959 through Oct. 1963	400
Nov. 1964 through Dec. 1965	450
Jan. 1966 through Dec. 1967	550
Jan. 1968 through Dec. 1971	650
Jan. 1972 through Dec. 1972	750
Jan. 1973 through Dec. 1973	900
Jan. 1974 through Dec. 1974	1,100
Jan. 1975 through Dec. 1975	1,175
Jan. 1976 through Dec. 1976	1,275
Jan. 1977 through Dec. 1977	1,375
Jan. 1978 through Dec. 1978	1,475
Jan. 1979 through Dec. 1979	1,575 (1,908.33)
Jan. 1980 through Dec. 1980	1,700 (2,158.33)

Jan. 1981 through Dec. 1981..... 1,850 (2,475.00)
Jan. 1982 through Dec. 1982..... 2,025 (2,700.00)
Jan. 1983 through Dec. 1983..... 2,225 (2,975.00)
Jan. 1984 through Dec. 1984..... 2,350 (3,150.00)

(b) *Compensation earned after December 31, 1984.*

(i) Compensation earned January 1, 1985, and later is subject to annual limits. The annual maximum creditable for any year is the maximum annual taxable wage base defined in section 3231(e)(2)(b) of the Interal Revenue Code of 1954 that could be applicable to the year in question.

(2) The table below lists the maximum annual creditable amounts beginning with 1985. The maximum annual creditable amount for purposes of computing the Tier I annual component and the social security guaranty amount is shown in parentheses.

Jan. 1985 through Dec. 1985.... $29,700 ($39,600)
Jan. 1986 through Dec. 1986..... 31,500 (42,000)

19. Section 211.14, paragraph (a) is revised to read as follows:

§ 211.14 Verification of compensation claimed

* * * * *

(a) If the compensation claimed is in excess of the maximum creditable amounts defined in § 211.13 of this part, the Director of Compensation and Certification shall inform the employee that the compensation claimed is not creditable.

* * * * *

Dated: January 14, 1987.

By Authority of the Board.

Beatrice Ezerski,

For the Board, Secretary to the Board.

[FR Doc. 87-1493 Filed 1-22-87; 8:45 am]

BILLING CODE 7905-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 422

Availability of Information and Records to the Public Social Security Acquiescence Rulings

AGENCY: Social Security Administration, HHS.

ACTION: Proposed rule.

SUMMARY: These proposed regulations describe a new type of Social Security ruling (Social Security Acquiescence Ruling) which is available to the public. Social Security Acquiescence Rulings, which are published under the authority of the Commissioner of Social Security, explain the manner in which we will apply decisions of the United States Courts of Appeals, which conflict with Social Security Administration (SSA) policy, in adjudicating claims under title II and title XVI of the Social Security Act (the Act) and Part B of the Black Lung Benefits Act. The proposed regulations changes affect 20 CFR 422.408, 422.410, 422.430 and 422.432.

DATE: Your comments will be considered if we receive them no later than March 24, 1987.

ADDRESSES: Comments should be submitted in writing to the Commissioner of Social Security, Department of Health and Human Services, P.O. Box 1585, Baltimore, Maryland 21203, or delivered to the Office of Regulations, Social Security Administration, 3-B-4 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, between 8:00 a.m. and 4:30 p.m. on regular business days. Comments received may be inspected during these same hours by making arrangements with the contact person shown below.

FOR FURTHER INFORMATION CONTACT: Philip Berge, Legal Assistant, 3-B-4 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594-7452.

SUPPLEMENTARY INFORMATION:

Background and Proposed Regulations

These proposed regulations add a new type of ruling (Social Security Acquiescence Ruling) which is available to the public. These rulings are published under the authority of the Commissioner of Social Security and explain the manner in which we will apply decisions of the United States Courts of Appeals, which conflict with SSA policy, in adjudicating claims under title II and title XVI of the Act and Part B of the Black Lung Benefits Act.

We added this new type of ruling because of a change we made in our policy on applying decisions of the United States Courts of Appeals when adjudicating Social Security claims involving issues similar to those ruled on by the Courts of Appeals. Under present procedure, agency Rulings are binding on all components of the Social Security Administration. These "regular" Social Security Rulings continue to be binding on all components. The new Social Security Acquiescence Rulings reflect the agency's treatment of certain Courts of Appeals' decisions. A Social Security Acquiescence Ruling is issued when a circuit court decision is at variance with established SSA policy. It provides a description of the case and an explanation of how SSA will apply the decision within the circuit.

Social Security Acquiescence Rulings stating circuit court law apply within the appropriate circuit at all administrative levels of adjudication if—

(1)(a) No prompt relitigation of the policy at issue will be sought in the relevant circuit; *and*

(b) Application of the Ruling at all administrative levels would be workable (i.e., would not result in administrative inefficiency) and feasible *and* would not have an unacceptably adverse effect on Social Security programs or disadvantage individuals already on the Social Security benefit rolls; *or*

(2) A regulatory change to conform national policy to a circuit court ruling is being pursued and there is little doubt of its ultimate publication.

Social Security Acquiescence Rulings that do not meet at least one of the two criteria specified above are limited in application within the appropriate circuit to the administrative law judge hearing and the Appeals Council levels of adjudication. However, the Appeals Council is not bound by a Social Security Acquiescence Ruling in a case it is reviewing if it is determined that the case would be suitable for relitigation.

We periodically announce the issuance of Social Security Acquiescence Rulings available to the public by publishing in the **Federal Register** their titles, the issues considered and an explanation of how SSA will apply these decisions within the circuit.

Regulatory Procedures

Executive Order No. 12291—The Secretary has determined that this is not a major rule under Executive Order 12291. Therefore, a regulatory impact analysis is not required.

Paperwork Reduction Act—These proposed regulations impose no additional reporting/recordkeeping requirements requiring OMB clearance.

Regulatory Flexibility Act—These proposed regulations will not have a significant economic impact on a substantial number of small entities because these rules only affect individuals. Therefore, a regulatory flexibility analysis as provided in Pub. L. 96-354, the Regulatory Flexibility Act, is not required.

(Catalog of Federal Domestic Assistance Program Nos. 13.802 13.814, Social Security Programs)

List of Subjects in 20 CFR Part 422

Administrative Practice and Procedures, Freedom of Information, Organization and functions, (Government agencies) Social Security.

Dated: December 2, 1986.

Dorcas R. Hardy,

Commissioner of Social Security.

Approved: January 7, 1987.

Otis R. Bowen,

Secretary of Health and Human Services.

Part 422 of 20 CFR is proposed to be amended as follows:

1. The authority citation for Subpart E is revised to read as follows:

Authority: Secs. 205, 1102, 1631(d), 1865(a)(2), and 1871 of the Social Security act, as amended, and § 413(b) of the Black Lung Benefits Act; 53 Stat. 1368, as amended, 49 Stat. 647, as amended, 86 Stat. 1423, 79 Stat. 331; sec. 5, Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 405, 1302, 1395bb(a)(2), and 1395hh; 5 U.S.C. 552.

2. Section 422.408 is revised to read as follows:

§ 422.408 Statements of policy and interpretations not published in the "Federal Register."

Precedent final opinions and orders and statements of policy and interpretations that have been adopted by the Social Security Administration and that are not published in the **Federal Register** will be made available by publication in the regular Social Security Rulings and the Social Security Acquiescence Rulings (see §§ 422.410(d) and 422.410(l)). Both types of rulings are published under the authority of the Commissioner of Social Security. Regular Social Security Rulings are binding on all components of the Social Security Administration. Some Social Security Acquiescence Rulings are binding on all components. Other Social Security Acquiescence Rulings are binding only on certain components. A Social Security Acquiescence Ruling is issued when a circuit court decision is at variance with established Social Security Administration policy. It provides a description of the case and an explanation of how the Social Security Administration will apply the decision within the circuit.

(a) A Social Security Acquiescence Ruling will apply within the appropriate circuit at all administrative levels of adjudication if—

(1)(i) No prompt relitigation of the policy at issue will be sought in the relevant circuit; *and*

(ii) Application of the Ruling at all administrative levels would be workable (i.e., would not result in administrative inefficiency) and feasible *and* would not have an unacceptably adverse effect on Social Security programs or disadvantage individuals already on the Social Security benefits rolls; *or*

(2) A regulatory change to conform national policy to a circuit court ruling is being pursued and there is little doubt of its ultimate publication.

(b) A Social Security Acquiescence Ruling that does not meet at least one of the two criteria specified in paragraph (a) of this section is limited in application within the appropriate circuit to the administrative law judge hearing and the Appeals Council levels of adjudication. However, the Appeals Council will not be bound by a Social Security Acquiescence Ruling in a case it is reviewing if it is determined that the case would be suitable for relitigation.

3. Section 422.410 is amended by adding a new paragraph (l) to read as follows:

§ 422.410 Publications for sale.

* * * * *

(l) Social Security Acquiescence Rulings.

4. Section 422.430 is amended by adding a new paragraph (a)(6) to read as follows:

§ 422.430 Materials available at district offices and branch offices.

(a) * * *

(6) Social Security Acquiescence Rulings.

* * * * *

5. Section 422.432 is amended by adding a new paragraph (a)(7) to read as follows:

§ 422.432 Materials in field offices of the Office of Hearings and Appeals.

(a) * * *

(7) Social Security Acquiescence Rulings.

* * * * *

[FR Doc. 87-1365 Filed 1-22-87; 8:45 am]

BILLING CODE 4190-11-M

Food and Drug Administration

21 CFR Part 101

[Docket Nos. 76P-0296-PRC and 84N-0153]

Food Labeling; Definitions of Cholesterol Free, Low Cholesterol, and Reduced Cholesterol; Extension of Comment

AGENCY: Food and Drug Administration.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is extending for 60 days the period for submitting comments on the agency's proposal to amend the food labeling regulations to define, and to provide for the proper use of, the terms "cholesterol free," "low cholesterol," and "cholesterol reduced" in the labeling of foods; and to provide for use of other truthful and nonmisleading statements about cholesterol content on food labeling.

DATE: Written comments by March 27, 1987.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: David G. Hattan, Center for Food Safety and Applied Nutrition (HFF-204), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-3117.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 25, 1986 (51 FR 42584), FDA issued a proposed rule that would amend the food labeling regulations to define, and to provide for the proper use of, the terms "cholesterol free," "low cholesterol," and "cholesterol reduced" in the labeling of foods and provided until January 26, 1987, for interested persons to submit written comments to the agency on the proposal. The agency proposed this action to permit meaningful declarations about the cholesterol content of foods while preventing misleading claims about this food component. The proposed rule would also amend current regulations regarding label declaration of the cholesterol and fatty acid content of foods. The agency also proposed to set forth related agency policies.

FDA received five requests for extension of the comment period. The requests stated that publication of this proposal just before the Thanksgiving and Christmas holiday season made it difficult for affected industries to make a detailed review of the document. The requests asserted that additional time is needed to obtain input from organization members and to develop a comprehensive response to the proposal. FDA believes that the comments have presented good cause for extending the comment period and is giving interested persons until March 27, 1987, to submit comments regarding the proposed food labeling action.

Interested persons may on or before March 27, 1987, submit to the Dockets Management Branch (address above) written comments regarding the agency's proposal to amend the food labeling regulations to permit meaningful declarations about the cholesterol content of foods while preventing misleading claims about this food component. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket numbers found in brackets in the

heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: January 16, 1987.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 87-1500 Filed 1-20-87; 2:44 am]

BILLING CODE 4160-01-M

VETERANS ADMINISTRATION

38 CFR Part 3

Determination of Continued Eligibility

AGENCY: Veterans Administration.

ACTION: Proposed rule.

SUMMARY: The Veterans Administration (VA) is proposing to amend its regulations to include broader authority to require beneficiaries to certify, when requested, the continued existence of any or all eligibility factors which established entitlement to benefits being paid. This authority is needed to limit and/or prevent overpayments in cases where entitlement no longer exists. The amendment will provide additional authority for the VA to protect against waste, fraud and abuse in benefit programs without adversely affecting beneficiaries who are entitled to the payments they receive.

DATES: Comments must be received on or before February 23, 1987. It is proposed to make these amendments effective 30 days following the date of final publication.

ADDRESSES: Interested persons are invited to submit written comments, suggestions, or objections regarding these proposed amendments to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420. All written comments received will be available for public inspection only in room 132, Veterans Service Unit, at the above address only between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday (except holidays) until March 9, 1987.

FOR FURTHER INFORMATION CONTACT: Robert M. White, Chief, Regulations Staff, Compensation and Pension Service, Department of Veterans Benefits, (202) 233-3005.

SUPPLEMENTARY INFORMATION: In any case where benefits are being paid, §3.652 of Title 38, Code of Federal Regulations, provides regulatory authority for the VA to request, when necessary, current facts regarding the veteran's marital status, custody of children or dependency of parents. The VA proposes to amend that section to broaden the scope of authority to require certification of the continued existence of any eligibility factor by any VA beneficiary when such factor is directly related to the amount of benefits being paid. Investigations conducted by the VA Office of Inspector General disclosed that, in a number of cases, payment of benefits was not proper because beneficiaries had failed to notify the VA that the eligibility factor(s) which established the basis for the benefits being paid had ceased to exist.

While recipients of VA pension are required to certify their marital and dependency status annually, there is no similar control mechanism for other beneficiaries. The VA should have broad regulatory authority to require certification of the continued existence of any eligibility factor when a need for such certification is identified. We also propose to amend § 3.500(v) to cross-reference it to § 3.652.

The Administrator hereby certifies that these regulatory amendments will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. The reason for this certification is that these amendments would not directly affect any small entities. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), these amendments are exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. In accordance with Executive Order 12291, Federal Regulation, we have determined that these regulatory amendments are non-major for the following reasons:

(1) They will not have an annual effect on the economy of $100 million or more.

(2) They will not cause a major increase in costs or prices.

(3) They will not have significant adverse effects 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.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Handicapped, Health care, Pensions, Veterans.

(Catalog of Federal Domestic Assistance Program numbers are 64.104, 64.105, 64.109 and 64.110)

Approved: December 30, 1986.

Thomas K. Turnage,

Administrator.

PART 3—[AMENDED]

38 CFR Part 3, Adjudication is proposed to be amended as follows:

1. In § 3.500, paragraph (v) is revised to read as follows:

§ 3.500 General.

* * * * *

(v) *Failure to furnish evidence of continued eligibility.* See § 3.652(a) and (b).

2. Section 3.652 is revised to read as follows:

§ 3.652 Certification of continued eligibility.

Except as otherwise provided:

(a) Individual to whom benefits are being paid are required to certify, when requested, that any or all of the eligibility factors which established entitlement to the benefit being paid continue to exist. The beneficiary will be advised at the time of the request that the certification must be furnished within 60 days from the date of the request therefor and that failure to do so will result in the reduction or termination of benefits.

(1) If the certification is not received within 60 days from the date of the request, benefits based on the eligibility factor(s) for which certification was requested will be reduced or suspended, as appropriate, effective the date of last payment. The beneficiary will be advised to the action taken and provided an additional 30 days to submit the requested information.

(2) If the certification is not received within the additional 30 day period, the eligibility factor(s) for which certification was requested will be considered to have ceased to exist as of the end of the month in which it was last shown by the evidence of record to have existed. For purposes of this paragraph, the effective date of reduction or termination of benefits will be in accordance with §§ 3.500 through 3.504 as in effect on the date the eligibility factor(s) is considered to have ceased to exist.

(b) When the required certification is received, benefits will be adjusted, if necessary, in accordance with the facts found.

(38 U.S.C. 210(c)).

[FR Doc. 87-1444 Filed 1-22-87; 8:45 am]

BILLING CODE 8320-01-M

POSTAL SERVICE

39 CFR Part 111

Postage Deficiency; Mail Bearing Permit Imprints

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: This proposal would amend the Domestic Mail Manual to provide that, after a final agency determination of a postage deficiency on a permit imprint mailing, the Postal Service would apply subsequent postage payments first to cover the deficiency. Postage on subsequent mailings bearing permit imprints would not be considered prepaid in full, and these mailings would not be accepted as fully prepaid, until both the deficiency and the postage for the mailings have been paid in full.

DATE: Comments must be received on or before February 23, 1987.

ADDRESS: Writen comments should be mailed or delivered to the Director, Office of Classification and Rates Administration, U.S. Postal Service, 475 L'Enfant Plaza, West SW., Washington, DC 20260–5360. Copies of all written comments will be available for inspection and photocopying between 9 a.m. and 4 p.m. Monday through Friday, in Room 8430, at the above address.

FOR FURTHER INFORMATION CONTACT: Kenneth H. Young (202) 268–5321.

SUPPLEMENTARY INFORMATION: Postal regulations generally require that postage be fully prepaid at the time matter is mailed, in accordance with Domestic Mail Manual (DMM) 146.11. Proof of payment can be shown by affixing stamps or postage meter strips, by imprinting the appropriate postage meter indicia directly on the pieces, or by permit imprints. For matter bearing permit imprints, postage is required to be prepaid in full from an advance deposit account. For permit imprint mailings, the Postal Service calculates the amount of postage due from figures provided by the mailer on the appropriate mailing statement, PS Form 3602, *Statement of Mailing with Permit Imprints*, or PS Form 3605, *Statement of Mailing Bulk Zone Rates*, and deducts that amount from the advance deposit account.

Mailing statements submitted by mailers using permit imprints are subject to audit by the Postal Service. On the basis of an audit or other evidence which later comes to the Postal Service's attention, it may be determined that the amount of postage paid at the time of mailing was incorrect. If the mailer paid too much postage, the Postal Service refunds the excess amount. If the mailer paid too little postage, the Postal Service notifies the mailer of the deficiency and seeks to collect the amount due. A mailer is entitled to appeal any decision assessing a revenue deficiency to a higher administrative level in accordance with DMM 148.

Unfortunately, in a sufficient number of cases to cause concern, mailers have been refusing to pay a postage deficiency after the deficiency assessment has been appealed to a higher administrative level and the appeal is denied. In such cases, collection of funds owed to the Postal Service is unreasonably delayed and the Postal Service incurs additional Administrative expenses. In some instances, the Postal Service must resort to litigation to collect the amounts due.

The Postal Service published at 51 FR 19757 (June 2, 1986) a proposed rule that would have made failure to pay a postage deficiency assessed on a permit imprint mailing grounds for revoking the mailer's permit to mail without affixing postage. After considering the comments received, the Postal Service has concluded that a less drastic remedy than revoking permits is more appropriate and likely to be more effective. Under this revised proposed rule, when an assessed postage deficiency remains unpaid after 15 days, the Postal Service would apply subsequent postage payments first to cover the deficiency. Postage on subsequent mailings bearing imprints would not be considered to be prepaid in full, and these mailings would not be accepted as fully prepaid, until both the deficiency and the postage on these mailings have been paid in full.

Unlike the previous proposal to revoke permits, this revised proposal would not preclude mailers from mailing, but would require them to affix postage in the proper amount to each piece of mail. Nothing in this proposed change would affect the right of a mailer to appeal the assessment of a revenue deficiency, in accordance with DMM 148.2

Although exempt by 39 U.S.C. 410(a) from the requirements of the Administrative Procedure Act regarding proposed rulemaking, 5 U.S.C. 553 (b), (c), the Postal Service invites public comments on the following proposed revisions of Parts 145 and 148 of the DMM, which is incorporated by reference in the Code of Federal Regulations. See 39 CFR 111.1.

List of Subjects in 39 CFR Part 111

Postal Service.

PART 111—[AMENDED]

1. The authority citation of 39 CFR Part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 404, 407, 408, 3001–3011, 3201–3219, 3403–3406, 3621, 5001.

PART 145—PERMIT IMPRINTS

2. In Part 145, add new .67 to read as follows:

* * * * *

145.6 Mailings with Permit Imprints.

* * * * *

.67 Payment of Revenue Deficiencies. After a final agency decision has been made regarding a revenue deficiency (see 148.2), the mailer will be given a grace period of 15 days in which to pay the deficiency. If any deficiency remains unpaid at the end of 15 days, subsequent postage payments by or on behalf of the mailer will be applied to the deficiency until the deficiency is paid in full. Postage on subsequent mailings will not be considered to be prepaid in full, and permit imprint mailings by or on behalf of the mailer will not be accepted as fully prepaid, until the deficiency has been paid in full.

* * * * *

PART 148—REVENUE DEFICIENCY

3. In part 148, revise .2 to read as follows:

148.2 Appeal of Ruling.

A mailer may appeal any ruling assessing a revenue deficiency by filing within 15 days of receipt of the revenue deficiency ruling a written appeal to the General Manager of the Rates and Classification Center for the post office of mailing. If the deficiency was assessed initially by the General Manager, Rates and Classification Center, the mailer may appeal the revenue deficiency by filing within 15 days of the receipt of the revenue deficiency ruling a written appeal to the Director, Office of Classification and Rates Administration, Rates and Classification Department, USPS Headquarters, Washington, DC 20260–5360. The mailer may be required to furnish additional information or documents to support the appeal. Failure to furnish requested information or documents within 30 days of notification will be grounds for denying an appeal. A final agency decision will be made as soon as practicable after receipt of the appeal and any necessary supporting documents.

An appropriate amendment to 39 CFR 111 to reflect these changes will be published if the proposal is adopted.

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 87-1524 Filed 1-22-87; 8:45 am]

BILLING CODE 7710-12-M

39 CFR PART III
Postage Deficiency; Second-Class Mail

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: This proposal would amend the Domestic Mail Manual to provide that, after a final agency determination of a postage deficiency on a mailing of a second-class publication, the Postal Service would apply subsequent postage payments first to cover the deficiency. Postage on subsequent second-class mailings would not be considered to be prepaid in full, and these mailings would not be accepted as fully prepaid, until both the deficiency and the postage for the mailings have been paid in full.

DATE: Comments must be received on or before February 23, 1987.

ADDRESS: Written comments should be mailed or delivered to the Director, Office of Classification and Rates Administration, U.S. Postal Service, 475 L'Enfant Plaza, West SW., Washington, DC 20260-5360. Copies of all written comments will be available for inspection and photocopying between 9 a.m. and 4 p.m. Monday through Friday, in Room 8430, at the above address.

FOR FURTHER INFORMATION CONTACT: Kenneth H. Young, (202) 268-5321.

SUPPLEMENTARY INFORMATION: In accordance with Domestic Mail Manual (DMM), 481, postage must be fully prepaid before second-class mailings are dispatched. Payment must be made through an advance deposit account established at the post office of mailing. Second-class postage is computed from figures provided by the publisher on PS Form 3541-A, *Statement of Mailing Second-Class Publications*, or PS Form 3541-A, *Statement of Mailing Second-Class (Requester) Publications*. Typically, the Postal Service employee who accepts the mailing examines the mailing statement, and allows the mail to be dispatched if the mailing statement appears to be correct and the publisher has sufficient funds in an advance deposit account to pay the apparent cost of postage for the mailing.

Mailing statements submitted with second-class mailings are subject to later audit by the Postal Service. On the basis of an audit, or other information which later comes to the attention of the Postal Service, it may be determined that the postage paid on a particularly mailing or mailings was incorrect. If the postage paid on a mailing exceeded the amount due, the Postal Service will refund the excess amount, or credit it to the publisher's advance deposit account. If the postage paid on a mailing was insufficient, the Postal Service will assess a revenue deficiency and seek to collect the amount due.

Under the applicable DMM regulations, the publisher is given the opportunity to appeal an assessed revenue deficiency to higher levels of Postal Service management. In reviewing such an appeal, postal authorities examine the pertinent records to determine whether the postage paid on a disputed mailing was actually insufficient, and whether the correct amount of postage has been assessed. The publisher is considered to be liable for the correct amount of postage due on every mailing, and is not excused from paying deficiency which may have resulted, for example, from a postal employee's acceptance of a publisher's check supported by insufficient funds, failure to discover an incorrect entry on a mailing statement, miscalculation of the postage on a mailing, or erroneous advice to a publisher. Pursuant to DMM 111.3, in all cases, the burden rests with the publisher to demonstrate that the proper amount of postage has been paid. From time to time, disputes have arisen regarding the obligation of a publisher to maintain sufficient funds in an advance deposit account to cover not only the postage on current mailings, but any revenue deficiencies which have been determined to be due and payable after the exhausation of the publisher's appeal rights under DMM 148.

The Postal Service published at 51 FR 19758 (June 2, 1986) a proposal that would have made failure to pay a postage deficiency assessed against a second-class publication sufficient grounds to revoke the second-class mailing privileges of the publication. After considering the comments received, the Postal Service has concluded that a less drastic remedy than revoking second-class mail privileges is more appropriate and likely to be more effective. Under this revised proposed rule, when an assessed postage deficiency remains unpaid after 15 days, the Postal Service would apply subsequent postage payments first to cover the deficiency. Postage on subsequent second-class mailings would not be considered to be prepaid in full, and these mailings would not be accepted as fully prepaid, until both the deficiency and the postage on those mailings have been paid in full.

Accordingly, although exempted by 39 U.S.C. 410(a) from the notice and comment requirements of the Administrative Procedure Act, 5 U.S.C. 553(b), (c), regarding proposed rulemaking, the Postal Service invites public comment on the following proposed amendment to the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations. See, 39 CFR 111.1

List of Subjects in 39 CFR Part 111

Postal Service.

PART 111—[AMENDED]

1. The authority citation for 39 CFR Part 111 continues to read as follows:

Authority. 5 U.S.C. 101, 401, 404, 407, 408, 3001, 3201-3219, 3403-3406, 3621, 5001.

PART 148—REVENUE DEFICIENCY

2. In part 148, revise .2 to read as follows:

148.2 Appeal of Ruling.

A mailer may appeal any ruling assessing a revenue deficiency by filing within 15 days of recepit of the revenue deficiency ruling a written appeal to the General Manager of the Rates and Classification Center for the post office of mailing. If the deficiency was assessed initially by the General Manager, Rates and Classification Center, the mailer may appeal the revenue deficiency by filing within 15 days of the receipt of the revenue deficiency ruling a written appeal to the Director, Office of Classification and Rates Administration, Rates and Classification Department, USPS Headquarters, Washington, DC 20260-5360. The mailer may be required to furnish additional information or documents to support the appeal. Failure to furnish requested information or documents within 30 days of notification will be grounds for denying an appeal. A final agency decision will be made as soon as practicable after receipt of the appeal and any necessary support documents.

PART 480—PAYMENT OF POSTAGE

3. In Part 480, revise 481 to read as follows:

481 Payment in Advance and Revenue Deficiencies.

481.1 Payments in Advance of Dispatch. Postage must be fully prepaid before second-class mailings are dispatched. Payment must be made through an advance-deposit account

established at the post office of mailing. The post office will issue receipts for advance-deposit account payments. The third- or fourth-class rate may be paid only by adhesive or meter stamps or by permit imprints. (See 411.4.)

481.2 Payment of Revenue Deficiencies. After a final agency decision has been made regarding a revenue deficiency (see 148.2), the publisher of the publication will be given a grace period of 15 days in which to pay the deficiency. If any deficiency remains unpaid at the end of 15 days, subsequent postage payments for mailings of the publication will be applied to the deficiency until the deficiency is paid in full. Postage on subsequent mailings of the publication will not be considered to be prepaid in full, and subsequent mailings of the publication will not be accepted as fully prepaid, until the deficiency has been paid in full.

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposal is adopted.

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 87-1523 Filed 1-22-87; 8:45 am]

BILLING CODE 7710-12-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[CC Docket No. 86-421]

Streamlining of Tariff Regulation for Certain Basic Services Provided by Domninant Carriers.

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission requests comment on a proposed approach to reduce federal tariff regulation of specific basic services provided by dominant carriers, including packet services and contract services provided after a competitive bidding process, because of the perceived competitive nature of such services.

DATES: Comments are due on or before February 12, 1987 and reply comments are due on or before March 5, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: William Maher, Policy and Program Planning Division, Common Carrier Bureau, (202) 632-4047, or Raymond Dujack, (202) 632-9342.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking, CC Docket No. 86-421, adopted December 17, 1986, and released January 9, 1987.

The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The full text of this decision also may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Summary of Notice of Proposed Rulemaking

1. On January 9, 1987, the Federal Communications Commission (the Commission or the FCC) released a Notice of Proposed Rulemaking proposing to reduce regulation of certain basic telecommunications services subject to Title II of the Communications Act because of the perceived competitive nature of such services.

2. The FCC proposed to streamline tariff regulation of (a) data transmission services supported by packet-switched networks (packet services), and 9b) telecommunications services and systems provided under contracts awarded in a competitive bidding process (contract services).

3. Basic services are common carrier offerings of transmission capacity for the movement of information. The rates and facilities for basic services are regulated under Title II. In the *Competitive Carrier* proceeding, the Commission reduced unnecessary regulation for nondominant common carriers, while maintaining full Title II regulation for basic services provided by dominant carriers.

4. As an extension of *Competitive Carrier*, which reduced regulation on a carrier-by-carrier basisk, this proceeding purposes a general framework for reducing regulation on a service specific basis for packet and contract services. Since the *Competitive Carrier* proceeding, several developments have caused the FCC to look at a complementary approach to deregulation. Because of the procompetitive, deregulatory decisions in several Commission policy proceedings, numerous new unregulated companies are competing successfully with dominant carriers in providing certain services. For some services, competition is intense enough that dominant carriers have little or no market power. Therefore, the Commission tentatively concluded that continuing full Title II regulation of all services provided by domihant carriers might be unwarranted and possibly overly intrusive, which would hinder the efficient, low-cost offering of certain services.

5. Accordingly, the FCC is seeking comments on whether the *Competitive Carrier*-type criteria for considering the market power of particular suppliers should be applied to specific telecommunmications services. The Commission also requested comments on whether the requirements for streamlined tariff regulation developed in the *Competitive Carrier* proceeding could be applied to decrease regulation of specific basic services offered by otherwise dominant carriers. The Commission also tentatively concluded that cost allocation requirements would be necessary to apportion costs between streamlined and non-streamlined basic activities, and it requested comment on the applicability of other nonstructural safeguards.

6. Regarding packet services, the Commission pointed out that such services are currently offered by the enhanced service industry, the BOCs, and AT&T on a highly competitive basis. Because of this competitive marketplace and the apparent lack of market power of any party, including any dominant carrier, the Commission tentatively concluded that tariff regulation of dominant carrier offerings of packet services should be streamlined. It asked whether nonstructural should be imposed on dominant carriers to control potential cost-shifting and discrimination.

7. Regarding contract services, the Commission noted that the competitive bidding process demonstrates customer perception that competition for contract services provides lower rates, higher quality services, and better overall service. Moreover, the bidding process prevent monopoly pricing and encourates competitors of dominant carriers to compete for contract services. Therefore, the FCC tentatively concluded that because there is a strong competitive submarket for contract services, tariff regulation for such services provided by dominant carriers should be streamlined.

8. The Commission proposed terminating the Long-Run Regulation Inquiry, CC Docket 83-1147. That proceeding had requested comment on general deregulatory options, but was limited to AT&T. This current proceeding addresses reducing regulation for all the dominant carriers, including AT&T. The Commission also proposed terminating the Special Construction proceeding, CC Docket No. 84-369, and including relevant por'ions

of that proceeding's record in this docket.

9. The Commission certified that the dominant carriers affected by this proceeding are not small entities within the meaning of the Regulatory Flexibility Act. The Commission analyzed the proposals in this proceeding with respect to the Paperwork Reduction Act of 1980 and found that the proposals, if adopted, should not result in the imposition of new or modified information collection requirements on the public.

10. The Commission also advised the public that *ex parte* contacts are permitted from the time the Commission adopts the Notice until a Public Notice is issued stating that a substantive disposition of the matter will be considered at a forthcoming meeting or until a final order disposing of the matter is adopted, whichever is earlier.

Ordering Clauses

11. Accordingly, it is ordered, pursuant to sections 1, 4(i), 4(j), 201–205, 218, 220, 303(g), (r), 403 and 404 of the Communication Act of 1934, 47 USC 151, 154(i), 154(j), 201–205, 218, 220, 303(g), (r), 403 and 404, and Section 553 of the Administrative Procedure Act, That notice is hereby given of proposed changes to our rules, regulations and policies in accordance with the proposals, discussion and statement of issues in this Notice of Proposed Rulemaking. We hereby give notice that in reaching our decision herein, we will not necessarily be limited to comments, reply comments and reponses that may be filed, and that we may use other information, analyses and reports, provided that in each case a copy of the material relied upon will be associated with the record of this proceeding.

12. It is further ordered, That comments, responses and replies shall be filed pursuant to our rules for informal rulemaking, Sections §§ 1.48, 1.49, and 1.410 of the Commission's Rules and Regulations, 47 CFR 1.48, 1.49, and 1.419.

List of subjects in 47 CFR Part 1

Administrative practice and procedure, Communications common carriers, Specialized service, Tariff regulation.

William J. Tricarico,

Secretary.

[FR Doc. 87–1520 Filed 1–22–87; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 67

[CC Docket 78–72 and 80–286; FCC 86–534]

Common Carrier Services; Special Access

AGENCY: Federal Communications Commission.

ACTION: Order inviting comments.

SUMMARY: The Federal Communications Commission initiates an examination by the Federal-State Joint Board of the proper separations treatment of special access lines that carry significant amounts of interstate and intrastate traffic. This action is taken in order to address a possible anomaly in the separations rules.

DATES: Comments are due by February 20, 1987 and replies by March 20, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Sandra Eskin, Policy and Program Planning Division, Common Carrier Bureau, (202) 632–9342.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order Inviting Comments in CC Docket 78–72 and 80–286, adopted December 4, 1986, and released December 24, 1986. The full text of Commission decisions are available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Summary of Order Inviting Comments

1. In a companion Memorandum Opinion and Order, the Commission denied petitions for clarification and/or reconsideration of the *WATS Direct Assignment Order*, CC Dockets 78–72 and 80–286, (51 FR 7942; March 7, 1986). While the Commission found no arguments or information to warrant reconsideration of the decision to directly assign WATS access line costs, the petitions and pleadings in the reconsideration proceeding focused attention on the fact that a literal interpretation of the current separations rules could lead to the conclusion that there is no rule for "mixed-use" special access lines. While the costs of all special access lines are directly assigned, neither the Commission nor the Docket 80–286 Joint Board has considered the existence of significant amounts of mixed traffic on special access lines and the impact of this traffic on the separations treatment of these lines. The Commission therefore establishes a pleading cycle for Joint Board consideration of proposals and comments on various options for the separations treatment of these mixed-use special access lines.

2. The Commission recognizes that jurisdictional purity is sufficient, but not necessary, for direct assignment. The direct assignment of the costs of many or all special access lines that carry mixed traffic may still be justified. Direct assignment might, for example, be applied only to those mixed-use lines on which it is impossible or impracticable to detect the nature of the traffic and therefore to allocate the costs between the jurisdictions based in some way on relative jurisdictional use. However, direct assignment may not be appropriate for special access lines on which traffic is jurisdictionally separable and measurable, such as those mixed-use lines that terminate on a LEC switch. The FCC seeks specific suggestions on alternative allocation factors that could be used for these measurable, mixed-use lines, including those based on measurement—actual or estimated—leading to an allocation based on relative or predominant jurisdictional use. Alternatively, a jurisdictional cost allocation on the basis of some alternative allocation mechanism, such as a fixed allocation factor analogous to the 25% factor being phased in for the allocation of NTS costs of ordinary subscriber lines, may be appropriate for all mixed-use special access lines. As yet another alternative, special access lines carrying mixed traffic could be treated the same as jurisdictionally pure special access lines by directly assigning their costs. The FCC invites comments on the associated costs and implementation problems of any proposals.

3. Members of the public are advised that for purposes of *ex parte* contacts this proceeding is a non-restricted, informal inquiry and rulemaking proceeding. *See generally* § 1.1231 of the Commission's Rules. 47 CFR 1.1231 (1985). Proceedings before the Joint Board will be governed by these *ex parte* rules as modified by the procedures adopted by the Joint Board in February 1982, CC Docket 80–286, FCC 82–106 (released March 5, 1982). The procedures for service of filings previously announced by the Joint Board when it established a closed service list in CC Docket No. 80–286 will continue to apply. The parties shown on the service list are required to serve all other parties on the list with copies of their filings. Other parties are welcome to

participate in this proceeding but they are not required to serve their filings on other parties and in turn will not receive copies of the other filings. United States Express Mail or express courier service is to be used for service on the Joint Board member and staff member in Alaska.

4. The proposal contained therein has been analyzed with respect to the Paperwork Reduction Act of 1980 and found to contain no new or modified form, information collection and/or record keeping, labeling, disclosure, or record retention requirements; and will not increase or decrease burden hours imposed on the public.

5. The Commission has found that a regulatory flexibility analysis is not required for the adoption of jurisdictional separations procedures. Amendment of Part 67, CC Docket No. 80-286, 49 FR 7934, para. 76 (1984).

Ordering Clauses

6. It is further ordered, That comments regarding the proper separations treatment of mixed-use special access lines are to be filed with the Secretary, Federal Communications Commission no later than February 20, 1987. Replies are to be filed no later than March 20, 1987. All comments and reply comments are to be served on the Docket 80-286 Joint Board members and staff listed in Attachment A.

7. It is further ordered, That the Docket 80-286 Federal-State Joint Board is to review the comments and prepare recommendations to this Commission.

William J. Tricarico,

Secretary, Federal Communications Commission.

Attachment A

Joint Board Members

Chairman Mark S. Fowler, Federal Communications Commission, 1919 M Street NW., Room 814, Washington, DC 20554

Commissioner Mimi Weyforth Dawson, Federal Communications Commission, 1919 M Street NW., Room 826, Washington, DC 20554

Commissioner James H. Quello, Federal Communications Commission, 1919 M Street NW., Room 802, Washington, DC 20554

Commissioner Edward B. Hipp, North Carolina Utilities Commission, Box 29510, Raleigh, North Carolina 27626-0510

Chairman Edward F. Burke, Rhode Island Public Utilities Commission, 100 Orange Street, Providence, Rhode Island 02903

Commissioner George H. Barbour, New Jersey Board of Public Utilities, 1100 Raymond Boulevard, Newark, New Jersey 07102

Chairman Marvin R. Weatherly, Alaska Public Utilities Commission, 420 L Street, Suite 100, Anchorage, Alaska 99501 (Use Express Mail or Courier Service)

Federal-State Joint Board Staff

Ronald Choura, Chairman, Federal-State Joint Board Staff, Michigan Public Service Commission, 6545 Mercantile Way, Lansing, Michigan 48910

Lorraine Plaga, Alaska Public Utilities Commission, 420 L Street, Suite 100, Anchorage, Alaska 99501 (Use Express Mail or Courier Service)

Elton Calder, Georgia Public Service Commssion, 244 Washington Street SW, Atlanta, Georgia 30334

Timothy J. Devlin, Deputy Director, Auditing and Financial Analysis Department, Florida Public Service Commision, 101 East Gaines Street, Tallahassess, Florida 32301

Hugh L. Gerringer, Public Staff—NCUC, Communications Division, Box 29510, Raleigh, North Carolina 27626-0510

Jim Lanni, Rhode Island Public Utilities Commission, 100 Orange Street, Providence, Rhode Island 02903

Guy E. Twombly, Maine Public Utilities Commission, 242 State Street, Augusta, Maine 04333

Paul Popenoe, Jr., California Public Utilities, 350 McAllister Street, San Francisco, California 94102

Gary A. Evenson, Director, Communications Bureau, Utility Rates Division, Public Service Commission, Post Office Box 7854, Madison, Wisconsin 53707

Cary Hinton, Department of Business Regulation, Utah Division of Public Utilities, Heber M. Wells Building, Post Office Box 45802, Salt Lake City, Utah 84145

Rowland Curray, Texas Public Utility Commission, 7800 Shoal Creek Blvd., Austin, Texas 78757

Fred Sistarenik, New York Public Service Commission 3 Empire State Plaza, Albany, New York 12223

Charles Gary, Director, Congressional and Public Relations, National Association of Regulatory Utility Commissioners, 1102 ICC Building, Post Office Box 684, Washington, D.C. 20044

Cynthia Work (4 copies), Deputy Chief, Policy and Program Planning Division, Common Carrier Bureau, Federal Communmications Commission, 1919 M Street NW., Room 544, Washington, DC 20554.

[FR Doc. 87-1517 Filed 1-22-87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 86-471, RM-5580]

Radio Broadcasting Services; Douglas, AZ

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by KDAP, Inc. to allot Channel 243A to Douglas, Arizona, as that community's second local FM service.

DATES: Comments must be filed on or before February 19, 1987, and reply comments on or before March 6, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's consultant, as follows: Vir James, P.C., Attention: Timothy Cutforth, P.E., 3137 W. Kentucky Ave., Denver, CO 80219.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 86-471 adopted November 28, 1986, and released December 31, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-1424 Filed 1-22-87; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 86-470, RM-5440]

Radio Broadcasting Services; Lake Lorraine, FL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The document requests comments on a petition filed by Michael J. Pollock, on a proposal to allot Channel 227A to Lake Lorraine, Florida, as a first FM service.

DATES: Comments must be filed on or before February 19, 1987, and reply comments on or before March 6, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Lewis I. Cohen, Cohen and Berfield, P.C., 1129 20th Street, NW., Washington, DC 20036 (Counsel to Petitioner).

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, (202) 634-6530, Mass Media Bureau.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 86-470 adopted November 20, 1986, and released December 31, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contracts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contract.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-1426 Filed 1-22-87; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 86-477, RM-5540]

Radio Broadcasting Services; Marathon, FL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed by Breeze 94, Inc. which seeks to substitute Channel 234C2 for Channel 232A at Marathon, Florida, and to modify the license for Station WMUM(FM) to specify the Class C2 channel.

DATES: Comments must be filed on or before February 20, 1987, and reply comments on or before March 9, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: John M. Spencer, Leibowitz and Spencer—Suite 7500, 2000 Pennsylvania Ave. NW., Washington, DC 20006 (Attorney for Petitioner).

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, (202) 634-6530, Mass Media Bureau.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 86-477 adopted December 4, 1986, and released December 31, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-1425 Filed 1-22-87; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 86-469; RM-5485]

Radio Broadcasting Services; Hilton Head, SC

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes to substitute Channel 291C2 for Channel 288A and substitute Channel 300A for Channel 292A at Hilton Head Island, South Carolina, at the request of Jesse N. Williams, Jr. The Commission also proposes to modify the permit of Williams for Channel 288A to specify the higher powered channel. The allocation of Channel 291C2 requires a site restriction of 28.8 kilometers (17.9 miles) north which can be reduced to 4.1 kilometers (2.6 miles) east if Station WIXV, Channel 238 at Savannah, Georgia, is licensed, at the site specified in its construction permit. Station WHHR is licensed to operate on Channel 292A and Channel 300A can be used at its present transmitter site contingent upon grant of a license to Station WKOB, Channel 298 at St. George, S.C., specifying Class C facilities for which a construction permit is outstanding. Pursuant to the Commission's rules, modification of the permit of Jesse N. Williams, Jr., May be implemented without demonstrating the availability of an additional equivalent channel for use by other interested parties.

DATES: Comments must be filed on or before February 19, 1987, and reply comments on or before March 6, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In

addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Jerrold Miller, Miller & Fields P.C., P.O. Bx 33003, Washington, DC 20033 (counsel to petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making and Order to Show Cause, MM Docket No. 86–469, adopted November 20, 1986, and released December 31, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased for the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Ralph A. Haller,

Acting Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87–1423 Filed 1–22–87; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 87–3; FCC 87–21]

Adjustment of Pre-sunrise Operations by Daytime-only AM Radio Broadcast Stations

AGENCY: Federal Communications Commission (FCC).

ACTION: Proposed rule.

SUMMARY: The FCC invites comments on its proposal to permit daytime AM stations that can do so without violating international agreements, to operate presunrise, between the first Sunday and the last day of April with a minimum of 50 watts power, or such higher power as they are permitted to use under Presunrise Service Authorizations (PSRA's) to operate pre-sunrise. This proposed rule change will carry out the mandate of Congress to amend the FCC rules so as to help alleviate the effects of the earlier annual start of daylight saving time. It will offset, insofar as possible, resultant diminution of broadcasting by daytime-only stations during morning "drive time" on which they rely for a large part of their total revenues.

DATES: Comments may be filed by February 23, 1987 and Reply Comments by March 2, 1987.

ADDRESS: Federal Communications Commission 1919 M Street, NW, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Louis C. Stephens, Mass Media Bureau, (202) 254–3394.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Proposed Rule-Making* in MM Docket No. 87–3, FCC 87–21, adopted January 6, 1987 and Released January 16, 1987.

The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch, Room (Room 230) 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

Summary of Notice of Proposed Rule Making

1. In a *Notice of Proposed Rule Making* adopted January 6, 1987, the FCC invited comments on its proposal to change the rules affecting pre-sunrise operations of daytime-only radio broadcast stations. The change is intended to relieve them, insofar as possible, of burdens caused by recent legislation moving the start of daylight saving time up from the fourth Sunday in April to the first Sunday in April.

2. At the start of daylight saving time, the hour of local sunrise, when AM stations can begin to use their regularly licensed daytime facilities, occurs an hour later than previously. AM stations rely heavily on revenues obtained during morning "drive time." The loss of an hour of broadcasting with daytime facilities is thus disadvantageous to AM broadcasters. This is particularly burdensome to those daytime-only stations that lack pre-sunrise service authorizations (PSRA's); and it is especially significant during April, when the sun rises later than during the following Spring and Summer months.

3. Congress recognized this, and, in the statute advancing the start of daylight saving time to the first Sunday in April, directed the FCC to make suitable adjustments in the rules governing the operation of daytime-only AM stations. Acting in response to this mandate, the Commission proposes to amend 47 CFR 73.99 so that, between the first Sunday and the last day of April, whenever AM daytime-only stations can do so without violating international agreements, they may operate pre-sunrise between 6 a.m. local time and local sunrise, using a minimum of 50 watts power or such higher power as their PSRA's permit.

4. This is a non-restricted notice-and-comment rulemaking proceeding. *See* § 1.1231 of the Commission's rules, 47 CFR 1.1231, for rules governing permissible *ex parte* contacts.

5. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 603, the only effect that this rule will have on small entities is that small daytime-only stations that may do so without violating international agreements will be able to operate pre-sunrise during the prescribed part of April, and thereby obtain relief from the burdens caused by the earlier start of daylight saving time.

6. The proposal contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980 and found to contain no new or modified form information collection and/or record-keeping, labeling, disclosure, or record retention requirements; and will not increase or decrease burden hours on the public.

7. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding.

List of Subjects in 47 CFR Part 73

Broadcast radio service.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87–1521 Filed 1–22–87; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

[Docket No. MMPAH 1986–1]

Regulations Governing the Taking and Importing of Marine Mammals

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of amendment to proposed rule.

SUMMARY: On July 21, 1986, the NMFS received an application from the Federation of Japan Salmon Fisheries Cooperative Association (the Federation) for a general permit under the Marine Mammal Protection Act (MMPA) to take Dall's porpoise and other marine mammals incidental to commercial fishing operations. A notice of proposed rulemaking under which

such a permit would be issued and a notice of a formal hearing to consider the scientific aspects of the permit request were published in the **Federal Register** on August 20, 1986. This notice amends the earlier proposed rule to allow the incidental taking of up to 450 northern fur seals from the Commander Island stock. Additionally, modifications are made to the list of persons who may reasonably be expected to be involved in the decisionmaking process and who are prohibited from making or receiving ex parte communications regarding this matter.

DATE: Comments or requests for a rulemaking hearing will be accepted until February 9, 1987.

ADDRESS: Assistant Administrator for Fisheries, NMFS, Washington, DC 20235. Attn: F/M4.

FOR FURTHER INFORMATION CONTACT: Michael Gosliner, 202–673–5206 or Kenneth Hollingshead, 202–673–5351.

SUPPLEMENTARY INFORMATION:

Background

On July 21, 1986, the Federation of Japan Salmon Fisheries Cooperative Association applied for an incidental take permit under the MMPA for the salmon draft gillnet fishery. The Federation requested a five year permit to take incidental to its fishing operations up to 5,500 Dall's porpoise, 450 northern fur seals, and 25 northern sea lions annually. The NMFS issued a notice on August 20, 1986, informing the public of the receipt of the application, proposing a rule to authorize the incidental taking of Dall's porpoise, and announcing the scheduling of a formal rulemaking hearing on the matter (see 51 FR 29674). In that notice, the NMFS proposed to issue regulations authorizing the incidental taking of Dall's porpoise and provided for that species the statements required by section 103(d) of the MMPA, 16 U.S.C. 1373(d). It was determined that there was no need to authorize the taking of northern sea lions since the probability of incidentally taking that species is remote.

Although the requirement of subsection 103(d)(1), that a statement of the existing levels of the marine mammals concerned be provided, was satisfied for northern fur seals in the August 20 notice, the requirements of subsections 103(d) (2)–(4) were not met. At the time, the NMFS believed that the permit applicant was requesting authorization to take fur seals from the Pribilof Island stock. Because the Pribilof stock is thought to be depleted, no permit to incidentally take fur seals from that population may be issued to the Federation. In the course of the rulemaking on this matter, it was learned that the Federation was seeking a permit to take northern fur seals from the Commander Island stock, not the Pribilof Island stock. Therefore, the NMFS is publishing this supplemental notice and amended proposed rule for the Commander Island stock of fur seals.

A formal rulemaking hearing on the permit request and proposed rule was held in Seattle, Washington, on December 1–7, 1986. At that hearing, and in subsequent written arguments to the Administrative Law Judge, the question of allowing a take of Commander Island fur seals was fully considered. Nevertheless, to be in technical compliance with the requirements of section 103(d) of the MMPA, the NMFS is publishing this notice to provide the necessary statements for the Commander Island stock of fur seals and to solicit public input on this amendment to the proposed rule. Section 103(d) requires that this rule "be made on the record after opportunity for an agency hearing. . . ." Because of the limited scope of this amendment to the proposed rule and the necessity to conclude this rulemaking and permit process by June, all comments or requests for a hearing must be submitted to the NMFS within 15 days of the publication of this notice.

Proposed Regulation

In the August 20, 1986, notice the NMFS proposed to repromulgate the regulatory language of 50 CFR 216.24(d)(5)(vii), limiting the annual kill or serious injury of Dall's porpoise to 5,500. This proposal is amended by the addition of the following regulatory language to be inserted after the first sentence of the proposed rule:

> The number of northern fur seals (*Callorhinus ursinus*) from the Commander Island stock killed or seriously injured by Japanese vessels shall he limited to 450 animals per year.

Required Statements

Section 103(d) of the MMPA requires that, before or concurrent with the publication of a proposed rule to waive the moratorium on the taking of marine mammals, there be published the following information:

(1) A statement of the estimated existing levels of the species and population stocks of the marine mammals concerned;

(2) A statement of the expected impact of the proposed regulations on the optimum sustainable population (OSP) of such species or population stock;

(3) A statement describing the evidence before the agency upon which it proposes to base such regulations; and

(4) Any studies made by or for the Secretary of Commerce or any recommendations made by or for the Secretary or the Marine Mammal Commission which relate to the establishment of such regulations.

The following statements satisfy these requirements for the Commander Island stock of fur seals.

(1) Estimated Existing Population Levels

The most recent population estimate for the Commander Island stock of fur seals comes from V.A. Vladimirov (1984), setting a range of its size at between 200,000 and 220,000 with some fluctuations from year to year. Employing an estimate of 210,000 for this population is consistent with the NOAA Environmental Impact Statement on the Interim Convention on Conservation of North Pacific Fur Seals and was the population estimate published in the August 20, 1986 **Federal Register** notice.

(2) Expected Impact on OSP

The NMFS believes that the Commander Island stock of fur seals is currently at or above its maximum net productivity level (MNPL), the lower bound of OSP. Because the historic population estimates are unreliable and because it is uncertain whether the carrying capacity of the habitat around the Commander Islands has declined since the 1800s, the NMFS has chosen not to base its status determination on a comparison of the present population. Rather, the NMFS relies on two alternative methods which indicate that the fur seal population is within its OSP.

The MNPL may be directly determined by comparing the number of harvestable males produced by a population with the number of pups born within the population at the corresponding time. This comparision is illustrated graphically in Figure 1. The peak of the curve is, by definition, the maximum sustainable yield of sub-adult males and indicates that the MNPL is achieved when 50,000–55,000 pups are produced annually. Pup production at the MNPL was reached in the early 1960s and has remained above this level since that time (See Figure 2). Since the pup production is greater than that attained at the MNPL, the stock is assumed to be within its OSP range.

Trends in the numbers of pups being produced also indicate that the Commander Island stock is at its OSP. As shown by Figure 2, the birth rate of fur seals on the Commander Islands increased during the 1960s and since

that time has shown a tendency towards levelling off. Such a trend can be interpreted as reflecting a stock which is nearing its equilibrium population.

Approximately 45 northern fur seals are taken annually by the Japanese salmon fishery in the U.S. Exclusive Economic Zone (EEZ). The majority of the fur seals taken in this fishery are released alive and many are only momentarily entangled in the nets during the retrieval process. As a high estimate, about 25 northern fur seals a year are killed or seriously injured by the Japanese salmon fishery in the U.S. EEZ. Taking at this level is not expected to have a negative impact on the Commander Island fur seal stock.

(3) Evidence Before the Agency

The following papers and testimony form the basis upon which this regulation is proposed:

Fowler, C. 1986. Written and oral testimony presented at the Public Hearing on the Take of Marine Mammals Incidental to Commercial Salmon Fishing Operations. MMPAH 1986–01. December, 1986. Seattle, Washington. (NOAA Exhibit 13 and Hearing Transcript pp. 964–1027.)

Jones, L.L., J.M. Briewick, G.C. Bouchet & B.J. Turnock. 1986. Report on the Incidental Take, Biology and Status of Dall's Porpoise. National Marine Mammal Laboratory, National Marine Fisheries Service. Seattle, Washington.

Lander, R.H. and H. Kajimura. 1982. Status of Northern Fur Seals. IN: Food and Agriculture Organization. Mammals in the Seas. Vol. IV. Small Cetaceans, Seals, Sirenians and Otters. pp. 319–346.

NOAA. 1985. Environmental Impact Statement on the Interim. Convention on Conservation of North Pacific Fur Seals.

North Pacific Fur Seal Commission. 1984. Report on Investigations, 1977–1980. Washington, DC 198pp.

Ohsumi, Seiji. 1986. Incidental Take of Northern Fur Seals and Northern Sea Lions. Statement of Seiji Oshumi and oral testimony at the Public Hearings before the National Marine Fisheries Service on the Take of Marine Mammals Incidental to Commercial Salmon Fishing Operations. MMPAH 1986–01. October 1986. (Federation Exhibit 18 and Hearing Transcript pp. 574–651.)

Vladimirov, V.A. 1984. Modern Conditions of the Fur Seal Population of the Commander Islands and the Main Principles for Regulating Sealing up to 1990. Proceedings of the XXVII Meeting of the Standing Scientific Sub-Commitee of the North Pacific Fur Seal Commission.

(4) Studies and Recommendations

Other than the review of papers and the preparation of testimony regarding the Commander Island fur seals, no specific studies have been made on behalf of the Secretary on this issue. The NMFS believes that the Commander Island stock of fur seals is at its OSP and will not be disadvantaged by the expected level of taking and, therefore, recommends that the proposed rule, as amended, be adopted. The Marine Mammal Commission believes that there is insufficient evidence available to make an OSP determination for this stock of fur seals and has recommended that this amendment to the proposed rule not be promulgated at this time.

Ex Parte Communication

The August 20, 1986, **Federal Register** notice listed those persons who may reasonably be expected to be involved in the decisionmaking process of this rulemaking and who are prohibited from engaging in ex parte communications regarding this matter. The following persons should be added to that list:

William E. Evans, Assistant Administrator for Fisheries, NMFS
Nancy Foster, Director, Office of Protected Species and Habitat Conservation, NMFS
Stephanie Campbell, Special Assistant to the General Counsel, NOAA.

Classification

The NMFS has determined that the proposed action is a major Federal Action under the National Environmental Policy Act of 1969 due to the overall public interest associated with the Japanese salmon fishery and its interaction with Dall's porpoise and other marine organisms. A Draft Environmental Impact Statement has been prepared and distributed for public comment.

This notice is part of a rulemaking action being developed on the record under the Administrative Procedure Act (5 U.S.C. 556–557) and, as such, is exempt from Executive Order 12291.

The proposed rule published previously (51 FR 29674, August 20, 1986) mentions collection of information requirements subject to the Paperwork Reduction Act. The collection of information for general permits, certificates of inclusion and reporting takes has been approved by the Office of Management and Budget under Control Nos. 0648–0083 and –0099.

A determination as to whether or not the proposed action will have a significant effect on a substantial number of small entities will be made in conjunction with publication of the final action in this proceeding.

The Assistant Administrator has determined that the proposed action does not directly affect the coastal zone of a State with an approved coastal zone management act program.

List of Subjects in 50 CFR Part 216

Administrative practice and procedure, Imports, Marine mammals, Penalties, Reporting and recordkeeping requirements, Transportation.

Dated: January 16, 1987.

James E. Douglas, Jr.,

Acting Deputy Assistant Administrator for Fisheries.

BILLING CODE 3510-22-M

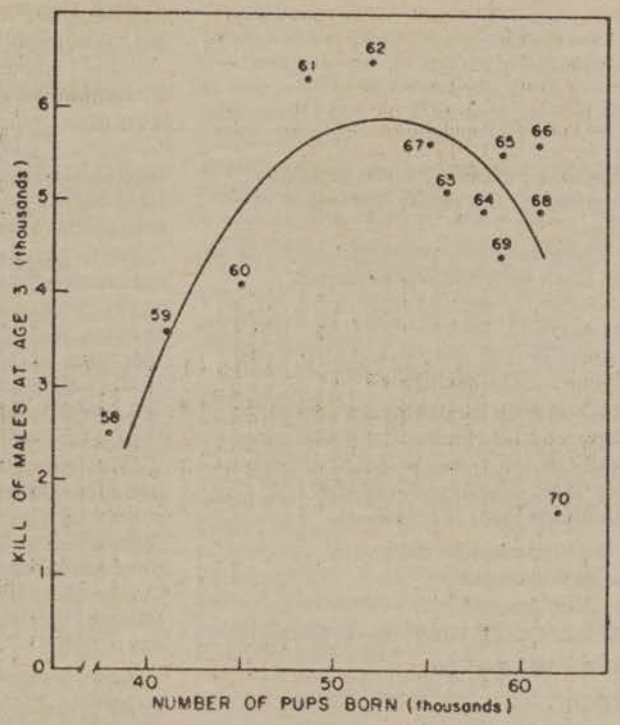

Figure 1. Harvest-pup relationship for Commander Islands fur seal populations.

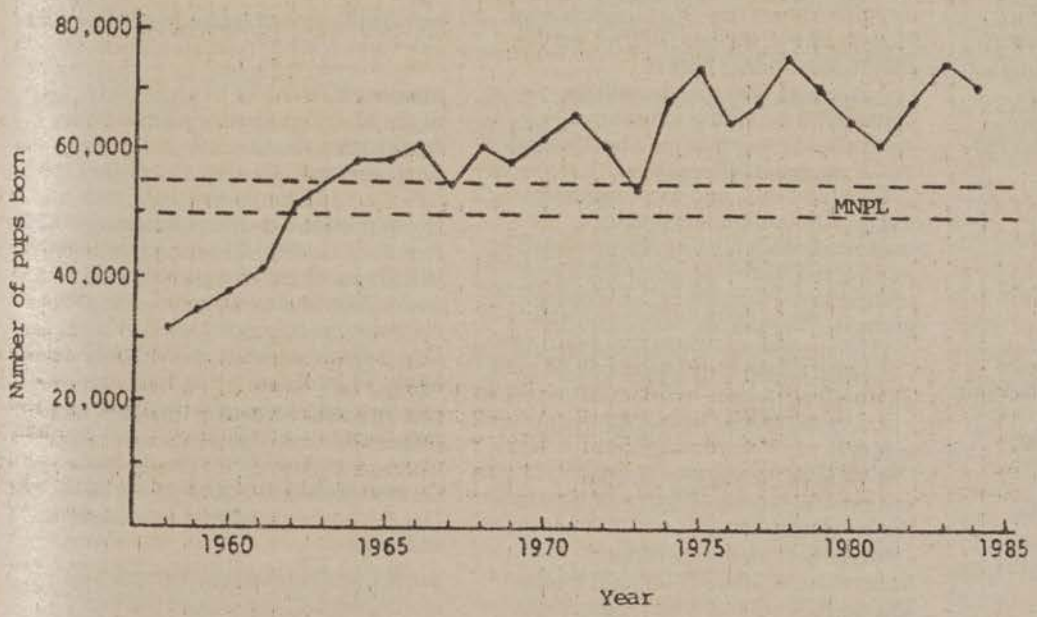

Figure 2. Yearly change in the number of northern fur seal pups born on the Commander Islands.

[FR Doc. 87-1407 Filed 1-22-87; 8:45 am]
BILLING CODE 3510-22-C

Notices

Federal Register
Vol. 52, No. 15
Friday, January 23, 1987

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Land and Resource Management Plan, Olympic National Forest; Draft Environmental Impact Statement; Extension of Comment Period

AGENCY: Pacific Northwest Region, Forest Service, USDA.

ACTION: Notice of extension of comment period.

SUMMARY: The notice of availability of the draft environmental impact statement for the Olympic National Forest, Land and Resource Management Plan was published in the **Federal Register** (51 FR 43082) November 28, 1986.

The period for receiving comments on the Draft Environmental Impact Statement is hereby extended from February 27, 1987 to March 14, 1987.

FOR FURTHER INFORMATION CONTACT: George Pozzuto, Environmental Impact Statement Team Leader, Olympic National Forest, Box 2288, Olympia, Washington 98507; telephone (206) 753–9519.

Dated: January 14, 1987.

Allan O. Lampi,

Acting Regional Forester.

[FR Doc. 87–1434 Filed 1–22–87; 8:45 am]

BILLING CODE 3410–11–M

Land and Resource Management Plan, Siuslaw National Forest; Draft Environmental Impact Statement; Extension of Comment Period

AGENCY: Pacific Northwest Region, Forest Service, USDA.

ACTION: Notice of extension of comment period.

SUMMARY: The notice of availability of the draft environmental impact statement for the Siuslaw National Forest, Land and Resource Management Plan was published in the **Federal Register** (51 FR 41414) November 14, 1986.

The period for receiving comments on the Draft Environmental Impact Statement is hereby extended from February 15, 1987 to March 16, 1987. This extension is at the request of Oregon Governor, Goldschmidt.

FOR FURTHER INFORMATION CONTACT: Tony Vander Heide, Forest Planning Staff Officer, Siuslaw National Forest, Box 1148, Corvallis, Oregon 97339; telephone (503) 757–4496.

Dated: January 16, 1987.

James F. Torrence,

Regional Forester.

[FR Doc. 87–1435 Filed 1–22–87; 8:45 am]

BILLING CODE 3410–11–M

Protection of Individual Trees From Attack by the Mountain Pine Beetle in Flathead National Forest, Flathead County, MT; Intent to Prepare an Environmental Impact Statement

The Department of Agriculture, Forest Service will prepare an environmental impact statement for a proposal to protect individual trees from attack by the mountain pine beetle with the use of pesticides in the Tally Lake Campground, Tally Lake Ranger District, and the Abbott Bay Boat Launch area, Hungry Horse Ranger District, on the Flathead National Forest.

A range of alternatives will be considered including alternative methods of mountain pine beetle control and a no action alternative.

Federal, State, and local agencies along with individuals and/or organizations who may be interested in or affected by the decision will be invited to participate in the scoping process. This process will include:

1. Identification of potential issues.
2. Identification of issues to be analyzed in depth.
3. Elimination of the insignificant issues.
4. Determination of potential cooperating agencies and assignment of responsibilities.

Edgar B. Brannon, Jr., Forest Supervisor, Flathead National Forest, Kalispell, Montana is the responsible official.

The analysis is expected to take about 5 months. The draft environmental impact statement should be available for public review by March 1987. The final environmental impact statement is scheduled to be completed by May 1987.

Written comments and suggestions concerning the analysis should be sent to District Ranger, Tally Lake Ranger District, 1335 Hwy. 93 West, Whitefish, Montana, 59937, or District Ranger, Hungry Horse Ranger District, P.O. Box 340, Hungry Horse, Montana, 59919, by February 13, 1987.

Questions about the proposed action and environmental impact statement should be directed to Dave Cawrse, Silviculturist, Tally Lake Ranger District, phone number 406–862–2508 or Jim Totten, Silviculturist, Hungry Horse Ranger District, phone number 406–387–5243.

Dated: January 5, 1987.

Edgar B. Brannon, Jr.,

Forest Supervisor.

[FR Doc. 87–1549 Filed 1–22–87; 8:45 am]

BILLING CODE 3410–11–M

Soil Conservation Service

Upper Penitencia Creek Watershed, CA; Intent To Prepare an Environmental Impact Statement

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, give notice that an environmental impact statement is being prepared for the Upper Penitencia Creek Watershed, Santa Clara County, California.

FOR FURTHER INFORMATION CONTACT: Eugene E. Andreuccetti, State Conservationist, Soil Conservation Service, 2121–C Second Street, Suite 102, Davis, California, 95616, telephone (916) 449–2873.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project may cause significant local, regional, or national impacts on the environment. As a result of these

findings, Eugene E. Andreuccetti, State Conservationist, has determined that the preparation and review of an environmental impact statement are needed for this project.

The project concern is flood prevention. Alternatives under consideration to reach these objectives include channel improvement and floodways.

A draft environmental impact statement will be prepared and circulated for review by agency and the public. The Soil Conservation Service invites participation and consultation of agencies an individuals that have special expertise, legal jurisdiction, or interest in the preparation of the draft environmental impact statement. Further information on the proposed action, or future meetings may be obtained from Eugene E. Andreuccetti, State Conservationist, at the above address or telephone (916) 449–2873.

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.904—Watershed Protection and Flood Prevention—and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials.)

Eugene E. Andreuccetti,

State Conservationist.

January 9, 1987.

[FR Doc. 87–1472 Filed 1–22–87; 8:45 am]

BILLING CODE 3410–16–M

Thompson-Westfield Creek Watershed, South Carolina and North Carolina

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650), the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Thompson-Westfield Creek Watershed, Chesterfield County, South Carolina and Anson County, North Carolina.

FOR FURTHER INFORMATION CONTACT: Billy Abercrombie, State Conservationist, Soil Conservation Service, 1835 Assembly Street, Room 950, Columbia, South Carolina 29201, Telephone (803) 765–5681.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicated that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Billy Abercrombie, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for watershed protection. The planned works of improvement include accelerated technical and financial assistance to apply land treatment measures on 20,460 acres of cropland.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various federal, state, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Billy Abercrombie.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.904—Watershed Protection and Flood Prevention—and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with state and local officials)

Dated: January 13, 1987.

Billy Abercrombie,

State Conservationist.

[FR Doc. 87–1436 Filed 1–22–87; 8:45 am]

BILLING CODE 3410–16–M

ARMS CONTROL AND DISARMAMENT AGENCY

Hubert H. Humphrey Fellowship Competition

The U.S. Arms Control and Disarmament Agency will conduct a competition in 1987 for one-year Hubert H. Humphrey Fellowships in arms control and disarmament. The fellowships will support unclassified doctoral dissertation research in the field. Law candidates for the Juris Doctor or any higher degree are also eligible if they are writing a substantial paper in partial fulfillment of degree requirements. The fellowship stipends for Ph.D. candidates will be $5,000 plus applicable tuition and fees up to a maximum of $3,400. Stipends and tuition for law candiates will be prorated according to the credits given for the research paper. Fellows must be citizens or nationals of the United States and degree candidates at a U.S. university. This application deadline for the awards, which are for a 12-month period beginning either September 1987 or January 1988, is March 15, 1987. Announcement of final selection will be on May 30, 1987. For information and application materials write: Humbert H. Humphrey Fellowship Program, Office of Public Affairs, U.S. Arms Control and Disarmament Agency, Washington, DC 20451.

Dated: December 5, 1986.

Sigmund Cohen, Jr.,

Director of Public Affairs.

[FR Doc. 87–1471 Filed 1–22–87; 8:45 am]

BILLING CODE 6820–32–M

DEPARTMENT OF COMMERCE

Bureau of the Census

Annual Survey of Retail Sales and Inventories; Determination

In accordance with Title 13, United States Code, sections 182, 224, and 225, I have determined that various government agencies need the 1986 annual retail trade data to provide a sound statistical basis for the formation of policy and that these data also serve a variety of public and business needs. This annual survey is a continuation of similar surveys that we have conducted each year since 1951 (except 1954). It provides, on a comparable classification basis, annual sales, purchases of merchandise, accounts receivable balances, and year-end inventories for 1985 and 1986. These data are not available publicly on a timely basis from nongovernmental or other governmental sources.

The Census Bureau will require a selected sample of firms operating retail establishments in the United States (with sales size determining the probability of selection) to report in the 1986 Annual Retail Trade Survey. The sample will provide, with measurable reliability, statistics on the specified subjects.

We will furnish report forms to the firms covered by this survey and will require their submission within 20 days after receipt.

Copies of the forms are available upon written request to the Director, Bureau of the Census, Washington, DC 20233.

I have directed, therefore, that an annual survey be conducted for the purpose of collecting these data.

Dated: January 15, 1987.

John G. Keane,

Director, Bureau of the Census.

[FR Doc. 87-1449 Filed 1-22-87; 8:45 am]

BILLING CODE 3510-07-M

Motor Freight Transportation and Warehousing Survey; Consideration

The Bureau of the Census hereby gives notice that we plan to conduct in 1987 the Motor Freight Transportation and Warehousing Survey. This annual survey will be conducted under authority of Title 13, United States Code, sections 182, 224, and 225, and will collect data on 1986 revenues and expenses of selected firms engaged in for-hire trucking or public warehousing operations.

The survey, conducted for the first time last year, will be expanded to collect additional revenue and expense information.

This survey will be a continuing and timely source of economic data for the trucking and warehousing industries. Such a survey, if conducted, shall begin not earlier than March 1, 1987.

Information and recommendations received by the Bureau of the Census show that the data have significant application to the information needs of the public, the trucking and warehousing industries, and governmental agencies, and that the data are not publicly available from nongovernmental or other governmental sources on a continuing basis.

The Bureau of the Census needs reports only from a selected sample of trucking and warehousing firms operating in the United States, with probability of selection based on payroll size. The sample will provide, with measurable reliability, statistics on the subject specified above.

Copies of the proposed forms and a description of the collection methods are available upon request to the Director, Bureau of the Census, Washington, DC 20233.

Any suggestions or recommendations concerning this proposed survey will receive consideration if submitted in writing to the Director, Bureau of the Census, on or before February 27, 1987. For additional information, you may phone Michael S. McKay, Chief, Organization and Management Systems Division, Bureau of the Census, on (301) 763-7452.

Dated: January 14, 1987.

John G. Keane,

Director, Bureau of the Census.

[FR Doc. 87-1448 Filed 1-22-87; 8:45 am]

BILLING CODE 3510-07-M

International Trade Administration

[A-122-020]

Pig Iron From Canada; Preliminary Results of Antidumping Duty Administrative Review and Intent to Revoke in Part

AGENCY: International Trade Administration/Import Administration Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review and intent to revoke in part.

SUMMARY: In response to a request by one respondent, the Department of Commerce has conducted an administrative review of the antidumping finding on pig iron from Canada. The review covers one manufacturer/exporter of this merchandise and the period July 1, 1985 through August 14, 1986. The review indicates no shipments to the United States by the firm for the period.

As a result of the review, the Department intends to revoke the finding with respect to Dofasco, Inc.

Interested parties are invited to comment on these preliminary results and intent to revoke in part.

EFFECTIVE DATE: January 23, 1987.

FOR FURTHER INFORMATION CONTACT: Americo A. Tadeu or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-1130/3601.

SUPPLEMENTARY INFORMATION:

Background

On November 24, 1986, the Department of Commerce ("the Department") published in the **Federal Register** (51 FR 42277) the final results of its last administrative review of the antidumping finding on pig iron from Canada (36 FR 1370, July 24, 1971). We published a notice of initiation of the antidumping duty administrative review in the **Federal Register** on August 25, 1986 (51 FR 30259).

Scope of the Review

Imports covered by the review are shipments of pig iron, which is used in steel production and in the iron foundry industry for making iron castings such as pipe, automobile castings, and machine parts. Pig iron is currently classifiable under items 606.1300 and 606.1500 of the Tariff Schedules of the United States Annotated.

The review covers one manufacturer and/or exporter of Canadian pig iron and the period July 1, 1985 through August 14, 1986.

Preliminary Results of the Review and Intent to Revoke in Part

Dofasco, Inc. made all sales at not less than fair value for 5 years and had no shipments for 2 years.

Dofasco, Inc. requested partial revocation of the finding and, as provided for in § 353.54(e) of the Commerce Regulations, has agreed in writing to an immediate suspension of liquidation and reinstatement of the finding under circumstances specified in the written agreement. On August 14, 1986, the Department tentatively determined to revoke the finding with respect to Dofasco, Inc.

Therefore, we intend to revoke the antidumping finding on pig iron from Canada with respect to Dofasco, Inc. If this partial revocation is made final, it will apply to all unliquidated entries of this merchandise manufactured and exported by Dofasco, Inc. and entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice.

Interested parties may submit written comments on these preliminary results and intent to revoke in part within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 5 days of the date of publication. Any hearing, if requested, will be held 30 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of issues raised in any such comments or hearing.

Further, as provided for by § 353.48(b) of the Commerce Regulations, since there was no margin for Dofasco, Inc., the Department shall not require a cash deposit of estimated antidumping duties for Dofasco, Inc. For any shipments from the four remaining manufacturers/exporters of Canadian pig iron not covered by this review, the cash deposit will continue to be at the rates published in the final results of the last administrative review for each of those firms (50 FR 11003, March 19, 1985).

For any future entries from a new exporter of Canadian pig iron not covered in this or prior reviews, whose first shipments occurred after August 14, 1986, no cash deposit shall be required. These deposit requirements are effective for all shipments of Canadian pig iron entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review.

This administrative review, tentative determination to revoke in part, and notice are in accordance with sections 751(a)(1) and (c) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1), (c)) and §§ 353.53a and 353.54 of the Commerce Regulations (19 CFR 353.53a, 353.54).

Dated: January 20, 1987.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 87-1535 Filed 1-22-87; 8:45 am]

BILLING CODE 3510-DS-M

[C-580-051]

Bicycle Tires and Tubes From the Republic of Korea; Termination of Countervailing Duty Investigation

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of termination of countervailing duty investigation.

SUMMARY: In a letter dated January 13, 1987, the petitioner, Carlisle Tire & Rubber Co., withdrew its countervailing duty petition on bicycle tires and tubes from the Republic of Korea. Based on the withdrawal, we are terminating the investigation.

EFFECTIVE DATE: January 23, 1987.

FOR FURTHER INFORMATION CONTACT: John Miller or Lorenza Olivas, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

In a 1979 countervailing duty investigation of three manufacturers of Korean bicycle tires and tubes, the Treasury Department issued a countervailing duty order covering one of the manufacturers, Korea Inoue Kasei Co. Ltd. ("KIK"). Treasury concluded that the two other manufacturers, Hung-A and Dae Yung, had *de minimis* levels of subsidization and issued final negative determinations on those two firms. The petitioner challenged the negative determinations on those two firms in the Customs Court, now the Court of International Trade ("the CIT"). That litigation was pending on the effective date of the Trade Agreements Act, January 1, 1980.

On September 11, 1981, the CIT remanded the case to the Department of Commerce ("the Department") for reconsideration. We sent our remand results to the CIT on March 3, 1982, with an above *de minimis* rate for Hung-A, and a *de minimis* rate for Dae Yung. On October 6, 1983, the court affirmed our redetermination and directed the Department to publish a notice in conformity with its order.

This final determination was published on October 23, 1986. Accordingly, we referred this case to the International Trade Commission (ITC) to make an injury determination. This matter is currently pending before the ITC. (The ITC previously made a negative injury determination and the Department revoked the order covering the third manufacturer, KIK (48 FR 26654, June 9, 1983)).

Scope of Investigation

Imports covered by this determination are shipments of Korean (pneumatic) bicycle tires and tubes (of rubber or plastic, whether such tires and tubes are sold together as units or separately) manufactured by Hung-A. Such merchandise is currently classiable under items 772.4800 and 772.5700 of the Tariff Schedules of the United States Annotated.

Withdrawal of Petition

In a letter dated January 13, 1987, petitioner notified the Department that it is withdrawing its petition. Under section 704(a) of the Act, upon withdrawal of a petition, the administering authority may terminate an investigation after giving notice to all parties to the investigation and after assessing the public interest. We have determined that termiantion would be in the public interest. We have notified all parties to the investigation of petitioner's withdrawal and our intention to terminate. For these reasons, we are termianting our investigation.

We will instruct the U.S. Customs Service to terminate the suspension of liquidation on entries of the merchandise under investigation. Any cash deposit on entries of bicycle tires and tubes from Korea shall be refunded and any bond shall be released.

This notice is published pursuant to section 704(a) of the Act (19 U.S.C. 1671c(a)).

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

January 13, 1987.

Mr. Michael Coursey,

Director of Office of Investigations, International Trade Administration, Room 3085, Department of Commerce, Washington, DC 20230.

Re: Investigation No. 701-TA-284 (Final), Bicycle Tires and Tubes from Korea

Dear Mr. Coursey: Please let this letter serve to confirm our phone conversation of late yesterday. On behalf of Carlisle Tire & Rubber Company, division of Carlisle Corporation, I hereby withdraw the Petition in the above referenced proceeding.

Very truly yours,

Timothy P. O'Reilly,

Staff Counsel.

[FR Doc. 87-1536 Filed 1-22-87; 8:45 am]

BILLING CODE 3510-DS-M

Non-Rubber Footwear From Argentina; Preliminary Results of Countervailing Duty Administrative Review

AGENCY: International Trade Administration/Import Administration Department of Commerce.

ACTION: Notice of preliminary results of countervailing duty administrative review.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on non-rubber footwear from Argentina. The review covers the period January 1, 1984 through December 31, 1985 and three programs.

As a result of the review, the Department has preliminarily determined the total bounty or grant for 1984 to be 1.93 percent *ad valorem* and 4.63 percent *ad valorem* for 1985. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: January 23, 1987.

FOR FURTHER INFORMATION CONTACT: Lorenza Olivas or Sylvia Chadwick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On October 9, 1986, the Department of Commerce ("the Department") published in the **Federal Register** (51 FR 36264) the final results of its last administrative review of the countervailing duty order on non-rubber footwear from Argentina (44 FR 3474, January 17, 1979). On October 15, 1985, the petitioner, Footwear Industries of America, Inc., requested in accordance with § 355.10 of the Commerce Regulations an administrative review of the order. We published initiations on February 18, 1986 (51 FR 5752) and May 30, 1986 (51 FR 19580). The Department has now conducted that administrative review in accordance with section 751 of the Tariff Act of 1930 (the "Tariff Act").

Scope of Review

Imports covered by the review are shipments of Argentine footwear described in Part 1A of Schedule 7 of the

Tariff Schedules of the United States Annotated, excluding items 700.5100 through 700.5400, 700.5700 through 700.7100, and 700.9000.

The review covers the period January 1, 1984 through December 31, 1985 and three programs: (1) The reembolso, a cash rebate of taxes; (2) post-export financing; and (3) pre-export financing.

(1) Reembolso

The reembolso is a tax rebate paid upon exportation calculated as percentage of the f.o.b. invoice price. The Tariff Act and the Commerce Regulations allow the rebate of the following: (1) Indirect taxes borne by inputs that are physically incorporated in the exported product (*see* Annex 1.1 of Part 355 of the Commerce Regulations); and (2) indirect taxes levied at the final stage (*see* Annex 1.2 of Part 355 of the Commerce Regulations). If the tax rebate upon export exceeds the total amount of allowable indirect taxes described above, we consider the difference to be an overrebate of indirect taxes and, therefore, a bounty or grant.

In our last review, we calculated the allowable tax incidence based on a 1981 tax incidence study by the Argentine government. In 1983, the government recalculated the total tax incidence and produced a new study. Based on our analysis of the new study, we find that indirect taxes on physically incorporated inputs and final stage indirect taxes on non-rubber footwear amount to 9.05 percent *ad valorem*. Until October 1984, the reembolso rate for non-rubber footwear was 5 percent (Resolution 8, July 5, 1982). On October 29, 1984, the Argentine government reduced the rate to zero. Therefore, we preliminarily find no overrebate of indirect taxes for the period of review.

(2) Post-export Financing

The Central Bank makes post-export financing available to exporters through Circular OPRAC 1–9. The Central Bank limits these loans to 30 percent of the peso/austral equivalent of the foreign currency used in the export transaction. The maximum term of the loan is 180 days, and interest is paid quarterly. The interest rate on these loans is the *tasa regulada*, which the Central Bank sets monthly. Six exporters used this program during the period of review.

To calculate the benefit, we compared the rate of interest charged on the OPRAC 1–9 loans with a national average commercial rate. We used as our benchmark the weighted-average interest rate on comparable short-term loans available from Argentine banks during the period of review. These are the regulated, unregulated and acceptance rates. (*See*, final results of our last administrative review on this case (51 FR 36264, October 9, 1986).) We changed both the benchmark and the preferential nominal rates to effective rates by adjusting for the number of interest payments made during the loan period. Comparing the two rates on loans with interest payments falling due during the period of review, we preliminarily determine the benefit from this program to be 1.93 percent *ad valorem* for the period January 1, 1984 through December 31, 1984 and 2.99 percent *ad valorem* for the period January 1, 1985 through December 31, 1985.

(3) Pre-export Financing

This preferential financing program makes pre-export loans available to exporters at an annual interest rate of one percent. The loans are denominated in pesos but indexed to U.S. dollars. The funds are provided by the Central Bank of Argentina and disbursed by private commercial banks to individual borrowers. The maximum term of the loan is 180 days, and the loan must be repaid no later than 60 days after the export date. The interest is payable at maturity.

In 1983, the Central Bank limited the maximum loan amount for exporters of non-rubber footwear to 60 percent of the contracted f.o.b. price. Four exporters of non-rubber footwear benefited from this program during the period of review.

To calculate the benefit, we compared the amount of interest paid on each loan falling due in the review period with the amount that would have been paid on a comparable short-term commercial loan available in Argentina during the period of review. Using the same benchmark as for post-export financing, we preliminarily determine the benefit from this program to be zero for the period January 1, 1984 through December 31, 1984 and 1.64 percent *ad valorem* for the period January 1, 1985 through December 31, 1985.

Preliminarily Results of Review

As a result of our review, we preliminarily determine the total bounty or grant to be 1.93 percent *ad valorem* for the period January 1, 1984 through December 31, 1984 and 4.63 percent *ad valorem* for the period January 1, 1985 through December 31, 1985.

The Department therefore intends to instruct the Customs Service to assess countervailing duties of 1.93 percent of the f.o.b. invoice price on all shipments of this merchandise exported on or after January 1, 1984 and on or before December 31, 1984, and to assess countervailing duties of 4.63 percent of the f.o.b. invoice price on all shipments exported on or after January 1, 1985 and on or before December 31, 1985.

Further, the Department intends to instruct the Customs Service to collect a cash deposit of estimated countervailing duties, as provided by section 751(a)(1) of the Tariff Act, of 4.63 percent of the f.o.b. invoice price on all shipments of non-rubber footwear from Argentina entered, or withdrawn from warehouse, for consumption on or after the date of publication on the final results of this administrative review. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminarily results by February 10, 1987, and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 55 days from the date of publication or the last workday preceding. Any request for an administrative protective order must be made no later than five days after the date of publication. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any such written comments or at a hearing.

This administrative review and notice are in accordance with section 751(a)91) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.10 of the Commerce Regulations (19 CFR 355.10).

Dated: January 20, 1987.

Gilbert B. Kaplan,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 87–1537 Filed 1–22–87; 8:45 am]

BILLING CODE 3510–05–M

National Technical Information Service

Intent to Grant Exclusive Patent License; Hoffmann-LaRoche

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to Hoffmann-La Roche, having a place of business in Nutley, NJ 07110, an exclusive right in the United States and certain foreign countries to practice the invention embodied in U.S. Patent Application 6–769,017, "5-Substituted-2', 3'-Dideoxycytidine Compounds with Anti-HTLV–III Activity." The patent rights in this invention will be assigned to the United States of America, as represented by the Secretary of Commerce.

The intended exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR Part 404. The intended license may be granted unless, within sixty days from the date of this published Notice, NTIS receives written evidence and argument which establishes that the grant of the intended license would not serve the public interest.

Inquiries, comments and other materials relating to the intended license must be submitted within the above specified 60-day period and should be addressed to Robert P. Auber, Office of Federal Patent Licensing, NTIS, Box 1423, Springfield, VA 22151.

Douglas J. Campion,

Patent Licensing Specialist, Office of Federal Patent Licensing, U.S. Department of Commerce, National Technical Information Service.

[FR Doc. 87-1432 Filed 1-22-87; 8:45 am]

BILLING CODE 3510-04-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting Import Limits for Certain Man-Made Fiber Apparel Products from the Republic of the Philippines

January 16, 1987.

The Chairman of the Committee for the Implementation of Textiles Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on January 20, 1987. For further information contact Eve Anderson, International Trade Specialist, Office of Textile and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, please call (202) 377-3715.

Background

A CITA directive dated December 20, 1985 (50 FR 52830) established limits for certain specified categories of cotton, wool and man-made fiber textile products, including Categories 635-T, and 635-NT (women's, girls and infants' coats of man-made fibers), produced or manufactured in the Philippines and exported during the agreement year which began on January 1, 1986. Pursuant to an exchange of notes between the Governments of the United States and the Republic of the Philippines under the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of November 24, 1982, as amended and extended, special swing in the amount of 80,000 dozen is being applied to the limit established for Category 635-T, increasing it to 234,693 dozen. As agreed, the limit for Category 635-NT is being reduced by the same amount to 73,576 dozen.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

Donald R. Foote,

Acting Chairman, Committee for the Implementation of Textiles Agreements.

Committee for the Implementation of Textile Agreements

January 16, 1987.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Mr. Commissioner: To facilitate Implementation of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of November 24, 1982, as amended and extended, between the Governments of the United States and the Republic of the Philippines, I request that, effective on January 20, 1987 you adjust the limits established in the directive of December 20, 1985 for man-made fiber textile products in Categories 635-NT to 73,576 dozen and 635-T to 234,693 dozen, produced or manufactured in the Philippines and exported during the twelve-month period which began on January 1, 1986 and extended through December 31, 1986.

Also effective in January 20, 1987, I further request that you deduct 10,234 dozen from charges made to the restraint limit established in the directive of December 22, 1986 for Category 635-T, produced or manufactured in the Philippines and exported during the three-month period which began on January 1, 1987 and extends through March 31, 1987. This same amount should be charged instead to the limit established for this category during the 1986 agreement year.

This letter will be published in the **Federal Register.**

Sincerely,

Donald R. Foote,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-1534 Filed 1-20-87; 4:11 pm]

BILLING CODE 3510-DR-M

COMMODITY FUTURES TRADING COMMISSION

New York Futures Exchange, Inc.; Pre-Announced Trading Rules

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed contract market rule and rule amendment.

SUMMARY: The New York Futures Exchange, Inc. has submitted to the Commodity Future Trading Commission a proposed rule and rule amendment to allow Exchange members to submit to the Exchange, and have the Exchange publicize, an advance notice of the member's or the member's customer's intention to trade futures or option contracts. The Commission has determined that the publication of this proposal will assist the Commission in considering the views of interested persons and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be submitted by March 9, 1987.

ADDRESS: Written comments must be submitted to Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581. Attention: Jean A. Webb, Secretary.

FOR FURTHER INFORMATION CONTACT: David P. Van Wagner, Attorney-Advisor, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street NW., Washington DC 20581. Telephone: (202) 254-8955.

SUPPLEMENTARY INFORMATION:

I. Introduction

By letter dated December 17, 1986, the New York Futures Exchange, Inc. ("NYFE" or "Exchange"), pursuant to section 5a(12) of the Commodity Exchange Act and Commission Regulation 1.41(b), submitted to the Commodity Futures Trading Commission ("Commission") proposed new Exchange Rule 412A and a proposed amendment to Exchange Rule 415 which would allow NYFE member to submit in writing to the Exchange, and have the Exchange publicly announce, an advance notice of the member's or member's customer's intention to trade future or option contracts. The proposal further provides procedures to ensure that a member's or customer's announced intention to trade is carried out by open outcry under the terms and conditions previously announced.

In submitting these proposed rules, NYFE indicated that at times members of the Exchange receive from certain

institutional customers orders to establish or liquidate very large futures or option contract positions, but that the execution of such large orders can cause market disruption, or cause the market to move in such a fashion as to unduly affect the intended economic result of executing the order. The Exchange believes that the market disruption caused by such large orders could be reduced or abated if the size and nature of the orders were to be disclosed fully to the market in advance. NYFE further contends that pre-announced or "sunshine" trading would increase liquidity in the futures or options market which is to receive the intended trade by drawing participants to the market, and would thus create more competitive market conditions.

II. Mechanics of Proposed Pre-Announced Trading Rules

As part of NYFE's proposal, new Exchange Rule 412A sets forth the procedures by which a member could have the Exchange publicize the member's or member's customers intention to trade futures contracts. NYFE Rule 412A(a) would require such a member to submit a written notice of intention to trade to an authorized NYFE official sometime between the contract's close of trading on the trading day preceding the intended trading day and one hour prior to the contract's opening on the intended trading day.[1] Upon its receipt, the Exchange official would have the notice time-stamped. The notice would be required to state for the particular futures or option contract whether the intended trade is a bid or offer, the quantity of contracts to be bid or offered, whether the trade is to be executed at the market price, at a specified limit price, or within a specified price range, the member's name, the executing floor broker's name, and, if the trade is on behalf of a customer, the customer's name. NYFE Rule 412A further provides that the notice of intention to trade shall stipulate the time of the intended trade, except that such trade time cannot be at the contract's open or close, nor within one-half hour of either the open or the close.

Following the receipt of a notice of intention to trade, NYFE will publish at least one notice of each intended trade through its Market Data Service system[2] either just after the close of trading on the day preceding the intended trading day or just prior to the opening of the intended trading day, and will repeat the notice to the most frequent extent practicable up until the announced trade time.[3] Additionally, NYFE has represented that each notice of an intended trade will be posted on an electronic display board on the Exchange floor. All of the information submitted by the member to the Exchange in its notice of intention to trade will be publish in this manner, except that if a customer does not authorize its name to be published, the notice will state only that the intended trade is on behalf of a customer.[4] NYFE has represented that initially it would set the minimum number of a particular contract to be pre-announced at 250 contracts for the nearby or spot month and at 100 contracts for any other month.

At the appointed trading time set by the member in its notice of intention to trade, the member is required by proposed NYFE Rule 412A(b) to attempt to execute the trade in the ring, and to have the attempt witnessed by an Exchange floor official. The member must bid or offer by open outcry in accordance with the terms of its pre-announced notice, subject to the Exchange's normal trading rules (*e.g.*, the member can not bid higher than the lowest prevailing offer or offer lower than the highest prevailing bid). When a member's notice of intention to trade has set forth a price range within which it will execute a trade, the member is required to attempt in good faith to execute the trade within the parameters specified in the notice. The Exchange has indicated that in those situations, it would be a good faith effort if the member's bid or offer is within both the pre-announced price range and the market's prevailing bid-ask spread. However, if a member's pre-announcement notice sets forth a price range and at the appointed trade time the market price has moved away from that price range, the member would be under no obligation to attempt to execute its pre-announced trade. If all or any part of an open outcry bid or offer made in accordance with a notice of intention to trade is met, then it must be accepted by the member. However, if all or part of such a bid or offer is not accepted in the trading ring, the remainder of the bid or offer may be considered withdrawn and the member is under no further obligation to meet the terms of its pre-announced trade notice.

In all cases where a pre-announced trade is executed, the participating member is required under proposed NYFE Rule 412A to indicate on its trading card the minute of execution, as well as the fact that the transaction was made pursuant to the terms of a pre-announcement notice. Additionally, members must present such trading cards to a witnessing Exchange floor official for verification and initialing.

NYFE has stated that in order to prevent any possible circumvention of its proposed pre-announced trading rules, it will monitor closely trades made pursuant to such rules for possible violations of Commission regulations and Exchange rules. Specifically, the Exchange will scruitinize executed pre-announced trades for failure to obtain customer consent to disclosure (proposed NYFE Rule 412A) and possible prearrangment or releated violations (NYFE Rules 414 and 501(a)(v). In this regard, proposed NYFE RULE 412A(a) states that after a member has submitted a notice of intention to trade, it is prohibited from discussing the intended trade with any other trading interests prior to the intended execution time, except to confirm the actual terms of the pre-announcement notice.[5] The Exchange also has indicated that, in appropriate circumstances, members who do not attempt in good faith to execute a trade according to the terms of its notice of intention to trade may be charged with violations of NYFE Rule 501(a)(viii) (willful material misstatement to the Exchange) or NYFE Rule 501(a)(viii) (manipulation).

NYFE has represented that it would make the subject pre-announcement trading rules effective two weeks after the Commission's approval.

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[1] NYFE has represented that those Exchange members desiring to pre-announce trades must submit to the Exchange authorized signatures of employees who will have authority to submit a notice of intention to trade on behalf of the member or the member's customer.

[2] The NYFE Market Data Service system carries the sequaential trade prices of futures and options contracts at the NYFE, along with the volume, daily settlement price and open interest information. The system is currently subscribed to by 36 quote vendors for further dissemination, as well as four subscribers who subscribe for their own use.

[3] NYFE has represented that at the present time the frequency of publication of an intended trade notice is difficult to predict. NYFE has stated that actual experience with the procedure will determine how often it will be able to repeat publication of each notice prior to the announced trade time.

[4] The Division notes that if a customer trade is involved, the notice submitted for publication must be accompanied by a copy of either the customer's general consent or a specific authorization by the customer to pre-announce the particular trade. Additionally, the customer's authorization must indicate whether the customer does or does not want its name published.

[5] This approach may provide an effective means of promoting the stated purposes of pre-announcement, but imposes a limitation on the potential for non-competitive trading.

III. Text of NYFE's Rule Proposal

Rule 412A Disclosure of Intention to Trade

(a) A member may submit to the Exchange for purposes of publication by the Exchange, by posting on the Exchange floor and such other means as the Exchange may deem appropriate, an advance notice of intention to bid or offer a specified number of contracts for purchase or sale at the market, at a limit price, or at a specified price range, at a specified time, except that such bids or offers may not take place at the opening of trading of the contract or within one-half hour thereafter or at the close of trading of the contract, or within one-half hour preceding the close. The notice shall be in writing, signed by the member, and if the notice is submitted on behalf of a customer, shall be accompanied by a written authorization of the customer or disclose the order. The notice must be received by a designated Exchange employee or less than one hour prior to the opening or trading of the contract on the intended day of trading, and not before the close of trading of the contract on the preceding trading day. Such notices may be submitted only for such minimum quantity of contracts as the Exchange may from time to time spefify. Such notice may not be withdrawn after it is submitted, and the submitting member may not thereafter discuss the intended trade with other trading interests, other than to confirm the terms of the notice, prior to the intended time of execution of such trade.

(b) At the time designated by the member in an advance notice of intention, the member of his floor representative shall attempt to execute such trade within the terms of the notice, by open outcry and in accordance with the trading rules of the Exchange, unless the last price traded in the ring at such time is outside any price or price range set forth in such notice. The floor member attempting to execute such trade shall do so in the presence of an official representative of the Exchange designated to observe such transactions, to whom the floor member shall indicate that a customer order he holds or that a bid or offer he makes is pursuant to the advance notice, and shall, by appropriate descriptive words or symbols, clearly identify all such transactions that are executed on his trading card at the time of execution, noting thereon the exact time of execution, and shall promptly present the trading card to a representative of the Exchange for verification and initialing.

IV. Issues Raised by the Proposed Rules

In requesting comments on the proposed NYFE rule and rule amendment, the Commission notes that a number of issues are raised, and specifically requests comments on the following:

1. Should the Commission approve the concept of allowing an exchange to pre-announce a member's intention to trade commodity futures or options contracts for itself or a customer? What regulatory, economic and policy issues must be resolved in making such a determination?

2. What, if any, additional measures would need to be taken to deter or detect potential trading abuses associted with pre-announced trading?

3. Would the pre-announcement of an intention to trade increase the liquidity in the particular contract to be traded, and thus increase members' ability to execute large orders without distorting the price discovery mechanism? Should pre-announcement be available irrespective of the liquidity of the pertinent contract month?

4. What impact, if any, would the disclosurfe of an intention to trade have on the price discovery function of future trading?

5. Should an intention to trade some minimum number of contracts (*e.g.*, 250 contracts in the nearby month and 100 catracts in any other month) be a prerequisite for the submission of a pre-announced trade notice? In what manner, if any, would NYFE's proposed minimum number of contracts affect competition between Exchange members and public customers who could avail themselves of the rule by pre-announcing, and those members and public customers who could not?

6. NYFE has represented that each notice of an intention to trade will be posted on an electronic display board on the Exchange floor and will be publicized with at least one notice in the form of an administrative message with NYFE's Market Data Service system. NYFE will disseminate each notice as son as it is received by the exchange and will seek to assure that the notice has been so disseminated by at least one hour before the notice's intended trade time. Are these proposed procedures for disseminating notices of intention to trade adequate to ensure market knowledge of the notice? Are there any potential market participants who would be unable to participate in a pre-announced trade at NYFE because of lack of sufficient time or knowledge about such a trade?

7. Should customers who wish to use the pre-announcement procedure be required to reveal their identity?

The foregoing questions are not intended to be exclusive, and commentors are encouraged to address such other matters directed to the specific NYFE proposal or the procedure of pre-announcement in general as they deem appropriate.

Issued in Washington, DC, on January 20, 1987, by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 87-1497 Filed 1-22-87; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Army Advisory Panel on ROTC Affairs; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following panel meeting:

Name of panel: Army Advisory Panel on ROTC Affairs.

Date of meeting: February 18 & 19, 1987.

Place: Shippensburg University, Shippensburg, PA.

Time: 9 a.m.-5 p.m., February 18, 1987, 9 a.m.-11 a.m., February 19, 1987.

Proposed agenda: The meeting will consist of briefings and discussions. The meeting is open to the public. Any interested person may appear before or file a statement with the Panel at the time, and in the manner, permitted by the Panel. It is projected that the following events will take place during the meeting. After opening remarks by Major General Robert E. Wagner and the chairman of the Panel, Dr. Harrison Wilson, any administrative matters requiring attention will be resolved. The meeting will then proceed with a variety of recent ROTC Cadet Command initiatives. Major General Wagner will provide an overview of the significant changes since the July 1986 meeting, at Fort Lewis, WA. In addition, Major General Wagner will update panel members on changes to cadet subsistence allowance and ROTC special duty assignment pay. Additional briefings on February 18 and February 19 will include: Course Accreditation, Cadet Proponency, ROTC Mission Management System Deployment Plan, Decentralization of Postal/Telephone Services, Scholarship Funding, Advertising Strategy, Research Partnership with the University, Precommissioning Literacy Standards and Cadet Accident/Liability Coverage. On February 19, 1987, the Army Advisory Panel on ROTC Affairs will meet in general session to formulate recommendations, consider progress made on

previous Panel recommendations and to select a date for the fall panel meeting.

John O. Roach, II,

Army Liaison Officer with the Federal Register.

[FR Doc. 87-1474 Filed 1-22-87; 8:45 am]

BILLING CODE 3910-08-M

Corps of Engineers, Department of the Army

Notice of Intent To Prepare a Draft Supplemental Revised Environmental Impact Statement for a Proposed Flood Dmage Reduction Projection on the Third River, New Jersey

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of intent to prepare a draft supplemental revised enviromental impact statement.

SUMMARY: 1. Description of Proposed Action—This project is designed to provide flood protection to residential, commercial and industrial structures along the Third River in portions of Essex and Passaic Counties in northern New Jersey. Protection from fluvial flooding would be provided in the floodplains of the Third River. Recreational features may be a part of the final plan.

2. Reasonable Alternatives—A wide range of structural and nonstructural flood damage reduction measures were considered in the formulation of alternatives which were evaluated during Stage 2 plan formulation. A "No Action" plan was one of those alternatives. The flood damage reduction measures considered included: permanent floodplain evacuation, flood warning, floodproofing structures, raising structures, levees, floodwall, channel modifications, reservoirs and tunnel diversions.

3. Scoping Process. a. Public Involvement—has been continued—through the planning process. Public coordination activities in the study area included subbasin coordination meeting with municipal representatives as well as local interest groups. Additionally, coordination with N.J. State agencies including the Department of Agriculture, Transportation and Environmental Protection as occured.

b. Significant Issues Requiring In-depth Analysis in the Draft Environmental Impact Statement include cultural historic resources, riverfront usage and access, including parks, water quality, aquatic, and terrestrial resources.

c. Assignments—Reports regarding environmental (aquatic and terrestrial), and cultural (historic and prehistoric) resources were prepared for the Third River Basin Study by U.S. Fish and Wildlife Service New Jersey State Museum's State Archaeologist, and a private cultural resoruces investigation firm.

d. Environmental review and consultation—U.S. Fish and Wildlife Service (USFWS) reviewed preliminary flood control plans, for which they submitted Planning Aid Reports. Impact assessments of the flood control alternatives will use these reports and the section 2(b) FWCA report, as well as, N.J. State Archaeologist, and private cultural resources investigation reports. The latter two reports were reviewed by the State Historic Preservation Officer. Coordination will continue with the Federal, State, county and local cultural resource and environmental organizations. In addition, water quality information was received from U.S. Geological Survey and U.S. Environemntal Protection Agency.

4. Scoping Meeting will not be held.

5. Estimate date of statement availability June, 1987.

Address:

Project Manager: Reginald Perry, Attn: NANPL-P, Tel No. (212) 264-3479

EIS Coordinator: Robert J. Kurtz, Attn: NANPL-P, Tel No. (212) 264-3609

US Army Engineer District, New York, 26 Federal Plaza, New York, N.Y. 10007

Dated: December 18, 1986.

Samuel P. Tosi,

Chief, Planning Division.

[FR Doc. 87-2 Filed 1-22-87; 8:45 am]

BILLING CODE 3710-06-M

Office of the Secretary

Defense Science Board Task Force on Special Systems Subgroup, Pacific Command Air Defense; Meeting

ACTION: Notice of advisory committee meetings.

SUMMARY: The Defense Science Board Task Force on Pacific Command Air Defense, Special Systems Subgroup will meet in closed session on February 18-19, 1987 at the Center for Naval Analyses, Alexandria, Viriginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on Scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings the Task Force will examine systems related to defense capabilities for shore installations in the Pacific Command and assess relevant technology, equipment, and modernization plans.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92-463, as amended (5 U.S.C. App. II, (1982)), it has been determined that these DSB Task Force meetings, concern matters listed in 5 U.S.C. 552b(c) (1) (1982), and that accordingly these meetings will be closed to the public.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

January 20, 1987.

[FR Doc. 87-1578 Filed 1-22-87; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on National Aerospace Plane (NASP); Meeting

ACTION: Notice of advisory committee meetings.

SUMMARY: The Defense Science Board Task Force on the National Aerospace Plane (NASP) will meet in closed session on March 3-4 and April 9-10, 1987 at the Defense Advanced Research Projects Agency, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings the Task Force will review the National Aerospace Plane (NASP) concept, technical basis, program content, and missions.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. 92-463, as amended (5 U.S.C. App. II, (1982)), it has been determined that these DSB Task Force meetings, concern matters listed in 5 U.S.C 552b(c)(1) 1982), and that accordingly these meetings will be closed to the public.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

January 20, 1987.

[FR Doc. 87-1579 Filed 1-22-87; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Computer Applications To Training and Wargaming; Meeting

ACTION: Notice of advisory committee meetings.

SUMMARY: The Defense Science Board Task Force on Computer Applications to Training and Wargaming will meet in closed session on February 17–19, 1987 at Fort Lewis, Washington, and on March 17–18, 1987 at the Naval War College, Newport, Rhode Island.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings the Task Force will study how to integrate anticipated advances in computer technology with ongoing simulation efforts, supporting training and wargaming for joint warfighting.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended (5 U.S.C. App. II, (1982)), it has been determined that these DSB Task Force meetings, concern matters listed in 5 U.S.C. 552b(c) (1) (1982), and that accordingly these meetings will be closed to the public.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

January 20, 1987.

[FR Doc. 87–1580 Filed 1–22–87; 8:45 am]

BILLING CODE 3810–01–M

Defense Science Board Task Force on Low Observable Technology; Cancellation of Meeting

ACTION: Cancellation of Meeting.

SUMMARY: The meeting notice for the Defense Science Board Task Force on Low Observable Technology for January 20, 1987 as published in the **Federal Register** (Vol. 51, No. 205, Page 37629, Thursday, October 23, 1986, FR Doc. 86–23948.) has been cancelled. In all other respects the original notice remains unchanged.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

January 20, 1987.

[FR Doc. 87–1581 Filed 1–22–87; 8:45 am]

BILLING CODE 3810–01–M

Defense Science Board Task Force on LHX Requirements; Cancellation of Meeting

ACTION: Cancellation of Meeting.

SUMMARY: The meeting notice for the Defense Science Board Task Force on LHX Requirements for January 14, 1987 as published in the **Federal Register** (Vol. 51, No. 188, Page 34492, Monday, September 29, 1986, FR Doc 86–21963.) has been cancelled.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

January 20, 1987.

[FR Doc. 87–1582 Filed 1–22–87; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF EDUCATION

Advisory Council on Education Statistics; Meeting

AGENCY: Office of Educational Research and Improvement.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Advisory Council on Education Statistics. This notice also describes the functions of the Council. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATE: February 23–24, 1987.

ADDRESS: 555 New Jersey Avenue, NW., Room 326, Washington, DC 20208.

FOR FURTHER INFORMATION CONTACT: Iris Silverman, Executive Director, Advisory Council on Education Statistics, 555 New Jersey Avenue, Room 400J, Washington, DC 20208 Telephone: (202) 357–6831.

SUPPLEMENTARY INFORMATION: The Advisory Council on Education Statistics is established under section 406(c)(1) of the Education Amendments of 1974, Pub. L. 93–380. The Council is established to review general policies for the operation of the Center for Education Statistics (CES) in the Office of Educational Research and Improvement and is responsible for establishing standards to insure that statistics and analyses disseminated by the Center are of high quality and are not subject to political influence. The meeting of the Council is open to the public. The proposed agenda includes the following:

- Budget briefing. Fiscal years 1987 and request for 1988.
- Redesign of the Elementary and Secondary Education Data System.
- Student assessment.
- Clearance procedures for Center publications.
- Statistical standards program.
- Such old and new business as the Chairman or membership may put before the Council.

Records are kept of all Council proceedings and are available for public inspection at the Office of the Executive Director, Advisory Council on Education Statistics, 555 New Jersey Avenue NW., Room 400J, Washington, DC 20208.

Dated: January 16, 1987.

Ronald P. Preston,

Deputy Assistant Secretary for Policy and Planning, Office of Educational Research and Improvement.

[FR Doc. 87–1451 Filed 1–22–87; 8:45 am]

BILLING CODE 4000–01–M

National Center for Research in Vocational Education Advisory Committee; Meeting

AGENCY: National Center for Research in Vocational Education Advisory Committee, DOE.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National center for Research in Vocational Education Advisory Committee. This notice also describes the functions of the Committee. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATE: February 23, 1987.

ADDRESS: The National Center for Research in Vocational Education, Ohio State University, 1960 Kenny Road, Columbus, Ohio 43210.

FOR FURTHER INFORMATION CONTACT: Dr. Howard F. Hjelm, Director, Office of Vocational and Adult Education, Division of Innovation and Development, 300 7th Street, SW., Rm. 519, Reporters Building, Washington, DC 20202–5516, (202) 732–2350.

SUPPLEMENTARY INFORMATION: The National Center for Research in Vocational Education Advisory Committee is established under section 404 of the Carl D. Perkins Vocational Education Act of 1984 (Pub. L. 98–524). The Committee is established to advise the Secretary and the National Center's Director with respect to policy issues in the administration of the National center and in the selection and conduct of major research and demonstration projects and activities of the National Center. Meetings held at the request of the Secretary are conducted in accordance with the Federal Advisory Committee Act (FACA).

The meeting of the Committee is governed by FACA and is open to the

public on February 23, 1987 from 1:00 p.m. to 4:00 p.m. The proposed agenda includes:

1:00–1:15
The National Center for Research in Vocational Education Advisory Committee—New Charter
1:15–1:45
The FY 1987 and FY 1988 Budgets
1:45–2:00
The National Center Recompetition
2:00–2:15
The Department's Office of Research Priorities
2:15–2:45
The Center for Education and Employment
2:45–3:15
The National Assessment of Vocational Education
3:15–3:45
Data on Vocational Education (DOVE)
3:45–4:00
Recommendations to the Office of Vocational and Adult Education

This meeting will be held in conjunction with a regular meeting of the Committee to advise the Center Director.

Records are kept of all Committee proceedings and are available for public inspection in the Program Improvement Systems Branch, 300 7th Street, SW., Rm. 519, Reporters Building, Washington, DC 20202–5516, (202) 732–2367.

John K. Wu,

Acting Assistant Secretary for Vocational and Adult Education.

[FR Doc. 87–1475 Filed 1–22–87; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Trespassing on DOE Property; Idaho Operations Office Properties

AGENCY: Department of Energy.

ACTION: Designation of Idaho Operations Office Properties and Facilities as Off-Limits Areas.

SUMMARY: The Department of Energy (DOE) hereby amends the previously published site description of the Grand Junction Project Office locates in Grand Junction, Colorado, and designates the Component Development and Integration Facility, located in Butte, Montana; the Willow Creek Building, DOE Headquarters Building, Technical Sciences Building, and certain warehouse facilities all located in Idaho Falls, Idaho; and various DOE vehicle/bus parking lots, located in Idaho Falls, Arco, Highway 20 in Bonneville County, Blackfoot, MacKay, Shelly, Rexburg, Rigby, and Pocatello, as Off-Limits Areas in accordance with 10 CFR Part 860, thereby making it a Federal crime under 42 U.S.C. 2278a for unauthorized persons to enter into or upon these Idaho Operations Office properties and facilities. If unauthorized entry into or upon these properties is into an area enclosed by a fence, wall, floor, roof, or other such standard barrier, conviction for such unauthorized entry may result in a fine of not more than $5,000 or imprisonment for not more than 1 year or both. If unauthorized entry into or upon the properties is into an area not enclosed by a fence, wall, floor, roof, or other such standard barrier, conviction for such unauthorized entry may result in a fine of not more than $1,000.

FOR FURTHER INFORMATION CONTACT: Jo Ann Williams, Office of General Counsel, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252–6975; D.J. Bergquist, Office of Chief Counsel, Idaho Operations Office, 785 DOE Place, Idaho Falls, Idaho 83402, (208) 526–1457.

SUPPLEMENTARY INFORMATION: DOE, successor agency to the Atomic Energy Commission (AEC), is authorized, pursuant to section 229 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2278a) and section 104 of the Energy Reorganization Act of 1974 (42 U.S.C. 5814), as implemented by 10 CFR Part 860, published in the **Federal Register** on July 9, 1975 (40 FR 28789–28790), and section 301 of the Department of Energy Organization Act (42 U.S.C. 7151), to prohibit unauthorized entry and the unauthorized introduction of weapons or dangerous materials into or upon any DOE facility, installation or real property. By notice dated October 19, 1965, apparing at page 13278 of the **Federal Register** (FR 65–11108), the AEC prohibited unauthorized entry into or upon the Grand Junction site of the AEC. This notice amends the site description of the Grand Junction sites, now referred to as the Grand Junciton Project Office. The DOE also hereby given notice that the Component Development and Integration Facility, located in Butte, Montana; the Willow Creek Building, DOE Headquarters Building, Technical Sciences Building and certain warehouse facilities, all located in Idaho Falls, Idaho; and various DOE vehicle/bus parking lots, located in Idaho Falls, Acro, Highway 20 in Bonneville County, Blackfoot, Mackay, Shelley, Rexburg, Rigby, and Pacatello are designated as Off-Limits Areas. Accordingly, the DOE prohibits the unauthorized entry and the unauthorized introduction of weapons or dangerous materials, as provided in 10 CFR 860.3 and 860.4, into and upon these Idaho Operations Office sites. Except for the Grand Junction Project Office, the sites referred to above have not previously been deisgnated as OFF-Limits Areas. Description of the sites being designated at this time are as follows:

Grand Junction Project Office Facility

All that portion of Lot 1 lying west of the right-of-way of the Denver and Rio Grande Western (D&RGW) Railroad Company and all of Lots 6 and 7, excepting our a tract of land located in Mesa County, Colorado, beginning at the northeast corner of Government Lot 7 of Section 27, Township 1 South, Range 1 West, Ute Meridian; thence south along said section line 927.111 feet; thence N 15° 13' 600" W 960.80 feet; thence due east 252.18 feet back to the true point of beginning , containing 2.68 acres, more or less; and also excepting out a tract of land located in Mesa County, Colorado, Section 27, Township 1 South, Range 1 West of the Ute Meridian more particularly described as follows:

Commencing at the northeast corner of the SE ¼ of the NE ¼, Section 27, Township 1 South, Range 1 West of Ute Meridian; thence N 36° 44' 34" W 984.95 feet to the true point of beginning, that being a point on the west right of way of the D&RGW Railroad, thence N 32° 09' 57" W 91.61 feet; thence N 56° 13' 47" W 100.32 feet; thence N 89° 03' 27" W 174.50 feet; thence S 85° 10' 12" W 282.68 feet; thence S 72° 14' 54" W 58.59 feet; thence S 51° 07' 33" W 201.80 feet; thence S 47° 34' 54" W 224.76 feet; thence S 38° 11' 37" W 113.15 feet; thence S 45° 25' 29" W 53.64 feet; thence S 05° 28' 49" E 43.48 feet existing fence line; thence along said fence S 38° 53' 06" W 34.42 feet; to the high water mark of the Gunnison River, thence along said high water mark for the following eight courses: N 08° 15' 56" W 282.72 feet; N 00° 37' 40" E 242.34 feet; N 68° 04' 07" E 88.18 feet; N 87° 11' 15" E 209.44 feet; N 87° 04' 11" E 251.57 feet; N 82° 29' 46" E 229–91 feet; N 82° 54' 06" E 162.91 feet; N 80° 12' 18" E 289.04 feet to the intersection of the west right-of-way of the D&RGW Railroad; thence along the arc of a curve to the left whose radius is 1030.00 feet and whose long chord bears S 15° 58' 10" W 311.12 feet to the true point of beginning, containing 5.32 acres more or less; all being subject to fenced right-of-way of the D&RGW Railroad, all being in Section 27, Township 1 South, Range 1 West, Ute Meridian, Mesa County, Colorado, containing 47.71 acres of land, more or less and that portion of the NW ¼ of the SE ¼ of Section 26, Township 1 South, Range 1 West, Ute Meridian, Mesa County, Colorado, lying between the fenced right-of-way of the D&RWG Railroad and the Gunnison River, containing approximately 0.91 acres of land, together with the private railroad spur thereon, and all rights appurtenant thereto, also all water and water rights used thereon or appurtenant thereto, including the private line from the artesian well, and all rights in connection therewith, and all buildings and improvement thereon.

Component Development and Integration Facility

A tract of land located in the north half of Section 18 Tract 2 North, Range 7 West, Montana Principal Meridian County of Silver Bow, State of Montana, more particularly described as follows:

Beginning at the point of intersection of the north boundary of said Section 18, Township 2 North, Range 7 West, M.P.M., and west boundary of the right-of-way of the Chicago, Milwaukee, St. Paul and Pacific Railway and running thence South 89° 23' West along the north boundary of said Section 18 a distance of 2,064.88 feet; thence South a distance of 1,223.5 feet; thence North 89° 23' East a distance of 1,741.80 feet to a point in the west boundary of the Chicago, Milwaukee, St. Paul and Pacific Railway right-of-way; thence North 14° 35' East along said right-of-way boundary a distance of 1,265.25 feet to the place of beginning containing 53.15 acres, more or less

Willow Creek Building

Tract 1: Lot 1, Block 1, Keefer Office Park Addition, to the City of Idaho Falls, County of Bonneville, State of Idaho, according to the recorded plat thereof.

Tract 2: That part of Lot 2, lying South of the Railroad right-of-way, Section 12, Township 2 North, Range 37 East of the Boise Meridian, Bonneville County, Idaho.

DOE Headquarters Building

Lot 1, Block 1 of the DOE Addition to the City of Idaho Falls Idaho.

Technical Sciences Building A

All of Lot 2 Block 3 of the Hatch-Grandview Subdivision, Division No. 3 to the City of Idaho Falls, Idaho, and a portion of Lot 1 Block 3 of said Subdivision, described as follows:

Beginning at the NW Corner of Lot 1, Block 3 of the Hatch-Grandview Subdivision, Division No. 3 to the City of Idaho Falls, Idaho, and running thence S 0° 34' 14" W 248.60 feet to the SW Corner of said Lot 1, said corenr being a point on a curve with a radius of 703.39 feet and chord that bears S 86° 53' 47" E 64.22 feet; thence to the left along said curve 64.24 feet; ;thence N 0° 34' 14" E 251.44 feet, parallel to, and 10 feet West of an existing building; thence N 89° 25' 46" W 64.16 feet to the point of beginning, containing 16,072 square feet.

Technical Sciences Building B

Three tracts of real property described as Lot 7 of Block 2, Lot 1 of Block 3, and Lot 2 of Block 3 in the Hatch-Grandview Subdivision, Division No. 3 of the City of Idaho Falls, Bonneville County, Idaho, within the SW ¼ of Section 13, Township 2 North, Range 37 E B.M.

Warehouse Space in Idaho Falls, Idaho

A. 41,850 square foot portion of the entire Lessor property of approximately 10 acres, located in Lot 4, Block 1, Growth Center Addition, Division No. 1, situated in the City of Idaho Falls, Bonneville County, state of Idaho, comprising 15,500 square feet of floor space, 910 square feet of loading dock, a railroad spur, and 25,440 square feet of paved and unpaved loading and parking area.

DOE Vehicle/ Bus Parking Facilities

Idaho Falls Bus Parking Facility

South 160.41 feet of Lot 8 and all of Lots 9 through 13, Block 1 of the Chaffin Addition Division No. 2, to the city of Idaho Falls, Idaho with improvements as cited in EG&G Specification A-ESC-40031, Revision B.

Technical Sciences Building Parking Facility

Beginning at the northwest corner of Lot 1A, Block 2, in Division 4 of the Idaho Falls Airport Industrial Park, City of Idaho Falls, Bonneville County, Idaho; thence proceeding west along the north property line a distance of approximately 180 feet, thence south in a direction parallel to the west property line until intersection with the south property line is reached, thence east along the south property line to the southeast corner, thence north to the point of beginning, containing approximately .83 acres.

Arco Bus Parking Facility

Excluding that portion of land upon which the Golden West Cafe is situtated, Tract No. 10, commencing at a point 1644.85 feet South 89° 54' West and 881.72 feet north 0° 01' East of the S¼ corner of Section 31, Township 4 North, Range 27 E.B.M., Butte County, Idaho, to the point of beginning; continuing thence North 89° 54' East 526.80 feet, thence South 0° 01' West 206.72 feet to the point of beginning, together with any and all options, rights and appurtenances thereunder and extensions and renewals thereof.

Highway 20, Bonneville County, Vehicle Parking Facility

From the NW corner of Section 22 Township 2 N, Range 37 EBM there is a highway marker 30° East and 36' South. From that highway marker the plot will run South 0° 21' for a distance of 220 feet; then east 90° 21' for a distance of 50 feet; then North 0° —21' for a distanceof 220 feet; then West 89° 39' a distance of 50 feet, along with rights of ingress and egress to and from said above described tract, more particularly described as follows:

Beginning at a point which is 33 feet south 0° 21' west of the NW corner of section 22, Township 2 N, Range 37 EBM, said point of beginning being coincident with the west section line of said Sec. 22, thence running south 0° 21' west along the west section line of said Sec. 22 a distance of 284 feet; thence turning and running N 59° 11' a distance of 79 feet more or less, to the west meander line of the Great Western Canal; thence continuing along said meander line N 7° 42' east a distance of 92.9 feet; thence N 47° 25' east a distance of 87.3 feet; thence N 15° 42' east a distance of 95 feet more or less to the south right-of-way line of the Shelly New Sweden Road; thence turning and running along said south right-of-way line N 89° 39' west a distance of 16.5 feet more or less to the point of beginning, containing a calculated area of 167 acres more or less.

Blackfoot Vehicle Parking Facility

A parcel of land situated in Bingham County, Idaho, being a portion of the SW ¼ of the NW ¼ of Section 33, Townsip 2 South, Range 35 East, Boise Meridian, described as follows, to-wit:

Commencing at the Southwest corner of the SW ¼ of the NW ¼ of Section 33, Township 2 South, Range 35 East, Boise Meridian; thence South 89 ° 19' 47" East along the South line of said SW ¼ NW ¼, a distance of 30.0 feet, more or less, to a point in the Eaternly right-or-way line of existing Groveland Road; thence North 0° 23' 07" East (shown of record to be North) along said existing Easterly right-or-way line 429.75 feet to the REAL POINT OF BEGINNING; thence East 435.7 feet; thence North 220.0 feet; thence West 435.0 feet, more or less, to a point in said existing Easterly right-or-way line thence Southerly along said existing easterly right-of-way line 220.0 feet, more or less, to the REAL POINT OF BEGINNING.

The area above described contains approximately 2.20 acres.

Mackay Bus Parking Facility

Lots 22, 23 and 24, Block 10, City of Mackay, Idaho Original Townsite, according to the official plat thereof on file with the Custer County, Idaho, Recorder.

Shelley Bus Parking Facility

The North 176 feet of Lot 3, of the re-Plat of Block 19, of the City of Shelley, Bingham County, Idaho together with rights of ingress and egress thereto.

Rexburg Bus Parking Facility

Beginning 37½ feet South of the NW corner of Lot 3, Block 33 of the Original Rexburg Townsite; thence running South 127½ feet to the Alley right-or-way; thence East 10 Rods; thence North 10 Rods; thence West 65 feet; thence South 37½ feet; thence West 100 feet to the point of beginning. Said parcel being in Madison County, State of Idaho.

Rigby Bus Parking Facility

Beginnig at a point 90 feet North and 1,064 feet West of the Southwest quarter of Section 13 Township 4 N Range 38 EBM of Rigby, Jefferson County, State of Idaho, and running thence West 160 feet; thence North 160 feet; thence East 160 feet; thence South 160 feet to the point of beginning, together with rights of ingress and egress to and from said tract.

Pocatello Bus Parking Facility

Lots 16 and 17, in Blcok 2 of the Palmer Tracts, which is part of the subdivision of the northwest quarter of the southeast quarter, Section 6, Township 7 South, Range 35 East Boise Meridian, less the Northeast 190 feet by 62 feet of Lot 17. Said parcel being in the City of Pocatello, Bannock County, State of Idaho.

Notices stating the pertinent prohibitions of 10 CFR 860.3 and 860.4 and the penalties of 10 CFR 860.5 are being posted at all entrances of the above-referenced areas and at intervals along their perimeters, as provided in 10 CFR 860.6.

Dated at Washington, DC, this 31st day of December, 1986.

James A. Stout,

Acting Executive Assistant for Defense Programs.

[FR Doc. 87-1526 Filed 1-22-87; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Docket No. 86-65-NG]

Gulf Energy Marketing Co.; Application to Import Natural From Canada

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Application for Blanket Authorization to Import Natural Gas from Canada.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt on December 24, 1986, of an application from Gulf Energy Marketing Company (Gulf Energy) for blanket authorization to import Canadian natural gas for short-term and spot market sales to customers in the United States or to act as an agent for such sales. Authorization is requested to import up to 200,000 Mcf per day of Canadian natural gas for a two-year term beginning on the date of first delivery of the import. Gulf Energy, a Delaware corporation that has its principal place of business in San Antonio, Texas, is an affiliate of Valley Gas Transmission, Inc., an interstate pipeline, and is a wholly-owned subsidiary of Gulf Energy Development Corporation. Gulf Energy plans to import the gas from various Canadian producers, pipelines and marketers for resale to or on the behalf of distribution companies, electric utilities, agricultural users, industrial end-users, and other prospective customers in the United States. Gulf Energy intends to utilize existing pipeline facilities for the transportation of the volumes imported. Gulf Energy proposes to submit quarterly reports giving details of individual transactions within 30 days following each calendar quarter.

The application is filed with the ERA pursuant to Section 3 of the Natural Gas Act and DOE Delegation Order No. 0204-111. Protests, motions to intervene, notices of intervention and written comments are invited.

DATE: Protests, motions to intervene, or notices of intervention, as applicable, and written comments are to be filed no later than February 23, 1987.

FOR FURTHER INFORMATION CONTACT:

Tom Dukes, Natural Gas Division, Economic Regulatory Administration, Forrestal Building, Room GA-076, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-9590

Diane Stubbs, Office of General Counsel, Natural Gas and Mineral Leasing, U.S. Department of Energy, Forrestal Building, Room 6E-042, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-6667

SUPPLEMENTARY INFORMATION: The decision on this application will be made consistent with the DOE's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). Parties that may oppose this application should comment in their responses on the issue of competitiveness as set forth in the policy guidelines. The applicant asserts that this import arrangement is competitive. Parties opposing the arrangement bear the burden of overcoming this assertion.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate procedural action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR Part 590. They should be filed with the Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Room GA-076, RG-23, Forrestal Building, 1000 Independence Avenue, S.W., Washington, DC 20585, (202) 586-9478. They must be filed no later than 4:30 p.m. e.s.t., February 23, 1987.

The Administrator intends to develop a decisional record on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or a trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, the ERA will provide notice to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of Gulf Energy's application is available for inspection and copying in the Natural Gas Division Docket Room, GA-076-A at the above address. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, January 14, 1987.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 87-1457 Filed 1-22-87; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. TA87-4-20-000 & 001 and TA87-2-20-002]

Algonquin Gas Transmission Co.; Proposed Changes In FERC Gas Tariff

January 16, 1987.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas") on January 14, 1987, tendered for filing to its FERC Gas Tariff, Second Revised Volume No. 1 the following tariff sheets:

Proposed to be effective January 1, 1987; Substitute Eighteenth Revised Sheet No. 203, Tenth Revised Sheet No. 205.

Proposed to be effective February 1, 1987; Fourth Revised Sheet No. 214.

Algonquin Gas states that the above-mentioned tariff sheets are being filed to reflect in its rates under Rate Schedules F–2 and SS–III corresponding changes in the underlying rates of its supplier Texas Eastern Transmission Corporation ("Texas Eastern"), as reflected in Texas Eastern's filing of Second Revised Eighty-second Revised Sheet No. 14 and Eighty-third Revised Sheet No 14; and to reflect in its rates under Rate Schedule F–4 the revised GRI funding unit as approved by Commission Opinion No. 252.

Algonquin Gas requests that the Commission accept the above tariff sheets to be effective as proposed.

Algonquin Gas notes that a copy of this filing is being served upon each affected party and interested state commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before January 26, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87–1541 Filed 1–22–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP87–30–000]

Colorado Interstate Gas Co.; Proposed Changes in FERC Gas Tariff

January 16, 1987.

Take notice that Colorado Interstate Gas Company (CIG) on January 14, 1987, tendered for filing proposed changes in its FERC Gas Tariff, Original Volume Nos. 1 and 2 and First Revised Volume No. 1–A. The proposed base tariff rates would increase revenues from CIG's jurisdictional customers by approximately $17.6 million above CIG's currently effective rates (excluding the GRI adjustment and all surcharges). The proposed increase is based on the 12-month period ended September 30, 1986, adjusted for known and measurable changes which will become effective within the nine months subsequent to that date, as provided in the Commission's Regulations.

CIG provides that the jurisdictional rates filed herewith are designed to enable CIG to recover its jurisdictional cost of service and reflects substantially reduced sales volumes and reduced liquids volumes and revenues.

In addition, included in this filing are Revised Tariff Sheets adjusting the transportation rates CIG charges its existing transportation customers under various Rate Schedules contained in Original Volume No. 2 of CIG's FERC Gas Tariff.

CIG requests all necessary waivers of the Commission's Regulations in order for its filing to be accepted and to be effective on February 14, 1987.

Copies of CIG's filing have been served on CIG's jurisdictional customers and interested public bodies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Ccmmission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before January 26, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87–1542 Filed 1–22–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TA87–3–51–000, 001]

Great Lakes Gas Transmission Co.; Proposed Change in FERC Gas Tariff

January 16, 1987.

Take notice that Great Lakes Gas Transmission Company ("Great Lakes"), on January 8, 1987, tendered for filing Substitute Fifth Revised Sheet Nos. 57(i) and 57(ii) to its FERC Gas Tariff, First Revised Volume No. 1.

Substitute Fifth Revised Sheet Nos. 57(i) and 57(ii) reflect changes in the gas purchase price for Inter-City Gas Corporation ("Inter-City") from $1.8895 per MMBtu to $1.8078 per MMBtu resulting from the pricing index mechanism previously approved by the Commission. In addition, the price Great Lakes pays for its company use gas has also changed in connection with the pricing index previously approved. Except for the gas purchase costs reflected on the substitute tariff sheets with respect to Great Lakes company use and Inter-City, all of the price changes described in the letter of transmittal of November 28, 1986 are also reflected in the attachment hereto.

Great Lakes requests waiver of the 30 day notice requirement of the Commission's Regulations and any other necessary waivers so as to permit the above tariff sheets to become effective as requested.

Any person desiring to be heard or protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure should be filed on or before January 26, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87–1543 Filed 1–22–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER87–131–000]

Indiana & Michigan Electric Co.; Notice of Filing

January 16, 1987.

Take notice that on January 13, 1987, Indiana & Michigan Electric Company tendered for filing additional information regarding the justification for the proposed maximum demand rate of 25 mills per kilowatt-hour for Non-Displacement service under the rate schedule filing in this docket.

The filing shows that copies of the filing have been served upon Central Illinois Public Service Company and the state public service commissions of Indiana, Illinois and Michigan.

Any person desiring to be heard or to protest this application should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washinqton, DC 20426, in accordance with Section 211 or 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before January 26, 1987. Protests will be considered by the Commission in determining the appropriate action to be

taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-1544 Filed 1-22-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP85-437-003 etc]

Majave Pipeline Co. et al.; Availability of the Mojave—Kern River—El Dorado Natural gas Pipeline Projects Draft EIR/EIS and Preliminary Notification of Schedule for Public Meetings for Comment on the Draft EIR/EIS

January 23, 1987.

In the matter of Mojave Pipeline Company, Docket No. CP85-437-003, Kern River Gas Transmission Company, Docket No. CP85-552-002, El Dorado Interstate Transmission Company, Docket No. CP86-205-001, Northwest Pipeline Corporation, Docket No. CP85-625-001, El Paso Natural Gas Company, Docket No. CP86-197-003, Transwestern Pipeline Company, Docket No. CP86-212-001.

Notice is hereby given that the Federal Energy Regulatory Commission (FERC) and the California State Lands Commission (SLC) have available a draft joint environmental impact report/statement (EIR/EIS) for the above listed projects. The EIR/EIS was prepared under the direction of the FERC and SLC staffs to satisfy the requirements of the National Environmental Policy Act and the California Environmental Quality Act. The FERC has determined that approval of any of these projects "would be a major Federal action significantly affecting the quality of the human environment."

The primary projects proposed by Mojave Pipeline Company (Mojave), Kern River Gas Transmission Company (Kern River), and El Dorado Interstate Transmission Company (El Dorado) are competing to transport natural gas from various sources outside California to the Bakersfield, California area for use in enhanced oil recovery (EOR) and related cogeneration projects.[1] In each case, producers of crude oil in the San Joaquin Valley would use the natural gas as boiler fuel to create steam which would then be injected into the oil fields to produce crude oil not recoverable by primary recovery methods. Some of the steam would also be used to generate electricity.

The projects proposed by Northwest Pipeline Company (Northwest), El Paso Natural Gas Company (El Paso), and Transwestern Pipeline Company (Transwestern) would deliver natural gas to the primary projects.

The primary projects are competing for the FERC's approval; however, it is unlikely that all projects would be approved. The EIR/EIS treats each primary project with its associated feeder projects as an alternative to the other two. Additional alternative systems and routes are also analyzed. The proposed facility requirements for each system are outlined below:

	Mojave[2]	El Dorado[3]	Kern River[3]
Pipeline (miles)	756.2	753.2	837
Compression (horsepower)	22,500		35,500

[2] Includes El Paso and Transwestern.
[3] Includes Northwest.

Facilities for the proposed systems would be located in Arizona, California, Nevada, New Mexico, Texas, Utah, and Wyoming. Alternatives would involve the state of Colorado as well. Detailed listings of proposed facilities and affected counties were published in the **Federal Register** of August 23, 1985, December 13, 1985, and May 19, 1986. (See 50 FR 34174, 50941, and 51 FR 18357.)

The EIR/EIS will be used in the regulatory decisionmaking process at both the FERC and SLC and will be presented as evidentiary matter in formal hearings at the FEREC. While the period for filling motions to intervene in these cases has expired, motions to intervene out-of-time can be filed with the FERC in accordance with the requirements of Rule 214(d) of the Commisison's Rules of Practice and Procedure, 18 CFR 385.214(d). Anyone desiring to file a protest with the FERC should do so in accordance with 18 CFR § 385.211.

The EIR/EIS has been placed in the public files of the FERC and SLC and is available for public inspection in the FERC Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, DC 20426, and at SLC, 1807-13th Street, Sacramento, CA 95814. Copies have been sent to the public, all parties to the proceeding, and Federal, state, and local officials, and are available in limited quantities from the FERC Division of Public Information and the California SLC.

Anyone wishing to do so may file comments on the EIR/EIS no later than April 24, 1987. Comments should be sent to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Additional information about the project is available either from Mr. Robert Arvedlund, FERC Project Manager, Environmental Evaluation Branch, Room 7102.

It is expected that a limited number of public meetings will be held to receive comments on the draft EIR/EIS. These meetings will tentatively take place the week of March 23, 1987, in Bakersfield and Barstow, California, Las Vegas, Nevada, and Salt Lake City, Utah. Anyone wishing to suggest additional or alternative locations should contact Mr. Arvedlund before February 27, 1987.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-1539 Filed 1-22-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No CP87-85-000]

Tennessee Gas Pipeline Co.; A Division of Tenneco, Inc.; Intent To Prepare an Environmental Assessment on a Proposed Replacement Pipeline and Request for Comments on Environmental Issues

January 20, 1987.

Notice is hereby given that the staff of the Federal Enery Regulatory Commission (FERC) will prepare an environmental assessment on the facilities proposed in the above-referenced docket. On November 18, 1986, Tennessee Gas Pipeline Company (Tennessee) filed an application pursuant to Section 7 of the Natural Gas Act to (1) provide firm deliveries of the Interim Natural Gas Service (INGS) volumes to Boston Gas Company (Boston Gas) at six delivery points on the Beverly-Salem lateral, and (2) replace 2.0 miles of its 12-inch diameter Beverly-Salem lateral with 24-inch diameter pipe in the Town of Burlington, Middlesex County, Massachusetts.

Tennessee originally proposed in Docket Nos. CP86-251-000 and CP86-251-001 to replace this section of the Beverly-Salem lateral to provide firm service to Boston Gas. However, on June 9, 1986, Tennessee withdrew the Beverly-Salem replacement from the INGS proposal because the additional time required to resolve environmental

[1] On October 27, 1986, Administrative Law Judge Isaac D. Benkin of the FERC ordered that the El Dorado application be dismissed with prejudice. Actual dismissal is subject to the Commission's review. Except for information pertinent to portions of El Dorado's route which are considered environmentally superior to portions of the remaining competitors' routes, the analysis of the El Dorado project may not appear in the final EIR/EIS if the Commission concurs that El Dorado should be dismissed.

concerns would have delayed 1986 construction for the remainder of the INGS facilities. In its September 26, 1986 order, the Commission authorized Tennessee to increase its firm deliveries to Boston Gas by 10, 460 Mcf of natural gas per day, but the deliveries on the Beverly-Salem lateral were only authorized on a best-efforts basis. Thus, to allow delivery of the INGS volumes on a firm basis, Tennessee again proposes to replace the 2.0-mile segment of the Berverly-Salem lateral.

The proposed 24-inch diameter replacement pipeline would be located from milepost (MP) 270C–101.1+0 (value 270C–101.1) to MP270C–101.1+2.0. (See figure 1.) Construction is proposed for mid-1987 to provide firm gas deliveries for the 1987–88 heating season. Tennessee proposes to install the 24-inch line within its existing 30-foot-wide easement, except for a 0.26-mile segment in the Julia Avenue area (MP270C–101.1+1.74 to MP270C–101.1+2.0) where a new easement would be acquired. According to Tennessee, a new easement would be required to facilitate future residential development in the Julia Avenue area. The new line would be installed parallel to and at a 5- to 10-foot offset from the existing 12-inch line. After construction, the 30-foot-wide permanent easement would be shifted to center on the new line except along Paul Street, along the western end of Maryvale Road, and where some adjustments would be made to satisfy landowners' concerns. The new permanent easement along Paul Street and the western end of Maryvale Road would remain the same as the existing easement. Where requests for a reduction of the 30-foot-wide permanent right-of-way do not unduly interfere with construction or maintenance, Tennessee states in its application that it will try to accommodate the landowner.

Once the new line is in service, Tennessee would abandon the old 12-inch line in place or by removal. Although removal is preferable to Tennessee, it will abandon the old line in place at road crossings and in areas where removal would cause additional impact on residential properties—unless removal is specifically requested by the landowner.

The proposed construction would start at Tennessee's valve southwest of Carey Avenue. Heading northeast from the valve, the new line would be constructed on the north side of the existing line. It would cross Carey Avenue, Paulson Drive twice, and Purity Spring Road. The replacement line would be routed down the length of Paul Street crossing Long and Leopold Streets. After bisecting Arthur Woods and Woodcrest Avenues, the line would traverse Cambridge Street (Route 3A) and Murray Avenue. The new line would parallel adjacent to Maryvale Road for approximately 800 feet and cross it once. While still paralleling the existing pipeline of the north, the new line would then cross a small intermittent stream and Fox Hill, Patriot, Donald and Hart Streets. Between Tinkham and Julia Avenues (MP270C–101.1+1.74), the replacement line would leave the existing right-of-way to parallel Julia Avenue before rejoinig the existing line near the project terminus.

Construction of the replacement line in residential areas would be accomplished using one of two methods depending on the specific location along the route. The first method, referred to by Tennessee as "drag section construction," involves welding a section or sections of pipe in a work area away from the nearest residence. When the pipe section is ready, the trench is dug, and the pipe section is carried into position and lowered into the trench. The pipe section is then welded to the previously installed pipe, and the ditch is backfilled. Tennessee indicates that this technique reduces both the amount of right-of-way disturbed near residences and the amount of time the area must be distrubed. Tennessee proposes to use this method when entering and leaving the Paulson Drive area.

The second method proposed by Tennessee for use in residential areas involves laying one or two joints of pipe at a time. The trench is dug just ahead of the pipe laying operation. One or two pipe joints are welded together and lowered into the trench, which is immediately backfilled. Tennessee states that this technique keeps the amount of time any one area is disturbed to an absolute minimum. This method of construction is proposed for use along Paul Street and Maryvale Road.

Tennessee indicates that blasting in several rocky areas will probably be required. In residential or commerical areas, Tennessee would keep blasting to a minimum and remove as much rock as possible by mechanical equipment. Tennessee states that with today's technology of using small, directional charges arranged to fire sequentially, blasting should have no effect on residential or commercial property. Tennessee further states that it has comprehensive specifications for blasting and would have a licensed blasting inspector overseeing all blasting work. Tennessee would also monitor blasting near residential or commercial buildings with portable seismic equipment. At the landowner's request, Tennessee would arrange for pre-blast and post-blast foundation inspections.

Tennessee indicates that special care would be taken with cleanup in residential areas. Construction debris would be removed as soon as possible. Lawns would be raked and topsoil added, if necessary. Shrubs would be replaced and lawns reseeded or resodded according to landowners' preference. Fences, sidewalks and dirveways would be repaired. Where the old pipe is to be abandoned in place, final cleanup and landscaping would follow immediately behind construction. Where the old pipe is to be removed, a preliminary cleanup would follow immediately behind construction and final cleanup would follow removal.

Removal of the old pipe would consist of uncovering the old line, cutting it into small sections, and removing it from the right-of-way. The resulting ditch would then be backfilled and final cleanup begun. In residential areas, final cleanup and landscaping would be the same as for residential areas where the old line is abandoned in place. In non-residential areas, final cleanup would consist of the removal of construction debris, final grading, installation of erosion control structures, seeding and mulching.

The staff will analyze a number of alternatives to the proposed route. These include:

(a) Same-ditch replacement—removing the existing 12-inch diameter pipe and emplacing the new 24-inch diameter pipe in the same ditch.

(b) Installing the new line under existing streets—burying the new line beneath existing city streets not necessarily crossed by the existing line. Three proposed variations have been identified by Tennessee affecting such streets as Meadowvale Road, Webber Road, Paulson Drive, Glenwood Street, Great Pine Avenue, Pontos Avenue, Taylor Avenue, and Delores Drive.

(c) Minor route deviations—routing the new pipeline through the back yards instead of the front yards or houses on Paul Street and Maryvale Road.

(d) Moving the replacement line—avoiding congested residential areas by replacing a different 2-mile section of the Beverly-Salem lateral downstream or east of the proposed location. See alternative 1 shown on figures 1 and 2.

(e) Major route alternative—avoiding congested residential areas by routing the new line to follow other exisiting

rights-of-way such as roads, highways, other pipelines, and electrical powerlines. See alternative 2 and variations identified as 2A, 2B, and 2C on figure 1.

Portions of alternatives 1 and 2 would cross areas of special concern. Alternative 1 woud cross the Middlesex Canal, a property listed on the National Register of Historic Places, within the town of Wilmington. Alternatives 2B and 2C would each cross portions of the town of Burlington's well field, the source of domestic water supplies.

A copy of this notice and request for comments on the scope of the staff's analysis has been distributed to Federal, state, and local environmental agencies, parties in this proceeding, and the public. Comments on the scope of the environmental assessment should be filed as soon as possible but not later than March 9, 1987. All written comments must reference Docket No. CP87-85-000 and be addressed to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Comments recommending that the FERC staff address specific environmental issues should be supported with a detailed explanation of the need to consider such issues.

The environmental assessment will be based upon the staff's independent analysis of the proposal. The environmental assessment will be sent to all parties in this proceeding and the public for comments, and will be offered as evidentiary material if hearings are held for this docket. Anyone wishing to present evidence on environmental matters must file with the Commission a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214).

Additional information about the proposal, including detailed route maps for specific locations, is available from Mr. James P. Daniel, Project Manager, Environmental Evaluation Branch, Office of Pipeline and Producer Regulation, telephone (202) 357-5364.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-1540 Filed 1-22-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP79-382-009]

South Georgia Natural Gas Co.; Proposed Changes in FERC Gas Tariff

January 16, 1987.

Take notice that South Georgia Natural Gas Company (South Georgia) on January 9, 1987, tendered for filing Ninth Revised Sheet Nos. 76 and 106 to the first Revised Volume No. 2 of its FERC Gas Tariff. The proposed revised tariff sheets would flow through to South Georgia's two gas storage customers reduced storage transportation charges billed to South Georgia by Southern Natural Gas Company (Southern).

South Georgia states that the Commission's August 22, 1980 order in the capitoned proceeding permits South Georgia to flow through to its two storage customers any changes in the amounts which the Commission authorizes Southern to charge South Georgia for storage transportation services. South Georgia further states that the Commission recently accepted for filing to be effective October 1, 1986, subject to refund, revised tariff sheets filed by Southern which reduced Southern's storage transportation charges to South Georgia.

South Georgia requests waivers of § 154.51 of the Commission's Regulations and any other waivers necessary to make the revised tariff sheets effective as of October 1, 1986, the date of the decrease in Southern's charges to South Georgia.

Copies of this filing were served on the two jurisdictional customers affected by the filing, interested state commissions and all parties in the capitoned proceeding.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street, NE., Washington, DC 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such petitions or protests should be filed on or before January 26, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-1545 Filed 1-22-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER87-217-000]

Southern California Edison Co.; Filing

January 16, 1987.

Take notice that, on January 13, 1987, Southern California Edison Company ("Edison") tendered for filing, as an initial rate schedule, the following agreement, which has been executed by Edison and the Northern California Power Agency ("NCPA").

Edison-NCPA Economy Energy Agreement

("Agreement")

Under the terms of the Agreement, Economy Energy may be sold by one Party and purchased by the other Party to make more efficient use of the Parties' electrical systems.

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street, NE., Washington, DC 20426, in accordance with Rule 211 or 214 of the Commission's Rules of Practices and Procedures (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before January 2, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-1546 Filed 1-22-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP87-26-001]

Tennessee Gas Pipeline Co., a Division of Tenneco, Inc.; Tariff Filing and Rate Changes

January 16, 1987.

Take notice that on January 12, 1987, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc., (Tennessee) tendered for filing revised tariff sheets to Second Revised Volume No. 1 to its FERC Gas Tariff to be effective December 10, 1986. A list of the revised tariff sheets is attached as Appendix A to the filing. According to § 381.103(b)(2)(iii) of the Commission's regulations (18 CFR 381.103(b)(2)(iii)), the date of filing is the date on which the Commission receives the appropriate filing fee, which in the

instant case was not until January 13, 1986.

Tennessee states that the revised tariff sheets are filed in accord with the Commission's Order in this proceeding issued January 7, 1987. Further, Tennessee states that the revised tariff sheets are filed without prejudice to Tennessee's filing for rehearing of the Commission's Order.

Specifically, the revised tariff sheets reflect (1) the elimination of Rate Schedule FT–B and revisions to Tennessee's rates in light of this elimination, (2) elimination of those provisions in Rate Schedule IT which provide that transportation service for Tennessee's Rate Schedule GS customers shall be rendered at the Rate Schedule GS commodity rate, (3) a revision to provide that the late payment charge shall be calculated using interest calculated in accord with § 154.67 of the Commission's regulations, (4) a revision to indicate that certain information is required of Shippers at the time a transportation contract is executed, (5) revision to Rate Schedule FT–A to make clear that the required prepayment for service will be refunded if the transportation service is not provided, (6) elimination of the provision in Rate Schedules FT–A and IT which indicates that a Shipper may be required to provide a letter of credit to establish credit-worthiness, and (7) deletion of an incorrect reference to Rate Schedule IT.

Tennessee states that copies of the filing may be mailed to all of its customers, affected state regulatory commissions, and parties to this proceeding.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before January 26, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87–1547 Filed 1–22–87; 8:45 am]

BILLING CODE 6717–01–M

Office of Hearings and Appeals

Issuance of Decisions and Orders During Week of November 24 Through November 28, 1986

During the week of November 24 through November 28, 1986, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeal

Mehta Tech, Inc., 11/28/86; *KFA–0061*

Mehta Tech, Inc. filed an Appeal from a denial by the Bonneville Power Administration (BPA) of a Request for Information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that the BPA properly withheld documents under Exemption 5. However, certain factual material was found to be segregable from the withheld information. In addition, the request was remanded to the BPA for a search for additional documents. Important issues that were considered in the Decision and Order were (i) the applicability of Exemption 5 to technical evaluations, and (ii) whether the discretionary release of some protected information necessitates the release of all protected underlying documents.

Requests for Exception

Co-op Supply of Lake County, Inc., 11/24/86; KEE–0035

Co-op Supply of Lake County, Inc. filed an Application for Exception from the requirement to file Form EIA–782B, entitled "Resellers'/Retailers' Monthly Petroleum Product Sales Report." In evaluating the request, the DOE found that the reporting requirement placed a disproportionate burden on Co-op Supply. However, the DOE also found that the use of estimates, as permitted by the form's instructions, would significantly reduce that burden. The DOE found that this reduced burden would be insufficient to outweigh the public interest in obtaining the survey data. Accordingly, exception relief from filing Form EIA–782B was denied.

Lockheed Air Terminal, Inc., 11/25/86; KEE–0050

Lockheed Air Terminal, Inc. filed application for Exception from the requirement to file Form EIA–782B, entitled "Resellers'/Retailers' Monthly Petroleum Product Sales Report." In evaluating the request, the DOE found that the firm had not shown that it experienced a burden in filing Form EIA–782B sufficient to outweigh the public interest in obtaining the survey data. Accordingly, exception relief from filing Form EIA–782B was denied.

Paullina Grain Co., Inc., 11/28/86; KEE–0074

Paullina Grain Co., Inc. filed an Application for Exception in which the firm sought relief from its obligation to submit Form EIA–782B, entitled "Resellers'/Retailers' Monthly Petroleum Product Sales Report." In considering the applicant's request, the DOE found that the firm failed to demonstrate that it was particularly adversely affected by the requirement that it file the Form. Accordingly, exception relief was denied to the firm.

Refund Applications

Eastern of New Jersey, Inc./Omnia Properties, Inc. et al., 11/24/86; RF232–31 et al.

The DOE issued a Decision and Order concerning 10 Applications for Refund filed in the Eastern of New Jersey, Inc. special refund proceeding. The applicants were either end-users or resellers whose purchases of No. 4 residual fuel oil from Eastern rendered them eligible for a refund below the $5,000 small claims threshold. In its Decision, the DOE granted the 10 applications under the standards specified in *Eastern of New Jersey, Inc.*, 13 DOE ¶ 85,364 (1986). The refunds granted total $9,019, representing $5,556 in principal and $3,463 in interest.

Gulf Oil Corp./Kaye F. Bole, 11/25/86; RR40–1

The DOE issued a Decision and Order concerning a Motion for Reconsideration filed by Kaye F. Bole (Bole) in response to a September 23, 1985 Decision rescinding a refund previously granted to Bole for a portion of the Gulf Oil Corporation settlement fund. On August 1, 1985, bole was granted a refund for purchases made by Bole Oil Company (BOC)). Shortly after the publication of that Decision, but before a refund check was issued, the DOE was informed that Allied Oil Company purchased Bole Oil Company, Inc. (BOCI) from Bole in September 1973. Based on that information, the Bole refund decision was rescinded pending an investigation. In his Motion for Reconsideration, Bole claimed that although he was not the owner of BOCI during the consent order period, he continued to operate as a sole proprietorship under the name BOC. Bole claimed that BOC purchases of Gulf product were separate and distinct from those purchases made by BOCI. The DOE determined that Bole failed to submit credible evidence to demonstrate the amount of Gulf Products which BOC purchased during the consent order period, and also failed to demonstrate that BOCI was a distinct entity operating separately from BOC. Accordingly, Bole's Motion for Reconsideration was denied.

Gulf Oil Corp./Rarick Coal & Oil Co., et al., 11/24/86; *RF40–3361 et al.*

The DOE issued a Decision and Order concerning four Applications for Refund filed by retailers that were direct purchasers of Gulf Oil Corporation petroleum products. Each firm applied for a refund based on the procedures outlined in *Gulf Oil Corp.*, 12 DOE ¶ 85,048 (1984), governing the disbursement of the Settlement funds received from Gulf pursuant to a 1978 consent order. In accordance with those procedures, each applicant demonstrated that it would not have been required to pass through to

customers a cost reduction equal to the refund claimed. After examining the Applications and supporting documentation submitted by the applicants, the DOE concluded that they should receive a total refund of $8,448, representing $6,781 in principal and $1,667 in interest.

Gulf Oil Corp./T.A.M. Car Wash, Inc. Et. al. 11/28/86; *RF40-3386 et al.*

The DOE issued a Decision and Order Concerning six resellers and one end-user of Gulf Oil Corporation petroleum products. Each applicant presented evidence that it purchased refined petroleum products from Gulf during the consent order period. In addition, each reseller demonstrated that it would not have been required to pass through to customers a cost reduction equal to the refund claimed. According to the methodology set forth in *Gulf Oil Corp.*, 12 DOE ¶ 85,048 (1984), each applicant was found to be eligible for a refund from the Gulf consent order fund based on the volume of its purchases times the volumetric refund amount. The refunds approved in the Decision totaled $20,346.

Inland U.S.A., Inc./ Triad Management Corp., 11/25/86; *RF176-19*

The DOE issued a Decision and Order concerning an Application for Refund filed by Triad Management Corp. in connection with a consent order fund made available by Inland U.S.A., Inc. Triad, a reseller of Inland motor gasoline, provided evidence that it purchased motor gasoline from Inland during the consent order period and was injured by the alleged Inland overcharges. Specifically, the firm showed that it had suffered a competitive disadvantage on 94.9 percent of its Inland purchase volumes. Accordingly, the DOE granted Triad a refund based upon 94.9 percent of the full amount allocable to the firm under the procedures set forth in the Inland Special Refund Proceeding. The total refund amount approved in this Decision is $3,470, representing $20,806 in principal and $10,664 in interest.

Marathon Petroleum Co./Action Gas Station et al., 11/25/86; RF250-1399 et al.

The DOE issued a Decision and Order concerning 60 Applications for Refund filed by reseller of products covered by a consent order that the agency entered into with Marathon Petroleum Company. Each applicant submitted information indicating the volume of its Marathon purchases, and none requested a refund greater than the $5,000 small claims refund amount. The sum of the refunds approved in this Decision is $70,254, $66,307 in principal and $3,947 in interest.

Marathon Petroleum Co./Bill's Marathon Station et al., 11/26/86; RF250-1686 et al.

The DOE issued a Decision and Order concerning 56 Applications for Refund filed by resellers of products covered by a consent order that the agency entered into with Marathon Petroleum Company. Each applicant submitted information indicating the volume of its Marathon purchases, and none requested a refund greater than the $5,000 small claims refund amount. The sum of the refunds approved in this Decision is $31,981, $30,188 in principal and $1,793 in interest.

Marathon Petroleum Co./Dagam Oil, Inc., 11/26/86; RF250-1296

The DOE issued a Decision and Order concerning an Application for Refund filed by Dagam Oil, Inc. (Dagam), a reseller of products covered by a consent order that the agency entered into with Marathon Petroleum Company. Dagam submitted information indicating the volume of its Marathon purchases and, did not request a refund greater than the $5,000 small claims refund amount. The refund approved in this Decision is $5,000 in principal and $298 in interest.

Marathon Petroleum Co./Circle S Oil, 11/24/86; RF250-1466 et al.

The DOE issued a Decision and Order concerning 28 Applications for Refund filed by resellers of products covered by a consent order that the agency entered into with Marathon Petroleum Company. Each applicant submitted information indicating the volume of its Marathon purchases, and none requested a refund greater than the $5,000 small claims refund amount. The sum of the refunds approved in this Decision is $27,744, $26,187 in prinicipal and $1,557 in interest.

Marathon Petroleum Co. Dixie Blend Service Station, 11/24/86; RF250-764, RF250-765

The DOE issued a Decision and Order concerning two Applications for Refund filed by Dixie Blend Service Station, a purchaser of products covered by a consent order that the agency entered into with Marathon Petroleum Company. The applicant's claim was partially denied on the basis that its purchases of diesel fuel were made after decontrol of that product. The refund approved in this Decision is $328, $310 in principal and $18 in interest.

Marathon Petroleum Co./General Motors Corp. et al., 11/24/86; RF250-1403 et al.

The DOE issued a Decision and Order concerning 20 Applications for Refund filed by end-users of products covered by a consent order that the agency entered into with Marathon Petroleum Company. The Applications were evaluated in accordance with the procedures set forth in *Marathon Petroleum Co.*, 14 DOE ¶ 85,269 (1986). The sum of the refunds approved in this Decision is $65,477, representing $61,936 in principal and $3,541 in interest.

Marathon Petroleum Co./Gibbs Marathon, 11/24/86; RF250-362

Gibbs Marathon (Gibbs), a retailer of refined petroleum products, filed an Application for Refund seeking a portion of the funds remitted to the DOE by Marathon Petroleum Company. Gibbs purchased Marathon product directly from the consent order firm, and indirectly through Earl Busch Marathon (Busch). In a previous decision, the DOE had granted Busch its full volumetric share for its purchases from Marathon, based on the small claims presumption of injury. Because no specific finding had been made in the earlier decision as to what portion of Marathon's alleged overcharges Busch may have passed through to its customers, the DOE determined that it would be inequitable to deny Gibbs a refund for the part of its claim representing indirect purchases. Accordingly, the DOE granted Gibbs a refund, based on its entire purchase claim, of $533, $503 principal and $30 in interest.

Marathon Petroleum Co./J.C. Penny Co., 11/26/86; RF250-1350.

The DOE issued a Decision and Order concerning an Application for Refund filed by J.C. Penny, Co., a reseller of products covered by a consent order that the agency entered into with Marathon Petroleum Company. The applicant submitted information indicating the volume of its Marathon purchases, and requested a refund less than the $5,000 small claims refund amount. The refund approved in this Decision is $2,733, $2,579 in principal and $154 in interest.

Mobil Oil Corp./ Abbas Fard et al., 11/25/86; RF225-1909 et al.

The DOE issued a Decision granting 51 Applications for Refund from the Mobil Oil Corporation escrow account filed by retailers and resellers of Mobil refined petroleum products. Each applicant elected to apply for a refund based upon the presumptions set forth in the *Mobil* decision. *Mobil Oil Corp.*, 13 DOE ¶ 85,339 (1985). The DOE granted refunds totalling $18,963 ($15,787 principal plus $3,176 interest).

Mobil Oil Corp./Associated Grocers of Arizona et al., 11/24/86; RF225-6256 et al.

The DOE granted 18 Applications for Refund from a fund obtained through a Consent Order that the DOE entered into with Mobil Oil Corporation. All of the applicants were end-users who purchased directly from Mobil and therefore were eligible for refunds equivalent to their full allocable shares based on the volumetric methodology set forth in *Mobil Oil Corp.*, 13 DOE ¶ 85,339 (1985). The total amount of the refunds granted was $2,418; $2,014 in principal plus $404 in interest.

Mobil Oil Corp./Baldwin Service Station et al., 11/25/86; RF225-403 et al.

The DOE issued a Decision granting 62 Applications for Refund from the Mobil Oil Corporation escrow account filed by retailers and resellers of Mobil refined petroleum products. Each applicant elected to apply for a refund based upon the presumptions set forth in *Mobil Oil Corp.*, 13 DOE ¶ 85,339 (1985). The DOE granted refunds totalling $19,099 ($15,901 principal plus $3,198 interest).

Mobil Oil Corp./Biltmore Interstate Service et al., 11/28/86; RF225-10070 et al.

The DOE issued a Decision granting 50 Applications for Refund from the Mobil Oil Corporation escrow account filed by retailers and resellers of Mobil refined petroleum products. Each applicant elected to apply for a refund based upon the presumptions set forth in *Mobil Oil Corp.*, 13 DOE ¶ 85,339 (1985). The DOE granted refunds totalling $25,326 ($21,078 principal plus $4,248 interest).

National Helium Corp./Maryland et al., 11/28/86; RQ3-335 et al.

The DOE issued a Decision and Order approving the State of Maryland's second stage refund plan to use $96,725 in principal

and interest of National Helium Corp. escrow funds for its taxi voucher and traffic signalization programs. The DOE also granted Maryland's Motion to reduce the amount of approved National Helium Corp., Coline Gasoline Corp., and Perry Gas Processors, Inc. funds the state had allocated to a vehicle fleet management program. Finally, the DOE denied the State of New York's Motion for Reconsideration of an earlier OHA-decision disapproving the state's use of Pennzoil, Coline, and Perry Gas funds for an energy conservation program for public fleets.

Resources Extraction & Processing Co./Mobil Oil Corporation, RF228-1; Gas Producers Liquids, Inc., 1/26/86; RF228-2

Gas Producers Liquids, Inc. (GPLI) filed an Application for Refund, seeking a portion of funds remitted by Resources Extraction and Processing Company (REAPCO), pursuant to a consent order that REAPCO entered into with the DOE. GPLI purchased 14,026,795 gallons of covered products from REAPCO during the consent order period. The DOE found that a major portion of GPLI's purchases were priced at above the market average prices. As a result, GPLI incurred a gross excess cost and net exces cost, which were both in substantial excess of the refund money allocated to GPLI. The DOE therefore granted GPLI its full allocable share of $118,063.53, plus accrued interest.

Mobil Oil Corporation purchased a certain volume of the REAPCO products from GPLI. On the basis of price comparisons, the DOE concluded that GPLI could not have passed through the alleged overcharges to Mobil. Since Mobil did not submit any specific evidence to demonstrate injury, its refund request was denied.

Dismissals

The following submissions were dismissed:

Name and Case No.

Anchor Gasoline Corp.—KRO-0330
H & R Oil Company—RF253-9
System Fuels, Inc.—RF272-24
White Petroleum Co., Inc.—KEF-0083.

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except Federal holidays. The are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.

January 8, 1987.

[FR Doc. 87-1460 Filed 1-22-87; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Proposed Decisions and Orders During Week of November 24, Through November 28, 1986

During the week of November 24 through November 28, 1986, the proposed decisions and orders summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

George B. Breznay,

Director, Office of Hearings and Appeals.

January 8, 1987.

Gibbons Oil Co., Bethany, IL; KEE-0078 Reporting Requirements

Gibbons Oil Company filed for relief from the requirement to submit Form EIA-782B, entitled "Resellers'/Retailers' Monthly Petroleum Product Sales Report." Gibbons asserted that it needs relief from its monthly obligation to submit the Form because it lacks the office staff to complete the Form. On November 26, 1986, the Office of Hearings and Appeals of the Department of Energy found that Gibbons' small size is an insufficient basis for relief. Consequently, the OHA issued a Proposed Decision and Order tentatively denying Gibbons' request for relief.

Sumter Petroleum Co., Sumter, SC; KEE-0077 Reporting Requirements

Sumter Petroleum Company filed an Application for Exception from the requirement to file Form EIA-782B, entitled "Resellers'/Retailers' Monthly Petroleum Product Sales Report." On November 26, 1986, the Department of Energy issued a Proposed Decision and Order which tentatively determined that the exception request should be denied.

[FR Doc. 87-1461 Filed 1-22-87; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Decisions and Orders During Week of December 1 Through December 5, 1986

During the week of December 1 through December 5, 1986, the decisions and orders summarized below were issued with respect to applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Remedial Orders

Eton Trading Corp., Eton Enterprises, Inc., 12/5/86; KRO-0260

The DOE issued a final Remedial Order to Eton Trading Corporation and Eton Enterprises, Inc. (Eton), affirming with modification a Proposed Remedial Order (PRO) issued to them on January 14, 1986. Eton had filed a Notice of objection to the PRO which set forth a general denial and statement of interest. Eton failed, however, to file a Statement of Objections or otherwise respond to the specific findings of fact and conclusions of law contained in the PRO. The DOE examined the record and found that the Notice of Objection failed to rebut the prima facie case established by the PRO. Accordingly, the Remedial Order found that Eton violated the layering regulation set forth at 10 CFR 212.186 when it resold 3,598,940.98 barrels of crude oil without performing any service or function traditionally and historically associated with crude oil reselling. The Remedial Order directs Eton to refund $9,182,412.70, plus interest accrued on that amount, to the DOE and directs the DOE to disburse the overcharges and interest pursuant to 10 CFR Part 205, Subpart V and the DOE's Modified Statement of Restitutionary Policy, 51 FR 29689 (August 20, 1986), adopted as part of the Settlement Agreement in *In re: Department of Energy Stripper Well Exemption Litigation*, 3 Fed. Energy Guidelines ¶ 26,563, No. M.D.L. 378 (D. Kan. July 7, 1986).

Indian Wells Oil Co., 12/3/86; HRO-0075

Indian Wells Oil Company (Indian Wells) objected to a Proposed Remedial Order (PRO) which the Kansas City Office of Enforcement of the Economic Regulatory Administration (ERA) had issued to the firm on June 4, 1982. The ERA alleged that during

the period September 1973 through September 1976, Indian Wells sold natural gas liquids (NGLs) and natural gas liquid products (NGLPs) at prices exceeding maximum allowable selling prices as determined under 10 CFR Part 212, Subparts E and K. In considering Indian Wells' Statement of objections, the DOE rejected the firm's claims that: (i) various regulations and rulings underlying the PRO were procedurally and substantively invalid; (ii) NGLs and NGLPs were not covered products; (iii) the stripper well lease exemption applied to NGLs not sold as crude petroleum or petroleum condensates; (iv) the ERA improperly determined the firm's increased shrinkage costs; and (v) the prenotification requirement of 10 CFR 212.82 for pass-through of non-product cost increases did not apply to all refiners. The DOE further rejected Indian Wells' contention that it was not liable for the alleged overcharges because it had not assumed the liabilities of the owner-operator of the gas processing plant. Finally, the DOE determined that the PRO should be modified to provide for distribution of the overcharges pursuant to 10 CFR Part 205, Subpart V. Accordingly, a final Remedial Order was issued to Indian Wells Oil Company.

Request for Exception

Brooks Oil Co., Inc., 12/3/86; KEE-0069

Brooks Oil Company, Inc. filed an Application for Exception from the requirement that it prepare and file Form EIA-782B, the "Resellers'/Retailers' Monthly Petroleum Product Sales Report." In considering the application, the DOE decided that the firm had not demonstrated that it was uniquely and adversely affected by the mandatory reporting requirement. Accordingly, the Application for Exception was denied.

Implementation of Special Refund Procedures

C.K. Smith & Co., 12/03/86; HEF-0172

The DOE issued a Decision and Order implementing a plan for distribution of $348,614.19 received pursuant to a consent order that it entered into with C.K. Smith & Company. The DOE determined that the funds should be distributed to customers that purchased C.K. Smith No. 2 heating oil during the period November 2, 1973 through February 28, 1975. The decision sets forth the presumptions adopted and the specific information that must be included in refund applications.

Refund Applications

Gulf Oil Corporation/Collinsville Gulf et al., 12/2/86, RF40-3424 et al.

In accordance with the procedures outlined in *Gulf Oil Corporation*, 12 DOE ¶ 85,048 (1984), the DOE issued a Decision and Order granting 14 Applications for Refund from the Gulf Oil Corporation escrow account after examining the evidence and the supporting documentatin submitted. These refunds totaled $47,335 ($37,992 in principal plus $9,343 in interest).

Gulf Oil Corporation/Thomas P. Reidy, Inc., 12/3/86, RF40-1398

Thomas P. Reidy, Inc. filed a refund application in the Gulf Oil Corporation refund proceeding. *Gulf Oil Corp.*, 12 DOE ¶ 85,048 (1984). Reidy purchased from Gulf 101,436,251 gallons of Gulf gasoline during the consent order period. The firm also submitted a record of unrecouped increased product costs in substantial excess of the amount of refund that it claimed. The DOE determined that Reidy is eligible for a refund of $123,752.23 plus accrued interest. However, the DOE noted that Reidy is involved in enforcement proceedings before the Office of Hearings and Appeals. The DOE therefore directed its controller's office to withhold the refund money and to deposit the amount into a separate interest-bearing escrow account for Reidy.

Howell Oil Corp. and Quintana Refinery Co./the Coastal Corp., Chevron U.S.A., Inc., 12/5/86, RF245-8, RF245-13

The DOE issued a Decision concerning two Applications for Refund in connection with the consent order fund made available by Howell Oil Corp. and Quintana Refinery Co. One application was filed by The Coastal Corp., the other by Chevron U.S.A., Inc., both resellers of the Howell/Quintana petroleum products. During the consent order period, both firms were spot purchasers who made only sporadic purchases from Howell/Quintana. According to the procedures outlined in *Howell Oil Corp. and Quintana Refinery Co.*, 14 DOE ¶ 85,129 (1986), a spot purchaser is presumed not to have been injured by any Howell/Quintana overcharges. Coastal attempted to rebut this presumption by presenting a cost schedule of its Howell/Quintana purchases. Chevron attempted to rebut this presumption by submitting data showing its "bank" of unrecouped costs. Neither firm was able to demonstrate, however, that the purchases were necessary to maintain supplies to base period customers. Furthermore, Coastal was unable to demonstrate that it was unable to recoup its Howell/Quintana losses at a later time. Therefore, the DOE determined that any overcharges Coastal and Chevron may have experienced as a result of their purchases of Howell/Quintana products were passed through to their customers. Accordingly, the DOE determined that Coastal and Chevron were not eligible to receive a refund in the Howell/Quintana special refund proceeding.

Little America Refining Co./Curt's Sinclair, Morris Sinclair, 12/3/86, RF112-198, RF112-200

The DOE issued a Decision and Order concerning Applications for Refund filed on behalf of Curt's Sinclair and Morris Sinclair, both indirect purchasers and retailers of products covered by a consent order that the agency entered into with Little America Refining Co. (Larco). The applicants demonstrated that the product they purchased originated from Larco. Accordingly, the applicants were granted refunds under the small claims presumption of injury. The total of refunds granted was $503, representing $332 in principal and $171 in interest.

Little America Refining Co./Iowa Power and Light Co., 12/2/86, RF112-195

The DOE issued a Decision and Order concerning an Application for Refund filed by Iowa Power and Light Co. (Iowa), a purchaser of products covered by a consent order that the agency entered into with Little America Refining Co. (Larco). Iowa certified that it was an electricity generating public utility company, and that any refund would be passed through to its customers under the normal regulatory rate setting procedure. The applicant submitted information indicating the volume of its Larco purchases, and was granted a refund of $780, representing $515 in principal and $265 in interest.

Little America Refining Co./Mountain View Oil Co., 12/4/86, RF112-201

The DOE issued a Decision and Order concerning an Application for Refund filed by Mountain View Oil Co., a reseller of products covered by a consent order that the agency entered into with Little America Refuning Co. (Larco). The applicant submitted information indicating the volume of its Larco purchases, and was granted a refund of $1,963, representing $1,297 in principal and $666 in interest, under the small claims presumption of injury.

Marathon Petroleum Company/A&J Company, Inc., 12/4/86, RF250-1549 et al.

The DOE issued a Decision and Order concerning 75 Applications for Refund filed by purchasers of products covered by a consent order that the agency entered into with Marathon Petroleum Company. Each applicant submitted information indicating the volume of its Marathon purchases, and none requested a refund greater than the $5,000 small claims refund amount. The sum of the refunds approved in this Decision is $57,908, representing $54,538 in principal and $3,370 in interest.

Marathon Petroleum Company/Jesse B. Holt, Inc. et al., 12/3/86, RF250-1669 et al.

The DOE issued a Decision and Order concerning seven Applications for Refund filed by end-users of products covered by a consent order that the agency entered into with Marathon Petroleum Company. The Applications were evaluated in accordance with the procedures set forth in *Marathon Petroleum Co.*, 14 DOE ¶ 85,269 (1986). The sum of the refunds approved in this Decision is $88,750, representing $83,763 in principal and $4,987 in interest.

Marathon Petroleum Company/Supersave Petroleum Corp., Colonial Oil Corp., USA Petroleum Corp, 12/3/86, RF250-753, RF250-754, RF250-755

The DOE issued a Decision and Order concerning three Applications for Refund filed by USA Petroleum Corp. (USA) on behalf of itself and two subsidiaries, Colonial Oil Corp. (Colonial) and Supersave Petroleum Corp. (Supersave), all resellers of products covered by a consent order that the agency entered into with Marathon Petroleum Company. The purchases of Supersave and USA were considered together since they were closely related firms. In those cases the applicants were granted a refund of $6,307 in principal for those purchases, under the 35 percent presumption of injury. The purchases of Colonial were considered separately since Colonial was not owned by USA during the consent order period. Colonial was granted a

refund of $2,729 under the small claims presumption of injury. The total refund approved in this Decision is $9,573, representing $9,036 in principal and $537 in interest.

Mobil Oil Corp./Alvin Saur et al., 12/3/86, RF225–6712 et al.

The DOE issued a Decision and Order concerning 30 applications filed by end-users of Mobil Oil Corporation petroleum products. Each applicant presented evidence that it purchased refined petroleum products directly from Mobil during the consent order period, and documented its monthly purchases. According to the methodology set forth in *Mobil Oil Corp.*, 13 DOE ¶ 85,339 (1985) each applicant was found to be eligible for a refund from the Mobil consent order fund based on 100 percent of the volume of its purchases times the volumetric refund amount. The refunds approved in the Decision totaled $12,882.

Mobil Oil Corporation/Bagcraft Corp. of America et al., 12/3/86, RF225–6910 et al.

The DOE granted 28 Applicatons for Refund from a fund obtained through a Consent Order that the DOE entered into with Mobil Oil Corporation. All of the applicants were end-users who purchased directly from Mobil and therefore were eligible for refunds equivalent to their full allocable shares based on the volumetric methodology set forth in *Mobil Oil Corp.*, 13 DOE ¶ 85,339 (1985). The total amount of the refunds granted was $2,432; $2,021 in principal plus $411 in interest.

Mobile Oil Corporation/Boller's Auto Sales & Service et al., 12/3/86, RF225–4955 et al.

The DOE issued a Decision granting 38 Applications for Refund from the Mobil Oil Corporation escrow account filed by retailers, resellers, and end-users of Mobil refined petroleum products. Each applicant elected to apply for a refund based upon the presumptions set forth in *Mobil Oil Corp.*, 13 DOE ¶ 85,339 (1985). The DOE granted refunds totaling $24,961 ($20,728 principal plus $4,233 interest).

Mobil Oil Corporation/Continental Bondware et al., 12/5/86, RF225–7016 et al.

The DOE granted 53 Applications for Refund from a fund obtained through a Consent Order that the DOE entered into with Mobil Oil Corporation. All of the applicants were end-users who purchased directly from Mobil and therefore were eligible for refunds equivalent to their full allocable shares based on the volumetric methodology set forth in *Mobil Oil Corp.*, 13 DOE ¶ 85,339 (1985). The total amount of the refunds granted was $5,654; $4,695 in principal plus $959 in interest.

Ozona I/Ozona Butane Co., Ozona II/Ozona Butane Co., 12/4/86, RF27–9, RF28–8

The DOE issued a Decision and Order concerning two Applications for Refund filed by Ozona Butane Company (Ozona Butane). In the applications, Ozona Butane sought portions of two funds obtained by the DOE pursuant to two consent orders entered into by the agency and Ozona Gas Processing Plant. In reviewing the applications, the DOE found that the applications were neither timely nor accurate. In particular, the DOE noted that Ozona Butane's representative, Energy Refunds, Inc. (ERI), stated that the firm had no knowledge of the two Ozona Gas Processing proceedings even though the public record contained documentation that the firm had in fact been notified of the proceedings at the time of implementation of refund procedures governing the two consent order funds. Accordingly, the refund applications were denied and ERI was ordered to show cause why its privilege of participating in proceedings before the Office of Hearings and Appeals should not be suspended pursuant to 10 CFR 205.3(b) for the submission of false or misleading statements in the applications.

Peterson Petroleum, Inc./Johnson Products, Inc. et al., 12/4/86, RF199–1 et al.

The DOE issued a Decision and Order concerning three Applications for Refund filed by three resellers who purchased motor gasoline from Peterson Petroleum, Inc. (Peterson). Each firm applied for a refund based on the procedures outlined in *Peterson Petroleum, Inc.*, 13 DOE ¶ 85,191 (1985), governing the disbursement of settlement funds received from Peterson pursuant to an October 27, 1980 consent order. Since none of the applicants claimed refunds greater than $5,000, they were presumed to have been injured by Peterson's alleged overcharges. After examining the applications and supporting documentation submitted by the applicants, the DOE concluded that two of the three claimants should receive refunds. The third applicant is a respondent in an enforcement proceeding currently pending before this Office. Therefore, although its Application for Refund was approved, the DOE deposited the firm's refund into a separate interest-bearing escrow account pending the outcome of the enforcement proceeding. The total amount of refunds approved in the Decision was $9,884, representing $5,826 in principal and $4,058 in accrued interest.

Post Petroleum Company/Eastman Building Products et al., 12/2/86, RF229–1 et al.

The DOE issued a Decision and Order concerning three Applications for Refund filed by purchasers of motor gasoline from Post Petroleum Company (Post). Each firm applied for a refund based on the procedures outlined in *Post Petroleum Company*, 13 DOE ¶ 85,352 (1986), governing the disbursement of settlement funds received from Post pursuant to a September 29, 1981 consent order. After examining the applications and supporting documentation submitted by the applicants, the DOE concluded that they should receive refunds totaling $515, representing $362 in principal and $153 in accrued interest.

St. James Resources Corporation/Avon Coal & Oil, Inc., Ultramar Petroleum Inc., 12/5/86, RF180–21, RF180–35

The Doe issued a Decision and Order concerning two Applications for Refund filed by resellers who purchased No. 2 heating oil from St. James Resources Corporation (St. James). Each firm applied for a refund based on the procedures outlined in *St. James Resources Corporation*, 13 DOE ¶ 85,112 (1985), governing the disbursement of settlement funds received from St. James pursuant to a March 20, 1980 consent order. Since both of the applicants claimed refunds of $5,000 or less, they were presumed to have been injured by St. James' alleged overcharges. After examining the applicants, and supporting documentation submitted by the applicants, the DOE concluded that they should receive refunds totaling $10,315, representing $5,201 in principal and $5,114 in accrued interest.

Standard Oil Co. (Indiana) Southard Stardard Service et al., 12/4/86, RF21–12587 et al.

The Doe issued a Decision granting three Applications for Refund from the Standard Oil Co. (Indiana) (Amoco) escrow account filed by a retailer, a cooperative and an electric utility, each of whom had purchased Amoco refined petroleum products. Each applicant elected to apply for a refund based upon the presumptions set forth in *Office of Special Counsel*, 10 DOE ¶ 85,048 (1982). The cooperative and electric utility were treated as end-users because any refund received would be passed on to their customers. The DOE granted refunds totalling $22,325 ($16,838 principal plus $5,487 interest).

Dismissals

The following submissions were dismissed:

Name	Case No.
Alvin Hollis & Co	RF225–162.
Asarco Inc	RF225–3626.
C.N. Brown Company	RF40–3331.
Chevron U.S.A. Inc	RF6–8.
Gulf Oil Corp	RF6–21.
Colourpicture Publishers, Inc	RF225–5296.
Container Corp. of America	RF225–5428.
Conze Machine Co	RF225–5549.
Darrel Amen	RF225–5364.
Defense Logistics Agency	RF6–74.
Druth Packing Corp	RF225–5488.
F C Machine Tool and Design, Inc	RF225–5574.
FMC Corp	RF225–5061.
Gillespie County, Texas	RF225–4243, RF225–4344.
Girard Plastics Co., Inc	RF225–5335.
Golden Valley Electric Association, Inc	RF225–5427.
Grancolombiana (New York), Inc	RF225–5299.
Haskel, Inc	RF225–5067.
Home Petroleum Corp	RF225–1146.
Kerns Foods, Inc	RF225–5413.
L&CP Corp	RF225–5183.
Landis Plastics, Inc	RF225–5297.
Marshall Steil Co	RF225–5394.
National Steel and Shipbuilding Co	RF225–5295.
National Wax Company	RF225–5303.
Prater Industries, Inc	RF225–5298.
John W. Galbreath & Co	RF225–5355.
Service Operators, Inc	RF225–6220, RF225–6221.
Service Station	RF220–420.
Shurden Gulf	RF40–3461.
Slidematic Products Co	RF225–5311.
Thiem Industries	RF225–3719.
Topanga Plaza Corp	RF225–5280, RF225–5281.
Village of Mount Prospect Public Works	RF225–5398.
Vulcan Tool Company	RF225–5066.
Watson Oil Company, Inc	RF40–3089.
William F. Renk & Sons, Co., Inc	RF225–5412.
Wingfield's 271 Service	RF220–417.
Woody's Conoco	RF220–445.
Wormald U.S., Inc	RF225–5607.

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E–234,

Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.

January 8, 1987.

[FR Doc. 87-1462 Filed 1-22-87; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Proposed Decision and Order During Week of December 15 Through December 19, 1986

During the week of December 15 through December 19, 1986 the proposed decision and order summarized below was issued by the Office of Hearings and Appeals of the Department of Energy with regard to an application for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specifiy each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of this proposed decision and order are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E-234, Forerestal Building, 1000 Independence Avenue SW., Washington, DC 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

George B. Breznay,

Director, Office of Hearings and Appeals.

January 8, 1987.

Valley City, Oil Company, Valley City, North Dakota, Kee-0081, Reporting Requirements

Valley City Oil Company filed for relief froim the requirement to submit Form EIA-782B, entitled "Reseller/Retailers' Monthly Petroleum Product Sales Report." Valley City contended that the unusually busy work schedule of its owner and sole employee, Mr. Leon Pytlik, precluded preparation of the Form. After receiving Valley City's Application for Exception, the Office of Hearings and Appeals learned that Mr. Pytlik was hospitalized for double-bypass heart surgery shortly after filing his firm's request for exception relief. The OHA concluded that Mr. Pytlik's serious health problem, along with his busy schedule, makes Valley City significantly more burdened by the reporting requirement than other reporting firms. Consequently, on December 16, 1986, the OHA issued a Proposed Decision and Order tentatively granting Valley City permanent relief from the requirement to file Form EIA-782B.

[FR Doc. 87-1463 Filed 1-22-87; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Proposed Decisions and Orders During Week of December 22 Through December 26, 1986

During the week of December 22 through December 26, 1986, the proposed decisions and orders summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

January 8, 1987.

George B. Breznay,

Director, Office of Hearings and Appeals.

Carson Petroleum Co., Burr Ridge, Illinois, KEE-0086, Reporting Requirements

Carson Petroleum Company field an Application for Exception from the requirement to file Form EIA-782B, entitled "Resellers'/Retailers' Monthly Petroleum Product Sales Report." On December 24, 1986, the Department of Energy issued a Proposed Decision and Order which determined that the exception request should be denied.

Goben Oil Company, Casey, Illinois, KEE-0094, Reporting Requirements

Goben Oil Co. filed an Application for Exception from the provisions of Form EIA-782B. The exception request, if granted, would permit Goben Oil to be relieved of its requirement to file Form EIA-782B on a monthly basis. On December 23, 1986, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

Harris Bros. Company, Kilgore, Texas, KEE-0097, Reporting Requirements

Harris Bros. Company filed an Application for Exception from the provisions of Form EIA-782B. The exception request, if granted, would permit Harris Bros. to be relieved of its requirement to file Form EIA-782B on a monthly basis. On December 23, 1986, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

Zink Oil Company, Yates City, Illinois, KEE-0090, Reporting Requirements

Zink Oil Company filed an Application for Exception from the requirement to submit Form EIA-782B, entitled "Reseller/Retailers' Monthly Petroleum Product Sales Report." Zink argued that the monthly reporting requirement is costly because the firm must pay its accountant to prepare the Form. The DOE found, however, that the cost to Zink for filing the Form is no greater than the cost to other reporting firms. Consequently, on December 23, 1986, the OHA issued a Proposed Decision and Order tentatively denying Zink's request for relief.

[FR Doc. 87-1464 Filed 1-22-87; 8:45 am]

BILLING CODE 6450-01-M

Application for Exception; Cases Filed During Week of November 7 Through November 14, 1986

During the Week of November 7 through November 14, 1986, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy. Submissions inadvertently omitted from earlier lists have also been included.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

January 8, 1987.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 87-1458 Filed 1-22-87; 8:45 am]

BILLING CODE 6450-01-M

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of November 7 through November 14, 1986]

Date	Name and location of applicant	Case No.	Type of submission
Nov. 13, 1986	States (Greater Richmond Transit Company) Washington, DC.	RR272-1	Request for Modification/Rescission in the Crude Oil Overcharge Refund Proceeding. If granted: The October 10, 1986 Decision and Order (Case No. RF272-1) issued to Greater Richmond Transit Company would be modified regarding the firm's application for refund submitted in the Crude Oil Overcharge refund proceeding.
Do	States (Ft. Wayne Public Transportation Corp.) Washington, DC.	RR272-2	Request for Modification/Rescission in the Crude Oil Overcharge Refund Proceeding. If granted: The October 15, 1986 Decision and Order (Case No. RF272-2) issued to Ft. Wayne Public Transportation Corp. would be modified regarding the firm's application for refund submitted in the Crude Oil Overcharge refund proceeding.
Do	States (Utah Transit Authority) Washington, DC.	RR272-3	Request for Modification/Rescission in the Crude Oil Overcharge Refund Proceeding. If Granted: The October 15, 1986 Decision and Order (Case No. RF272-3) issued to Utah Transit Authority would be modified regarding the firm's application for refund submitted in the Crude Oil Overcharge refund proceeding.
Do	States, Washington, DC.	KER-0015, KER-0016, and KER-0017	Request for Modification/Rescission. If Granted: The September 11, 1986 Decision and Order (Case Nos. KEF-0025; KEF-0034 & HEF-0577) in the Mountain Fuel Supply Co., J. N. Abel, Inc. and MAPCO, Inc. would be reconsidered, and further action on any crude oil overcharge refund claims would be temporarily postponed.
Jan. 14, 1986	Kenneth Walker, Abilene, Texas	KRZ-0047	Interlocutory Order. If Granted: The Statement of Objections filed by Kenneth Walker in connection with the enforcement proceeding invoving him and Southwestern States Marketing Corporation (Case No. HRO-0258) would be amend to include two new defenses to the Proposed Remedial Order.
Do	Kenneth Walker, Abilene, Texas	KRZ-0048	Interlocutory Order. If granted: Kenneth Walker would be permitted to amend his Statement of Objections, to adopt the Statement of Objections of his co-respondent, in Case No. HRO-0258, Southwestern States Marketing Corporation, and all pleadings filed in connection with the unrelated enforcement proceeding involving Revere Petroleum Corporation (Case No. HRO-0125).

REFUND APPLICATIONS RECEIVED

Date received	Name of refund proceedings/name of refund applicant	Case No.
Nov. 12, 1986	LARCO/Ed's Sinclair Service	RF112-202
Do	Getty/Rosewall's Getty	RF265-33
Do	Getty/Don's Getty	RF265-34
Do	Getty/Shawley's LP-Gas Company	RF265-35
Do	Getty/Kilburn-Central Skelly	RF265-36
Do	Getty/Sterling Oil & Gas Company	RF265-37
Do	Conoco/Coronado Conoco	RF220-453
Do	Conoco/Gee's Conoco Service	RF220-454
Do	Conoco/Holiday Inn Conoco	RF220-455
Do1986	Conoco/Tony's Conoco	RF220-456
Mar. 24, 1986	Conoco/Trans World Airlines, Inc	RF220-457
Nov. 10, 1986	H.C. Lewis/Steve's Shell Station	RF266-25
Nov. 13, 1986	Crounse Corporation	RF271-56

REFUND APPLICATIONS RECEIVED—Continued

Date received	Name of refund proceedings/name of refund applicant	Case No.
Do	The Iron Mountain Public Schools	RF272-26
Do	Tenneco/Benedict & Co., Inc	RF7-156
Nov. 10, 1986	H.C. Lewis Co./Woody's Exxon	RF266-24
Do	Metro-Dade Transit Agency	RF272-25
Do	Petrolane-Lamita/Gehrig's Stove Co	RF208-11
Do	MAPCO/Gehrig's Stove Company	RF108-23
Do	MAPCO/Rick's LP Gas, Inc	RF108-24
Nov. 13, 1986	Northeast Petroleum/Astroline Corp	RF264-5
Do	Sid Richardson/Wm. Schaus & Sons, Inc	RF26-54
Nov. 14, 1986	Union Pacific Railroad Company	RF271-57
Do	Missouri Pacific Railroad Company	RF271-58
Do	Transamerican Steamship Corporation	RF272-27
Nov. 13, 1986	Ferrell/Farmers Union Central Exchange, Inc	RF273-1
Nov. 7, 1986	Rookwood/Gas City, Ltd	RF274-1
Nov. 13, 1986	Gibbs/William Bourassa	RF262-2
Do	States (Greater Richmond Transit)	RF272-1
Do	States (Ft. Wayne Pub. Transp. Corp.)	PR272-2
Do	States (Utah Transit Authority)	RF272-3
Nov. 7-14, 1986	Gulf Refund Applications	RF40-3558—RF40-3569
Do	Mobil Refund Applications	RF225-10398—RF225-10403
Do	Marathon Refund Applications	RF250-1887—RF250-1949
Do	Getty Refund Applications	RF265-20—RF265-39
Do	Surface Transporters Applications	RF270-438—RF270-562

[FR Doc. 87-1458 Filed 1-22-87; 8:45 am]
BILLING CODE 6450-01-M

Applications for Exception; Cases Filed During Week of November 21 Through November 28, 1986

During the Week of November 21 through November 28, 1986, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

George B. Breznay,

Director, Office of Hearings and Appeals.

January 6, 1987.

List of Cases Received by the Office of Hearings and Appeals

[Week of November 21, through November 28, 1986]

Date	Name and Location of Applicant	Case No.	Type of Submission
Nov. 10, 1986	Amoco/Indiana, Indianapolis IN	RM21-56	Request for Modification/Rescission in the Amoco Second-Stage Refund Proceeding. If Granted: The November 5, 1985 Decision and Order (Case No. RF21-221) issued to Indiana would be modified regarding the state's application for refund submitted in the Amoco second-stage refund proceeding.
Nov. 24, 1986	Goben Oil Company, Inc., Casey, IL	KEE-0094	Exception to the Reporting Requirements. If Granted: Goben Oil Company, Inc. would not be required to file Form EIA-782B, "Resellers'/Retailers' Monthly Petroleum Products Sales Report."
Do	Hickey Energy Management Company, East Stroudenburg, PA.	KEE-0093	Exception to the Reporting Requirements. If Granted: Hickey Energy Management Company would not be required to file Form EIA-782B, "Resellers'/Retailers' Monthly Petroleum Products Sales Report."
Do	J.M. Sweeney Company, Chicago, Il	KEE-0095	Exception to the Reporting Requirements. If granted: J.M. Sweeney Company would not be required to file Form EIA-782B, "Resellers'/Retailers' Monthly Petroleum Products sales Report."
Do	Keneco, Littlestown, PA	KEE-0091	Exception to the Reporting Requirements. If granted: Keneco would not be required to file Form EIA-782B, "Resellers'/Retailers' Monthly Petroleum Products Sales Report."
Do	McCormick Marketing, Inc., Snyder, TX	KEE-0096	Exception to the Reporting Requirements. If Granted: McCormick Marketing Company would not be required to file Form EIA-782B, "Resellers'/Retailers' Monthly Petroleum Products Sales Report."

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of November 21, through November 28, 1986]

Date	Name and Location of Applicant	Case No.	Type of Submission
Do	Sidney Wanger, Van Nuys, CA	KFA-0064	Appeal of an Information Request Denial. If granted: The October 7, 1986 Freedom of Information Request Denial Issued by the Classification and Technical Information Division of the DOE Albuquerque Operations Office would be rescinded, and Sidney Wanger would receive access to his Investigative Report.
Do	William W. Fabian & Son, Inc., Newtown, PA.	KEE-0092	Exception to the Reporting Requirements. If granted: William w. Fabian & Son, Inc. would not be required to file Form EIA-782-B, "Resellers'/Retailers' Petroleum Products Sales Report."
Do	Cities Service Oil & Gas Corporation, Washington, D.C..	KRJ-0002	Request for Protective Order. If granted: Cities Service Oil & Gas Corporation would enter into a Protective Order regarding the release of proprietary information to 15 state participants in the pending Cities Service enforcement proceeding (Case No. HRO-0285).
Nov. 28, 1986	Harris Brothers Company, Kilgore, TX	Kilgore, TX	Exception to the Reporting Requirements. If granted: Harris Brothers Company would not be required to file Form EIA-782B, "Resellers'/Retailers' Monthly Petroleum Products Sales Report."
Do	Parish Oil Company, Inc., Montrose, Co	KEE-0098	Exception to the Reporting Requirements. If Granted: Parish Oil Company, Inc. would not be required to file Form EIA-782B, "Resellers'/Retailers' Monthly Petroleum Products Sales Report."
Do	TOMCO, Big Spring, TX	KEE-0099	Exception to the Reporting Requirements. If Granted: TOMCO would not be required to file Form EIA-782B, "Resellers'/Retailers' Monthly Petroleum Products Sales Report."

List of Cases Received by the Office of Hearings and Appeals

[Week of November 21 through November 28, 1986]

Date Received	Name of Refund Proceeding/Name of Refund Applicant	Case No.
Jul. 31, 1986	APCO/So-Co Oil Company	RF83-158
Oct. 24, 1986	Farstad/Marlin Hoakenson	RF261-11
Nov. 17, 1986	County of Lackawanna Transit System	RF272-33
Do	Parman/Birmingham, Nashville Express	RF275-1
Do	Tenneco/Tuscan Oil Company	RF7-157
Nov. 19, 1986	VGS Copr./W.J. Runyon & Son, Inc.	RF191-7
Nov. 20, 1986	Marine/Ella Mullinicks	RF257-20
Do	Dr. Pepper Bottling Company of Galveston, Texas	RF272-36
Do	Tenneco/Jim Water Corp.	RF7-158
Do	Tenneco/Seaboard Service	RF7-159
Do	Tenneco/Altman Oil Company	RF7-160
Nov. 21, 1986	MAPCO/Moore LP Gas, Inc.	RF108-25
Do	VGS Corp./Cauthen Oil, Inc.	RF191-6
Do	Marine/Texas Discount Gas Company	RF257-21
Do	Crown Beverage Corporation	RF272-35
Do	Coastal Coca-Cola Bottling Company	RF272-34
Do	Northeast Petroleum/Thomas P. Reidy, Inc.	RF264-13
Do	Getty/Strube Propane, Inc.	RF265-42
Do	Getty/Jump Oil Company	RF265-41
Do	Dorchester Gas/Strube Propane, Inc.	RF253-10
Do	Petrolane-Lomita/Strube Propane, Inc.	RF208-12
Do	Farstad/Defense Fuel Supply Center	RF261-10
Do	Lockheed/Overseas National Airways	RF269-6
Do	La Gloria/Go Oil Company	RF263-11
Nov. 21, 1986 thru Nov. 28, 1986.	Mobil Refund Applications	RF225-10415 thru RF225-10445
Nov. 21, 1986 thru Nov. 28, 1986.	Marathon Refund Applications	RF250-2050 thru RF250-2153
Nov. 21, 1986 thru Nov. 28, 1986.	Surface Transporters Refund Applications	RF270-727 thru RF270-865
Nov. 24, 1986	Jefferson Barracks Marine Service, Inc.	RF271-92
Do	Birdsall, Inc & Subsidiaries	RF272-91
Do	Utah Railway Company	RF271-90
Do	Ole Man River Towing Inc.	RF271-89
Do	American Trading Transportation Co., Inc.	RF271-88
Do	Dravo Mechling Corp.	RF271-87
Do	Ingram Barge Co.	RF271-86
Do	Parker Towing Co., Inc.	RF271-85
Do	Rock Island County Metropolitan Mass Transit District	RF272-44
Do	Pepsi-Cola Bottling Co. of Mason City	RF272-43
Do	Royal Crown Bottling Co. of Tifton, Inc.	RF272-42

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS—Continued

[Week of November 21 through November 28, 1986]

Date Received	Name of Refund Proceeding/Name of Refund Applicant	Case No.
Do	Decatur Coca-Cola Bottling Company	RF272-41
Do	Coca-Cola Bottling Company	RF272-40
Do	City of Charlotte, North Carolina	RF272-39
Do	Fulton County, Georgia	RF272-38
Do	Ironwood Area Schools of Gogebic County	RF272-37
Do	Northeast Petroleum/Conoco, Inc.	RF264-12
Do	Northeast Petroleum/Mobil Oil Corp.	RF264-11
Do	Northeast Petroleum/Energy Collaborative	RF264-10
Do	Northeast Petroleum/Best Petroleum Co., Inc.	RF264-9
Do	Conoco/Gruber Oil Company	RF220-459
Do	Wisconsin Industrial/Moore Oil Co.	RF75-3
Do	Marathon/Vanguard Petroleum Corp.	RF250-1
Do	Lockheed/Curtiss-Wright Corp.	RF269-5
Do	Gulf/Potlatch Corportaion	RF40-3581
Do	Sigmor/Gulf States Oil & Refining	RF242-22
Do	Richmond County, Georgia	RF272-45
Nov. 25, 1986	Turecamo Coastal & Harbor Towing Corp.	RF271-95
Do	Childress Company, Inc.	RF271-94
Do	M/G Transport Services, Inc.	RF271-93
Do	Madison District Schools	RF272-46
Do	Queen City Metro	RF262-47
Do	Lumen Christi High School	RF272-48

[FR Doc. 87-1459 Filed 1-22-87; 8:45 am]

BILLING CODE 6450-01-M

Notice of Objection to Proposed Remedial Order Filed During the Period of November 10 Through November 28, 1986

During the period of November 10 through November 28, 1986, the notice of objection to proposed remedial order listed in the Appendix to this Notice was filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial order described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 within 20 days after publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

January 8, 1987.

George B. Breznay,

Director, Office of Hearings and Appeals.

Mutual Petroleum Marketing Co., Inc. et al., New York, NY, Dallas, TX; KRO-0340, Crude Oil

On November 28, 1986, Mutual Petroleum Marketing Co., Inc. (MPM), Mutual Petroleum Marketing Co. of California, Inc. (MPM-CA), and Louisiana Bayou Oil Co., Inc. (Bayou), of Tower 56, 126 E. 56th Street, New York, New York, and Mutual Petroleum Marketing Co. of Texas, Inc. (MPM-TX), of 1601 Elm Street, Dallas, Texas, filed a Notice of Objection to a Proposed Remedial Order that the DOE Dallas, Texas, Office of the Economic Regulatory Administration (ERA) issued to the firms on October 3, 1986. On December 4, 1986, the State of California also filed a Notice of Objection to the PRO.

In the PRO the ERA found that during July 1, 1974, through December 31, 1980, the firms violated the Mandatory Petroleum Price Regulations regarding resales of crude oil. According to the PRO, MPM's violations resulted in $26,560,215 in overcharges; MPM-CA's violations resulted in $1,446,910 of overcharges; Bayou's violations resulted in $50,400 of overcharges; and MPM-TX's violations resulted in $29,275,534 of overcharges.

[FR Doc. 87-1466 Filed 1-22-87; 8:45 am]

BILLING CODE 6450-01-M

Notices of Objection to Proposed Remedial Orders Filed During Week of December 1 Through December 5, 1986

During the week of December 1 through December 5, 1986, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 within 20 days after publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20585.

George B. Breznay,

Director, Office of Hearings and Appeals.

January 8, 1987.

Armada International Corp., Texas Armada Refining Co.; Metairie, Louisiana; KRO-0370, Crude Oil

On December 4, 1986, the State of California, c/o Lobel, Novins, Lamont and Flug, Suite 770, 1275 K Street, N. W., Washington, D.C. 20005, filed a Notice of Objection to a Proposed Remedial Order which the DOE Economic Regulatory Administration (ERA) issued to Armada International Corporation and Texas Armada Refining Company, successors-in-interest to Texas Asphalt and Refining Company (TARCO), on September 26, 1986. In the PRO the ERA found that, during the reporting period of March through May 1977, TARCO violated the regulatory provisions of the Entitlements Program, 10 C.F.R. Part 211, Subpart C, by filing erroneous Refiners

Monthly Reports and receiving small refiner bias entitlements for 652,323 barrels of crude oil that it did not own. According to the PRO the violation resulted in $1,155,457 of overcharges.

Morrison Petroleum Co., Inc., Woods Cross, Utah; KRO-0350, Crude Oil

On December 3, 1986, Morrison Petroleum Company, Inc., 2600 South 1600 W., Woods Cross, Utah 84087, filed a Notice of Objection to a Proposed Remedial Order which the DOE Economic Regulatory Administration (ERA) issued to the firm on October 27, 1986. In the PRO the ERA found that, during the period July 1976 through May 1977, Morrison refined 2,577,774 barrels of crude oil owned by other firms and unlawfully received small refiner bias entitlements on those barrels. According to the PRO the violation resulted in $4,843,227 of overcharges. The PRO requires Morrison to refund that amount plus interest to the DOE.

Texas American Oil Company, Midland, Texas; KRO-0360, Crude Oil

On December 1, 1986, Texas American Oil Company, 300 W. Wall, Midland Texas 79701, filed a Notice of Objection to a Proposed Remedial Order which the DOE Economic Regulatory Administration (ERA) issued to the firm on September 30, 1986. In the PRO the ERA found that, during the period October 1976 through February 1977, Texas American filed eroneous Refiners Monthly Reports concerning the crude oil it refined under certain processing agreements. According to the PRO the violation resulted in $330,261 of overcharges.

[FR Doc. 87-1465 Filed 1-22-87; 8:45 am]

BILLING CODE 6450-01-M

Western Area Power Administration

Final Post-1989 Allocation of Power; Pick-Sloan Missouri Basin Program-Western Division and Fryingpan-Arkansas Project

AGENCY: Western Area Power Administration, Department of Energy.

ACTION: Final allocation of power from the Pick-Sloan Missouri Basin Program-Western Division and the Fryingpan-Arkansas Project.

SUMMARY: The Post-1989 General Power Marketing and Allocation Criteria (Criteria) for the sale of energy with capacity from the Pick-Sloan Missouri Basin Program-Western Division (P-SMBP-WD) and the Fryingpan-Arkansas Project (Fry-Ark) by the Western Area Power Administration (Western) were published in the **Federal Register** on January 31, 1986 (51 FR 4012). Within these Criteria was a call for applications for power. Applications for power were accepted at Western's Loveland Area Office (LAO) until the close of business on April 1, 1986. The Proposed Energy with Capacity Allocations (Proposed Allocations) published on May 27, 1986 (51 FR 19080), were the result of those applications. Comments were initially accepted on these Proposed Allocations until July 28, 1986. This comment deadline was later extended until September 15, 1986, by a **Federal Register** notice published on August 15, 1986 (51 FR 29305). The final allocations of energy with capacity published herein reflect the comments received by Western.

DATES: These allocations are final on January 23, 1987, and become effective on February 23, 1987.

ADDRESS: For further information on these allocations contact: Mr. Mark N. Silverman, Area Manager, Loveland Area Office, Western Area Power Administration, P.O. Box 3700, Loveland, CO 80539, (303) 224-7201.

SUPPLEMENTARY INFORMATION:

I. Regulatory Procedural Requirements

These allocations are based upon the provisions of the Reclamation Act of 1902, approved June 17, 1902 (ch. 1093, 32 Stat. 388); the Reclamation Project Act of 1939, approved August 4, 1939 (43 U.S.C. 485h(c)); the Department of Energy Organization Act of 1977, approved August 4, 1977 (42 U.S.C. 7152, 7191); the Flood Control Act of 1944, approved December 22, 1944 (58 Stat. 891); the Fryingpan-Arkansas Project Acts of 1962 and 1974, approved August 16, 1963 (Pub. L. 87-590, 76 Stat. 389), and October 27, 1974 (Pub. L. 93-493, 88 Stat. 1497); acts amending or supplementing all of the foregoing legislation; and the Criteria (51 FR 4012).

II. Background of the Allocation Procedures

Power produced witin the Loveland area has previously been marketed under three separate marketing plans: the P-SMBP-WD power marketing plan, the Fry-Ark power marketing plan, and the power marketing plan for the sale of P-SMBP-WD Excess Capacity (P-SMBP-WD Excess Capacity). Under each plan, customers were allocated seasonal Contract Rates of Delivery (CROD). The P-SMBP-WD marketing plan went into effect in 1962. The Fry-Ark marketing plan was published on June 23, 1981 (46 FR 32491), and the P-SMBP-WD Excess Capacity marketing plan was published on August 30, 1982 (47 FR 38187). Of these three marketing plans, only the P-SMBP-WD marketing plan provided for the sale of capacity and energy. The other two marketing plans provided only for the sale of capacity. The energy associated with the marketed capacity was either provided from non-Federal resources or was provided by Federal resources with the provision that the energy was to be returned to the Federal system. Most contracts for all three marketing plans expire on the last day of the September billing period in 1989.

The Proposed Post-1989 General Power Marketing Criteria (Proposed Criteria) were published in the **Federal Register** on August 23, 1983 (48 FR 38279). This publication included an announcement of the public information and public comment forums on the Proposed Criteria and a final request for Applicant Profile Data (APD). The APD was necessary to determine the eligibility of any applicant for an allocation of energy with capacity from the P-SMBP-WD and Fry-Ark under the Proposed Criteria. Interested parties were initially given until November 15, 1983, to submit this data. The deadline was later extended to December 30, 1983, (48 FR 54880, December 7, 1983). The Criteria, published in the **Federal Register** on January 31, 1986 (51 FR 4012), allowed interested parties within LAO's newly extended marketing area in southeast Kansas to submit APD until April 1, 1986. The Criteria also required all interested parties to submit a request for the capacity to be associated with their energy allocation by the close of business on April 1, 1986. The Proposed Allocations were published on May 27, 1986 (51 FR 19080). Within that **Federal Register** notice was a request for comments on the Proposed Allocations.

Comments were to have been received in the LAO by July 28, 1986.

This deadline was later extended to September 15, 1986 (51 FR 29305).

III. Summary of Comments on the Proposed Allocations

A. Allocations to the State of Kansas

Within the Criteria, Western's marketing area included the portion of the State of Kansas located in the Missouri River Basin and that portion of the State of Kansas located in the Arkansas River Basin west of the eastern borders of those counties intersected by the 100th Meridian.

1. Comment

The public utilities within the State of Kansas already produce a surplus of power for Kansas customers. The power Western will be supplying under the Criteria is not needed and will be supplying under the Criteria is not needed and will transfer the savings realized by those preference entities receiving an allocation to the remaining nonpreference entities in Kansas as an added expense.

2. Dicussion

While this comment could be considered as being directed to Criteria allocation principles rather than the allocations themselves, Western will address the identified concerns to demonstrate the impacts upon Kansas. Western is committed to promoting the objectives of ensuring that the benefits of low-cost Federal power are distributed as widely and to as many end-use consumers as possible. Western is mindful of the need to balance the requirements of preference purchasers of Federal power against the requirements of nonpreference entities. Nonpreference entities within the State of Kansas will experience a limited reduction in individual loads. This reduction was the result of the expansion of the number of qualified preference entities within the State of Kansas who are eligible to receive a Federal allocation.

Western has afforded all interested parties, including the nonpreference entities within the State of Kansas, the opportunity to comment on the Criteria while it was in the formulation process. After reviewing and evaluating all the public comments, Western developed the Criteria published in the **Federal Register** on January 31, 1986. In the Criteria, Western stated that the resources would be allocated in accordance with the preference provisions of Reclamation Law. To be eligible for receipt of power pursuant to an allocation, a new preference entity must be an electric utility or a Federal or State ultimate consumer. Existing LAO contractors for long-term firm power are also eligible under the Criteria.

The Criteria also contained special limiting requirements for new preference entities. New preference entities must have had a 1982 load greater than 100 kW and the amount of energy available to them was limited to the energy associated with 5 MW of capacity at the LAO system plant factor: 7,295 MWh in the winter season and 8,059 MWh in the summer season. These limitations are appropriate because they limit any unduly disruptive economic impacts arising from a reduction of large amounts of existing load from nonpreference entities. As a result, the allocations published herein comprise only 0.69 percent of the total load within the State of Kansas during the summer season and 0.94 percent during the winter season.

The amounts available to new preference entities receiving an allocation within the State of Kansas are intended to provide some benefit to those preference entities who have initiated actions to acquire utility systems or who already have utility systems. It would be unjust to completely exclude qualified preference entities within the State of Kansas from participating in the benefits of Federal power simply because the current economic circumstances indicate some minor, negative impacts over the short term. The allocation to preference entities within the State of Kansas is a discretionary decision committed by law to this agency.

3. Summary and Conclusion

Western will allocate its resources according to the Criteria.

B. Input Data Accuracy

Western used data from several sources when calculating the Proposed Allocations. These sources included the APD which all allottees have provided to Western, and the CROD for P–SMBP–WD electric service contracts, the excess capacity electric service contracts and the Fry-Ark electric service contracts.

1. Comment

Review all the data which went into the allocation calculations to ensure that there are no errors or omissions.

2. Discussion

After reviewing all sources of data and the computation methods which were used in figuring the Proposed Allocations, three data errors were detected:

a. The combined CRODs which were used to calculate the Proposed Allocations for the Nebraska Public Power District were 21.2 MW for the winter season and 22.4 MW for the summer season. The correct CRODs are 4.0 MW for the winter season and 4.9 MW for the summer season.

b. The combined CRODs which were used to calculate the Proposed Allocations for Colorado-Ute Electric Association were 58.038 MW for the winter season and 46.967 MW for the summer season. The correct CRODs are 58.088 MW for the winter season and 49.017 MW for the summer season.

c. The 3-year average energy use figures which were used to calculate the allocations for the city of Leoti, Kansas, were 15,412 MWh for the winter season and 15,497 MWh for the summer season. The correct 3-year average energy use figures are 5,137 MWh for the winter season and 5,166 MWh for the summer season.

3. Summary and Conclusion

Western reviewed all its input data and calculations. Three errors were identified and corrected. The allocations have been recalculated and verified as correct. The allocations published herein are the result of this process.

C. Limited Capacity Entitlement

The Criteria state in Section V.D.3.a.(3) that each customer will be required to schedule a monthly minimum percentage of its final capacity allocation at all times. Also, in Table 1 of Appendix A, the Criteria set forth the maximum monthly energy percentages which a customer may schedule. When the maximum and minimum allowable percentages, as set forth in these two sections, are combined on a monthly basis, the result is a minimum allowable seasonal load factor.

1. Comment

Load factors of less than approximately 25 percent will result in scheduling difficulties due to insufficient minimum demand levels of the Federal system.

2. Discussion

When the allowable monthly maximum energy deliveries and minimum capacity deliveries are combined in a monthly load factor form, the results are minimum allowable seasonal load factors of 20.255 percent during the winter season and 24.755 percent during the summer season. These load factors were derived by comparing two separate equations. The first of these equations calculated the

minimum energy allocation required to meet the monthly schdeuled capacity requirements set forth in Section V.D.3.a.(3) of the Criteria. The second equation calculated the maximum energy allowable as stated in Table 1, column 7 of the Criteria, using the load factor formula at 100 percent load factor. When comparing the two equations on a monthly basis, the maximum allowable energy must be greater than the minimum required energy. By solving for the load factor, the result is a minimum monthly load factor which meets all requirements. The largest of these per season is, therefore, the minimum allowable load factor. A capacity allocation which results in less than these minimum allowable seasonal load factors would require a customer to schedule more energy from the Federal system than it has been allocated. The resulting capacity limitations impacted four customers: Fort Morgan, Colorado; Kimball, Nebraska; Sidney, Nebraska; and the Municipal Energy Agency of Nebraska. The limitations range from 269 kW to 854 kW in the winter season, and from 519 kW to 1,135 kW in the summer season.

3. Summary and Conclusion

All seasonal capacity allocations are limited to the minimum allowable load factors of 20.255 percent during the winter season and 24.775 percent during the summer season.

D. Diversity

Section V.D.1.d. of the Criteria states in part that Western "will not be willing to eliminate load diversity that permits it to meet its operating obligations."

1. Comment

What diversity factor was used when calculating the allocations among customers who were members of a single entity?

2. Discussion

In the derivation of the marketable resources in the Criteria, Western has traditionally taken losses into account to provide the maximum amount of power from generation to load; in this case our points of delivery under the Criteria. We have also assumed that, in general, the diversity between the points of delivery would equal system losses. Because of Western's historical position that the system losses would equal the diversity, Western has reserved the right to the diversity of the system and may adjust monthly capacity entitlements downward if the diversity does not equal losses.

3. Summary and Conclusion

No diversity factor was used when calculating the allocations.

E. Duplication of Allocations

Section V.D.1.d. of the Criteria states that: "Western may contract with a single purchasing agent for two or more allottees, under these Criteria, upon request of the allottees."

1. Comment

Was any generation and transmission or joint action agency given an allocation independently of its members?

2. Discussion

Allocations to existing customer allottees were calculated either by using an individual customer's CROD as the basis for its energy allocation or, when requested to do so, by combining two or more individual customers' CRODs and making the energy allocation to that single purchasing agent. After reviewing the data used to calculate the allocations, we determined that no generation and transmission or joint action agency was given an allocation independently of its members.

3. Summary and Conclusion

No generation or joint action agency was given an allocation independently of its members.

IV Summary of Revisions

A. Data Errors.

1. Nebraska Public Power District

The combined CRODs which were used to calculate the allocations for the Nebraska Public Power District were 21.2 MW for the winter season and 22.4 MW for the summer season. The correct CRODs are 4.0 MW for the winter season and 4.9 MW for the summer season.

2. Colorado-Ute Electric Association

The combined CRODs which were used to calculate the allocations for Colorado-Ute Electric Association were 58.038 MW for the winter season and 46.967 MW for the summer season. The correct CRODs are 58.088 MW for the winter season and 49.017 MW for the summer season.

3. The City of Leoti, Kansas

The 3-year average energy use figures which were used to calculate the allocation for the city of Leoti, Kansas, were 15,412 MWh for the winter season and 15,497 MWh for the summer season. The correct 3-year average energy use figures are 5,137 MWh for the winter season and 5,166 MWh for the summer season.

B. Limited Capacity Entitlement

No customer received a capacity entitlement which, when combined with its energy allocation, will result in a load factor of less than 20.225 percent in the winter season and 24.775 percent in the summer season.

V. Allocations

These allocations are based on the principles set forth in Reclamation Law, the Criteria published in the **Federal Register**, January 31, 1986 (51 FR 4012), and the comments received on the Proposed Allocations.

A. *Marketable Resources*

The LAO markets power generated at 18 powerplants located in Colorado, Wyoming, and Montana. These resources were divided between the new and existing customers. The marketable resources available seasonally, per group, by operationally integrating these powerplants are:

	Winter		Summer	
	Energy (MWh)	Capacity (MW)	Energy (MWh)	Capacity (MW)
New Customers	75,750	51.9	93,844	58.2
Existing Customers	*856,791*	*586.6*	*1,061,456*	*658.3*
Totals	932,541	638.5	1,155,300	716.5

B. Post-1986 Power Allocations from Salt Lake City Area Integrated Projects.

Salt Lake City Area Integrated Projects Allocations for the Salt Lake City Area Integrated Projects (SLCA/IP) will be allocated from Western's Salt Lake City Area Office (SLCAO). By mutual agreement between the LAO and the SLCAO, the allocations for the P-SMBP-WD and the Fry-Ark contained in this **Federal Register** do not take into account CRODs from SLCA/IP. The SLCAO will consider these allocations when calculating the SLCA/IP final allocations to customers who may receive energy with capacity from both the LOA and SLCAO. Post-1989 Energy with Capacity Allocations from the SLCA/IP will be allocated according to the Post-1989 General Power Marketing and Allocation Criteria and Call for Applications of Power; Colorado River Storage Project, *et al.*, published in the

Federal Register on February 7, 1986 (51 FR 4844).

C. Allocations of Energy with Capacity.

With the exception of the Project Use and Existing Special Use loads defined in Section VI.C. of the Criteria, and Francis E. Warren Air Force Base, whose existing electric service contract will not terminate prior to the effective date of the Criteria, all allottees were allocated energy with capacity as defined in Section V.C. of the Criteria. The seasonal energy reserved for existing allotees was allocated according to the proportion each existing allotee's long-term firm CROD, in effect on April 1, 1986, from P–SMBP–WD and Fry-Ark resources, bears to the total of all existing allottees' long-term firm CROD. The seasonal energy reserved for new allottees was allocated according to the portion each new allottee's average energy consumption in 1980, 1981, and 1982 bears to the total of all new allottees' average energy consumption in the same period. Capacity was allocated based on the eligible allottees' capacity requests.

Since there was not enough capacity available from resources reserved for existing customers to meet all requests from existing customer allotees, those allottees who requested less than system plant factors of 33.4 percent in the winter and 36.7 percent in the summer had their capacity requests limited proportionally. In addition to these limitations, no allottees received a capacity allocation which, when combined with its energy allocation, will result in a load factor of less than 20.225 percent in the winter season and 24.775 percent in the summer season.

The individual allocations are:

EXISTING CUSTOMER ALLOTTEES

Municipalities	Winter		Summer	
	Energy (MWh)	Capacity (MW)	Energy (MWh)	Capacity (MW)
Colorado:				
Burlington	1,626	1.120	2,584	1.548
Colorado Springs	101,636	59.663	115,759	63.358
Fleming	407	0.310	477	0.361
Fort Morgan	13,811	15.610	17,238	15.842
Frederick	450	0.167	460	0.170
Haxtun	1,016	0.700	1,243	0.745
Holyoke	2,245	1.548	3,509	2.102
Julesburg	740	0.508	1,144	0.710
Lyons	436	0.293	340	0.210
Wray	2,804	1.923	5,682	4.013
Yuma	2,615	1.803	3,788	2.270
Nebraska:				
Alliance	3,630	2.246	5,362	3.131
Bayard	3,339	2.289	3,149	1.887
Benkelman	581	0.400	851	0.510
Bridgeport	2,323	1.600	2,393	1.428
Chappell	2,468	1.769	2,554	1.689
Gering	13,068	11.363	14,470	11.194
Kimball	1,452	1.641	1,702	1.564
Lyman	1,089	0.780	1,107	0.696
Mitchell	3,920	2.700	2,979	1.785

EXISTING CUSTOMER ALLOTTEES—Continued

Municipalities	Winter		Summer	
	Energy (MWh)	Capacity (MW)	Energy (MWh)	Capacity (MW)
Morrill	3,630	2.500	4,086	2.448
Sidney	2,178	2.462	3,064	2.816
Wauneta	1,452	1.000	1,702	1.020
Wyoming:				
Gillette	12,872	4.210	14,175	4.611
Torrington	6,447	3.514	6,128	3.322
Government Agencies:				
Department of Energy:				
Rocky Flats	10,727	7.353	9,662	5.995
Peterson Air Force Base	14,568	4.386	13,918	4.401
Joint Action Agencies, Cooperatives, or Other:				
Arkansas River Power Authority	32,586	23.285	44,744	29.661
Colorado-Ute Electric Association	84,341	52.756	83,444	41.758
Denver Water Board	2,946	2.215	4,114	2.843
Imperial Public Power District	4,211	2.886	5,107	3.168
Kansas Electric Power Cooperative	43,958	13.329	46,098	13.976
Municipal Energy Agency of Nebraska	5,195	5.872	7,546	6.935
Nebraska Public Power District	5,808	2.278	8,341	4.007
Platte River Power Authority	58,296	33.262	54,901	31.566
Rushmore Elec. Co.	42,978	25.359	42,164	24.871
Tri-State Generation and Transmission Association	342,228	275.934	502,322	345.691
Willwood Light and Power	261	0.117	204	0.092
Wyoming Municipal Power Agency	14,040	12.127	14,538	10.608
Totals [1]	856,793	586.600	1,061,454	658.300

[1] Totals include 8,415 MWh of energy and 3.300 MW of capacity for both winter and summer seasons contractually committed to Francis E. Warren Air Force Base.

NEW ALLOTTEES

Municipalities	Winter		Summer	
	Energy (MWh)	Capacity (MW)	Energy (MWh)	Capacity (MW)
Colorado:				
Center	687	0.270	514	0.225
Kansas:				
Alma	302	0.207	394	0.245
Arcadia	103	0.071	113	0.070
Ashland	463	0.317	684	0.424
Baldwin City	802	0.550	992	0.615
Belleville	1,203	0.825	1,550	0.962
Beloit	2,032	1.393	2,553	1.584
Burlingame	441	0.302	531	0.329
Cawker City	216	0.148	294	0.183
Centralia	159	0.109	177	0.110
Clay Center	2,377	1.629	3,040	1.886
Colby	2,407	1.650	2,812	1.745
Dighton	536	0.367	636	0.395
Enterprise	213	0.146	280	0.174
Garden City	7,295	5.000	7,159	4.441
Gardner	1,026	0.703	1,332	0.826
Garnett	1,248	0.856	1,702	1.056
Glasco	212	0.145	298	0.185
Glen Elder	182	0.125	241	0.150
Herington	1,195	0.819	1,406	0.872

NEW ALLOTTEES—Continued

Municipalities	Winter		Summer	
	Energy (MWh)	Capacity (MW)	Energy (MWh)	Capacity (MW)
Hill City	829	0.568	1,093	0.678
Holton	1,393	0.955	1,790	1.110
Horton	676	0.463	776	0.481
Hugoton	1,286	0.881	1,723	1.069
Jetmore	344	0.236	472	0.293
Johnson City	649	0.445	758	0.470
Kansas City	7,295	5.000	8,059	5.000
Lakin	621	0.426	726	0.451
Leoti	685	0.470	732	0.454
Lincoln	252	0.173	687	0.426
Lindsborg	1,044	0.716	1,510	0.937
Lucas	172	0.118	227	0.141
Mankato	436	0.299	543	0.337
Norton	1,358	0.931	2,028	1.258
Oakley	1,143	0.783	1,315	0.816
Oberlin	784	0.537	1,050	0.652
Osage City	1,096	0.751	1,443	0.895
Osawatomie	1,289	0.883	1,621	1.006
Osborne	765	0.525	955	0.593
Ottawa	4,275	2.930	5,794	3.594
Russell	3,901	2.674	4,996	3.099
St. Francis	596	0.409	694	0.431
St. Marys	682	0.467	827	0.513
Seneca	999	0.685	1,239	0.769
Sharon Springs	400	0.274	442	0.274
Stockton	547	0.375	724	0.449
Syracuse	550	0.377	696	0.432
Tribune	361	0.248	399	0.248
Wamego	1,347	0.923	1,640	1.017
Washington	547	0.375	725	0.450
Nebraska:				
Grant	900	0.542	798	0.535
Lodgepole	126	0.087	132	0.079
Mullen	339	0.129	297	0.113
Wyoming:				
Powell	2,029	2.293	1,953	1.805
Government Agencies:				
Lowry Air Force Base	4,681	1.551	5,279	1.896
University of Wyoming	2,441	0.915	2,300	0.857
United States Air Force Academy	5,812	1.823	5,542	1.753
Joint Action Agencies, Cooperatives, or Other:				
Municipal Subdistrict: Northern Colorado Water Conservancy District	0	0.000	5,146	3.193
Totals	75,749	47.869	93,839	55.051

D. Contractual Arrangements

In the near future, draft contracts will be prepared and sent to the allottee. Executable contracts will be available to all allotees in the spring of 1987. Allottees will have 6 months, or until September 30, 1987, to execute these contracts, whichever is later.

Issued at Golden, Colorado, November 4, 1986.

William H. Clagett,

Administrator.

[FR Doc. 87–1467 Filed 1–22–87; 8:45 am]

BILLING CODE 6450–01–M

Extension of Comment Period on the Draft Environmental Impact Statement for the California-Oregon Transmission Project and Los Banos-Gates Transmission Project

AGENCY: Western Area Power Administration, Department of Energy.

ACTION: Notice of extension of public comment period for draft environmental impact statement.

SUMMARY: Notice is hereby given that the Department of Energy (DOE), Western Area Power Administration (Western), is extending the public comment period on the draft environmental impact statement (DEIS) for the proposed California-Oregon Transmission Project and Los Banos-Gates Transmission Project (COTP) (DOE/EIS–0128) in response to several requests by interested parties.

DATES: The original Notice of Availability of the DEIS (51 FR 43971, December 17, 1986) stated that written comments on the DEIS are due no later than February 3, 1987. This date is now extended to March 2, 1987. Comments should be sent to: Environmental Coordinator, California-Oregon Transmission Project, P.O. Box 660970, Sacramento, CA 95866.

FOR FURTHER INFORMATION CONTACT: Ms. Nancy Weintraub, Environmental Manager, Sacramento Area Office, Western Area Power Administration, 1825 Bell Street, Sacramento, CA 95825, (916) 978–4460.

SUPPLEMENTARY INFORMATION: In November 1986, Western issued for review and comment a draft environmental impact statement (DEIS) for the proposed California-Oregon Transmission Project and Los Banos-Gates Transmission Project (COTP) (DOE/E/S–0128). The DEIS includes an environmental report on the Pacific Northwest (PNW) Reinforcement Project. The DEIS was prepared in accordance with the National Environmental Policy Act of 1969 (NEPA); Council on Environmental Quality guidelines, 40 CFR Part 1500–1508; and DOE guidelines for compliance with NEPA, 45 FR 20694, as amended. The DEIS was jointly prepared with the Transmission Agency of Northern California (TANC), who is issuing the document as a draft environmental impact report to fulfill the requirements of the California Environmental Quality Act. The document will be used by the investor-owned utilities in California, along with other supporting information, as part of their application to the California Public Utilities Commission.

Issued at Golden, Colorado, January 16, 1987.

William H. Clagett,

Administrator.

[FR Doc. 87–1574 Filed 1–22–87; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–3145–8]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 382–5073 or (202) 382–5075. Availability of Environmental Impact Statements Filed January 12, 1987 Through January 16, 1987 Pursuant to 40 CFR 1506.9.

EIS No. 870004, Final, COE, OR, West Hayden Island Marine Industrial Park Development, Multnomah County, Due: February 23, 1987, Contact: Eric Braun (503) 221–6096.

EIS No. 870011, Final, FHW, MN, CSAH–18 Completion, I–494 to MN–13 and MN–101, Hennepin and Scott Counties, Due: February 23, 1987, Contact: James Bednar (612) 725–5957.

EIS No. 870012, DSuppl, CDB, AZ, Rio Nuevo-North Redevelopment Project, Land Use Changes and New Information, CDBG, Pima County, Due: March 9, 1987, Contact: William Mosher (602) 623–5427.

EIS No. 870014, Draft, FHW, GA, GA–371/I–85 Highway Connector, GA–371 to I–85, Forsyth and Gwinnett Counties, Due: March 16, 1987, Contact: Louis Papet (404) 347–4751.

EIS No. 870016, Final, FHW, AR, Hot Springs East/West Arterial Construction, US 270E to US 270W, Garland County, Due: February 23, 1987, Contact: Paul Stewart (817) 334–4379.

EIS No. 870017, Final, FHW, OR, Mt. Hood Highway/US 26 Improvement, Wildwood to Rhododendron, Clackamas County, Due: February 23, 1987, Contact: Dale Wilken (503) 399–5749.

EIS No. 870018, Final, USN, SEV, Gulf Coast Strategic Homeporting, Dredging, Construction, Operation and Maintenance, Due: February 23, 1987, Contact: Laurens Pitts (803) 743–3864.

EIS No. 870019, Draft, BOP, GA, Jesup Federal Correctional Institution Complex, Construction and Operation, Wayne County, Due: March 9, 1987, Contact: Loy Hayes (202) 272–6535.

EIS No. 870020, Draft, FRC, SEV, Mojave/Kern River/El Dorado/Transwestern Natural Gas Pipeline Projects, Construction, Operation, and Maintenance, Licenses, Due: April 24, 1987, Contact: Robert Arvedlund (202) 357–9043.

EIS No. 870021, Draft, EPA, OH, Andrew W. Breidenbach Environmental Research Center, Full Containment Facility, Construction, Hamilton County, Due: March 9, 1987, Contact: Bill Spaulding (312) 886–0215.

Amended Notices

EIS No. 860437, Draft, AFS, NV, CA, Inyo National Forest, Land and Resource Management Plan, Due: March 15, 1987, Published FR 10–31–86—Review period extended.

EIS No. 860509, DSuppl, USN, VA, ATL, EMPRESS II Operation, Electromagnetic Pulse Radiation Environmental Simulator for Ships, New Scientific Reports, Due: February 3, 1987, Published FR 12–19–86—Review period extended.

Dated: January 21, 1987.

William D. Dickerson,

Acting Director, Office of Federal Activities.

[FR Doc. 87–1583 Filed 1–22–87; 8:45 am]

BILLING CODE 6560–50–M

[ER–FRL–3145–9]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared January 5, 1987 through January 9, 1987 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act (CAA) and section 102(2)(c) of the National Environmental Policy Act (NEPA) as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382–5076/73. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated February 7, 1986 (51 FR 4804).

Draft EISs

ERP No. D–AFS–K65110–CA, Rating EC2, Eldorado Nat'l Forest, Land and Resource Mgmt. Plan, CA. SUMMARY: EPA expressed environmental concerns because projected Forest activities may result in the degradation of water quality, beneficial uses, and riparian habitats. EPA requested further discussion of how conflicts between Forest multiple-use activities and the protection of natural resources will be resolved.

ERP No. DS–BLM–L82007–00, Rating EC2, Northwest Area Noxious Weed Control PROGRAM, Additional

Information, OR, WA, WY, ID, and MT. SUMMARY: EPA has concerns because ground-water monitoring was not included and the supplemental draft EIS somewhat understates the ground-water contamination potential. EPA noted also that pertinent toxicity information and chronic effects for some pesticides were not included this supplemental EIS.

ERP No. D–FHW–K40157–CA, Rating: DEIS = EC2, Alter. 1 and 7 = EO2; CA–1 Highway Improvement, Carmel R. Bridge to CA–1/CA–68/Pacific Grove Interchange, 404 Permit, CA. SUMMARY: EPA had some air and water quality concerns with Alternatives 3, 4, and 6, but expressed objections to Alternatives 1 and 7 due to additional riparian vegetation impacts.

ERP No. D–IBR–J32006–SD, Rating EO2, Central South Dakota Water Supply System, Agricultural Irrigation Plan, S. Dakota Pumping Division, Pick-Sloan Missouri Basin Program, SD. SUMMARY: EPA expressed concerns with the proposed mitigation methods, lack of detail in several resource areas, and the projected degradation of project area water quality.

ERP No. D–MMS–L02014–AK, Rating EC2, 1987 Beaufort Sea OCS Oil and Gas Sale #97, Leasing, Beaufort and Chukchi Seas, AK. SUMMARY: EPA identified several data gaps with regard to the northern Chukchi Sea portion of the sale area, fishery resources and their dependence on the coastal ecosystem, and Bowhead whales. EPA felt that these information gaps weaken the conclusions drawn regarding environmental consequences. A more thorough description of several ecosystem relationships would likely result in a projection of more serious impacts. Since each of the three deferral alternatives provides a reduction of the risk of spilled oil affecting biological resources and habitat and eliminates noise and disturbance, EPA supported these alternatives. EPA felt that the adverse impacts could be reduced by implementation of appropriate mitigation.

ERP No. D–SFW–L64034–AK, Rating EC1, Selawik Nat'l Wildlife Refuge Comprehensive Conservation, Wilderness Review and Wild River Plan, Wilderness Designation Suitability, Kotzebue Sound, AK. SUMMARY: EPA supported the preferred alternative, but was concerned that the level of environmental protection it assumes is achievable only if sufficient funding and staff support exists. If adequate funding and staff support can be commitments in the Record of Decision, EPA would not be concerned with the proposal.

ERP No. D–SFW–L64035–AK, Rating EC1, Nowitna Nat'l Wildlife Refuge Comprehensive Conservation, Wilderness Review and Wild River Plan, Wilderness Designation Suitability, Yukon River Valley, AK. SUMMARY: EPA supported the preferred alternative, but was concerned that the level of environmental protection it assumes is achievable only if sufficient funding and staff support exists. If adequate funding and staff support can be commitments in the Record of Decision, EPA would not be concerned with the proposal.

Final EISs

ERP No. F–AFS–J65143–00, Manti-LaSal Nat's Forest, Land and Resource Mgmt. Plan, UT and CO. SUMMARY: EPA's review identified numerous concerns that remain unresolved. EPA still has concerns regarding: water quality standards (WQS) compliance requirements; management requirements/disclosure for riparian areas, aquatic ecosystems, municipal watersheds, and rangeland resources; cumulative impact assessment methods; WQS monitoring; coal mining impact disclosure; and interagency coordination. EPA requested additional and/or more complete responses to these concerns.

Amended Notice

The following review was completed during the week of December 8, 1986 through December 12, 1986 and should have appeared in the FR Notice published on December 29, 1986.

ERP No. F–FRC–K05049–CA, Owens River Basin, Seven Hydroelectric Projects, Construction, Operation, and Maintenance, Licenses, CA. SUMMARY: EPA supported the adoption of FERC's recommended alternative, however, EPA questioned the validity of flow analyses on water quality and beneficial uses. EPA strongly discouraged the adoption of alternatives 1 and 2. EPA also recommended that the Los Angeles District of the Corps of Engineers be contacted to determine the need for Clean Water Act Section 404 dredge-and-fill permits for Owens Basin hydropower construction activities.

Dated: January 20, 1987.

David G. Davis,

Acting Director, Office of Federal Activities.

[FR Doc. 87–1584 Filed 1–22–87; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

Applications for Consolidated Hearing

1. The Commission has before it the following mutually exclusive applications for a new TV station:

Applicant, City, and State	File No.	MM Docket No.
A. Florida Educational Television of Duval County, Inc.; Jacksonville, FL	BPET–860808KH	86–503
B. Jacksonville Educators Broadcasting, Inc.; Jacksonville, FL	BPET–860922KF	
C. Jacksonville Educational Television, Inc.; Jacksonville, FL	BPET–860922KL	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

See Appendix, A
Comparative—Noncommercial Educational Television, A, B, C
Ultimate, A, B, C

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037 (Telephone No. (202) 857–3800).

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

Appendix

To determine, with respect to Florida Educational Television of Duval County, Inc. (a) whether its officers, directors, and members of the governing board are broadly representative of the educational, cultural and civic groups in the community; and (b) in light of the evidence adduced pursuant to the

foregoing issue, whether the applicant is qualified.

[FR Doc. 87-1416 Filed 1-22-87; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Hearing

1. The Commission has before it the following mutually exclusive applications for a new TV station:

Applicant, city, and state	File No.	MM Docket No.
A. Golden Communications, Inc.; Mineola, TX.	BPCT-860801KV	86-502
B. Adelita Carter, d/b/a Wood Co. Broadcasting; Mineola, TX.	BPCT-860922KE	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

Air Hazard, A
Main Studio, A
Comparative, A,B
Ultimate, A,B

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Banch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street NW., Washington, DC 20037 (Telephone No. (202) 857-3800).

Roy J. Stewart,

Chief, Video Services, Division Mass Media Bureau.

[FR Doc. 87-1417 Filed 1-22-87; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Hearing

1. The Commission has before it the following mutually exclusive applications for a new TV station:

Applicant, city, and state	File No.	MM Docket No.
A. Franklin D. Graham; Charlotte Amlie, VI.	BPCT-860805KE	86-501
B. Broadcast International, Incorporated; Charlotte Amalie, VI.	BPCT-860922KK	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

Air Hazard, A, B
Comparative, A, B
Ultimate, A, B

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Banch (Room 230), 1919 M Street NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street NW., Washington, DC 20037 (Telephone No. (202) 857-3800).

Stephen F. Sewell,

Assistant Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 87-1418 Filed 1-22-87; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Hearing

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, city and state	File No.	MM Docket No.
A. Larry G. Fuss, Sr., d/b/a/ Contemporary Communications; Delhi, LA.	BPH-831205AF	86-481
B. Kay Comeaux and Julie Ann Bolton, d/b/a/ Delhi Broadcasting Limited Partnership; Delhi, LA.	BPH-840625IG	
C. Macon Ridge Broadcasting, Inc.; Delhi, LA.	BPH-840719IJ	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. Air Hazard, C
2. Comparative, A, B, C
3. Ultimate, A, B, C

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Docket Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text may may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street NW., Washington, DC 20037 (Telephone (202) 857-3800).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 87-1419 Filed 1-22-87; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Hearing

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, city, and state	File No.	MM docket No.
A. James Phillips and David Delgado, d/b/a/ Phillips & Delgado Broadcasting; Millersburg, OH.	BPH-831208AM	86-509
B. Graphic Publications, Inc., Millersburg, OH.	BPH-850529MC	
C. Holmes Radio Corp.; Millersburg, OH.	BPH-850531MF	
D. Poly and David Petricola; Millersburg, OH.	BPH-850531MV	
E. McKinley Communications, a limited partnership; Millersburg, OH.	BPH-850531MW	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding

headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. Air Hazard, C
2. Comparative, All
3. Ultimate, All

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037. (Telephone (202) 857–3800).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 87–1420 Filed 1–22–87; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Hearing

1. The Commission has before it the following mutually exclusive applications for a new TV station:

Applicant, city, and state	File No.	MM Docket No.
A. Linda Turner, d/b/a Turner Broadcasting and Communications; Victoria, TX.	BPCT–860815KF	86–504
B. Victoria Broadcasting; Victoria, TX.	BPCT–861014KG	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

Comparative, A, B
Ultimate, A, B

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Docket Branch (Room 230), 1919 M Street, NW., Washington, DC. The compete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street NW., Washington, DC 20037 (Telephone No. (202) 857–3800).

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 87–1421 Filed 1–22–87; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1638]

Petitions for Reconsideration of Actions in Rulemaking Proceedings

January 14, 1987.

Petitions for reconsideration have been filed in the Commission rule making proceeding listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of these documents are available for viewing and copying in Room 239, 1919 M Street, NW, Washington, DC, or may be purchased from Commission's copy contractor, International Transcription Service (202–857–3800). Oppositions to these petitions must be filed February 9, 1987. See § 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of § 73.202(b), Table of Assignments. (Reserve and Mandeville, Louisiana.) Number of petitions received: 1.

Subject: Amendment of § 73.202(b), Table of Allotments. FM Broadcast Stations. (Ozark, Missouri.) (MM Docket No. 86–129, RM–5268 Number of Petitions received: 1.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 87–1519 Filed 1–22–87; 8:45 am]

BILLING CODE 6712-01-M

Executive Resources and Performance Review Board; Appointment of Members

As required by the Civil Service Reform Act of 1978 (Pub. L. 95–454), Chairman Mark S. Fowler has appointed the following SES members to the Executive Resources and Performance Review Board:

Edward J. Minkel—Managing Director Chairman
James C. McKinney—Chief, Mass Media Bureau Member
Albert P. Halprin—Chief, Common Carrier Bureau Member
Richard M. Smith—Chief, Field Operations Bureau Member
Thomas P. Stanley—Chief Engineer Member
Michael T.N. Fitch—Chief, Private Radio Bureau Member

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 87–1518 Filed 1–22–87; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Proceeding

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant	City/State	File No.	MM Docket No.
A. Earl T. Brown	Hardeeville, S.C	BPH–851213MJ	86–466
B. Vivian Lynn Bellairs	Hardeeville, S.C	BPH–851213MK	
C. Thomas H. Moffit, Sr	Hardeeville, S.C	BPH–851213ML	
D. Suzanne M. Earnhart	Hardeeville, S.C	BPH–851213MM	
E. Jessup Broadcasting Limited Partnership	Hardeeville, S.C	BPH–851216NM	
F. Hardeeville Hispanic Radio, Inc	Hardeeville, S.C	BPH–851216NN	
G. Better News, Inc	Hardeeville, S.C	BPH–851216NO	
H. David Macwan and Benjamin Macwan d/b/a Carolina Broadcasting, Ltd., A General Partnership.	Hardeeville, S.C	BPH–851216NP	
I. Hardeedville Associates	Hardeeville, S.C	BPH–851216NQ	
I. Roger B. Clark	Hardeeville, S.C	BPH–851216NR	
J. Hardeeville Broadcasting, Ltd	Hardeeville, S.C	BPH–851216NS	
K. Radio Hardeeville, Ltd	Hardeeville, S.C	BPH–851216NT	
L. Alexander C. Kaplan, Rita Kaplan and Pat Jackson	Hardeeville, S.C	BPH–851216NU	

Applicant	City/State	File No.	MM Docket No.
M. O.N. DRA Investment Corporation	Hardeeville, S.C.	BPH-851216NV	
N. Savannah Communications	Hardeeville, S.C.	BPH-851216NW	
O. Max R. Peterson, II	Hardeeville, S.C.	BPH-851216NY	
P. Timothy G. Graham	Hardeeville, S.C.	BPH-851216NZ	
Q. Johnny C. Branham and Melanie Lynn Culpepper, A Partnership	Hardeeville, S.C.	BPH-851216PA	
R. Wanda B. Bair	Hardeeville, S.C.	BPH-851216PB	
S. Jeffery R. Macris	Hardeeville, S.C.	BPH-851216PD	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347 May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue heading	Applicant(s)
1. Air Hazard	O
2. (See Appendix)	P
3. Comparitive	A,B,C,D,E,F,G,H,I,J,K,L,M,N,O,P,Q,R,S
4. Ultimate	A,B,C,D,E,F,G,H,I,J,K,L,M,N,O,P,Q,R,S

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037 (Telephone No. (202) 857-3800).

W. Jan Gay,

Assistant Chief, Audio Sevices Division, Mass Media Bureau.

Appendix

Additional Issue Paragraph

2. To determine, with respect to P (Graham), whether the continued employment of principal Timothy Graham as General Sales Manager at WCHY(FM), Savannah, Georgia, and the ownership of the proposed station is consistent with § 73.3555 of the Commission's Rules and, if not, whether a grant of the application would be in the public interest.

[FR Doc. 87-1415 Filed 1-22-87; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL HOME LOAN BANK BOARD

[No. 87-73]

Application for Unlisted Trading Privileges and Opportunity for Hearing; Midwest Stock Exchange

January 16, 1987.

AGENCY: Federal Home Loan Bank Board.

ACTION: Notice.

SUMMARY: The Midwest Stock Exchange has filed on September 2, 1986, pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1, an application with the Federal Home Loan Bank Board ("Board") for unlisted trading privileges in the following securities:

Carteret Savings Bank FA, Morristown, New Jersey (FHLBB No. 4702), Common Stock, $0.01 Par Value

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Comments: Any interested person may inspect the application at the Board and, within 15 days of publication of this notice in the **Federal Register**, submit to the Corporate and Securities Division, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, DC 20552, written data, views and arguments bearing upon whether the extensions of unlisted trading privileges pursuant to such application are consistent with the maintenance of fair and orderly markets and the protection of investors. Following this opportunity for hearing, the Board will approve the application after the date mentioned above if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such application are consistent with the maintenance of fair and orderly markets and the protection of investors.

FOR FURTHER INFORMATION CONTACT: Norman Schou, Senior Attorney, Corporate and Securities Division, Office of General Counsel, at (202) 377-6911 or at the above address.

By the Federal Home Loan Bank Board.

Jeff Sconyers,

Secretary.

[FR Doc. 87-1494 Filed 1-22-87; 8:45 am]

BILLING CODE 6720-01-M

[No. 87-74]

Application To Withdraw Securities From Listing and Registration on the National Association of Securities Division Automatic Quotation System and Opportunity for Hearing; Carteret Savings Bank, FA

January 16, 1987.

AGENCY: Federal Home Loan Bank Board.

ACTION: Notice.

SUMMARY: On October 27, 1986, Carteret Savings Bank, FA, Morristown, New Jersey (the "Association") FHLBB No. 4702) filed with the Federal Home Loan Bank Board ("Board") an application ("Application"), pursuant to section 12d2-2(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) thereunder, for the withdrawal from listing and registration on the National Association of Securities Dealers Automatic Quotation System ("NASDAQ") of the Association's Common Stock, $0.01 Par Value, ("the Stock"). The Association's Stock was approved for listing and registration on the New York Stock Exchange on November 18, 1986, and concurrently therewith such stock was suspended from trading on the NASDAQ.

The reason stated in the Association's application for withdrawing the securities from the listing and registration on the NASDAQ include the following:

1. The Association has complied with the delisting procedures of The NASDAQ by filing with such Exchange a certified copy of preambles and resolutions adopted by the Association's Board of Directors authorizing the withdrawal of the Stock from listing on the NASDAQ.

2. The direct and indirect costs and expenses attendant on maintaining the dual listing of the stock on the New York

Stock Exchange and the NASDAQ are not justified.

3. The belief that dual listing would fragment the market for the Stock without offsetting benefits.

4. The NASDAQ has no objection to the Association's withdrawl of the Stock from listing on the NASDAQ.

5. The withdrawal from listing of the Association's Stock form the NASDAQ shall have no effect upon the continued listing of the Stock of the New York Stock Exchange.

6. By reason of section 12(b) of the Act and the rules and regulations thereunder, the Association shall continue to be obligated to file reports under section 13 of the Act with the Federal Home Loan Bank Board and the New York Stock Exchange.

Any interested person may inspect the application at the Board and, within fifteen days of publication in the **Federal Register**, submit by letter to the Corporate and Securities Division, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, DC 20552, facts bearing upon whether the application has been made in accordance with the procedures of the NASDAQ and what terms, if any, should be imposed by the Board for the protection of investors. The Board, based on the information submitted to it, will approve the application after the date mentioned above, unless the Board determines to order a hearing on the matter.

FOR FURTHER INFORMATION CONTACT: John P. Harootunian, Assistant General Counsel for Securities Policy, Corporate and Securities Division, Office of General Counsel, at (202) 377-6415 or at the above address.

By the Federal Home Loan Bank Board.

Jeff Sconyers,

Secretary.

[FR Doc. 87-1445 Filed 1-22-87; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Fedeal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202-000050-047

Title: Pacific Coast/Australia-New Zealand Tariff Bureau

Parties:

ACT/PACE Line

Australia-New Zealand Container Line

Blue Star Line

Columbus Line

Pacific Australia Direct Line

Synopsis: The proposed amendment would modify the independent action (IA) provisions of the agreement as they relate to freight forwarder compensation and to adoptions of IA's initiated by other parties to the agreement.

Agreement No.: 202-010012-010

Title: Australia-Pacific Coast Rate Agreement

Parties:

Pacific Australia Direct Line

Australia Container Transportation (Australia) Ltd.

Columbus Line

Synopsis: The proposed amendment would modify the independent action (IA) provisions of the agreement as they relate to the adoption of IA's by other parties to the agreement.

Agreement No.: 207-011054

Title: Pacific Australia Direct Line Joint Service Agreement

Parties:

PAD Shipping Australia Pty. Ltd.

Rederiaktiebolaget Transatlantic

Synopsis: The proposed agent would permit the parties to operate a joint service, utilizing up to six vessels with a capacity of up to 3,000 TEU's each, in the trade between West Coast ports of the Unitred States and Canada, and Australia and New Zealand (including intermediate ports). PAD Line Inc. will act as managing agent for the agreement.

Dated: January 20, 1987.

By order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 87-1514 Filed 1-22-87; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL MEDIATION AND CONCILIATION SERVICE

Labor-Management Cooperation Program; Application Solicitation

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Final FY 1987 Program Announcement/application solicitation.

SUMMARY: The Federal Mediation and Conciliation Service (FMCS) published the draft Fiscal Year 1987 Application Soliciation for the Labor Management Cooperation Program in the December 11, 1986, issue (51 FR 44685) of the **Federal Register.** As no public comments were received, no significant changes have been made in this final version.

FOR FURTHER INFORMATION CONTACT: Lee A. Buddendeck, Labor-Management Grant Programs, FMCS, 2100 K Street, NW., Washington, DC 20427.

Labor-Management Cooperation Program Application Solicitation—FY 1987

A. Introduction

The following is the final solicitation for the Fiscal Year 1987 cycle of the Labor-Management Cooperation Program. These guidelines represent the continuing efforts of the Federal Mediation and Conciliation Service to implement the provisions of the Labor-Management Cooperation Act of 1978 which was initially implemented in Fiscal Year 1981. The Act generally authorizes FMCS to provide assistance in the establishment and operation of plant, area, public sector, and industry-wide labor and management committees which:

(A) Have been organized jointly by employers and labor organizations representing employees in that plant, area, government agency, or industry; and

(B) Are established for the purpose of improving labor management relationships, job security, organizational effectiveness, enhancing economic development or involving workers in decisions affecting their jobs including improving communication with respect to subjects of mutual interest and concern.

The Program Description and other sections that follow as well as a separately published FMCS Financial and Administrative Grants Manual make up the basic guidelines, criteria, and program elements a potential applicant for assistance under this program must know in order to develop an application for funding consideration for either a plant, area-wide, industry, or

public sector labor-management committee. Directions for obtaining an application kit may be found in Section H. A copy of the Labor-Management Cooperation Act of 1978 follows this solicitation and should be reviewed in conjunction with this solicitation.

B. Program Description

Objectives

The Labor Management Cooperation Act of 1978 identifies the following seven general areas for which financial assistance would be appropriate:

(1) To improve communications between representatives of labor and management;

(2) To provide workers and employers with opportunities to study and explore new and innovative joint approaches to achieving organizational effectiveness;

(3) To assist workers and employers in solving problems of mutual concern not susceptible to resolution within the collective bargaining process;

(4) To study and explore ways of eliminating potential problems which reduce the competitiveness and inhibit the economic development of the plant, area, or industry;

(5) To enhance the involvement of workers in making decisions that affect their working lives;

(6) To expand and improve working relationships between workers and managers; and

(7) To encourage free collective bargaining by establishing continuing mechanisms for communication between employers and their employees through Federal assistance to the formation and operation of labor-management committees.

The primary objective of this program is to encourage and support the establishment and operation of joint labor-management committees to carry out specific objectives that meet the aforementioned general criteria. The term "labor" refers to employees represented by a labor organization and covered by a formal collective bargaining agreement. These committees may be found at either the plant (worksite), area, industry, or public sector levels. A plant or worksite committee is generally characterized as restricted to one or more organizational or productive units operated by a single employer. An area committee is generally composed of multiple employers of diverse industries as well as multiple labor unions operating within and focusing upon city, county, contiguous multicounty, or statewide jurisdictions. An industry committee generally consists of a collection of agencies or enterprises and related labor unions producing a common product or service in the private sector on a local, state, regional, or nationwide level. A public sector committee consists of government employees and managers in one or more units of a local or state government. Those employees must be covered by a formal collective bargaining agreement. Employees covered by so-called "meet and confer" agreements are not eligible under this program. In deciding whether an application is for an area or industry committee, consideration should be given to the above definitions as well as to the focus of the committee.

In FY87, competition will be open to plant, area, private industry, and public sector committees. In-plant committee applications should offer an innovative or unique effort. All application budget requests should focus directly on supporting the committee. Applicants should avoid seeking funds for activities that are clearly available under other Federal grant programs (e.g., job training).

Required Program Elements

1. *Problem Statement*—The application, which should have numbered pages, must discuss in detail what specific problem(s) face the plant, area, government, or industry and its workforce that will be addressed by the committee. Applicants must document the problems using as much relevant data as possible and discuss the full range of impacts these problems could have or are having on the plant, government, area, or industry. An industrial or economic profile of the area and workforce might provde useful in explaining the problems. This section basically discusses why the effort is needed.

2. *Results or Benefits Expected*—By using specific goals and objectives, the application must discuss in detail what the labor-management committee as a demonstration effort will accomplish during the life of the grant. While a goal of "improving communication between employers and employees" may suffice as one over-all goal of a project, the objectives must, whenever possible, be expressed in measurable terms. Applicants should focus on the impacts or changes that the committee's efforts will have. Existing committees should focus on *expansion* efforts/results expected from FMCS funding. The goals, objectives, and projected impacted will become the foundation for future monitoring and evaluation efforts.

3. *Approach*—This section of the application specifies how the goals and objectives will be accomplished. At a minimum, the following elements must be included in all grant applications:

(a) A discussion of the strategy the committee will employ to accomplish its goals and objectives;

(b) A listing, by name and title, of all existing or proposed members of the labor-management committee. The application should also offer a rationale for the selection of the committee members (e.g., members represent 70% of the area or plant workforce).

(c) A discussion of the number, type, and role of all committee staff persons. Include proposed position descriptions for all staff that will have to be hired as well as resumes for staff already on board;

(d) In addressing the proposed approach, applicants must also present their justification as to why Federal funds are needed to implement the proposed approach;

(e) A statement of how often the committee will meet as well as any plans to form subordinate committees for particular purposes; and

(f) For applications from existing committees (i.e., in existence at least 12 months prior to the submission deadline), a discussion of the past efforts and accomplishments and how they would integrate with the proposed future expanded effort.

4. *Major Milestones*—This section must include an implementation plan that indicates what major steps, operating activities, and objectives will be accomplished as well as a timetable for *WHEN* they will be finished. A milestone chart must be included that indicates what specific accomplishments (process and impact) will be completed by month over the life of the grant. The chart should identify months as "month 1, 2," etc., rather than by name of month as the grant start date will not be determined until all applications are reviewed. The accomplishment of these tasks and objectives, as well as problems and delays therein, will serve as the basis for quarterly progress reports to FMCS.

5. *Evaluation*—Applicants must provide for an external evaluation or internal assessment of the project's success in meeting its goals and objectives.

An evaluation plan must be developed which will briefly discuss what basic questions or issues the assessment would examine and what baseline data the committee staff would already have/or will gather for the assessment. This section should be written with the application's own goals and objectives clearly in mind and the impacts or

changes that the effort is expected to cause.

6. *Letters of Commitment*—Applications must include current letters of commitment from *all* proposed or existing committee participants and chairpersons. These letters should indicate that the participants support the application and are willing to personally attend scheduled committee meetings. A blanket letter signed by a committee chairperson on behalf of all members is not acceptable.

7. *Other Requirements*—Applicants are also responsible for the following:

(a) The submission of data indicating approximately how many employees will be covered or represented through the labor-management committee;

(b) From existing committees, a copy of the existing staffing levels, a copy of the by-laws, a breakout of annual operating costs and identification of all sources and levels of current financial support;

(c) A detailed budget narrative based on policies and procedures contained in the FMCS Financial and Administrative Grants Manual;

(d) An assurance that the labor-management committee will not interfere with any collective bargaining agreements; and

(3) An assurance that committee meetings will be held at least every other month and that written minutes of all committee meetings will be prepared and made available to FMCS.

Selection Criteria

The following criteria will be used in the scoring and selection of applications for award:

(1) The extent to which the application has clearly identified the problems and justified the needs that the proposed project will address.

(2) The degree to which appropriate and measurable goals and objectives have been developed to address the problems/needs of the area. For existing committees, the extent to which the committee will focus on expanded efforts.

(3) The feasibility of the approach proposed to attain the goals and objectives of the project and the perceived likelihood of accomplishing the intended project results. For in-plant applicants, this section will address the degree of innovativeness or uniqueness of the proposed effort.

(4) The appropriateness of committee membership and the degree of commitment of these individuals to the goals of the application.

(5) The feasibility and thoroughness of the implementation plan in specifying major milestones and target dates.

(6) The cost effectiveness and fiscal soundness of the application's budget request, as well as the application's fiscal feasibility vs. its goals and approach.

(7) The overall feasibility of the proposed project in light of all of the information presented for consideration and quality of the application; and,

(8) The cost value to the government of the application in light of the overall objectives of the Labor-Management Cooperation Act of 1978. This includes such factors as innovativeness, financial support from state grant programs, site locations, and other qualities that impact upon an applicant's value in encouraging the labor-management committee concept.

C. Eligibility

Eligible grantees include State and local units of government, private non-profit labor-management committees (or a labor or management entity on behalf of a committee that will be created through the grant), and certain third party private non-profit entities on behalf of one or more committees to be created through the grant. Federal government agencies are not eligible.

Third party private non-profit entities which can document that a major purpose of function of their organization has been the improvement of labor relations are eligible to apply. However, all funding must be directed to the functioning of the labor-management committee, and all requirements under Part B must be followed. Applications from third-party entities must document particularly strong support and participation from all labor and management parties with whom the applicant will be working. Applicants from third-parties which do not directly support the operation of a new or expanded committee will not be deemed eligible.

Applicants who received funding under this program in the past for committee funding are not eligible to apply for funding to continue to expand their prior efforts. Applicants who are presently receiving state grant funds for their labor-management efforts will be eligible to apply for FMCS funding, but will be considered at a lower priority level.

D. Allocations

FMCS has received an FY87 appropriation of $1 million for this program. This amount may be reduced by up to $100,000 for budgetary reasons without additional notice. Specific funding levels will not be established for each type of committee. Instead, the review process will be conducted in such a manner that at least two awards will be made in each category (in-plant, industry, public sector, and area), providing that FMCS determines that at least two outstanding applications exist in each category. After these applications are selected for award, the remaining applications will be awarded according to merit without regard to category.

FMCS reserves the right to retain up to 5 percent of the FY87 appropriation to contract for program support purposes (other than administrative). In addition, up to $70,000 will be reserved to continue support for the Fourth National Labor-Management Conference.

E. Dollar Range and Length of Grants and Continuation Policy

Awards to continue and expand existing labor-management committees (i.e., in existence at least 12 months prior to the submission deadline) will be for a period of 12 months. If successful progress is made during this initial budget period and if sufficient appropriations for expansion and continuation projects are available, these grants may be continued up to an additional 12 months at double the initial cash match ratio.

The total project period will thus normally be no more than 24 months.

Initial awards to establish new labor-management committees (i.e., not yet established or in existence less than 12 months prior to the submission deadline), will be for a period of 18 months. If successful progress is made during this initial budget period and if sufficient appropriations for expansion and continuation projects are available, these grants may be continued up to an additional 18 months at double the initial cash match ratio. The total project period will thus normally be no more than 36 months.

The dollar range of awards is as follows:

—Up to $35,000 in FMCS funds per annum for existing in-plant applicants; up to $50,000 over 18 months for new in-plant committee applicants;

—Up to $75,000 in FMCS funds per annum for existing area, industry and public sector committees applicants;

—Up to $100,000 per 18-month period for new area, industry, and public sector committee applicants.

Applicants are reminded that these figures represent maximum Federal funds only. If total costs to accomplish the objectives of the application exceed the maximum allowable Federal funding level and grantee match, applicants may supplement these funds through

voluntary contributions from other sources.

F. Match Requirements and Cost Allowability

In FY87, applicants for new labor-management committees must provide at least 10 percent of the total allowable project costs. Applicants of existing committees must provide at least 25 percent of the total allowable project costs. All matching funds must be in cash rather than in-kind goods or services. Matching funds may come from state or local government sources or private sector contributions, but may generally not include other Federal funds. Funds generated by grant-supported efforts are considered "project income," and may not be used for matching purposes.

It will be the policy of this program to reject all requests for indirect or overhead costs. In addition, grant funds must not be used to supplant private or local/state government funds currently employed for these purposes. Funding requests from existing committees should focus entirely on the costs associated with the expansion efforts only. Also, under no circumstances will business or labor officials participating on a labor-management committee be compensated out of grant funds for *time* spent at committee meetings or *time* spent in training sessions. Applicants generally will not be allowed to claim all or a portion of *existing* staff-time as an expense or match contribution.

For a more complete discussion of cost allowability, applicants are encouraged to consult the FY87 FMCS Financial and Administrative Grants Manual which will be included in the application kit.

G. Applicant Submission and Review Process

Applications should be signed by *both* a labor and management representative and be postmarked no later than May 2, 1987. No applications or supplementary materials can be accepted after the deadline. It is the responsibility of the applicant to ensure that the application is correctly postmarked by the U.S. Postal Service or other carrier. An original application, containing numbered pages, plus three copies should be addressed to the Federal Mediation and Conciliation Service, Labor-Management Grant Programs, 2100 K Street, NW., Washington, DC 20427. Applications submitted without sufficient copies may be returned.

After the deadline has passed, all eligible applications will be reviewed and scored initially by one or more FMCS Grant Review Board(s). The Board(s) will decide which applications will be recommended for funding consideration. The Director, Labor-Management Grant Programs, will finalize the scoring and selection process of those applications recommended by the Board(s).

All FY87 grant applicants will be notified of results, and all grant awards will be made prior to September 30, 1987. Applications submitted after the deadline dates or that fail to adhere to eligibility or other major requirements will be administratively rejected by the Director, Labor-Management Grant Programs.

H. Contact

Individuals wishing to apply for funding under this program should contact the Federal Mediation and Conciliation Service as soon as possible to obtain an application kit. These kits, as well as additional information or clarification, can be obtained free of charge by contacting Lee A. Buddendeck, Federal Mediation and Conciliation Service, Labor-Management Grant Programs, 2100 K Street, NW., Washington, DC 20427, or by calling 202/653-5320.

Kay McMurray,

Director, Federal Mediation and Conciliation Service.

[FR Doc. 87-1476 Filed 1-22-87; 8:45 am]

BILLING CODE 6732-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on December 19, 1986.

Public Health Service

(Call Reports Clearance Officer on 202-245-2100 for copies of packages)

Health Resources Service Administration

Subject: Health Professions Student Loan and Nursing Student Loan Administrative Requirements—Extension—(0915-0047)
Respondents: Individuals or households; Non-profit institutions
OMB Desk Officer: Bruce Artim

Health Care Financing Administration

(Call Reports Clearance Officer on 301-594-8650 for copies of package)

Subject: Micelleneous Continuing Amendments (BERC-360-FC)—NEW—HCFA-1450-HCFA-1660
Respondents: Individuals or households; State or local governments; Small businesses or organizations
Subject: Questions on Other Insurance Available to Medicare Beneficiary—Revision—(0938-0214)
Respondents: Individuals or households
Subject: Information Collection Requirements Contained in BERC-297-FC and Related Instructions Implementing the U.S. District Court's Decision in Lynch v. Rank—NEW—HCFA-R-61
Respondents: Individuals or households; State or local governments: Federal agencies or employees
OMB Desk Officer: Allison Herron

Social Security Administration

(Call Reports Clearance Officer on 301-594-5706 for copies of package)

Subject: State Vocational Rehabilitation Agency Inquiry or Claim—Extension—(0960-0310)
Respondents: State or local governments
Subject: Report on Individual with Childhood Impairment—Extension—(0960-0084)
Respondents: Businesses or other for-profit; Non-profit institutions
OMB Desk Officer: Judy Egan

Family Support Administration

(Call Reports Clearance Officer on 202-245-1704 for copies of package)

Subject: Quality Control Negative Case Action Worksheet/Review Schedule Form FSA-6401—Revision—(0960-0156)
Respondents: State or local governments
OMB Desk Officer: Judy Egan

Agency Form Withdrawn from the Office of Management and Budget Clearance Process.

The Department of Health and Human Services has withdrawn the following information collection package previously submitted to OMB for approval under the Paperwork Reduction Act.

Public Health Service

Food and Drug Administration

Subject: Medical Device Notification and Safety Alert Guideline
Reference: **Federal Register**/Volume, No./Page/Friday, January 23, 1987

Copies of the above information collection clearance packages can be obtained by calling the Reports Clearance Officer on the number shown above.

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address:

OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, DC 20503
ATTN: (name of OMB Desk Officer)

Dated: January 15, 1987.

Barbara S. Wamsley,

Acting Deputy Assistant Secretary for Management, Analysis and Systems.

[FR Doc. 87-1333 Filed 1-22-87; 8:45 am]

BILLING CODE 4150-04-M

Department Study of the Aid to Families With Dependent Children and Medicaid Eligibility Quality Control Systems

AGENCY: Office of the Assistant Secretary for Management and Budget, HHS.

ACTION: Notice of departmental study on the aid to families with dependent children and Medicaid eligibility quality control systems.

SUMMARY: This notice announces the departmental study required by section 12301 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) as amended by Section 1710 of the Tax Reform Act of 1986 and requests comments from all interested parties.

DATE: Comment deadline: To assure consideration in the study, comments must be received by March 24, 1987. Comments received after this date will not be considered.

ADDRESS: Mack A. Storrs, Director, Quality Control Study, ASMB/HHS, Room 505D, Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201, Telephone (202) 245-7542.

FOR FURTHER INFORMATION CONTACT: Mack A. Storrs, Director, Quality Control Study, ASMB/HHS, Room 505D, Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201, Telephone (202) 245-7542.

SUPPLEMENTARY INFORMATION: Section 12301 of COBRA (Pub. L. 99-272, enacted April 7, 1986) requires that the Department conduct a study of the Quality control systems for the Aid to Families with Dependent Children program under Title IV-A of the Social Security Act (The Act) and the Medicaid program under Title XIX of the Act. The Congress directed that the study shall:

1. Examine how best to operate such systems in order to obtain information which will allow program managers to improve the quality of administration, and

2. Provide reasonable data on the basis of which Federal funding may be withheld for States with excessive levels of erroneous payments.

The Department's study results along with a concurrent independent study conducted by the National Academy of Sciences (NAS) was to be reported to the Congress by April 7, 1987, one year after the date of enactment of the COBRA legislation. However, section 12301 of COBRA was amended by Section 1710 of the Tax Reform Act (Pub. L. 99-514) to require that these study results be reported within one year of the date the Department and NAS enter into a contract. The Department entered into a contract with NAS on September 30, 1986. Accordingly, the reports are now due September 30, 1987.

The intent of this notice is to request that all interested parties submit information relevant to the two areas that the Congress has directed the Department to study. All relevant comments received by the comment deadline will be reviewed and addressed as appropriate in the Department's study.

Dated: January 16, 1987.

S. Anthony McCann,

Assistant Secretary for Management and Budget.

[FR Doc. 87-1454 Filed 1-22-87; 8:45 am]

BILLING CODE 4110-60-M

Food and Drug Administration

Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees. The following advisory committee meeting is announced:

Endocrinologic and Metabolic Drugs Advisory Committee

Date, time, and place. February 19 and 20, 9 a.m., Lister Hill Auditorium, National Library of Medicine, 8600 Rockville Pike, Bethesda, MD.

Type of meeting and contact person. Open public hearing, February 19, 9 a.m. to 10 a.m., unless public participation does not last that long; open committee discussion, 10 a.m. to 5:30 p.m.; open committee discussion, February 20, 9 a.m. to 12 m.; John R. Short, Center for Drugs and Biologics (HFN-810), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3510.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in endocrine and metabolic disorders.

Agenda—open public hearing. Persons interested in presenting data, information, or views, orally or in writing, on issues before the committee should communicate with the committee contact person.

Open committee discussion. The committee will discuss: (1) Proposed revision in lipid-altering guidelines, February 19, a.m.; (2) approvability of Merck's Lovastatin (mevinolin), February 19, p.m.; and (3) usefulness and limitation of the methodology used to predict children's ultimate height, February 20.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum for public participation, and an open public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (Subpart C of 21 CFR Part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings,

including hearings before public advisory committees under 21 CFR Part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the dopen portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA–305), Rm. 4–62, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under sections 10(a)(1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)), and FDA's regulatoins (21 CFR Part 14) on advisory committees.

Dated: January 15, 1987.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 87–1408 Filed 1–22–87; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 86D–0210]

Adulteration Involving Pesticide Residues in Food and Feed; Availability of Revised Compliance Policy Guide

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that it is reissuing the revised Compliance Policy Guide 7141.01, which specifies the enforcement criteria FDA will follow concerning food and feed adulterated with pesticide residues. The reissuance is necessary to correct a number of errors that appeared in the original version.

ADDRESS: Written requests for single copies of FDA's revised Compliance Policy Guide 7141.01 should be submitted to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857. (Send two self-addressed adhesive labels to assist the Branch in processing your request.)

FOR FURTHER INFORMATION CONTACT: Betty J. Dodson, Office of Regulatory Affairs (HFC–205), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1815.

SUPPLEMENTARY INFORMATION: FDA is announcing the reissuance of a revision of Compliance Policy Guide 7141.01 "Pesticide Residues in Food and Feed-Enforcement Criteria." The Reissuance is necessary to correct a number of errors in the original revision of the Guide that was the subject of a notice of availability published in the **Federal Register** of September 29, 1986 (51 FR 34504). Anyone who obtained copies of the earlier version is asked to resubmit their request for the corrected Compliance Policy Guide.

The revised Compliance Policy Guide 7141.01 and the guides it replaces are on file in the Dockets Management Branch (address above). Requests for single copies of Compliance Policy Guide 7141.01 should refer to the docket number found in brackets in the heading of this document and should be submitted to the Dockets Management Branch.

Dated: January 15, 1987.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 87–1410 Filed 1–22–87; 8:45 am]

BILLING CODE 4160–01–M

National Institutes of Health

National Cancer Institute; Meeting of Frederick Cancer Research Facility Advisory Committee (FCRF)

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Frederick Cancer Research Facility Advisory Committee, National Cancer Institute, February 13, 1987, Building 31C, Conference Room 7, National Institutes of Health, Bethesda, Maryland 20892.

The meeting will be open to the public on February 13 at 8:30 a.m. to 11:30 a.m. to discuss AIDS vaccine development, its history, sciences update, and future efforts. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(6), Title 5, U.S.C. and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on February 13 from 11:30 a.m. to adjournment for the review, discussion and evaluation of current subcontracts relating to the AIDS vaccine development program. The subcontracts and discussions could reveal personal information concerning individuals associated with the subcontracts, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20892 (301/496–5708) will provide summaries of the meeting and rosters of committee members upon request.

Dr. Cedric W. Long, Executive Secretary, Frederick Cancer Research Facility Advisory Committee, National Cancer Institute, Frederick Cancer Research Facility, Building 427, Frederick, Maryland 21701 (301/695–1108) will furnish substantive program information.

Dated: January 15, 1987.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 87–1554 Filed 1–22–87; 8:45 am]

BILLING CODE 4140–01–M

National Cancer Institute; of Developmental Therapeutics Contracts Review Committee

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Developmental Therapeutics Contracts Review Committee, National Cancer Institute, National Institutes of Health, February 12–13, 1987, Linden Hill Hotel and Racquet Club, 5400 Pooks Hill Road, Sea Pine Conference Room, Bethesda, Maryland 20852.

This meeting will be open to the public on February 12 from 8 a.m. to 8:30 a.m. to discuss administrative details. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on February 12 from 8:30 a.m. to 5 p.m. and on February 13 from 8:30 to adjournment for the review, discussion and evaluations of individual contract proposals. The

proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20892 (301/496–5708) will furnish summaries of the meeting and roster of committee members upon request.

Dr. Kendall G. Powers, Executive Secretary, 5333 Westbard Avenue, Room 805, Bethesda, Maryland 20892 (301/496–7575) will provide other information pertaining to the meeting.

Dated: January 15, 1987.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 87–1555 Filed 1–22–87; 8:45 am]

BILLING CODE 4140–01–M

National Cancer Institute; Meeting of Cancer Research Manpower Review Committee

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Cancer Research Manpower Review Committee, National Cancer Institute, National Institutes of Health, February 26–27, 1987, Building 31A, Conference Room, 10, Bethesda, Maryland 20892.

This meeting will be open to the public on February 26 at 8:30 a.m. to 9:30 a.m. to discuss administrative details. Attendance by the public will be limited to space available.

In accordance with provision set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on February 26 at 9:30 a.m. to recess and on February 27 at 8:30 a.m. to adjournment for the review, discussion and evaluation of individual grant applications. The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, Committee Management Officer, NCI, Building 31, 10A06, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20892 (301/496–5708) will provide summary of the meeting, roster of committee members and substantive program information upon request.

Dr. Cynthia L. Sewell, Executive Secretary, Westbard Building, 5333 Westwood Avenue, Room 838, Bethesda, Maryland 20892 (301/496–7721) will provide other information pertaining to the meeting.

Dated: January 15, 1987

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 87–1556 Filed 1–22–87; 8:45 am]

BILLING CODE 4140–01–M

Division of Research Resources; Meeting of the General Clinical Research Centers Committee

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the General Clinical Research Centers (GCRC) Committee, Division of Research Resources (DRR), February 12–13, 1987, Linden Hill Hotel, 5400 Pooks Hills Road, Bethesda, MD 20814.

The meeting will be open to the public on February 13, from 1:30 p.m. to adjournment, during which time there will be comments by the Director, DRR; an update on the GCRC Program; and reports on the Clinical Associate Physician Program, the diffusion of the CLINFO System, possible new technologies for GCRCs, and clinical research data management. Attendance by the public will be limited to space available.

In accordance with the provision, set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on February 12 from 9:00 a.m. to recess and on February 13 from approximately 8:00 a.m. to 1:30 p.m. for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable materials and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, Bldg. 31, Rm. 5B–10, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–5545, will provide a summary of the meeting and a roster of the Committee members upon request. Dr. Ephraim Y. Levin, Executive Secretary of the General Clinical Research Centers Review Committee, Bldg. 31, Room 5B–51, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–6595, will furnish program information upon request.

(Catalog of Federal Domestic Assistance Program No. 13.333, Clinical Research, National Institutes of Health)

Dated: January 15, 1987.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 87–1557 Filed 1–22–87; 8:45 am]

BILLING CODE 4140–01–M

National Heart, Lung, and Blood Institute; Heart, Lung, and Blood Research Review Committee B; Meetings

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Heart, Lung, and Blood Research Review Committee B, National Heart, Lung, and Blood Institute, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20892, on March 26, 1987, in Building 31, Conference Room 9.

This meeting will be open to the public on March 26, from 8:30 AM to approximately 10:00 AM to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and section 10(d) Pub. L. 92–463, the meeting will be closed to the public on March 26, from approximately 10:00 AM to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Terry Bellicha, Chief, Communications and Public Information Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A31, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–4236, will provide a summary of the meeting and a roster of the committee members.

Dr. Louis M. Ouellette, Executive Secretay, NHLBI, Westwood Building, Room 554, National Institutes of Health, Bethesda, Maryland 20892, phone (301) 496–7915, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, Heart and Vascular Diseases Research; and 13.839, Blood

Diseases and Resources Research, National Institutes of Health)

Dated: January 15, 1987.

Betty J. Beveridge,

NIH Committee Management Officer, NIH.

[FR Doc. 87-1560 Filed 1-22-87; 8:45 am]

BILLING CODE 4140-01-M

National Institute of Child Health and Human Development; Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of meetings of the review committees of the National Institute of Child Health and Human Development for March 1987.

These meetings will be open to the public to discuss items relative to committee activities including announcements by the Director, NICHD, and executive secretaries, for approximately one hour at the beginning of the first session of the first day of the meeting. Attendance by the public will be limited to space available.

These meetings will be closed to the public as indicated below in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and section 10(d) of Pub. L. 92-463, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Landow Building, Room 6C08, National institutes of Health, Bethesda, Maryland, Area Code (301) 496-1485, will provide a summary of the meeting and a roster of committee members.

Other information pertaining to the meetings may be obtained from the Executive Secretary indicated.

Name of committee: Population Research Committee

Executive Secretary: Dr. A.T. Gregoire, Rm. 6C03, Landow Building, Telephone: (301) 496-1696

Date of meeting: March 5-6, 1987

Place of meeting: Landow Building, Conference Room A

Open: March 5, 1987, 9:00 a.m.-10:00 a.m.

Closed: March 5, 1987, 10:00 a.m.-5:00 p.m. March 6, 1987, 9:00 a.m.-adjournment

Name of committee: Maternal and Child Health Research Committee

Executive Secretary: Dr. Scott Andres, Room 6C08, Landow Building, Telephone: (301) 496-1485

Date of meeting: March 10-11, 1987

Place of meeting: Landow Building, Conference Room A

Open: March 10, 1987, 9:00 a.m.-10:00 a.m.

Closed: March 10, 1987, 10:00 a.m.-5:00 p.m. March 11, 1987, 9:00 a.m.-adjournment

Name of committee: Mental Retardation Research Committee

Executive Secretary: Dr. Stanley Slater, Room 6C03, Landow Building, Telephone: (301) 496-1696

Date of meeting: March 12-13, 1987

Place of meeting: Landow Building, Conference Room A

Open: March 12, 1987, 9:00 a.m.-10:00 a.m.

Closed: March 12, 1987, 10:00 a.m.-5:00 p.m. March 13, 1987, 9:00 a.m.-adjournment

(Catalog of Federal Domestic Assistance Program No. 13.864, Population Research, and No. 13.865, Research for Mothers and Children, National Institutes of Health)

Dated: January 15, 1987.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 87-1559 Filed 1-22-87; 8:45 am]

BILLING CODE 4140-01-M

Division of Research Grants; Meetings of Various Study Sections

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of the following study sections for February through March 1987, and the individuals from whom summaries of meetings and rosters of committee members may be obtained.

These meetings will be open to the public to discuss administrative details relating to study section business for approximately one hour at the beginning of the first session of the first day of the meeting. Attendance by the public will be limited to space available. These meetings will be closed thereafter in accordance with the provisions set forth in sections 552b(c)(4) and 552(c)(6), Title 5, U.S.C. and section 10(d) of Pub. L. 92-463, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Grants Inquiries Office, Division of Research Grants, Westwood Building, National Institutes of Health, Bethesda, Maryland 20892, telephone 301-496-7441 will furnish summaries of the meetings and rosters of committee members. Substantive program information may be obtained from each executive secretary whose name, room number, and telephone number are listed below each study section. Since it is necessary to schedule study section meetings months in advance, it is suggested that anyone planning to attend a meeting contact the executive secretary to confirm the exact date, time and location. All times are A.M. unless otherwise specified.

Study section	February-March 1987 meetings	Time	Location
Allergy & Immunology, Dr. Eugene Zimmerman, Rm. 320, Tel. 301-496-7380	Feb. 26-28	8:30	Crowne Plaza, Rockville, MD.
Bacteriology & Mycology-1, Dr. Irving Simos, Rm. 340, Tel. 301-496-8844	Feb. 11-13	8:30	Holiday Inn, Bethesda, MD.
Bacteriology & Mycology-2, Dr. William Branche, Jr., Rm. 306, Tel. 301-496-7681	Feb. 18-20	8:30	Holiday Inn, Chevy Chase, MD.
Behavioral Medicine, Dr. Joan Rittenhouse, Rm. 232, Tel. 301-496-7109	Feb. 11-13	8:00	Omni Shoreham, Washington, DC.
Biochemical Endocrinology, Dr. Janos Varga, Rm. 226, Tel. 301-496-7430	Feb. 18-20	8:30	Room 8, Bldg. 31C, Bethesda, MD.
Biochemistry-1, Dr. Adolphus P. Toliver, Rm. 318B, Tel. 301-496-7516	Feb. 18-21	8:30	Dupont Plaza Hotel, Washington, DC.
Biochemistry-2, Dr. Alex Liacouras, Rm. 318A, Tel. 301-496-7517	Feb. 19-21	8:30	Bethesda Holiday Inn, Bethesda, MD.
Bio-Organic & Natural Products Chemistry, Dr. Michael Rogers, Rm. 5, Tel. 301-496-7107	Feb. 19-21	9:00	Holiday Inn, Georgetown, DC.
Biophysical Chemistry, Dr. John B. Wolff, Rm. 236B, Tel. 301-496-7070	Feb. 19-21	8:30	Room 7, Bldg. 31C, Bethesda, MD.
Bio-Psychology, Dr. A. Keith Murray, Rm. 220, Tel. 301-496-7058	Feb. 17-20	9:00	Ramada Inn, Bethesda, MD.
Cardiovascular & Pulmonary, Dr. Anthony C. Chung, Rm. 2A-04, Tel. 301-496-7316	Feb. 26-28	8:30	Holiday Inn, Georgetown, DC.
Cardiovascular & Renal, Dr. Rosemary Morris, Rm. 321, Tel. 301-496-7901	Mar. 2-4	8:30	Holiday Inn, Georgetown, DC.
Cellular Biology and Physiology-1, Dr. Gerald Greenhouse, Rm. 336, Tel. 301-496-7396	Feb. 18-20	8:30	Room A, Landow Bldg., Bethesda, MD.
Cellular Biology and Physiology-2, Dr. Irving Simos, Rm. 340, Tel. 301-496-8844	Feb. 23-25	8:30	Marbury House, Georgetown, DC.
Chemical Pathology, Dr. Edmund Copeland, Rm. 353, Tel. 301-496-7078	Feb. 5-7	8:00	Sheraton Hotel, Santa Barbara, CA.
Diagnostic Radiology, Dr. Catharine Wingate, Rm. 219B, Tel. 301-496-7650	Feb. 18-20	8:30	Omni Georgetown Hotel, Washington, DC.
Endocrinology, Dr. Harry Brodie, Rm. 333, Tel. 301-496-7346	Feb. 18-20	8:30	Holiday Inn, Bethesda, MD.
Epidemiology & Disease Control-1, Dr. Phyllis B. Eveleth, Rm. 203C, Tel. 301-496-7246	Feb. 10-12	8:30	Hyatt Regency Hotel, Bethesda, MD.
Epidemiology & Disease Control-2, Dr. Ann Schluederberg, Rm. 203B, Tel. 301-496-7246	Feb. 10-12	8:30	Hyatt Regency Hotel, Bethesda, MD.
Experimental Cardiovascular Sciences, Dr. Richard Peabody, Rm. 234, Tel. 301-496-7940	Feb. 17-19	8:00	Wellington Hotel, Washington, DC.

Study section	February–March 1987 meetings	Time	Location
Experimental Immunology, Dr. David Lavrin, Rm. 222B, Tel. 301-496-7238	Feb. 18-20	9:00	Holiday Inn, Georgetown, DC.
Experimental Therapeutics-1, Dr. Morris Kelsey, Rm. 221, Tel. 301-496-7597	Feb. 11-13	8:30	Hyatt Regency Hotel, Bethesda, MD.
Experimental Therapeutics-2, Dr. Marcia Litwack, Rm. 2A03, Tel. 301-496-8848	Mar. 5-6	8:30	Room 9, Bldg. 31C, Bethesda, MD.
Experimental Virology, Dr. Garrett V. Keefer, Rm. 206, Tel. 301-496-7474	Feb. 23-25	8:30	Room 7, Bldg. 31C, Bethesda, MD.
General Medicine A-1, Dr. Harold Davidson, Rm. 354A, Tel. 301-496-7797	Feb. 24-26	8:30	Wellington Hotel, Washington, DC.
General Medicine A-2, Dr. Donna J. Dean, Rm. 354B, Tel. 301-496-7140	Feb. 25-27	8:30	Room 6, Bldg. 31C, Bethesda, MD.
General Medicine B, Dr. Daniel McDonald, Rm. 322, Tel. 301-496-7730	Feb. 11-13	8:30	Crowne Plaza, Rockville, MD.
Genetics, Dr. David Remondini, Rm. 349, Tel. 301-496-7271	Feb. 12-14	9:00	Room 8, Bldg. 31C, Bethesda, MD.
Hearing Research, Dr. Joseph Kimm, Rm. 225, Tel. 301-496-7496	Feb. 11-13	8:30	Omni Georgetown Hotel, Washington, DC.
Hematology-1, Dr. Clark Lum, Rm. 355A, Tel. 301-496-7508	Feb. 19-21	8:00	Wellington Hotel, Washington, DC.
Hematology-2, Dr. Joel Solomon, Rm. 355B, Tel. 301-496-7508	Feb. 24-27	3:00 p.m.	Marbury House, Georgetown, DC.
Human Development & Aging-1, Dr. Teresa Levitin, Rm. 303, Tel. 301-496-7640	Feb. 18-20	9:00	Shoreham Hotel, Washington, DC.
Human Development & Aging-2, Dr. Louis Quatrano, Rm. 305, Tel. 301-496-7025	Feb. 11-13	8:30	Dupont Plaza Hotel, Washington, DC.
Human Development & Aging-3, Dr. Susan C. Streufert, Rm. 203, Tel. 301-496-9403	Feb. 26-27	8:30	Wellington Hotel, Washington, DC.
Human Embryology & Development, Dr. Arthur Hoversland, Rm. 319A, Tel. 301-496-7839	Feb. 10-12	8:30	Augusta Hilton, Augusta, GA.
Immunobiology, Dr. William Stylos, Rm. 222A, Tel. 301-496-7780	Feb. 11-13	8:30	Holiday Inn, Bethesda, MD.
Immunological Sciences, Dr. Hugh Stamper, Rm. 233A, Tel. 301-496-7179	Feb. 25-27	8:30	Ramada Inn, Bethesda, MD.
Mammalian Genetics, Dr. Jerry Roberts, Rm. 349, Tel. 301-496-7271	Feb. 19-21	9:30	Holiday Inn, Bethesda, MD.
Medicinal Chemistry, Dr. Ronald Dubois, Rm. 5, Tel. 301-496-7107	Feb. 18-20	9:00	Holiday Inn, Bethesda, MD.
Metabolism, Dr. Krish Krishnan, Rm. 339A, Tel. 301-496-7091	Feb. 26-28	8:30	Room 9, Bldg. 31C, Bethesda, MD.
Metallobiochemistry, Dr. Asher Hyatt, Rm. 348, Tel. 301-496-7071	Feb. 19-21	8:30	Georgetown Hotel, Washington, DC.
Microbial Physiology & Genetics-1, Dr. Martin Slater, Rm. 238, Tel. 301-496-7183	Feb. 25-27	8:30	Hyatt Regency Hotel, Bethesda, MD.
Microbial Physiology & Genetics-2, Dr. Gerald Liddel, Rm. 357, Tel. 301-496-7130	Feb. 27-Mar. 1	8:30	Hyatt Regency, Atlanta, GA.
Molecular & Cellular Biophysics, Dr. Patricia Jost, Rm. 236A, Tel. 301-496-7060	Feb. 27-Mar. 1	8:30	Ramada Inn, Bethesda, MD.
Molecular Biology, Dr. Zain Abedin, Rm. 328, Tel. 301-496-7830	Feb. 19-21	8:30	Sheraton Inn, Silver Spring, MD.
Molecular Cytology, Dr. Ramesh Nayak, Rm. 233B, Tel. 301-496-7149	Feb. 5-7	8:30	Room 8, Bldg. 31C, Bethesda, MD.
Neurological Sciences-1, Dr. Allen C. Stoolmiller, Rm. 437B, Tel. 301-496-7280	Feb. 18-20	8:00	St. James Hotel, Washington, DC.
Neurological Sciences-2, Dr. Stephen Gobel, Rm. 154, Tel. 301-496-8808	Feb. 17-19	8:30	Holiday Inn, Bethesda, MD.
Neurology A, Dr. Catherine Woodbury, Rm. 326, Tel. 301-496-7095	Feb. 11-13	8:30	Governor's House, Washington, DC.
Neurology B-1, Dr. Jo Ann McConnell, Rm. 152, Tel. 301-496-7846	Feb. 17-20	8:30	Georgetown Inn, Washington, DC.
Neurology, B-2, Dr. Herman Teitelbaum, Rm. 152, Tel. 301-496-7422	Feb. 18-21	8:30	Holiday Inn, Chevy Chase, MD.
Neurology C, Dr. Kenneth Newrock, Rm. 154, Tel. 301-496-8808	Feb. 18-21	8:30	Omni Georgetown Hotel, Washington, DC.
Nutrition, Dr. Ai Lien Wu, Rm. 204, Tel. 301-496-7178	Feb. 25-27	8:30	Room 8, Bldg., 31C, Bethesda, MD.
Oral Biology & Medicine-1, Dr. J. Terrell Hoffeld, Rm. 325, Tel. 301-496-7818	Feb. 9-12	8:30	Crowne Plaza, Rockville, MD.
Oral Biology & Medicine-2, Dr. J. Terrell Hoffeld, Rm. 325, Tel. 301-496-7818	Feb. 23-26	8:30	Crowne Plaza, Rockville, MD.
Orthopedics & Musculoskeletal, Ms. Ileen Stewart, Rm. 350, Tel. 301-496-7581	Mar. 12-14	7:00	Hyatt Regency, Phoeniz, AZ.
Pathobiochemistry, Dr. John Mathias, Rm. A26, Tel. 301-496-7820	Feb. 25-27	8:30	Holiday Inn, Bethesda, MD.
Pathology A, Dr. John L. Meyer, Rm. 337, Tel. 301-496-7305	Feb. 17-20	8:00	Governor's House, Washington, DC.
Pathology B, Dr. Martin Padarathsingh, Rm. 352, Tel. 301-496-7244	Feb. 24-26	8:30	Holiday Inn, Bethesda, MD.
Pharmacology, Dr. Joseph Kaiser, Rm. 206, Tel. 301-496-7408	Feb. 17-19	8:30	American Inn, Bethesda, MD.
Physical Biochemistry, Dr. Gopa Rakhit, Rm. 218B, Tel. 301-496-7120	Feb. 18-21	8:30	The Monteleone Hotel, New Orleans, LA.
Physiological Chemistry, Dr. Stanley Burrous, Rm. 339B, Tel. 301-496-7837	Feb. 26-28	8:00	Holiday Inn, Georgetown, DC.
Physiology, Dr. Michael A. Lang, Rm. 209, Tel. 301-496-7878	Feb. 19-22	9:00	The Monteleone Hotel, New Orleans, LA.
Radiation, Dr. John Zimbrick, Rm. 219A, Tel. 301-496-7073	Feb. 19-21	8:30	Hyatt Peachtree Hotel, Atlanta, GA.
Reproductive Biology, Dr. Dharam Dhindsa, Rm. 307, Tel. 301-496-7318	Feb. 9-12	2:00 p.m.	Augusta Hilton, Augusta, GA.
Reproductive Endocrinology, Dr. Bela, Gulyas, Rm. 325B, Tel. 301-496-8857	Feb. 9-11	3:00 p.m.	Augusta Hilton, Augusta, GA.
Respiratory & Applied Physiology, Dr. Anita Weinblatt, Rm. 218A, Tel. 301-496-7320	Feb. 9-11	8:30	Ramada Inn, Bethesda, MD.
Safety & Occupational Health, Dr. Richard Rhoden, Rm. 3A10, Tel. 301-496-6723	Mar. 4-6	8:30	Holiday Inn, Bethesda, MD.
Sensory Disorders & Language, Dr. Michael Halasz, Rm. 3A-07, Tel. 301-496-7550	Feb. 18-20	8:30	Capitol Holiday Inn, Washington, DC.
Social Sciences & Population, Ms. Carol Campbell, Rm. 210, Tel. 301-496-7906	Feb. 19-21	9:00	Embassy Square Hotel, Washington, DC.
Surgery & Bioengineering, Dr. Paul F. Parakkal, Rm. 303A, Tel. 301-496-7506	Feb. 23-24	8:00	Crowne Plaza, Rockville, MD.
Surgery, Anesthesiology & Trauma, Dr. Keith Kraner, Rm. 319B, Tel. 301-496-7771	Feb. 19-20	8:30	Holiday Inn, Bethesda, MD.
Toxicology, Dr. Faye J. Calhoun, Rm. 205, Tel. 301-496-7570	Feb. 21-23	8:30	Crowne Plaza, Rockville, MD.
Tropical Medicine & Parasitology, Dr. Jean Hickman, Rm. 334, Tel. 301-496-1190	Feb. 17-18	8:30	Room 7, Bldg. 31C, Bethesda, MD.
Virology, Dr. Bruce Maurer, Rm. 309, Tel. 301-496-7605	Mar. 5-7	8:30	Room 6, Bldg., 31C, Bethesda, MD.
Visual Sciences A-1, Dr. Luigi Giacometti, Rm. 207, Tel. 301-496-7000	Feb. 4-6	9:00	Room 10, Bldg., 31C, Bethesda, MD.
Visual Sciences A-2, Dr. Jane Hu, Rm. 439A, Tel. 301-496-7310	Mar. 11-13	8:30	American Inn, Bethesda, MD.
Visual Sciences B, Dr. Earl Fisher, Jr., Rm. 325, Tel. 301-496-7251	Feb. 11-14	9:00	Room 9, Bldg. 31C, Bethesda, MD.

(Catalog of Federal Domestic Assistance Programs Nos. 13.306, 13.333, 13.337, 13.393–13.396, 13.837–13.844, 13.846–13.878, 13.892, 13.893, National Institutes of Health, HHS)

Dated: January 15, 1987.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 87-1558 Filed 1-22-87; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Seasonal Closure of Public Lands; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Annual seasonal closure of Public Lands in eastern Kern County, California.

SUMMARY: Certain Public Lands in eastern Kern County, California, generally described as lying east of State Highway 14 in the Red Rock Canyon area, are closed to all public use, including vehicle operation, camping, shooting, hiking, sightseeing, grazing, and mining operations from February 1 to July 1 annually. Access may be allowed for management or scientific study purposes and must be approved in writing by the Authorized Officer. The lands affected by this notice are being closed under the authority of 43 CFR 8364.1.

The lands affected by this annual seasonal closure are specifically:

Mt. Diablo Base and Meridian, T. 29 S., R. 37 E.

Sections:

23 (portion of SE¼, south and east of existing route)

24 (S½)

25 (N½, and SW¼)

26 (portion of E½ east of existing route)

Totaling approximately 1,200 acres.

Any person who violates this closure order may be subject to a fine of $1,000 or imprisonment not exceeding 12 months, or both, under authority of 43 CFR 8360.0–7.

Public Lands seasonally closed to public use under this order will be posted with signs at points of public entry. Maps showing the exact location of the closure are available from the Ridgecrest Resource Area Office, 112 E. Dophin St., Ridgcrest, CA 93555. Closure order notices and/or maps will be posted near or within the closure area as well as at local U.S. Post Offices, the Red Rock Canyon State Park, and the Ridgecrest Resource Area Office.

EFFECTIVE DATES: February 1 to July 1 annually.

SUPPLEMENTARY INFORMATION: The purpose of this annual seasonal closure is to provide protection and solitude for nesting birds of prey; primarily, the golden eagle (*Aquila chrysaetos*), prairie falcon (*Falco mexicanus*), and the great horned owl (*Bubo virginianus*). Further, this closure is ordered to comply with 16 U.S.C., Subchapter II, Part 668, Bald Eagle Protection Act, as amended, which extends protection to golden eagles. This closure order will prevent violations of "take", described in Part 668c of the Act as including "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb."

The lands affected by this closure notice are cooperatively managed by the Bureau of Land Management and the California Department of Parks and Recreation. Enforcement will be accomplished by both agencies.

FOR FURTHER INFORMATION CONTACT: Patricia E. McLean, Area Manager, Ridgecrest Resource Area, 112 E. Dolphin, Ridgecrest, California 93555, (619) 375–7125.

Dated: January 12, 1987.

Gerald E. Hillier,

District Manager.

[FR Doc. 87–1479 Filed 1–22–87; 8:45 am]

BILLING CODE 4310–40–M

[WY920 07 4121–14]

Coal Lease Offering by Sealed Bid

U.S. Department of the Interior, Bureau of Land Management, Wyoming State Office, 2515 Warren Avenue, Cheyenne, Wyoming 82001. Notice is hereby given that certain coal resources in the lands hereinafter described, located in Sweetwater County, Wyoming will be offered for competitive lease by sealed bid. This offering is being made as a result of an emergency by-pass coal lease application filed by the Black Butte Coal Company in accordance with the provisions of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 181 et seq.). The sale will be held at 2 p.m., February 17, 1987, in the third floor conference room at the above address.

Processing of the Black Butte emergency lease application and the related amendment to the Salt Wells Management Framework Plan have been completed. This includes an environmental assessment (EA) of the proposed coal development and plan amendment. The results of these activities were a finding of no significant environmental impacts from the proposed coal development, the amended planning decision that the Federal coal lands involved are acceptable for further leasing consideration and the decision to offer the Federal coal resources for lease. The emergency lease/plan amendment EA and Record of Recision, including mitigation requirements, are on file in the Wyoming State Office.

This tract will be leased to the qualified bidder of the highest cash amount provided that the high bid meets the fair market value determination of the tract. The minimum bid is $100 per acre. No bid less than $100 per acre will be considered. The minimum bid is not intended to represent fair market value. The fair market value will be determined by the authorized officer after the sale. Sealed bids must be submitted on or before 1 p.m., February 17, 1987, to the Wyoming State Office, 2515 Warren Avenue, Cheyenne, Wyoming 821001. Bids received after that time will not be considered.

Coal offered: the coal resource to be offered consists of all the recoverable coal in the following described lands located in Sweetwater County, Wyoming:

T. 19 N., R. 100 W., 6th P.M., WY
Sec. 12: All;
Sec. 24: W½E½, W½;
Sec. 26: Lots 4, 5.

The 1,217.98 acre tract contains an estimated 10.5 million tons of recoverable coal with the following estimated coal quality: BTU—9,313/lb.; Sulphur—.26 percent; Ash—6.71 percent; Moisture—21.74 percent. The coal is classified as subbituminous.

Rental and Royalty: The lease issued as a result of this offering will provide for payment of an annual rental of $3.00 per acre and a royalty payable to the United States of 12.5 percent of the value of coal produced by strip or auger mining methods and 8.0 percent of the value of coal produced by underground mining methods.

Deferred bonus: Payment of the bonus bid for this lease shall be on a deferred basis. One-fifth of the bonus will be payable on the day of the sale. The balance shall be paid in equal annual installments due and payable on the first four anniversary dates of the lease.

Notice of availability: Bidding instructions for the offered tract are included in the Detailed Statement of Lease Sale. Copies of the Statement and of the proposed coal lease are available at the Wyoming State Office. Case file documents are also available at that office for public inspection. Coal resource information pertaining to this tract is also available for public inspection in the Rock Spring District Office, Highway 191 North, Rock Springs, Wyoming 82902.

F. William Eikenberry,

Associate State Director.

[FR Doc. 1480 Filed 1–22–87; 8:45 am]

BILLING CODE 4310–22–M

[WY920 07 4121–14, W–100441]

Detailed Statement of Coal Lease Sale Black Butte Coal Company Emergency By-Pass Coal Lease Application

At 2 p.m., February 17, 1987, an authorized officer of the Bureau of Land Management, Wyoming State Office will offer the following described lands for competitive lease by sealed bid to the qualified bidder submitting the highest cash amount per acre, or fraction thereof, in accordance with the provisions of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 181 et seq). No bid will be considered which is less than $100 per acre and bids should be formulated on the basis of 1,218 acres. The minimum bid is not intended to represent fair market value.

Coal offered: The coal resource to be offered consists of all the recoverable coal in the following described lands located in Sweetwater County, Wyoming:

T. 19 N., R. 100 W., 6th P.M., WY
Sec. 12: All;
Sec. 24: W½E½, W½;
Sec. 26: Lots 4, 5.

Containing 1,217.98 acres.

The estimated total recoverable reserves are 10.5 million tons with the following estimated coal quality: BTU—9,313/lb; Sulphur—.26 percent; Ash—6.71 percent; Moisture—21.74 percent. The coal is classified as subbituminous. The above described lands lie within the Rock Springs Known Coal Leasing Area in Sweetwater County, Wyoming and contain three mineable coal seams averaging between 4.5 feet and 29 feet in thickness. The report indicating demonstrated in-place and recoverable reserves by coal seam is available for public review in case file W–100441.

Rental and royalty: A lease issued as a result of this offering will provide for payment of an annual rental of $3.00 per acre and a royalty payable to the United States of 12.5 percent of the value of coal produced by strip or auger mining methods and 8.0 percent of the value of coal produced by underground mining methods. The value of the coal shall be determined in accordance with 43 CFR 3485.2.

Advance royalty: Upon request by the lessee, the authorized officer may accept, for a total of not more than 10

years, the payment of advance royalties in lieu of the condition of continued operation, consistent with the regulations. The advance royalty shall be based on a percent of the value of a minimum number of tons determined in the manner established by the advance royalty regulations in effect at the time the lessee requests approval to pay advance royalties in lieu of continued operation.

Where and when to submit bids: Sealed bids must be submitted on or before 1 p.m., February 17, 1987, to the Wyoming State Office, 2515 Warren Avenue, Cheyenne, Wyoming 82001. Sealed bids received after the hour specified will not be considered. The envelope used for the sealed bid should be plainly marked that it is not to be opened before the hour and date of the sale and should show that the bid is for coal lease W–100441. Sealed bids may not be modified or withdrawn unless the modification or withdrawal is received before 1 p.m., February 17, 1987, at the above address.

Sealed bidding requirements: No specific form of sealed bid is required. However, all bids must show the amount bid per acre, the total amount bid, the amount submitted with the bid, and must be signed by the bidder or a person authorized to act for the bidder. Each sealed bid must be accompanied by the following:

1. A bid deposit of one-fifth of the amount bid in cash, cashier's check, certified check, bank draft, money order, certificate of bidding rights, or personal check made payable to the order of the Bureau of Land Management.

2. A statement over the bidder's own signature with respect to citizenship and interests held, similar to that prescribed in 43 CFR Part 3472, a statement as to the sole party in interest as specified in 43 CFR 3472.2–1, and a statement that the bidder is in compliance with section 3 of the Federal Coal Leasing Amendments Act of 1976, as amended. A lease will not be issued to a bidder who holds or controls more than 46,080 acres of Federal coal leases in any one state or more than 100,000 acres of Federal coal leases in the United States.

3. A completed and signed Form 1140–6, Independent Price Determination Certificate, to the effect that the bid was arrived at by the bidder independently and was tendered without collusion with any other bidder.

Bidders are warned against violation of section 1860, Title 18, U.S.C. prohibiting unlawful combination or intimidation of bidders.

Bid opening: At 2 p.m., February 17, 1987, in the conference room, third floor, 2515 Warren Avenue, Cheyenne, Wyoming, the authorized officer will open and read all the sealed bids. If identical bids are received for the tract, the trying high bidders will be asked to submit follow-up sealed bids until a high bid is received. An apparent high bidder submitting a tie-breaking sealed bid shall tender, at the close of the sale, any additional amount necessary to bring the amount submitted with the original bid up to one-fifth of the final bid. The highest bid will be announced and the successful high bidder will be formally notified in writing after the State Director has made his determination. The Department of the Interior reserves the right to offer the lease to the next highest qualified bidder if the successful bidder fails to obtain the lease for any reason. If any bid is rejected, the deposit made on the day of the sale will be returned.

Consultation with the Attorney General: In accordance with the Federal Coal Leasing Amendments Act of 1976, and the implementing regulations 43 CFR 3422.3–4, the successful bidder and prospective lessee will be required to disclose the nature and extent of its coal holdings to the Department of Justice prior to lease issuance. The Department of Justice has devised a reporting form for the submission of this information and *will not accept* the data in any other form. To insure the confidentiality of the information submitted, the successful bidder is required to furnish the data in a separate envelope which has been clearly marked to show its contents. Information of the prospective leasee's noncoal-related holdings is not required. The lease will not issue until 30 days after this information has been received by the Attorney General or the Attorney General notifies the authorized officer that lease issuance would not create or maintain a situation inconsistent with the antitrust laws, whichever comes first.

Deferred bonus: Payment of the bonus bid shall be on a deferred basis. One-fifth of the bonus will be payable on the day of the sale. The balance shall be paid in equal annual installments due and payable on the first four anniversary dates of the lease. If the lease is relinquished or otherwise terminated, the unpaid remainder of the bid shall be immediately payable to the United States.

Requirements for mining and reclamation plan approval: Mining of the coal and reclamation of the lands will be done in accordance with an approved mining plan and reclamation plan which must be developed to meet the requirements of (1) the lease, (2) 43 CFR Part 3480 and Chapter VII of Title 30 of the Code of Federal Regulations and (3) Wyoming Environmental Quality Act and Wyoming Land Quality Rules and Regulations as included in the State-Federal cooperative agreement.

Lease issuance requirements: Prior to the issuance of a lease, the successful bidder will be required to furnish the following:

1. First year's rental in the amount of $3,654.

2. The cost of advertising the sales notice in a local newspaper.

3. A lease bond in an amount sufficient to cover all regular requirements and the deferred bonus. The successful bidder will be notified in writing of the amount required. The lease bond will be reviewed when production begins and as the balance of bonus bid declines and will be adjusted accordingly.

4. The information required for antitrust review. (See Consultation with the Attorney General paragraph.)

5. Four executed copies of the lease form.

Lease form and stipulations: The attention of all prospective bidders is directed to the attached copy of the proposed coal lease and stipulations.

F. William Eikenberry,

Associate State Director.

[FR Doc. 87–1481 Filed 1–22–87; 8:45 am]

BILLING CODE 4310–22–M

[CA–940–87–5420–10–ZBGC; CA 19041]

Proposed Issuance of a Recordable Disclaimer of Interest, California

AGENCY: Bureau of Land Management; Interior.

ACTION: Notice.

SUMMARY: This document proposes to issue a disclaimer of interest from the United States to Santa Clara Valley Water District.

EFFECTIVE DATE: Comments should be received by April 23, 1987.

ADDRESS: Comments should be sent to: Chief, Branch of Adjudication and Records, Bureau of Land Management, California State Office, 2800 Cottage Way (Room E–2841), Sacramento, California 95825.

FOR FURTHER INFORMATION CONTACT: Annisteen Pack-Lovelace, California State Office, 916–978–4815.

Pursuant to section 315 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2770; 43 U.S.C. 1745), the Santa Clara Valley Water District, has filed application CA 19041, for issuance of a recordable disclaimer of interest by the United States, affecting the following described Land described as:

All that certain real property in the city of San Jose, County of Santa Clara, State of California, Mount Diablo Meridian, described as follows:

All of that parcel of land lying northerly of the Mountain View–Alviso Road, westerly and southwesterly of the lands conveyed to Francisco Berryessa and his wife from the United States of America, by patent dated March 3, 1873, in book C of Patents, page 58; and easterly and northeasterly of the lands conveyed to Barcilia Bernal from the United States of America, by patent dated October 28, 1936, recorded November 6, 1936, in book 797, page 126, Official Records of Santa Clara County.

The application was filed to resolve a boundary conflict resulting from the natural movement of the Guadalupe River. The issuance of a recordable disclaimer of interest will remove a cloud on the title of the land.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed issuance of a recordable disclaimer may present their views in writing to the Chief, Branch of Adjudication and Records, in the California State Office.

The authorized officer of the Bureau of Land Management has reviewed the offical records and has determined that the United States has no claim to or interest in the above described land.

The recordable disclaimer of interest will issue no sooner than ninety days after the date of this publication.

Dated: January 12, 1987.

Sharon N. Janis,

Chief, Branch of Adjudication and Records.

[FR Doc. 87–1437 Filed 1–22–87; 8:45 am]

BILLING CODE 4310–40–M

[AZ–020–07–4212–13; A–22568]

Realty Action, Exchange of Public Lands, Pima County, AZ

The following described federal lands are being considered for disposal by exchange pursuant to section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Gila and Salt River Meridian, Arizona

T. 15S., R. 11 E.,
Section 12, Lands lying south of Ajo Highway in SE¼.
T. 14 S., R. 12 E.,
Section 30, Lots 17–28, 45–54, 65–72;
Section 35, Lot 7.
T. 15 S., R. 12 E.,
Section 1, Lots 24–31;
Section 3, Lots 1, 2, 9, 10, 11, 12, 13, 14, 15, 16, SW¼SE¼NE¼, N½SE¼NE¼, SW¼NW¼.
Section 4, Lot 9, 10, S½ of Lot 1, SE¼NE¼;
Section 7, That portion of Lot 4 and the SE¼SW¼ lying south of Ajo Highway, Lot 5–15, 17–20;
Section 8, Lots 58, 59;
Section 9, SW¼SE¼NW¼;
Section 10, Lots 89–92;
Section 14, SW¼SE¼SE¼.
T. 15 S., R. 13 E.,
Section 7, Lot 64;
Section 19, W½NE¼NW¼.

Comprising 694.55 acres.

Final determination on disposal will await completion of an environmental analysis.

In accordance with the regulations of 43 CFR 2201.1 (b), publication of this Notice will segregate the affected public lands from appropriation under the public land laws, including the mining laws, but not the mineral leasing laws or from exchange pursuant to Federal Land Policy and Management Act of 1976.

The segreation of the above-described lands shall terminate upon issuance of a document conveying such lands or upon publication in the **Federal Register** of a notice of termination of the segregation; or the expiration of two years from the date of publication, whichever occurs first.

For a period of forty-five (45) days, interested parties may submit comments to the District Manager, Phoenix District, 2015 West Deer Valley Road, Phoenix Arizona 85027.

Dated: January 16, 1987

Henri R. Bisson,

Acting District Manager.

[FR Doc. 87–1440 Filed 1–22–87; 8:45 am]

BILLING CODE 4310–32–M

[CA–010–07–5440–10–ZBKF; CA 19078]

Realty Action; Noncompetitive Lease of Public Lands in Kern County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action; noncompetitive lease of public lands (CA 19078).

SUMMARY: The following described land has been examined and found suitable for leasing under provisions of section 302 of the Federal Land Policy and Management Act of 1976, (90 Stat. 2762, 43 U.S.C. 1732), at no less than the appraised fair market value:

Mr. Diablo Meridian, California

T.31S., R.22E.
Section 24, portion of the E½ and NW¼, M&B description.

Containing approximately 4.84 acres.

SUPPLEMENTARY INFORMATION: The land is located near Taft, California. The proposed lease parcel is occupied by portions of oil well service facilities owned by Sierra Production Service. The parcel has been occupied by these improvements for approximately 7 years without authorization. The lease will be offered to the applicant to legalize his occupancy of the land and resolve an unauthorized use. The lease is consistent with the Bureau's and Kern County's planning, and would best serve the public interest.

DATE: For a period of 45 days from the date of publication of this notice, interested parties may submit comments.

ADDRESS: Comments and suggestions should be sent to: Glenn A. Carpenter, Caliente Resource Area, 520 Butte Street, Bakersfield, CA 93305. Objections will be reviewed by the BLM State Director who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become a final determination for the Bureau of Land Management.

FOR FURTHER INFORMATION CONTACT: Glenn A. Carpenter, Caliente Resource Area Manager, at the above address; Telephone (805) 861–4236.

Dated: January 15, 1987.

Glenn A. Carpenter,

Caliente Resource Area Manager.

[FR Doc. 87–1533 Filed 1–22–87; 8:45 am]

BILLING CODE 4310–40–M

[CO–050–07–4212–11; C–36855; C–36858]

Realty Action, Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action C–36855 and C–36858; Recreation and Public Purposes Classification and Application for Purchase of Public Lands in Morgan County, Colorado.

SUMMARY: The following described public land has been examined and found suitable for public recreational use and is hereby classified for sale under the Recreation and Public Purposes Act of June 14, 1926, as amended, and the regulations thereunder (43 CFR 2740):

Sixth Principal Meridian, Colorado

Parcel 1—T.5N., R.60W.,
Sec. 14; SW¼, W½SE¼, SE¼SE¼;
Sec. 15; SW¼NE¼, S½NW¼, S½;
Sec. 22; N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 23; N½NE¼, SW¼NE¼, NW¼, NW¼SW¼, N½NE¼SW¼, SW¼NE¼SW¼;
Sec. 27; NW¼NE¼, E½NW¼.

Containing 1790 acres.

Parcel 2—T.4N., R.56W.,
Sec. 14; NE¼NE¼.

Containing 40 acres.

Lands classified pursuant to this Act are segregated from all appropriations, including location under the mining laws, except as provided in this order of classification.

Parcel 1 has been applied for by the State of Colorado to expand the existing Jackson Lake State Recreation Area. The lands would be transferred subject to Reservoir Right of Way C–0123423. The Department of Parks and Outdoor Recreation would be the managing agency.

Parcel 2 has been applied for by the State of Colorado to add to the Brush State Wildlife Area. The Division of Wildlife wold be the managing agency. The lands are suitable for and needed for public recreation and are within or adjacent to existing developments. The location and physical characteristics of the parcels make them difficult and uneconomic to manage by the federal government. The action is consistent with Bureau planning recommendations. All minerals would be reserved to the United States. Patents issued under this Act would contain a reversionary clause which would result in the lands reverting back to the United States if use of the land is altered or transferred.

DATES: Interested parties may submit comments for a period of 45 days after publication of this notice.

FOR FURTHER INFORMATION CONTACT: Comments or inquiries should be directed to the District Manager, Bureau of Land Management, P.O. Box 311, Canon City, CO 81212.

Stuart L. Freer,

District Manager.

[FR Doc. 87–1441 Filed 1–22–87; 8:45 am]

BILLING CODE 4310–JB–M

[ID–030–07–4410–08]

Pocatello Draft Resource Management Plan and Environmental Impact Statement, Public Hearing and DRMP/EIS Availability, Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of the Pocatello Resource Area draft resource management plan/environmental impact statement.

SUMAMRY: Pursuant to section 102(2)(c) of the Natoinal Environmental Policy Act of 1969, the Department of the Interior has prepared a draft resource management plan (RMP) and environmental impact statement (EIS) for proposed management of public lands in the Pocatello Resource Area. The draft RMP and EIS describes and analyzes five alternatives for managing 264,481 acres of public surface land and 648,901 acres of Federal mineral estate.

Alternative A represents the existing situation and will serve as the baseline for analyzing other alternatives. The present level of management on public lands would be continued, while measures would be taken to prevent or correct deterioriating conditions. As defined by BLM policy, Alternative A is the proposed action for livestock grazing.

Alternative B is BLM's Preferred Alternative. A variety of rsource uses would be allowed. Production and use of commodity resources and commercial use authorizations would occur while protecting fragile resources and critical wildlife habitat, preserving natural systems and cultural values, and allowing for nonconsumptive resource uses. A balanced approach to multiple use would be pursued.

Alternative C favors production and use of commodity resources and commercial use authorization. Management direction would favor higher livestock stocking levels, more range improvements, land disposal for agricultural development and transfer of isolated or difficult to manage parcels our of Federal ownership. Restrictions on mining, mineral leasing, mineral material removal, and off-road-vehicle use would be minimized.

Alternative D emphasizes wildlife and fisheries habitat enhancement, recreation values, cultural resource management, and water shed protection

Alternative E emphasizes mineral development on the public lands. The objective is to manage the Federal mineral estate to allow optimum exploration and development, while minimizing unnecessary impacts to other resources.

Three Areas of Critical Environmental Concern (ACEC) totaling 4,506 acres would be designated under Alternative B, the BLM's preferred alternative, and would also be designated under alternative C, D, and E. The ACECs and use limitations are listed below.

Stump Creek Ridge ACEC, 2483 acres. Stump Creek Ridge is one of the most important elk winter ranges in the Pocatello Resource Area. As many as 300 elk and 200 deer winter along this ridge. During the last two years the Idaho Fish and Game Department has fed elk from this wintering herd at a feed station in Wyoming. The Stump Creek Habitat Management Plan covers this area. A snowmobile closure order from November 15 to April 15 has been in effect since 1971. The management objectives would be: (1) Establish grazing systems that would provide more winter forage for both elk and deer, (2) establish a common use allotment by combining some or all of the current individual allotments, (3) continue the snowmobile closure, (4) increase enforcement efforts, (5) rehabilitate winter range through prescribed burning and the establishment of favorable plant species, (6) a No-Surface-Occupancy restriction would be imposed on oil and gas activities causing surface disturbance, and (7) rights-of-way for major power lines and gas lines would not be allowed through the area.

Travertine Park ACEC/RNA, 223 acres. Travertine Park has three unique features. These include several rare plants. One of the plants, a lichen species previously unreported in North America, was discovered in the cracks within the travertine rock pinnacles near the Blackfoot River. Two unusual springs along the south bank of the river develop outwash deposits. This is considered a unique aquatic-geologic feature.

There is a small relict-like area of relatively undisturbed mixed-shrub vegetation. The management objectives would be (1) fencing to exclude livestock from the area, (2) sign the area to explain the unique values and the need to protect them, (3) a No-Surface-Occupancy restriction would be imposed on oil and gas activities causing surface disturbance, and (4) rights-of-way for major power lines and gas lines would be allowed through the area.

Downey Water shed ACEC, 1,800 acres. The Downey Watershed was withdrawn from all forms of mineral entry, including location of non-metalliferous minerals and land appropriation, by executive order December 29, 1919. The purpose of this withdrawal was to preserve all waters on these lands for community needs for the City of Downey, Idaho. The springs on this withdrawal supply approximately 90 percent of the total water needs to the Downey residents. The 1981 withdrawal review identified the need to retain the entire 1,800 acres. The retention recommendation is pounding approval in the Washington Office. The management objectives would be (1) maintain the 1,800 acre withdrawal, (2) combine the Yago Creed and Nine-mile Creek Allotments into a single common allotment, (5) initiate a grazing system that would restore the native vegetation, (4) a No-Surface-Occupancy restriction would be imposed on oil and gas activities causing surface disturbance, and (3) rights-of-way for major power lines and

gas lines would not be allowed through the area.

Copies of the Draft RMP/EIS are available for review at the following locations,

Idaho Falls District Office, Bureau of Land Management, 940 Lincoln Road, Idaho Falls, ID 83401 Telephone: 208–529–1020;

Pocatello Resource Area Office, Bureau of Land Management, 250 S. 4th Ave., Suite 172, Pocatello, ID 83201 Telephone: 208–236–6860;

Idaho State Office, Bureau of Land Management, 3380 Americana Terrace, Boise, ID 83706 Telephone: 208–334–1770;

Public Affairs, Bureau of Land Management, Interior Building, 18th and C St., Washington, DC 20240 Telephone: 202–343–9435.

DATES: Written comments on the Draft RMP/EIS are invited and should be submitted by April 30, 1987. Two public hearings will be held to receive written and oral comment on the Draft RMP/EIS. A public hearings will be held on April 15, 1987 at 7:00 p.m. in meeting room B–43 at the Federal Building and U.S. Courthouse at 250 S 4th Ave in Pocatello, ID. A second public hearing will be held on April 16, 1987at 7:00 p.m. in the Courtroom at the Caribou County Courthouse in Soda Springs, Idaho.

ADDRESS: Written comments should be submitted to District Manager, Attn: PRMP/EIS, Bureau of Land Management, 940 Lincoln Rd., Idaho Falls, ID 83401.

FOR FURTHER INFORMATION CONTACT: Lloyd H. Ferguson or Thomas H. Dyer, Bureau of Land Management, 940 Lincoln Road, Idaho Falls, Idaho 83401; Telephone: (208) 529–1020.

SUPPLEMENTARY INFORMATION: Individuals wishing to testify may do so by appearing at the hearing place previously specified. Persons wishing to give testimony may be limited to 10 minutes with written submissions encouraged.

Dated: January 26, 1987.

Lloyd H. Ferguson,

District Manager.

[FR Doc. 87–1442 Filed 1–22–87; 8:45 am]

BILLING CODE 4310–GG–M

Bureau of Land Management

[AZ–020–07–4212–13; A–22080]

Public Land Exchange, Mohave County, AZ

AGENCY: Bureau of Land Management—Interior.

ACTION: Notice of termination; notice of realty action—exchange, public land, Mohave County, Arizona.

SUMMARY: The following described lands and interests therein have been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Gila and Salt River Meridian

T. 20 N., R. 21 W.,
Sec. 18, lot 4, SE¼SW¼,S½SE¼.
Containing 160.15 acres, more or less.

In exchange for these lands, the United States will acquire the following described lands from Daniel J. Oehler of Bullhead City, Arizona:

Gila and Salt River Meridian

T. 14 N., R. 12 W.,
Sec. 1, lots 1–4, S½N½,N½SW¼,SE¼.
T. 17 N., R. 16 W.,
Sec. 7, lots 1–4, E½,E½W½.
Containing 1195.80 Acres, more or less.

The public land to be transferred will be subject to the following terms and conditions:

1. Reservations to the United States: (a). Right-of-way for ditches and canals pursuant to the Act of August 30, 1980; (b). all the oil and gas and with it the right to prospect for, mine and remove same.

2. Subject to: (a). Restrictions that may be imposed by Mohave County Board of Supervisors in accordance with county floodplain regulations established under Resolution No. 84–10 adopted on December 3, 1984; (b). restrictions that may be imposed by Bullhead City in accordance with Chapter 15 of the Bullhead City Code entitled, "Flood Regulations", effective July 1, 1985.

Private lands to be acquired by the United States will be subject to the following reservations:

1. All minerals to the Santa Fe Pacific Railroad Company.

2. The right of the Santa Fe Pacific Railroad Company to appropriate rights-of-way incident to the operation of railroads.

3. License to Citizens Utilities Company dated February 1, 1941, for transmission line across section 7.

4. Right-of-way to Mohave County Board of Supervisors for the Boriana Mine Road.

Publication of this Notice will terminate the Notice of Realty Action published in the **Federal Register** on August 26, 1985 (50 FR 165) for state exchange case A–20349, only, insofar as it affected the lands found suitable for disposal herein.

Publication of this Notice will again segregate the subject lands from all appropriations under the public land laws, including the mining laws, but not mineral leasing laws. This segregation will terminate upon the issuance of a patent or two years from the date of publication of this Notice in the **Federal Register** or upon publication of a Notice of Termination.

Detailed information concerning this exchange can be obtained from the Kingman Resource Area Office, 2475 Beverly Avenue, Kingman, Arizona 86401. For a peirod of forty-five (45) days from the date of publication of this Notice in the **Federal Register**, interested parties may submit comments to the District Manager, Phoenix District Office, 2015 West Deer Valley Road, Phoenix, Arizona 85027. Any adverse comments will be evaluated by the State Director who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

Dated: January 15, 1987.

Marlyn V. Jones,

District Manager.

[FR Doc. 87–1485 Filed 1–22–87; 8:45 am]

BILLING CODE 4310–32–M

[CO–030–07–4212–13; C–44581]

Notice of Realty Action; Exchange of Public Lands in Gunnison County, CO

The following described public lands have been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716):

New Mexico Principal Meridian, CO

T. 50 N., R. 1 E.,
Sec. 16: N½, N½S½, S½SW¼.
Containing 560 acres more or less.

In exchange for these lands the United States will acquire the following described private lands in Gunnison County from Mrs. Vevarelle Esty:

New Mexico Principal Meridian, CO

T. 50 N., R. 1 E.,
Sec. 9: E½SE¼;
Sec. 10: SW¼;
Sec. 11: SE¼SW¼;
Sec. 14: NE¼NW¼;
Sec. 15: NE¼NW¼, NE¼.
Containing 520 acres more or less.

The exchange will benefit the public by blocking federal ownership within critical big game winter range. The exchange is consistent with the Bureau's planning for the lands involved. The values of the lands to be exchanged

have been determined to be approximately equal in vlaue.

The exchange will involve only the surface estate, as the mineral estate on the public land in section 16 is controlled by the State of Colorado. The exchange will be subject to any valid existing rights which may apply to both the offered and selected lands.

Additional information about the exchange, including the environmental assessment, is available for review at the Bureau of Land Management, Gunnison Resource Area Office, 216 North Colorado, Gunnison, Colorado 81230.

For a period of 45 days from the date of this notice, interested parties may submit comments or claims to the Montrose District Manager through the office address above. Any adverse comments or claims will be evaluated by the District Manager, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

Dated: January 13, 1987.

Kenneth D. Herman,

Acting District Manager.

[FR Doc. 87-1486 Filed 1-22-87; 8:45 am]

BILLING CODE 4310-JB-M

[NM-060-07-4220-10]

Notice of Completion of Land Exchange and Opening Order; Brantley Dam Project, NM

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Completion of Land Exchange and Opening Order.

SUMMARY: The land exchange described in the **Federal Register** Notice dated December 6, 1984, (Volume 49, No. 236, pp. 47661-47662) has been completed. These lands were acquired for and at the request of the Bureau of Reclamation for use for the Brantley (Dam) Project, authorized by Pub. L. 92-514.

Township	Range	Meridian	Section	Subdivision	Acres
The following lands (surface estate only) were acquired:					
16 S	26 E	N.M.P.M	36	All	640
20 S	26 E	N.M.P.M	32	E½E½	160
Total					800
The Brantley Project will require the following:					
16 S	26 E	N.M.P.M	36	All	640
20 S	26 E	N.M.P.M	32	(See below) [1]	78.32
Total					718.32

[1] That portion of the E½E½of Section 32, lying easterly of the west right-of-way boundary of U.S. Highway 285.

In accordance with 43 CFR 2200.3(d), these lands are hereby transferred to the jurisdiction of the Bureau of Reclamation for administrative in accordance with and under the terms of Pub. L. 92-514.

The remainder of the E½E½ of section 32, T. 20 S., R. 26 E., N.M.P.M. (81.68 acres) will remain under the jurisdiction of the Bureau of Land Management. Effective the date of publication of this notice, these 81.68 acres will be open to operation of the public land laws generally, subject to the requirements of applicable law.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, Carlsbad Resources Area, P.O. Box 1778, Carlsbad, NM 88220, (505) 887-6544.

Francis R. Cherry, Jr.,

District Manager.

[FR Doc. 87-1487 Filed 1-22-87; 8:45 am]

BILLING CODE 4310-FB-M

[WY-920-07-4111-15-7001; W-85096]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease; Wyoming

January 15, 1987.

Pursuant to the provisions of Pub. L. 97-451, 96 Stat. 2462-2466, and Regulation 43 CFR 3108.2-3 (a) and (b)(1), a petition for reinstatement of oil and gas lease W-85096 for lands in Washakie County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amendment lease terms for rentals and royalities at rates of $5 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required $500 administrative fee and $106.25 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease W-85096 effective October 1, 1986, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Andrew L. Tarshis

Chief, Leasing Section.

[FR Doc. 87-1482 Filed 1-22-87; 8:45 am]

BILLING CODE 4310-22-M

[WY-920-07-4111-15-7001; W-96187]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease; Wyoming

January 15, 1987.

Pursuant to the provisions of Pub. L. 97-451, 96 Stat. 2462-2466, and Regulation 43 CFR 3108.2-3(a) and (b)(1), a petition for reinstatement of oil and gas lease W-96187 for lands in Johnson County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of $5 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required $500 administrative fee and $106.25 to reimburse the Department for the cost of this **Federal Register** notice.

The lessee has met all the requirements for reinstatement of the lease as set out in section 31(d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease W-96187 effective August 1, 1986, subject to the original terms and

conditions of the lease and the increased rental and royalty rates cited above.

Andrew L. Tarshis,

Chief, Leasing Section.

[FR Doc. 87-1483 Filed 1-22-87; 8:45 am]

BILLING CODE 4310-22-M

[WY-920-07-4111-15-7001; W-85853]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease; Wyoming

January 15, 1987.

Pursuant to the provisions of Pub. L. 97-451, 96 Stat. 2462-2466, and Regulation 43 CFR 3108.2-3(a) and (b)(1), a petition for reinstatement of oil and gas lease W-85853 for lands in Sublette County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of $5 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required $500 administrative fee and $106.25 to reimburse the Department for the cost of this **Federal Register** notice.

The lessee has met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Minerals Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease W-85853 effective March 1, 1986, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

[FR Doc. 87-1484 Filed 1-22-87; 8:45 am]

BILLING CODE 4310-22-M

[MT-920-07-4520-11]

Land Resource Management

AGENCY: Bureau of Land Management, Montana State Office.

ACTION: Notice of Filing of Plats of Survey.

SUMMARY: Plats of survey of the lands described below accepted November 25, 1986, and December 8, 1986, were officially filed in the Montana State Office effective 10 a.m. on December 18, 1986

Black Hills Meridian, South Dakota

T. 1 S., R. 3 E.

The supplemental plat of section 2, Township 1 South, Range 3 East, of the Black Hills Meridian, South Dakota, is based upon the plat approved May 23, 1899, showing amended lottings created by the segregation of Homestead Entry Survey No. 573, approved July 22, 1920, and patent No. 950252, granted December 20, 1924, for the S½ fo the SE1/4NE1/4, was accepted December 8, 1986. The area described is in Pennington County.

This plat was prepared at the request of the Chief, Land Adjudication Section, Division of Lands & Renewable Resources, for the administrative needs of the U.S. Forest Service.

Principal Meridian, Montana

T. 22 N., R. 58 E.

The plat representing the dependent resurvey of portions of the west and south boundaries and subdivisional lines; and the survey of the subdivision of sections 28 and 30, Township 22 North, Range 58 East, Principal Meridian, Montana, was accepted November 25, 1986. The area described is in Richland County.

Principal Meridian, Montana

T. 22 N., R. 59 E.

The plat representing the dependent resurvey of a portion of the subdivisional lines; and the survey of the partial subdivision of section 20, the subdivision of section 22, the fixed and limiting boundary along the meander line of a portion of the right bank of an abandoned channel of the Yellowstone River downstream through a portion of section 10, and the meander line of a portion of the present left bank of the main channel of the Yellowstone River downstream through a portion of section 10, and the meander line of a portion of the present left bank of the main channel of the Yellowstone River downstream through a portion of section 20, Township 22 North, Range 59 East, Principal Meridian, Montan, was accepted November 25, 1986. The area described is in Richland County.

Principal Meridian, Montana

T. 23 N., R. 59 E.

The plat representing the dependent resurvey of portions of the east boundary and subdivisional lines; and the survey of the subdivision of section 13 and a portion of the present left bank meanders of the Yellowstone River in section 13, Township, 23 North, Range 59 East, Principal Meridian, Montana, was accepted November 25, 1986. The area described is in Richland County.

These surveys were executed at the request of the Miles City District Office for the administrative needs of the Bureau.

EFFECTIVE DATE: December 18, 1986.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, 222 North 32nd Street, P.O. Box 36800, Billings, Montana 59107.

Dated: January 12, 1987.

Eugene D. Russell,

Acting State Director.

[FR Doc. 87-1488 Filed 1-22-87; 8:45 am]

BILLING CODE 4310-DN-M

[OR-943-07-4520-12; GP7-082]

Filing of Plats of Survey: Oregon/Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The plats of survey of the following described lands have been officially filed in the Oregon State Office, Portland, Oregon on December 5, 1986.

Willamette Meridian

Oregon

T. 24 S., R. 4 W., Accepted November 7, 1986.
T. 36 S., R. 3 W., Accepted November 14, 1986.

Washington

T. 33 N., R. 15 W., Accepted November 7, 1986 (2 plats).

The above listed plats represent a dependent resurvey, corrective dependent survey, survey and subdivision.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, 825 N.E. Multnomah Street, P.O. Box 2965, Portland, Oregon 97208.

Dated: January 13, 1987.

B. LaVelle Black,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 87-1496 Filed 1-22-87; 8:45 am]

BILLING CODE 4310-33-M

[ORE-04836, OR-19238; OR-943-07-4220-11:067]

Proposed Continuation of Withdrawals, Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Department of the Army, Corps of Engineers proposes that the two land withdrawals for the Detroit Dam and Reservoir Project continue for an additional 100 years. The lands would remain closed to surface entry and mining but would be opened to

mineral leasing subject to Department of the Army concurrence.

FOR FURTHER INFORMATION CONTACT: Champ Vaughan, BLM Oregon State Office, P.O. Box 2965, Portland, Oregon 97208, (Telephone 503–231–6905).

SUPPLEMENTARY INFORMATION: The Department of the Army, Corps of Engineers, proposes that the existing land withdrawals made by Public Land Order No. 604 of September 13, 1949, and Public Land Order No. 1522 of October 3, 1957, be continued for a period of 100 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714.

The lands involved are located approximately 45 miles southeast of Salem and 60 miles southeast of Portland, Oregon, within the Willamette National Forest, and aggregate approximately 3,098.10 acres within Tps. 9 and 10 S., R. 5 E., and T. 10 S., R. 6 E., W.M., Linn and Marion Counties, Oregon.

The purpose of the withdrawals is to protect the Detroit Dam and Reservoir Project. The withdrawals segregate the lands from operation of the public land laws generally, including the mining laws, and mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawals except to open the lands to applications and offers under the mineral leasing laws.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal continuations may present their views in writing to the undersigned officer at the address specified above.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawals will be continued and if so, for how long. The final determination on the continuation of the withdrawals will be published in the **Federal Register.** The existing withdrawals will continue until such final determination is made.

Dated: January 14, 1987.

B. LaVelle Black,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 87–1489 Filed 1–22–87; 8:45 am]

BILLING CODE 4310–33–M

[OR–100–84–6310–02; GP7–076]

Notice of Roseburg District Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: The Bureau of Land Management's Roseburg District Advisory Council will meet to review and discuss the internal statewide BLM organizational study; and preparations for planning for the 90's.

DATE: February 13, 1987 at 9:00 a.m.

ADDRESS: Bureau of Land Management, 777 NW Garden Valley Blvd., Roseburg, Oregon 97470.

SUPPLEMENTAL INFORMATION: Interested persons may make oral statements to the Council or file written statements for the council's consideration.

Summary minutes of the meeting will be maintained at the District Office and will be available for public inspection and reproduction within 30 days following meeting.

FOR FURTHER INFORMATION CONTACT: Larry Lee, BLM Roseburg District Office, 777 N.W. Garden Valley Blvd., Roseburg, Oregon 97470. (Telephone (503) 672=4491, Ext. 230.)

Dated: January 13,1987.

Gordon Cheniae,

Associate District Manager.

[FR Doc. 87–1438 Filed 1–22–87; 8:45 am]

BILLING CODE 4310–33–M

[ID–050–07–4322–14]

Cancellation of Meeting of Shoshone District Grazing Advisory Board

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of cancellation of Grazing Advisory Board Meeting.

SUMMARY: This notice cancels the meeting set for January 28, 1987 (51 FR 47312; December 31, 1986).

ADDRESS: BLM District Office, 400 West F Street, Shoshone, Idaho 83352.

FOR FURTHER INFORMATION CONTACT: Jon Idso, DM, Shoshone District Office, P.O. Box 2B, Shoshone, Idaho 83352. Telephone (208) 886–2206 or FTS 554–6110.

SUPPLEMENTARY INFORMATION: Due to unforseen circumstances, the meeting scheduled for January 28, 1987, has been cancelled. As soon as a new date can be set, the meeting will be rescheduled.

Jon H. Idso,

District Manager.

[FR Doc. 87–1439 Filed 1–22–87; 8:45 am]

BILLING CODE 4310–GG–M

[OR–110–07–4212–14:GP7–45]

Non-Competitive Sale of a Land Parcel in Josephine County, OR

AGENCY: Bureau of Land Management, Interior.

ACTION: Non-competitive sale of a land parcel in Josephine County, Oregon, OR 41624.

SUMMARY: The Bureau of Land Management is considering the sale of an isolated 3.44 acre parcel of land which is difficult and uneconomical to manage. The parcel will be offered to adjacent landowner.

DATE: Comments must be submitted on or before March 9, 1987.

ADDRESS: Comments may be mailed to District Manager, Bureau of Land Management, Medford District, 3040 Biddle Road, Medford, OR 97504.

FOR FURTHER INFORMATION CONTACT: James Badger, Realty Specialist at the Medford address given above, telephone: (503) 776–3941, FTS 424–3914.

The following-described Public Domain land is suitable for disposal by sale under section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713), at no less than the appraised fair market value:

Willamette Meridian

T. 41 S., R. 8 W.,
Sec. 3, Lot 7; Josephine County, Oregon.

Except for the provisions of section 203 of the Federal Land Policy and Management Act of 1976, the above described land is hereby segregated from appropriation under the public land laws, including the mining laws.

No significant resource values will be affected by this disposal. The sale is consistent with Bureau planning. The sale involves an isolated 3.44 acre parcel surrounded by private land. The parcel is difficult and uneconomical to manage and is not suitable for management by another Federal department or agency. The public interest would best be served by offering this land for sale.

Direct Sale Procedure

The parcel identified by Serial No. 41624 is being offered using direct sale procedures (43 CFR 271–3.3). The land

will be sold at fair market value to the adjacent landowner without bidding. If the parcel is not sold, it will be withdrawn from public sale.

Terms and Conditions of This Sale are:

Meadow Trust, whose trustees consist of Mark Kelz, Beth Peterson, Romain Cooper, Christy Dunn and Michael Baldwin, will be required to submit a deposit of either cash, bank draft, money order, or any combination for not less than 20 percent of the appraised value. The remainder of the full appraised price must be submitted prior to the expiration of 180 days from date of sale. Failure to submit the remainder of the full appraised price shall result in the cancellation of the sale and forfeiture of the 20 percent deposit.

1. Mineral interest will be conveyed to purchaser at appraised value. The sale will also constitute an application for conveyance of the mineral estate in accordance with section 209 of the Federal Land Policy and Management Act, 43 U.S.C. 1719. The purchaser must include with their bid deposit a non-refundable $50.00 filing fee for the conveyance of the mineral estate.

2. Rights-of-Way for ditches and canals will be reserved to the United States under 43 U.S.C. 945.

3. Patent will be issued subject to all valid existing rights and reservations of record.

4. The BLM may accept or reject any and all offers, or withdraw any land or interest in land from sale if, in the opinion of the Authorized Officer, consummation of the sale would not be fully consistent with the Federal Land Policy and Management Act or other applicable laws.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Bureau of Land Management, Medford District, 3040 Biddle Road, Medford, Oregon 97405. Objections will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

Dated: January 12, 1987.

David A. Jones,

District Manager.

[FR Doc. 87-1411 Filed 1-22-87; 8:45 am]

BILLING CODE 4310-33-M

Minerals Management Service

Development Operations Coordination; Amoco Production Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Amoco Production Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 2698, Block A-537, High Island Area, offshore Texas. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Freeport, Texas.

DATE: The subject DOCD was deemed submitted on January 14, 1987.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Wholesalers Pkwy., Room 114, New Orleans, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Telephone (504) 736-2867.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: January 15, 1987.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 87-1490 Filed 1-22-87; 8:45 am]

BILLING CODE 4310-MR-M

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731-TA-338 Through 340 (Final)]

Urea From the German Democratic Republic, Romania, and the Union of Soviet Socialist Republics

AGENCY: International Trade Commission.

ACTION: Institution of final antidumping investigations and scheduling of a hearing to be held in connection with the investigations.

SUMMARY: The Commission hereby gives notice of the institution of final antidumping investigations Nos. 731-TA-338 through 340 (Final) under section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from the German Democratic Republic, Romania, and the Union of Soviet Socialist Republics of solid urea, provided for in item 480.30 of the Tariff Schedules of the United States, which have been found by the Department of Commerce, in preliminary determinations, to be sold in the United States at less than fair value (LTFV). Unless the investigations are extended, Commerce will make its final LTFV determinations on or before March 9, 1987, and the Commission will make its final injury determinations by May 1, 1987, (see sections 735(a) and 735(b) of the act (19 U.S.C. 1673d(a) and 1673d(b))).

For further information concerning the conduct of these investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and C (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201).

EFFECTIVE DATE: January 2, 1987.

FOR FURTHER INFORMATION CONTACT: Tedford Briggs (202-523-4612), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-724-0002.

SUPPLEMENTARY INFORMATION:

Background

These investigations are being instituted as a result of affirmative preliminary determinations by the Department of Commerce that imports of urea from the German Democratic Republic, Romania, and the Union of Soviet Socialist Republics are being sold in the United States at less than fair value within the meaning of section 731 of the act (19 U.S.C. 1673). The investigations were requested in a petition filed on July 16, 1986, by the Ad Hoc Committee of Domestic Nitrogen Producers, a coalition of major U.S. producers of urea and other nitrogen fertilizers. In response to that petition the Commission conducted preliminary antidumping investigations and, on the basis of information developed during the course of those investigations, determined that there was a reasonable indication that an industry in the United States was materially injured by reason of imports of the subject merchandise (51 FR 32259, September 10, 1986).

Participation in the Investigations

Persons wishing to participate in these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than twenty-one (21) days after the publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Service List

Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance. In accordance with §§ 201.16(c) and 207.3 of the rules (19 CFR 201.16(c) and 207.3), each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Staff Report

A public version of the prehearing staff report in these investigations will be placed in the public record on March 13, 1987, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21).

Hearing

The Commission will hold a hearing in connection with these investigations beginning at 9:30 a.m. on March 26, 1987, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, DC. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on March 12, 1987. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 9:30 a.m. on March 19, 1987, in Room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is March 23, 1987.

Testimony at the public hearing is governed by § 207.23 of the Commission's rules (19 CFR 207.23). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. Any written materials submitted at the hearing must be filed in accordance with the procedures described below and any confidential materials must be submitted at least three (3) working days prior to the hearing (see § 201.6(b)(2) of the Commission's rules (19 CFR 201.6(b)(2))).

Written Submissions

All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing briefs in accordance with § 207.22 of the Commission's rules (19 CFR 207.22). Posthearing briefs must conform with the provisions of § 207.24 (19 CFR 207.24) and must be submitted not later than the close of business on April 2, 1987. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations on or before April 2, 1987.

A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

Authority

These investigations are being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20).

Issued: January 14, 1987.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 87-1532 Filed 1-22-87; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30902]

Chillicothe-Brunswick Rail Maintenance Authority, Lease and Operation Exemption, Green Hills Rural Development, Inc.

Chillicothe-Brunswick Rail Maintenance Authority (CBRMA) has filed a notice of exemption to lease and operate a 37.6-mile rail line between Kelly (Milepost 188.56) and Chillicothe, MO (Milepost 226.2). CBRMA has been formed as a affilliate of Green Hills Rural Development, Inc. (Green Hills), to operate the line under lease from Green Hills.[1] The line is presently operated by the Chillicothe Southern Railroad Company (CSR) under lease from Green Hills. CSR will assign its lease rights to CBRMA. Any comments must be filed with the Commission and served on: T. Scott Bannister, Hanson, Bjork & Russell, 1300 Des Moines Building, Des Moines, IA 50309.

This notice is filed under 40 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Dated: January 15, 1987.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 87-1498 Filed 1-22-87; 8:45 am]

BILLING CODE 7035-01-M

[1] The notice filed by CBRMA supersedes a notice filed by Green Hills to operate the same line.

[Finance Docket No. 30967]

Maine Central Railroad Co.; Lease Exemption for Springfield Terminal Railway Co.

Maine Central Railroad Company (MEC) and Springfield Terminal Railway Company (ST) filed a notice of exemption for MEC to lease to ST the following lines of railroad in the vicinity of Bucksport, Bangor, and Mattawamkeag, ME: (1) The MEC Freight Main Line between milepost 129.51 (Bog Road in Hermon, ME) and a connection with the main line of Canadian Pacific Ltd. at milepost 194.65 (Mattawamkeag, ME), a distance of approximately 65.26 miles; and (2) the Bucksport Branch between a connection with the Freight Main Line at CPF 138 and milepost 156.2, a distance of approximately 18.78 miles. MEC and ST will interchange traffic at Mattawamkeag and Northern Maine Junction, ME. The purpose of these transactions is to enable ST to carry on operations now performed by MEC.

MEC and ST are wholly-owned subsidiaries of Guilford Transportation Industries, Inc. (GTI), which also owns the Delaware and Hudson Railway Company and the Boston and Maine Corporation. As a result of the proposed transaction, it is anticipated that ST will provide a more responsive and efficient service to rail customers than MEC is now providing. MEC will improve its financial viability by eliminating operations that are costly to perform in relation to the revenues that are realized. With its lower cost structure, ST should be able to perform these operations on a profitable basis.

Since MEC and ST are members of the same corporate family, the lease falls within the class of transactions that are exempt from the prior review requirements of 49 U.S.C. 11343. *See* 49 CFR 1180.2(d)(3). The transaction will not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family.

As a condition to use of this exemption any employees affected by the lease transaction would normally be protected by the labor protective conditions set forth in *Mendocino Coast Ry., Inc.—Lease and Operate,* 354 I.C.C. 732 (1978) and 360 I.C.C. 653 (1980). These conditions satisfy the statutory requirements of 49 U.S.C. 10505(g)(2).

However, the Railway Labor Executives' Association (RLEA), by petition filed December 31, 1986, requests the imposition here of the labor protective conditions developed by the Commission in *New York Dock Ry.—Control—Brooklyn Eastern Dist.,* 360 I.C.C. 60 (1979). Drawing an analogy to *Union Pacific—Control—Missouri Pacific; Western Pacific,* 366 I.C.C. 459 (1982), RLEA contends that the *New York Dock* conditions should also apply to this lease transaction, because it is allegedly just another transaction to further the control benefits attributable to the original acquisition of MEC by GTI. The *New York Dock* conditions were also imposed in that acquisition. *See Guilford Transp. Industries, Inc.—Control—Boston & Maine Corporation,* 366 I.C.C. 294 (1982). A separate Commission decision will follow to consider which conditions should be imposed.

Decided: January 14, 1987.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 87-1499 Filed 1-22-87; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register,** or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S-3504, Washington, DC 20210.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their date of notice in the Federal Register are listed with each

State. Supersedeas decision numbers are in parentheses following the number of decisions being superseded.

Michigan:
MI86-18 (MI87-18)..... Jan. 2, 1987

Modifications to General Wage Determination Decisions

The numbers of the decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume, State, and page number(s). Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

Alabama:
AL87-17 (Jan. 2, 1987)..... pp. 35-38
Mississippi:
MS87-21 (Jan. 2, 1987)..... pp. 510-511
MS87-23 (Jan. 2, 1987)..... pp. 516-517
MS87-24 (Jan. 2, 1987)..... pp. 520-521
New Jersey:
NJ87-2 (Jan. 2, 1987)..... pp. 618,625
NJ87-3 (Jan. 2, 1987)..... pp. 638,648
New York:
NY87-6 (Jan. 2, 1987)..... pp. 729-730
Pennsylvania:
PA87-1 (Jan. 2, 1987)..... p. 844
PA87-2 (Jan. 2, 1987)..... p. 856
PA87-4 (Jan. 2, 1987)..... p. 874
PA87-10 (Jan. 2, 1987)..... p. 933
PA87-24 (Jan. 2, 1987)..... p. 1012
Tennessee:
TN87-16 (Jan. 2, 1987)..... p. 1120

Volume II

Arkansas:
AR87-7 (Jan. 2, 1987)..... pp. 18-19
Illinois:
IL87-1 (Jan. 2, 1987)..... p. 68-93
IL87-3 (Jan. 2, 1987)..... p. 114
IL87-11 (Jan. 2, 1987)..... pp. 158-160
IL87-12 (Jan. 2, 1987)..... pp. 164-166, pp. 168-170
IL87-17 (Jan. 2, 1987)..... p. 216
Michigan:
MI87-1 (Jan. 2, 1987)..... pp. 410-411, p. 413, pp. 417-418
MI87-2 (Jan. 2, 1987)..... pp. 425-438
MI87-5 (Jan. 2, 1987)..... pp. 459-462, pp. 466-469
MI87-7 (Jan. 2, 1987)..... pp. 484-494, pp. 494a-494b
MI87-12 (Jan. 2, 1987)..... pp. 503-507
WI87-17 (Jan. 2, 1987)..... pp. 520-521
Missouri:
M087-1 (Jan. 2, 1987)..... p. 581
M087-5 (Jan. 2, 1987)..... p. 622
Wisconsin:
WI87-2 (Jan. 2, 1987)..... p. 1082
WI87-3 (Jan. 3, 1987)..... pp. 1085-1086
WI87-5 (Jan. 2, 1987)..... pp. 1093-1094
WI87-10 (Jan. 2, 1987)..... pp. 1134-1137, pp. 1137a-1137b
WI87-11 (Jan. 2, 1987)..... p. 1139
WI87-12 (Jan. 2, 1987)..... p. 1143
WI87-15 (Jan. 2, 1987)..... p. 1155
Listing by location (index)..... p. xxix
Listing by location (index)..... p. liii
Listing by decision (index)..... p. lviii

Volume III

Arizona:
AZ87-2 (Jan. 2, 1987)..... pp. 16-18
Idaho:
ID87-1 (Jan. 2, 1987)..... p. 140, pp. 144-145

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the Country. Subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783-3238.

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC, this 16th day of January 1987.

James L. Valin,

Assistant Administrator.

[FR Doc. 87-1370 Filed 1-22-87; 8:45 am]

BILLING CODE 4510-27-M

Employment and Training Administration

[TA-W-18,823]

Bethlehem Steel Corp., Tulsa, OK; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on January 5, 1987 in response to a worker petition received on December 29, 1986; and filed by the workers on behalf of employees at Bethlehem Steel Corporation, Tulsa, Oklahoma.

All workers were separated from the subject firm more than one year prior to the date of the petition. Section 223 of the Act specifies that no certification may apply to any workers whose last separation occurred more than one year before the date of petition. Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed at Washington, DC, this 14th day of January 1987.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 87-1563 Filed 1-22-87; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-18,614]

Harbison Walker Refractories, Mount Union, PA; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on November 17, 1986 in response to a worker petition which was filed by the United Steelworkers of America on behalf of workers at Harbison Walker Refractories, Mount Union, Pennsylvania.

A negative determination applicable to the petitioning group of workers was issued on June 27, 1986 (TA-W-17-119). The plant had closed in March 1986; therefore, no new information is evident which would result in a reversal of the Department's previous determination. Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed at Washington, DC, this 14th day of January 1987.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 87-1564 Filed 1-22-87; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-18,797]

National Semiconductor Corp., West Jordon, UT; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on December 22, 1986 in response to a worker petition which was filed on behalf of workers at National Semiconductor Corporation, West Jordon, Utah.

A negative determination applicable to the petitioning group of workers was

issued on April 2, 1986 (TA–W–16,324). Production of 64K dynamic random access memories (64K DRAMS) at the subject firm was discontinued in June 1985, and the factors contributing to that discontinuance were considered in the Department's previous determination. No new information is evident which would result in a reversal of that determination. Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed at Washington, DC, this 14th day of January 1987.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 87–1565 Filed 1–22–87; 8:45 am]

BILLING CODE 4510–30–M

Summary of Public Comments on Long Term Change for the State Employment Security System Administrative Financing

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of summary of public comments.

SUMMARY: This notice announces the summary of public comments received in response to a notice published in the **Federal Register** on July 30, 1986, concerning issues and elements for long term change in State Employment Security Agency administrative financing.

FOR FURTHER INFORMATION CONTACT: Carolyn M. Golding, Director, Unemployment Insurance Service, Employment and Training Administration, 601 D street, NW., Washington, DC 20213. Telephone: 202–376–6636.

SUPPLEMENTARY INFORMATION: The **Federal Register** notices of December 20, 1985 (50 FR 51955) and January 3, 1986 (51 FR 264) announced a series of public meetings and requested comments on perceived problems and proposed solutions in administrative financing of the Federal-State Employment Security system. Oral and written comments from these meetings were summarized and published in the **Federal Register,** March 14, 1986 (51 FR 8906). Additional review and analysis of these comments resulted in the adoption of short-term changes by the Secretary of Labor which were published in the **Federal Register** on May 16, 1986 (51 FR 18052) and in the exploration of alternatives for long-term change. (Short-term change is defined as actions which can be taken within the Secretary's administrative authority by the end of Fiscal Year 1987. Long-term change is defined as actions which may require legislation or which cannot be implemented until Fiscal Year 1988 or beyond.)

Review of those comments identified a number of issues related to long term changes to the administrative financing mechanism for the Unemployment Insurance (UI) system. Consequently, a **Federal Register** notice was published on July 30, 1986 (51 FR 27270) which described these issues and solicited public comment on alternatives to the current administrative financing system and their degree of importance in designing changes in the system.

In response to the **Federal Register** notice of July 30, 1986, written responses from 77 commenters were received by the deadline of August 29, 1986. The comments come from a wide variety of interested parties: State Employment Security Agencies, State governors, business and labor groups, and other parties. The following table provides a summary of these comments, subdivided by type of group responding.

The summary is a consolidation of the responses into the major categories of issues and elements addressed by the **Federal Register** notice of July 30, 1986. The summary displays the number of respondents expressing a particular position. Responses expressed by a very small number of respondents have been excluded from this summary, for the purpose of bevity, but have not been excluded from consideration. Every attempt has been made to indicate each group's major response on a particular issue.

The Secretary of Labor is in the process of evaluating these responses and plans to develop a specific proposal within the fiscal year. Before completing the proposal, the Secretary will publish the proposal in the **Federal Register** with a solicitation of comments from interested parties.

Signed at Washington, DC., on January 14, 1987.

Roger D. Semerad,

Assistant Secretary of Labor, Employment and Training Administration.

UNEMPLOYMENT INSURANCE, ADMINISTRATIVE FINANCING INITIATIVE ELEMENTS FOR LONG TERM CHANGE, SUMMARY OF PUBLIC COMMENTS

Response	Total	SESAs	Gov	Bus	Labor	Other
Total number of respondents	77	36	16	10	4	11
Maintain current conformity and compliance provisions:						
Requirements: Some change	40	25	7	6		2
Sanctions: No revisions	41	24	13	1	1	2
Sanctions: Graduated	6	4			2	
Monitoring and oversight: Frequency and ground rules:						
Periodic review of State law, policy and practice	39	18	12	3	3	3
Limited to conformity and compliance	42	20	12	6	1	3
Annual monitoring	38	19	9	6	1	3
Advance notice of monitoring activities	48	26	11	7		4
No additional performance standards in regulation	31	18	7	4		2
No additional restrictions for assuring performance	21	13	6			2
Relaxing of standards to allow flexibility: None	17	10	6		1	
Relaxing of standards: Only under special circumstances	15	11	2	1		1
Self-certification of conformity/compliance: None	26	13	8		2	3
Self-certification of conformity/compliance: Limited	25	12	5	6		2
Collection of taxes to cover administrative costs:						
Federal collection	34	17	8	2	4	3
State collection	29	14	7	5		3
Desirability of pooling administrative resources nationwide:						
Retain Pooling	48	27	10	2	4	5
No pooling	23	8	6	6		3
Degree of budget simplicity and flexibility:						
No combining of ES and UI	43	25	10	1	4	3
No "bottom-line" ES/UI authority	29	18	8		2	1
Not one, but few budget categories	23	14	4		4	1
Source of budget allocation formula authority:						
In statute or regulation	20	13	4		2	1
Neither statute nor regulation	16	10	5		1	
Budget allocation factors for distributing resources:						
State-specific workloads	32	19	5	2	3	3

UNEMPLOYMENT INSURANCE, ADMINISTRATIVE FINANCING INITIATIVE ELEMENTS FOR LONG TERM CHANGE, SUMMARY OF PUBLIC COMMENTS—Continued

Response	Total	SESAs	Gov	Bus	Labor	Other
State-specific productivity factors	37	24	6		3	4
FUTA contributions: Included	17	13	1	1	1	3
FUTA contributions: Excluded	25	14	7		3	1
State share of national unemployment	24	14	4	1	3	2
Other (geographic, demographic, etc.)	29	17	4	2	3	3
Minimum level of resources needed	37	22	8	1	3	3
Forecasting workloads: a joint Federal/State effort	30	19	4	1	4	2
Financing variable claims workloads:						
Use current contingency concept	36	22	8	2	2	2
Federal responsibility	32	20	7		3	2
Productivity and its cost impact:						
Joint Federal/State concern	35	21	7	1	2	4
Federal responsibility to establish productivity data	27	16	6	1	1	3
State funding partly based on State productivity	35	21	7		3	4
States retain some or all of savings from reduced costs	37	25	8	1	1	2
New productivity improvement fund: Yes	20	11	5	1	2	1
New productivity improvement fund: No	18	12	4			2
State borrowing for administrative costs:						
No fund flow acceleration to trigger Reed Act dist	20	12	6		2	
New loan fund: No	31	18	8	3		2
New loan fund: Yes	33	17	6	5	1	4
Loans: Subject to qualifying criteria	21	12	5	1	1	2
Loans: No qualifying criteria	14	6	3	4		1
Loans: Available when FUA/EUCA debt-outstanding	29	14	7	4	1	3
Loans: Interest-bearing	33	17	8	5		3
Loan repayment assurance: Loss of FUTA offset credit	13	4	4	4		1
ESAA balance:						
In decentralized system, distribute as in Reed Act	19	12	6	1		
In centralized system, not available for loans	33	21	11	5	2	3
Other issues:						
Remove Unemployment Trust Fund from Unified Federal Budget	64	34	15	5	4	6
Federal law provision for reimbursables to pay admin costs	23	13	7	2	1	
No distinction between reimbursables in paying costs	25	15	5	2	1	2
Appropriation to make provision for carry-forward	39	22	9	1	3	4
Common budget year for all programs	50	31	9	1	4	5

Explanation of Abbreviations Used: Admin—administrative, Bus—Business, ES—Employment Service, EUCA—Extended Unemployment Compensation Account, FUA—Federal Unemployment Account, Gov—Governors, FUTA—Federal Unemployment Tax Act, SESA—State Employment Security System, UI—Unemployment Insurance.

[FR Doc. 87-1562 Filed 1-22-87; 8:45 am]
BILLING CODE 4510-30-M

Pension and Welfare Benefits Administration

[Prohibited Transaction Exemption 87-9; Exemption Application No. D-6160 et al.]

Grant of Individual Exemptions; A. G. Edwards, Inc. Retirement and Profit Sharing Plan (the Plan)

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Grant of Individual Exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Notices were published in the **Federal Register** of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, D.C. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of pendency were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

A.G. Edwards, Inc. Retirement and Profit Sharing Plan (the Plan), Located in St. Louis, Missouri

[Prohibited Transaction Exemption 87-9; Exemption Application No. D-6160]

Exemption

The restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code, shall not apply to the proposed purchase or sale of zero-coupon obligations based on Treasury securities (STRIPS) between individually directed accounts (the Accounts) in the Plan and A.G. Edwards & Sons, Inc. (Edwards), the Plan administrator, provided the following conditions are met: (A) The purchase or sale of the STRIPS will be on terms at least as favorable to the Accounts as those offered in the ordinary course of business to unrelated customers of Edwards; (B) purchases or sales will be made only upon the written direction of a Plan participant; and (C) purchases or sales directed by a participant will only

be for the participant's individual account.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on November 18, 1986 at 51 FR 41698.

Written Comments: The Department received 10 written comments from interested persons, all of which supported the granting of the proposed exemption. The Department has considered the entire record, including the comments submitted, and has determined to grant the exemption as it was proposed.

For Further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

Carolina Power & Light Co. Stock Purchase Savings Program for Employees (the Plan), Located in Raleigh, North Carolina

[Prohibited Transaction Exemption 87–10; Exemption Application No. D–6459]

Exemption

The restrictions of section 406(a), 406(b)(1), and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the proposed guaranty by Carolina Power & Light Company (the Employer), the sponsor of the Plan, of a line of credit (Line of Credit) between the Plan and NCNB National Bank, an unrelated third party. The proceeds of the Line of Credit will be used to fund individual loans to employees of the Employer who participate in the Plan.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on June 24, 1986, at 51 FR 22994.

For Further Information Contact: Angelena Le Blanc of the Department, telephone (202) 523–8196. (This is not a toll-free number.)

Employees Stock Purchase Plan of Enserch Corporation (the Plan), Located in Dallas, Texas

[Prohibited Transaction Exemption 87–11; Exemption Application No. D–6518]

Exemption

The restrictions of sections 406(a) and 407(a) of the Act shall not apply to: (1) Effective January 3, 1986, the acquisition and holding by the Plan of certain depository units (the Units) representing limited partnership shares in Enserch Exploration Partners, Ltd. (the Partnership) distributed as dividends to the Plan as a shareholder of Enserch Corporation (Enserch) common stock (the Stock); and (2) the proposed acquisition and holding by the Plan of Units acquired on the open market as a result of either the Plan's reinvestment of cash distributions received with respect to the Units or the Plan's purchase of additional Units in accordance with directions given by Plan participants.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on September 12, 1986 at 51 FR 32550.

Effective Date: The effective date of this exemption is January 3, 1986.

Written Comments: The Applicants submitted written comments to clarify certain matters raised in the Notice of Proposed Exemption (the Notice).

Paragraph 7 of the Notice states that participants will be permitted to change their previous instructions with respect to the Units within a 30 day period after the end of each calendar quarter. The last sentence of paragraph 7 states that ". . . [a] change of instruction will be effective for any Units received by the Plan after the date that the executed form is received by the Committee." In this regard, the Applicants state that any change of instruction will be effective only for Units received by the Plan after the last day of the 30 day period. Therefore, any Units distributed during the 30 day period will be subject to the instructions given by the participant at the end of the previous quarter.

In addition, paragraph 8 of the Notice states that ". . . the Plan will be amended to allow a participant to elect each quarter whether to have all or part of his or her future Allotments and employer contributions invested in Units rather than in the Stock." The Applicants state that the Committee has not determined whether to allow the investment of future Allotments and employer contributions in Units. Therefore, the Applicants wish to note, for the record, that the Plan "may be amended" to allow such investment in Units.

Finally, in response to the Department's suggestion, the Applicants state that the Plan will be amended to provide that Units will not be acquired by the Plan on behalf of a participant if, after the acquisition, the value of the Units held by the Plan on behalf of the participant would represent more than ten percent of the participant's account balance.

After consideration of the entire record, the Department has determined to grant the exemption.

For Further Information Contact: Mr. E.F. Williams of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

The General Motors Retirement Plan and Trust for Salaried Employees (the Salaried Plan); the General Motors Hourly-Rate Employees Pension Plan and Trust; and the General Motors Frigidaire Special Pension Plan and Trust (collectively, the GM Trusts), Located in New York, New York

[Prohibited Transaction Exemption 87–12; Exemption Application Nos. D–6540, D–6541, and D–6542]

Exemption

The restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code, shall not apply to: (1) A loan (the Loan) on September 18, 1985 of $625 million by the GM Trusts to the Taubman Realty Group Limited Partnership (TRG), a party in interest with respect to the GM Trusts; (2) the purchase on September 18, 1985 of an option (the Option) to acquire a 50 percent limited partnership interest in TRG by the GM Trusts for $50 million; (3) the possible exercise of the Option by the GM Trusts and the payment of the exercise price of the Option in exchange for a limited partnership interest in TRG; (4) the transfer, sale or exchange of the GM Trusts' interests in the Loan or the rights in the Option to an institutional investor which is a party in interest with respect to assets of the GM Trusts unrelated to the subject transaction; (5) the term loans to the partners in TRG from the GM Trusts if, at any time after the exercise of the Option, TRG is terminated or there is a redemption of the GM Trusts' interests in TRG; (6) the exercise of the buy/sell option pursuant to the terms of the Prutaub Joint Venture Agreement (the Joint Venture Agreement) and the transfer of interests between TRG, or the GM Trusts as successor to TRG, and the Prudential Insurance Company of America, a party in interest with respect to the Salaried Plan, pursuant to the Joint Venture Agreement; and (7) the exchange and transfer of interests between the GM Trusts and TRG if, at any time after the exercise of the Option, TRG is terminated or there is a redemption of the GM Trusts' interests in TRG; provided that the terms of all transactions are no less favorable to the GM Trusts than the terms available in

similar transactions with unrelated parties.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on November 18, 1986 at 51 FR 41699.

Effective Date: The effective date of this exemption is September 18, 1985.

For Further Information Contact: Mr. E.F. Williams of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

Sunnyvale Medical Clinic, Inc., Employee Profit Sharing and Retirement Plan (the Plan), located in Sunnyvale, CA

[Prohibited Transaction Exemption 87–13; Exemption Application No. D–6649]

Exemption

The restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to: (1) The cash purchase of certain improved real property (the Property) by the Plan from Sunnyvale Medical Building Company, a party in interest with respect to the Plan and (2) the lease of the Property by the Plan to Sunnyvale Medical Clinic, Inc., provided that the terms and conditions of the transactions are at least as favorable to the Plan as those between unrelated parties would be.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on October 10, 1986 at 51 FR 36495.

For Further Information Contact: David Lurie of the Department, telephone (202) 523–8194. (This is not a toll-free number.)

Montana Urology, Inc. Money Purchase Pension Plan and Montana Urology, Inc. Profit Sharing Plan (collectively, the Plans), Located in Butte, Montana

[Prohibited Transaction Exemption 87–14; Exemption Application Nos. D–6710 and D–6711]

Exemption

The restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to: (1) The sale by the individually directed accounts of Robert Engebrecht, M.D. in the Plans (the Accounts) of parcel of real estate (the Land) to Robert Engebrecht, M.D. (Dr. Engebrecht), a participant and trustee of the Plans; and (2) the partial payment to a third party bank on an existing mortgage (the Mortgage) on the Land by Dr. Engebrecht and the assumption of the remaining balance on the Mortgage by Dr. Engebrecht where the mortgagors on the Mortgage are the Accounts.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on October 31, 1986, at 51 FR 39822.

For Further Information Contact: Angelena Le Blanc of the Department, telephone (202) 523–8196. (This is not a toll-free number.)

BGR Architects-Engineers, Inc. Profit Sharing Plan (the Plan), Located in Lubbock, Texas

[Prohibited Transaction Exemption 87–15; Exemption Applicatoin No. D–6727]

Exemption

The restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reasons of section 4975(c)(1)(A) through (E) of the Code, shall not aply to the proposed loan (the Loan) by the Plan of $45,000 secured by a first mortgage on a certain parcel of improved real property to BGR, Inc., a party in interest with respect to the Plan; provided that the terms of the Loan are and remain at least as favorable to the Plan as an arm's-length transaction with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on October 31, 1986, at 51 FR 39823.

For Further Information Contact: Angelena Le Blanc of the Department, telephone (202) 523–8196. (This is not a toll-free number.)

Stemfitters Pension Fund Local Union No. 475 (the Pension Plan); Steamfitters Welfare Fund Local Union No. 475; Steamfitters Annuity Fund Local Union No. 475; and Steamfitters Education Fund Local Union No. 475 (the Last 3 Plans Together, the Related Plans; All 4 Plans Together, the Plans), Located in Warren, New Jersey

[Prohibited Transaction Exemption 87–16; Exemption Applications Nos. D–6736 thru D–6739]

Exemption

The restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to: (1) The sale of a certain parcel of real property (the Property) to the Pension Plan by Steamfitters Hall, Inc., for $830,000 in cash, provided such amount is not greater than the fair market value of the Property on the date of the sale; and (2) the subsequent leasing of office space in the Property by the Pension Plan to Steamfitters Local Union No. 475 and to the Related Plans, under the terms described in the notice of proposed exemption, provided such terms are not less favorable to the Plans than those obtainable in an arm's-length with an unrelated party.

For a more complete statement of the facts and representative supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on November 21, 1986, at 51 FR 42147.

For Further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

Reagent Chemical & Research, Inc. Employee's Profit Sharing Plan and Trust (the Plan), Located in Middlesex, NJ

[Prohibited Transaction Exemption 87–17; Exemption Application No. D–6758]

Exemption

The restrictions of section 406(a) and 406(b)(1) from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the proposed sale by the Plan for $233,836 in cash of a parcel of improved real property located in Raritan Township, Hunterdon County, New Jersey to Brian Skeuse, a party in interest respect to the Plan; provided that the cash received on the date of sale is no less than the fair market value.

Written Comments:

The applicants informed the Department that they were unable to notify interested persons of their right to comment and request a hearing within the time period set forth in the proposed exemption. Pursuant to discussoins with the Department, the applicants notified interested persons that the period for written comments and requests for public hearing would be extended until January 15, 1987. The applicants have represented that interested persons were notified on or before December 16, 1986, by posting at the worksites of Reagent Chemical & Research, Inc. (the

Employer) and by Federal Express delivery to certain employees who do not regularly report to a worksite.

The applicants also informed the Department that they wished to correct certain information concerning the ownership of Hilltop Associates and of Skeuse-Dallas Associates that was published in the notice of proposed exemption. Accordingly, as corrected:

(a) the partners in Hilltop Associates are Thomas Skeuse, Bob Dallas, the Employer, Bob Dallas, Jr., Jack Skeuse, Tomn Skeuse, Jr., Richard Skeuse, Brian Skeuse, Elaine Finney, and Nancy Meximuck; and

(b) the partners of Skeuse-Dallas are Richard Skeuse, Jack Skeuse, Tom Skeuse, Jr., Brian Skeuse, Bob Dallas, Jr., and David Dallas.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on November 18, 1986, at 51 FR 41705.

Fur Further Information Contact: Angelena Le Blanc of the Department, telephone (202) 523-8196. (This is not a toll-free number.)

Marine Hills Company, Inc. Profit Sharing Plan and Trust (the Plan), Located in Federal Way, WA

[Prohibited Transaction Exemption 87-18; Exemption Application No. D-6828]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the purchase by the Plan of real estate contracts (the Contracts) from Marine Hills Company, Inc., provided that the purchase prices of the Contracts are not more than their fair market value as of the dates of purchase and that no more than 25% of the Plan's assets are invested in the Contracts.[1]

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on December 5, 1986 at 51 FR 43993.

For Further Information Contact: David Lurie of the Department, telephone (202) 523-8194. (This is not a toll-free number.)

[1] Since Norval H. Latimer is the sole shareholder of the Employer and is the sole Plan participant, there is no jurisdiction under Title I of the Act pursuant to 29 CFR 2510.3-3(b). However, there is jurisdiction under Title II of the Act pursuant to section 4975 of the Code.

Ohio Operating Engineers Apprenticeship Fund (the Plan) Located in Cincinnati, Ohio

[Prohibited Transaction Exemption 87-19; Exemption Application No. D-6860]

Exemption

The restrictions of section 406(a) of the Act shall not apply to: (1) The sale of a parcel of real property (the Property) by the Plan to Mr. and Mrs. Neal Hartfield (the Hartfields), for $230,000 in cash, provided such amount is not less than the fair market value of the Property on the date of the sale; and (2) the leaseback by the Plan from the Hartfields of a portion of the Property, under the terms described in the notice of proposed exemption, provided such terms are not less favorable to the Plan than those obtainable in an arm's-length transaction with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on November 18, 1986 at 51 FR 41708.

For Further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Racine Construction Industry Pension Fund (the Plan) Located in Racine, Wisconsin

[Prohibited Transaction Exemption 87-20; Exemption Application No. D-6890]

Exemption

The restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply to the provision of long term mortgage financing by the Plan to property owners where such financing is to be used to retire construction loans extended by banks which are nonfiduciary parties in interest with respect to the Plan, provided that:

A. Such mortgage loan is expressly approved by a fiduciary independent of the construction lender who has authority to manage or control those Plan assets being invested;

B. The terms of each such transaction is not less favorable to the Plan than the terms generally available in an arm's-length transaction between unrelated parties; and

(C) No investment management, advisory, underwriting or sales commission or similar compensation is paid to the construction lender with regard to such transaction.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on November 18, 1986 at 51 FR 41708.

For Further Information Contact: Alan H. Levitas of the Department, telephone (202) 523-8194. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 20th day of January, 1987.

Elliot I. Daniel,

Associate Director for Regulations and Interpretations, Pension and Welfare Benefits Administration, U.S. Department of Labor.

[FR Doc. 87-1566 Filed 1-22-87; 8:45 am]

BILLING CODE 4510-29-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards

Subcommittee on Standardization of Nuclear Facilities; Meeting

The ACRS Subcommittee on Standardization of Nuclear Facilities will hold a meeting on February 11, 1987, Room 1046, 1717 H Street, NW., Washington, DC.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Wednesday, February 11, 1987—8:30 A.M. Until the Conclusion of Business

The Subcommittee will discuss the definition of an essentially complete EPRI standardized plant and the letter of agreement between General Electric and NRC on the ABWR.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Herman Alderman (telephone 202/634–1413) between 8:15 A.M. and 5:00 P.M. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: January 20, 1987.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 87–1572 Filed 1–22–87; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–424]

Vogtle Electric Generating Plant, Unit 1; Issuance of Facility Operating License

Notice is hearby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Facility Operating License No. NPF–61 to Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, and City of Dalton, Georgia, (the licensees) which authorizes operation of the Vogtle Electric Generating Plant, Unit 1, at reactor core power levels not in excess of 3411 megawatts thermal in accordance with the provisions of the license, the Technical Specifications, and the Environmental Protection Plan with a condition limiting operation to five percent of full power (170 megawatts thermal).

The Vogtle Electric Generating Plant, Unit 1, is a pressurized water reactor located in Burke County, Georgia, approximately 25 miles south of Augusta, Georgia.

The application for the license complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license. Prior public notice of the overall action involving the proposed issuance of an operating license was published in the **Federal Register** on December 28, 1983 (48 FR 57183). The power level authorized by this license and the conditions contained therein are encompassed by that prior notice.

The Commission has determined that the issuance of this license will not result in any environmental impacts other than those evaluated in the Final Environmental Statement since the activity authorized by the license is encompassed by the overall action evaluated in the Final Environmental Statement.

Pursuant to 10 CFR 51.32, the Commission has determined that the issuance of exemptions included in this license will have no significant impact on the environment (52 FR 1565).

For further details with respect to this action, see: (1) Facility Operating License No. NPF–61; (2) the Commission's Safety Evaluation Report, dated June 1985 (NUREG–1137), and Supplements 1 through 5; (3) the Final Safety Analysis Report and Amendments thereto; (4) the Environmental Report and supplements thereto; (5) the Final Environmental Statement, dated March 1985 (NUREG–1087); (6) the Partial Initial Decision of the Atomic Safety and Licensing Board, dated August 27, 1986; and (7) the Concluding Partial Initial Decision dated December 23, 1986.

These items are available at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC 20555, and at the Burke County Library, 4th Street, Waynesboro, Georgia 30830. A copy of Facility Operating License NPF–61 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of PWR Licensing–A. Copies of the Safety Evaluation Report and its supplements (NUREG–1137) and the Final Environmental Statement (NUREG–1087) may be purchased through the U.S. Government Printing Office by calling (202) 275–2060 or by writing to the U.S. Government Printing Office, P.O. Box 37082, Washington, DC 20013–7082. Copies may also be purchased from the National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

Dated at Bethesda, Maryland, this 16th day of January, 1987.

For the Nuclear Regulatory Commission.

B.J. Youngblood,

Director, PWR Project Directorate #4, Division of PWR Licensing–A.

[FR Doc. 87–1576 Filed 1–22–87; 8:45 am]

BILLING CODE 7590–01–M

POSTAL RATE COMMISSION

Vernon, AZ, Notice and Order Accepting Appeal and Establishing Procedural Schedule

[Docket No. A87–8; Order No. 738]

Issued: January 16, 1987.

Before Commissioners: Janet D. Steiger, Chairman; Bonnie Guiton, Vice-Chairman; John W. Crutcher; Henry R. Folsom; Patti Birge Tyson.

Docket Number: A87–8

Name of affected Post Office: Vernon, Arizona 85940

Name(s) of petitioner(s): Beulah G. Penrod, *et al.*

Type of determination: Closing
Date of filing of appeal papers: January 12, 1987.
Categories of issues apparently raised:

1. Effect on the community [39 U.S.C. 404(b)(2)(A)].
2. Effect on postal services [39 U.S.C. 404(b)(2)(C)].

Other legal issues may be disclosed by the record when it is filed; or, conversely, the determination made by the Postal Service may be found to dispose of one or more of these issues.

In the interest of expedition, in light of the 120-day decision schedule [39 U.S.C. 404(b)(5)], the Commisison reserves the right to request of the Postal Service memoranda of law on any appropriate issue. If requested, such memoranda will be due 20 days from the issuance of the request; a copy shall be served on the Petitioners. In a brief or motion to dismiss or affirm, the Postal Service may incorporate by reference any such memoranda previously filed.

The Commission Orders

(A) The record in this appeal shall be filed on or before January 27, 1987.

(b) The Secretary shall publish this Notice and Order and Procedural Schedule in the **Federal Register.**

By the Commission.

Cyril J. Pittack,

Acting Secretary.

Appendix

January 12, 1987—Filing of Petition.
January 16, 1987—Notice and Order of Filing of Appeal.
February 6, 1987—Last day of filing of petitions to intervene [*see* 39 CFR 3001.111(b)].
February 16, 1987—Petitioners' Participant Statement or Initial Brief [*see* 39 CFR 3001.115 (a) and (b).
March 9, 1987—Postal Service Answering Brief [*see* 39 CFR 3001.115(c)].
March 24, 1987—Petitioners' Reply Brief should petitioner choose to file one [*see* 39 CFR 3001.115(d)].
March 31, 1987—Deadline for motions by any party requesting oral argument. The Commission will schedule oral argument only when it is a necessary addition to the written filings [*see* 39 CFR 3001.116].
May 12, 1987—Expiration of 120-day decisional schedule [*see* 39 U.S.C. 404(b)(5)].

[FR Doc. 87-1492 Filed 1-22-87; 8:45 am]
BILLING CODE 7715-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-24001; File No. SR-CBOE-85-46]

Self-Regulatory Organizations; Chicago Board Options Exchange, Inc.; Order Approving Proposed Rule Change

On November 12, 1985, the Chicago Board Options Exchange, Incorporated ("CBOE"), submitted to the Securities and Exchange Commission ("Commission"), pursuant to section 19(b)(1) under the Securities Exchange Act of 1934 ("Act") [1] and Rule 19b-4 thereunder,[2] a proposed rule change to set the minimum filing fee for member to member arbitrations and permit arbitrators to award up to double damages to members in arbitration who prove that another member knowingly, purposefuly and without justification failed to pay for floor brokerage services. The proposal also expands the categories of persons eligible to serve as members of the CBOE's Arbitration Committee and permits the Director of Arbitration to appoint panels of non-member arbitrators.

The proposed rule change was noticed in Securities Exchange Act Release No. 22746 (December 30, 1985), 51 FR 798 (January 8, 1986). No comments were received on the proposed rule change.

The Exchange is amending Rule 18.2 to establish in new subpart (c) a minimum fee for member to member arbitrations, to assure that members make legitimate efforts to resolve disputes before turning to arbitration. The proposed rule raises the minimum filing fee in a member to member dispute to $75 and sets $50 as the minimum amount to be retained by the Exchange in the event a matter is resolved prior to a hearing.

Further, the proposal establishes new Rule 18.34 in Chapter XVIII of the Exchange rules. Rule 18.34 specifies that a member seeking arbitration over non-payment of brokerage fees must provide certain credible evidence of his claim and his efforts to collect the amounts due. The proposed rule also authorizes arbitrators to award up to double damages to members in arbitration who prove that another member knowingly, proposefully and without justification failed to pay for floor brokerage services. The genesis of this part of the proposed rule is reports from floor brokers that there are a small number of members who regularly do not pay small bills for floor brokerage services, secure in the knowledge that floor brokers often will not force payment because the cost of pursuing a remedy through arbitration exceeds the amount of the bill. CBOE believes that the proposed rule change will create an incentive for the payment of legitimate bills.

In particular, the Commission believes that the authority to award double damages for non-payment of brokerage services is justified because it is limited to an objective and reasonable standard, provides a fair, balanced remedy in the case of member to member disputes and is a rational means of inducing compliance with CBOE rules.[3]

Amendments to Rule 2.8 (Arbitration Committee) expand the categories of persons eligible to serve as members of the Exchange's Arbitration Committee and permit the Director of Arbitration or his designee to appoint panels of non-member arbitrators.

The first change to Rule 2.8 expands the categories of eligible industry arbitrators. The arbitration committee believes that the current, narrower categories "have kept good industry arbitrators from serving as such." The revised rule is similar to current New York Stock Exchange policy.[4]

The second portion of the change to Rule 2.8 clarifies the authority of the Director of Arbitration or his designee to appoint non-industry arbitrators. Rule 2.8 in its present form fails to reflect the authority given the Director of Arbitration by Rule 18.10.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and the requirements of section 6 [5] and the rules and regulations thereunder.

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[1] 15 U.S.C. 78s(b)(1) (1982).

[2] 17 CFR 240.19b-4 (1985).

[3] *See, e.g.*, A.M. Polinsky, An Introduction to Law and Economics, 73-84 (1983).

The Commission also has considered whether the double damages provision for failure to pay floor brokerage fees would be appropriate under the Federal Arbitration Act ("FAA") 9 U.S.C. 1-14 (1982), even if it were deemed to constitute punitive damages. *cf. In re* Associated Gen'l Contrs., N.Y. State Chapter (Savin Bros.) 45 A.D. 2d 136, 356 N.Y.S. 2d 374, *aff'd*, 36 N.Y. 2d 957, 393 N.Y.S. 2d 555, 335 N.E. 2d 859 (N.Y. Ct. App. 1975). In this regard, while Section 6(b)(6) of the Act empowers exchanges to impose "fine[s] . . . or any other fitting sanction," it does not specifically address the question of punitive damages awarded through an exchange arbitration proceeding resolving a dispute between members of the exchange. Nevertheless, in view of the strong federal policy to encourage arbitration [embodied] in the FAA], the Commission believes it is consistent with the Act to approve the proposed rule change. *See* Willoughby Roofing & Supply Co., v. Kajima Int'l, Inc., 598 F. Supp. 353 (N.D. Ala. 1984), *affid* 776 F. 2d 269 (11th Cir. 1985).

[4] *See* Article VIII, Section 4 of the New York Stock Exchange Constitution.

[5] 15 U.S.C. 78f (1982).

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[6] that the proposed rule change is approved.

Dated: January 15, 1987.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[7]

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 87-1512 Filed 1-22-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-23987; File No. SR-NYSE-86-34]

Self-Regulatory Organizations; Filing and Order Granting Accelerated Approval of Proposed Rule Change by the New York Stock Exchange, Inc., Relating to Rate Increase Affecting Selected Sales Practice and Other Fees

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, ("Act") 15 U.S.C. 78s(b)(1), notice is hereby given that on December 9, 1986 the New York Stock Exchange, Inc. ("Exchange" or "Commission") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is instituting increases affecting selected Sales Practices fees including the Annual Branch Office fee, the Regular Specialists per annum fee, Associate Relief Specialists per annum fee and the Annual Maintenance fee.[1]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and the basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. The self-regulatory organization has prepared summaries set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) *Purpose*—The purpose of this change is to offset in part the increased costs of supplying services provided by the Exchange. These costs include manpower, systems, and utilities associated with providing market place services. (2) *Basis Under the Act for the Proposed Rule Change.*—The Basis under the Act for the proposed rule change is section 6(b)(4) permitting the rules of an Exchange to provide for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its services.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule changes will not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

The Exchange has not formally solicited written comments regarding this proposed change, and no unsolicited written comments have been received.

III. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the NYSE. All submissions should refer to the file number in the caption above and should be submitted by February 13, 1987.

IV. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange requests that the proposed rule change be given accelerated effectiveness pursuant to section 19(b)(2) of the Act. The Exchange desires to effect a rate increase by January 1, 1987 to collect the necessary additional funds so that the Sales Practices area continues to be close to self-supporting.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of Section 6.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice thereof, in that, the sales practice fees apply to member firms and the proposed fees are intended to offset the increased costs of supplying services to such members. In this regard, we note that section 6(b)(4) of the Act contemplates the equitable allocation of reasonable dues fees and other charges among the Exchange's members and other persons using its facilities. In addition, the Exchange submitted the proposed rule change requesting accelerated approval in order to implement these annual fees as of January 1, 1987. Accordingly, the Commission believes that the proposed rule change should be approved as submitted.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change be, and is, hereby approved.

Dated: January 13, 1987.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 87-1913 Filed 1-22-87; 8:45 am]

BILLING CODE 8010-01-M

[File No. 500-1]

Pros International, Inc.; Order of Trading Suspension

January 16, 1987.

It appears to the Securities and Exchange Commission that there is a lack of current adequate and accurate public information concerning PROS International, Inc.'s business operations and financial condition.

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[6] 15 U.S.C. 78s(b)(2) (1982).

[7] 17 CFR 200.30-3(a)(12) (1985).

[1] In its filing, the NYSE included a schedule of the proposed rate increases. A copy of the rate schedule is available from the Commission at the address noted in Section III below and from the NYSE.

Therefore, it is ordered, pursuant to seciton 12(k) of the Securities Exchange Act of 1934, that over-the-counter trading in the securities of PROS International, Inc. is suspended for a single ten-day period from 9:30 A.M. (EST) on January 19, 1987 through 11:59 P.M. (EST) on January 289, 1987.

By the Commission.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 87-1506 Filed 1-22-87; 8:45 am]

BILLING CODE 8010-01-M

SELECTIVE SERVICE SYSTEM

Privacy Act of 1974; Annual Publication of Notice of Systems of Records

AGENCY: Selective Service System.

ACTION: Notice; annual publication of systems of records without changes.

SUMMARY: The purpose of this notice is to meet the requirement of the Privacy Act of 1974 regarding the annual publication of the agency's notice of systems of records. The complete text of all Selective Service System notices appears below without change in the text published in 50 FR 51318 (December 16, 1985).

Comment date: Comments on these systems of records should be submitted in writing on or before February 23, 1987 the Associate Director for Resource Management, Selective Service System, Washington, DC, 20435. Phone 202-724-0872.

EFFECTIVE DATE: The systems of records will become effective on February 23, 1987, unless the Selective Service System publishes notice to the contrary.

Congressional notice: Notice of these systems of records has been filed with the Speaker of the House, the President of the Senate and the Office of Management and Budget, as required by 5 U.S.C. 552a(o).

Dated: January 14, 1987.

Wilfred L. Ebel,

Acting Director of Selective Service.

Systems of Records

SSS-2—General Files (Registrant Processing).
SSS-3—Reconciliation Service Records.
SSS-4—Registrant Information Bank.
SSS-5—Registrant Processing Records.
SSS-6—Reserve and National Guard Personnel Records.
SSS-7—Uncompensated Personnel Records.
SSS-8—Suspected Violator Inventory System.
SSS-9—Master Pay Record.
SSS-10—Registrant Registration Records.

SSS-2

System name:

General Files—SSS.

Security classification:

None.

System location:

National Headquarters, Selective Service System, 1023—31st Street, NW, Washington, DC 20435.

Categories of individuals covered by the system:

Registrants of the Selective Service System and other individuals and organizations.

Categories of records in the system:

Contains current and previous correspondence with individual registrants, private individuals and Government agencies, requesting information or resolution of specific problems related to registrant processing or agency operations.

Authority for maintenance of the system:

Section 10(b)(3), Military Selective Service Act (50 U.S.C. App. 460(b)(3)).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Department of Justice—Refer to reports received as to possible violations of the Military Selective Service Act.

Federal Bureau of Investigation—Refer reports received as to possible violations of the Military Selective Service Act.

Department of Defense—Exchange of information respecting status of individuals subject to the provisions of the Military Selective Service Act.

Immigration and Naturalization Service—Respone to inquiries concerning aliens.

Department of Health and Human Services—for locations of parents pursuant to the Child Support Enforcement Act (42 U.S.C. 651 et seq.)

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper copies maintained in routine filing equipment.

RETRIEVABILITY:

Records are indexed alphabetically by last name.

SAFEGUARDS:

Measures that have been taken to prevent unauthorized disclosure of records are:

a. Records maintained by authorized personnel only, who have been trained in the rules and regulations concerning dislosure of information; offices are locked when authorized personnel are not on duty.

b. Periodic security checks and other emergency planning.

c. Records transferred for storage are boxed and taped; records in transit for temporary custody of another office are sealed. Records eligible for destruction are destroyed by maceration, shredding or burning.

ACCESS:

An individual desiring to obtain information on the procedures for gaining access to and contesting records may write to: Director of Selective Service, Selective Service System, 1023-31st Street NW., Washington, DC 20435, Attn: Records Manager.

It is necessary to furnish the following information in order to identify the individual whose records are requested:

a. Full name of the individual.

b. Date of birth.

c. Selective Service Number.

d. Mailing address to which the reply should be mailed.

RETENTION AND DISPOSAL:

Hold file intact for five years from date of latest correspondence; select one percent sample for National Archives and destroy balance. If one percent sample is not accepted by Archives, the one percent sample is also destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Selective Service, 1023-31st Street NW., Washington, DC 20435 Attn: Records Manager.

CONTESTING RECORD PROCEDURES:

See Access, above.

RECORD SOURCE CATEGORIES:

Individual registrants and private individuals and organizations, Members of the Congress acting on behalf of constituents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

SSS-3

SYSTEM NAME:

Reconciliation Service Records—SSS

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

National Headquarters, Selective Service System, 1023—31st Street NW, Washington, DC 20435.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Vietnam era draft evaders and military deserters (whose surnames begin with A through R) who have qualified for a period of alternate service as a condition for reconciliation under Presidential Proclamation 4313, signed September 16, 1974.

CATEGORIES OF RECORDS IN THE SYSTEM:

Registration Card: Individual's name, address, telephone number, personal description, date of birth, Social Security Account Number, former military service, date of registration, reconciliation service required, date reconciliation service started and terminated, total reconciliation service, individual's signature.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Presidential Proclamation 4313; E.O. 11804; 5 U.S.C. 553; 50 U.S.C. App. 460(b)(3).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Referral to the Department of Justice for appropriate action in cases involving unsatisfactory participation.

Referral to the appropriate military referring authority, upon request, in cases involving the updating of military discharges.

Referral to the Presidential Clemency Board, upon request, in cases necesitating additional review.

Referral to Office of Management and Budget, upon request, in cases undergoing investigative review in conjunction with the specific functions of these agencies.

Exchange of information with Reconciliation Service employers regarding the placement, supervision of and performance of Reconciliation Service by returnees who have agreed to perform such service.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All registration cards and microfiche of registration cards are stored in either metal or wood filing cabinets.

RETRIEVABILITY:

The system is alphabetically indexed by last name.

SAFEGUARDS:

Measures that have been taken to prevent unauthorized disclosure of records are:

a. Records are maintained by authorized personnel only, who have been trained in the rules and regulations concerning disclosure of information; offices are locked when authorized personnel are not on duty.

b. Periodic security checks and other emergency planning.

c. Records transferred for storage are boxed and taped; records in transit for temporary custody of another office are sealed.

Records eligible for destruction are destroyed by maceration, shredding, or burning.

ACCESS:

An individual desiring to obtain information on the procedures for gaining access to and contesting records may write to: Director of Selective Service, Selective Service System, 1023—31st Street NW., Washington, DC 20435, Attn: Records Manager.

RETENTION AND DISPOSAL:

Registration Cards or microfiche thereof will be retained until the enrollee reaches 85 years of age.

SYSTEM MANAGER AND ADDRESS:

Director of Selective Service, Selective Service System, 1023—31st Street NW., Washington, DC 20435, Attn: Records Manager.

CONTESTING RECORD PROCEDURES:

See Access, above.

RECORD SOURCE CATEGORIES:

Sources of records in the system are primarily established by the individual at the time and place of enrollment, based on oral and written information given by the enrollee. Other sources of information include the Report of Separation From Active Duty (DD Form 214), referral documents from the referring authority and information provided by an enrollee's employer.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

SSS.4

SYSTEM NAME:

Registrant Information Bank (RIB) Records—SSS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Date Management Center/Joint Computer Center, Great Lakes, Illinois 60088.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Registrants of the Selective Service System after 1979.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Registrant Information Bank (RIB) is an automated data processing system which stores information concerning registration, classification, examination, assignment and induction of Selective Service registrants.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 10(b)(3) of the Military Selective Service Act (50 U.S.C. App. 460(b)(3)).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Department of Defense—exchange of information concerning registration classification, enlistment, examination and induction of individuals, and for recuiting (prior to April 1, 1982 only on request of the registrant).

Alternative service employers—for exchange of information with employers regarding a registrant who is a conscientious objector for the purpose of placement in and supervision of performance of alternative service in lieu of induction into military service.

Department of Justice—for review and processing of suspected violations of the Military Selective Service Act, or for perjury, and for defense of a civil action arising from administrative processing under such Act.

Federal Bureau of Investigation—for location of an individual when suspected of violation of the Military Selective Service Act.

Immigration and Naturalization Service—to provide information for use in determining an individual's eligibility for re-entry into the United States and United States citizenship.

Department of State—for determination of an alien's eligibility for possible entry into the United States and United States citizenship.

Office of Veteran's Reemployment Rights, United States Department of Labor—to assist veterans in need of information concerning reemployment rights.

Department of Health and Human Services—for locations of parents pursuant to the Child Enforcement Act (42 U.S.C. 661 et seq.)

General Public—Registrant's Name, Selective Service Number, Date of Birth and Classification.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are maintained on tape, disc and computer printouts.

RETRIEVABILITY:

The system is indexed by Selective Service Number.

SAFEGUARDS:

a. On-line access to RIB from terminals is available to authorized personnel, and is controlled by User Identification and password. Batch access controlled via standard data processing software and hardware techniques.

b. Records are handled by authorized personnel only, who have been trained in the rules and regulations concerning disclosure of information; offices are locked when authorized personnel are not on duty and protected by an electronic security accress system at all times.

c. Premises are locked and patrolled when authorized personnel not on duty.

d. Periodic security checks and emergency planning.

ACCESS:

An individual desiring to obtain information on the procedures for gaining access to and contesting records may write to: Director of Selective Service, Selective Service System, 1023—31st Street NW., Washington, DC 20435, Attn: Records Manager.

It is necessary to furnish the following information in order to identify the individual whose records are requested:

a. Full name of the individual.

b. Date of birth.

c. Selective Service Number.

d. Mailing address to which the reply should be mailed.

RETENTION AND DISPOSAL:

When eligible for disposal, the computer tapes are erased. The records stored in the Registrant Information Bank (RIB) are retained until registrant reaches age 85.

The computer printouts are distributed to the National Headquarters and destroyed when they have served their purpose by maceration, shredding or burning. Computer printouts used at the Data Management Center are destroyed by maceration after they have served their purpose or upon records appraisal action.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Selective Service, Selective Service System, 1023—31st Street NW., Washington, DC 20435.

CONTESTING RECORD PROCEDURES:

See Access, above.

RECORD SOURCE CATEGORIES:

Forms prepared by the field elements are the input documents for all information recorded in the SSS—Registrant Information Bank (RIB) Records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

SSS-5

SYSTEM NAME:

Registrant Processing Records—SSS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Records are stored in the Federal Records Center serving the State in which the registrant resided.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Registrants of the Selective Service System before 1976.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual Processing Records:

a. Registration Card—a locator card identifying the registrant.

b. Classification Record—a listing of the classes in which the registrant was placed and the dates of the classifications.

c. Registrant File Folder and Contents for certain aliens and expatriated U.S. citizens—contains all information necessary for registrant's processing, including forms, statements, correspondence, and copies of documents relevant to inclusion for, or exemption or deferment from training and service under the Military Selective Service Act and Regulations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 3 10(b)(3) and 15(b) of the Military Selective Service Act (50 U.S.C. App. 453, 460(b)(3), 465(b)).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Department of Defense—for exchange of information concerning registration, classification, enlistment, examination and induction of individuals.

Alternative service employers—for exchange of information with employers regarding a registrant who is a conscientious objector for the purpose of placement in and supervision of performance of alternative service in lieu of induction into military service.

Department of Justice—for review and processing of suspected violation of the Military Selective Service Act or for perjury and for defense of a civil action arising from administrative processing under such Act.

Federal Bureau of Investigation—for location of an individual when suspected of violation of the Military Selective Service Act.

Immigration and Naturalization Service—to provide information for use in determining an individual's eligibility for re-entry into the United States.

Department of State—for determination of an alien's eligibility for possible entry into the United States and United States citizenship.

Office of Veteran's Reemployment Rights, United States Department of Labor—to assist veterans in need of information concerning reemployment rights.

Department of Health and Human Services—for locations of parents pursuant to the Child Support Enforcement Act (42 U.S.C. 651 et seq.)

General Public—Registrant's Name, Selective Service Number, Date of Birth and Classification.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on manually prepared forms, in file folders, and correspondence files.

RETRIEVABILITY:

Records are indexed by name (within local board) and Selective Service Number.

SAFEGUARDS:

Measures that have been taken to prevent unauthorized disclosure of records are:

a. Records are maintained by authorized personnel only, who have been trained in the rules and regulations concerning disclosure of information; offices are locked when authorized personnel not on duty.

b. Periodic security checks and other emergency planning.

c. Records transferred for storage are boxed and taped; records in transit for temporary custody of another office are sealed. Records eligible for destruction are destroyed by maceration, shredding or burning.

d. Only photostatic copies of records are withdrawn from the Centers. Withdrawals are requested by authorized personnel only.

ACCESS:

An individual can obtain information on the procedures for gaining access to and contesting records through: Director of Selective Service, Selective Service System, 1023-31st Street NW,

Washington, DC 20435, Attn: Record Manager.

It is necessary to furnish the following information in order to identify the individual whose records are requested:

1. Full name of the individual.

2. Selective Service Number, Order/Serial Number, or date of birth and address at time of registration if Selective Service Number or Order/Serial Number is not known.

3. Mailing address to which the reply should be mailed.

RETENTION AND DISPOSAL:

Individual Processing Records:

1. Registration Card—Retained until registrant reaches age 85, record active to age 35.

2. Classification Record—Retained until registrant reaches age 85, record active to age 35.

3. Registrant File Folder and Contents—All have been destroyed with the following exception: Files of registrants who are aliens (including former U.S. citizens who have expatriated themselves) who were last classified in an available class, or 4–C or whose last classification was 5–A immediately preceded by Class 4–C, are retained as permanent records.

SYSTEM MANAGER AND ADDRESS:

Director of Selective Service, Selective Service System, 1023–31st Street NW., Washington, DC 20435.

CONTESTING RECORD PROCEDURES:

See Access above.

RECORD SOURCE CATEGORIES:

Information contained in the Registrant Processing Records System is obtained from the individual and supporting documents from other persons, federal, state and local government agencies and institutions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

SSS–6

SYSTEM NAME:

Reserve and National Guard Personnel Records–SSS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

National Headquarters, Selective Service System, 1023—31st Street, NW., Washington, D.C. 20435.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Officers and Warrant Officers of the Reserve and National Guard currently assigned to the Selective Service System, and Officers and Warrant Officers formerly so assigned.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records contain information relating to selection, placement and utilization of military personnel, such as name, rank, Social Security Account Number, date of birth, physical profile, residence and business, addresses, and telephone numbers. Information is also recorded on unit of assignment, occupational codes and data pertaining to training, cost factors, efficiency ratings and mobilization assignments and duties, and other information relating to the status of the member.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 10(b)(2) of the Military Selective Service Act (50 U.S.C. App. 460(b)(2)).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide information to the individual member's branch of the Armed Forces as required in connection with his assignment to the Selective Service System.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, SAFEGUARDING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders and on magnetic tape or disk.

RETRIEVABILITY:

Records are indexed by name and Service Number.

SAFEGUARDS:

The records are maintained in lockable file containers. Measures that have been taken to prevent unauthorized disclosure of records are:

a. Use of the records or any information contained therein is limited to Selective Service System employees or Reserve Forces Members whose official duties require access.

b. Records are maintained by authorized personnel only, who have been trained in the rules and regulations concerning disclosure of information; offices are locked when authorized perosnnel are not on duty.

c. Periodic security checks and other emergency planning.

d. Records transferred for storage are boxed and taped; records in transit for temporary custody of another office are sealed.

Records eligible for destruction are destroyed by maceration, shredding or burning.

ACCESS:

SS Reserve Forces Members or former members who wish to gain access to their records should make their request in writing, including their full name, rank, branch of service, address, and Social Security Account Number.

Director of Selective Service, Selective Service System, 1023—31st Street, NW., Washington, D.C. 20435, Attn: MSP (Military).

RETENTION AND DISPOSAL:

Personnel records for Selective Service Reserve Forces are retained for one (1) year after separation and then disposed of in accordance with procedures provided by each Branch of Service.

SYSTEM MANAGER AND ADDRESS:

Director of Selective Service, Selective Service System, 1023—31st Street, NW., Washington, D.C. 20435.

CONTESTING RECORD PROCEDURES:

See Access, above.

RECORD SOURCE CATEGORIES:

Information in this system is obtained directly from the individual to whom it applies or is derived from information supplied or is provided by the individual Branch of the Armed Forces.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

SSS–7

SYSTEM NAME:

Uncompensated Personnel Records—SSS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

National Headquarters, Selective Service System, 1023—31st Street, NW., Washington, D.C. 20435.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Currently appointed uncompensated local board and appeal board members, other persons appointed in advisory or administrative capacity, and former appointees in an uncompensated capacity.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records contain information relating to the selection, appointment and separation of appointees, such as name, date of birth, mailing address,

residence and organization location, position title, minority group code, sex, weight, etc. length of service and occupational title."

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 10(b)(3) of the Military Selective Service Act (50 U.S.C. App. 460(b)(3)).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Department of Justice—for exchange of information when required in connection with processing of alleged violations of the Military Selective Service Act.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, SAFEGUARDING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders and on magnetic tape.

RETRIEVABILITY:

Records are indexed by name of individual record identification number and location.

SAFEGUARDS:

The records are maintained in lockable file containers. Measures that have been taken to prevent unauthorized disclosure of records are:

a. Use of the records or any information contained therein is limited to employees whose official duties require such access.

b. Records are maintained by authorized personnel only, who have been trained in the rules and regulations concerning disclosure of information; offices are locked when authorized personnel are not on duty.

c. Periodic security checks and other emergency planning.

d. Records transferred for storage are boxed and taped; records in transit for temporary custody of another office are sealed. Records eligible for destruction are destroyed by maceration, shredding or burning.

ACCESS:

Appointees who wish to gain access to their records should make requests in writing, including their full name, address (state in which appointed), date of birth and Social Security Account Number for former appointees, or record Identification Number for current appointees to:

Director of Selective Service, Selective Service System, 1023—31st Street, NW., Washington, D.C. 20435, Attn: MSP (Uncompensated).

RETENTION AND DISPOSAL:

Personnel Records for uncompensated appointees are maintained for one (1) year after separation at the servicing personnel office.

SYSTEM MANAGER AND ADDRESS:

Director of Selective Service, Selective Service System, 1023—31st Street, NW., Washington, D.C. 20435.

CONTESTING RECORD PROCEDURES:

See Access, above.

RECORD SOURCE CATEGORIES:

Information in this system is obtained directly from the individual or is derived from information he has supplied or is provided by the agency official with authority to appoint the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

SSS–8

SYSTEM NAME:

Suspected Violator Inventory System—SSS

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Data Management Center/Joint Computer Center, Great Lakes, Illinois 60088.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Alleged violators of the Military Selective Service Act (50 U.S.C. App. 451 et seq).

CATEGORIES OF RECORDS IN THE SYSTEM:

Automated records created by matches between records contained in SSS–10 and other computer files, and other records related to non-registrants. Each record may contain the name, address, Selective Service Number (if any), Social Security Account Number (if any), date of birth, status, and disposition data relating to possible violations of the Military Selective Service Act.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 10(b)(3) of the Military Selective Service Act (50 U.S.C. App. 460(b)(3)).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The names of individuals identified as alleged violators of the Military Selective Service Act will be checked against the SSS–10 registrant file. If the individual has registered, the incoming communication will be destroyed and no further action will be taken. If the individual is not listed in the registrant file or cannot be identified therein where the incoming communication contains sufficient identifying information on the alleged violator to permit sending correspondence to him under the automated tracking system, the name and associated information will be added to that system and the incoming communication will be used to attempt to correspond with the alleged violator, giving him an opportunity to register. After a reasonable attempt is made to register the individual, and he neither registers nor provides documented evidence supporting exemption or where there is insufficient information to add the alleged violator to the automated tracking system, the incoming communication may be forwarded to the Department of Justice for investigation and, if applicable, return to Selective Service with sufficient information for adding to the automated tracking system or comparison with the registrant file. When computer matches of Selective Service files result in production of a list of possible non-registrants, that list may be provided to the Department of Defense and the Department of Transportation to eliminate from the list individuals not required to register. The names, dates of birth, Social Security Account Numbers, and home addresses of possible non-registrants who also have been identified as members of the Reserve components of the U.S. military services, including the U.S. Coast Guard, may be provided to the Department of Defense, including the military services, and the U.S. Coast Guard, Department of Transportation, to obtain current addresses. The names, dates of birth, Social Security Account Numbers, home addresses, and disposition data on possible non-registrants who have been identified as Federal student aid recipients by the Department of Education may be provided to the Department of Education, after processing by Selective Service, for investigation and, if applicable, forwarding to the Department of Justice for prosecution. The list may also be provided to the Internal Revenue Service to obtain current addresses of suspected non-registrants. After processing the information pertaining to suspected non-registrants will be forwarded to the Department of Justice for investigation and, if applicable, prosecution.

Where Selective Service determines that information as originally submitted appears to have contained a

discrepancy, the names, dates of birth, Social Security Account Numbers, and home addresses of individuals may be returned to the original sources together with information concerning the discrepancy. Information concening the discrepancy may include correspondence from the individual concerned.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Upon receipt of unsolicited communications regarding alleged violators of the Military Service Act who are not listed in the SSS registrant file, a computer record will be created. This is an automated tracking system which contains the nature of the alleged volator, his Social Security Account Number if available, the date sent to the Department of Justice, the final disposition when received, and the case control number. The document is microfilmed, and can be retrieved by a Document Locator Number recorded in the computer record. The original document is destroyed.

When computer matches between Selective Service and other files produce lists of possible non-registrants, the computer file will be produced and maintained. As the list is processed the paper file will be produced from the microfilm records, containing correpondence between possible non-registrants and Selective Service. A computerized tracking file of cases will be maintained.

RETRIEVABILITY:

Indexed Selective Service Number, Social Security Account Number, name and case number (if any).

SAFEGUARDS:

(a) Records are available to authorized Selective Service personnel only.

(b) Paper records are converted to microfilm. A microfilm copy is kept in a locked file cabinet accessible only to authorized personnel. The microfilm original is transferred to a Federal Archives and Records center. The paper records are destroyed after microfilming.

(c) Building is secured and patrolled after normal business hours. Access is controlled by an electronic security access system.

(d) Computer files will be maintained at the Joint Computer Center at Great Lakes, Illinois.

(i) Security guards for the building will allow access to authorized personnel only.

(ii) Computer room will be secured with cypher locks.

(iii) Terminal access to the computer system will be restricted to those with valid user ID and password.

(iv) A Customer Information Control system will require additional password for interactive access to data base information.

(v) A software security package will protect access to data in the system.

(vi) Access to the violator section of the data base will not be possible without specific authorization by the Data Base Administrator.

ACCESS:

If information in the system is desired, write to Director of Selective Service, Selective Service System, Washington, DC 20435, Attn: Records Manager and furnish the following information in order to identify the individual whose records are requested:

a. Full name.

b. Date of birth.

c. Selective Service Number or Social Security Account Number.

d. Mailing address to which the reply should be called.

RETENTION AND DISPOSAL:

Upon receipt of unsolicited information regarding an alleged violation of the Military Selective Service Act, SSS will check the registrant file for the individual's name. If the individual has registered, the incoming correspondence will be destroyed and no record will be made or retained by SSS. If the individual is not listed in the registrant file, the individual will be enterd into the automated tracking system, and the incoming correspondence will be used to attempt to correspond with the alleged violator, giving him an opportunity to register. After a reasonable attempt is made to register the individual, and he neither registers nor provides documented evidence supporting exemption, the communication may be sent to the Department of Justice. SSS will not retain copies of the incoming correspondence or any record identifying the source of the unsolicited information regarding an alleged violation. When computer matches identify persons as possible non-registrants, processing may result in the production of a paper file of correspondence and/or other information. SSS will not retain paper copies of this information when cases are referred to the Department of Justice, but will retain microfilm copies. Once the Department of Justice has disposed of the case, as it deems appropriate, the Department will notify SSS, and the individual's name and related data will be deleted from the tracking system list of possible non-registrants.

All paper forms and correspondence will be destroyed by maceration, shredding or burning after the appropriate information has been recorded. Computer printouts distributed to SSS National Headquarters are destroyed when they have served their temporary purpose by maceration, shredding or burning.

SYSTEM MANAGER AND ADDRESS:

Director of Selective Service, Selective Service System, 1023–31st Street, NW., Washington, D.C. 20435.

CONTESTING RECORD PROCEDURES:

See Access, above.

RECORD SOURCE CATEGORIES:

The information in the sytem of records regarding alleged violators of the Military Selective Service Act is received via correspondence, telephone calls and computer matches of list of potential registrants.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(2) and 32 CFR 1665.6, the Selective System System will not reveal to the suspected violator the informant's name or other identifying information relating to the informant.

SSS–9

SYSTEM NAME:

Master Pay Record—SSS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Data Management Center/Joint Computer Center, Great Lakes, Illinois 60088

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Currently assigned civilian employees and former civilian employees who have separated during the current year and first prior calendar year.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains payroll information such as name, grade, annual salary, hourly rate, address, Social Security Account Number, birth date, date of hire, service computation date, annual leave category, life insurance and health benefits deductions, savings bond data and other information relating to the status of the employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 10(b)(2) of the Military Selective Service Act (50 U.S.C. App. 460(b)(2)) and Title 5, U.S.C.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Selected information by name and Social Security Account Number is furnished the Internal Revenue Service and State and City taxing authorities.

Selected informaton by name, date of birth and Social Security Number is furnished the Office of Personnel Management for retirement, life insurance and health benefit accounts.

Department of Health and Human Services—for locations of parents pursuant to the Child Support Enforcement Act (42 U.S.C. 651 et seq.)

DISCLOSURES TO CONSUMER REPORTING AGENCIES:

Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, SAFEGUARDING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in binders, on microfiche and magnetic tape.

RETRIEVABILITY:

Records are indexed by Social Security Account Number.

SAFEGUARDS:

The records are maintained in lockable file containers.

Measures that have been taken to prevent unauthorized disclosure of records are:

a. Use of the records or any information contained therein is limited to employees whose official duties require such access.

b. Records are maintained by authorized personnel only, who have been trained in the rules and regulations concerning disclosure of information; offices are locked when authorized personnel are not on duty.

c. Periodic security checks and other emergency planning.

d. Records transferred for storage are boxed and taped; records in transit for temporary custody of another office are sealed.

e. No on-line access to RIB from terminals. Batch access controlled via standard data processing software and hardware techniques. Records eligible for destruction are destroyed by maceration, shredding or burning.

ACCESS:

Current employees or former employees who wish to gain access to their records should make request in writing, including their full name, address and Social Security Account Number and duty station. Former employees should indicate last duty station with this agency. Inquiries should be mailed to:

Director of Selective Service, Selective Service System, 1023–31st Street, NW., Washington, D.C. 20435, Attention: MS.

RETENTION AND DISPOSAL:

The information on the magnetic tapes retained for two years, then erased. The microfiche copies are retained for one year, then destroyed by burning. The computer printouts are retained until updated, then destroyed by shredding.

SYSTEM MANAGER AND ADDRESS:

Director of Selective Service, Selective Service System, 1023–31st Street, NW., Washington, D.C. 20435.

CONTESTING RECORD PROCEDURES:

See Access, above.

RECORD SOURCE CATEGORIES:

Information in the system is obtained from the individual to whom it applies or is derived from information the individual supplied, or is provided by the agency official with authority to appoint the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

SSS–10

SYSTEM NAME:

Registrant Registration Records—SSS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Data Management Center/Joint Computer Center, Great Lakes, Illinois 60088.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Registrants of Selective Service System (after 1979).

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual Registration Records:

a. Registration Form.

b. Computer tape and microfilm copies containing information provided by registrants on Registration Form.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 3, 10(b)(3) and 15(b) of the Military Selective Service Act (50 U.S.C. App. 453, 460(b)(3)).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Department of Defense—for exchange of information concerning registration, classification, enlistment, examination and induction of individuals and identification of individuals, availability of Standby Reservists, and identification of prospects for recruiting.

Department of Justice—for review and processing of suspected violations of the Military Selective Service Act, or for perjury, and for defense of a civil action arising from administrative processing under such Act.

Federal Bureau of Investigation—for location of an individual when suspected of a violation of the Military Selective Service Act.

Immigration and Naturalization Service—to provide information for use in determining an individual's eligibility for re-entry into the United States.

Department of State—for determination of an alien's eligibility for possible entry into the United States and United States citizenship.

Office of Veteran's Reemployment Rights, United States Department of Labor—to assist veterans in need of information concerning reemployment rights.

Department of Health and Human Services—for locations of parents pursuant to the Child Support Enforcement Act (42 U.S.C. 651 et seq.)

Alternative service employers—for exchange of information with employers regarding a registrant who is a conscientious objector for the purpose of placement and supervision of alternative service in lieu of induction into military service.

General Public—Registrant's Name, Selective Service Number, and Date of Birth.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, SAFEGUARDING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on microfilm and in the computer system. Microfilm records are indexed by Document Locator Number, which is stored in the computer record.

RETRIEVABILITY:

The system is indexed by Selective Service Number, but records can be

located by searching for specific demographic data.

SAFEGUARDS:

Measures that have been taken to prevent unauthorized disclosure of records are:

a. Records are maintained by authorized personnel only, who have been trained in the rules and regulations concerning disclosure of information; offices are locked when authorized personnel are not on duty, and are protected by an electronic security access system at all times.

b. Periodic security checks and other emergency planning.

c. Microfilm records transferred to a Federal Archives and Records Center for storage are boxed and taped; records in transit for temporary custody of another office are sealed.

d. On-line access to RIB from terminals is controlled by User Identification and password. Batch access controlled via standard data processing software and hardware techniques.

Records eligible for destruction are destroyed by maceration, shredding or burning.

ACCESS:

The agency office address to which inquiries should be addressed and the location at which an individual may present a request as to whether the Registrant Registration Records System (after 1979) contains records pertaining to himself is:

Director of Selective Service, Selective Service System, 1023–31st Street, NW., Washington, D.C. 20435, Attn: Records Manager.

It is necessary to furnish the following information in order to identify the individual whose records are requested:

1. Full name of the individual.

2. Selective Service Number or Social Security Number, date of birth and address at time of registration if Selective Service Number is not known.

3. Mailing address to which the reply should be mailed.

RETENTION AND DISPOSAL:

Individual Processing Records:

1. Registration Form—Destroyed by maceration when its information has been transferred onto microfilm and into the computer system. Original microfilm is stored at a Federal Archives and Records Center. A microfilm copy is retained at the Data Management Center, in locked steel cabinets. The copies are retained until no longer needed for reference purposes.

2. The record copy of microfilm and computer tape will be retained until registrant reaches 85 years of age.

SYSTEM MANAGER AND ADDRESS:

Director of Selective Service, Selective Service System, 1023–31st Street, NW., Washington, D.C. 20435.

CONTESTING RECORD PROCEDURES:

See Access, above.

RECORDS SOURCE CATEGORIES:

Information contained in the Registrant Registration Records System is obtained from the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 87–1430 Filed 1–22–87; 8:45 am]

BILLING CODE 8015–01–M

SMALL BUSINESS ADMINISTRATION

[License No. 01/02–0215]

All State Venture Capital Corp.; Filing of an Application for Transfer of Ownership and Control

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.601 of the Regulations governing small business investment companies (13 CFR 107.601 (1986)) for the transfer of ownership and control of All State Venture Capital Corporation (the Licensee), 830 Post Road East, Westport, Connecticut 06880, a Federal Licensee under the Small Business Investment Act of 1958, as amended (the Act) (15 U.S.C. 661 et seq.). The proposed transfer of control of the Licensee, which was licensed November 2, 1962, is subject to the prior written approval of the SBA.

One hundred percent of the shares of the Licensee will be purchased by Winchester Capital Corporation, 32 Elm Street, New Haven, Connecticut 06510. It is the intent of Winchester Capital Corporation to transfer the office location and operation of the Licensee to 32 Elm Street, New Haven, Connecticut 06510.

The proposed officers, directors and sole shareholder of the Licensee are as follows:

Name	Title or relationship	Percentage of shares owned
William Rich, III, 33–51 80th Street, Jackson Heights, New York 11372.	Chairman	
Ceasar N. Anquiltare, 904 Orange Center Road, Orange, Connecticut 06477.	President, Director.	
Thomas D. Richardson, 416 Hillside Place, South Orange, New Jersey 07626.	Vice President, Director.	
William J. Corcoran, 227 DeLong Avenue, Dumont, New Jersey 07628.	Secretary, Director.	
John J. Mezzanotte, 641 Whitney Avenue, Apartment 1B, New Haven, Connecticut 06510.	Treasurer, Director.	
Winchester Capital Corporation, 32 Elm Street, New Haven, Connecticut 06510.	Sole Shareholder	100

Minterne Corporation owns 80 percent of Winchester Capital Corporation with the remaining 20 percent owned by the proposed officers and directors of the Licensee. Minterne Corporation is a Delaware Coreporation wholly owned by Ms. Pamela C. Harriman of Middleburg, Virginia.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed management, and the probability of successful operations of the Licensee under their management including profitability and financial soundness in accordance with the Act and the SBA Rules and Regulations.

Notice is further given that any person may, not later than 30 days from the date of publication of this Notice, submit written comments on the application to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, DC 20416.

A copy of this Notice will be published in a newspaper of general circulation in New Haven, Connecticut.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small business Investment Companies)

Dated: January 15, 1987.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 87–1525 Filed 1–22–87; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF STATE

[Public Notice 996]

Fishermen's Protective Act Procedures; Fee

ACTION: Notice of fees for the agreement year from October 1, 1986, through September 30, 1987.

SUMMARY: Section 7 of the Fishermen's Protective Act of 1967, as amended, requires fees from participating vessel owners for deposit into the Fishermen's Guaranty Fund. These fees fund a

program which compensates fishing vessel owners for certain losses they have incurred when vessels have been seized by foreign nations. This notice establishes the fee for the present agreement year (Ocotver 1, 1986, through September 30, 1987) at $22 per gross vessel ton.

EFFECTIVE DATE: October 1, 1986—September 30, 1987.

FOR FURTHER INFORMATION CONTACT: Mr. Stetson Tinkham, Office of Fisheries Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State, Washington, DC 20520, Telephone number (202) 647–2009.

SUPPLEMENTARY INFORMATION: The Fishermen's Guaranty Fund, under section 7 of the Fishermen's Protective Act (22 U.S.C. 1971–1980), (the "Act"), compensates U.S. fishing vessel owners, who have entered into guaranty agreements for certain losses caused by a foreign country's seizure or detention of a U.S. fishing vessel based on claims to jurisdiction not recognized by the United States or exercised in a manner inconsistent with international law as recognized by the United States. Pre-existing agreements are required. The fee of $22 per gross vessel ton established for the present agreement year (October 1, 1986, through September 30, 1987) is predicated on several factors. First, it is logical to set a fee at a level which will encourage participation and therefore raise the largest amount of revenue. Recent exprience would indicate that a fee in excess of $30 has the effect of decreasing participation in the program. Last year when the fee was set at $30, there were only 28 agreement holders and not all of these paid the full fee. The previous year when the fee was set at $16, there were 87 agreement holders. Second, it is the Department of State's understanding that the ten year average disbursement for the Fund is $1.25 million annually, which, assuming a population of 63 tuna vessels (which are not the primary participants in the Fund), would require a fee of $20 per vessel ton. Additionally, if it is assumed that 60 vessels would participate at a fee level of $22, the amount of total fee income would be substantially higher, $1.32 million, than the approximately $840,000 which was generated by 28 vessels paying a fee of $30 per vessel ton. Third, even though the fee will cover the entire agreement year from October 1, 1986 until September 30, 1987, by the time this fee notice is published a full quarter of that year will have passed without a seizure.

Fees are established by publication of notices in the **Federal Register.** Agreement holders for the fiscal year October 1, 1985 to September 30, 1986 may renew their agreements by sending in the first installment of the fee now being set. These agreements upon renewal, will be deemed to read Secretary of State instead of Secretary of Commerce everywhere the latter phrase appears. U.S. fishing vessel operators who did not particiapte last year may send in application forms along with the first installment of this year's fee in order to enter into guaranty agreements for Fiscal Year 1987.

Program fees for the present agreement year (October 1, 1986, through September 30, 1987) are hereby established at $22 per gross vessel ton. There may be a fee increase during Fiscal Year 1987, however, presently there are no plans to increase the fee. Depending upon the experience of the Fund in Fiscal Year 1987, consideration will be given to a prorata refund of any unencumbered balance in the Fund remaining at the end of the Fiscal Year 1987, although this may require amendment of the Act.

The fee is due on the date this notice is published in the **Federal Register,** but is optionally payable in two equal installments, the first due no later than January 30, 1987, and the second due no later than March 15, 1987. In the event of a late fee payment, program coverage will commence one day after the postmark date of the fee payment. No seizure whose first proximate event occurred after January 30, 1987, but before one day after the postmark date of fee payment, will be eligible for compensation.

For the purpose of this notice, postmark means the date and time at which the U.S. Postal Service cancels postage. Certified mail is encouraged. If fees are delivered by uncertified metered mail or by any means other than U.S. mail, the actual date and time of receipt will be substituted for what otherwise would have been the postmark date.

Classification

This action is taken under the authority of 22 U.S.C. 1977, complies with Executive Order 12291, and is not subject to the requirements of the Regulatory Flexibility Act. It does not contain any collection of information requirement, as defined in the Paperwork Reduction Act.

As a "matter relating to Agency . . . contracts," this notice is exempt for the notice, comment, and delayed effectiveness provisions of the Administrative Procedure Act. This means analysis under the Regulatory Flexibility Act is not required.

Dated: January 7, 1987.

For the Secretary of State.

Richard J. Smith,

Acting Assistant Secretary for Oceans and International Environmental and Scientific Affairs.

[FR Doc. 87–1673 Filed 1–22–87; 8:45 am]

BILLING CODE 4710–09–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Application of Tropical Airways, Inc., for Certificate Authority Under Subpart Q

AGENCY: Department of Transportation.

ACTION: Notice of order to show cause (order 87–1–32), docket 43201.

SUMMARY: The Department is directing all interested persons to show cause why it should not issue an order granting Tropical Airways, Inc., a certificate to engage in foreign scheduled air transportation of persons, property, and mail.

DATE: Persons wishing to file objections should do so no later than February 6, 1987.

ADDRESE: Responses should be filed in Docket 43201 and addressed to the Documentary Services Division, Department of Transportation, 400 Seventh Streeth SW., Room 4107, Washington, DC 20590 and should be served on the parties listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Barbara P. Dunnigan, Special Authorities Division, Office of Aviation Operations, U.S. Department of Transportation, 400 7th Street SW., Washington, DC 20590 (202) 366–2342.

Dated: January 16, 1987.

Matthew V. Scocozza,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 87–1505 Filed 1–22–87; 8:45 am]

BILLING CODE 4910–02–M

Office of Hearings

[Docket 4390]

Galaxy Airlines, Inc., Continuing Fitness Investigation; Second Prehearing Conference

Notice is hereby given that a second prehearing conference in the above-entitled matter is assigned to be held on January 21, 1987, at 10:00 a.m. (local

time) in Room 5332, U.S. Department of Transportation, 400 7th Street SW., Washington, DC 20590, before the undersigned administrative law judge.

Dated at Washington, DC, January 16, 1987.

John M. Vittone,

Administrative Law Judge.

[FR Doc. 87-1504 Filed 1-22-87; 8:45 am]

BILLING CODE 4910-62-M

Federal Aviation Administration

Noise Exposure Map; Receipt of Noise Compatibility Program and Request for Review for Long Beach Municipal Airport, California

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the noise exposure maps submitted by the city of Long Beach, California, for Long Beach Municipal Airport under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96-193) and 14 CFR Part 150 are in compliance with applicable requirements. The FAA also announces that it is reviewing a proposed noise compatibility program that was submitted for Long Beach Municipal Airport under Part 150 in conjunction with the noise exposure map, and that it is the FAA's intention to approve or disapprove this program on or before April 1, 1987.

DATES: The effective date of the FAA's determination on the noise exposure maps and of the start of its review of the associated noise compatibility program is January 16, 1987. The public comment period ends February 23, 1987.

FOR FURTHER INFORMATION CONTACT: Howard Yoshioka, Airports Planning Officer, AWP-611, Federal Aviation Administration, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009.

Comments on the proposed noise compatibility program should also be submitted to the above office.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the noise exposure maps submitted for Long Beach Municipal Airport are in compliance with applicable requirements of Part 150, effective January 16, 1987. Further, FAA is reviewing a proposed noise compatibility program for that airport which must, by statute, be acted upon by FAA within 180 days. In this instance, it is the intention of the FAA to approve or disapprove the proposed noise compatibility program for Long Beach Municipal Airport within 75 days of the issuance of this notice or by April 1, 1987. This notice also announces the availability of the proposed program for public review and comment.

Under section 103 of Title I of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict noncompatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations, Part 150, promulgated pursuant to Title I of the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes for the reduction of existing noncompatible land uses and for the prevention of the introduction of additional noncompatible uses.

The city of Long Beach submitted to the FAA on July 24, 1986, noise exposure maps, descriptions, and other documentation which were produced during the Long Beach Part 150 study between May 1984 and July 1986. It was requested that the FAA review this material as the noise exposure maps, as described in section 103(a)(1) of the Act, and that the proposed noise mitigation measures be approved as a noise compatibility program under section 104(b) of the Act.

The FAA has completed its review of the noise exposure maps and related descriptions submitted by the city of Long Beach. The specific maps under consideration are Figure X-1 and Figure X-2 in the document titled "Report of the Part 150 Noise Compatibility Study." The FAA has determined that these maps for Long Beach Municipal Airport are in compliance with applicable procedural requirements. This determination is effective on the date of the issuance by the Regional Director. FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in Appendix A of FAR Part 150. Such determination does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program.

Long Beach's 5-year forecast map is based on assumptions involving recommendations in its proposed noise compatibility program which have not yet been acted upon by the FAA under FAR Part 150. The FAA's acceptance of this map for publication and determination concerning it in no way constitute endorsement or approval of the noise compatibility program or the assumptions on which the map is based, nor does it prejudge FAA's determinations with respect to any recommendations within the program. Under § 150.21(d) of FAR Part 150, if the 5-year forecast map is based on assumptions involving recommendations in a noise compatibility program which are subsequently disapproved by the FAA, a revised map must be submitted if revised assumptions would create a substantial, new noncompatible use not indicated in the initial 5-year map. Revised noise exposure maps are subject to the same requirements as initial submissions of noise exposure maps under FAR Part 150.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under section 103 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 107 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under Part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator which submitted those maps, or with those public agencies and planning agencies with which consultation is required under section 103 of the Act. The FAA has relied on the certification by the airport operator, under § 150.21 of FAR Part 150, that the statutorily required consultation has been accomplished.

The FAA has formally received the noise compatibility program for Long Beach Municipal Airport, also effective

on the date of issuance of this notice. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of noise compatibility programs, and therefore the necessary review of the substantive content of the program and related recommendations prior to approval or disapproval of the program will be undertaken. The formal review period, limited by law to a maximum of 180 days, is intended to be completed on or before 75 days from the date of issuance of this notice or April 1, 1987.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR Part 150. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, are arbitrary and capricious, create an undue burden on interstate or foreign commerce, are unjustly discriminatory, are reasonably consistent with obtaining the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses, to the extent practicable meet both local needs and needs of the national air transportation system, and are consistent with all of the powers and duties of the Administrator of the FAA.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps, the FAA's evaluation of the maps, and the proposed noise compatibility program are available for examination at the following locations:

Federal Aviation Administration, 800 Independence Avenue, SW., Room 617, Washington, DC.

Federal Aviation Administration, 15000 Aviation Boulevard, Room 6E25, Hawthorne, California

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT.**

Issued in Hawthorne, California, on January 16, 1987.

H.C. McClure,

Director, Western-Pacific Region.

[FR Doc. 87-1406 Filed 1-22-87; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; Cache and Rich Counties, UT

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that at this time it is the intent to prepare an Environmental Impact Statement (EIS) for a proposed highway project in Cache/Rich Counties, Utah. If the study and analysis conclude that all appropriate FHWA/UDOT criteria for a Finding of No Significant Impact are met then the document may be converted from an EIS to a FONSI.

FOR FURTHER INFORMATION CONTACT: Duncan Silver, U.S. Department of Transportation, Federal Highway Administration, P.O. Box 11563, Salt Lake City, Utah 84147, Telephone (801) 524-5143, or Dave Baumgartner, U.S. Department of Agriculture, Forest Service, 860 North 1200 East, Logan, Utah 84321, Telephone (801) 753-2772, or James Naegle, Utah Department of Transportation, 4501 South 2700 West, Salt Lake City, Utah 84119, Telephone (801) 965-4160, or Howard Richardson, Utah Department of Transportation, District One Office, P.O. Box 2747, Ogden, Utah 84404, Telephone (801) 399-5921.

SUPPLEMENTARY INFORMATION: The proposed action would improve U.S. Highway 89 through Logan Canyon, Utah, from Right Fork, about 9 miles east of Logan, to Garden City, a distance of approximately 28 miles. This road passes through the Wasatch-Cache National Forest, which provides scenic and recreational resources. Portions of the highway are a narrow two-lane road with numerous curves and considerable gradient. The highway is travelled by a significant number of recreational and other large vehicles, which, along with the road constraints, often result in delays of traffic. Improvements to be considered include widening of the roadway and shoulders, flattening of curves, replacing and widening bridges, adjustment of road gradient, improvement of signing, provision of additional recreational turn-outs, and/or constructing a new road along a new alignment in selected areas, etc.

The project can be divided into three sections based on its design characteristics. These sections are: (1) Right Fork to 1.8 miles above Ricks Spring; (2) 1.8 miles above Ricks Spring to Bear Lake Summit; (3) Bear Lake Summit to Garden City. Alternatives currently being considered for the project include: (1) no action; (2) spot improvements; (3) widen along existing alignment; (4) Widen and improve existing alignment; (5) Construct road along new alignment. Different alternatives might be selected for each of the road sections.

Several public meetings discussing the project have already been held. Formal scoping meetings for the public will be held on March 3, at 7:00 p.m. at the Mountain Fuel Supply Auditorium, 45 East 200 North in Logan, and on March 4, at 7:00 p.m. in Garden City Hall. A meeting for governmental agencies and public officials will be held March 4, at 10:00 a.m. in the Logan City Hall. Other scoping meetings will be held as determined necessary, and information on time and place will be provided through the local news media.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning the proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research Planning and Construction. The provisions of OMB Circular No. A-95 regarding state and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

Issued on: January 16, 1987.

Walter Running,

Assistant Division Administrator, Salt Lake City, Utah.

[FR Doc. 87-1429 Filed 1-22-87; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

[Docket No. IP86-12; Notice 1]

Motor Bikes Imports, Inc.; Receipt of Petition for Determination of Inconsequential Noncompliance

Motor Bikes Imports, Inc., of Pennsauken, New Jersey, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for apparent noncompliances with 49 CFR 571.115, Motor Vehicle Safety Standard No. 115, *Vehicle Identification Number*, and 49 CFR 571.119, Motor Vehicle Safety Standard No. 119, *New Pneumatic Tires for Vehicles Other Than Passenger Cars*, on the basis that the noncompliances are inconsequential as they relate to motor vehicle safety.

This Notice of receipt of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Paragraphs S4.1 to S4.8 of FMVSS No. 115, *Vehicle Identification Number*, effective September 1, 1980, give the requirements of the standard. Standard 115 requires the vehicle identification number to consist of seventeen (17) characters.

Paragraph S6.4 of Federal Motor Vehicle Safety Standard No. 119, *New Pneumatic Tires for Vehicles Other Than Passenger Cars*, effective March 1, 1975, specifies the requirements of treadwear indicators. Motorcycle treadwear indicators should enable a person inspecting a motorcycle tire to determine visually whether the tire has worn to a tread depth of one-thirty-second of an inch. Motorcycle tires are required to have three such indicators.

Motor Bikes Imports, Inc. determined that 2,521 Safari mopeds ("motor driven cycles" under the Federal motor vehicle safety standards) manufactured from September 1, 1980 to April 19, 1985, failed to comply with FMVSS No. 115 because of an insufficient number of characters. Two safety compliance test reports, entitled Safety Compliance Tests, Motor Driven Cycles, NHTSA No. CD 1205 and NHTSA No. CD 1206, both dated March 1984, listed the Safari 300MT (CD 1205) and the Safari 400MT (CD 1206), as having VIN's consisting of ten (10) characters. Also, 2,176 of the 7,254 mopeds manufactured between March 1, 1975, and April 19, 1985, were equipped with tires that had one (1) treadwear indicator rather than the required three (3). The one (1) treadwear indicator tires were installed on mopeds produced prior to mid-1984. Motor Bikes Imports, Inc. has corrected the above mentioned non-compliances for the Safari 400MT and the Safari 300MT mopeds produced from 1985 to the present.

Interested persons are invited to submit written data, views and arguments on the petition of Motor Bikes Imports, Inc., described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW., Washington, DC 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, the Notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: February 23, 1987.

(Sec. 102, Pub. L. 93-942, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on January 20, 1987.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 87-1503 Filed 1-22-87; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Dated: January 12, 1987.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding these information collections should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Room 7313, 1201 Constitution Avenue NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: New
Form Number: IRS Form 8586
Type of Review: New
Title: Low-Income Housing Credit
Clearance Officer: Garrick Shear, (202) 566-6150, Room 5571, 1111 Constitution Avenue NW., Washington, DC 20224
OMB Reviewer: Milo Sunderhauf, (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503

Financial Management Service

OMB Number: 1510-0052
Form Number: TFS 469, 460, 459 and 458
Type of Review: Extension
Title: Financial Institution Forms for Federal Tax and TT&L Depositary
Clearance Officer: Douglas C. Lewis, Financial Management Service, Room 100, 3700 East West Highway, Hyattsville, MD 20782
OMB Reviewer: Milo Sunderhauf, (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503

Comptroller of the Currency

OMB Number: 1557-0159
Form Number: None
Type of Review: Extension
Title: Fair Housing Home Loan Data System Regulations (12 CFR Part 27) Home Loan Data Submissions

OMB Number: 1557-0160
Form Number: None
Type of Review: Extension
Title: Community Reinvestment Act Statement, Notice and Public Comment File (12 CFR Part 25)

OMB Number: 1557-0161
Form Number: FFIEC 0 09A
Type of Review: Extension
Title: Country Exposure Disclosure

OMB Number: 1557-0165
Form Number: Schedule EC (Large Bank Form) and Schedule EC (Small Bank Form)
Type of Review: Revision
Title: Special Energy Call Report
Clearance Officer: Eric Thompson, Comptroller of the Currency, 6th Floor, L'Enfant Plaza, Washington, DC 20219
OMB Reviewer: Robert Neal, (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503

Bureau of Alcohol, Tobacco and Firearms

OMB Number: 1512-0418
Form Number: ATF F 5000.12
Type of Review: Extension
Title: Application for Enrollment to Practice Before the Bureau of Alcohol, Tobacco and Firearms
Clearance Officer: Robert G. Masarsky, (202) 566-7077, Bureau of Alcohol, Tobacco and Firearms, Room 7202, Federal Building, 1200 Pennsylvania Avenue NW., Washington, DC 20226
OMB Reviewer: Milo Sunderhauf, (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Douglas J. Colley,

Departmental Reports Management Office.

[FR Doc. 87-1561 Filed 1-22-87; 8:45 am]

BILLING CODE 4810-25-M

Sunshine Act Meetings

Federal Register
Vol. 52, No. 15
Friday, January 23, 1987

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: Tuesday, February 2, 1987, 2:00 p.m. (eastern time).

PLACE: Clarence M. Mitchell, Jr., Conference Room No. 200–C on the 2nd Floor of the Columbia Plaza Office Building, 2401 "E" Street, NW., Washington, DC 20507.

STATUS: Closed to the public.

MATTERS TO BE CONSIDERED:

Closed

Litigation Authorization; General Counsel Recommendations

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to published notices on EEOC Commission meetings in the Federal Register, the Commission also provides a recorded announcement a full week in advance on future Commission sessions. Please telephone (202) 634–6748 at all times for information on these Meetings.)

CONTACT PERSON FOR MORE INFORMATION: Cynthia C. Matthews, Executive Officer at (202) 634–6748.

Dated: January 21, 1987.

Cynthia C. Matthews,

Executive Officer, Executive Secretariat.

This Notice Issued January 21, 1987.

[FR Doc. 87–1664 Filed 1–21–87; 3:08 pm]

BILLING CODE 6750–06–M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 10:00 a.m., Wednesday, January 28, 1987.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets NW., Washington, DC 20552.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Proposed amendment to Regulation Y (Bank Holding Companies and Change in Bank Control) implementing amendments to the Change in Bank Control Act required by the Anti-Drug Abuse Act of 1986.
2. Consideration of renewal of temporary seasonal discount credit program.
3. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, DC 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: January 20, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87–1570 Filed 1–20–87; 4:49 pm]

BILLING CODE 6210–01–M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: Approximately 11:00 a.m., Wednesday, January 28, 1987, following a recess at the conclusion of the open meeting.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: January 20, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87–1571 Filed 1–20–87; 4:49 pm]

BILLING CODE 6210–01–M

POSTAL SERVICE BOARD OF GOVERNORS

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold meetings at 1:00 p.m. on Monday, February 2, 1987, in Washington, DC, and at 8:30 a.m. on Tuesday, February 3, 1987, in the Benjamin Franklin Room, U.S. Postal Service Headquarters, 475 L'Enfant Plaza, SW., Washington, DC. As indicated in the following paragraph, the February 2 meeting is closed to public observation. The February 3 meeting is open to the public. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about the meeting should be addressed to the Secretary of the Board, David F. Harris, at (202) 268–4800.

At its meeting on January 5, 1987, and by telephone vote on January 16 and 20, 1987, the Board voted in accordance with the provisions of the Government in the Sunshine Act to close to public observation its meeting scheduled for February 2, 1987, to consider capital investments for: (1) A new postal facility in Miami, Florida, (2) procurement of additional Integrated Retail Terminals and (3) conversion of single-line OCRs to multiline.

Agenda

Monday Session

February 2, 1987—1:00 p.m. (Closed)

1. Capital Investments:
   a. Air Mail Facility, Miami, Florida;
   b. Integrated Retail Terminals (IRTs);
   c. Multiline Optical Character Readers (OCRs).

Tuesday Session

February 3, 1987—8:30 a.m. (Open)

1. Minutes of the Previous Meeting, January 5–6, 1987.
2. Remarks of the Postmaster General.
3. Officer Compensation.
4. Quarterly Report on Financial Performance.
5. Quarterly Report on Service Performance.
6. Report on Marketing and Communications Group.
7. Tentative agenda for March 2–3, 1987, meeting in Washington, DC.

David F. Harris,

Secretary.

[FR Doc. 87–1639 Filed 1–21–87; 2:24 pm]

BILLING CODE 7710–12–M

Corrections

Federal Register
Vol. 52, No. 15
Friday, January 23, 1987

This section of the FEDERAL REGISTER contains editorial corrections of previously published Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting Regulations on Federal Indian Reservations and Ceded Lands

Correction

In proposed rule document 87–1033 beginning on page 1942 in the issue of Friday, January 16, 1987, make the following correction:

On page 1943, in the second column, in the first complete paragraph, the 15th line should read "required by the 1916 Canadian Migratory Bird Treaty, and it is not so large as to adversely affect the status of the migratory".

BILLING CODE 1505-01-D

DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Part 51

[Order No. 1164-86]

Revision of Procedures for the Administration of Section 5 of the Voting Rights Act of 1965

Correction

In rule document 87–127 beginning on page 486 in the issue of Tuesday, January 6, 1987, make the following corrections:

1.On page 486, in the first column, under **SUPPLEMENTARY INFORMATION**, in the second paragraph, in the seventh line, "September 19, 1971" should read "September 10, 1971".

2.On page 490, in the first column, in the Redesignation Table, a blank should have appeared in the first column of the table under "Proposed revised section" opposite the following entries in the second column under "Final revised section": § § 51.54(b), 51.55(b), 51.58(b), 51.59(a), 51.61(b), and 51.61(c).

3.On the same page, in the second column, in the fifth line, "1961" should read "1981".

§ 51.10 [Corrected]

4.On page 492, in the first column, in § 51.10 in the fifth line from the bottom, "effecting" should read "affecting".

§ 51.50 [Corrected]

5.On page 497, in § 51.50, in the third column, in paragraph (c), in the first line, insert "all" after "of".

§ 51.61 [Corrected]

6.On page 499, in the first column, in § 51.61(a), in the first line, "Annexation" should read "Annexations", and in the second column, in paragraph (c)(3), in the sixth line, "433" should read "422".

BILLING CODE 1505-01-D

DEPARTMENT OF LABOR

Wage and Hour Division, Employment Standards Administration

29 CFR Part 553

Application of the Fair Labor Standards Act to Employees of State and Local Governments

Correction

In rule document 87–877 beginning on page 2012 in the issue of Friday, January 16, 1987, make the following corrections:

PART 553 [CORRECTED]

1.On page 2032, in the third column, in the table of contents entry for § 553.104, "service" should read "services".

§ 553.21 [Corrected]

2.In § 553.21, on page 2034, in the first column, in the 31st line, "provisions" should read "provision".

§ 553.23 [Corrected]

3.On the same page, in § 553.23(a)(1), in the third column, in the tenth line, "of" should read "or", and in paragraph (a)(2), in the 18th line, remove "are consistent".

§ 553.24 [Corrected]

4.On page 2035, in § 553.24, in the third column, in paragraph (e)(1), in the 16th and 17th lines, remove "of compensatory-time hours".

§ 553.25 [Corrected]

5.On page 2036, in the first column, in § 553.25(a), in the fourth line, remove "off".

§ 553.27 [Corrected]

6.On the same page, in the third column, in § 553.27(c), in the eighth line, remove "a".

§ 553.104 [Corrected]

7.On page 2039, in the third column, in § 553.104(a), in the second line, "is" should read "in".

§ 553.200 [Corrected]

8.On page 2040, in § 553.200, in the third column, in paragraph (b), the 22nd and 23rd lines should read: "Act (including persons who are 'volunteers' within the meaning of § 553.101, and".

§ 553.210 [Corrected]

9.On page 2041, in the first column, in § 553.210(a)(3), in the first line, insert "has" between "who" and "the".

§ 553.221 [Corrected]

10.On page 2043, in § 553.221, in the third column, in paragraph (c), the last sentence in that paragraph should have appeared as the first sentence in paragraph (d).

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T. D. 8113]

Withholding Upon Dispositions of U.S. Real Property Interests by Foreign Persons

Correction

In rule document 86–28511 beginning on page 46620 in the issue of Wednesday, December 24, 1986, make the following correction:

PART 1--[CORRECTED]

On page 46651, in the first column, amendatory instruction **Par 6** should read as follows:

Par 6. Sections 1.1445–1T, 1.1445–2T, 1.1445–3T, 1.1445–4T, 1.1445–5T, 1.1445–6T, and 1.1445–7T are removed as of January 23, 1987.

BILLING CODE 1505-01-D

federal register

Friday
January 23, 1987

Part II

Department of Agriculture

Animal and Plant Health Inspection Service

9 CFR Parts 92 and 94

Change in Disease Status of Chile Because of Foot-and-Mouth Disease, Final Rule; and Llamas and Alpacas Imported From Chile; Proposed Rules

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Parts 92 and 94

[Docket No. 85-116]

Change in Disease Status of Chile Because of Foot-and-Mouth Disease

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the regulations in 9 CFR Part 94 by adding Chile to the list of countries declared to be free of rinderpest and foot-and-mouth disease (FMD). Chile had been removed from the list only because FMD had been found to exist in that country. Data furnished to the Department establishes that FMD has now been eradicated from Chile. This document also adds Chile to the list of rinderpest- and FMD-free countries from which the importation of meat and other animal products into the United States is subject to special restrictions. The effects of these actions are: (1) To remove all FMD prohibitions on the importation of cattle, sheep, and other ruminants and swine from Chile; and (2) to remove the FMD prohibitions on the importation of fresh, chilled, or frozen meat of these animals and allow the importation of meat and other animal products subject to certain FMD restrictions. However, llamas and alpacas will not be allowed to be imported into the United States, except through the Harry S Truman Animal Import Center, until final action is taken concerning a companion proposed rule. The companion proposed rule, captioned "Llamas and Alpacas Imported from Chile" and published in this issue of the **Federal Register**, specifies health certification requirements and requirements concerning quarantine upon arrival in the United States for llamas and alpacas imported from Chile. (The importation into the United States from Chile of swine and of fresh, chilled, or frozen pork will continue to be restricted because of the existence of hog cholera in Chile).

EFFECTIVE DATE: January 23, 1987.

FOR FURTHER INFORMATION CONTACT: Dr. Harvey A. Kryder, Import-Export and Emergency Planning Staff, VS, APHIS, USDA, Room 809, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8695.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR Part 94 (referred to below as the regulations), among other things, regulate the importation into the United States of specified animals and animal products in order to prevent the introduction into the United States of various diseases, including rinderpest and foot-and-mouth disease (FMD). Section 94.1(a)(1) of the regulations provides that rinderpest or FMD exists in all countries of the world, except those countries listed in § 94.1(a)(2). Chile had been removed from the list of countries in § 94.1(a)(2) declared to be free of rinderpest and FMD only because FMD had existed in that country.

A document published in the **Federal Register** on November 8, 1985 (50 FR 46443-46444), proposed to add Chile to the list of countries declared to be free of rinderpest and FMD. The document also proposed to add Chile to the list in § 94.11(a) of countries free of rinderpest and FMD which are subject to special restrictions on the importation into the United States of their meat and other animal products. Based on the rationale set forth in the proposal and in this document, the proposal is adopted.

With respect to animals, adding Chile to the list of rinderpest and FMD-free countries removes the FMD prohibitions on the importation into the United States of cattle, sheep, and other ruminants and swine from that country. However, llamas and alpacas will not be allowed to be imported into the United States from Chile, except through the Harry S. Truman Animal Import Center (HSTAIC) pursuant to 9 CFR 92.41, until final action is taken concerning the companion proposed rule. The general importation requirements in Part 92 currently do not contain all of the criteria concerning the health certification and quarantine upon arrival requirements believed necessary for llamas and alpacas offered for importation into the United States from Chile. The companion proposed rule, captioned "Llamas and Alpacas Imported from Chile" and published in this issue of the **Federal Register**, proposes to add the necessary criteria.

The meat of ruminants and other animal products will be allowed to be imported into the United States subject to certain FMD restrictions. Also, although swine and fresh, chilled, or frozen pork will not be prohibited because of FMD, the importation into the United States from Chile of swine and fresh, chilled, or frozen pork will continue to be restricted because of the existence of hog cholera in that country.

Comments

The proposed rule invited written comments on or before December 9, 1985. A document reopening the comment period to April 21, 1986, was published in the **Federal Register** on February 18, 1986 (51 FR 5716). Approximately 260 comments were received within the comment period, including requests to extend the first comment period. These comments were from llama and alpaca breeders and owners representatives of llama breeder associations, members of Congress, and other individuals. Most of the comments that raised substantive issues concerned the importation of llamas and alpacas. Several of the commenters favored the adoption of the proposed rule. However, most of the commenters opposed its adoption. Comments submitted in response to the proposal have been carefully considered, and issues raised by commenters opposing the adoption of the proposal are discussed below.

Commenters questioned whether there is adequate evidence to establish that Chile is free of FMD. Some commenters asserted that FMD could in fact be latent in some llamas and alpacas in Chile. It was further asserted that, due to a lack of knowledge regarding FMD in camelids and a lack of testing of camelids in Chile, there was no basis for determining that Chile is FMD-free. Some commenters asserted that, considering the history of FMD in Chile, a finding of no cases of the disease reported for the previous one-year period would not be adequate for determining that Chile is free of FMD. One commenter asserted that the following criteria should have been considered in determining whether Chile is FMD free:

> Whether 'laws and regulations are in effect and are administered in such manner as to insure against the introduction of foot-and-mouth disease or rinderpest through the importation of animals, meat, and animal products from countries, . . . declared by the United States Secretary of Agriculture to be countries where foot-and-mouth disease or rinderpest exist.'
>
> Whether veterinarians employed by the government are 'graduates of a recognized school of veterinary medicine, and are assigned in sufficient numbers and are so distributed, with respect to the livestock population, to be able to promptly recognize the existence of rinderpest and foot-and-mouth disease.'

Other commenters suggested that the borders of Chile are poorly patrolled and that FMD-infected llamas and alpacas may be smuggled into Chile and inaccurately represented as having originated in Chile. Some commenters

asserted that llamas and alpacas routinely travel into Chile from countries in which FMD exists. One commenter asserted that, because of smuggling, Chile should not be considered free of FMD until neighboring countries in the "cone of South America" are also determined to be free of FMD. One commenter suggested that the risk of FMD infection from air transmission across the borders or from an object, such as a car, carrying the disease would preclude declaring Chile FMD-free. Other commenters asserted that the Chilean surveillance program would be compromised by bribes. No changes are made based on these comments.

The proposal stated at 50 FR 46443 and 46444:

> It is the policy of Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture (VS, APHIS, USDA), to declare those countries free of foot-and-mouth disease where there has been no case of the disease reported for the previous one-year period. In accordance with this policy, and after review of all pertinent information and documents submitted by the authorities of Chile, APHIS has concluded that Chile qualifies for listing in § 94.1(a)(2) of the regulations as a country declared to be free of rinderpest and foot-and-mouth disease.

The last reported case of FMD in Chile was in May 1984. All infected and exposed animals were destroyed and eradication measures were completed on May 16, 1984. Based on Departmental experience, it has been determined that a one-year period of no cases of FMD is sufficient to ensure that the disease has been completely eradicated, since the disease would likely manifest itself within that period of time if it had not been successfully eradicated. The pertinent information and documents submitted by the Government of Chile establish that laws and regulations are in effect in Chile and are administered in such manner as to ensure against the introduction into Chile of FMD or rinderpest through the importation of animals, meat, and animal products from countries where FMD or rinderpest exists. The pertinent information and documents submitted by the Government of Chile also establish the professional credentials of the Chilean government veterinarians. Further, although no country's boundaries are completely impenetrable, it is the Department's view that Chile has an effective program for patrolling its borders to prevent the smuggling of llamas and alpacas into Chile. In addition, the Government of Chile has an effective animal disease surveillance system; and, if FMD were to occur in Chile, the Government of Chile, would take prompt action to diagnose, report, and eradicate the disease.

Commenters asserted that llamas and alpacas intended for importation into the United States from Chile should be subject to special procedures or special quarantine requirements. Some of these commenters asserted that, consistent with written statements of USDA officials, tests available for llamas and alpacas are tests that were designed for detecting FMD in cattle, and the use of these tests may present difficulties in detecting the FMD carrier state in llamas and alpacas. One commenter suggested that all llamas and alpacas in Chile should have eartags and registration to help ensure the origin of the animals. Some of the commenters suggested that llamas and alpacas intended for importation into the United States from Chile should be quarantined at the Harry S Truman Animal Import Center (HSTAIC) in Key West, Florida (HSTAIC is a maximum security animal quarantine center intended for the quarantine of animals not otherwise eligible for entry into the United States because they are from countries in which certain exotic diseases, such as FMD, exist). It was suggested that all llamas and alpacas imported from Chile should be required to pass through HSTAIC and be subject to the same tests and procedures as livestock coming from countries in which FMD exists and that this procedure should be followed until it has been proven that FMD has not existed in Chile for a period of 5 years or until adequate research is done to detect the FMD-carrier state in llamas and alpacas.

Under the current regulations, before ruminants can be imported into the United States, the importer must apply for and obtain an import permit from Veterinary Services. The import permit requirements (9 CFR 92.4) will be applicable to the importation of llamas and alpacas from Chile. (As indicated above, until final action is taken concerning the companion proposed rule, llamas and alpacas will not be allowed to be imported into the United States from Chile, except through HSTAIC.) In accordance with 9 CFR 92.4, Veterinary Services may deny the import permit because of communicable disease conditions in the area or country of origin, or in a country where the shipment has been or will be held or through which the shipment has been or will be transported; deficiencies in the regulatory programs for the control or eradication of animal diseases and the unavailability of veterinary services in the above-mentioned countries; the importer's failure to provide satisfactory evidence concerning the origin, history, and health status of the animals; the lack of satisfactory information necessary to determine that the importation will not be likely to transmit any communicable disease to livestock or poultry of the United States; or any other circumstances which the Deputy Administrator believes require the denial in order to prevent the dissemination of any communicable disease of livestock or poultry into the United States. Further, it is proposed that llamas and alpacas from Chile be required to meet additional health certification requirements and requirements concerning quarantine upon arrival in the United States. These proposed requirements, set forth in the companion document referred to above, include provisions for individual identification of the llamas and alpacas by using a metal eartag, tattoo, or brand. These provisions are designed to help ensure the origin of the llamas and alpacas.

It is believed that the proposed requirements in the companion proposed rule will be adequate to allow the importation into the United States of llamas and alpacas from Chile without presenting a significant risk of causing the introduction of communicable diseases of livestock into the United States.

Several commenters questioned whether cases of blindness in Chilean llamas and alpacas at a game farm in New York had occurred because of a disease the animals had contracted while in Chile. Based on an epidemiologic investigation, it appears that the blindness was caused by contact at the game farm with zebras that were infected with equine rhinopneumonitis. The zebras did not come from Chile and were already in residence at the game farm prior to the importation of the llamas and alpacas. Other llamas and alpacas in the same shipment from Chile were sent to California instead of to New York. The llamas and alpacas in California manifested no symptoms of blindness.

One commenter suggested testing llamas offered for entry into the United States from Chile for parasites, based on the assertion that llamas from Chile may be infested with intestinal parasites unknown to ruminants in this country. Since intestinal parasites are commonly known to exist in ruminants, testing for these parasites would be impractical. The health certification requirements set forth in new § 92.44 of the companion proposed rule include requirements for treatment for intestinal parasites. Proposed § 92.44(a)(12) requires that all

animals in the preembarkation quarantine facility be treated twice for intestinal parasites with Ivermectin at a dosage of 200 micrograms per kilogram of body weight, with a 14 to 21 day interval between treatments. The prescribed dosage of Invermectin has been shown to be effective against most intestinal parasites in ruminants.

Several commenters questioned the basis for the statements in the proposal that declaring Chile free of rinderpest and FMD was not a "major rule" in the context of Executive Order 12291, and "would not have a significant economic impact on a substantial number of small entities" (50 FR 46444). These issues are discussed below under the heading "Executive Order and Regulatory Flexibility Act." Other commenters suggested that the status of Chile should not be changed because of the economic competition that would be presented by allowing animal and meat imports. No changes are made based on this comment. The regulations in 9 CFR Parts 92 and 94 are established pursuant to animal quarantine and related laws which generally provide authority to take action to prevent the introduction or dissemination of certain diseases. These statutory provisions do not provide authority for the establishment of regulations merely based on factors relating to economic competition. In addition, although the Department considers economic issues in accordance with Executive Order 12291 and the Regulatory Flexibility Act, these economic issues must be considered within the framework of the animal quarantine and related laws.

It was also asserted that the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) requires the Department to prepare an Environmental Assessment and make it available for public comment prior to issuing a final rule. Such an assessment is not required because this action is not a major federal agency action and will not significantly affect the quality of the human environment. Although that Act does not apply to this action, APHIS has determined that this action will not result in a significant risk of introducting any communicable disease of animals into the United States, and that there will be no significant effect on the environment as the result of the issuance of this rule.

Effective Date

This final rule is made effective on the date of publication. The final rule relieves certain restrictions which have been found to be unnecessary. Accordingly, prompt action should be taken to delete these restrictions.

Executive Order and Regulatory Flexibility Act

This rule is issued in conformance with Executive Order 12291 and has been determined to be not a "major rule." The Department has determined that this rule will not have a significant effect on the economy; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not have a significant 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.

It is anticipated that the number of cattle, sheep, and other ruminants (except for llamas and alpacas), or fresh, chilled, or frozen meats of ruminants offered for importation into the United States annually from Chile will be less than one percent of such animals and products imported into the United States.

The Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities. Chile was recognized as free of FMD from June 29, 1983, to March 26, 1984. During that time no importations of animals and products permitted entry under this action occurred. Since this action applies to cattle, sheep, and other ruminants (other than llamas and alpacas), or fresh, chilled, or frozen meats of ruminants, it is expected that few if any new importations will occur as a result of this action. Therefore, if any importations occur, it is not anticipated that they would have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

The regulations in this subpart contain no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR Part 3015, Subpart V).

List of Subjects

9 CFR Part 92

Animal diseases, Canada, Imports, Livestock and livestock products, Mexico, Poultry and poultry products, Quarantine, Transportation, Wildlife.

9 CFR Part 94

African swine fever, Animal diseases, Exotic newcastle disease, Foot-and-mouth disease, Fowl pest, Garbage, Hog cholera, Imports, Livestock and livestock products, Meat and meat products, Milk, Poultry and poultry products, Rinderpest, Swine vesicular disease.

Accordingly, 9 CFR Parts 92 and 94 are amended as follows:

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

1. The authority citation for Part 92 continues to read as set forth below:

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 134a, 134b, 134c, 134d, 134f, and 135; 7 CFR 2.17, 2.51, and 371.2(d).

2. In § 92.2, a new paragraph (k) is added to read as follows:

§ 92.2 General prohibitions; exceptions.

* * * * *

(k) The importation into the United States of llamas or alpacas which originate in or are shipped from Chile is prohibited, except through the Harry S Truman Animal Import Center pursuant to § 92.41 of this part.

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS), AFRICAN SWINE FEVER, AND HOG CHOLERA: PROHIBITED AND RESTRICTED IMPORTATIONS

3. The authority citation for Part 94 continues to read as set forth below:

Authority: 7 U.S.C. 147a, 150ee, 161, 162, 450; 19 U.S.C. 1306; 21 U.S.C. 111, 114a, 134a, 134b, 134c, and 134f; 42 U.S.C. 4331, 4332; 7 CFR 2.17, 2.51, and 371.2(d).

§ 94.1 [Amended]

4. In § 94.1, paragraph (a)(2) is amended by inserting "Chile," immediately after "Channel Islands,".

§ 94.11 [Amended]

5. In § 94.11, paragraph (a) is amended by inserting "Chile," immediately after "Channel Islands,".

Done at Washington, DC, this 20th day of January 1987.

J.K. Atwell,

Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc. 87-1552 Filed 1-22-87; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 92

[Docket No. 86-017]

Llamas and Alpacas Imported from Chile

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document proposes health certification requirements and requirements concerning quarantine upon arrival in the United States for llamas and alpacas from Chile. It appears that this action is necessary to strengthen the protection against the introduction into the United States of communicable livestock diseases.

A companion final rule captioned "Change in Disease Status of Chile Because of Foot-and-Mouth Disease" adds Chile to the list of countries free of rinderpest and foot-and-mouth disease and prohibits the importation of llamas and alpacas from Chile into the United States except in accordance with § 92.41 through the Harry S Truman Animal Import Center. The companion final rule is published in this issue of the **Federal Register.** This document would delete the prohibition on the importation of llamas and alpacas from Chile and would allow such importation under conditions which appear adequate to protect against the introduction of communicable diseases of animals into the United States

DATE: Comments must be received on or before March 24, 1987.

ADDRESS: Send written comments to Steven R. Poore, Acting Assistant Director, Regulatory Coordination, APHIS, USDA, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments are in response to Docket Number 86-017. Comments received may be inspected at Room 728 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. Harvey A. Kryder, Import-Export and Emergency Planning Staff, VS, APHIS, USDA, Federal Building, Room 806, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8499.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR Subchapter D (referred to below as the regulations), among other things, regulate the importation into the United States of specified animals and animal products in order to prevent the introduction into the United States of various livestock diseases.

A companionn final rule, captioned "Change in Disease Status of Chile Because of Foot-and-Mouth Disease" and published in this issue of the **Federal Register,** adds Chile to the list in § 94.1(a)(2) of the regulations of countries declared to be free of rinderpest and foot-and-mouth disease (FMD). Chile had been removed from the list only because FMD had existed in that country. With respect to animals, adding Chile to the list in § 94.1(a)(2) removes the FMD prohibitions on the importation into the United States of cattle, sheep, and other ruminants, and swine from that country. However, llamas and alpacas will not be allowed to be imported into the United States from Chile, except through the Harry S Truman Animal Import Center (HSTAIC), until final action is taken concerning this proposed rule.

The companion final rule also adds Chile to the list in § 94.11(a) of the regulations of countries free of rinderpest and FMD which are subject to special restrictions on the importation into the United States of their meat and other animal products.

Certain requirements in Part 92 apply to the importation into the United States of certain animals, including llamas and alpacas from countries declared free of rinderpest and FMD. These requirements concern ports of entry, import permits, health certification, declaration upon arrival, inspection at the port of entry, movement from conveyances at the port of entry to the quarantine station, and quarantine upon arrival in the United States. The regulations currently do not contain all of the criteria concerning the health certification and quarantine upon arrival requirements believed necessary for llamas and alpacas offered for importation into the United States from Chile. This document proposes to add these criteria. The other requirements that are applicable to llamas and alpacas from countries declared free of rinderpest and FMD would also be applicable to llamas and alpacas imported from Chile.

Health Certification Requirements

The certification requirements currently applicable to the importation of llamas and alpacas from FMD-free countries (§ 92.5) provide, in relevant part, that all ruminants and swine offered for importation into the United States:

. . . shall be accompanied by a certificate of a salaried veterinary officer of the national government of the country of origin stating that such animals have been kept in said country at least 60 days immediately preceding the date of movement therefrom and that said country during such period has been entirely free from foot-and-mouth disease, rinderpest, contagious pleuropneumonia, and surra. . . .

If ruminants or swine are accompanied by the certificate . . ., or if such animals are found upon inspection at the port of entry to be affected with a communicable disease or to have been exposed thereto, they shall be refused entry and shall be handled thereafter in accordance with the provisions of section 8 of the Act of August 30, 1890 (26 Stat. 416; 21 U.S.C. 103), or quarantined, or otherwise disposed of as the Deputy Administrator, Veterinary Services may direct.

This document proposes to amend the health certification requirements applicable to the importation of llamas and alpacas from Chile as follows:

§ 92.44 Llamas and alpacas from Chile.

No llama or alpaca from Chile shall be imported or entered into the United States unless in accordance with paragraphs (a) and (b) of this section.

(a) *Health certification requirements.* A llama or alpaca shall not be imported into the United States from Chile unless accompanied by a health certificate either signed by a salaried veterinarian of the national veterinary services of Chile or signed by a veterinarian authorized by the national veterinary services of Chile and endorsed by a salaried veterinarian of the national veterinary services of Chile (the endorsement representing that the veterinarian signing the certificate was authorized to do so), certifying that:

(1) Chile is free from foot-and-mouth disease, rinderpest, contagious pleuropneumonia, and surra.

(2) The animal and its sire and dam were born in Chile and have never been in any country other than Chile.

(3) The animal was inspected on the premises of origin by the certifying veterinarian and found free of evidence of communicable disease.

(4) The animal came from a premises that, as far as can be determined by the certifying veterinarian, based on information available from the owner of the premises and other sources, had been free of outbreaks of communicable disease for the 6-month period immediately preceding the date of movement of the animal from the premises.

(5) The animal was individually identified using a metal eartag, tattoo, or brand prior to moving the animal from the premises of origin to the preembarkation quarantine facility.

(6) The animal was moved from the premises of origin to a preembarkation quarantine facility in a means of conveyance which, immediately prior to loading the animal, was cleaned and disinfected under the direct supervision of an official

designated by the national veterinary services of Chile.

(7) The animal was kept in isolation from other animals (except animals scheduled for the same shipment) in the preembarkation quarantine facility for a period of at least 60 days immediately prior to export, under the supervision of a full-time salaried veterinarian of the national veterinary services of Chile and has remained free from evidence of communicable diseases and exposure to communicable diseases during the 60-day period immediately prior to export.

(8) All animals which entered the preembarkation quarantine facility were handled on an "all-in, all-out" basis, except for animals removed in accordance with this section.

(9) *Testing.* All animals in the preembarkation quarantine facility were tested as follows:

(i) *Tuberculosis:* All animals in the preembarkation quarantine facility tested negative to an intradermal tuberculin test utilizing mammalian Purified Protein Derivative (PPD) tuberculin; *provided, however,* if any animals tested positive, they were removed from the preembarkation quarantine facility, slaughtered, examined, and found to have no tubercular lesions, and after no less than 60 days, the remainder of the animals in the preembarkation quarantine facility were retested and found negative to such test. Negative test results mean that the supervisory veterinarian detected no response using both visual examination and manual palpation techniques at the site of the injection 72 hours after the injection.

(ii) *Brucellosis:* All animals in the preembarkation quarantine facility were subjected to the brucellosis tube agglutination test and received negative test results at a serum dilution of 1:25 or its equivalent in international units (1:30) within 30 days prior to export; *provided, however,* if any animals tested positive, they were removed from the preembarkation quarantine facility, and after no less than 30 days, the remainder of the animals in the preembarkation quarantine facility were retested and found negative to such test.[17]

(iii) *Bluetongue:* All animals in the preembarkation quarantine facility tested negative to the agar gel immunodiffusion (AGID) serological test for bluetongue; *provided, however,* if any animals tested positive, they were removed from the preembarkation quarantine facility and after no less than 30 days, the remainder of the animals in the preembarkation quarantine facility were retested and found negative to such test. I21(iv) *Vesicular stomatitis:* All animals in the preembarkation quarantine facility tested negative for vesicular stomatitis at a 1:8 dilution utilizing the serum virus neutralization test with both New Jersey and Indiana antigens, and at a 1:10 dilution utilizing the complement fixation test with Cocal, Alagoas and Piry antigens; *provided, however,* if any animals tested positive, they were removed from the preembarkation quarantine facility, and after no less than 30 days, the remainder of the animals in the preembarkation quarantine facility were retested and found negative to such test.[17]

(v) *Trypanosomiasis:* All animals in the preembarkation quarantine facility tested negative to the indirect fluorescent antibody test for *Trypanosoma vivax; provided, however,* if any animals tested positive, they were removed from the preembarkation quarantine facility, and after no less than 30 days, the remainder of the animals in the preembarkation quarantine facility were retested and found negative to such test.[17]

(10) All animals in the preembarkation quarantine facility were examined daily for clinical signs of communicable disease. The rectal temperatures of a randomly selected sample of at least 25 percent of the animals in the preembarkation quarantine facility were taken each day, and the temperature of each animal in the preembarkation quarantine facility was taken at least two times per week.

(11) All animals in the preembarkation quarantine facility received daily injections with therapeutic doses of dihydrostreptomycin for 7 consecutive days as a precautionary treatment for leptospirosis.

(12) All animals in the preembarkation quarantine facility were treated twice for intestinal parasites with Ivermectin at a dosage of 200 micrograms per kilogram of body weight, with a 14- to 21-day interval between treatment.

(13) *Ectoparasites.* (i) All animals in the preembarkation quarantine facility were treated twice for ectoparasites with a pesticide product with a 10-day interval between treatment (such pesticide and the concentration used must have been approved by the Deputy Administrator, Veterinary Services, as adequate to kill ticks and lice);

(ii) The animals were treated for ectoparasites by being thoroughly wetted with a pesticide using either a sprayer with a hand-held nozzle, a spray-dip machine, or a swim vat;

(iii) The name of the pesticide, the concentration used to treat the animal, and the dates of treatment; and

(iv) The animal was inspected by the veterinarian signing the health certificate and found free of any ectoparasites within 72 hours prior to being loaded on the means of conveyance which transported the animal to the United States.

(14) No animal in the preembarkation quarantine facility was vaccinated with a live or attenuated or inactivated vaccine during the 14 days preceding export to the United States.

(15) *Movement from the preembarkation quarantine facility to the port of embarkation.* The animal was moved from the preembarkation quarantine facility to the port of embarkation in a means of conveyance which, immediately prior to loading the animal, was cleaned and disinfected under the supervision of an official designated by the national veterinary services of Chile with a disinfectant specified in § 71.10 of this chapter. Such movement was by the most expeditious route to prevent possible exposure to disease in transit. From the time of cleaning and disinfecting the means of conveyance through the unloading of the llamas and alpacas for export to the United States, there have been no other animals aboard the means of conveyance.

These health certificate provisions appear necessary to help Veterinary Services personnel at the port of entry determine if llamas and alpacas offered for entry into the United States meet the requirements for importation.

The provision in paragraph (a)(1) above would provide confirmation from within the country of Chile's freedom from certain diseases immediately prior to any shipments of llamas and alpacas. It appears that this certification would help ensure that llamas and alpacas intended for importation into the United States would come from a country free of the listed diseases. Assurances that llamas and alpacas intended for shipment to the United States have not had opportunity for exposure to these diseases appears necessary because of the rapidity of spread of these diseases, the difficulty of diagnosing and treating them, and their potential adverse effects if introduced into the United States. By virtue of their positions, the certifying and endorsing veterinarians would be aware of any outbreaks of these diseases.

The requirement in paragraph (a)(2) above that the llamas and alpacas and its sire or dam have been born in Chile and have never been in any country other than Chile appears necessary as a precautionary measure to help ensure that llamas and alpacas intended for importation into the United States have not been exposed to FMD. Chile has destroyed all animals that were considered to have been exposed to FMD. It is not feasible to allow the importation from Chile of llamas and alpacas that originated in or were moved to and from other countries or that are the offspring of animals that originated in or were moved to and from other countries because of the difficulty in documenting the origin and movements of such animals.

The provisions in paragraph (a)(4) above concerning a determination of freedom from disease on the premises of origin are included as a precautionary measure. A 6-month period of freedom from disease is specified to help ensure that no animals are convalescent carriers of communicable disease.

The individual identification requirements in paragraph (a)(5) above appear necessary to provide a mechanism for identifying individual animals. Section 92.4 of the current

[17] The importation of llamas and alpacas which have been exposed to any disease within 60 days next before their exportation is prohibited by 21 U.S.C. 104.

regulations requires that individual animal identification be recorded on the application for an import permit. This information is also recorded on the import permit perpared by Veterinary Services. Being able to verify the identification recorded on the permit with the identification on the animal itself would help ensure that the animal presented at the port of entry is, in fact, the animal referred to in the documents accompanying it.

The requirements in paragraphs (a)(6) and (a)(15) above for cleaning and disinfection of the means of conveyance used to transport the llamas and alpacas appear necessary to help ensure that the means of conveyance would not be contaminated with disease agents, and thereby further minimize any risk of the llamas and alpacas being exposed to disease.

The inspection, isolation, handling, testing, and treatment provisions in paragraphs (a)(3), (a)(7), (a)(8), (a)(9), (a)(10), (a)(11), (a)(12), (a)(13), and (a)(15) above appear necessary to help ensure that the llamas and alpacas are free from disease when imported into the United States. A preembarkation quarantine period of at least 60 days is proposed. Sixty days should be an adequate time for conducting all of the prescribed tests and treatments, and a reasonable time within which a disease that an animal might be harboring would manifest itself. The isolation provisions are designed to help ensure freedom from exposure to disease agents. The testing requirements in paragraph (a)(9) above are designed to help ensure the detection of any of the specified diseases which the llamas and alpacas might be harboring. The specified diseases are all considered to be present in Chile.

The precautionary treatment for leptospirosis in paragraph (a)(11) above appears necessary to ensure that the llamas and alpacas would not be infected with this bacterial infection. Leptospirosis is considered to be endemic in Chile. It is relatively simple and inexpensive to treat compared with the complexity and expense of testing for it and treating only animals determined to be infected. The treatment is considered adequate to ensure freedom from the infection.

The precautionary treatment for intestinal parasites in paragraph (a)(12) above appears necessary to reduce the risk of llamas and alpacas imported into the United States from Chile being infected with intestinal parasites. The prescribed dosage of Ivermectin has been shown to be effective against most intestinal parasites in ruminants.

The inspection and treatment provisions in paragraph (a)(13) above are intended to help ensure that the llamas and alpacas are free of ectoparasites when they are shipped to the United States. It appears necessary to require that the pesticide and the concentration used must have been approved by the Deputy Administrator, Veterinary Services, to ensure that the pesticide would be adequate to kill ticks and lice. These are the types of ectoparasites determined by the Deputy Administrator as likely to infest llamas and alpacas in Chile.

The requirement in paragraph (a)(14) above concerning vaccination appears necessary to help ensure the validity of any tests that may be performed during the quarantine period in the United States. If an animal has been vaccinated for a given disease, it is often impossible for a period of time to determine whether an animal's positive response to a test is due to having been vaccinated for that disease or the result of having been exposed to the disease.

It appears that the determinations necessary to issue the certificate could be adequately made by any veterinarian who is authorized by the Government of Chile to do so. However, if the certificate were issued by a veterinarian who is not a salaried veterinarian of the Government of Chile, it would be necessary for the certificate to be endorsed by a salaried veterinarian of the national veterinary services of the Government of Chile in order to ensure that the veterinarian issuing the certificate was authorized to do so. It appears that such certification would be adequate to ensure that such llamas and alpacas were free from communicable diseases and exposure to communicable diseases at the time of the issuance of the certificate without imposing an unwarranted burden on the national veterinary services of the Chilean Government.

Quarantine Upon Arrival Requirements

Currently, the regulations applicable to the arrival in the United States of llamas and alpacas imported from countries free of rinderpest and FMD require, among other things, a quarantine for not less than 15 days, counting from the date of arrival at the port of entry (§ 92.11). It is proposed to add the following provisions concerning quarantine and testing of llamas and alpacas from Chile upon arrival at the United States port of entry:

(b) *Quarantine upon arrival.* As a condition of entry into the United States, upon arrival at the port of entry, llamas and alpacas from Chile shall be quarantined for not less than 30 days, counting from the date of arrival at the port of entry. In order to qualify for release from quarantine, such llamas and alpacas shall test negative to any test duplicative of the tests required under paragraph (a) of this section and such other tests as may be determined necessary by the Deputy Administrator, Veterinary Services, to determine their freedom from communicable diseases.

The quarantine and testing requirements in paragraph (b) above are intended as an additional precautionary measure to ensure that the animals have remained negative for the diseases referred to above. A quarantine period of not less than 30 days upon arrival at the United States port of entry is proposed because this appears to be an adequate time for conducting any tests that may be determined necessary for the animals to qualify for release from quarantine. This quarantine period would also provide a reasonable time within which a disease which a llama and alpaca might be harboring would manifest itself.

This document would also delete present § 92.2(k) which prohibits the importation of llamas and alpacas from Chile, except in accordance with § 92.41 through the Harry S. Truman Animal Import Center. It appears that, if the conditions proposed in this document are adopted, such a prohibition would be unnecessary.

Miscellaneous

The term "United States" is used in proposed § 92.44. This term is also used in current sections of Part 92. To increase clarity, this document proposes to add a definition of "United States" to § 92.1 as follows:

United States. All of the States of the United States, the District of Columbia, Guam, Northern Mariana Islands, Puerto Rico, the Virgin Islands of the United States, and all other Territories and Possessions of the United States.

Nonsubstantive changes would also be made for purposes of clarity.

Executive Order 12291 and Regulatory Flexibility Act

This action has been reviewed in conformance with Executive Order 12291 and has been determined to be not a "major rule." The Department has determined that this action would have an effect on the economy of less than $100 million; would not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and should have no significant adverse effects 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.

Currently, llamas and alpacas imported into the United States from Chile would undergo embarkation quarantine in Chile and would be quarantined only at the Harry S. Truman Animal Import Center (HSTAIC) upon arrival in the United States. The cost of Chilean veterinary supervision of the embarkation quarantine would be approximately $300. The cost of Veterinary Services supervision of the embarkation quarantine and the cost at HSTAIC would range from $5160 per head for 50 animals to $1878 per head for 480 animals. This document proposes new health certification requirements and requirements concerning quarantine upon arrival for llamas and alpacas imported into the United States from Chile. About 70 importers, many of which are considered to be small entities, have expressed an interest in importing llamas and alpacas from Chile. The quarantine space available at various locations in the United States will allow about 1500 animals to be imported from Chile during the first year. The Department estimates that the cost per head of complying with the requirements in this proposal would be approximately $325 in Chile and approximately $325 in the United States.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities that are subject to the requirements of the rule.

Paperwork Reduction Act

This proposed rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. (See 7 CFR Part 3015, Subpart V).

List of Subjects in 9 CFR Part 92

Animal diseases, Canada, Imports, Livestock and livestock products, Mexico, Poultry and poultry products, Quarantine, Transportation, Wildlife.

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Accordingly, it is proposed to amend 9 CFR Part 92 as follows:

1. The authority citation for Part 92 would continue to read as set forth below:

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 134a, 134b, 134c, 134d, 134f, and 135; 7 CFR 2.17, 2.51, and 371.2(d).

2. The definitions in § 92.1 would be placed in alphabetical order, and the paragraph designations would be removed.

3. Section 92.1 would be amended by adding, in alphabetical order, the following:

§ 92.1 Definitions.

* * * * *

United States. All of the States of the United States, the District of Columbia, Guam, Northern Mariana Islands, Puerto Rico, the Virgin Islands of the United States, and all other Territories and Possessions of the United States.

* * * * *

§ 92.5 [Amended]

4. In paragraph (a)(1) of § 92.5, "and 92.40" would be changed to "92.40, and 92.44".

§ 92.11 [Amended]

5. In the first sentence of paragraph (b)(1) of § 92.11, "other than llamas and alpacas from Chile and" would be inserted immediately after "swine and ruminants".

6. In paragraph (b)(2) of § 92.11, the following sentence would be added at the end of the paragraph:

§ 92.11 Quarantine requirements.

* * * * *

(b) * * *

(2) * * * Llamas and alpacas imported from Chile shall be subject to § 92.44 of this part.

* * * * *

7. A new § 92.44 would be added to read as follows:

§ 92.44 Llamas and alpacas from Chile.

No llama or alpaca from Chile shall be imported or entered into the United States unless in accordance with paragraphs (a) and (b) of this section.

(a) *Health certification requirements.* A llama or alpaca shall not be imported into the United States from Chile unless accompanied by a health certificate either signed by a salaried veterinarian of the national veterinary services of Chile or signed by a veterinarian authorized by the national veterinary services of Chile and endorsed by a salaried veterinarian of the national veterinary services of Chile (the endorsement representing that the veterinarian signing the certificate was authorized to do so), certifying that:

(1) Chile is free from foot-and-mouth disease, rinderpest, contagious pleuropneumonia, and surra.

(2) The animal and its sire and dam were born in Chile and have never been in any country other than Chile.

(3) The animal was inspected on the premises of origin by the certifying veterinarian and found free of evidence of communicable disease.

(4) The animal came from a premises that, as far as can be determined by the certifying veterinarian, based on information available from the owner of the premises and other sources, had been free of outbreaks of communicable disease for the 6-month period immediately preceding the date of movement of the animal from the premises.

(5) The animal was individually identified using a metal eartag, tattoo, or brand prior to moving the animal from the premises of origin to the preembarkation quarantine facility.

(6) The animal was moved from the premises of origin to a preembarkation quarantine facility in a means of conveyance which, immediately prior to loading the animal, was cleaned and disinfected under the direct supervision of an official designated by the national veterinary services of Chile.

(7) The animal was kept in isolation from other animals (except animals scheduled for the same shipment) in the preembarkation quarantine facility for a period of at least 60 days immediately prior to export, under the supervision of a full-time salaried veterinarian of the national veterinary services of Chile and has remained free from evidence of communicable diseases and exposure to communicable diseases during the 60-day period immediately prior to export.

(8) All animals which entered the preembarkation quarantine facility were handled on an "all-in, all-out" basis, except for animals removed in accordance with this section.

(9) *Testing.* All animals in the preembarkation quarantine facility were tested as follows:

(i) *Tuberculosis:* All animals in the preembarkation quarantine facility tested negative to an intradermal tuberculin test utilizing mammalian Purified Protein Derivative (PPD) tuberculin; *Provided, however,* if any

animals tested positive, they were removed from the preembarkation quarantine facility, slaughtered, examined, and found to have no tubercular lesions, and after no less than 60 days, the remainder of the animals in the preembarkation less than 60 days, the remainder of the animals in the preembarkation quarantine facility were retested and found negative to such test. Negative test results mean that the supervisory veterinarian detected no response using both visual examination and manual palpation techniques at the site of the injection 72 hours after the injection.

(ii) *Brucellosis:* All animals in the preembarkation quarantine facility were subjected to the brucellosis tube agglutination test and received negative test results at a serum dilution of 1:25 or its equivalent in international units (1:30) within 30 days prior to export; *Provided, however,* if any animals tested positive, they were removed from the preembarkation quarantine facility, and after no less than 30 days, the remainder of the animals in the preembarkation quarantine facility were retested and found negative to such test.[17]

(iii) *Bluetongue:* All animals in the preembarkation quarantine facility tested negative to the agar gel immunodiffusion (AGID) serological test for bluetongue; *Provided, however,* if any animals tested positive, they were removed from the preembarkation quarantine facility, and after no less than 30 days, the remainder of the animals in the preembarkation quarantine facility were retested and found negative to such test.[17]

(iv) *Vesicular stomatitis:* All animals in the preembarkation quarantine facility tested negative for vesicular stomatitis at a 1:8 dilution utilizing the serum virus neutralization test with both New Jersey and Indiana antigens, and at a 1:10 dilution utilizing the complement fixation test with Cocal, Alagoas and Piry antigens; *Provided, however,* if any animals tested positive, they were removed from the preembarkation quarantine facility, and after no less than 30 days, the remainder of the animals in the preembarkation quarantine facility were retested and found negative to such test.[17]

(v) *Trypanosomiasis:* All animals in the preembarkation quarantine facility tested negative to the indirect fluorescent antibody test for *Trypanosoma vivax; Provided, however,* if any animals tested positive they were removed from the preembarkation quarantine facility, and after no less than 30 days, the remainder of the animals in the preembarkation quarantine facility were retested and found negative to such test.[17]

(10) All animals in the preembarkation quarantine facility were examined daily for clinical signs of communicable disease. The rectal temperatures of a randomly selected sample of at least 25 percent of the animals in the preembarkation quarantine facility were taken each day and the temperature of each animal in the preembarkation quarantine facility were taken at least two times per week.

(11) All animals in the preembarkation quarantine facility received daily injections with therapeutic doses of dihydrostreptomycin for 7 consecutive days as a precautionary treatment for leptospirosis.

(12) All animals in the preembarkation quarantine facility were treated twice for intestinal parasites with Ivermectin at a dosage of 200 micrograms per kilogram of body weight, with a 14- to 21-day interval between treatments.

(13) *Ectoparasites.* (i) All animals in the preembarkation quarantine facility were treated twice for ectoparasites with pesticide product with a 10-day interval between treatment (such pesticide and the concentration used must have been approved by the Deputy Administrator, Veterinary Services, as adequate to kill ticks and lice);

(ii) The animals were treated for ectoparasites by being thoroughly wetted with a pesticide using either a sprayer with a hand-held nozzle, a spray-dip machine, or a swim vat;

(iii) The name of the pesticide, the concentration used to treat the animal, and the dates of treatment; and

(iv) The animal was inspected by the veterinarian signing the health certificate and found free of any ectoparasites within 72 hours prior to being loaded on the means of conveyance which transported the animal to the United States.

(14) No animal in the preembarkation quarantine facility was vaccinated with a live or attenuated or inactivated vaccine during the 14 days preceding export to the United States.

(15) *Movement from the preembarkation quarantine facility to the port of embarkaton.* The animal was moved from the preembarkation quarantine facility to the port of embarkation in a means of conveyance which, immediately prior to loading the animal, was cleaned and disinfected under the supervision of an official designated by the national veterinary services of Chile with a disinfectant specified § 71.10 of this chapter. Such movement was by the most expeditious route to prevent possible exposure to disease in transit. From the time of cleaning and disinfecting the means of conveyance through the unloading of the llamas and alpacas for export to the United States, there have been no other animals aboard the means of conveyance.

(b) *Quarantine upon arrival.* As a condition of entry into the United States, upon arrival at the port of entry, llamas and alpacas from Chile shall be quarantined for not less than 30 days, counting from the date of arrival at the port of entry. In order to qualify for release from quarantine, such llamas and alpacas shall test negative to any test duplicative of the tests required under paragraph (a) of this section and such other tests as may be determined necessary by the Deputy Administrator, Veterinary Services, to determine their freedom from communicable diseases.

(c) *Animals refused entry.* A llama or alpaca imported or offered for entry into the United States that is not accompanied by a health certificate as required by paragraph (a) of this section or that is found upon inspection at the port of entry to be affected with a communicable disease or to have been exposed thereto, shall be refused entry and shall be handled thereafter in accordance with 21 U.S.C. 103 or quarantined, or otherwise disposed of as the Deputy Administrator, Veterinary Services, may direct.

§ 92.2 [Amended]

8. In § 92.2, paragraph (k) would be removed.

Done at Washington, DC, this 20th day of January 1987.

J.K. Atwell,

Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc. 87-1551 Filed 1-22-87; 8:45 am]

BILLING CODE 3410-34-M

[17] The importation of llamas and alpacas which have been exposed to any disease within 60 days next before their exportation is prohibited by 21 U.S.C. 104.

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9 CFR Part 92

[Docket No. 86-100]

Lottery for Importation of Llamas and Alpacas from Chile

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would establish a lottery by which applicants would receive authorization to import llamas and alpacas from Chile into quarantine facilities maintained by

Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture. Because the number of animals intended for importation is expected to exceed the number of spaces available at our quarantine facilities, this proposed rule appears to be necessary to provide a fair method of accommodating applications for the importation of such animals. Please note that the provisions of this proposed rule would become effective only when final rules are published for this proposed rule and for a companion proposed rule, captioned "Llamas and Alpacas Imported from Chile." The companion proposed rule is published in this issue of the **Federal Register** and would authorize the importation of llamas and alpacas from Chile and establish health certification and quarantine requirements for such animals.

DATE: Comments must be received on or before March 24, 1987.

ADDRESS: Send written comments to Steven R. Poore, Acting Assistant Director, Regulatory Coordination, APHIS, USDA, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket Number 86-100. Comments received may be inspected at Room 728 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. Harvey Kryder, Import-Export and Emergency Planning Staff, VS, APHIS, USDA, Room 810, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8695.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR Subchapter D (referred to below as the regulations), among other things, govern the importation into the United States of specified animals and animal products in order to prevent the introduction into the United States of various livestock diseases.

A companion final rule to this proposed rule, captioned "Change in Disease Status of Chile Because of Foot-and-Mouth Disease" and published in this issue of the **Federal Register**, adds Chile to the list in § 94.1(a)(2) of countries declared to be free of rinderpest and foot-and-mouth disease (FMD). Chile was not previously included in the list because FMD had existed there. The companion final rule also adds Chile to the list in § 94.11(a) of countries free of rinderpest and FMD which are subject to special restrictions on the importation into the United States of their meat and other animal products. One of the effects of adding Chile to the list of countries free of rinderpest and FMD is to allow the importation of ruminants, and fresh, chilled, and frozen meat of ruminants into the United States from Chile under certain restrictions.

This proposed rule would add to the regulations certain requirements concerning deposits to accompany applications for import permits for llamas and alpacas from Chile and certain requirements concerning authorization for quarantine of those animals upon arrival in the United States. The requirements in the current regulations concerning health certification and certain other requirements concerning quarantine upon arrival would be amended by a companion proposed rule, captioned "Llamas and Alpacas Imported from Chile," that is published in this issue of the **Federal Register.**

Currently, the importation of llamas and alpacas from Chile is prohibited. There is an exception to this prohibition, however, for certain llamas and alpacas that undergo extensive testing procedures and a 90-day quarantine period at the Harry S Truman Animal Import Center (HSTAIC).

With the declaration that Chile is now free of FMD, and contingent upon the companion proposed rule captioned "Llamas and Alpacas from Chile" becoming effective, qualifying llamas and alpacas from Chile would be permitted entry into the United States through four quarantine facilities that are maintained by the Animal and Plant Health Inspection Service, in addition to HSTAIC. Further, the requirements for entry of these animals into the United States would be less stringent than before Chile was declared FMD-free.

We have received a number of inquiries from importers indicating an interest in importing llamas and alpacas from Chile. In order to provide a mechanism that would allow importers to compete fairly for quarantine space, this proposed rule would amend the regulations to establish a lottery to grant authorization for llamas and alpacas from Chile to enter one of our quarantine facilities.

Lottery for Authorization

Importers would be able to attempt to qualify llamas and alpacas from Chile for entry into the United States through five different quarantine facilities that we maintain. The locations of these facilities, and the numbers of llamas and alpacas that can be accommodated at each at any one time without disruption to normal import operations for other types of animals are as follows: Newburgh, New York, 300; Los Angeles, California, 287; Miami, Florida, 50; and Honolulu, Hawaii, 15. In addition, HSTAIC, which can accommodate 550 llamas and alpacas at any one time, will be used to quarantine llamas and alpacas from Chile, for the quarantine period specified in the companion proposed rule, when the Deputy Administrator, Veterinary Services, determines that it is available for such use.

For each importation of llamas and alpacas from Chile into each quarantine facility, a drawing would be held from the names of applicants who desire to import such animals into the facility on a particular date. Section 92.4 of the regulations requires each applicant to specify on the application for an import permit the part through which the animal is intended for entry, and the total number of animals intended for importation.

We would give notice in the **Federal Register** of the date, time, and place of each drawing, and the date and place of the importation for which the drawing is being held, at least 28 days prior to the drawing. Applicants would not have to attend the drawing, unless on the date of the drawing they wish to request authorization for the importation of additional animals as space permits, as provided for below. In order for an application for an import permit to qualify for inclusion in the drawing, it would be required that it be received by APHIS no later than 7 calendar days before the drawing. An address for obtaining and submitting applications is provided in footnote 4 of the proposed rule. On the application, the applicant would have to state the number of llamas and alpacas he or she wishes to import into the facility.

Each llama or alpaca from Chile that does undergo quarantine at one of our facilities would be held there for a minimum for 30 days. The cost of maintaining each animal at the quarantine facility would be $10.80 per day, resulting in a projected 30-day cost of $324.00 per animal.

Along with the application for importation, the applicant would be required to include a certified check or a money order, payable to the United States Department of Agriculture, Animal and Plant Health Inspection Service, in an amount equal to $324.00 for each llama or alpaca for which importation is requested on the application. Additionally, the applicant would be required to include with the application a document signed by a

salaried representative of the Ministry of Agriculture of Chile, and carrying the seal of the Ministry of Agriculture of Chile, indicating both that the applicant has in his or her legal possession the animal or animals for which application is being made, and that the Ministry of Agriculture of Chile agrees to quarantine the animal or animals in a preembarkation quarantine facility in Chile, as specified in the health certificate required by the companion proposed rule. We would require the deposit and the certification to help ensure that application is made only for animals that will be available for importation as scheduled.

If, at the time the drawing is held, the applicant does not receive authorization to import all the llamas and alpacas for which he or she made application for importation, we would either return, as soon as circumstances permit, the amount deposited with the application for each animal not authorized or, at the applicant's request, apply the deposit against an application for a future drawing. If authorization *is* granted for a llama or alpaca, we would apply the deposited amount against the expenses for services provided by the Department in connection with the quarantine for which authorization is granted.

Procedure for Drawing for Authorization

The mechanics of the selection procedure would be determined by the number of applicants, by the number of animals intended for importation, and by the number of spaces available at each quarantine facility. Procedures would be established for each of the following situations:

1. Number of Applicants Exceeds Spaces Available

At the time, date, and places specified in the Notice of Drawing, if there are more applicants than spaces available at a particular facility, one of our empolyees will draw the names of applicants until a number of names equal to the number of spaces available have been selected to import one llama or alpaca into the particular quarantine facility.

2. Number of Spaces Equals or Exceeds Number of Applicants, But is Less Than the Number of Animals Intended for Importation

If the number of spaces available exceeds the number of applicants, but the applicants have applied to import a total number of animals that is more than the number of spaces available, a drawing procedure will be followed that will ensure that *all* applicants may import at least one animal into the quarantine facility—and that will allow them to import more animals, as space allows, on a uniform basis. This procedure would be as follows: All applicants will be authorized to import at least one llama or alpaca into the quarantine facility. If, following this allocation of spaces, the number of spaces still available exceeds the number of applicants seeking to import additional animals, each applicant will be authorized to import at least two animals. This method of allocating spaces will continue until the number of applicants exceeds the number of spaces available. At that time, a drawing will be held of the names of applicants seeking to import an additional llama or alpaca, until no available space exists for importing llamas and alpacas from Chile. This procedure would give all applicants an equal opportunity on each round of drawing to obtain authorization to import an animal for which they have applied.

3. Number of Spaces Equals or Exceeds Number of Animals Intended for Importation

If there are more spaces available at a quarantine facility than llamas and alpacas intended for importation through that facility at a particular time, all of the applicants will be granted authorization for importation of the animals specified on their applications. In such a case, additional spaces will be available after all of the applicants have been granted authorization for importation. In order to maximally use these spaces, all applicants or their designated legal agents or representatives who are present at the place and time designated in the Notice of Drawing will be offered an opportunity to request additional spaces. Any designated legal agent or representative must have a notarized statement of authority signed by the applicant. If the requests for additional spaces exceed the spaces available, a lottery drawing will be conducted for the additional spaces from interested applicants or their designated legal agents or representatives in the same manner as provided above. A deposit equal to $324.00 for each additional animal authorized for imprtation must be paid, by check or money order payable to the United States Department of Agriculture, Animal and Plant Health Inspection Service, within 48 hours of the drawing. Failure to pay within 48 hours will result in loss of authorization for the animal.

Cost of Importation

The amount deposited for each llama or alpaca intended for importation would be applied against the cost of APHIS providing services. If it costs more than the amount deposited to provide services for the importation of an animal, the importer or the importer's agent would be billed for the additional amount in accordance with § 92.12(b). Section 92.12(b) includes procedures for such billing, for payment of the bill, and for actions we will take if the importer or the importer's agent fails to pay the bill in accordance with the regulations.

Executive Order 12291 and Regulatory Flexibility Act

This proposed rule is issued in conformance with Executive Order 12291 and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this proposed rule would have an effect on the economy of less than $100 million; would not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and would not cause 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 proposed rule proposes procedures for obtaining authorization to import llamas and alpacas from Chile into a quarantine facility maintained by Veterinary Services. This document would have no significant economic impact on potential importers, and instead would merely establish administrative procedures for determining the order of use of quarantine facilities maintained by Veterinary Services.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act.

In accordance with section 3507 of the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), the information collection provisions that are included in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB). Written comments concerning any information collection provisions should be submitted to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer

for APHIS, Washington, DC 20503. A duplicate copy of such comments should be submitted to Steven R. Poore, Acting Assistant Director, Regulatory Coordination, Animal and Plant Health Inspection Service, United States Department of Agriculture, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR Part 3015, Subpart V.)

List of Subjects in 9 CFR Part 92

Animal diseases, Canada, Imports, Livestock and livestock products, Mexico, Poultry and poultry products, Quarantine, Transportation, Wildlife.

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS: INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Accordingly, 9 CFR Part 92 would be amended as follows:

1. The authority citation for Part 92 would continue to read as follows:

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 134a, 134b, 134c, 134d, 134f, and 135; 7 CFR 2.17, 2.51, and 371.2(d).

2. Section 92.4 would be amended by revising paragraph (a)(4)(i) and adding a new paragraph (e) to read as follows:

§ 92.4 Import permits for ruminants, swine, horses from countries affected with CEM, poultry, poultry semen, animal semen, birds and for animal specimens for diagnostic purposes;[1] and reservation fees for space at quarantine facilities maintained by Veterinary Services.

(a) * * *

(4)(i) For each lot of animals or birds to be quarantined in a quarantine facility maintained by Veterinary Services, the importer or the importer's agent shall pay or ensure payment of a reservation fee of $2,500 or the amount estimated by the veterinarian in charge of the quarantine facility to be 25 percent of the cost of providing care, feed, and handling during quarantine, whichever is less; *except* that the reservation fee shall be no less than $80.00 for each lot of birds or poultry, no less than $130.00 for each horse, and no less than $240.00 for each lot of any other animals; and *except also* that paragraphs (a)(4)(i) through (vi) of this section shall not apply to the importation of llamas and alpacas from Chile.

* * * * *

(e) *Authorization issued on a lottery basis for the importation of llamas and alpacas from Chile.* Authorization to quarantine llamas or alpacas from Chile in a quarantine facility maintained by Veterinary Services will be issued on a lottery basis in accordance with the following procedures:

(1) *Drawing; contents of application and deposits.* (i) For each importation of llamas and alpacas from Chile into each quarantine facility maintained by Veterinary Services, a drawing will be held of the names of applicants who desire to quarantine such animals in the facility on a particular date. Applicants are not required to be present at the drawing, except as specified in paragraph (e)(2)(iv) of this section. At least 28 days prior to any drawing, Veterinary Services will give notice in the **Federal Register** of the date, time, and place of the drawing, and the date and place of the quarantine for which the drawing is being held. To qualify for the drawing, the application for the import permit specified in paragraph (a)(1) of this section must be received by Veterinary Services at least 7 calendar days prior to the date of the drawing, [4] and must be accompanied by the deposit and the certificate specified in paragraphs (e)(1)(ii) and (iii) of this section.

(ii) The applicant must include with the application a certified check or a money order, payable to the United States Department of Agriculture, Animal and Plant Health Inspection Service, in an amount equal to $324.00 for each llama or alpaca for which importation is requested on the application. If authorization is granted, the $324.00 per animal is nonrefundable. If the applicant does not receive authorization to import llamas or alpacas on the particular date for which the drawing is held, the amount deposited with the application for each animal not so authorized either will be returned to the applicant as soon as circumstances permit or, at the applicant's request, will be applied against application for a future drawing. If the applicant does receive authorization, the Department will apply the amount deposited against expenses incurred for services provided by the Department in connection with the quarantine for which authorization is granted.

(iii) The applicant must also include with the application a document signed by a salaried veterinarian of the Ministry of Agriculture of Chile, and carrying the seal of the Ministry of Agriculture of Chile, indicating that the applicant has in his or her legal possession the animal or animals for which application is being made, and indicating also that the Ministry of Agriculture of Chile agrees to quarantine the animal or animals intended for importation in a preembarkation quarantine facility in Chile, for the period of time specified in § 92.44(a)(7) of this part.

(2) *Drawing for authorization.* (i) The following numbers of llamas and alpacas can be accommodated at one time at each quarantine facility maintained by Veterinary Services: 300 in Newburgh, New York; 287 in Los Angeles, California; 50 in Miami, Florida; and 15 in Honolulu, Hawaii. Additionally, 550 llamas and alpacas can be accommodated at one time at the Harry S Truman Animal Import Center (HSTAIC), for the quarantine period specified in § 92.44(b) of this part, when the Deputy Administrator, Veterinary Services, determines that HSTAIC is available for use and so indicates in the Notice of Drawing in the **Federal Register.**

(ii) *Number of spaces is fewer than number of applicants.* At the time, date, and places specified in the Notice of Drawing, if there are more applicants than spaces available at a particular facility, a Department employee will consecutively draw the names of applicants, until a number of names equal to the number of spaces available at each facility have been selected to attempt to qualify one llama or alpaca for entry into the United States through the particular quarantine facility.

(iii) *Number of spaces equals or exceeds number of applicants but is less than number of animals intended for importation.* If the number of applicants is less than the number of spaces available at a quarantine facility, but the applicants wish to import a number of animals that is is more than the number of spaces available, the procedure for the consecutive drawing for spaces will be as follows: Each

[1] For other permit requirements for birds, the regulations issued by the U.S. Department of the Interior (Part 17, Title 50, Code of Federal Regulations) and the regulations issued by the U.S. Department of Health and Human Services (Subpart J–1 of Part 71, Title 42, Code of Federal Regulations) should be consulted.

[4] Application forms may be obtained upon request from and completed applications should be sent to Import-Export Operations Staff, Veterinary Services, APHIS, U.S. Department of Agriculture, Room 765, 6505 Belcrest Road, Hyattsville, MD 20782.

applicant will be authorized to import at least one llama or alpaca into the quarantine facility. If, following that authorization, the number of spaces still available exceeds the number of applicants, seeking to import additional animals, each applicant seeking to import at least two animals will be so authorized. This method of allocating spaces will continue until the number of applicants wishing to import additional animals exceeds the number of spaces available. At that time, a drawing will be held of the names of applicants seeking to import at least one animal in addition to those already authorized, until no available space exists to quarantine llamas and alpacas from Chile.

(iv) *Number of spaces equals or exceeds number of animals intended for importation.* If the total applications received for a quarantine facility are for a number of llamas and alpacas less than the number of spaces available at the quarantine facility, each applicant will receive authorization for the number requested on his or her application. Further, if available spaces at the quarantine facility still exist at the designated time of the drawing, all applicants or their designated legal agents or representatives who are present at the time and place designated in the Notice of Drawing will be offered an opportunity to request additional spaces. Such a designated legal agent or representative must have a notarized statement of authority signed by the applicant. If the requests for additional spaces exceed the spaces available, a lottery drawing will be conducted for the additional spaces from interested applicants or their designated legal agents or representatives in the same manner as specified in paragraphs (e)(2)(ii) and (iii) of this section. A deposit equal to $324.00 for each additional animal that is authorized for importation must be paid, by check or money order payable to the United States Department of Agriculture, Animal and Plant Health Inspection Service, within 48 hours of the drawing. Failure to pay the deposit within 48 hours will result in loss of authorization for the animal.

(3) *Importation costs.* The amount deposited for each llama or alpaca intended for importation will be applied against the expenses for services provided by the Department in connection with the quarantine for which the authorization is granted. If the expenses for such services received are more than the amount deposited for each llama or alpaca, Veterinary Services will bill the importer or importer's agent in accordance with § 92.12(b) of this part.

3. In § 92.41, the introductory text of paragraph (a) would be revised to read as follows:

§ 92.41 Requirements for the importation of animals into the United States through the Harry S Truman Animal Import Center.

(a) *Procedures for special authorization issued on a lottery basis.* Special authorization to quarantine animals, except llamas and alpacas from Chile, in the Harry S Truman Animal Import Center (HSTAIC) will be issued on a lottery basis in accordance with the following procedures:

* * * * *

4. In § 92.41, paragraphs (e) and (f) would be removed.

Done in Washington, DC, this 20th day of January 1987.

J.K. Atwell,

Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc. 87-1550 Filed 1-22-87;8:45am]

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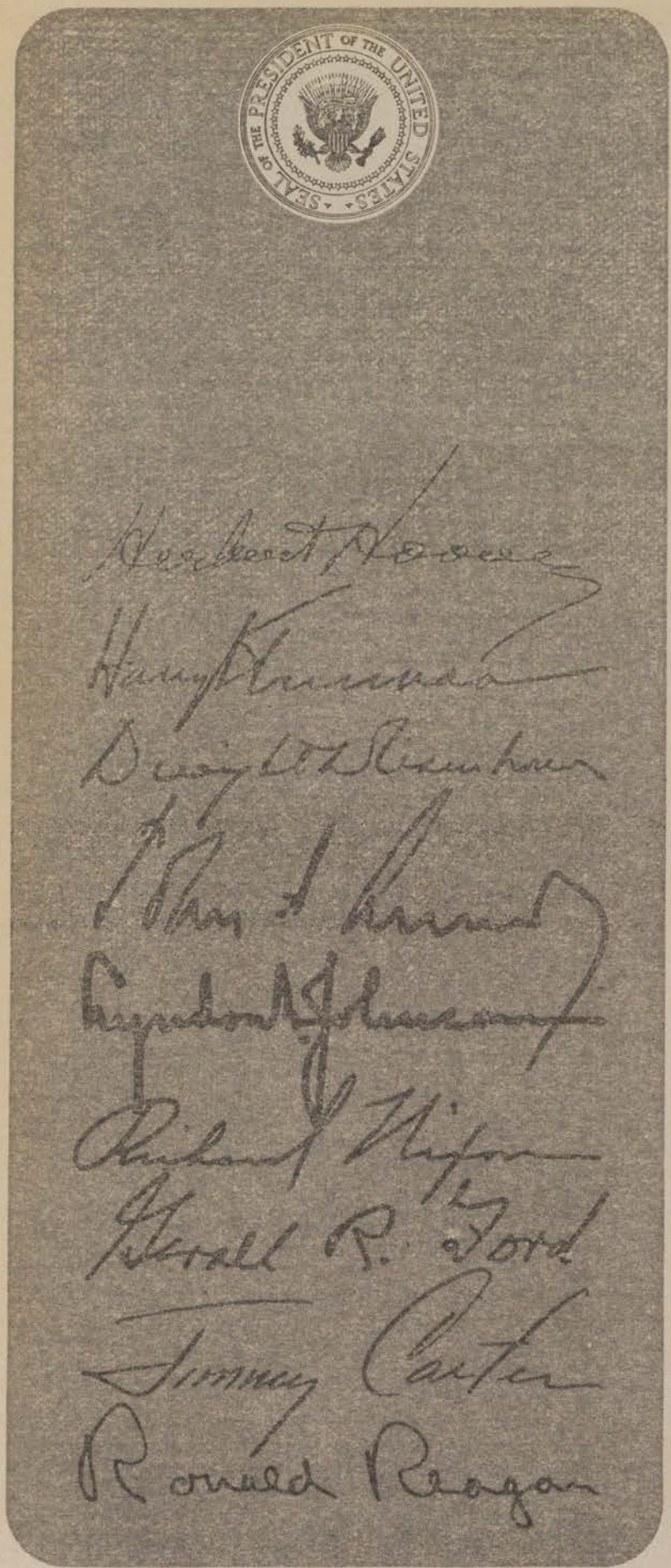

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