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Thursday
February 12, 1987

Briefings on How To Use the Federal Register—
For information on briefings in Portland, OR, Los Angeles, CA, San Diego, CA, and Houston, TX, see announcement on the inside cover of this issue.



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THE FEDERAL REGISTER

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.

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

HOUSTON, TX

- WHEN:** March 10; at 9 am.
- WHERE:** Room 4415, Federal Building, 515 Rusk Avenue, Houston, TX.
- RESERVATIONS:** Call the Houston Federal Information Center on the following local numbers:
 - Houston 713-229-2552
 - Austin 512-472-5495
 - San Antonio 512-224-4471
 - New Orleans 504-589-6696

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Proclamation 5607 of February 9, 1987

The President

Congratulating *Stars and Stripes* on Its Victory
in the America's Cup

By the President of the United States of America

A Proclamation

All Americans congratulate Dennis Conner and the crew of *Stars and Stripes* for their splendid victory in the America's Cup.

The *Stars and Stripes* team, representing the San Diego Yacht Club, traveled to the west coast of Australia to compete with the best yachts and best yachtsmen in the world. In a lengthy series of exhausting and exciting races, it successfully defeated eleven challengers for the right to face New Zealand in the finals of the challenger's division. Although the *Kiwi* had compiled a most impressive record in earlier races, *Stars and Stripes* defeated the New Zealand boat 4 to 1 to earn the right to sail for the Cup against the Australian defender.

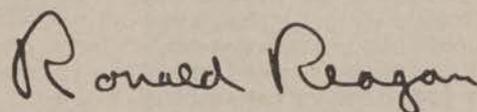
In the final series, *Stars and Stripes* defeated *Kookaburra III* 4 to 0 to capture the America's Cup and bring the trophy back to the United States. Throughout the competition, the Australian team and the Australian people demonstrated to the world their sportsmanship and their unsurpassed hospitality.

The skill and determination of the *Stars and Stripes* team captured the imagination of the American people. They demonstrated the traits that have long characterized this country at its best—optimism, dedication, teamwork, and an eagerness to master the most advanced technology and put it to good use.

In honor of the *Stars and Stripes'* victory in the America's Cup, the Congress, by House Joint Resolution 131, has authorized and requested the President to issue a proclamation expressing to Dennis Conner and the crew the thanks and admiration of our Nation.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim to Dennis Conner and the crew of *Stars and Stripes* the heartfelt congratulations and appreciation of our Nation for a job well done and for filling our sails with confidence and pride.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of February, 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.



Rules and Regulations

Federal Register

Vol. 52, No. 29

Thursday, February 12, 1987

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 911

Procedures for States and Localities To Request Indemnification

AGENCY: Office of Personnel Management.

ACTION: Interim regulations with request for comments.

SUMMARY: The Office of Personnel Management (OPM) is issuing regulations for States and localities to use in requesting an indemnification agreement for providing criminal history record information to OPM under Title VIII, Access to Criminal History Records for National Security Purposes, of the Intelligence Authorization Act for Fiscal Year 1986. These regulations describe who may request an indemnification agreement, prescribe the mandatory provisions of the agreement, and specify procedures for requesting an agreement and for giving notice of claims within the scope of the agreement.

DATES: Interim regulations are effective on February 12, 1987. Comments must be submitted on or before April 13, 1987.

ADDRESSES: Written comments may be sent to Peter Garcia, Assistant Director for Federal Investigations, Office of Personnel Management, P.O. Box 886, Washington, DC 20044, or delivered to OPM, Matomic Building, Room 913, 1717 H Street NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Robert J. Longo, (202) 632-6180.

SUPPLEMENTARY INFORMATION: OPM conducts national security investigations of individuals to determine eligibility for access to classified information, or for assignment to or retention in sensitive national security duties. An essential element of these investigations is the review of State and local criminal history record

information. While many States and localities have provided criminal history record information to OPM voluntarily, a significant number, because of their laws or policies, have not done so. Congress, therefore, enacted Title VIII, Access to Criminal History Records for National Security Purposes, of the Intelligence Authorization Act for Fiscal Year 1986, Pub. L. 99-169, sections 801-803, 99 Stat. 1002, 1008-1011 (1985) (codified in part at 5 U.S.C. 9101), which establishes a mandatory mechanism for access to such records for the purposes described above. The unique combination of national security concerns, issues of States' rights, and a need to respect the privacy rights of individuals, led Congress to include an indemnification provision in the law.

These are interpretative and procedural regulations developed in consultation with the U.S. Department of Justice by a working group of the agencies authorized to obtain criminal history record information under Title VIII of Pub. L. 99-169, comprised of the Department of Defense (DOD), the Office of Personnel Management (OPM), and the Central Intelligence Agency (CIA). These regulations represent these agencies' interpretation of Title VIII of Pub. L. 99-169 with specific reference to OPM. Notice of proposed rulemaking is not required pursuant to section 553(b)(3)(A) of title 5 of the United States Code.

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 only affect State and local governments.

List of Subjects in 5 CFR Part 911

Indemnification, National security investigations.

U.S. Office of Personnel Management.

Constance Horner,

Director.

Accordingly, OPM is amending Title 5 of the Code of Federal Regulations to add Part 911 to read as follows:

PART 911—PROCEDURES FOR STATES AND LOCALITIES TO REQUEST INDEMNIFICATION

Sec.

- 911.101 Scope and purpose.
- 911.102 General definitions.
- 911.103 Eligibility for indemnification.
- 911.104 Procedures for requesting an indemnification agreement.
- 911.105 Terms of indemnification.

Authority: Title VIII, Access to Criminal History Records for National Security Purposes, of the Intelligence Authorization Act for Fiscal Year 1986, Pub. L. 99-169, sections 801-803, 99 Stat. 1002, 1008-1011 (1985) (codified in part at 5 U.S.C. 9101).

§ 911.101 Scope and purpose.

(a) The Office of Personnel Management (OPM) has the right to criminal history record information of State and local criminal justice agencies to determine whether a person may—

- (1) Be eligible for access to classified information;
- (2) Be assigned to sensitive national security duties; or
- (3) Continue to be assigned to sensitive national security duties.

(b) This part sets out the conditions under which OPM may sign an agreement to indemnify and hold harmless a State or locality against claims for damages, costs, and other monetary loss caused by disclosure or use of criminal history record information by OPM.

(c) The procedures set forth in this part do not apply to situations when OPM seeks access to the criminal history records of another Federal agency.

(d) By law these provisions implementing 5 U.S.C. 9101(b)(3) will expire December 4, 1988, unless the duration of this section is extended or limited by Congress.

§ 911.102 General definitions.

In this part—

"Criminal history record information" means information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, sentencing, correction supervision, and release. The term does not include identification information such as fingerprint records to the extent

that such information does not indicate involvement of the individual in the criminal justice system. The term does not include those records of a State or locality sealed pursuant to law from access by State and local criminal justice agencies of that State or locality.

"Criminal justice agency" includes Federal, State, and local agencies and means (a) courts; or (b) a Government agency or any subunit thereof which performs the administration of criminal justice pursuant to a statute or Executive order, and which allocates a substantial part of its annual budget to the administration of criminal justice.

"Locality" means any local government authority or agency or component thereof within a State having jurisdiction over matters at a county, municipal, or other local government level.

"State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, the Trust Territory of Pacific Islands, and any other territory or possession of the United States.

§ 911.103 Eligibility for indemnification.

As provided for under 5 U.S.C. 9101(b)(3), a State or locality may request an indemnification agreement.

(a) To be eligible for an indemnification agreement, a State or locality must have had a law in effect on December 4, 1985, that prohibited or had the effect of prohibiting the disclosure of criminal history record information to OPM.

(b) A State or locality is also eligible for an indemnification agreement if it meets the conditions of paragraph (a) of this section, but nevertheless provided criminal history record information to OPM on or before December 4, 1985.

§ 911.104 Procedures for requesting an indemnification agreement.

When requesting an indemnification agreement, the State or locality must—

(a) Certify that on December 4, 1985, the State or locality had in effect a law that prohibited or had the effect of prohibiting the disclosure of criminal history record information to OPM;

(b) Attach a copy of the law to the request for an indemnification agreement;

(c) Notify OPM, at the address below, of its eligibility for an indemnification agreement.
Office of Personnel Management, Office of Federal Investigations, P.O. Box 886, Washington, DC 20044

§ 911.105 Terms of indemnification.

The terms of the indemnification agreement must conform to the following provisions:

(a) *Eligibility.* The State or locality must certify that its law prohibits or has the effect of prohibiting the disclosure of criminal history record information to OPM for the purposes described in § 911.101(a) and that such law was in effect on December 4, 1985.

(b) *Liability.* (1) OPM must agree to indemnify and hold harmless the State or locality from any claim for damages, costs, and other monetary loss arising from the disclosure or negligent use by OPM of criminal history record information obtained from that State or locality pursuant to 5 U.S.C. 9101(b). The indemnification will include the officers, employees, and agents of the State or locality.

(2) The indemnification agreement will not extend to any act or omission prior to the transmittal of the criminal history record information to OPM.

(3) The indemnification agreement will not extend to any negligent acts on the part of the State or locality in compiling, transcribing, or failing to delete or purge any of the information transmitted.

(c) *Consent and access requirements.* By requesting the release of criminal history record information from the State or locality, OPM represents that—

(1) It has obtained the written consent of the individual under investigation to request criminal history record information about the individual from criminal justice agencies in accordance with 5 U.S.C. 9101, after advising the individual of the purposes for which the information is intended to be used by a Privacy Act of 1974 (5 U.S.C. 552a), or an equivalent, notice; and

(2) Upon request, OPM will provide the individual access to criminal history record information received from the State or locality, as required by 5 U.S.C. 9101(d).

(d) *Purpose requirements.* OPM will use the criminal history record information only for the purposes stated in § 911.101(a).

(e) *Notice, litigation, and settlement procedures.*

(1) The State or locality must give notice of any claim against it on or before the 10th day after the day on which a claim against it is received, or it has notice of such a claim.

(2) The notice must be given to the Attorney General and to the United States Attorney of the district embracing the place wherein the claim is made.

(3) The Attorney General will make all determinations regarding the settlement or defense of such claims.

[FR Doc. 87-2918 Filed 2-11-87; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 177

[Docket No. 85F-0519]

Indirect Food Additives; Polymers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of butanediol formal monomer as a reactant to form polyoxymethylene copolymer and for the use of melamine-formaldehyde resin and nylon 6/66 as stabilizers in polyoxymethylene copolymer intended for use in contact with food. This action responds to a petition filed by BASF Aktiengesellschaft.

DATES: Effective February 12, 1987; objections by March 16, 1987.

ADDRESS: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Rudolph Harris, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of December 9, 1985 (50 FR 50232), FDA announced that a petition (FAP 5B3883) had been filed by BASF Aktiengesellschaft, c/o BASF Corp., P.O. Box 405, Bridgeport, NJ 08014, proposing that § 177.2470 *Polyoxymethylene copolymer* (21 CFR 177.2470) be amended to provide for the safe use of butanediol formal monomer as a reactant to form polyoxymethylene copolymer and to add melamine-formaldehyde resin and nylon 6/66 to the list of permitted stabilizers for polyoxymethylene copolymer intended for use in contact with food. The notice of filing contained a typographical error. The petitioned stabilizer is actually nylon 6/66 and not nylon 66/6.

FDA is also correcting the Chemical Abstracts Service Registry Number (CAS Reg. No.) for the trioxane and

ethylene oxide adduct that is listed in § 177.2470. A search of the CAS Registry showed that the appropriate number for this compound is CAS Reg. No. 24969-25-3. The correct number is included in this final rule.

FDA is aware that, in some studies, formaldehyde has caused tumors in rats at the site of intranasal administration. No study exists, however, that suggests that formaldehyde is tumorigenic when ingested by animals. In fact, there are studies in the literature in which a precursor to formaldehyde (hexamethylenetetramine) did not cause tumors when ingested by mice and rats (Ref. 1). Because hexamethylenetetramine is broken down in the stomach to formaldehyde, these studies directly tested whether orally administered formaldehyde is carcinogenic. For the reasons discussed more fully in the agency's denial of requests for a hearing on aspartame (49 FR 6672, 6679; February 22, 1984), the inhalation study is not appropriate for use in evaluating the safety of this resin because formaldehyde has not been demonstrated to be a systemic carcinogen.

FDA has evaluated data in the petition and other relevant material. The agency concludes that the proposed food additive use is safe, and that the regulations should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition (address above) by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday. This action was considered under FDA's final rule implementing the National Environmental Policy Act (21 CFR Part 25).

Any person who will be adversely affected by this regulation may at any

time on or before March 16, 1987 file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Reference

The following reference has been placed on display in the Dockets Management Branch, and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Della Porta, G., M.E. Colnaghi, and G. Parmiani, "Un-carcinogenicity of Hexamethylenetetramine in Mice and Rats," *Food and Cosmetics Toxicology*, 6:707-715, 1968.

List of Subjects in 21 CFR Part 177

Food additives, Food packaging. Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, Part 177 is amended as follows:

PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

1. The authority citation for 21 CFR Part 177 continues to read as follows:

Authority: Secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348); 21 CFR 5.10 and 5.61.

2. Section 177.2470 is amended by revising paragraph (a) and in paragraph (b)(1) by alphabetically inserting two new items, to read as follows:

§ 177.2470 Polyoxymethylene copolymer.

(a) *Identity.* For the purpose of this section, polyoxymethylene copolymers are identified as the following: The reaction product of trioxane (cyclic trimer of formaldehyde) and ethylene oxide (CAS Reg. No. 24969-25-3) or the reaction product of trioxane (cyclic trimer of formaldehyde) and a maximum of 5 percent by weight of butanediol formal (CAS Reg. No. 25214 85-1). Both copolymers may have certain optional substances added to impart desired technological properties to the copolymer.

(b) * * *

(1) * * *

* * * * *
Melamine-formaldehyde resin.

* * * * *
Nylon 6/66, weight ratio 2/3.

* * * * *
Dated: February 5, 1987.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 87-2931 Filed 2-11-87; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 201, 203, and 234

[Docket No. N-87-1661; FR-2311]

Mortgage Insurance; Changes to the Maximum Mortgage Limits for Single Family Residences, Condominiums and Manufactured Homes and Lots

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

ACTION: Notice of revisions to FHA maximum mortgage limits for high-cost areas.

SUMMARY: This Notice amends the listing of areas eligible for "high-cost" mortgage limits under certain of HUD's insuring authorities under the National Housing Act by adding the limits of three newly designated high-cost areas to the list and increasing the limits for five high-cost areas. Mortgage limits are adjusted in an area when the Secretary determines that middle- and moderate-income persons have limited housing opportunities because of high prevailing housing sales prices.

DATE: Effective Date: February 12, 1987.

FOR FURTHER INFORMATION CONTACT: For single family: Morris Carter,

Director, Single Family Development Division, Room 9270; telephone (202) 755-6720. For manufactured homes: Christopher Peterson, Director, Office of Title I Insured Loans, Room 9160; telephone (202) 755-6880; 451 Seventh Street SW., Washington, DC 20410. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

Background

The National Housing Act (NHA) (12 U.S.C. 1710 through 1749) authorizes HUD to insure mortgages for single family residences (from one- to four-family structures), condominiums, manufactured homes, manufactured home lots, and combination manufactured homes and lots. The NHA, as amended by the Housing and Community Development Amendments of 1980 and the Housing and Community Development Amendments of 1981, permits HUD to increase the maximum mortgage limits under most of these programs to reflect regional differences in the cost of housing. In addition, sections 2(b) and 214 of the NHA provide for special high-cost limits for insured mortgages in Alaska, Guam and Hawaii.

On May 22, 1984, the Department published a revised list of areas eligible for "high-cost" mortgage limits, which contained several new features (see 49 FR 21520). First, there was no separate listing for condominium units, since these limits are now the same as those for other one-family residences. Second, the listing included instructions on how to compute the high-cost limits for combination manufactured homes and lots and individual lots, and specified the special high-cost amounts for manufactured homes, combination manufactured homes and lots and individual lots insured in Alaska, Guam and Hawaii. And, third, it made changes to the list based on a new definition of "metropolitan area".

On October 1, 1986 (51 FR 34961), the Department published its annual complete listing of areas eligible for "high-cost" mortgage limits under certain of HUD's insuring authorities under the National Housing Act and their applicable limits.

This Document

Today's document adds Pitkin County, Colorado; Hampden County, Massachusetts; and Spotsylvania County/Fredericksburg City, Virginia to the list of high-cost areas. In addition, it revises the high-cost mortgage amounts

for the following areas: The Baltimore, Maryland MSA (Baltimore City, Maryland; Baltimore County, Maryland; Carroll County, Maryland; Harford County, Maryland; and Queen Anne's County, Maryland); the Jackson, Mississippi MSA (Hinds County, Mississippi; Madison County, Mississippi; and Rankin County, Mississippi); Albany County, New York; Saratoga County, New York; and Schenectady County, New York.

These amendments to the high-cost areas appear in two parts. Part I explains high-cost limits for mortgages insured under Title I of the National Housing Act. Part II lists changes for single family residences insured under sections 203(b) or 234(c) of the National Housing Act.

National Housing Act High Cost Mortgage Limits

I. Title I: Method of Computing Limits

A. Section 2(b)(1)(D). Combination manufactured home and lot (excluding Alaska, Guam and Hawaii): To determine the high-cost limit for a combination manufactured home and lot loan, multiply the dollar amount in the "one family" column of Part II of this list

by .80. For example, Hampden County, Massachusetts has a one-family limit of \$73,500. The combination home and lot loan limit for Hampden County is $\$73,500 \times .80$, or \$58,800.

B. Section 2(b)(1)(E): Lot only (excluding Alaska, Guam and Hawaii): To determine the high-cost limit for a lot loan, multiply the dollar amount in the "one-family" column of Part II of this list by .20. For example, Hampden County, Massachusetts has a one-family limit of \$73,500. The lot-only loan limit for Hampden County is $\$73,500 \times .20$, or \$14,700.

C. Section 2(b)(2). Alaska, Guam and Hawaii limits: The maximum dollar limits for Alaska, Guam and Hawaii may be 140% of the statutory loan limits set out in section 2(b)(1).

Accordingly, the dollar limits for Alaska, Guam and Hawaii are as follows:

1. For manufactured homes: \$56,700. ($\$40,500 \times 140\%$).
2. For combination manufactured homes and lots: \$75,600. ($\$54,000 \times 140\%$).
3. For lots only: \$18,900. ($\$13,500 \times 140\%$).

II. Title II: Updating of FHA Sections 203(b), 234(c) and 214 Area Wide Mortgage Limits

REGION I—HUD FIELD OFFICE—BOSTON, MA

Market area designation and local jurisdictions	1-family and condo unit	2-family	3-family	4-family
Hampden County.....	\$73,500	\$82,800	\$100,600	\$116,100

REGION II—HUD FIELD OFFICE—ALBANY, NY

Market area designation and local jurisdictions	1-family and condo unit	2-family	3-family	4-family
Albany County, Saratoga County, Schenectady, County.....	\$90,000	\$101,300	\$122,650	\$142,650

REGION III—HUD FIELD OFFICE—BALTIMORE, MD

Market area designation and local jurisdictions	1-family and condo unit	2-family	3-family	4-family
Baltimore MSA, Baltimore City, Baltimore County, Carroll County, Harford County, Queen Anne's County.....	\$87,850	\$98,950	\$120,250	\$138,750

REGION III—HUD FIELD OFFICE—RICHMOND, VA

Market area designation and local jurisdictions	1-family and condo unit	2-family	3-family	4-family
Spotsylvania County/Fredericksburg City.....	\$74,100	\$83,450	\$101,400	\$117,000

REGION IV—HUD FIELD OFFICE—JACKSON, MS

Market area designation and local jurisdictions	1-family and condo unit	2-family	3-family	4-family
Jackson MSA, Hinds County, Rankin County, Madison County	\$86,450	\$97,350	\$118,300	\$136,500

REGION VIII—HUD FIELD OFFICE—DENVER, CO

Market area designation and local jurisdictions	1-family and condo unit	2-family	3-family	4-family
Pitkin County	\$90,000	\$101,300	\$122,650	\$142,650

Dated: February 6, 1987.

Thomas T. Demery,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 87-2920 Filed 2-11-87; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 354

Book-Entry Securities of the Student Loan Marketing Association (Sallie Mae)

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

ACTION: Interim rule.

SUMMARY: The Department of the Treasury, acting for the Student Loan Marketing Association ("Sallie Mae") pursuant to section 439 of the Higher Education Amendments of 1986, Pub. L. 99-498, hereby amends the regulations, in 31 CFR Part 354, governing Sallie Mae book-entry securities to extend the applicability and effect of those regulations to all Sallie Mae securities which are issued in or converted to book-entry form and to remove a provision which had made the regulations applicable only to Sallie Mae securities issued in book-entry form on or before September 30, 1983.

EFFECTIVE DATE: February 12, 1987.

FOR FURTHER INFORMATION CONTACT: Marianne Keler, Assistant General Counsel, Sallie Mae, 1050 Thomas Jefferson St. NW., Washington, DC 20007 (202-298-3156).

SUPPLEMENTARY INFORMATION: The Student Loan Marketing Association, established by the Congress as a private corporation and financed by private capital, serves as a secondary market and warehousing facility for student loans. The Association, popularly referred to as "Sallie Mae," is

authorized, with the approval of the Secretary of the Treasury, to issue obligations having such maturities and bearing such rate or rates of interest as may be determined by the Association.

Sallie Mae's Federal charter, contained in section 439, Part B of the Higher Education Act, as amended, was recently supplemented by the Higher Education Amendments of 1986 to allow the Federal Reserve Banks to act as fiscal agents for Sallie Mae and to authorize the Secretary of the Treasury to promulgate regulations on Sallie Mae's behalf with regard to its book-entry securities. During a temporary period in 1983, the Secretary of the Treasury, who has responsibility for approving Sallie Mae's issuance of debt obligations, had authorized the Federal Reserve Banks to act as fiscal agents for Sallie Mae and to maintain its securities in book-entry form. The regulations applied to issuances on or prior to September 30, 1983, and were designed to facilitate Sallie Mae's transition from borrowing through the Federal Financing Bank to private capital financing. Congress, through enactment of the Higher Education Amendments of 1986, recently determined that it is in the public interest for Sallie Mae, like other government-sponsored corporations (e.g., Farm Credit System, Federal Home Loan Banks, Federal Home Loan Mortgage Corporation, and Federal National Mortgage Association), to issue securities through the Federal Reserve book-entry system. The regulations promulgated in 1983 largely mirror existing regulations governing Treasury securities held in the commercial book-entry system. The regulations governing it, now referred to as the Treasury/Reserve Automated Debt Entry System ("TRADES"), 51 FR 43027, are presently undergoing revision, and Treasury expects to publish such revised regulations in final form in the near future. Once its own revised book-entry regulations are finalized, Treasury anticipates replacing the existing Sallie

Mae book-entry regulations with a similar revised set of rules.

Accordingly, as an interim measure to effectuate the provisions of the Higher Education Act Amendments, this rule will extend the applicability of regulations already promulgated for Sallie Mae securities to securities issued after September 30, 1983. Because the rule simply follows the mandate of the Higher Education Act Amendments to allow Sallie Mae to make use of the book-entry securities system and does not impose any regulatory burdens on investors in Sallie Mae securities or on the general public, the Department has determined, pursuant to 5 U.S.C. 553(b)(B) and (d)(3) that notice and public procedure and a delayed effective date are unnecessary.

The Department of the Treasury has determined that this interim rule is not a major rule as defined in Executive Order 12291 and that a regulatory impact analysis is not required. Because no notice of proposed rulemaking is required by 5 U.S.C. 553 or any other statute, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply to this interim rule.

List of Subjects in 31 CFR Part 354

Bonds, Government securities, Securities.

PART 354—[AMENDED]

1. The authority citation for Part 354 is revised to read as follows:

Authority: Sec. 1087-2(h)(1) of the Higher Education Act of 1965, as amended, 86 Stat. 265; 94 Stat. 1427-1430; 95 Stat. 457; Pub. L. No. 99-498, 100 Stat. 1418 (20 U.S.C. 1087-2); 12 U.S.C. 391; and 5 U.S.C. 301.

2. Section 354.0 is amended by revising paragraph (a) to read as follows:

§ 354.0 Applicability and effect.

(a) *Applicability.* The regulations in this part govern the issuance of, and transactions in, all securities issued by the Student Loan Marketing Association, sometimes hereafter referred to as "Sallie Mae" or "Association."

* * * * *

§ 354.2 [Amended]

3. Section 354.2 is amended by removing paragraph (e).

Dated: February 5, 1987.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 87-2937 Filed 2-11-87; 8:45 am]

BILLING CODE 4810-35-M

POSTAL SERVICE

39 CFR Part 111

Identification of Bulk Third-Class Mail Bearing References to Expedited Handling or Delivery

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This final rule amends postal regulations governing the preparation of permit imprints for Bulk Third-Class Mail bearing potentially misleading references to expedited handling or delivery. This change will make the permit imprint more prominent for quicker identification, so that postal employees can handle the mail properly and quickly.

EFFECTIVE DATE: March 14, 1987.

FOR FURTHER INFORMATION CONTACT: Mr. George T. Hurst, (202) 268-5232.

SUPPLEMENTARY INFORMATION: On December 5, 1986, the Postal Service published for comment in the *Federal Register* a proposed change to section 145.3 of the Domestic Mail Manual as described above (51 FR 43936). Interested persons were invited to submit written comments concerning the proposed change by January 4, 1987.

The Postal Service received written comments from seven individuals and organizations. Four were from individual commercial mailers, two were from mail preparation companies, and one was from an organization representing third-class mailers. All of the comments received were in general agreement with the proposal. Two commenters agreed completely; three suggested additional alternatives to expand the options available to mailers; one recommended excluding from the proposal mail pieces which suggest only that the contents are "important"; and one offered a more stringent approach that would restrict the prominence or size of all print on the face of this type of mail piece.

The additional alternatives suggested were underlining, capitalizing, using the term "bolder print" instead of "boldface," and using backgrounds of contrasting color or ¼ inch space rather than a ⅜ inch "clear space" around the permit imprint to enhance its visibility. These comments noted that mailers use a variety of different printing devices to prepare envelopes, and may have difficulty complying with regulations providing only the two proposed alternatives (boldface or larger print). Therefore, more options would accommodate a wider variety of available and existing equipment.

Permitting mailers to underscore or underline, capitalize, or boldface (print

in characters bolder than all others in the imprint) would give all mailers the ability to adopt the new regulations without undue hardship while still satisfying the Postal Service's need to increase permit imprint visibility in these cases. The final rule has been changed to require that the words "Bulk Rate" or "Non Profit Org." be displayed more prominently than other words used in the permit imprint, thus making several alternatives permissible.

The Postal Service does not consider the word "important" to be one which implies expedited handling or delivery. Mail bearing this word is not covered by this rule. All mail, regardless of class, is considered important and this wording alone should not cause postal employees additional work in determining its treatment. Only mail which bears references to expedited handling or delivery is dealt with in this revision.

The two suggestions concerning the "clear space" around the permit imprint were carefully considered. The first of these, to "permit the mailer to prepare the envelope with contrasting backgrounds inside and immediately surrounding the indicia," falls within the intended interpretation of this rule. For purposes of this ruling "clear space" means that at least ⅜ inch of space around the permit imprint must not contain any print, design, or mixed color combinations. Mailers using solid colors around the indicia must insure that they contrast sufficiently to make the imprint readable.

The second recommendation concerning the "clear space" around the permit imprint was to limit it to ¼ inch instead of ⅜ inch. Since the intent of this rule is to ensure high visibility of the permit imprint, we do not believe the suggestion would adequately achieve this purpose. Eliminating the possibility of any characters, letters, graphics, or other printing in this ⅜ inch area is intended to alleviate the confusion and interruption caused when employees cannot readily identify the permit imprint. A smaller space would not be sufficient.

The final comment was to print the first phrase of the permit imprint in letters bolder or larger than any others used on the face of the mail piece. This same suggestion had been offered earlier as one of more stringent measures to solve the problems the Postal Service faces in handling these pieces. After discussing this suggestion with representatives of the mailing industry before publication of the proposed rule on December 5, 1986, however, we felt that this would unnecessarily restrict mailers from

printing information on their mail pieces in large type.

After consideration of all the comments the Postal Service hereby adopts the following changes to section 145.3 of the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations, 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.

2. In section 145.3, insert ".31 General" preceding the text and add new .32 reading as follows:

145.3 Preparation of Permit Imprints

.32 Bulk Third-Class Mail Bearing References to Expedited Handling or Delivery

With the exception of post card size mail and imprints placed on address labels, permit imprints on bulk third-class mail bearing references to expedited handling or delivery (such as PRIORITY, EXPRESS, OVERNIGHT, et cetera), must be prepared as follows:

a. Mailers must display the words "Bulk Rate" or "Non Profit Org." more prominently than any other words used in the permit imprint.

b. Mailers must leave a clear space of not less than ⅜ of an inch around the entire permit imprint.

A transmittal letter making these changes in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. Notice of issuance of the transmittal letter will be published in the *Federal Register* as provided by 39 CFR 111.3.

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 87-3000 Filed 2-11-87; 8:45 am]

BILLING CODE 7710-12-M

39 CFR Part 233

Forfeiture; Delegation of Functions to Chief Postal Inspector, United States Postal Inspection Service

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The purpose of this final rule is to implement the forfeiture provisions

of the Postal Service Appropriations Act, 1987, Pub. L. 99-591. These provisions authorize the Postal Service to conduct civil forfeitures of property subject to forfeiture under the Protection of Children Against Sexual Exploitation Act of 1977, as amended by the Child Protection Act of 1984 (18 U.S.C. 2251-2256). This final rule establishes the procedures which will be followed by the Postal Service in carrying out these responsibilities.

EFFECTIVE DATE: March 14, 1987.

FOR FURTHER INFORMATION CONTACT:

George C. Davis, (202) 268-3076.

SUPPLEMENTARY INFORMATION: On August 22, 1986, the Attorney General of the United States issued an order granting authority to the Postal Service to conduct civil forfeitures under section 2254 of the Protection of Children Against Sexual Exploitation Act of 1977, as amended, 18 U.S.C. 254. On September 3, 1986, the Postal Service published in the *Federal Register* new 39 CFR 233.7 to implement the Attorney General's grant of authority (51 FR 31328). As amended by Pub. L. 99-591, the Postal Service Appropriations Act of 1987, 18 U.S.C. 2254 itself authorizes the Postal Service to perform various duties with respect to the civil forfeiture of property subject to forfeiture under section 2254(a). In order to reflect the replacing of the designated authority from the Attorney General with the direct statutory authority of 18 U.S.C. 2254, and to adopt appropriate implementing regulations, the Postal Service amends Part 233 of title 39 CFR as follows:

List of Subjects in 39 CFR Part 233

Crime, Postal Service.

PART 233—INSPECTION SERVICE AUTHORITY

1. The authority citation for Part 233 is revised to read as follows:

Authority: 39 U.S.C. 101, 401, 402, 403, 404, 406, 410, 411, 3005(e)(1); 12 U.S.C. 3401-3422; 18 U.S.C. 2254.

2. Revise § 233.7 to read as follows:

§ 233.7 Forfeiture Authority and Procedures Pursuant to the Protection of Children Against Sexual Exploitation Act of 1977, as amended by the Child Protection Act of 1984—18 U.S.C. 2251-2256.

(a) *Designation of officials having forfeiture authority.* The Chief Postal Inspector is authorized to perform all duties and responsibilities necessary on behalf of the Postal Service to enforce 18 U.S.C. 2254, to delegate all or any part of this authority to Assistant Chief Inspectors, Inspectors in Charge, and Inspectors of the Postal Inspection

Service, and to issue such instructions as may be necessary to carry out this authority.

(b) *Administrative forfeiture authority.* The Chief Postal Inspector is authorized to conduct administrative forfeitures authorized by 18 U.S.C. 2254 and 19 U.S.C. 1600-1619 as incorporated by 18 U.S.C. 2254(b), to pay all necessary expenses of the forfeiture, and to pay valid liens and mortgages against property that has been forfeited under section 2254.

(c) *Inventory.* An inventory of all property seized for forfeiture under section 2254 shall be prepared and maintained by the Postal Inspection Service. The inventory should occur within seven days of the seizure. The inventory must, at a minimum, identify all property seized, state the exact location of the property at the time of its seizure, and describe in detail the condition of the property. A written receipt containing such information and identifying the Postal Inspector who conducted the seizure must be provided to the party from whom the property was seized, or the party's agent or representative, at the time of seizure or as soon thereafter as practical, but in no event less than ten days after the seizure.

(d) *Custody.* Custody of all property seized for forfeiture under 18 U.S.C. 2254 is maintained by the U.S. Marshals Service, except property held for evidentiary purposes; retained for official use upon forfeiture; subject to equitable transfer to federal, state or local law enforcement agencies; or subject to civil administrative forfeiture.

(e) *Appraisal.* The Postal Inspection Service must promptly obtain or complete an appraisal of all seized property. The appraisal value is the fair market value of the property, which is the highest price, in terms of money, which a property will bring in a competitive and open market.

(f) *Quick-release.* Property subject to administrative forfeiture may, prior to forfeiture, be released by the Postal Inspection Service to the owner of the property having an immediate right to possession of the property when the Postal Inspection Service concludes that release of the property is in the best interest of justice. An agreement to hold harmless the United States, the Postal Inspection Service, and all other involved entities should be obtained from the owner. A decision for quick release of the property should be made within five days of the seizure.

(g) *Judicial forfeiture.* If the appraised value of property seized exceeds \$100,000 or if a claim and satisfactory bond have been received for property

appraised at \$100,000 or less, the Postal Inspection Service must transmit the claim and bond to the U.S. Attorney for the judicial district in which the seizure was made and request that the U.S. Attorney promptly institute a judicial forfeiture proceeding against the property. The Postal Inspection Service must provide the U.S. Attorney a complete written description of the property, a statement of the facts and circumstances leading to the seizure of the property, including all facts and documentation leading to the conclusion that the seized property is subject to forfeiture, and such additional information as the U.S. Attorney may require for the purpose of instituting a judicial forfeiture action.

(h) *Notice of seizure of property having a value of \$100,000 or less; advertisement; declaration of forfeiture.*

(1) The Postal Inspection Service must cause written notice of the seizure of all property subject to civil administrative forfeiture to be sent to each known party that may have a possessory or ownership interest in the seized property. The notice must describe the property seized; state the date, place, and statutory basis for seizure; provide a brief narration of the facts leading to the conclusion that the property is subject to forfeiture; and inform the party of the intent of the Postal Inspection Service to forfeit the property. In addition, the notice must state that any person desiring a judicial determination of forfeiture must file a claim and bond (see paragraph 2 of this subsection) with a designated official of the Postal Inspection Service, within twenty days from the date of the first publication of the notice of seizure (see paragraph (4) of this subsection), or of the date of the letter of personal notice required by this paragraph, whichever is later. Any claim submitted pursuant to this paragraph is invalid unless accompanied by a bond meeting the requirements of paragraph (2), or a completed PS Form 1518, *Petition to Proceed in Forma Pauperis*.

(2) A bond in the amount of \$5,000 or ten percent of the value of the claimed property, whichever is lower, but in no event less than \$250, must accompany any claim submitted pursuant to paragraph (1). The bond may be in the form of a cashier's check, certified check, or money order made payable to the United States of America, or satisfactory sureties. If a claimant is financially unable to post the bond because of indigency, such a person may require a waiver of the bond by completion of PS Form 1518, *Petition to Proceed in Forma Pauperis*.

(3) Upon receipt of the claim and bond, the Postal Inspection Service must, upon determining that the documents are in proper form and the sureties satisfactory, transmit the documents to the appropriate U.S. Attorney as provided in subsection (g). If the documents are not satisfactory, the Postal Inspection Service must notify the party making the claim and may allow a reasonable time for correction. If correction is not made within the time allowed for that purpose, the administrative forfeiture must proceed as though the claim and bond had not been tendered.

(4) Notice of administrative forfeiture proceedings containing the information required by subsection (h)(1) must be published once each week for at least three successive weeks in a newspaper of general circulation in the judicial district in which the property was seized. If a claim and satisfactory bond is not filed within the time allowed, the Postal Inspection Service may declare the property forfeited.

(i) *Disposition of forfeited property.*

(1) Whenever property is forfeited administratively, the Postal Inspection Service may:

- (i) Retain the property for official use;
- (ii) Transfer ownership of the property to any federal, state or local law enforcement agency that participated in the investigation leading to the forfeiture;
- (iii) Sell any property which is not required to be destroyed by law and which is not harmful to the public;
- (iv) Destroy the property;
- (v) Donate the property to a charitable organization; or
- (vi) Dispose of the property as otherwise permitted by law.

(2) If the laws of a state in which an article of forfeited property is located prohibit the sale or possession of such property or if the Postal Service and the Marshals Service are of the opinion that it would be more advantageous to sell the forfeited property in another district, the property may be moved to and sold in such other district.

(3) If, after an administrative forfeiture of property is completed, it appears that the proceeds of sale will not be sufficient to pay the costs of sale or the proceeds will be insignificant in relation to the expenses involved in the forfeiture, then the Postal Service or the Marshals Service may order destruction or other disposition of the property including alteration of the property into an article that is not prohibited.

(j) *Remission or mitigation of forfeiture.*

(1) Any person claiming a legal or equitable interest in any property which has been forfeited administratively

pursuant to this section or is subject to such forfeiture may file in triplicate with the Postal Inspection Service a Petition for Remission or Mitigation of the forfeiture or a Petition for Restoration of the Proceeds of Sale for the value of forfeited property sold or placed into official use. The Petition must contain the information required by paragraph (2). The Petition must be addressed to the Chief Postal Inspector and must be executed and sworn to by the person alleging an interest in the property or by his counsel upon information and belief. If the forfeiture proceedings are judicial, the Petition must be addressed to the Attorney General of the United States and must be filed in triplicate with the Inspector in Charge of the Inspection Service field office that seized the property. The Petition pertaining to a judicial forfeiture must be executed and sworn to by the person alleging an interest in the property or by his counsel upon information and belief. The Petition must be forwarded promptly to the U.S. Attorney responsible for the judicial prosecution.

(2) All such Petitions must include, at a minimum, the following: (i) A complete description of the property, including model and serial numbers, if any; (ii) the date and place of seizure; (iii) the Petitioner's interest in the property, which must be supported by bills of sale, contracts, mortgages, or other satisfactory documentary evidence; and, (iv) any facts and circumstances, established by satisfactory proof, relied upon by the Petitioner to justify the granting of the Petition. For further information regarding the content of a Petition, see 28 CFR 9.5.

(3) Where the Petition is for the restoration of the proceeds of the sale of forfeited property or for the value of forfeited property placed into official use, it must be supported by satisfactory proof that the Petitioner did not know of the seizure or forfeiture prior to the declaration of forfeiture due to circumstances which prevented his acquiring such knowledge.

(4) A Petition for Remission or Mitigation of forfeiture must be filed within thirty days from the date of the personal notice letter or within thirty days from the date of publication notice. After property is disposed of, a Petition for Remission or Mitigation of forfeiture will no longer be accepted; a Petition for Restoration of Proceeds of Sale for the value of property placed in official use must thereafter be filed. Such Petition shall be filed within ninety days of the sale of the property, or within ninety days of the date the property is placed in official use.

(5) Upon receipt of a Petition for Remission or Mitigation, or a Petition for Restoration of Proceeds of Sale, an investigation must be conducted by the Postal Inspection Service to determine the validity of the facts asserted in the Petition. No hearing shall be held. Results of the investigation relating to an administrative forfeiture action must be forwarded in writing to the Assistant Chief Inspector, Criminal Investigations, Headquarters, Postal Inspection Service. Final decisions on such Petitions are made by the Assistant Chief Inspector, Criminal Investigations or his designee, who must promptly notify the Petitioner of the decision. Results of the investigation relating to a judicial forfeiture must be promptly forwarded to the U.S. Attorney responsible for the judicial prosecution (see paragraph (1) of this subsection).

(6) A Request for Reconsideration of the denial of the Petition for Remission or Mitigation in an administrative forfeiture action must be submitted within ten days from receipt of the letter denying the Petition. The request must be addressed to the Chief Postal Inspector and must be based on evidence recently developed or not previously considered. Only one request for reconsideration of the denial of a Petition may be considered.

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 87-2999 Filed 2-11-87; 8:45 am]

BILLING CODE 7710-12-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 405, 409, 410, 417, 418, 421, and 431

[BERC-360-CN]

Medicare and Medicaid Program; Corrections and Technical Amendment

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Correction notice.

SUMMARY: Federal Register document 86-25326, beginning on page 41332 of the issue of Friday, November 14, 1986, redesignated certain portions of 42 CFR Part 405 as 42 CFR Part 410 and corrected references to the redesignated sections. This document corrects errors in the November 14 publication, and makes a technical amendment that was overlooked.

FOR FURTHER INFORMATION CONTACT:
Luisa V. Iglesias, (202) 245-0383.

Corrections

§ 405.152 [Corrected]

1. On page 41338, column 2, paragraph (d), "Part 498 of this chapter," is changed to "Subpart O of this part."

§ 409.42 [Corrected]

2. On page 41339, column 1, paragraph (b)(2) is corrected by changing the phrase "a doctor of medicine or osteopathy" to a "doctor of medicine, osteopathy, or podiatric medicine"; and paragraph (b)(3), line 6, is corrected by removing the word "continued".

§ 410.32 [Corrected]

3. On page 41342, column 2, paragraph (a)(1), last line, "§ 482.27" is changed to "§ 482.26"; and in column 3, paragraph (b)(3) is corrected by inserting "podiatric medicine," immediately before "dental surgery".

§ 410.40 [Corrected]

4. On page 41343, column 2, paragraph (e)(1)—

- a. In line 1, "NSF" is changed to "SNF".
- b. In line 2, "and" is changed to "the".

§ 410.100 [Corrected]

5. On page 41345, column 2, paragraph (k)(2), "§ 410.28" is changed to "§ 410.29".

§ 410.152 [Corrected]

6a. On page 41346, column 2, paragraph (a)(2)(i), the cross-reference is changed to "Parts 405 (Subparts E, P, and X) and 413 of this chapter."

b. On page 41347, column 1, paragraph (e)(1), "§ 405.439" is changed to "§ 413.170".

§ 421.200 [Corrected]

7. On page 41350, column 1, paragraph (c), "assure" is changed to "ensure".

§ 431.56 [Corrected]

8. On page 41350, column 2, paragraph (b)(2), "of medicaid" is changed to "for Medicaid".

§ 405.903 [Amended]

9. 12. In paragraph (b), "his \$50 deductible (see § 405.245)" is changed to "his \$75 deductible, as specified in § 410.160 of this chapter."

§ 417.222 [Corrected]

10. On page 41351, column 3, the amendment to § 417.222 is corrected by changing the first cited section from "§ 406.113" to "§ 405.113".

Technical Amendment

§ 418.3 [Amended]

In § 418.3, in the definition of "physician", reference to "§ 405.232a" is changed to "§ 410.20".

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance, No. 13.773, Medicare—Hospital Insurance, and No. 13.774, Medicare—Supplementary Medical Insurance.)

Dated: February 6, 1987.

Barbara S. Wamsley,

Acting Deputy Assistant Secretary for
Management Analysis and Systems.

[FR Doc. 87-2972 Filed 2-11-87; 8:45 am]

BILLING CODE 4120-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 86-130; RM-5216]

Radio Broadcasting Services; Vestal, NY

AGENCY: Federal Communications
Commission.

ACTION: Final rule.

SUMMARY: This document allocates Channel 277A to Vestal, New York, at the request of David Mitchell. A site restriction of 5.8 kilometers (3.6 miles) southeast is imposed. Canadian concurrence has been received. With this action, this proceeding is terminated.

EFFECTIVE DATE: March 23, 1987. The filing window for applications will open on March 24, 1987, and close on April 22, 1987.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 86-130, adopted December 4, 1986 and released February 5, 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. Section 73.202(b), in the entry for Vestal, New York, Channel 277A is added.

Federal Communications Commission.

Mark N. Lipp,

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

[FR Doc. 87-2983 Filed 2-11-87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 86-203, RM-5247]

Radio Broadcasting Services; Scotland Neck, NC

AGENCY: Federal Communications
Commission.

ACTION: Final rule.

SUMMARY: This document allocates Channel 274A to Scotland Neck, North Carolina, as the community's first local FM service, at the request of WYAL Radio, Inc. The channel can be allocated in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction.

With this action, this proceeding is terminated.

EFFECTIVE DATE: March 23, 1987. The window period for filing applications will open on March 24, 1987, and close on April 22, 1987.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 86-203, adopted November 28, 1986, and released February 5, 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 contractor, 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 allotments for North Carolina is amended by adding Scotland Neck, Channel 274A.

Federal Communications Commission.

Mark N. Lipp,

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

[FR Doc. 87-2984 Filed 2-11-87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 86-255, RM-5270]

Radio Broadcasting Services; Wahpeton, ND

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allocates Channel 296A to Wahpeton, North Dakota, as the community's first local FM service, at the request of Indian Broadcasting. The channel can be allocated in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. Canadian concurrence has been received since the community is located within 320 kilometers of the U.S.-Canadian border. With this action, this proceeding is terminated.

DATES: Effective March 23, 1987. The window period for filing applications will open on March 24, 1987, and close on April 22, 1987.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 86-255, adopted November 18, 1986, and released February 5, 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. Section 73.202(b), the Table of FM Allotments for North Dakota is amended by adding Wahpeton, Channel 296A.

Federal Communications Commission.

Mark N. Lipp,

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

[FR Doc. 87-2985 Filed 2-11-87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 90

[PR Docket No. 86-169; FCC 87-15]

Private Land Mobile Services, Special Industrial Radio Service; Increased Power and Antenna Heights

AGENCY: Federal Communication Commission.

ACTION: Final rule.

SUMMARY: This document eliminates the secondary restriction and increases the power and antenna permitted to 100 watts (ERP) and 100 feet, respectively on 450 MHz band 12.5 KHz offset frequencies available exclusively in the Special Industrial Radio Service.

EFFECTIVE DATE: March 23, 1987.

ADDRESS: Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Herb Zeiler, Private Radio Bureau, (202) 634-2443.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, PR Docket 86-169, adopted January 5, 1987 and released February 3, 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.

Summary of Report and Order

1. On May 2, 1986, the FCC released a Notice of Proposed Rulemaking (NPRM), PR Docket 86-169, 51 FR 17367 (May 12, 1986), proposing to eliminate the secondary restriction and increase the

power and antenna height permitted on 450 MHz band 12.5 KHz offset frequencies available exclusively in the Special Industrial Radio Service to 20 watts (ERP) and 100 feet above ground, respectively.

2. All of the comments supported the Commission's proposal to expand the use of 450 MHz band offsets available exclusively in the Special Industrial Radio Service. In supporting the NPRM, however, one commenter requested that entities be allowed to use a maximum ERP of up to 100 watts instead of the 20 watts proposed in the NPRM.

3. By this Report and Order the Commission eliminated the secondary restriction on 450 MHz band offsets available exclusively in the Special Industrial Radio Service and increased the permissible antenna height above ground to 100 feet. The Commission agreed with the commenters that relaxing the restrictions somewhat on these channels would make them more attractive to users without significantly increasing the potential for adjacent channel interference. In response to the comments, the Commission allowed a maximum ERP on these channels of up to 100 watts. Again, the Commission agreed that increasing the permissible power would make the channels more attractive. As before, the Commission concluded that the coordinator, with its knowledge of user needs and local conditions will minimize the likelihood of interference occurring with a 12.5 KHz frequency separation.

Ordering Clauses

Accordingly, it is ordered, that pursuant to sections 4(i) and 303(l) of the Communications Act of 1934, as amended, Part 90 of the Commission's Rules is amended effective March 23, 1987, as shown at the end of this document.

List of Subjects in 47 CFR Part 90

Radio, Private land mobile radio service.

It is further ordered that this proceeding is terminated.

Federal Communications Commission.
William J. Tricarico,
Secretary.

Rules Changes

Part 90 of the Commission's rules is amended as follows:

1. The authority citation for Part 90 continues to read as follows:

Authority: Sections 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303 unless otherwise noted.

2. Section 90.267 is amended by revising paragraphs (a)(1) and (a)(2) and adding a new paragraph (a)(6)(iii) to read as follows:

§ 90.267 Assignment and use of 12.5 kHz frequency offsets.

(a) * * *

(1) All stations shall be licensed as mobiles but may serve the functions of base, fixed or mobile relay stations. Except in the Special Industrial Radio Service, stations are limited to 2 watts output power. Stations operating on offsets available exclusively in the Special Industrial Radio Service may be authorized an effective radiated power of up to 100 watts.

(2) Except for stations authorized on offsets available exclusively in the Special Industrial Radio Service, all operations shall be on a secondary basis to the primary operations and shall be entitled to no protection from such stations. Stations operating on offsets available exclusively in the Special Industrial Radio Service shall be licensed on a primary basis.

(6) * * *

(iii) Stations operating on offsets available exclusively in the Special Industrial Radio Service may be authorized an antenna height up to 35 m. (100 ft) above ground.

[FR Doc. 87-2967 Filed 2-11-87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 97

[PR Docket No. 85-196]

Maintenance of Question Pools for Amateur Operator Examinations

AGENCY: Federal Communications Commission.

ACTION: Order denying request for stay.

SUMMARY: This document denies a Request for Stay of the Report and

Order which became effective December 31, 1986. Action on the stay request is necessary so that the amateur community will know whether the transfer of question pools to the Volunteer-Examiner Coordinators (VECs) has been postponed. The effect of the action is to affirm that the transfer of the question pools has taken place and has not been held in abeyance.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Maurice J. DePont, Private Radio Bureau, Washington, DC 20554, (202) 632-4964.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 97

Amateur radio, Examinations, Radio.

In the matter of amendment of part 97 of the Commission's Rules to Permit Volunteer-Examiner Coordinators (VECs) to Maintain Pools of Questions for Amateur Operator Examinations; PR Docket No. 85-196.

Order

Adopted: January 29, 1987.

Released: February 5, 1987.

By the Chief, Private Radio Bureau.

1. The Commission by its Chief, Private Radio Bureau, acting under delegated authority, has under consideration a Request for Stay, filed December 10, 1986, by the American Radio Relay League, Inc. (ARRL). ARRL requests that the Report and Order in the subject proceeding, which became effective December 31, 1986¹ be stayed pending final action on its Petition for Reconsideration, also filed in this proceeding.

2. Before a grant of a request for stay is warranted, a fourfold test must be met: (1) Petitioner must demonstrate a likelihood of success on the merits of the Petition for Reconsideration; (2) a failure to grant a stay would lead to petitioner's

irreparable injury; (3) granting a stay would not harm other interested parties; and (4) the stay would be in the public interest. See *Pochahontas Cable TV, Inc.* and *Newport TV Cable, Inc.*, 40 RR 2d 891 (1977); 64 FCC 2d 698 (1977).

3. After examining the Request for Stay in the light of the criteria set forth above, it is concluded that the petitioner has not demonstrated that a stay should be granted.

4. ARRL's statements in support of its Request for Stay are a reiteration of its comments in this proceeding, i.e. that the FCC must continue to maintain the question pools in order to carry out the intent of Congress. As a matter of procedure, however, reiteration or arguments previously made and rejected is not sufficient to demonstrate a likelihood of success on the merits when the Petition for Reconsideration is considered.

5. While ARRL has not met the first requirement for grant of a stay, we consider that, as a practical matter, its concerns have already been satisfied. At the August 8, 1986, Conference of Volunteer-Examiner Coordinators (VECs), the participants agreed unanimously to maintain the existing examination questions until January 30, 1988. In the interim the VECs will cooperate in developing a common pool of examination questions. We have since stated in our Public Notice of December 19, 1986 (52 FR 277; January 5, 1987) that we expect all VECs to adhere to this plan of action. Thus, while ARRL's Petition for Reconsideration is pending, the *status quo* will be maintained.

6. In view of the foregoing, and under the authority delegated by Section 0.331 of the Commission's Rules, it is ordered, That the Request for Stay is denied.

Federal Communications Commission.

Michael T.N. Fitch,

Chief, Private Radio Bureau.

[FR Doc. 87-2986 Filed 2-11-87; 8:45 am]

BILLING CODE 6712-01-M

¹ See Federal Register of November 18, 1986; 51 FR 41630.

Proposed Rules

Federal Register

Vol. 52, No. 29

Thursday, February 12, 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.

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 230

[Release No. 33-6688; File No. S7-2-87]

Securities Guaranteed by Banks and the Use of Insurance Policies To Guarantee Debt Securities; Exemption

AGENCY: Securities and Exchange Commission.

ACTION: Request for Comments.

SUMMARY: The Commission solicits comments on the use of the exemption in section 3(a)(2) of the Securities Act of 1933 for securities guaranteed by banks and the use of insurance policies to guarantee securities. This request is part of a Commission study mandated by the Government Securities Act of 1986 (Pub. L. No. 99-571) (the "Act"). As provided by the Act, the study will be conducted in consultation with the Secretary of the Treasury, the Board of Governors of the Federal Reserve System, and other federal bank regulatory agencies. The study is to be completed by April 28, 1987 (six months after the date of enactment of the Act).

The Commission will hold a public hearing during the course of the study. Interested individuals and organizations will have an opportunity to discuss their views on the topics covered in this release.

DATES: Comments are to be received by March 13, 1987. The public hearing is tentatively scheduled for March 23, 1987, 1:30 p.m. at the Public Meeting Room (Room IC-30) of the Securities and Exchange Commission in Washington, DC 450 Fifth Street, NW. Individuals or organizations wishing to present their views at the public hearing should contact the Commission officials listed below by March 9, 1987.

ADDRESS: Persons wishing to submit comments should file three copies with Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. All

comments should refer to File No. S7-2-87 and will be available for inspection at the Commission's Public Reference Room.

FOR FURTHER INFORMATION CONTACT: Matthew A. Chambers, Esq., (202)272-2428, Office of the General Counsel, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION:

I. Section 105 of the Government Securities Act of 1986

Section 105 of the Government Securities Act of 1986 directs the Commission to perform a "study of the use of the exemption contained in [S]ection 3(a)(2) of the Securities Act of 1933 (15 U.S.C. 77c(a)(2)) for securities guaranteed by banks, and the use of insurance policies to guarantee securities." As directed by Congress, the study will focus on:

- (1) The impact of the guarantee provision of the exemption in Section 3(a)(2) of the Securities Act on investor protection and the public interest;
- (2) The impact of the guarantee provision of Section 3(a)(2) on competition between banks and insurance companies and between domestic and foreign guarantors;
- (3) Whether, and under what circumstances, debt securities guaranteed by insurance policies should be exempt from registration under the Securities Act;
- (4) The impact of such an exemption on investor protection and the public interest; and
- (5) Such other issues as the Commission deems relevant.

II. Background

A "financial guarantee" is defined, generally, as a third party's guarantee, for a fee, that another party's obligations in a financial transaction will be met. Financial guarantees first gained widespread acceptance in the 1970s to insure payment of principal and interest on municipal bonds. Since that time, they have been used to back issues of corporate bonds, commercial paper, limited partnerships, and debt securities backed by assets (including mortgages, automobile loans, and credit card receivables.)¹ The entities engaging in

the financial guarantee business include insurance companies and domestic and foreign banks.²

Insurance companies entered the financial guarantee market with municipal bond insurance. In that market, a municipality with a low credit rating in a debt offering purchases an insurance policy to insure payment of principal of and interest on its bonds.³ The guarantee raises the market's perception of the creditworthiness of the municipality's obligation, gives the municipality more access to credit, and allows it to pay lower interest rates to investors. The guarantor charges a premium or fee which the municipality is willing to pay because the cost will be recovered through the difference between the insured rate of interest and the interest rate that would be paid without the guarantee.⁴

The use of municipal bond insurance has grown rapidly. According to one estimate, financial guarantees backed 20% of long-term debt issued by municipalities in 1985 as compared to 3% in 1980.⁵ As of mid-1985, it was

Insurance Edition) 16, 133 (Oct. 1985). See also Haine, *Developments in Financial Guarantee Insurance*, Bus. Law. Update, Nov.-Dec. 1986, at 5.

Financial guarantees may also be used to provide credit support to demand agreements relating to variable or floating rate instruments, such as variable rate tax-free municipal bonds. The demand feature may enable such an instrument to be treated as short-term debt, and the credit support of the demand feature may raise the quality of an instrument and, thus, make it marketable to tax-free money market funds that invest only in high quality short-term instruments. See Investment Company Act Release No. 14983 (March 12, 1986).

² In addition to insurance companies and banks, industrial companies, consortiums of financial institutions, and other financial intermediaries have entered the financial guarantee market. See Freedman, *supra* note 1, at 18; Registration Statement of General Electric Credit Corporation on Form S-3, File No. 2-80000 (filed Oct. 27, 1982) (registration of standby letter of credit in connection with exempt municipal bond offering).

³ Sometimes the insurance is purchased by another party, such as the sponsor of a unit investment trust, to cover securities in the trust's portfolios. Such insurance may be applicable only so long as the insured security is held by the unit investment trust. The insurance allows the trust to get a higher rating for its portfolio as a whole.

⁴ Freedman, *supra* note 1, at 16.

⁵ *Insurers and SEC Battle Over Measure to Alter Debt-Registration Requirement*, Wall St. J., Sept. 29, 1986, at 24.

¹ Freedman, *Financial Guarantees: Too Hot to Handle?* 66 *Best's Rev. (Property/Casualty*

estimated that municipal bond insurers had guaranteed a cumulative \$125 billion to \$150 billion in principal and interest and collected \$750 million to \$1 billion in premiums.⁶

Insurance companies also underwrite guaranteed investment contracts ("GICs") in connection with the issuance of publicly held debt securities.⁷ Like an insurance policy, a GIC allows a municipality to borrow at a lower cost.

Domestic banks participate in the financial guarantee market primarily through the use of standby letters of credit.⁸ These standby letters of credit are considered by some to be functionally equivalent to insurance policies.⁹ One source estimated that, in

1984, United States commercial banks issued standby letters of credit guaranteeing total debt of \$146 billion, up from \$46.8 billion in 1980.¹⁰ Bank fees for standby letters of credit in 1984 were estimated to be \$730 million.¹¹

Foreign banks also have entered the financial guarantee market. According to one estimate, in mid-1985, United States branches and agencies of foreign banks had \$20.7 billion in standby letters of credit outstanding.¹² More recently, it was estimated that foreign banks had increased their share of the domestic market for standby letters of credit to over 50%.¹³

III. Treatment of Financial Guarantees Under the Securities Act of 1933

Under the Securities Act of 1933, public offerings of securities must be registered unless an exemption from the registration requirements is available. Under section 2(1) of the Securities Act, a guarantee of a security is a separate security; the guarantee also must be registered unless an exemption from registration is available. Financial guarantees in the forms of bank standby letters of credit and insurance policies, however, have generally not been registered, in reliance on sections 3(a)(2) and 3(a)(8) of the Act.

Financial guarantees issued by domestic banks in the form of standby letters of credit are exempt from registration pursuant to section 3(a)(2) of the Securities Act, which exempts "any security issued * * * [by] any national bank, or any banking institution organized under the laws of any State, Territory, or the District of Columbia, the business of which is substantially confined to banking and is supervised by the State or territorial banking commission or similar official * * *." In addition, section 3(a)(2) exempts from registration "any security * * * guaranteed by" such a bank. Although a standby letter of credit may be deemed not to be a guarantee for some purposes, but rather an "engagement * * * [of] the issuer [to] * * * honor drafts or other demands for payment upon compliance with the conditions specified,"¹⁴ the Commission's Division of Corporation Finance has treated standby letters of credit as being "tantamount to

guarantees by [a] bank." Thus, the security backed by the letter of credit and the letter of credit itself have not been registered under the Securities Act.¹⁵

In September 1986, the Commission issued an interpretive release setting forth its position on the application of the section 3(a)(2) exemption to securities issued or guaranteed by United States branches and agencies of foreign banks.¹⁶ In that release, the Commission announced that it deemed a branch or agency of a foreign bank located in the United States to be a "national bank," or a "banking institution organized under the laws of any state, territory, or the District of Columbia," within the meaning of section 3(a)(2), provided that the nature and extent of federal and/or state regulation and supervision of the particular branch or agency is substantially equivalent to that applicable to federal or state chartered domestic banks doing business in the same jurisdiction. Thus, a security backed by a standby letter of credit or otherwise "guaranteed" by a domestic branch or agency of a foreign bank subject to regulation substantially equivalent to that applicable to a domestic bank is exempt from registration under the Securities Act.¹⁷

Insurance companies providing financial guarantees backing debt securities have not registered the guarantees in reliance on section 3(a)(8) of the Securities Act. That section provides an exemption from registration for certain insurance policies and annuity contracts regulated by state insurance commissioners.¹⁸ Although

¹⁵ Merrill Lynch, Pierce, Fenner & Smith, Inc. (May 3, 1982) (Division of Corporation Finance no-action letter).

¹⁶ Securities Act Release No. 8661 (Sept. 23, 1986).

¹⁷ The Commission also stated that the determination whether the requirement of substantially equivalent regulation was met was one which must be made by the particular branch or agency and its counsel. *Id.* See also Investment Company Act Release No. 15314 (Sept. 17, 1986) for a discussion of the treatment of foreign banks under the Investment Company Act of 1940.

¹⁸ Although the guarantee is exempt from registration, under Rule 3-10 of Regulation S-X (the Commission's regulation prescribing the form and content of financial statements filed with the Commission), the financial statements of the guarantor must be filed as part of the registration statement concerning the guaranteed securities.

On February 5, 1987, the Commission voted to repropose Form N-7, a form for registration of unit investment trusts under the Investment Company Act and the Securities Act. As repropounded, the form would require unit investment trusts whose portfolios are insured or guaranteed to include financial statements of the insurer or guarantor in their registration statements.

⁶ Brenner, *Booming Financial Guarantees Market Generates Profits and Some Questions*, *Am. Banker*, June 24, 1985, at 1.

⁷ A GIC may take any of a variety of forms. Nearly all, however, are deferred annuities issued by insurance companies under which the purchaser agrees to pay money to an insurer (in one or more installments), and the insurer promises to pay interest at a guaranteed rate for the life of the contract. In some contracts, the insurer may periodically pay discretionary excess interest over and above the guaranteed rate.

The insurer may tailor the terms of the GIC to meet the needs of the individual bond issuer. In general, however, the arrangement usually includes two annuity forms—a single premium deferred annuity and a single premium immediate annuity. Under the deferred annuity, benefit payments do not begin until the end of an initial period during which funds are accumulated at compound interest with the insurance company. In contrast, benefit payments under the immediate annuity begin at the end of the first payment interval after purchase (e.g., if payments were to be made on a monthly basis, the first payment would be made at the end of the first month following purchase of the contract).

In a taxable municipal bond offering backed by GICs, a portion of the total proceeds is invested in a GIC of the single premium immediate annuity type as a debt service reserve fund and used to provide money to pay the interest on the bonds. The remainder of the bond proceeds is invested initially in a GIC of the single premium deferred annuity type that contains full and partial surrender clauses that permit the municipality to draw on the GIC to finance its municipal operations.

⁸ In general, state and national banks have traditionally lacked the power, under state and federal law, respectively, to guarantee the payment of indebtedness. See Verkuil, *Bank Solvency and Guaranty Letters of Credit*, 25 *Stan. L. Rev.* 716, 725 & n.44 (1972-1973); Comment, *Recent Extensions in the Use of Commercial Letters of Credit*, 66 *Yale L.J.* 902, 911-12 & n.38 (1956-1957); Harfield, *The National Bank Act and Foreign Practices*, 61 *Harv. L. Rev.* 782, 788 & n.12 (1947-1948). The Office of the Comptroller of the Currency has determined, nevertheless, that national banks generally are empowered to issue standby letters of credit. See 12 CFR 7.7016 (1986). Because letters of credit bear some resemblance to guarantees, however, the question often arises as to whether a particular letter of credit is an impermissible guarantee. See, e.g., *Letter No. 295* (July 3, 1984) (interpretative letter issued by the Office of the Comptroller of the Currency).

⁹ See Letter to Patrick Mulhern, Senior Vice President and General Counsel, Citibank, N.A. from Michael Patriarca, Deputy Comptroller for Multinational Banking, Office of the Comptroller of

the Currency, May 2, 1985 (concurring in opinion that national bank may acquire or establish municipal bond insurance subsidiary).

¹⁰ Brenner, *Regulators Worry About Guarantees*, *Am. Banker*, June 28, 1985, at 17.

¹¹ *Id.* at 18.

¹² Brenner, *supra* note 10, at 17.

¹³ Wong, *Foreign Banks Grab a Market Segment*, *Wall St. J.*, December 15, 1986, at 6.

¹⁴ U.C.C. 5-103.

phrased as an exemption, the Commission has taken the position that section 3(a)(8) provides an exclusion from all provisions of the Securities Act.¹⁹

An insurance company guarantee of principal of and interest on a tax-exempt municipal bond has been deemed to be exempt under section 3(a)(8) of the Securities Act.²⁰ Similarly, an insurance company's financial guarantee bond insuring the timely payment of amounts due under debentures to be offered publicly by a noninsurance subsidiary of an insurance company has also been treated as exempt under section 3(a)(8).²¹

Not every instrument labeled as an insurance policy or an annuity contract, however, falls within the exclusion of section 3(a)(8). For example, a variable annuity contract in which the entire investment risk remains with the annuity holder is deemed not to be an annuity contract for purposes of section 3(a)(8).²² Similarly, variable annuity contracts in which the investment risks borne by the respective insurance companies are not deemed significant also are not considered to be annuity contracts for purposes of section 3(a)(8).²³

The Commission has adopted Rule 151 under the Securities Act, which establishes a "safe harbor" within section 3(a)(8) for certain types of annuity contracts.²⁴ To come within the

Rule, the contract must (1) be issued by a corporation subject to the supervision of the state insurance commissioner, bank commissioner, or any agency or officer performing like functions, (2) include guarantees of principal and interest sufficient in degree for the issuer to be deemed to have assumed the investment risk, and (3) not be marketed primarily as an investment. While compliance with Rule 151 will assure "non-security status," failure to comply does not necessarily result in the annuity contract being denominated a security outside the section 3(a)(8) exclusion. The Commission, however, has taken the position that the rationale underlying the conditions set forth in the rule is relevant to any section 3(a)(8) determination.²⁵

Thus, under the Securities Act, any security guaranteed by a bank, and the guarantee itself, are exempt from the registration requirements and from the private liability provisions of section 12(2). Both the guaranteed security and the guarantee itself, however, are subject to the antifraud provisions of section 17.²⁶ Insurance policies that guarantee securities are excluded from the Act in its entirety if those policies come within section 3(a)(8). Securities guaranteed by insurance policies, however, generally are subject to all of the Securities Act's requirements, including the registration requirements of section 5, unless a separate exemption applies.²⁷

IV. Request for Comment

Congress directed the Commission to examine the impact of the exemption in section 3(a)(2) for securities guaranteed by banks on investor protection and the public interest and on competition among guarantors, and whether a similar exemption from registration should be provided for securities guaranteed by insurance policies. For ease of discussion and to focus the responses of commentators, the discussion set forth below has been divided into three sections. The first section concerns the use of the exemption in section 3(a)(2) and its impact on investor protection and the public interest; the second, the impact of that exemption on competition among banks and insurance companies, and domestic and foreign guarantors; and

the third, whether and under what circumstances debt securities guaranteed by insurance policies should be exempt from registration. Of course, many of the issues to be addressed are interrelated, and commentators need not structure their answers to conform to this organization. In responding to the issues discussed below, the Commission requests that commentators be as specific as possible, and, where appropriate, provide quantitative data and cite to the source of the data. The Commission also invites commentators to address any other matters that they believe are relevant to the study.

A. The Use of the Guarantee Provision of the Exemption in Section 3(a)(2) and Its Impact on Investor Protection and the Public Interest

In evaluating the use of the guarantee provision of the exemption in section 3(a)(2) and its impact on investor protection and the public interest, the Commission requests information on the market for securities guaranteed by banks, the banking regulatory scheme currently applicable to standby letters of credit and other financial guarantees issued by banks, the rights of security holders under standby letters of credit, and the record of those banks that have issued guarantees.

As noted above, banks are major participants in the financial guarantee market. The Commission requests that the commentators address the nature and extent of bank participation in that market, with particular emphasis on guarantees of publicly offered securities. What specific types of securities are being offered with standby letter of credit backing? What is the volume of these offerings by type of security? What are the current trends in this market, and what future developments are likely? What types of banks are issuing standby letters of credit in connection with public offerings?

The Commission believes that the impact of the guarantee provision in section 3(a)(2) should be assessed in light of the current banking regulatory scheme. While the legislative history of the section 3(a)(2) exemption for securities issued or guaranteed by banks is relatively sparse, that history indicates that the exemption was provided because it was believed at the time that the existing bank regulatory authorities exercised "adequate supervision over the issuance of [bank] securities * * *."²⁸ The legislative

¹⁹ Securities Act Release No. 6556 (Nov. 21, 1984). Furthermore, an instrument that is described in section 3(a)(8) of the Securities Act has been held not to be a security subject to the antifraud provisions of the Securities Exchange Act of 1934. See *Otto v. Variable Annuity Life Ins. Co.*, [Current] Fed. Sec. L. Rep. (CCH) ¶ 93,012 (7th Cir. Dec. 8, 1986). In contrast, bank issued or guaranteed securities, while exempted from registration under the Securities Act and from the provisions of section 12(2) of that Act, have not been considered to be excluded from the provisions of section 17 of the Securities Act nor exempted or excluded from the provisions of the Securities Exchange Act of 1934.

²⁰ *American Municipal Bond Assurance Corp.* (June 16, 1972) (Division of Corporation Finance no-action letter).

²¹ *Sentry Financial Services Co.* (Jan. 5, 1977) (Division of Corporation Finance no-action letter).

²² *Securities and Exchange Commission v. Variable Annuity Life Ins. Co.*, 359 U.S. 65 (1959).

²³ *Securities and Exchange Commission v. United Benefit Life Ins. Co.*, 387 U.S. 202 (1967); *Peoria Common Stock Yards Co. v. Penn. Mutual Life Ins. Co.*, 698 F.2d 320 (7th Cir. 1983); cf. *Otto v. Variable Annuity Life Ins. Co.*, [Current] Fed. Sec. L. Rep. (CCH) ¶ 93,012 (investment risk assumed by insurer deemed sufficient for instrument to be considered an annuity contract for purposes of section 3(a)(8) of the Securities Act, and, hence, for the instrument not to be a security for purposes of the Securities Exchange Act of 1934).

²⁴ Securities Act Release No. 6645 (May 29, 1986).

²⁵ *Id.* The Court of Appeals for the Seventh Circuit has found Rule 151 "helpful" in determining the securities law status of an annuity contract that predated the Rule. *Otto v. Variable Annuity Life Ins. Co.*, [Current] Fed. Sec. L. Rep. (CCH) ¶ 93,012.

²⁶ Section 17(c) of the Securities Act.

²⁷ For example, municipal bonds generally are exempt under section 3(a)(2), and commercial paper generally is exempt under section 3(a)(3).

²⁸ H.R. Rep. No. 65, 73d Cong., 1st Sess. 14 (1933). In addition, the drafters of the legislation that

history does not separately examine the rationale for the guarantee provision, or address the extent to which banks were issuing financial guarantees at that time.

State and federal banking authorities regulate the issuance of standby letters of credit by banks. For example, letters of credit issued by national banks and state member banks are deemed to be extensions of credit and are subject to lending limits.²⁹ In addition, the volume of standby letters of credit issued by a bank may affect capital requirements.³⁰ The Commission requests that commentators address the relationship of these banking regulatory requirements and policies to the investor protection concerns of the Securities Act. In particular, are these banking law requirements adequate substitutes for the full disclosure requirements of the Securities Act? Do bank regulators impose any other requirements on bank issuances of financial guarantees?

As noted above, foreign banks apparently have greatly increased their financial guarantee activity in recent years. The Commission requests that commentators address the domestic banking regulations applicable to branches or agencies of foreign banks located in the United States, and any differences between the regulation of domestic banks and domestic branches and agencies of foreign banks in this market.³¹

became the Securities Act believed that it would be unnecessarily duplicative to require entities that filed information with bank regulators regarding the issuance of securities to file the same information with a second agency. See Hearings on H.R. 4314 before the House Committee on Interstate and Foreign Commerce, 73d Cong., 1st Sess. 29-30 (1933) (statement of Huston Thompson).

²⁹ See, e.g., 12 CFR 208.8 (Board of Governors of the Federal Reserve System regulations requiring that standby letters of credit must not, when combined with other extensions of credit, exceed lending limits imposed by state law and limits on loans to affiliates under federal law); 12 CFR Part 32 (Office of the Comptroller of the Currency regulations).

³⁰ See, e.g., 12 CFR 3.10 (Office of the Comptroller of the Currency regulations pertaining to national banks stating that "higher capital ratios may be appropriate for . . . [a] bank having a high proportion of off-balance sheet risks, especially standby letters of credit"); Agreed Proposals of the United States Federal Banking Supervisory Authorities and the Bank of England on Primary Capital and Adequacy Assessment, January 8, 1987 (proposed framework for capital requirements treating off-balance sheet items such as financial guarantees and equivalents, including standby letters of credit, as requiring greater levels of capital).

Standby letters of credit are not insured as deposits under the federal deposit insurance program. *Federal Deposit Ins. Corp. v. Philadelphia Gear Corp.*, 106 S. Ct. 245 (1986).

³¹ As discussed above, the Commission in Securities Act Release No. 6661 interpreted the Section 3(a)(2) exemption as applying to branches or agencies of foreign banks located in the United

The Commission also requests comment on the rights of security holders under bank standby letters of credit and other bank financial guarantees. Are such rights uniform across all standby letters of credit? Does a bank have any defenses against the calling down of a standby letter of credit backing a publicly-held security? For example, if a letter of credit were procured by fraud on the part of the issuer of the security, is the bank nonetheless obligated to security holders? How promptly must payment on the letter of credit be made?

Finally, the Commission asks that commentators address the experience with securities backed by bank guarantees. How often have issuers defaulted and banks been called upon to honor guarantees? Have any banks been unable to fulfill, or sought to avoid, their commitments? Is past history an adequate guide to future events in light of the rapid growth in this market in recent years?

B. The Impact of the Guarantee Provision in Section 3(a)(2) on Competition

As noted above, under section 3(a)(2) of the Securities Act, securities guaranteed by banks are exempt from registration, but securities guaranteed by insurance policies are not. Insurance companies have argued that this difference in regulation creates an unfair and unjustified competitive disparity.³² It has been said that this disparity "makes it virtually impossible for insurance companies to provide cost-effective coverage to issuers."³³ To evaluate the impact of the exemption for securities guaranteed by banks on competition between these guarantors, the Commission requests information on the guarantee markets in which domestic banks, foreign banks, and insurance companies compete, the bases on which guarantors compete, and how the guarantee provision in section 3(a)(2) affects competition.

States, provided that the nature and extent of federal and/or state regulation and supervision of the particular branch or agency is substantially equivalent to that applicable to federal or state chartered domestic banks doing business in the same jurisdiction. Thus, a standby letter of credit or other "guarantee" issued by a branch or agency of a foreign bank not subject to substantially equivalent regulation and supervision, and the security backed by such a letter of credit or guarantee, are not within the exemption in section 3(a)(2).

³² See e.g., Letter to Sen. Alfonso M. D'Amato from W. James Lopp, Chairman and President, Financial Security Assurance, dated February 14, 1986.

³³ 132 Cong. Rec. S 15797 (daily ed. Oct. 9, 1986) (statement of Sen. D'Amato).

The Commission requests that commentators provide information on the financial guarantee markets in which the guarantors compete. The Commission requests data on market shares of domestic banks, foreign banks, and insurance companies among each type of security backed by these guarantors, and the current trends in the markets.

The Commission also requests comment on the bases of the competition among the various types of guarantors. Clearly, the price paid by the issuer for the guarantee and the borrowing savings to the issuer are important factors in that competition. According to some reports, far more insurance companies have received AAA ratings in connection with their financial guarantee business than have banks, which would seem to give those insurance companies a significant competitive advantage.³⁴ Does the section 3(a)(2) guarantee provision significantly affect competition by allowing banks to offer issuers an exemption from registration? The Commission also requests information on the costs attributable to the registration process and whether the registration of a security results in any savings to the issuer.

It has been said that letters of credit and insurance policies are functionally equivalent. Are there differences in function between these guarantees, and how does the difference affect competition? Are there any differences between the defenses that may be raised to insurance company liability on an insurance guarantee, such as fraud on the part of the issuer of an insured security, and the defenses that may be raised to bank liability on a standby letter of credit?

The Commission requests that commentators address the similarities and differences in the banking and insurance regulatory schemes, as they affect the competition between domestic banks, domestic branches and agencies of foreign banks, and insurance companies. For example, federal banking regulators have recently proposed increased capital requirements for banks that incur off-balance sheet liabilities, including standby letters of credit.³⁵ It appears that risk-based capital requirements would impose additional costs on banks that guarantee securities, which could affect those

³⁴ Freedman, *supra* note 1, at 18.

³⁵ See, e.g., 51 FR 10602-01 (March 27, 1986) (advance notice of proposed rulemaking published by the Office of the Comptroller of the Currency regarding risk-based capital standards).

banks' ability to compete with other guarantors.

The Commission requests that commentators address how any significant competitive disparity created by the exemption in section 3(a)(2) should be addressed. Vice President Bush's Task Group on Regulation of Financial Services, which included the heads of all the banks and other federal agencies that regulate financial services, recommended that the registration requirements of the Securities Act be made applicable to publicly offered securities of banks and thrifts (but not deposit instruments). A logical consequence of the Bush Task Group recommendation is that section 3(a)(2) of the Securities Act must be amended to delete the current exemption for securities guaranteed by a bank. Commentators are requested to address whether enactment of the Bush Task Group proposal is the appropriate means of eliminating any competitive disparity caused by the guarantee provision of section 3(a)(2).

Alternatively, commentators are asked to consider whether the Commission should revisit the position taken by the Commission's Division of Corporation Finance in no-action letters concerning securities backed by bank standby letters of credit. That is, should it reconsider whether a security backed by a bank standby letter of credit is a security "guaranteed" by a bank, within the meaning of section 3(a)(2) of the Securities Act?

As noted above, national banks generally lack the power to guarantee the debts of others, but the issuance of standby letters of credit has been determined to be a permissible activity. Commentators should address the extent to which state banks and domestic branches and agencies of foreign banks may guarantee the debts of others. If such entities do have that power, and the Commission reinterpreted the term "guarantee" to exclude standby letters of credit, securities guaranteed by those entities would not be required to be registered, while securities backed by national banks and insurance companies would be required to be registered.

C. Should Debt Securities Guaranteed by Insurance Policies Be Exempt From Registration Under the Securities Act?

In evaluating whether debt securities guaranteed by insurance policies should be exempt from registration under the Securities Act, the Commission requests information on the regulatory scheme governing financial guarantee insurance, the types of financial guarantee insurance available, the market for

securities guaranteed by such insurance, the experience of those companies that have issued such guarantees, and the conditions, if any, that should form the bases for such an exemption from registration.

Regulation of the business of insurance is generally conducted within the parameters of state insurance regulation.³⁶ Under the leadership of the National Association of Insurance Commissioners (the "NAIC"), the states have passed laws to supervise and control the business of insurance, and, in particular, the financial solvency of insurance companies. Financial guarantee insurance, however, does not appear to be extensively regulated by the states.³⁷ The NAIC recently adopted a Model Act which may serve as a basis for state regulation of this type of insurance.³⁸ Several states, including New York and Virginia, plan to introduce legislation based substantially on the NAIC model. However, it is unclear whether these states and others will adopt the proposal in whole or in part, or reject it and develop their own scheme of regulation.

The Commission seeks comment on how states define financial guarantee insurance, whether and to what extent such insurance is subject to capital, surplus, and contingency reserve requirements, the nature of the risk assumed, how the product is priced,³⁹ the nature of any limitations and restrictions imposed on the product or the companies which offer it,⁴⁰ and

whether financial guarantees are within the protection of state security funds. The Commission seeks comment not only on the nature of the state regulatory framework that governs financial guarantee insurance, but also on the adequacy of that regulatory framework. Does it provide sufficient safeguards to investors to dispense with the protections of the Securities Act?

Commentators also are requested to provide information on the different kinds of financial guarantee insurance currently being offered by insurance companies.⁴¹ What are the purposes for which the guarantees are used, and what are the underwriting standards for the products? What are the features of such contracts and how do they operate? Are such policies non-cancellable? Are the premiums fixed at the time of purchase? Do investors in a debt obligation have any interest in payments made by an insurer in the event of nonpayment by the issuer of the debt obligation? Does the nature of that interest vary according to the type of insurance? How promptly must payment on the policy be made?

The Commission also seeks information on the size of the financial guarantee insurance market as it currently exists, as well as trends in that market. Commentators are requested to provide statistical information on the specific kinds and dollar volumes of financial guarantees currently being marketed by insurance companies. For example, what is the dollar volume of municipal bond insurance and corporate debt insurance? What are the current trends in this market, and how would an exemption from registration affect the volume of guaranteed securities issued?

The Commission also is interested in the experience of those insurance companies that have issued financial guarantees to date. What percentage of those companies that offer such insurance are experiencing financial difficulties by virtue of their participation in this business or otherwise? What percentage of failures or withdrawals from the business have occurred, and what was the cause of those failures or withdrawals? Have insurers been unable to fulfill, or sought to void, their commitments?

In considering the circumstances under which debt securities guaranteed by insurance policies should be exempt from registration, commentators should consider whether the guaranteed security, the insurance policy, or both should be subject to the antifraud

³⁶ The McCarran-Ferguson Act, 15 U.S.C. 1011-1015, provides that no act of Congress shall be construed to invalidate, impair or supersede any law enacted by any state for the purpose of regulating the business of insurance, unless such act specifically relates to the business of insurance. The Act does not preclude the Commission, however, from administering the federal securities laws with respect to a security simply because the security is promoted or issued by an insurance company. *Securities and Exchange Commission v. National Securities, Inc.*, 393 U.S. 453 (1969).

³⁷ *What is Behind the Bittersweet Boom in Financial Guarantees*, Bus. Wk., Sept 17, 1984, at 116; Statement of James P. Corcoran, Superintendent of Insurance of the State of New York on Financial Guaranty Insurance, Before Assembly Committee on Insurance, October 1, 1986.

³⁸ The NAIC model restricts the writing of financial guarantee insurance to monoline companies and establishes new standards for contingency and loss reserves, and aggregate and single risk limits.

³⁹ The Commission requests that commentators address, among other things, how the evaluation of the risk assumed and the pricing of the product is similar to or different from traditional insurance products. Some trade articles, for example, have stated that financial guarantee insurance is priced for "no loss." See, e.g., Brenner, *supra* note 6, at 17.

⁴⁰ For example, do any states require that such insurance be offered solely through monoline companies?

⁴¹ The Commission requests that commentators submit copies of sample contracts.

provisions of the securities laws. Commentators also should consider the conditions, if any, that should form the basis for such an exemption. For example, it has been suggested that an exemption should be limited to guaranteed debt securities rated in the highest category by one or more nationally recognized statistical rating organizations.⁴² How should a "nationally recognized statistical rating organization" be defined for purposes of such an exemption?⁴³ How do rating organizations evaluate guaranteed securities, and do such ratings, when coupled with state insurance regulation, provide a reasonable basis for dispensing with registration and disclosure requirements? Should security holders have recourse against a rating organization in the event it makes errors about the quality of a security? If such an exemption were enacted, should rating organizations be subject to some form of regulation?

Should an exemption be conditioned on the availability of public information about the insurer or the issuer of the guaranteed security? Should the insurer be responsible for the accuracy of any offering documents?

Commentators should also consider the types of guarantees that should form the bases for an exemption from registration. For example, should securities backed by GICs that are within section 3(a)(8) be exempted? Should securities that are insured only so long as they are held by a particular party be exempted?

Further, commentators are asked to address whether the Commission should have authority to exempt guaranteed securities by rule or by some other method. What limitations, if any, should be placed on the Commission's authority to exempt guaranteed securities?

IV. Conclusion

In conducting the study of the financial guarantee market mandated by Congress, the Commission is seeking comment on a number of specific matters concerning financial guarantees. In addition to those matters, the Commission requests that commentators address generally whether the merits of a security should be relevant to granting an exemption from the Securities Act's

registration requirements. The arguments for exempting securities backed by financial guarantees is based, in large part, on the perceived safety and low credit risk of such securities. Given the policies of full and fair disclosure embodied in the Securities Act, should the merits of a security be relevant to a determination to exempt the security?

The Commission requests commentators to address the issues raised in this release and any other issues they believe are relevant to the study.

List of Subjects in 17 CFR Part 230

Reporting and recordkeeping requirements, Securities.

Dated: February 6, 1987.

By the Commission.

Jonathan G. Katz,
Secretary.

[FR Doc. 87-2940 Filed 2-11-87; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 203

[Docket No. R-87-1311; FR-2193]

Single Family Mortgage Insurance—Deficiency Judgments

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

ACTION: Proposed rule.

SUMMARY: This rule would authorize the FHA Commissioner to require mortgagees to obtain a deficiency judgment in connection with the foreclosure of mortgages insured pursuant to firm commitments issued on or after its effective date. With respect to other insured mortgages, the Commissioner may request a mortgagee to obtain a deficiency judgment. This rule is being proposed as a part of the Department's overall effort to (1) strengthen its debt collection activities; (2) minimize losses to the FHA insurance funds; and (3) deter and prevent program fraud and abuse.

FOR FURTHER INFORMATION CONTACT: Fred W. Pfaender, Director, Single Family Servicing Division, Office of Single Family Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC

20410, (202) 755-6672 (This is not a toll-free number).

DATES: Comment due date: March 16, 1987.

SUPPLEMENTARY INFORMATION: In the past, the Department has had no policy which required, or even encouraged, mortgagees to seek deficiency judgments. Under the longstanding statutory authority governing FHA, it was not feasible to require mortgagees to seek deficiency judgments. With the recent publication of the regulation governing payment of insurance claims without the conveyance of title on January 13, 1987 (52 FR 1320), it has now become feasible to require or request mortgagees to seek deficiency judgments against defaulting mortgagors.

A mortgagee may obtain a deficiency judgment only when the debt owed by the mortgagor is greater than the proceeds of the foreclosure sales payable to the mortgagee. If the mortgagee becomes the successful bidder at the foreclosure sale by bidding the debt (which normally includes advances, interest and costs), then there is no deficiency. In the past, it was necessary in many cases for the mortgagee to bid the debt in order to preserve its rights under the mortgage insurance contract. Since the filing of a mortgage insurance claim with HUD required the conveyance to HUD of title to the property formerly covered by the insured mortgage, in most cases mortgagees would bid the debt in order to assure that they acquired title, or if outbid, were made whole by the proceeds of the foreclosure sale. Further, in the numerous states in which mortgagors and junior lienors have a statutory right to redeem for a specified period of time, it has been necessary for mortgagees to bid the debt in order that they can either convey title to HUD or be made whole by the payment from the redeemer.

Under the recently promulgated claims without conveyance procedure (cited above), mortgagees holding mortgages insured pursuant to firm commitments issued on or after November 30, 1983 are required to notify HUD of the foreclosure and, when the fair market value is less than the mortgage debt, the Department will instruct the mortgagee to bid the fair market value of the property, less adjustments determined by the Commissioner. A mortgagee which so bids and obtains title could be in a position to seek a deficiency judgment. Also, if the mortgagee bids as instructed and is outbid by a third party, a

⁴² See S. 1416, 99th Cong., 2d Sess. section 208.

⁴³ At the present time, the following organizations are considered "nationally recognized statistical rating organizations" for purposes of Rule 15c3-1(c)(2)(vi)(F) under the Securities Exchange Act of 1934: Duff and Phelps, Inc.; Fitch Investors Services, Inc.; Moody's Investors Services, Inc.; McCarthy, Crisanti & Maffei; and Standard & Poors Corporation. See Investment Company Act Release No. 15314 (Sept. 17, 1986) at n.32.

deficiency judgment may be obtainable if the high bid is less than the mortgage debt. The mortgagee, however, would be protected in that it is able to file a claim for mortgage insurance without conveying title. Under this proposed rule, HUD would be authorized in appropriate cases to require the mortgagee to pursue a judgment based on the deficiency between the high bid and the mortgage debt, and to assign that judgment to HUD.

It should also be noted that the claims without conveyance regulation added a new paragraph (o) to 24 CFR 203.402 providing that in any case in which the mortgagee seeks a deficiency judgment in response to the Secretary's demand or request, the Department will reimburse the mortgagee for the full additional costs of seeking the judgment.

As part of the overall program to strengthen debt collection efforts, and in order to help deter abuses of FHA single family programs by a small minority of mortgagors, the Department has determined that deficiency judgments should, and will, actively be sought under appropriate conditions. In determining whether a deficiency judgment should be sought in conjunction with a single family foreclosure, the Department will take the following factors into account:

1. Whether the mortgagor has defaulted on one or more other HUD insured mortgages or loans, resulting in the payment of insurance claims.
2. Whether the mortgagor treats its ownership as an investment and the mortgagor, or persons or entities with which it has been affiliated, have defaulted on one or more other FHA insured mortgages or loans, resulting in the payment of insurance claims.
3. Whether it is feasible under State law to seek a deficiency judgment.
4. The cost-effectiveness of seeking a deficiency judgment, considering, among other factors, the probable amount of the deficiency judgment obtainable, the additional costs attributable to seeking a deficiency judgment and the likelihood of successfully recovering on any judgment.

5. Such other factors as the Commissioner may deem appropriate.

With respect to foreclosures carried out in connection with mortgages insured pursuant to firm commitments issued on or after the effective date of this rule, the Commissioner would have the discretion to require a mortgagee diligently to pursue a deficiency judgment. Similarly, the Department could require compliance in the case of mortgages insured as a result of direct endorsement processing where the credit worksheet was signed by the

mortgagee's approved underwriter on or after the effective date of the rule. In the case of mortgages not within the mandatory scope of the rule as described above, the rule simply affirms that the Commissioner may make a timely request that the mortgagee obtain a deficiency judgment in appropriate cases. In all cases in which the Department either directs or requests that the mortgagee pursue a deficiency judgment, the Commissioner will, under § 203.402(o) as proposed to be revised in this rule, fully reimburse the mortgagee for any additional costs incurred in seeking the judgment.

To carry out this new policy successfully, it will be necessary for the mortgagee to give timely notice to HUD of the foreclosure, or anticipated foreclosure, and for HUD to give timely notice to the mortgagee that a deficiency judgment should be pursued. State laws and procedures vary considerably with respect to deficiency judgments. For example, there are some States in which the decision to pursue a deficiency judgment must be communicated to the mortgagee before any foreclosure action is commenced, since it will have a significant effect on the nature of the action which is instituted by the mortgagee. Since current regulations contain no provision requiring the mortgagee to give HUD notice before commencement of the foreclosure, proposed new § 203.369 would provide that the Secretary, where a deficiency judgment is being sought and where necessary because of State law requirements, may require the mortgagee to provide HUD with notice a reasonable amount of time before the institution of the foreclosure proceeding.

In some States, a mortgagee pursuing a deficiency judgment can obtain it as part of the foreclosure proceeding. In other cases, however, this cannot be accomplished. For example, in many States in which the foreclosure procedure is nonjudicial, the pursuit of a deficiency judgment is accomplished by a judicial action instituted after the nonjudicial foreclosure is completed. Also, in some judicial foreclosure States, the deficiency judgment action is an independent one which can be commenced only after the foreclosure action is completed. In order to permit the pursuit of deficiency judgments in States where they must be obtained subsequent to the foreclosure proceeding, this rule proposes to authorize the FHA Commissioner to extend the otherwise applicable period of time after foreclosure within which deficiency judgments (and other claims against the mortgagor) and related credit documents must be assigned to

the Commissioner under §§ 203.360 (Notice of property transfer and application of insurance benefits), 203.367 (Contents of deed and supporting documents) and 203.368 (Claims without conveyance procedure).

Procedural Requirements

This rule does not constitute a "major rule" as that term is defined in section 1(b) of Executive Order 12291 on Federal Regulation issued by the President of February 17, 1981. Analysis of the proposed rule indicates that it does not (1) have an annual effect on the economy of \$100 million or more; (2) cause a major increase in cost or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Under 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. In only a limited number of cases will deficiency judgments be pursued under the rule and those are likely to be cases where program abuse could be inferred.

This rule was listed as item H-6-86-[Sequence Number 811] under the Office of Housing in the Department's Semiannual Agenda of Regulations published on October 27, 1986 (51 FR 38424) under Executive Order 12291 and the Regulatory Flexibility Act.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implements section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the General Counsel, Rules Docket Clerk, at the above address.

The mortgage insurance programs listed in the Catalog of Federal Domestic Assistance under the following numbers would be covered under this rule: 14.108, 14.117, 14.119, 14.120, 14.121, 14.122, 14.123, 14.132, 14.133, 14.140, 14.152, 14.159, 14.161, 14.165, 14.166, 14.172, and 14.175.

Information collection requirements contained in this rule have been submitted to the Office of Management and Budget for review under section 3504(h) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)). The OMB

control number assigned to the new § 203.369 is 2535-0093.

List of Subjects in 24 CFR Part 203

Mortgage insurance, Insurance of single family mortgages.

Accordingly, 24 CFR Part 203 is amended as follows:

PART 203—MUTUAL MORTGAGE INSURANCE AND REHABILITATION LOANS

1. The authority citation for 24 CFR Part 203 is proposed to continue to read as follows:

Authority: Secs. 203, 204 and 211, National Housing Act (12 U.S.C. 1709, 1710, 1715b); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)). In addition, Subpart C is also issued under sec. 230, National Housing Act (12 U.S.C. 1715(u)).

2. 24 CFR Part 203 is proposed to be amended by adding immediately after § 203.368 the following new § 203.369:

§ 203.369 Deficiency judgments.

(a) With respect to claims for insurance benefits filed in connection with mortgages insured pursuant to firm commitments issued on or after [Effective Date], or pursuant to direct endorsement processing under §§ 200.163-164a of this chapter where the credit worksheet was signed by the mortgagee's approved underwriter on or after [Effective Date], the Commissioner may, upon giving timely notice, require the mortgagee diligently to pursue a deficiency judgment in connection with the foreclosure and to assign the judgment to the Commissioner. In determining whether a deficiency judgment should be sought in connection with a single family foreclosure, the Commissioner will take the following factors into account:

- (1) Whether the mortgagor has defaulted on one or more other HUD insured mortgages or loans, resulting in the payment of insurance claims;
- (2) Whether the mortgagor treats its ownership as an investment and the mortgagor, or persons or entities with which it has been affiliated, have defaulted on one or more other FHA insured mortgages or loans, resulting in the payment of insurance claims;
- (3) Whether it is feasible under State law to seek a deficiency judgment;
- (4) The costeffectiveness of seeking a deficiency judgment, considering, among other factors, the probable amount of the deficiency judgment obtainable, the additional costs attributable to seeking a deficiency judgment and the likelihood of successfully recovering on any judgment; and

(5) Such other factors as the Commissioner may deem appropriate.

In cases where the "Commissioner requires the pursuit of a deficiency judgment and provides the mortgagee with its estimate of the fair market value of the property, less adjustments, in accordance with § 203.368(e), the mortgagee shall tender a bid at the foreclosure sale in that amount, and shall take all other appropriate steps in accordance with State law to obtain a deficiency judgment.

(b) With respect to claims for insurance benefits filed in connection with mortgages insured pursuant to firm commitments issued before [Effective Date], or pursuant to direct endorsement processing under §§ 200.163-164a of this chapter where the credit worksheet was signed by the mortgagee's approved underwriter before [Effective Date], the Commissioner may, in accordance with the criteria set forth in paragraph (a) of this section and upon giving timely notice, request that the mortgagee diligently pursue a deficiency judgment in connection with the foreclosure. Any judgment obtained shall be assigned to the Commissioner.

(c) In cases where a deficiency judgment is requested or required under this section, the Commissioner may, where the Commissioner determines it appropriate under State law requirements, extend the otherwise applicable period of time within which deficiency judgment (and other claims against the mortgagor) and related credit documents must be assigned to the Commissioner under § 203.360, § 203.367 or § 203.368 of this subpart.

(d) In addition to meeting the requirements of § 203.356, in cases where the Commissioner determines it necessary because of State law requirements, the Commissioner may also require (or request, as the Commissioner may determine) the mortgagee to provide the Commissioner with notice of the mortgagee's intent to institute foreclosure proceedings a reasonable amount of time before proceedings are instituted, in order that the Commissioner may be able effectively to require or request the mortgagee, in appropriate cases, to seek a deficiency judgment.

(The information collection requirements contained in this section were approved by the Office of Management and Budget under control number 2535-0093)

3. Section 203.402(o) is proposed to be revised to read as follows:

§ 203.402 Items included in payment—conveyed and non-conveyed properties.

* * * * *

(o) In any case in which the Commissioner, pursuant to § 203.369, requires or requests that the mortgagee seek a deficiency judgment, an amount necessary to reimburse the mortgagee for those additional costs incurred that exceed the costs of foreclosure. In those jurisdictions that require the initiation of a judicial foreclosure action in order to obtain a deficiency judgment, a mortgagee shall receive full reimbursement for the costs of the foreclosure action, where, but for the requested deficiency judgment, judicial foreclosure would not have been necessary.

Dated: January 23, 1987.

Thomas T. Demery,
Assistant Secretary for Housing—Federal
Housing Commissioner.

[FR Doc. 87-3031 Filed 2-11-87; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 178

[Notice No. 621; re Notice No. 609]

Commerce in Firearms and Ammunition

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) proposes to amend regulations in 27 CFR Part 178 to provide for a simplified recordkeeping procedure for sales or other dispositions of firearms by low-volume dealers. Paragraph (d) of § 178.125 in this notice was previously the subject of comment in Notice No. 609 (51 FR 39635), published in the *Federal Register* on October 29, 1986.

DATE: Written comments must be received by May 13, 1987.

ADDRESSES: Send written comments to: Chief, Firearms and Explosives Operations Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 189, Washington, DC 20044-0189.

Copies of the written comments received in response to this notice will be available for public inspection during normal business hours at: ATF Reading Room, Room 4406, Ariel Rios Federal Building, 12th and Pennsylvania Avenue, NW., Washington, DC.
FOR FURTHER INFORMATION CONTACT: Daniel Crowley, ATF Specialist, Firearms and Explosives Operation

Branch, Bureau of Alcohol, Tobacco and Firearms, (202) 566-7591.

SUPPLEMENTARY INFORMATION: As provided by 18 U.S.C. 923(g), each licensed dealer must maintain such records of receipt, sale or other disposition of firearms as prescribed by regulations. Accordingly, current regulations require licensed dealers to maintain a record in bound form of each receipt and disposition of firearms. The record is required to show the date of receipt, the name and address or name and license number of the person from whom received, the name of the manufacturer and importer (if any), and specific information identifying the firearm received. When a disposition of a firearm is made, the bound record must show the name and address of the transferee or the Form 4473 serial number if the licensed dealer files such forms numerically. In connection with the disposition of a firearm to a nonlicensee, a licensed dealer must also record the transaction on Form 4473 showing, among other things, the identity of the firearm and the name and address of the transferee. Thus, in the case of firearms dispositions by licensed dealers to nonlicensees, the dealer's bound record and Form 4473 contain some duplicative information, *i.e.*, information identifying the firearm transferred and the name and address of the transferee.

ATF believes that in the case of low-volume dealers the required records may be simplified and any burden in recording and maintaining duplicative information alleviated. Therefore, this notice proposes to add a new § 178.124a, Title 27, CFR, to allow those licensed dealers who dispose of 50 firearms or less during a 12-month period to maintain an alternate recordkeeping system in lieu of the current requirement to maintain both a bound record and Forms 4473, as required by §§ 178.124 and 178.125. These dealers would be permitted to record their acquisition and disposition of a firearm on a single form, Form 4473-LV.

ATF does not believe that allowing such low-volume dealers to maintain the proposed alternate system of records would significantly impair its ability to inspect the records of these dealers or to trace particular firearms through such records in aid of a criminal investigation.

Public Participation—Written Comments

Based on the above discussion, ATF is issuing this notice of proposed rulemaking to request comments

concerning this proposed amendment of 27 CFR Part 178.

ATF will not recognize any material or comments as confidential. Comments may be disclosed to the public. Any material which the respondent considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of any person submitting a comment is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing should submit his or her request, in writing, to the Director within the 90 day comment period. The request should include reasons why the respondent believes a public hearing is necessary. The Director reserves the right to determine whether a public hearing should be held.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. The proposal will not impose, or otherwise cause, a significant increase in reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. The proposal is not expected to have significant secondary or incidental effects on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities.

Executive Order 12291

In compliance with Executive Order 12291, ATF has determined that this proposal is not a major rule since it will not result in:

- (a) An annual effect on the economy of \$100 million or more;
- (b) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or
- (c) Significant adverse effects on competition, employment, investment, productivity, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Paperwork Reduction Act

The maintenance of alternate records for firearms sales or other dispositions, proposed in this notice, has been submitted to the Office of Management and Budget for review under section 3504(h) of the Paperwork Reduction Act of 1980, Pub. L. 96-511, 44 U.S.C. Chapter 35. Comments relating to ATF's compliance with 5 CFR Part 1320—Controlling Paperwork Burdens on the Public, should be submitted to: Office of Information and Regulatory Affairs, Attention: Desk Office for the Bureau of Alcohol, Tobacco and Firearms, Office of Management and Budget, Washington, DC 20503.

Drafting Information

The principal author of this document is James A. Hunt, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 178

Administrative practice and procedure, Arms and munitions, Authority delegation, Customs duties and inspection, Exports, Imports, Military personnel, Penalties, Reporting requirements, Research, Seizures and forfeitures, Transportation.

Authority and Issuance

Paragraph 1. The authority citation for Part 178 continues to read as follows:

Authority: 18 U.S.C. 926.

Par. 2. In the table of contents, § 178.124a is added to read as follows:

Part 178—COMMERCE IN FIREARMS AND AMMUNITION

Subpart H—Records

Sec.

* * * * *

178.124a Firearms transaction record in lieu of record of receipt and disposition.

* * * * *

Par. 3. A new section 178.124a is added as follows:

§ 178.124a Firearms transaction record in lieu of record of receipt and disposition.

(a) A licensed dealer acquiring firearms after June 30, 1987, and contemplating the disposition of not more than 50 firearms within a succeeding 12-month period to licensees or nonlicensees may maintain a record of the acquisition and disposition of such firearms on a firearms transaction record, Form 4473-LV, Part I or II, in lieu of the records prescribed by § 178.125. Such 12-month period shall commence from the date the licensed dealer first

records the purchase or other acquisition of a firearm on Form 4473-LV pursuant to this section. A licensed dealer who maintains records pursuant to this section, but whose firearms dispositions exceed 50 firearms within such 12-month period, shall make and maintain the acquisition and disposition records required by § 178.125 with respect to each firearm exceeding 50.

(b) Each licensed dealer maintaining firearms acquisition and disposition records pursuant to this section shall record the purchase or other acquisition of a firearm on Form 4473-LV, Part I or II, in accordance with the instructions on the form not later than the close of the next business day following the date of such purchase or acquisition. However, when disposition is made of a firearm not entered on Form 4473-LV under the provisions of this paragraph, the licensed dealer making such disposition shall enter all required acquisition information regarding the firearm on the Form 4473-LV at the time such transfer or disposition is made. The record on Form 4473-LV shall show the date of receipt, the name and address or the name and license number of the person from whom received, the name of the manufacturer and importer (if any), the model, serial number, type of action, and caliber or gauge of the firearm.

(c) Each licensed dealer maintaining firearms acquisition and disposition records pursuant to this section shall retain Form 4473-LV, Part I or II, reflecting firearms possessed by such business in chronological (by date of receipt) or numerical (by transaction serial number) order. Forms 4473-LV reflecting the licensee's sale or disposition of firearms shall be retained in alphabetical (by name of purchaser), chronological (by date of disposition) or numerical (by transaction serial number) order.

(d) A licensed dealer maintaining records pursuant to this section shall record the sale or other disposition of a firearm to another licensee by entering on the Form 4473-LV, Part I, associated with such firearm, the name and license number of the person to whom transferred and by signing and dating the form.

(e) A licensed dealer shall obtain the Form 4473-LV, Part I, associated with the firearm in lieu of a Form 4473 and comply with the requirements specified in § 178.124(c) prior to making an over-the-counter transfer of a firearm to a nonlicensee (1) who is a resident of the State in which the licensee's business premises is located, (2) who is not a resident of the State in which the licensee's business premises is located and the firearm is a shotgun or rifle and

the transfer is under the provisions of § 178.96(c), or (3) who is not a resident of the State in which the licensee's business premises is located and who is acquiring the firearm by loan or rental for temporary use for lawful sporting purposes.

(f) A licensed dealer shall obtain the Form 4473-LV, Part II, associated with the firearm in lieu of a Form 4473 and comply with the requirements specified in § 178.124(f) prior to making a transfer of a firearm to a nonlicensee who is purchasing or otherwise acquiring a firearm by other than an over-the-counter transaction and who is a resident of the State in which the licensee's business premises is located. If the licensee's records of the acquisition of the firearm is, at the time of the transfer, being maintained on a Form 4473-LV, Part I, for over-the-counter transactions, the licensee shall record the information relative to the purchase or other acquisition, as required by paragraph (b) of this section, on Form 4473-LV, Part II, for use in the transfer of firearms in other than over-the-counter transactions.

Par. 4. Section 178.125 is amended by revising the first sentence of paragraph (e) to read as follows:

§ 178.125 Record of receipt and disposition.

(e) *Firearms receipt and disposition by dealers.* Except as provided in § 178.124a with respect to alternate records for the receipt and disposition of firearms by dealers, each licensed dealer shall enter into a record each receipt and disposition of firearms. * * *

Para. 5. Section 178.129 is amended by revising paragraph (b) to read as follows:

§ 178.129 Record retention.

(b) *Firearms transaction record.* Licensees shall retain each Form 4473 or Form 4473-LV for a period of not less than 20 years after the date of sale or disposition. * * *

Dated: January 8, 1987.

Stephen E. Higgins,
Director.

Approved: January 14, 1987.

Francis A. Keating, III,
Assistant Secretary, Enforcement.

[FR Doc. 87-2938 Filed 2-11-87; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

Delaware Water Gap National Recreation Area; Pennsylvania and New Jersey

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

SUMMARY: This rulemaking pertains to a proposed special regulation concerning fishing within Delaware Water Gap National Recreation Area, Pennsylvania and New Jersey. The proposed special regulation would allow fishing methods which are authorized under applicable State law. National Park Service General Regulations, effective April 1984, prohibit fishing in fresh water in any manner other than by hook and line, with the rod or line being closely attended. That regulation is in conflict with Pennsylvania and New Jersey fishing regulations, which have been in effect since before Delaware Water Gap National Recreation Area was authorized in 1965. This proposed rule would serve to resolve that conflict.

DATE: Written comments will be accepted through March 16, 1987.

ADDRESS: Comments should be addressed to: Superintendent, Delaware Water Gap National Recreation Area, Bushkill, PA 18324.

FOR FURTHER INFORMATION CONTACT: Karl Theune, River District Ranger, Delaware Water Gap National Recreation Area, Bushkill, Pennsylvania 18324, Telephone: 717/588-6637.

SUPPLEMENTARY INFORMATION:

Background

National Park Service General Regulations (36 CFR 2.3(d)(1)), which became effective on April 30, 1984, prohibit "Fishing in fresh water in any manner other than by hook and line, with the rod or line being closely attended." This regulation is in conflict with PA and NJ fishing regulations which have been in effect since Delaware Water Gap National Recreation Area was authorized in 1965 and for many years prior to its authorization.

Examples of conflicts include:

1. PA permits the use of spears or gigs to take carp, gar, suckers and eels. NJ regulations allow for the use of spears and long bows for the taking of shad, eels, carp, suckers, herring, and bullheads; suckers may be gipped.

2. Both states permit the use of seines for getting bait, digging of lampreys, and five (5) tip-ups for ice fishing.

Congress's stated intent in the enabling legislation for Delaware Water Gap National Recreation Area was for the National Park Service to manage fishing in a manner consistent with State fishing laws, to the extent compatible with proper management of park resources. The National Park Service has determined that allowing recreational fishing at Delaware Water Gap National Recreation Area in accordance with methods permitted by the States of Pennsylvania and New Jersey would be advantageous both to visitor use, as well as to the management of the park resources. The species of fish to be taken under example 1 above consists of both exotics as well as native species that cannot be taken effectively by traditional rod and reel methods. The use of seines for bait collection, digging of lamprey eels, and the use of tip ups for ice fishing, in example 2 above, are all traditional uses by the Delaware River fishermen. In addition, the regulations of both the NJ Division of Fish, Game and Wildlife, and the PA Fish Commission allow these methods of capture. Many years of using these traditional fishing methods have not been detrimental to the area, and the National Park Service anticipates no detrimental effects from continuing these methods. If these methods should cause harm to the fishery or other resources in the future, they can be prohibited by designating areas closed to certain fishing methods.

Commercial fishing methods allowed under State laws will *not* be allowed. While authorized by State laws, the taking of other aquatic wildlife, defined as any species other than members of subclasses Agnatha, Chondrichthyes or Osteichthyes, will not be authorized by this proposed special regulation.

Public Participation

The policy of the National Park Service is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments regarding this proposed regulation to the address noted at the beginning of this rulemaking.

Drafting Information

The Principal author of this rulemaking is Karl Theune, River District Ranger, Delaware Water Gap National Recreation Area.

Paperwork Reduction Act

This rulemaking does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

Compliance With Other Laws

The Department of the Interior has determined that this rulemaking is not a "major rule" within the meaning of E.O. 12291, and certifies that this document will not have a significant effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*)

This rule will contribute in some part to the local tourism of communities in the vicinity of the park by assuring the continued availability of the range of recreational activities that have been available to Park users in the past. An Environmental Assessment has been prepared with a finding of No Significant Impact for this rulemaking.

List of Subjects in 36 CFR Part 7

National Parks, Reporting and recordkeeping requirements.

In consideration of the foregoing, it is proposed to amend 36 CFR Chapter I as follows:

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

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

Authority: 16 U.S.C. 1, 3, 9a, 462(k); § 7.96 also issued under D.C. Code 8-137 (1981) and D.C. Code 40-721 (1981).

2. By adding a new paragraph (g) to § 7.71 to read as follows:

§ 7.71 Delaware Water Gap National Recreation Area.

* * * * *

(g) *Fishing.* Unless otherwise designated, fishing in any manner

authorized under applicable State law is allowed.

Dated: December 10, 1986.

P. Daniel Smith,
Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 87-2930 Filed 2-11-87; 8:45 am]

BILLING CODE 4310-70-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 85

[FRL-3455-1]

Control of Air Pollution From Motor Vehicles and Motor Vehicle Engines; Emission Control System Performance Warranty Regulations and Voluntary Aftermarket Part Certification Program; Notice of Public Hearing for Proposed Rulemaking

AGENCY: Environmental Protection Agency.

ACTION: Notice of public hearing.

SUMMARY: On January 9, 1987, EPA published a notice of proposed rulemaking (52 FR 924) to revise the section of the Code of Federal Regulations (40 CFR, Part 85, Subpart V) covering motor vehicle and motor vehicle engine performance warranty regulations and voluntary aftermarket part certification.

A public hearing is scheduled for March 3, 1987, to hear comments from interested parties regarding this proposed rulemaking (NPRM). Any party desiring to present oral testimony for the record at the public hearing, instead of, or in addition to, written comments, must notify EPA by February 17, 1987. Persons presenting information at the hearing are requested to provide EPA with a minimum of three copies of their information prior to their testimony. If no party informs EPA that it wishes to testify on the proposed rulemaking, no hearing will be held and EPA will develop a final rule based on consideration of written submissions to the docket.

DATES: EPA will hold a public hearing on March 3, 1987, beginning at 10:00 am, if any party notifies EPA by February 17, 1987 that it wishes to present oral testimony regarding this NPRM. If necessary for completion, the hearing

will continue on March 4, 1987, beginning at 9:00 am. Any party may submit written comments regarding this NPRM on or before April 9, 1987 to Docket No. EN-84-08. It is EPA policy to consider late comments if time permits.

ADDRESS: The public hearing will be held at the Motor Vehicle Emission Laboratory, 2565 Plymouth Rd., Ann Arbor, Michigan, 48105.

FOR FURTHER INFORMATION CONTACT: Christine Keller, Certification Division, U.S. Environmental Protection Agency, 2565 Plymouth Rd., Ann Arbor, Michigan, 48105, (313) 668-4288.

Don R. Clay,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 87-2976 Filed 2-11-87; 8:45 am]

BILLING CODE 6580-50-M

Notices

Federal Register

Vol. 52, No. 29

Thursday, February 12, 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.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Governmental Processes; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. No. 92-463), notice is hereby given of a meeting of the Committee on Governmental Processes of the Administrative Conference of the United States, to be held at 2 p.m. on Monday, February 23, 1987, at the office of Covington and Burling, 1201 Pennsylvania Avenue, NW., Room 1214, Washington, DC.

The Committee will meet for further consideration of possible recommendations on federal agency use of private attorneys. This subject is currently under study for the Administrative Conference by Professor Ronald Rotunda of the University of Illinois College of Law and by Professor William V. Luneburg of the University of Pittsburgh School of Law.

For further information concerning this meeting, contact David Pritzker, Office of the Chairman, Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, DC. (Telephone: 202-254-7065).

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify Mr. Pritzker at least one day in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting. Any member of the public may file a written statement with the committee before, during, or after the meeting. Minutes of the meeting will be available on request.

Jeffrey S. Lubbers,
Research Director.
February 9, 1987.

[FR Doc. 87-3136 Filed 2-11-87; 8:45 am]

BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Forest Service

National Forest System Lands; Seismic Exploration; Rental Fee Policy; Rocky Mountain Region

AGENCY: Forest Service, USDA.

ACTION: Adoption of fee policy for seismic exploration activities.

SUMMARY: This final notice establishes policy and procedures for determination of rental fees for seismic exploration permits authorizing temporary use and occupancy of National Forest System lands within the Rocky Mountain Region.

The Rocky Mountain Region is imposing a uniform fee for all types of seismic exploration on National Forest System lands administered by the Rocky Mountain Regional Forester. The fee of \$200 per mile, or fraction of a mile, is based upon average rental values of Federal oil and gas leases within the Region and adjacent areas. The average lease rentals and bonus bids for Federal lands will be reviewed annually and the fee may be adjusted to reflect market changes in lease values. This seismic fee permit policy is based upon sound business management principles, and as far as practicable, is in accord with comparable commercial practices for establishing fair market rental fees.

EFFECTIVE DATE: February 1, 1987.

ADDRESS: Gary E. Cargill, Regional Forester (2820), Forest Service, USDA, P.O. Box 25127, Denver, CO 80225.

FOR FURTHER INFORMATION CONTACT: William M. Robinson, (303) 236-9477.

SUPPLEMENTARY INFORMATION: The proposed policy for determination of rental fees for geophysical exploration permit fees was published in the *Federal Register* on November 7, 1986 (51 FR 40470). Comments were invited for a period of 60 days during which period a total of 9 comments were received, with 7 coming from corporations and 2 from associations. All of the comments have been given careful consideration during the decisionmaking process on this final notice.

The comments were unanimous in their support of the proposed fee determination system and the resulting permit fee rate. One area of common concern raised a question about the term "geophysical exploration" used in

the proposed policy notice. The commentators indicated that this term describes a general category of exploratory activities. The more specific terms "seismic exploration" was believed to be more correct and descriptive of the types of activities for which the proposed fee will be imposed. After review and discussion with knowledgeable persons, the Forest Service agrees with the comments. The type of activities to which the fee is intended to apply are those which commonly use explosives or machinery to generate energy shock waves through the earth's surface. In the most common usage these activities are referred to as seismic exploration. The more general term, geophysical exploration, includes these seismic techniques, but also encompasses activities such as magnetic gravity, chemical, and others which do not result in surface disturbance. It was not intended that the permit fee policy apply to these non-land disturbing activities. Therefore, the final form of the policy refers to seismic exploration fees rather than to geophysical exploration fees. The proposed policy is hereby adopted with this change and is set forth below.

Seismic Exploration Permit Fee Policy

A value ratio was developed using lease bonus values and seismic permit fees from industry transactions on private land. The fee for seismic exploration on National Forest System lands is based on the average value of Federal leases in three large geologic basins, as determined from historical records. The Forest Service seismic exploration permit fee is calculated by multiplying the average Federal lease value by a factor developed from the private industry values. The average Federal lease value in this study was \$9.83. The private industry factor is derived by dividing the private permit fee by the private lease value. The median value is \$500 per mile for private permit fees and \$25 per acre for private lease values. The resulting factor is 20. The seismic exploration permit fee for National Forest System lands that results from the application of the formula is \$198.60 per mile, which is rounded to \$200 per mile. The fee of \$200 per mile, or fraction of a mile, will be imposed to all types of seismic exploration in which temporary

disturbance and occupancy of the land is authorized by a Forest Service permit.

The seismic permit fee does not include costs of reclamation, restoration, or compliance with applicable laws, such as identification and protection of cultural resources. Permittees will be responsible for necessary land reclamation and restoration and for complying with all requirements of applicable Federal and State laws.

The permit fee shall not be charged to a lessee, or authorized operator, for seismic operations conducted pursuant to a valid USDI lease.

The fee will be reevaluated annually and adjusted to reflect the current market value of Federal oil and gas leases. The new seismic exploration fee is effective on February 1, 1987.

S.H. Hanks,

Deputy Regional Forester.

[FR Doc. 87-2952 Filed 2-11-87; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Little Saluda River Watershed, South Carolina; Finding of No Significant Impact

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 Little Saluda River Watershed, Saluda County, South 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 9,000 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: February 4, 1987.

Byron Thompson,

Assistant State Conservationist.

[FR Doc. 87-3026 Filed 2-11-87; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

Presidential Board of Advisors on Private Sector Initiatives; Open Meeting

AGENCY: Office of the Secretary, Office of the General Counsel and Office of Business Liaison.

SUMMARY: The Presidential Board of Advisors on Private Sector Initiatives will hold a meeting on February 27, 1987. Committee meetings will also be held on this date. Public comment is welcome.

Time and Place

Presidential Board of Advisors on Private Sector Initiatives.

Friday, February 27, 1987, 10:45 a.m.—12:30 p.m., at the American Red Cross National Headquarters, Board of Governors Room, 17 & E Streets NW., Washington, DC 20006.

Committee Meetings

Friday, February 27, 1987, 9:15 a.m.—10:30 a.m., at the American Red Cross, National Headquarters, Rooms to be Posted, 17 & E Streets NW., Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: The Committee Control Officer, Mr. Robert H. Brumley, Deputy General Counsel, U.S. Department of Commerce, (202/377-4772) or the Alternate Control Officer, Nancy J. Olson, Director, Office of Business Liaison, U.S. Department of

Commerce, (202/377-3942), Main Commerce Building, Washington, DC 20230.

Robert H. Brumley,

Deputy General Counsel.

February 9, 1987.

[FR Doc. 87-3191 Filed 2-11-87; 11:10 am]

BILLING CODE 3510-BP-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Secretarial Determination Required Under the Atlantic Striped Bass Conservation Act and Notice Regarding Federal Imposition of a Moratorium on Striped Bass Fishing

AGENCIES: National Marine Fisheries Service (NMFS), NOAA, Commerce and U.S. Fish and Wildlife Service (FWS), Interior.

ACTION: Notice of determination that the District of Columbia is not in compliance with the Interstate Fisheries Management Plan for the Striped Bass and notice of intent to impose a fishing moratorium for striped bass.

SUMMARY: The Departments of Commerce and the Interior announce that they have reached a joint determination in response to the notification by the Atlantic States Marine Fisheries Commission of its determination that the District of Columbia has not adopted and is not enforcing all regulatory measures necessary to fully implement the Commission's Interstate Fisheries Management Plan for the Striped Bass. In accordance with the Atlantic Striped Bass Conservation Act, the Departments have determined that the District of Columbia is not in compliance with the Plan. The District is given until April 1, 1987, to promulgate the regulations enclosed in its January 23, 1987, letter to the Departments of the Interior and Commerce. If at that time the regulations are not in place and being enforced, a moratorium will be imposed on fishing for striped bass within District waters, effective April 1, 1987.

FOR FURTHER INFORMATION CONTACT: Richard Roe, (202) 673-5263 or Gary Edwards, (202) 343-6394.

ADDRESSES: Richard B. Roe, NOAA/NMFS, 1825 Connecticut Avenue, NW., Washington, DC 20235 or Gary Edwards, FWS, 18th and E Streets, NW., Washington, DC 20204.

SUPPLEMENTARY INFORMATION:**Background**

The Atlantic Striped Bass Conservation Act (the Act) (16 U.S.C. 1851 Note, as amended by Pub. L. 99-432) was enacted in response to the depleted condition of Atlantic coastal migratory stocks of Atlantic striped bass. The purpose of the Act is to support and encourage the development, implementation, and enforcement of effective interstate action regarding the conservation and management of Atlantic striped bass.

Section 4(b) of the Act specifies that after notification by the Atlantic States Marine Fisheries Commission (the Commission) that a coastal State has not adopted and/or is not enforcing regulatory measures to fully implement its Interstate Fisheries Management Plan for the Striped Bass (the Plan) or is not enforcing such regulations, the Secretaries shall determine jointly, within thirty days, whether that coastal State is in compliance. (For purposes of the Act, the District is defined as a coastal State.) If the State is found not to be in compliance, the Secretaries shall declare, i.e. impose, jointly a moratorium on fishing for Atlantic striped bass within the coastal waters of that coastal State. In making such a determination, the Secretaries shall carefully consider and review the comments of the Commission and the coastal State in question.

Activities Pursuant to the Act

On January 7, 1987, the Secretaries received a letter from the Commission dated December 31, 1986, prepared pursuant to section 4(a) of the Act. Notice of receipt of this notification from the Commission was published in the **Federal Register** at 52 FR 1518, January 14, 1987.

The Commission's letter described the status of the District's efforts to meet the requirements of the Act. It indicated that the Stripped Bass Board, in a report adopted by the full Commission, had found in October 1986 that the District was not in compliance with the Plan and should be so reported unless significant positive changes were in place by mid-December. The letter also indicated that the District was attempting to institute regulations comparable to those of the Potomac River Fisheries Commission (reported by the Commission as being found acceptable), but the Commission was unable to report that such measures had been adopted. The letter also noted concerns about the District's enforcement capability.

To obtain and fully consider their views, officials of the Departments of Commerce and the Interior met with representatives of the Commission and the District of Columbia on January 9, 1987. At that meeting, the District presented information about its newly developed fisheries program, provided copies of proposed regulations to control striped bass fishing within the District, and described its efforts to develop enforcement authority.

The Commission requested that mitigating circumstances involved in the District's compliance with the Plan be considered. The Commission's representative emphasized that the District had been subject to the Act only since October 1986 and that it does not have a fully established fisheries program.

Determination Regarding Compliance by the District of Columbia

Based on relevant information and taking into account District and Commission comments, it has been jointly determined that the District of Columbia is not in compliance with the Plan. This determination is based on lack of any regulations restricting recreational striped bass fishing in District waters.

However, based on a review of the steps the District proposes to take by April 1, 1987, to come into compliance and on available information, it has been jointly determined that, if these are adopted, the District would be in compliance with the Plan.

Although it has been determined that the District is currently not in compliance with the Plan, considering the mitigating circumstances previously described, its efforts to date are commendable. The deadline for compliance established by the Act has not been met, but a full commitment to meeting the substantive requirements of the Act as soon as possible has been demonstrated. In consideration of these circumstances, the Departments of the Interior and Commerce are delaying the imposition of a moratorium until April 1, 1987.

Striped Bass Fishing Moratorium

When a coastal State is found not to be in compliance with the Plan, the Act requires that a moratorium on striped bass fishing be imposed in the coastal waters of that State. Accordingly, unless the proposed measures outlined in the District's January 23, 1987, letter to the Departments of the Interior and Commerce have been adopted by April 1, 1987, a moratorium will be imposed,

effective that date, on fishing for striped bass in all waters under the jurisdiction of the District of Columbia.

Any imposition of a moratorium under the Act will be made through a letter to the Mayor of the District of Columbia and through issuance of another **Federal Register** notice. Such a moratorium will be terminated upon our receipt of notification from the Commission that the District has taken appropriate remedial actions to bring the District into compliance.

Dated: February 6, 1987.

Anthony J. Calio,

Under Secretary of Commerce for Oceans and Atmosphere.

William P. Horn,

Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior.

[FR Doc. 87-2933 Filed 2-11-87; 8:45 am]

BILLING CODE 4310-55-M

Secretarial Determination Required Under the Atlantic Striped Bass Conservation Act and Notice Regarding Federal Imposition of Moratorium on Striped Bass Fishing

AGENCIES: National Marine Fisheries Service (NMFS), NOAA, Commerce and U.S. Fish and Wildlife Service (FWS), Interior.

ACTION: Notice of determination that New Jersey is not in compliance with the Interstate Fisheries Management Plan for the Striped Bass and notice of intent to impose a fishing moratorium for striped bass.

SUMMARY: The Departments of Commerce and the Interior announce that they have reached a joint determination in response to the notification by the Atlantic States Marine Fisheries Commission of its determination that the State of New Jersey has not adopted all regulatory measures necessary to fully implement the Commission's Interstate Fisheries Management Plan for the Striped Bass. In accordance with the Atlantic Striped Bass Conservation Act, the Departments have determined that New Jersey is not in compliance with the Plan.

New Jersey is given until April 1, 1987, to enact legislation that is determined to be in compliance with the Plan. If, at that time, such legislation is not in force, a moratorium of stiped bass fishing in the State's coastal waters will be imposed, effective that date.

FOR FURTHER INFORMATION CONTACT: Richard Roe, (202) 673-5263 or Gary Edwards, (202) 343-6394.

ADDRESSES: Richard B. Roe, NOAA/NMFS, 1825 Connecticut Avenue, NW., Washington, DC 20235 or Gary Edwards, FWS, 18th and E Streets, NW., Washington, DC 20204.

SUPPLEMENTARY INFORMATION:

Background

The Atlantic Striped Bass Conservation Act (the Act) (16 U.S.C. 1851 Note, as amended by Pub. L. 99-432) was enacted in response to the depleted condition of Atlantic coastal migratory stocks of Atlantic striped bass. The purpose of the Act is to support and encourage the development, implementation, and enforcement of effective interstate action regarding the conservation and management of Atlantic striped bass.

Section 4(b) of the Act specifies that after notification by the Atlantic States Marine Fisheries Commission (the Commission) that a coastal State has not adopted or is not enforcing regulatory measures to fully implement its Interstate Fisheries Management Plan for the Striped Bass (the Plan) or is not enforcing such regulations, the Secretaries shall determine jointly, within thirty days, whether that coastal State is in compliance. If the State is found not to be in compliance, the Secretaries shall declare, i.e., impose, jointly a moratorium on fishing for Atlantic striped bass within the coastal waters of that coastal State. In making such a determination, the Secretaries shall carefully consider and review the comments of the Commission and the coastal State in question.

Activities Pursuant to the Act

On January 7, 1987, the Secretaries received a letter from the Commission dated December 31, 1986, prepared pursuant to section 4(a) of the Act. Notice of receipt of this notification from the Commission was published in the *Federal Register* at 52 FR 1518, January 14, 1987.

The Commission's letter described the status of the New Jersey's efforts to meet the requirements of the Act. It indicated that the Striped Bass Board, in a report adopted by the full Commission, had found in October 1986 that New Jersey had not adopted fishery regulations for striped bass to implement Objective 1 of Amendment 3 to the Plan and that this should be so reported unless significant positive changes were in place by mid-December. Objective 1 of Amendment #3 provides, in part:

That the states prevent fishing mortality on at least 95% of the 1982 year class of females, and females of all subsequent year classes of

Chesapeake Bay stocks until 95% of the females of these year classes have an opportunity to reproduce at least once.

The October 27, 1986, letter from the Commission to New Jersey indicated:

In order for New Jersey to be in compliance with the plan, it needs a minimum size of 30 inches in place by November; 31 inches by February, 1987 and a 33-inch size limit by August, 1987.

The Commission's December 31, 1986, letter also informed the Secretaries of bills that were in the New Jersey Assembly and Senate as of December 10, 1986.

To obtain New Jersey's comments regarding its compliance with the Plan, as required by the Act, officials of the Departments of the Interior and Commerce met with officials of the Commission and of the New Jersey Department of Environmental Protection on January 12, 1987. At that meeting, New Jersey representatives provided copies of bills pending before the State legislature and discussed the effect of these bills on striped bass restoration. Representatives of the State of New Jersey were requested to submit written comments by January 21, 1987, confirming, and if possible, supplementing their comments presented at the meeting. A letter from New Jersey's Commissioner of Environmental Protection was received. That letter indicated agreement with the Atlantic Marine Fisheries Commission finding that New Jersey was not in compliance with Amendment #3 of the Plan and included information about two bills pending before the State legislature which it asked be considered.

Determination Regarding Compliance by the State of New Jersey

Based on relevant information and taking into account State and Commission comments, it has been jointly determined that the State of New Jersey is not in compliance with the Plan. This determination is made based on New Jersey's 24-inch minimum size restriction for striped bass (other than inland, for which there is a 33-inch restriction), while Amendment #3 requires a 31-inch restriction on February 1, 1987, and a 33-inch restriction on August 1, 1987, and because New Jersey has no other management measures to compensate for this difference and no data to demonstrate that a 24-inch restriction will meet the objective of Amendment #3.

Although it has been determined that the State of New Jersey is not in compliance with the Plan, it is recognized that efforts are being made

to amend State statutes regulating striped bass fishing. In recognition of these efforts, the Departments of the Interior and Commerce are delaying the imposition of a moratorium until April 1, 1987.

Striped Bass Fishing Moratorium

When a coastal State is found not to be in compliance with the Plan, the Act requires that a moratorium on striped bass fishing be imposed in the coastal waters of that State. Accordingly, unless measures determined in consultation with the Commission to be in compliance with the Plan are adopted by April 1, 1987, effective that date the Departments of Commerce and Interior will jointly impose a moratorium on striped bass fishing in the coastal waters of New Jersey. The imposition will be made through a letter to the Governor of New Jersey and through issuance of another *Federal Register* notice. Such a moratorium will be terminated upon our receipt of notification from the Commission that the State has taken appropriate remedial actions to bring the State into compliance.

Dated: February 6, 1987.

Anthony J. Calio,

Under Secretary of Commerce for Oceans and Atmosphere.

William P. Horn,

Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior.

[FR Doc. 87-2934 Filed 2-11-87; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Technical Information Service

Intent to Grant Exclusive Patent License; Hoffmann-La Roche; Correction

In FR doc. 87-1432 which appeared on Friday, January 23, 1987, page 2574, in lines 9 to 11, delete—"5-Substituted-2', 3'-Dideoxycytidine Compounds with Anti-HTLV-III Activity"—and substitute the correct title of U.S. Patent Application 6-769,017,—"Inhibition of In-Vitro Infectivity and Cytopathic Effect of HTLV-III/LAV by 2', 3'-Dideoxycytidine"—.

Robert P. Auber,

Director, Office of Federal Patent Licensing, U.S. Department of Commerce, National Technical Information Service.

[FR Doc. 87-3010 Filed 2-11-87; 8:45 am]

BILLING CODE 3510-04-M

COMMODITY FUTURES TRADING COMMISSION

Coffee, Sugar & Cocoa Exchange; White Sugar Future and Inflation Rate Option

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of a proposed commodity futures contract and a proposed option contract.

SUMMARY: The Coffee, Sugar & Cocoa Exchange ("CSCE") has applied for designation as a contract market in white sugar futures. The CSCE also has applied for designation as a contract market in inflation rate options on a physical. The Director of the Division of Economic Analysis of the Commodity Futures Trading Commission ("Commission"), acting pursuant to the authority delegated by Commission Regulation 140.96, has determined that publication of the proposals for comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATES: Comments must be received on or before April 13, 1987, for the white sugar futures contract and on or before March 30, 1987, for the inflation rate option contract.

ADDRESS: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Reference should be made to the CSCE white sugar futures contract or to the inflation rate option contract.

FOR FURTHER INFORMATION CONTACT: For the white sugar futures contract, contact Fred Linse, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, (202) 254-7303. For the inflation rate option contract, contact Richard Shilts at the same address and telephone number.

Copies of the terms and conditions of the proposed contracts will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254-6314.

Other materials submitted by the CSCE in support of the applications for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C.

552) and the Commission's regulations thereunder (17 CFR Part 145 (1984)), except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the terms and conditions of the proposed contracts, or with respect to other materials submitted by the CSCE in support of their applications, should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, by April 13, 1987, for the white sugar futures contract and by March 30, 1987 for the inflation rate option contract.

Issued in Washington, DC on February 9, 1987.

Paula A. Tosini,

Director, Division of Economic Analysis.

[FR Doc. 87-3004 Filed 2-11-87; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Military Traffic Management Command, Military Personal Property Claims Symposium; Open Meeting

Announcement is made of meeting of the Military Personal Property Claims Symposium. This meeting will be held on 19 February 1987 at the Stouffer Concourse Hotel, Crystal City, Arlington, Virginia, and will convene at 0830 hours and adjourn at approximately 1500 hours.

Proposed Agenda

The purpose of the symposium is to provide an open discussion and free exchange of ideas with the public on procedural changes to Personal Property Traffic Management Regulation (DOD 4500.34R), and the handling of other matters of mutual interest concerning the Department of Defense Personal Property Shipment and Storage Program.

All interested persons desiring to submit topics to be discussed should contact the Commander, Military Traffic Management Command, ATTN: MT-PPM, at telephone number 756-1600, between 0800-1530 hours. Topics to be

discussed should be received on or before 16 February 1987.

Joseph R. Marotta,

Colonel, GS, Director of Personal Property.

[FR Doc. 87-2953 Filed 2-11-87; 8:45 am]

BILLING CODE 3710-08-M

Military Traffic Management Command; International Carrier Evaluation and Reporting System (ICERS); Solicitation of Comments

The Military Traffic Management Command has proposed a comprehensive program entitled "The International Carrier Evaluation and Reporting System (ICERS)" which establishes standards for use by the local transportation officer in evaluating the performance of international through Government bill of lading (ITGBL) personal property program participants. It is proposed that all international personal property shipments picked up on or after 1 April 1987 by companies performing these services for the Department of Defense will be evaluated in accordance with the provisions of the International Carrier Evaluation and Reporting System. Interested parties may obtain copies of this document from: Commander, Military Traffic Management Command, Attn: MT-PPQ, 5611 Columbia Pike, Falls Church, Virginia 22041-5050.

Dated: February 3, 1987.

Joseph R. Marotta,

Colonel, GS, Director of Personal Property.

[FR Doc. 87-2954 Filed 2-11-87; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: 2-3 March 1987.

Time of Meeting: 0800-1530 hours, 2 March 1987; 0800-1630 hours, 3 March 1987.

Place: Fort Detrick, MD.

Agenda: The Army Science Board's Ad Hoc Subgroup for the Army Biological Defense Program will meet to review in detail medical research and development programs in support of the Army's biological defense program. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C. specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 2, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be

contacted for further information at (202) 695-3039 or 695-7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 87-2923 Filed 2-11-87; 8:45 am]

BILLING CODE 3710-08-M

Corps of Engineers, Department of the Army

Intent To Prepare an Environmental Impact Statement (EIS); Remedial Action Alternatives for Explosive Ordnance on the Former Camp Elliott, San Diego County, CA

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of intent to prepare an environmental impact statement (EIS).

SUMMARY: An Environmental Impact Statement will be prepared to evaluate alternatives to address the unexploded ordnance and related debris caused by previous DOD activities on the former Camp Elliott, San Diego County, California.

1. *Alternatives.* Remedial alternatives to be evaluated will include, but not necessarily be limited to, the use of surface and subsurface sweeps, the use of controlled burning, the use of mechanized cutting for brush removal, restrictions on or controlling development, restricting access, re-purchase of property, and no action.

2. *Scoping Process.* A public meeting was held in May 1986 providing the community with the status and direction of the project, and to obtain input on community concerns. An additional meeting was held with the Tierrasanta Community Council on November 1986 which obtained additional comments from the community. Formal coordination with appropriate Federal, State, and local agencies has begun. A public workshop is scheduled for April 1987. Specific meeting date, time, and place will be published in local newspapers.

3. *Potentially Significant Issues.* Potentially significant issues so far identified include: safety, acceptability of controlled burning, biological resources, endangered species, archeological and cultural resources, and compatibility with local land use policies.

4. *Availability of EIS* The Draft Environmental Impact Statement is expected to be available to the public in September 1987.

e. *Address.* Comments and questions regarding the proposed action may be addressed to: U.S. Army Corps of Engineers, Los Angeles District, Attn:

Ms. Karen Helbrecht, SPLPD-RP, P.O. Box 2711, Los Angeles, California 90053, (213) 894-0247.

Dated: February 5, 1987.

D. Fred Butler,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 87-3050 Filed 2-11-87; 8:45 am]

BILLING CODE 3710-KF-M

DEPARTMENT OF ENERGY

Office of Assistant Secretary for International Affairs and Energy Emergencies

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangement; Switzerland

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation between the Government of the United States of America and the European Atomic Energy Community (EURATOM) concerning Peaceful Uses of Atomic Energy, as amended and the Agreement for Cooperation between the Government of the United States of America and the Government of Switzerland concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above-mentioned agreements involves approval of the following retransfer:

RTD/EU(SD)-63, for the transfer of 12 PWR fuel rods from Switzerland to Reaktor Brennelement Union, Hanau, the Federal Republic of Germany for insertion into new fuel assemblies for Gosgen-Daniken power reactor. The fuel rods contain 23,829 grams of uranium, enriched to 3.83 percent in the isotope uranium-235.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: February 5, 1987.

For the Department of Energy,

George J. Bradley, Jr.

Principle Deputy Assistant Secretary for International Affairs and Energy Emergencies.

[FR Doc. 87-2921 Filed 2-11-87; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

Changes To DOE Energy Information Reporting and Record-Keeping Requirements

AGENCY: Energy Information Administration, DOE.

ACTION: Notice of changes to the inventory of energy information reporting and record-keeping requirements.

SUMMARY: The Energy Information Administration (EIA) of the Department of Energy (DOE) hereby gives notice to respondents and other interested parties of changes to the inventory of current information collections as defined in the Paperwork Reduction Act of 1980 (Pub. L. 96-511), for which EIA is responsible. DOE management and procurement assistance collections, which are the responsibility of the Office of Management and Administration, are no longer included in these notices.

During the first quarter of fiscal year 1987 (October 1, 1987, through December 31, 1987), changes were made to the October 1, 1986 inventory of DOE information collections, which was published in the *Federal Register*, 51 FR 37958 (October 27, 1986). The first quarter changes are listed below, and include new information collections approved by the Office of Management and Budget (OMB), collections extended, reinstated, discontinued or allowed to expire, and changes to continuing information collections. For each new requirement, requirement extension, or requirement reinstatement, the current DOE control or form number, the title, the OMB control number, and the OMB approval expiration date are listed by the DOE sponsoring office. For the list of discontinued requirements, the discontinued date is shown instead of the expiration date. If applicable, the appropriate Code of Federal Regulations citation is also listed. For revised information collections, a brief summary of the type of revision is noted. Information collections not utilizing structured forms are designated by an asterisk (*) placed to the right of the control or form number.

FOR FURTHER INFORMATION CONTACT: Etta Harris, EI-73, Energy Information Administration, Mail Stop 1H-023, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-2165.

Information on the availability of single, blank information copies of those collections utilizing structured forms may be obtained by contacting the National Energy Information Center, EI-

22, Forrestal Building, U.S. Department of Energy, Washington, DC 20585, (202) 586-8800.

Authority: Sec. 5(a), 5(b), 13(b), and 52), Pub. L. 93-275, Federal Energy Administration Act of 1974, (15 U.S.C. 764(a), 764(b), 772(b), and 790(a).

Issued in Washington, DC, February 5, 1987.

Yvonne M. Bishop,
Director, Statistical Standards Energy Information Administration.

NEW DOE ENERGY INFORMATION COLLECTIONS APPROVED BY OMB

DOE No.	Title	OMB Control No.	Expiration Date	CFR Citation
Energy Information Administration				
EIA-846(S)	Manufacturing Energy Consumption Survey (Part II, Fuel Switching Capability)	19050169	Mar. 31, 1989	

DOE ENERGY INFORMATION COLLECTIONS EXTENDED

DOE No.	Title	OMB Control No.	Expiration Date	CFR Citation
Energy Information Administration				
EIA-1	Weekly Coal Monitoring Report—General Industries (Standby Form)	19050167	Mar. 31, 1988	
EIA-3	Quarterly Coal Consumption Report—Manufacturing Plants	19050167	do	
EIA-4	Weekly Coal Monitoring Report—Coke Plants (Standby Form)	19050167	do	
EIA-6	Coal Distribution Report	19050167	do	
EIA-20	Weekly Coal Monitoring Report—Coal-Burning Electric Utilities (Standby Form)	19050167	do	
EIA-28	Financial Reporting System	19050149	Dec. 31, 1987	
EIA-97	Boiler Order Report	19050167	Mar. 31, 1988	
EIA-141	National Survey of Fuel Purchases for Vehicles—Purchase Log and Supplementary Questionnaire	19050068	Feb. 28, 1987	
EIA-213	Typical Net Monthly Bills	19050129	Dec. 31, 1989	
EIA-429	National Survey of Fuel Purchases for Vehicles—Background Questionnaire	19050086	Feb. 28, 1987	
EIA-457A/H	Residential Energy Consumption Surveys	19050092	do	
EIA-759	Monthly Power Plant Report	19050129	Dec. 31, 1989	
EIA-821	Annual Fuel Oil and Kerosene Sales Report	19050018	Apr. 30, 1987	
EIA-826	Electric Utility Company Monthly Statement	19050129	Dec. 31, 1989	
EIA-860	Annual Electric Generator Report	19050129	do	
EIA-861	Annual Electric Utility Report	19050129	do	
Federal Energy Regulatory Commission				
FERC-80	Licensed Hydropower Development Recreation Report	19020106	Mar. 30, 1989	18 CFR 141.14, 8.11.
FERC-523*	Application For Authorization Of The Issuance Of Securities	19020043	Oct. 31, 1989	18 CFR 34.
FERC-555*	Records Retention Requirements	19020098	do	18 CFR 125, 158, 160.1, 276.108, 277.210, 225.356.
FERC-557*	PURPA Section 133: Cost of Retail Electric Service	19020042	Sept. 30, 1989	18 CFR 290.
FERC-568*	Well Category Determinations	19020112	Oct. 31, 1989	18 CFR 274.
FERC-574*	Gas Pipeline Certificate—Hinshaw Exemption	19020018	Dec. 31, 1989	18 CFR 152.
FERC-579*	State Implementation of PURPA 210—Cogeneration and Small Power Production	19020133	Mar. 31, 1987	18 CFR 292.401.
FERC-587*	Indexes of Essential Power Site Withdrawals	19020143	do	18 CFR Part 25.

*Does not utilize a structured form.

REINSTATED DOE ENERGY INFORMATION COLLECTIONS

DOE No.	Title	OMB Control No.	Expiration Date	CFR Citation
Energy Information Administration				
EIA-7A(SUJPP)	Coal Production Report (Supplement)	19050167	Mar. 31, 1988	

DOE ENERGY INFORMATION COLLECTIONS DISCONTINUED OR ALLOWED TO EXPIRE

DOE No.	Title	OMB Control No.	Discontinued Date	CFR Citation
Energy Information Administration				
EIA-758A	Natural Gas Well Producer/Purchaser Contract Report	19050164	Oct. 31, 1986	
EIA-758B	Natural Gas Purchaser Contract Report	19050164	do	
Nuclear Energy				
NE-869	Greater Than Class C Low Level Radioactive Waste	19010290	Oct. 31, 1986	

DOE Numbers as Previously Listed	Changes	DOE Numbers as Previously Listed	Changes	DOE Numbers as Previously Listed	Changes
EIA-5	Some data items deleted and approval extended through Mar. 31, 1988.	EIA-412	Some data items deleted and approval extended through Dec. 31, 1989.	FERC-73	Modification to format and filing instructions.
EIA-7A	Change in the number of respondents and approval extended through Mar. 31, 1988.	EIA-810	Some data items added.		
		EIA-820	Some data items deleted.		
		EIA-871A/F	Replaced form EIA-788 and approved through Sept. 30, 1989.		

[FR Doc. 87-2922 Filed 2-11-87; 8:45 am]
BILLING CODE 6450-01-M

Office of Energy Research**High Energy Physics Advisory Panel; Renewal**

Pursuant to section 14(a)(2)(A) of the Federal Advisory Committee Act and in accordance with Title 41 of the Code of Federal Regulations, § 101-6.1015, and following consultation with the Committee Management Secretariat, General Services Administration, notice is hereby given that the High Energy Physics Advisory Panel (HEPAP) has been renewed for a 2-year period ending on January 27, 1989. The Panel will continue to provide advice to the Secretary of Energy, through the Director, Office of Energy Research, on long range planning and priorities in the national high energy physics program.

The renewal of the HEPAP has been determined essential to the conduct of the Department's business and in the public interest in connection with the performance of duties imposed upon the Department of Energy by law. The Panel will continue to operate in accordance with the provisions of the Federal Advisory Committee Act, the Department of Energy Organization Act, Pub. L. 95-91, and rules and regulations issued in implementation of those Acts.

Further information regarding this Panel may be obtained from Gloria Decker (202) 586-8990.

Issued in Washington, DC, on February 9, 1987.

Charles R. Tierney,
Advisory Committee Management Officer.
[FR Doc. 87-3052 Filed 2-11-87; 8:45 am]
BILLING CODE 6450-01-M

Magnetic Fusion Advisory Committee; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: Magnetic Fusion Advisory Committee.

Date and Time: Tuesday, February 24, 1987, 8:30 am - 5:00 pm, Wednesday, February 25, 1987, 9:00 am - 12:30 pm.

Location: Georgia Institute of Technology, Space Science & Technology Building, Room #5, Atlanta, Georgia 30332.

Contact: Thomas G. Finn, Office of Fusion Energy, Office of Energy Research ER-50.2, U.S. Department of Energy, Mail Stop G-236, Washington, DC 20545, Phone: (301)-353-4941.

Purpose of the Committee: To provide advice to the Secretary of Energy on the Department's Magnetic Fusion Energy Program, including periodic reviews of elements of the program and recommendations of changes based on scientific and technological advances or other factors; advice on long-range plans,

priorities, and strategies to demonstrate the scientific and engineering feasibility of fusion; advice on recommended appropriate levels of funding to develop those strategies and to help maintain appropriate balance between competing elements of the program.

Agenda Outline

Tuesday, February 24, 1987

1. 8:30 a.m. Welcome (½ hr)
2. Status of Fusion Program—J. Clarke (1 hr)
3. CIT—J. Schmidt, B. Montgomery (1½ hr)
4. Discussion of New Charge—F. Ribe (1 hr) (LUNCH)
5. Nuclear Technology—C. Baker, M. Abdou, J. Anderson (2 ½ hr)
6. Georgia Tech. Fusion Program—W. Stacey (1 hr)
7. Public Comments (10 minute rule) (ADJOURN) (5:15 p.m.)

Wednesday, February 25, 1987

1. 9:00 a.m. Status of ATF—J. Scheffield (1½ hr)
2. Discussion of New Charge—F. Ribe (1 hr)
3. Public Comments (10 minute rule) (ADJOURN 12:30 pm.)

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Thomas G. Finn at the address or telephone number listed above. Requests must be received five days prior to the meeting and responsible provision will be made to include the presentation on the agenda. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Minutes: Available for public review and copying approximately 30 days following the meeting at the Public Reading Room, Room 1E190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on February 6, 1987.

J. Robert Franklin,
Deputy Advisory Committee Management Officer.

[FR Doc. 87-3053 Filed 2-11-87; 8:45 am]
BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. ER87-62-000 et al.]

Electric Rate and Corporate Regulation Filings; the Cincinnati Gas & Electric Co. et al.

February 5, 1987.

Take notice that the following filings have been made with the Commission:

1. The Cincinnati Gas & Electric

[Docket No. ER87-62-000]

Take notice that the Cincinnati Gas & Electric Company (CG&E) on October

30, 1986, tendered for filing a proposed change in its FERC Electric Tariff, First Revised Volume No. 1, Rider F, Fuel Cost Adjustment which would cancel and supersede the current rate schedule in said tariff. The proposed change would allow for the recovery of purchased power capacity charges through the Fuel Cost Adjustment Clause provided the energy purchased meets the criteria established by the FERC in Order No. 352.

The reason stated by CG&E for the change in rate schedule is:

To update the fuel cost adjustment clause in accordance with FERC Order No. 352 in Docket No. RM83-62-000.

On December 8, 1986 CG&E submitted for filing an amendment proposing to withdraw the revised Rider F, Fuel Cost Adjustment for the municipalities in the State of Ohio.

On January 20, 1987, CG&E amended its original filings by submitting for filing additional rate schedules and cost data pursuant to Order No. 352.

Copies of the filing were served upon the Villages of Bethel, Blanchester, Georgetown, Hamersville and Ripley, municipalities in the State of Ohio; and the Union Light, Heat and Power Company, a wholly owned subsidiary of CG&E, which ultimately serves retail consumers and one wholesale customer within the Commonwealth of Kentucky; and the West Harrison Gas and Electric Company, a wholly owned subsidiary of CG&E, which ultimately serves retail consumers within the State of Indiana; the Public Utilities Commission of Ohio; the Kentucky Public Service Commission and the Public Service Commission of Indiana.

Comment date: February 19, 1987, in accordance with Standard Paragraph E at the end of this notice.

2. Duke Power Company

[Docket No. ER86-674-002]

Take notice that on January 21, 1987, Duke Power Company (Duke) tendered for filing a compliance report pursuant to the Commission's order of October 23, 1986, reflecting exclusion of EPRI Expenses and the Impact of the Tax Reform Act of 1986.

Comment date: February 19, 1987, in accordance with Standard Paragraph E at the end of this notice.

3. Oklahoma Gas and Electric Company

[Docket No. ER87-238-000]

Take notice that on January 29, 1987, Oklahoma Gas and Electric Company

(OG&E) tendered for filing a new Agreement intended to supersede OG&E's Rate Schedule FERC No. 122. This Agreement is the contract between OG&E and the Southwestern Power Administration (SWPA). The new rate is identical to the old rate, and provides for the sale of Replacement Energy and Emergency Service by OG&E to SWPA.

OG&E requests an effective date of January 1, 1987, and therefore requests waiver of the Commission's notice requirements.

Comment date: February 19, 1987, in accordance with Standard Paragraph E at the end of this notice.

4. UtiliCorp United Inc.

[Docket No. EC87-6-000]

Take notice that on January 28, 1987, UtiliCorp United Inc. (the Company) tendered for filing a Petition for Reincorporation that was included in the Application that was initially filed in the above referenced Docket No.

Comment date: February 19, 1987, in accordance with Standard Paragraph E at the end of this document.

Standard Paragraphs

E. 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 and 385.214). All such motions or protests should be filed on or before the comment date. 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. 87-3033 Filed 2-11-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. QF87-219-000, et al.]

Small Power Production and Cogeneration Facilities; Qualifying Status; Certificate Applications, etc.; Texas Energy Associates, Limited Partnership, et al.

Comment date: Thirty days from

publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

Take notice that the following filings have been made with the Commission.

1. Texas Energy Associates, Limited Partnership

[Docket No. QF87-219-000]

February 4, 1987.

On January 9, 1987, Texas Energy Associates, Limited Partnership (Applicant), of 87 Elm Street, Cohasset, Massachusetts 02025, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submitted constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Coahoma, Texas and will consist of two combustion turbine generators, two heat recovery steam generators, and a steam turbine generator. The thermal energy recovered from the facility in the form of steam will be utilized by the Texaco East Vealmoor gas plant for the petroleum refining process and space heating and cooling. The net electric power production capacity of the facility will be 300 MW. The primary sources of energy will be natural gas and synthetic gas. Construction of the facility will begin on July 1, 1988.

2. Cogentrix Michigan Leasing Corporation

[Docket No. QF87-225-000]

February 6, 1987.

On January 16, 1987, Cogentrix Michigan Leasing Corporation (Applicant), of 4828 Parkway Plaza Boulevard, Two Parkway Plaza, Suite 290, Charlotte, North Carolina 28210, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located at The Mead Corporation Paperboard Products Division in Ostego, Michigan. The facility will consist of three stoker-fired steam generators and one extraction/condensing steam turbine generator. Thermal energy recovered from the facility will be utilized in heating paper pulping reactors and paper dryers. The primary energy source will be coal. The

net electric power production capacity of the facility will be 50,675 kW. Installation of the facility is scheduled to begin after January 1, 1989.

3. E.I. du Pont de Nemours and Company

[Docket No. QF87-222-000]

February 6, 1987.

On January 13, 1987, E.I. du Pont de Nemours and Company (Applicant), of 1007 Market Street, Wilmington, Delaware 19898, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located at the Applicant's Sabine River Works Plant in Orange, Texas. The facility will consist of a generator driven by a natural gas powered expander. Low-pressure gas rejected from the expander will be recovered in the form of fuel gas used for the Applicant's Sabine River Works boilers. The primary energy source is natural gas. The electric power production capacity of the facility will be 2.32 MW. Installation of the facility began in October 1985.

4. Energy Ingenuity Company—New Castle Facility

[Docket No. QF87-53-000]

February 6, 1987.

On October 31, 1986, Energy Ingenuity Company (Applicant), of P.O. Box 3705, Littleton, Colorado 80161-3705, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. On January 5, 1987, Applicant filed an amendment to the application requesting that certification be granted to the facility as a qualifying small power production facility instead of as a qualifying cogeneration facility. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located at the site of New Castle Energy Corporation's coal mine near New Castle, Colorado. The facility will consist of two fluidized bed combustion boilers, two steam turbine generators, and related auxiliary equipment. The net electric power production capacity of the facility will be 50 megawatts.

Applicant states that the primary energy source of the facility will be "waste" in the form of bituminous coal refuse.

5. Metropolitan Energy Management Organization, Inc.

[Docket No. QF87-232-000]

February 6, 1987.

On January 21, 1987, Metropolitan Energy Management Organization, Inc. (Applicant), of 615 West 173rd Street, New York, New York 10032, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located on the premises of the New Rochelle Nursing Home in New Rochelle, New York. The facility will consist of one diesel and one gas engine generator. Thermal energy recovered from engine's water jacket, oil coolant, and exhaust silencers will be used to provide high temperature hot water for use by the New Rochelle Nursing Home for space heating and domestic hot water. The primary energy source will be natural gas or diesel oil. The maximum electric power production capacity of the facility will be 200 kW. Installation of the facility will begin in February 1987.

Standard Paragraphs

E. 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 and 385.214). All such motions or protests should be filed on or before the comment date. 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. 87-3034 Filed 2-11-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. SA87-29-000]

Anadarko Petroleum Corp.; Petition for Adjustment

Issued: February 6, 1987.

On October 23, 1986, Anadarko Petroleum Corporation filed with the Federal Energy Regulatory Commission a petition for waiver pursuant to Commission Order No. 399-A,¹ section 502(c) of the Natural Gas Policy Act of 1978,² and Subpart K of the Commission's Rules of Practice and Procedure.³ Anadarko seeks waiver of that portion of its Btu refund obligation attributable to certain royalties paid by it to the Minerals Management Service of the U.S. Department of the Interior (MMS). The royalties relate to sales of gas by Anadarko to Trunkline Gas Company from producing properties in the Federal Outer Continental Shelf, Offshore Louisiana and Texas, operated by Anadarko. Under Order No. 399, these refunds were due by November 5, 1986,⁴ but this deadline has been postponed.⁵

Anadarko requests waiver on grounds that MMS has taken the position that refunds not filed for within the statute of limitations period under section 10 of the Outer Continental Shelf Land Act are barred.⁶

The procedures applicable to the conduct of this adjustment proceeding are found in Subpart K of the Commission's Rules of Practice and Procedure. Any person desiring to participate in this adjustment proceeding must file a motion to intervene in accordance with the provisions of Subpart K. All motions to intervene must be filed within 15 days after publication of this notice in the Federal Register.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-3035 Filed 2-11-87; 8:45 am]

BILLING CODE 6717-01-M

¹ Refunds Resulting from Btu Measurement Adjustments, 49 FR 46353 (November 26, 1984); FERC Stats. & Regs. [Regulations Preambles 1982-1985] ¶ 30,612.

² 15 U.S.C. 3412(c) (1982).

³ 18 CFR 385.1101-385.1117 (1986).

⁴ 49 FR 37735 at 37,740 (September 26, 1984). FERC Stats. & Regs. [Regulations Preambles 1982-1985] ¶ 30,597 at 31,150. In Order No. 399, the Commission established refund procedures for charges for natural gas that exceeded NGPA ceilings as a result of Btu measurements based on the water vapor content of the gas "as delivered," rather than on a water saturated basis. In so doing, the Commission was implementing the decision in *Interstate Natural Gas Association of America v. Federal Energy Regulatory Commission*, 716 F.2d 1 (D.C. Cir. 1983), cert. denied, 465 U.S. 1108 (1984).

⁵ In Order No. 399-C, issued November 5, 1986, the Commission postponed the November 5, 1986 deadline for payment of Btu refunds attributable to royalty payments for any first seller that has a petition on file with the Commission seeking waiver of or postponement of the deadline to pay Btu refunds attributable to royalty payments.

⁶ 43 U.S.C. 1339 (1982).

[Docket No. RP87-36-000]

Carnegie Natural Gas Co.; Petition for Authority To Institute Direct Billing Procedure for Retroactive Order No. 94 Payments and Petition for Authority To Institute Direct Refunds of Pipeline Purchase Refunds

February 5, 1987.

Take notice that on January 29, 1987, Carnegie Natural Gas Company (Carnegie) filed a petition with the Federal Energy Regulatory Commission (FERC) for authority to institute a special one-time procedure to directly bill its customers for production related cost allowance previously charged to it by its pipeline supplier, Texas Eastern Transmission Corporation (TETCO). Carnegie proposes to allocate the aforesaid costs to those of its customers who actually benefitted from the production related services by matching the incurrence of Order No. 94 costs to the customers' share of system purchases for the period in question. The relatively modest size of the costs to be billed preclude any necessity to bill in installments. The costs will therefore be billed as a lump sum payment.

Carnegie further petitions for authority to refund the appropriate share of certain refunds received from its pipeline supplier to its jurisdictional customers by direct refund, for waiver of need to use its PGA mechanism as provided in its FERC Tariff, General Terms and Conditions, and its FERC Rate Schedule LVWS; and for waiver of such accounting regulations as may be necessary to authorize the direct refund as proposed herein. Carnegie proposes to flow the appropriate share of the refund amount to each of its customers on the basis of a factor reflecting the ratio of total sales and transportation charges for each customer relating to TETCO to total sales and transportation charges to all customers relating to TETCO for the period in question.

Carnegie has served this filing on its customers, state commissions, and other parties normally served with its rate filings. Carnegie requests that the Commission grant any waivers of its regulations or Carnegie's FERC Gas Tariffs as may be required to make the direct billing procedure and the direct refund procedure effective as proposed.

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. All such motions or protests should be filed on or before February 12, 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. 87-3036 Filed 2-11-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA87-1-63-000, 001]

Carnegie Natural Gas Co; Proposed Changes in FERC Gas Tariff

February 6, 1987.

Take notice that Carnegie Natural Gas Company ("Carnegie") on February 2, 1987, tendered for filing as a part of its FERC Gas Tariff, First Revised Volume No. 1, six copies each of the following revised tariff sheets:

Second Revised Sheet No. 47

Second Revised Sheet No. 48

The above revised tariff sheets are being issued to reflect purchased gas cost Carnegie has experienced from its pipeline supplier, Texas Eastern Transmission Corporation ("TETCO"), and from a modification of purchase pattern in its producer purchases. The effect of such cost reductions is to change its demand component from \$10.2654/Dth to \$10.0944/Dth and its commodity component from \$2.6950 to \$2.6444, the combined effect of which results in an overall reduction of its LVWS Rate. Carnegie's current interruptible rate of \$3.0325/Dth is likewise reduced to \$2.9763 for its LVIS Rate.

The proposed effective date of the above tariff sheets is March 1, 1987.

Carnegie respectfully requests waiver of any provisions of its tariff, and any Regulations that the Commission may deem necessary to accept the above tariff sheets to be effective March 1, 1987, so as to provide rate reduction as soon as possible and to have said reduction commence on the first day of a billing period.

Copies of the filing were served on Carnegie's jurisdictional customers and interested state commissions.

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 February 13, 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. 87-3037 Filed 2-11-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI87-223-000]

Cities Service Oil & Gas Corp.; Application

February 6, 1987.

Take notice that on January 9, 1987, Cities Service Oil and Gas Corporation ("Applicant"), 110 West 7th Street, Tulsa, Oklahoma 74119, filed an Application requesting that the Commission issue an order that grants Applicant the necessary authorizations for a five-year term (1) to make sales for resale in interstate commerce of uncommitted gas; and (2) to abandon (pregranted abandonment) any sale for such limited term. In that regard Applicant requests the authorizations described in said Application for a limited term beginning on the date authorization is granted and ending five years from date of authorization. Applicant further requests that the Commission handle the Application on an expedited basis consistent with the policies enunciated in Order No. 436 in Docket No. RM85-1-000.

Applicant states that the authorizations requested in its Application are necessary so that it can begin to make sales at market responsive prices.

Any person desiring to be heard or to make any protest with reference to said Application should on or before February 23, 1987, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the

proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Kenneth F. Plumb.

Secretary.

[FR Doc. 87-3038 Filed 2-11-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA87-2-22-000, 001]

Consolidated Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

February 6, 1987.

Take notice that Consolidated Gas Transmission Corporation (Consolidated) on January 30, 1987, filed a revised tariff sheet pursuant to sections 12 (PGA Clause), 12A (Incremental Pricing Surcharges), and 13 (Research, Development and Demonstration Cost Adjustment) of the General Terms and Conditions of its tariff. The revisions, shown on Thirteenth Revised Sheet No. 31 to Original Volume No. 1 of Consolidated's tariff, are proposed to be effective March 1, 1987.

Consolidated has included in its filing:

- (a) A rate decrease of approximately \$39 million in the current cost of gas from pipeline and producer suppliers;
- (b) A surcharge of 36.97 cents per dekatherm to recoup amounts accumulated in Account 191, Unrecovered Purchased Gas Costs; and,
- (c) A refund credit of 18.38 cents per dekatherm to flow through supplier refunds.

Copies of the filing were served upon Consolidated's sales customers as well as interested state commissions.

The PGA surcharge includes an amount of 2.38 cents per dekatherm which is designed to collect over two years *Mid-Louisiana* amounts now collectible by virtue of the Commission's waiver granted on July 31, 1986, in Docket No. GP86-9.

Currently with these PGA changes, Consolidated also includes a separately stated rate surcharge to recover its funding of take-or-pay payments made by Tennessee Gas Pipeline Company under the procedures approved in the Commission's order issued on April 16, 1986, in *Columbia Gas Transmission Corporation v. Tennessee Gas Pipeline Company, et al.*, Docket Nos. PR83-8, et

al. The take-or-pay surcharge is 0.32 cents per dekatherm.

Additionally, Consolidated tenders for filing Second Revised Sheet No. 33 to change the RD&D adjustment applicable to its firm transportation rate schedule, Rate Schedule TF, so as to reflect the recent change in the GRI surcharge. Consolidated asks for waiver of the regulations to permit Second Revised Sheet No. 33 to go into effect retroactively on January 1, 1987.

Any person desiring to be heard or to protest said filing should file a protest or motion to intervene 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 and 385.211). All motions or protests should be filed on or before February 13, 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. 87-3039 Filed 2-11-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. SA87-36-000]

**Energy Resource Associates, Inc.;
Petition for Adjustment**

Issued: February 6, 1987.

Take notice that on December 29, 1986, Energy Resources Associates, Inc., (ERA) filed with the Commission a petition for adjustment under section 502(c) of the Natural Gas Policy Act of 1978 (NGPA). ERA seeks waiver of its obligation to refund to Transcontinental Gas Pipe Line Corporation (Transco), amounts paid by Transco to ERA in excess of the NGPA section 104 gas price for production from the Continental Land & Fur No. 5 well located in St. Paul Bayou Field, Terrebonne Parish, Louisiana, for the period of January 1, 1982, to January 1, 1986.

ERA states that it is a member of a limited partnership, Weaver 1979-II Drilling Program, that owns the No. 5 well. The limited partnership was formed September 14, 1979, by ERA, Weaver Exploration Company (Weaver), and 139 other limited partners. On January 24, 1985, ERA became the substitute general partner because the partnership manager,

Weaver, encountered financial problems which subsequently led to bankruptcy. ERA claims that although it and the other limited partners own three-fourths of the limited partnership, Weaver, as general partner had sole authority to conduct, direct and exercise full control over all activities of the partnership and that the limited partners had no power over the conduct of the Partnership's affairs and were precluded from taking part in control of the business. ERA states that, as general partner, Weaver either neglected to file a section 102 application or the application has been lost by the jurisdictional agency for the subject well. Because there is no section 102 determination on file with the jurisdictional agency or the Commission, ERA argues that it and the remaining limited partners may now be obligated to refund to the purchaser of the natural gas the difference between the section 102 and section 104 gas price for a 48-month period.

ERA argues that it would be inequitable to assess liability against it because ERA lacked responsibility for or control over the obligation to timely file the well determination. Secondly, ERA states that if relief is denied it will be placed in a financial jeopardy which constitutes a special hardship. ERA also argues that because the party responsible for the resulting refund obligation is now in bankruptcy, denial of relief would impose on the limited partners and it an unfair distribution of the burden of making the refund to Transco.

The procedures applicable to the conduct of this adjustment proceeding are found in Subpart K of the Commission's Rules of Practice and Procedure. Any person desiring to participate in this adjustment proceeding must file a motion to intervene in accordance with the provisions in Rule 214. All motions to intervene must be filed within 15 days after publication of this notice in the *Federal Register*.

Kenneth F. Plumb,
Secretary.

[FR Doc. 87-3040 Filed 2-11-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA87-3-34-002]

**Florida Gas Transmission; Changes In
FERC Gas Tariff**

February 5, 1987.

Take notice that on February 3, 1987, Florida Gas Transmission Company (FGT), tendered for filing the following tariff sheets to its FERC Gas Tariff to be effective February 1, 1987.

Substitute 13th Revised Sheet No. 8 First Revised Volume No. 1
Substitute 36th Revised Sheet No. 128 of Original Volume No. 2

On January 15, 1987 FGT filed with the Federal Energy Regulatory Commission (Commission) in Docket No. TA87-3-34-000 revised tariff sheets to reflect an increase in its average cost of purchased gas from that level reflected in its last Semi-annual PGA filing effective October 1, 1986 in Docket No. TA87-1-34-000. Subsequent to the filing of January 15, 1987, and after further review by FGT and the FERC PGA Audit Staff, it was determined that certain prices were stated inaccurately. FGT is making the instant filing to amend the out-of-cycle PGA filing in Docket No. TA87-3-34-000 to reflect the appropriate prices. The result is a reduction of the cost of purchased gas previously requested in the January 15, 1987 filing.

In addition to the above referenced changes to the cost of purchased gas, FGT is incorporating in this filing the settlement base tariff rates recently approved by the Commission by order issued January 29, 1987 in Docket No. RP86-137-000. Such order approved FGT's Stipulation and Agreement and related tariff sheets in Docket No. RP86-137-000 resolving all issues in that proceeding. The effect of this filing on FGT's jurisdictional rates will be a reduction of 1.888¢/therm for Rate Schedule G, 2.055¢/therm for Rate Schedule I and 10.48¢/mcf for Rate Schedule T-3 as measured against the respective rates, previously filed by FGT January 15, 1987 to be effective February 1, 1987.

Copies of this filing were served on FGT's jurisdictional customers and interested state commissions.

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. All such motions or protests should be filed on or before February 12, 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. 87-3041 Filed 2-11-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. C187-244-000]

Forest Oil Corp.; Application for Blanket Certificate of Public Convenience and Necessity, and for an Order Permitting and Approving Pre-Granted Abandonment, and Request for Expedited Consideration

February 6, 1987.

Take notice that on January 27, 1987, Forest Oil Corporation ("Applicant" or "Forest"), 1500 Colorado National Building, 950 Seventeenth Street, Denver, Colorado 80202, filed an application pursuant to sections 4 and 7(c) of the Natural Gas Act and 18 CFR 2.77 and 157.30 of the Commission's Regulations thereunder for (i) a blanket certificate authorization to make sales for resale in interstate commerce of gas produced from Eugene Island Area Block 99, Offshore Louisiana (the "Eugene Island Block"); (ii) blanket pre-granted authorization to abandon such sales and (iii) waiver of the regulations under Parts 154 and 271 of the Commission's Regulations as to the establishment and maintenance of rate schedules and filing requirements for collection of monthly adjustments and any Section 110 allowances, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Forest is a producer and seller of natural gas. Applicant seeks the authority to sell gas produced from the Eugene Island Block to any willing purchasers. Applicant states that, although it has entered into a contract with an end-user, it has received offers to purchase all or a portion of the gas on the spot market from one or more purchasers for resale. These purchasers include local distribution companies, marketing companies, and others. For this reason, Applicant seeks a blanket certificate authorizing sales of the gas for resale in interstate commerce, along with blanket pre-granted authorization to abandon such sales.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 23, 1987, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and

Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 87-3042 Filed 2-11-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. C187-245-000]

Forest Oil Corp.; Application for Blanket Certificate of Public Convenience and Necessity, and for an Order Permitting and Approving Pre-Granted Abandonment, and Request for Expedited Consideration

February 6, 1987.

Take notice that on January 27, 1987, Forest Oil Corporation ("Applicant" or "Forest"), 1500 Colorado National Building, 950 Seventeenth Street, Denver, Colorado 80202, filed an application pursuant to sections 4 and 7(c) of the Natural Gas Act and 18 CFR 2.77 and 157.30 of the Commission's Regulations thereunder for (i) a blanket certificate authorization to make sales for resale in interstate commerce of gas produced from Eugene Island Area Blocks 287, 307, 314, and 315, and Vermilion Area Blocks 256, 267, and 268, Offshore Louisiana (the "Eugene Island and Vermilion Blocks"); (ii) blanket pre-granted authorization to abandon such sales and (iii) waiver of the regulations under Parts 154 and 271 of the Commission's Regulations as to the establishment and maintenance of rate schedules and filing requirements for collection of monthly adjustments and any section 110 allowances, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Forest is a producer and seller of natural gas. Applicant seeks the authority to sell gas produced from the Eugene Island and Vermilion Blocks to any willing purchasers. Applicant states that, although it has entered into a contract with an end-user, it has received offers to purchase all or a portion of the gas on the spot market from one or more purchasers for resale. These purchasers include local distribution companies, marketing

companies, and others. For this reason, Applicant seeks a blanket certificate authorizing sales of the gas for resale in interstate commerce, along with blanket pre-granted authorization to abandon such sales.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 23, 1987, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be necessary for Applicant to appear or to be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 87-3043 Filed 2-11-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. C187-199-000 et al.]

Bradley H. Keyes; Applications for Limited-Term Abandonment With Pregranted Abandonment for Sales Under Small Producer Certificate

February 6, 1987.

Take notice that the Applicant listed herein has filed applications pursuant to section 7 of the Natural Gas Act for limited-term abandonment with pregranted abandonment for sales of such gas under its small producer certificate.

The circumstances presented in the applications meet the criteria for consideration on an expedited basis, pursuant to § 2.77 of the Commission's rules as promulgated by Order No. 436 and 436-A, issued October 9, and December 12, 1985, respectively, in Docket No. RM85-1-000, all as more fully described in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before 15 days after the date of publication of this notice in the **Federal Register**, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a

petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will

not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding herein must file a petition to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Kenneth F. Plumb,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
C187-199-000, B, Dec. 23, 1986 ¹	Bradley H. Keyes, 103 N. Main, Aztec, New Mexico 87410.	El Paso Natural Gas Company, Aztec PC Field, San Juan County, New Mexico.	(²)	
C187-203-000, B, Dec. 23, 1986 ¹	do	do	(²)	
C187-204-000, B, Dec. 23, 1986 ¹	do	do	(²)	
C187-205-000, B, Dec. 23, 1986 ¹	do	El Paso Natural Gas Company, Piñon Fruitland Field, San Juan County, New Mexico.	(²)	
C187-206-000, B, Dec. 23, 1986 ¹	do	El Paso Natural Gas Company, Aztec PC Field, San Juan County, New Mexico.	(²)	
C187-207-000, B, Dec. 23, 1986 ¹	do	El Paso Natural Gas Company, West Kutz PC Field, San Juan County, New Mexico.	(²)	
C187-208-000, B, Dec. 23, 1986 ¹	do	El Paso Natural Gas Company, Aztec PC Field, San Juan County, New Mexico.	(²)	
C187-209-000, B, Dec. 23, 1986 ¹	do	El Paso Natural Gas Company, Aztec Fruitland Field, San Juan County, New Mexico.	(²)	
C187-210-000, B, Dec. 23, 1986 ¹	do	El Paso Natural Gas Company, Fulcher Kutz PC Field, San Juan County, New Mexico.	(²)	
C187-211-000, B, Dec. 23, 1986 ¹	do	El Paso Natural Gas Company, West Kutz PC Field, San Juan County, New Mexico.	(²)	
C187-212-000, B, Dec. 23, 1986 ¹	do	do	(²)	

¹Additional information received January 21, 1987

²Applicant requests authorization to abandon sales of gas to El Paso for an 18-month limited term. In addition, Applicant requests blanket pregranted abandonment authorization during the 18-month period for sales of such gas under its small producer certificate in Docket No. CS72-357.

In support of its applications, Applicant states that its wells are shut-in, combined deliverability is 231 Mcf/d and the gas is NGPA section 108 gas. Applicant is subject to substantially reduced takes without payment; it plans to sell the gas on the spot market.

Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[FR Doc. 87-3044 Filed 2-11-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA87-2-25-000, 001]

Mississippi River Transmission Corp.; Rate Change Filing

February 6, 1987.

Take notice that on January 30, 1987 Mississippi River Transmission Corporation ("Mississippi") tendered for filing Nineteenth Revised Sheet No. 4 to its FERC Gas Tariff, Second Revised Volume No. 1. Mississippi proposes an effective date of March 1, 1987.

Nineteenth Revised Sheet No. 4 is being submitted pursuant to Mississippi's gas tariff to track pipeline and producer rate changes and to recover gas costs which have accumulated in Mississippi's Unrecovered Purchased Gas Cost Account. Mississippi states that the filing under Rate Schedule CD-1, reflects an increase of 81.6 cents per Mcf in Demand Charge D-1, a decrease of 4.89 cents per Mcf in the D-2 Demand Charge and a commodity rate decrease of 7.83 cent per Mcf. The single part rate under Rate Schedule SCS-1 reflects a decrease of 4.83 cents per Mcf. The overall cost impact of such rate changes when applied to annual jurisdictional billing determinants is an \$8.2 million reduction.

Mississippi states that Sixth Revised Sheet No. 4A is not being submitted because of a permanent waiver from incremental pricing regulations dated December 23, 1986 in Docket No. SA86-24-000.

Mississippi states that copies of its filing have been served on all jurisdictional customers 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 §§ 385.211 and 385.214 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 February 13, 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. 87-3045 Filed 2-11-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER86-687-003 and ER86-688-001]

New England Power Co.; Filing

February 4, 1987.

Take notice that on January 30, 1987, New England Power Company (NEP) filed with the Commission a motion for permission to withdraw its W-8(b) rate, filed August 29, 1986. NEP states that it is making its request conditionally upon the Commission granting NEP's request to waive § 35.17(a) of its regulations and allow NEP to make a rate filing seeking permission to place new rates in effect, after notice and suspension, any time beginning January 1, 1988. NEP requests that its motion to withdraw the W-8(b) rate be deemed withdrawn or denied in the event that the Commission declines to grant NEP's request to waive § 35.17(a).

Any person desiring to be heard or to protest this motion 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 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 February 17, 1987. Motions or protests should address both aspects of NEP's filing, the motion to withdraw and the request for waiver of § 35.17(a). 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, and not already a party to the proceeding, must file a motion to intervene. Copies of this motion are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 87-3051 Filed 2-11-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA87-1-59-005]

**Northern Natural Gas Company,
Division of Enron Corp.; Compliance
Filing**

February 6, 1987.

Take notice that on January 30, 1987, Northern Natural Gas Company, Division of Enron Corp. (Northern), tendered for filing the following tariff sheets to its F.E.R.C. Gas Tariff to comply with Ordering Paragraph (A)(2) of the Commission's Order issued December 31, 1986 in Docket No. TA87-1-59-000, *et al.*

Third Revised Volume No. 1

Second Substitute Thirty-Ninth Revised Sheet No. 4b
Second Substitute Eighth Revised Sheet No. 4b.1

Original Volume No. 2

Second Substitute Forty-Seventh Revised Sheet No. 1c

The proposed effective date for such tariff sheets is January 1, 1987.

Northern states that the revised level of projected gas costs reflected in this filing eliminates the direct cost impact or Order No. 451. Northern further states that its projection of gas purchased costs does not reflect the level of purchased gas costs Northern actually experienced on January 1, 1987 nor currently being experienced and as a result, Northern does not intend to bill on January 1, 1987 the commodity rates established in this filing. Instead, Northern will continue to bill the commodity rates established in its flexible PGA filed in Docket No. TF87-3-59 effective January 1, 1987.

The PGA rate established in this filing is \$2.0365 per MMBtu compared to \$2.1939 per MMBtu originally filed in Docket No. TA87-1-59.

As a result of the revisions filed in TA87-1-59-000, *et al.*, Northern also tendered for filing the following tariff sheets which incorporate the above changes and supersede the corresponding tariff sheets, effective January 1, 1987, filed in Docket No.

TF87-3-59 on December 31, 1986 and subsequently superseded on January 15, 1987.

Third Revised Volume No. 1

Second Substitute Fortieth Revised Sheet No. 4b
Second Substitute Ninth Revised Sheet No. 4b.1

Original Volume No. 2

Second Substitute Forty-Eight Revised Sheet No. 1c

Also, as a result of the changes filed in Docket No. TA87-1-59-000, *et al.*, Northern filed the following revised tariff sheets which will supersede the corresponding tariff sheets, effective January 17, 1987, filed in Docket No. RP85-206-010 on January 16, 1987.

Third Revised Volume No. 1

Substitute Forty-First Revised Sheet No. 4b

Original Volume No. 2

Substitute Forty-Ninth Revised Sheet No. 1c

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 February 13, 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. 87-3046 Filed 2-11-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-003]

**Sabine Pipe Line Co.; Compliance
Filing**

February 5, 1987

Take notice that on January 20, 1987, Sabine Pipe Line Company (Sabine) tendered for filing the following revised tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1 in compliance with the Commission's letter order dated January 13, 1987:

First Revised Sheet No. 1
Second Revised Sheet No. 2
First Revised Sheet No. 102

Second Revised Sheet No. 220
First Revised Sheet No. 311

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 28, 1987.

The proposed effective date for the sheets is December 1, 1986. Sabine has mailed copies of this filing to each affected service customer.

Any person desiring to be heard or to protest said filing should file a motion to intervene or to 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. All such motions or protests should be filed on or before February 12, 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. 87-3047 Filed 2-11-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2245-001]

George D. Uhl; Filing of Application

February 5, 1987.

Take notice that on August 25, 1986, George D. Uhl, pursuant to section 305(b) of the Federal Power Act, submitted for filing a supplemental application for authority to hold the following position.

Vice President and Controller, The Connecticut Light and Power Company, Public Utility
Vice President and Controller, Western Massachusetts Electric Company, Public Utility
Vice President and Controller, Holyoke Water Power Company, Public Utility
Vice President and Controller, Holyoke Power & Electric Company, Public Utility
Vice President and Controller, Connecticut Yankee Atomic Power Company, Public Utility
Any person desiring to be heard or to protest this filing should file a motion to intervene or to 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 February 19, 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 petition are on file with the commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 87-3048 Filed 2-11-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP86-83-001 and TF87-1-11-000]

United Gas Pipe Line Co.; Tariff Filing February 6, 1987.

Take notice that on February 3, 1987, United Gas Pipe Line Company (United) tendered for filing First Revised Sheet No. 74-F4 and Seventy-Sixth Revised Sheet No. 4 to its FERC Gas Tariff, First Revised Volume No. 1. United states that the tariff sheets adjust United's rates after current adjustments to recognize the effect of a change in United's projected cost of gas from the projected cost of gas as contained in the filing in Docket No. TA87-1-11, effective January 1, 1987.

United's Revised Sheet No. 4 reflects United's best estimate of actual decreases in gas cost which will occur as a result of a settlement agreement which was reached with respect to United's contracts for the purchase of gas from Canada. The settlement provides for a reduced price effective February 1, 1987; however, permanent relief is contingent upon Commission approval of the settlement. Based upon the effective date of such interim reduction in gas cost, United requests a waiver of the two-day notice provision set forth in the Commission's June 30, 1986 order in Docket No. RP86-83 in order for United to provide its customers with price relief effective for the entire month of February 1987. United continues to pursue renegotiation of gas purchase contracts and will continue to reflect these negotiations thru flex PGA filings as these pursuits are realized.

United states that its First Revised Sheet No. 74-F4 provides the acknowledgement discussed a page 6 of the Commission's June 30, order, i.e., that United "shall be required to support its deferred balances, including the three (3) percent margin, to the extent that it appears that the company did not use its

adjustments to track the actual changes in gas cost." Further, in accordance with the discussion in that same order, United acknowledges that by exercising the flexible PGA authority granted by that order, it waives its guaranteed recovery rights under § 601.(c) of the NGPA for amounts in the excess of 103% of its estimated average gas cost. United further acknowledges that if it reflects undercollections in excess of three (3) percent, it shall not be permitted to include these amounts in its rates without prior Commission approval.

United has mailed copies of this filing to its jurisdictional sales customers, to interested state commissions and to the intervenors in Docket No. RP86-83.

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. All such motions or protests should be filed on or before February 13, 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. 87-3049 Filed 2-11-87; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3155-4]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) requires the Agency to publish in the Federal Register a notice of proposed information collection requests (ICRs) that have been forwarded to the Office of Management and Budget (OMB) for review. The ICR describes the nature of the solicitation and the expected impact, and where appropriate includes the actual data collection instrument. The following ICRs are available for review and comment.

FOR FURTHER INFORMATION CONTACT: Patricia Minami, (202) 382-2712 (FTS 382-2712) or Jackie Rivers, (202) 382-2740 (FTS 382-2740).

SUPPLEMENTARY INFORMATION:
Office of Water

Title: Information Requirements for Construction Grant Delegation to States (EPA ICR #0909). (This renews a currently cleared collection without change.)

Abstract: States provide EPA with information and schedules for assuming responsibility for State delegation of construction grants and provide data on innovative/alternative technology grants. EPA uses these data for fiscal accountability, management overview of States, and an annual report on innovative/alternative projects.

Respondents: State water pollution control agencies.

Agency PRA Clearance Requests Completed by OMB

EPA ICR #0805, General Facility Operating Requirements, was approved 1/14/87 (OMB #2050-0012; expires 1/30/90).

EPA ICR #0947, RCRA Financial Requirements, was approved 12/27/86 (OMB #2050-0036; expires 12/31/89).

Comments on the abstracts in this notice may be sent to:

Patricia Minami, U.S. Environmental Protection Agency, Office of Standards and Regulations (PM-223), Information and Regulatory Systems Division, 401 M Street SW., Washington, DC 20460
and

Rick Otis, Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building (Room 3228), 726 Jackson Place NW., Washington, DC 20503.

Dated: February 6, 1987.

Daniel J. Fiorino,

Director, Information and Regulatory Systems.

[FR Doc. 87-2977 Filed 2-11-87; 8:45 am]

BILLING CODE 6560-50-M

[FRL-3155-2]

Chesapeake Bay Executive Council; Renewal

The Chesapeake Bay Executive Council has been renewed for an additional two year period. The Agency has determined that the renewal of the Council is in the public interest in connection with the performance of duties imposed on EPA by law. The Council will operate in accordance with

the provisions of the Federal Advisory Committee Act and the rules and regulations issued in implementation of the Act.

FOR FURTHER INFORMATION CONTACT:
Mary Anne Beatty, EPA Committee Management Officer (PM-213), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 382-5036.

Dated: February 3, 1987.

C. Morgan Kinghorn,
Acting Assistant Administrator for Administration and Resources Management.
[FR Doc. 87-2979 Filed 2-11-87; 8:45 am]
BILLING CODE 6560-50-M

[FRL-3155-6]

The Asbestos Hazard Emergency Response Act Negotiated Rulemaking Advisory Committee; Open Meeting

As required by section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), EPA is giving notice of an open meeting of the Advisory Committee negotiating proposed regulations under the Asbestos Hazard Emergency Response Act (AHERA) of 1986.

The meeting is scheduled on Wednesday, February 18, in the Crabtree Auditorium at the National Education Association 1201 16th Street NW., Washington, DC.

The meeting will begin at 9:00 a.m. and will run until completion.

At the February 6, 1987 Advisory Committee meeting, the Committee selected a location for the February 18, 1987 Advisory Committee meeting. For this reason, the notice of this meeting is being given less than 15 days prior to the meeting itself. The Agency is issuing this notice promptly now that the meeting location is confirmed. The Agency will inform all parties who have indicated an interest in this negotiation of the meeting location.

The purpose of this meeting is to continue working on the substantive issues the Committee has identified for resolution.

If interested in attending, or in receiving more information, please contact Kathy Tyson at (202) 382-5479.

Dated: February 4, 1987.

Milton Russell,
Assistant Administrator.
[FR Doc. 87-3030 Filed 2-11-87; 8:45 am]
BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirements Submitted to the Office of Management and Budget for Review

February 5, 1987.

The Federal Communications Commission has submitted the following information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, 44 U.S.C. 3507.

Copies of these submissions may be purchased from the Commission's duplicating contractor, International Transcription Service, 2100 M Street NW., Suite 140, Washington, DC 20037, telephone (202) 857-3800. Persons wishing to comment on an information collection should contact J. Timothy Sprehe, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503, telephone (202) 395-4814. For further information contact Doris Benz, Federal Communications Commission, telephone (202) 632-7513.

OMB NO.: 3060-0099.

Title: Annual Report Form M.

Action: Extension.

Estimated Annual Burden: 60 Responses; 6,900 Hours.

Form M is an annual report of financial and operating data from telephone companies having annual operating revenues in excess of \$100,000,000. The data are used in the regulation of the telephone industry.

OMB NO.: 3060-0105.

Title: Common Carrier and Satellite Radio Licensee Qualification Report.

Form No.: FCC 430.

Action: Extension.

Estimated Annual Burden: 2,100 Responses; 4,200 Hours.

The report is submitted by all new applicants, and by existing common carrier radio and satellite licensees and permittees annually if substantial changes occur in organizational structure. The data are used to evaluate legal qualifications.

Federal Communications Commission
William J. Tricarico,
Secretary

[FR Doc. 87-2988 Filed 2-11-87; 8:45 am]

BILLING CODE 6712-01-M

[FCC 87-35]

Privatization of Special Call Sign System For Amateur Stations; Pleading Cycle Established in PRB-3

February 3, 1987.

By letter of June 17, 1986, the American Radio Relay League, Inc. expressed an interest in finding a way by which requests for specific call signs for amateur stations can be honored through a system administered in the private sector. Callbook Magazine, Gordon Girtan and Central Alabama VEC have also expressed an interest in such a system. The FCC favors the implementation of such a system if it can be accomplished with no additional cost or workload to the FCC. The purpose of this Public Notice is to solicit comments and proposals on this matter from interested persons so that a determination can be made as to whether to proceed with its implementation.

There is a large demand in the Amateur service for call signs of choice. Because of limited resources, the FCC cannot honor requests for specific call signs. The FCC assignment system is totally automated: call signs are assigned on the station license from alphabetized lists arranged according to mailing address and operator license class.

It appears that a practical approach would be for the actual station licensing function—including the assignment of a call sign—to be performed by the FCC before the private sector becomes involved. Then, upon the licensee's request, a Special Call Sign Coordinator (SCSC) in the private sector would assign one or more supplemental special call signs. The selection system for determining which licensees would be eligible for which call signs would be the prerogative of the SCSC. A special call sign could be used in lieu of the FCC-assigned call sign during the station identification procedure required by § 97.84. The assignment of a special call sign would be a service for the licensee, not a condition of FCC licensing nor a service replacing the FCC. The SCSC would maintain a data base of assigned special call signs for use in monitoring and compliance work. Special call sign assignments would not be incorporated into the FCC's license data base.

SCSC Selection Criteria:

1. Ability to assign call signs to

amateur stations in an efficient and objective manner;

2. Ability to provide an accurate on-line access data base of assigned special call signs for monitoring and compliance work;

3. Ability to minimize the FCC resources required in the establishment of the special call sign system; and

4. Ability to minimize the cost to the licensee for administering the system.

Parties wishing to file formal comments on the issues raised herein, to raise additional or conflicting issues or to submit a proposal to be an SCSC should do so by filing an original and four copies with the Secretary, Federal Communications Commission, 1919 M Street NW., Washington, DC 20554, on or before April 23, 1987. Reply comments may be filed on or before May 22, 1987. Proposals must respond to the above selection criteria and must state the estimated annual burden of administering the system and maintaining the data base. All filings should refer to *PRB-3*.

Copies of letters from ARRL, Central Alabama VEC, Callbook Magazine and any subsequently filed documents in this matter may be obtained from the FCC's contractor for public records duplication, International Transcription Services, Inc., 1270 Fairfield Road (Route 116 West), Gettysburg, PA 17325, (717) 337-1433 or Suite 140, 2100 M Street NW., Washington, DC 20037, (202) 857-3800. Any documents related to this matter will also be available for inspection and copying in the Private Radio Bureau Public Reference Room, 1270 Fairfield Road (Route 116 West), Gettysburg, PA 17325.

For further information contact the Personal Radio Branch at (202) 632-4964. Federal Communications Commission.

William J. Tricarico,
Secretary.

[FR Doc. 87-2989 Filed 2-11-87; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal 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.: 224-011062.

Title: Baltimore Terminal Agreement.

Parties:

Maryland Port Administration (Port)
Evergreen Marine Corporation
(Taiwan) Ltd. (Evergreen)

Synopsis: The proposed agreement would permit the Port to lease a total of 20.2 acres of land at its Dundalk Marine Terminal to Evergreen for a three year period.

Agreement No.: 203-011063.

Title: U.S./Jamaica Discussion Agreement.

Parties:

Crowley Caribbean Transport, Inc.
R. B. Kirkconnell & Bro. Ltd.

Synopsis: The proposed agreement would permit the parties to meet, exchange information and agree upon rates, rules and charges in the trade between U.S. Atlantic and Gulf ports and ports in Jamaica and inland or coastal points via such ports. Adherence to any agreed upon rates, rules and charges would be voluntary. The parties have requested a shortened review period.

Dated: February 9, 1987.

By Order of the Federal Maritime Commission.

Joseph C. Polking,
Secretary.

[FR Doc. 87-2928 Filed 2-11-87; 8:45 am]

BILLING CODE 6730-01-M

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice that the following agreement(s) has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and may request a copy of each agreement and the supporting statement at the Washington, DC, Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit protests or comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 20 days after the date of the *Federal Register* in which this notice appears. The requirements for comments and protests are found in section § 560.7 of Title of 46 of the Code of Federal Regulations. Interested persons should consult this

section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

Agreement No.: 124-011061.

Title: Tacoma Terminal Agreement.

Parties:

Port of Tacoma (Port)
Murray Pacific Corporation (MPC)

Synopsis: The proposed agreement would permit the Port to lease 51.4 acres of land to MPC for a period of five years and would grant MPC preferential use of Berth B at the Port's Blair Terminal.

Filing Party: James J. Mason, Esquire,
902 South 10th Street, Tacoma,
Washington 98405.

Dated: February 9, 1987.

By Order of the Federal Maritime Commission.

Joseph C. Polking,
Secretary.

[FR Doc. 87-2929 Filed 2-11-87; 8:45 am]

BILLING CODE 6730-01-M

Agreement(s) Filed

The Federal 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.: 224-003695-002.

Title: Port Everglades Terminal Agreement.

Parties:

Port Everglades Authority
Sea-Land Service, Inc.

Synopsis: The proposed amendment would revise the agreement's wharfage and crane rental rates as well as tonnage levels, rental discount percentages and discount hours.

Agreement No.: 224-011064.

Title: Portland Terminal Agreement.
Parties:

The Port of Portland (Port) Daiichi Chuo Kisen Kaisha (Carrier) Trade Ocean Line (Carrier)

Synopsis: The proposed amendment would permit the Port to make available to the Carriers dock and backup areas at its Terminal 4 as designated by the Port's Marine Director. The Carriers agree to designate the Port as their Columbia River port of all in exchange for discounts in the Port's service and facility charges. The agreement would remain in effect for a two year period.

Dated February 9, 1987.

By Order of the Federal Maritime Commission.

Joseph C. Polking,
Secretary.

[FR Doc. 87-3015 Filed 2-11-87; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Aids Community Outreach Demonstration Project

AGENCY: National Institute on Drug Abuse, HHS.

ACTION: Issuance of special research grant announcement DA-87-13, "AIDS Community Outreach Demonstration Project".

SUMMARY: The National Institute on Drug Abuse announces a grant program that will provide support for AIDS outreach demonstration projects in American cities that have a high incidence of AIDS cases associated with intravenous drug use. The purpose of this program is to demonstrate the effectiveness of comprehensive community-based outreach and intervention strategies in reducing the spread of the acquired immunodeficiency syndrome (AIDS) among intravenous drug abusers and their sexual partners. It is estimated that five projects will be funded under this announcement during FY 1987. It is anticipated that support will be provided for a period of up to three years (renewable for subsequent periods) subject to continued availability of funds and progress achieved. Applicants will compete for approximately \$5 million in FY 87 grant money made available for this project. Competition is restricted to 15 Standard Metropolitan Statistical Areas, as defined by the Bureau of the Census, in order to make sure that the outreach efforts are initiated in areas in which

there is a high incidence of AIDS cases associated with intravenous drug use.

Receipt and Review Dates of Applications: Applications will be accepted and reviewed according to the usual Public Health Service Schedule and procedures. Applications must be received by April 1, 1987 for funding consideration in FY 1987.

FOR FURTHER INFORMATION CONTACT:

Grants Management Branch, National Institute on Drug Abuse, 5600 Fishers Lane, Room 10A-25, Rockville, Maryland 20857, Telephone: (301) 443-6710

or

Chief, Community Research Branch, National Institute on Drug Abuse, 5600 Fishers Lane, Room 10A-37, Rockville, Maryland 20857, Telephone: (301) 443-6720.

Donald Ian Macdonald,

Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 87-2924 Filed 2-11-87; 8:45 am]

BILLING CODE 4160-20-M

Centers for Disease Control

Work Durations for Limiting Shoulder-Girdle Fatigue; Open Meeting

The following meeting will be convened by the National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control (CDC) and will be open to the public for observation and participation, limited only by the space available:

Date: March 6, 1987.

Time: 9 a.m. to 2 p.m.

Place: Room B-60, Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

Purpose: The purpose of this meeting is to review and discuss a project which seeks to establish ergonomic guidelines for elevated manual work performed by an operator who is seated. Viewpoints and suggestions from industry, organized labor, academia, other government agencies, and the public are invited.

Additional information may be obtained from: Vern Putz-Anderson, Ph.D., Division of Biomedical and Behavioral Science, NIOSH, CDC, 4676 Columbia Parkway, Cincinnati, Ohio 45226, Telephones: FTS: 684-8291, Commercial: 513/533-8291.

Dated: February 6, 1987.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control.

[FR Doc. 87-2919 Filed 2-11-87; 8:45 am]

BILLING CODE 4160-19-M

National Institutes of Health

Cardiology Advisory Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cardiology Advisory Committee, National Heart, Lung, and Blood Institute, March 23-24, 1987, Building 31C, Conference Room 8, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20892.

The entire meeting will be open to the public from 8:00 a.m. on March 23 to adjournment on March 24. Attendance by the public will be limited to space available. Topics for discussion will include a review of the research programs relevant to the Cardiology area and consideration of future needs and opportunities.

Terry Bellicha, Chief, Communications and Public Information Branch, National Heart, Lung, and Blood Institute, Room 4A31, Building 31, National Institutes of Health, Bethesda, Maryland 20892, telephone (301) 496-4236, will provide a summary of the meeting and a roster of the Committee members.

Eugene R. Passamani, M.D., Acting Associate Director for Cardiology, Division of Heart and Vascular Diseases, National Heart, Lung, and Blood Institute, Room 320, Federal Building, Bethesda, Maryland 20892, telephone (301) 496-5421, will furnish substantive program information upon request.

(Catalog of Federal Domestic Assistance Program No. 13.837, Heart and Vascular Diseases Research, National Institutes of Health)

Dated: February 4, 1987.

Betty J. Beveridge,

Committee Management Officer.

[FR Doc. 87-3021 Filed 2-11-87; 8:45 am]

BILLING CODE 4140-01-M

Public Health Service

National Toxicology Program; Availability of Technical Report on Toxicology and Carcinogenesis Studies of Tetrachloroethylene

The HHS' National Toxicology Program today announces the availability of the Technical Report describing the toxicology and carcinogenesis studies of tetrachloroethylene. Tetrachloroethylene is used primarily as a dry cleaning agent, an industrial solvent for fats, oils, tars, rubber, and gums, and a metal degreasing agent.

Studies of this chemical were conducted by inhalation exposure of

groups of 50 male and 50 female F344/N rats and B6C3F₁ mice 6 hours per day, 5 days per week, for 103 weeks. The exposure concentrations used were 0, 200, or 400 ppm for rats and 0, 100, or 200 ppm for mice.

Under the conditions of these 2-year inhalation studies, there was clear evidence of carcinogenicity¹ of tetrachloroethylene for male F344/N rats as shown by an increased incidence of mononuclear cell leukemia and uncommon renal tubular cell neoplasms. There was some evidence of carcinogenicity of tetrachloroethylene for female F344/N rats as shown by increased incidences of mononuclear cell leukemia. There was clear evidence of carcinogenicity for B6C3F₁ mice as shown by increased incidences of both hepatocellular adenomas and carcinomas in males and of hepatocellular carcinomas in females.

Copies of *Toxicology and Carcinogenesis Studies of Tetrachloroethylene* (*Perchloroethylene*) in F344/N Rats and B6C3F₁ Mice (*Inhalation Studies*) (TR 311) are available without charge from the NTP Public Information Office, MD B2-04, P.O. Box 12233, Research Triangle Park, NC 27709. Telephone: (919) 541-3991. FTS: 629-3991.

Dated: February 3, 1987.

David P. Rall,

Director.

[FR Doc. 87-3018 Filed 2-11-87; 8:45 am]

BILLING CODE 4140-01-M

National Toxicology Program; Availability of Technical Report on Toxicology and Carcinogenesis Studies of Diglycidyl Resorcinol Ether

The HHS' National Toxicology Program today announces the availability of the Technical Report describing the toxicology and carcinogenesis studies of diglycidyl resorcinol ether (DGRE). DGRE is used as a liquid spray epoxy resin, as a diluent in the production of other epoxy resins used in electrical, tooling, adhesive, and laminating applications, and as a curing agent for polysulfide rubber.

These toxicology and carcinogenesis studies of technical grade diglycidyl resorcinol ether were conducted by

¹ The NTP uses five categories of evidence of carcinogenicity to summarize the strength of the evidence observed in each animal study: two categories for positive results ("clear evidence" and "some evidence"), one category for uncertain findings ("equivocal evidence"), one category for no observable effect ("no evidence"), and one category for studies that cannot be evaluated because of major flaws ("inadequate study").

administering the chemical in corn oil by gavage to groups of 50 male and 50 female F344/N rats at doses of 25 or 50 mg/kg and to groups of 50 male and 50 female B6C3F₁ mice at doses of 50 or 100 mg/kg. A supplemental study of similar design in male and female rats (0 or 12 mg/kg) was started approximately 12 months later because of high mortality in the 50 mg/kg dose groups. Doses were administered five times per week for 103 weeks. Groups of 50 rats and 50 mice of each sex received corn oil by gavage on the same dosing schedule and served as vehicle controls.

Under the conditions of these 2-year gavage studies, technical grade diglycidyl resorcinol ether caused hyperkeratosis and hyperplasia of the forestomach in rats and mice. DGRE was carcinogenic for male and female F344/N rats and for male and female B6C3F₁ mice, causing both benign and malignant neoplasms of the forestomach.

Copies of *Toxicology and Carcinogenesis Studies of Diglycidyl Resorcinol Ether (Technical Grade) in F344/N Rats and B6C3F₁ Mice (Gavage Studies)* (TR 257) are available without charge from the NTP Public Information Office, MD B2-04, P.O. Box 12233, Research Triangle Park, NC 27709. Telephone (919) 541-3991. FTS: 629-3991.

Dated: February 3, 1987.

David P. Rall,

Director.

[FR Doc. 87-3017 Filed 2-11-87; 8:45 am]

BILLING CODE 4160-17-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA-060-43-7122-10-D006]

Emergency Closure of Area and Vehicle Routes in the American Girl/ Padre Madre Area of Imperial County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Closure notice for seven vehicle routes of travel on public lands in the American Girl/Padre Madre Mine Area of southeastern Imperial County, California.

SUMMARY: This closure notice affects vehicle routes A381, A386, A395, A396, A398, A399 and the "Padre-Madre Project Main Access" road under the administrative responsibility of the El Centro Resource Area, California Desert District. The affected routes are located approximately 3 miles southeast of Gold Rock Ranch and 2 miles east of Ogilby

Road, in section 25, T. 15 S., R. 20 E. and sections 17-20, T. 15 S., R. 21 E., SBM. The affected routes are closed to protect public land users from safety hazards that may result from mining operations along these routes.

Additionally, for the reasons noted above, the area described below is closed to all public vehicular access and camping: T. 15 S., R. 21 E., sections 17 (all) 18 (all); Section 19, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$; section 20, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ (excluding MS 3147 and MS 3242).

This is an area that extends generally from the intersection of the 161 kV powerline and American Girl Mine road, easterly two miles, northerly 1.5 miles and southerly 0.25 miles.

The routes and areas affected by this notice are being closed under the authority of 43 CFR 8364.1. This closure order was effective on January 19, 1987, and shall remain in effect until one or all of the following actions occur:

1. Termination of the project and rinsing of the leach piles; and
2. Successful completion of a mining patent application at which time the land will become private and BLM management will be terminated.

Individual closed routes will be fenced and/or barricaded and signed closed. Vehicular access will be permitted beyond the points of closure only personnel operating under the authority of Plan of Operation CAMC 84648/84; personnel operating under auspices of the following rights of way: LA 077757, CA 2953-71, CA 8818; public service, law enforcement officials or Bureau employees while acting on official duty and other specifically authorized persons. Maps showing the exact location of routes affected by this closure notice are available from the El Centro Resource Area, 333 South Waterman Avenue, El Centro, California 92243.

Any person who knowingly and willfully violates this closure order may be subject to a fine of up to \$1,000 or imprisonment of up to 12 months, or both under authority of 43 CFR 8364.2.

FOR FURTHER INFORMATION CONTACT:

Gerald E. Hillier, District Manager, Bureau of Land Management, 1695 Spruce Street, Riverside, California 92507, (714) 351-6386.

Dated February 3, 1987.

H.W. Riecken,

Acting District Manager.

[FR Doc. 87-2925 Filed 2-11-87; 8:45 am]

BILLING CODE 4310-40-M

[CA-060-07-5101-09FB 15]

Intent for 1985 Amendment Review of the California Desert Plan

AGENCY: Bureau of Land Management, Interior.

SUMMARY: Notice is hereby given that the Bureau of Land Management is initiating the 1987 Review of the California Desert Conservation Area Plan in accordance with the amendment procedures outlined in Chapter 7 of the Plan. The purpose of this review is to consider the need for possible amendments to the Plan based on requests from individuals, public and private organizations, and the Bureau's own observations.

DATE: Proposed amendments are being accepted from the public until March 31, 1987.

ADDRESS: For further information contact: Gerald E. Hillier, District Manager, California Desert District, 1695 Spruce Street, Riverside, California 92507.

SUPPLEMENTARY INFORMATION: Requests for amendments or changes in the California Desert Plan are now being accepted from public agencies, interested individuals, and organizations. Supporting rationale should be provided for each proposal change. Requests will be considered in light of the following criteria:

(1) Is the proposed amendment based on new data not considered when the Plan was developed?

(2) Does the information represent a change in legal or regulatory mandate?

(3) Is the supporting detail sufficient and the problem clearly stated so that the request can be considered?

(4) Does the information represent a formal change in State or local government or agency plan?

The California Desert District Advisory Council will review the suggested amendments at its public meeting on or about April 10-11, 1987 in Victorville, California. This meeting will serve as a scoping meeting for the environmental document to be prepared on the amendments.

Please send your comments and proposals to the following address: 1987 PLAN AMENDMENTS, Bureau of Land Management, California Desert District, 1695 Spruce Street, Riverside, CA 92507; (714) 351-6428.

Dated: February 4, 1987.

H.W. Riecken,

Acting District Manager.

[FR Doc. 87-2955 Filed 2-11-87; 8:45 am]

BILLING CODE 4310-40-M

[NV-060-4321-02]

Battle Mountain District Advisory Council; Meeting in Eureka, NV

SUMMARY: Notice is hereby given in accordance with Pub. L. 94-579 and 43 CFR Part 1780 that a meeting of the Battle Mountain District Advisory Council will be held on Tuesday and Wednesday, March 18, 1987. The meeting will convene at 9:00 a.m. in the Eureka County Courthouse in Eureka, Nevada.

SUPPLEMENTARY INFORMATION: The agenda for the meeting will include:

1. Election of Officers.
2. Discussion of 43 CFR Part 3809 Regulations (Surface Management).
3. Current Issues.

The meeting is open to the public. Interested persons may make oral statements between 1:00 and 1:30 p.m. on March 18, 1987. If you wish to make an oral statement, please contact Terry L. Plummer by 4:30 p.m., March 13, 1987.

FOR FURTHER INFORMATION CONTACT: Terry L. Plummer, District Manager, P.O. Box 1420, Battle Mountain, Nevada 89820 or phone (702) 635/5181.

Dated: February 4, 1987.

Terry L. Plummer,

District Manager, Battle Mountain, Nevada.

[FR Doc. 87-2956 Filed 2-11-87; 8:45 am]

BILLING CODE 4310-HC-M

Wyoming; Casper District Office; Casper District Advisory Council; Meeting;

AGENCY: Bureau of Land Management, Interior.

ACTION: Casper District Advisory Council meeting.

SUMMARY: The Casper District Advisory Council will meet on Thursday March 5, 1987 in the conference room of the Casper District Office, 951 North Poplar, Casper, Wyoming. The meeting will begin at 10:00 am MST.

The meeting agenda will include election of officers for the council, an update on the public lands access issues, the latest mineral sales update, a briefing on rangeland monitoring, and comments from the public. Other topics may be considered as suggested by council members or the public.

Meetings are open to the public. Persons who desire to address the council are asked to contact Runore Wycoff at (307) 261-5101 in advance of the meeting.

Dated: February 2, 1987.

James W. Monroe,

District Manager.

[FR Doc. 87-2957 Filed 2-11-87; 8:45 am]

BILLING CODE 4310-22-M

[ID-050-07-4322-14]

Shoshone District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management (BLM), Interior.

SUMMARY: This notice sets forth the schedule and proposed agenda for a meeting of the Shoshone District Grazing Advisory Board.

DATE: Wednesday, March 18, 1987, at 9:00 a.m.

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: The proposed agenda for the meeting includes the following items: (1) Review of range monitoring program, (2) Review of Board financial status, (3) Initial distribution of Board funds, and (4) Project maintenance/Bureau maintained project assessment costs.

Operation and administration of the Board will be in accord with the Federal Advisory Committee Act of 1972 (Pub. L. 92-463; 5 U.S.C. Appendix 1) and Department of Interior regulations, including 43 CFR Part 1984.

The meeting will be open to the public. Anyone may present an oral statement between 10:00 and 11:00 a.m. or may file a written statement regarding matters on the agenda. Oral statements will be limited to ten minutes. Anyone wishing to make an oral statement should notify the Shoshone District Manager by March 16, 1987. Records of the meeting will be available in the Shoshone District Office for public inspection or copying within 30 days after the meeting.

Jon H. Idso,

District Manager.

[FR Doc. 87-2958 Filed 2-11-87; 8:45 am]

BILLING CODE 4310-GG-M

[AZ-050-07-4830-02]

Arizona; Yuma District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Yuma (Arizona) District Advisory Council meeting.

SUMMARY: A meeting and field tour by the Yuma District Advisory Council will be held on Friday, March 13. Council members will tour Public Lands in the Bullhead City area and then hold a regular Advisory Council meeting in the afternoon.

DATE: March 13, 1987.

FOR FURTHER INFORMATION CONTACT: Douglas B. Stockdale, Yuma District Office, 3150 Winsor Avenue, Yuma, Arizona 85365, (602) 726-6300.

SUPPLEMENTARY INFORMATION: The Council will assemble in the lobby of the Riverside Hotel in Laughlin, Nevada, on Friday morning, March 13, 1987. The tour will begin at 8 a.m. The Council will then hold a regular meeting, beginning at 1 p.m., in the Bullhead City Council Chambers located in the Holiday Plaza Professional Center, 1355 Ramar Road. Discussions will center on the day's tour and other Council-initiated topics. The public is invited to attend the meeting and tour but must provide their own transportation and meal.

Written statements from the public may be filed for the Council's consideration. Statements must arrive at the District Office by March 6. Oral statements will also be accepted but, depending on the number of persons wishing to address the Council, a per-person time limit may be imposed.

Summary minutes of the District Advisory Council meeting will be maintained in the Yuma District Office and will be available for inspection and reproduction during regular business hours (7:45 a.m. through 4:30 p.m.) within 30 days of the meeting.

Dated: February 6, 1987.

J. Darwin Snell,
District Manager.

[FR Doc. 87-2959 Filed 2-11-87; 8:45 am]

BILLING CODE 4310-32-M

[CA-060-07-5101-09-XBCC = 1/3, CA-060-07-5101-09-XBCH = 1/3, and CA-060-07-5101-09-YBDB = 1/3]

Receipt of Pipeline Right of Way Applications; California, Arizona, New Mexico, Texas, Nevada, Utah, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Receipt of Right-of-Way Applications CA 17204, CA 17645, CA 17918, CA 18125, CA 19145.

SUMMARY: Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185) as

amended by the Act of November 16, 1973 (87 Statute 576), applications for three new proposed natural gas pipelines and one upgrade of an existing natural gas pipeline have been filed for rights of way across Federal lands. The proposals include the Mojave Pipeline (a 24 to 36 inch diameter pipeline running from Topock, Arizona across southern California to Kern County, California), the El Dorado Pipeline (a 24 to 42 inch pipeline, also running from Topock, Arizona to Kern County, California along a route generally parallel to Mojave), the Kern River Pipeline (a 30 to 36 inch diameter pipeline running from Kemmerer, Wyoming through central Utah, southern Nevada, and southern California to Kern County, California), and an upgrade of Transwestern's existing pipeline (eleven segments would be looped with 30 inch pipe between West Texas and Kern County, California).

The pipelines would be located in the following states and counties:

Project	State	Counties
Mojave.....	Arizona.....	Mojave.
	California.....	San Bernardino. Kern.
El Dorado.....	Arizona.....	Mojave.
	California.....	San Bernardino. Kern.
Transwestern.....	Texas.....	Ward. Lea.
	New Mexico.....	Eddy. Lincoln. Socorro. Torrance. Cibola. McKinley.
Kern River.....	Arizona.....	Apache. Navajo. Coconino. Yavapai. Mojave.
	Wyoming.....	Lincoln. Uinta. Summit. Wasatch. Utah. Sanpete. Juab. Millard. Beaver. Iron. Washington.
Nevada.....	Nevada.....	Lincoln. Clark.
	California.....	San Bernardino. Kern.

ADDRESS: For further information contact: William S. Haigh, California Desert District, 1695 Spruce Street, Riverside, California 92507 (714-351-6428).

Dated: February 3, 1987.

J. Steven Griles,

Assistant Secretary.

[FR Doc. 87-2961 Filed 2-11-87; 8:45 am]

BILLING CODE 4310-40-M

[CA-06-07-4211-07-MLBG]

Receipt of Pipeline Right of Way Application, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Receipt of Right-of-Way Application.

SUMMARY: Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185) as amended by the Act of November 16, 1973 (87 Statute 576), the Four Corners Pipeline Company (a subsidiary of Atlantic Richfield Company) has filed an application for rights-of-way for the proposed Angeles Pipeline, a 30 inch diameter pipeline which would cross Federal lands. The project is a joint venture of Four Corners, Chevron, Texaco, and Shell, and would be a component of the Southern California Pipeline System. The Angeles pipeline would begin at Emidio, California and end in the Los Angeles basin. The Angeles pipeline would cross Kern and Los Angeles counties, California. About half a mile crosses land administered by the Bureau of Land Management, and about thirteen miles cross land administered by the Angeles National Forest. Since most land is within the National Forest, the Forest Service is preparing the project Environmental Impact Statement and the Forest Service and BLM are jointly considering the application.

ADDRESS: For further information on the application contact: William S. Haigh, California Desert District, Bureau of Land Management, 1695 Spruce Street, Riverside, California 92507 (714) 351-6428.

For further information on the Environmental Impact Statement contact: Richard Borden, Saugus Ranger District, Angeles National Forest, 30800 Bouquet Canyon Road, Saugus, California 91350 (805) 252-9710.

Dated: February 3, 1987.

J. Steven Griles,

Assistant Secretary.

[FR Doc. 87-2962 Filed 2-11-87; 8:45 am]

BILLING CODE 4310-40-M

[OR-27329; OR-943-07-4220-11: GP-07-098]

Realty Actions; Conveyance of Public Land; Order Providing for Opening of Land; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This action informs the public of the conveyance of 500 acres of public land out of Federal ownership. This action will also open 120 acres of reconveyed land to surface entry, mining and mineral leasings.

EFFECTIVE DATE: March 23, 1987.

FOR FURTHER INFORMATION CONTACT:

Champ Vaughan, BLM Oregon State Office, P.O. Box 2965, Portland, Oregon 97208, (Telephone 503-231-6905).

SUPPLEMENTARY INFORMATION: 1. Notice is hereby given that in an exchange of land made pursuant to section 206 of the Act of October 21, 1976, 90 Stat. 2756, 43 U.S.C. 1716, a patent has been issued transferring 500 acres of land in Lake Country, Oregon, from Federal to private ownership.

2. In the exchange, the following described land has been reconveyed to the United States:

Willamette Meridian

T. 41 S., R. 23 E.,
Sec. 21, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 22, S $\frac{1}{2}$ NW $\frac{1}{4}$.

The area described contains 120 acres in Lake County.

3. At 8:30 a.m., on March 23, 1987, the land described in paragraph 2 will be open to operation of the public land laws generally, subject to valid existing rights, the provision of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 8:30 a.m., on March 23, 1987, will be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

4. At 8:30 a.m., on March 23, 1987, the land described in paragraph 2 will be open to location and entry under the United States mining laws. Appropriation of land under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

5. At 8:30 a.m., on March 23, 1987, the land described in paragraph 2 will be open to applications and offers under the mineral leasing laws.

Dated: February 6, 1987.

B. LaVelle Black,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 87-2960 Filed 2-11-87; 8:45 am]

BILLING CODE 4310-33-M

[CA-940-07-4520-12; Group 893]

Filing of Plat of Survey; California

February 4, 1987.

1. This plat of the following described land will be immediately placed in the open files in the California State Office, Sacramento, California, and will be available to the public as a matter of information. Copies of this plat and related field notes may be furnished to the public upon payment of the appropriate fee. Public notice, as provided in 43 CFR 1813.1-2 (BLM Manual, Section 2097-Opening Orders) is required. The date selected for the filing shall be at least 45 days after the date the Federal Register Notice is signed:

Mount Diablo Meridian, El Dorado County

T. 11 N., R. 18 E.

2. This plat representing the dependent resurvey of a portion of the north boundary and a portion of the subdivisional lines, and the completion survey of section 5, and the survey of the subdivision of sections 5, 8, and 17, Township 11 North, Range 18 East, Mount Diablo Meridian, California, under Group No. 893, California, was accepted January 23, 1987.

3. This plat will immediately become the basic record of describing the land for all authorized purposes. This plat has been placed in the open files and will be available to the public for information only on March 23, 1987.

4. This plat was executed to meet certain administrative needs of the U.S. Forest Service, El Dorado National Forest.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Records & Information Section.

[FR Doc. 87-2963 Filed 2-11-87; 8:45 am]

BILLING CODE 4310-40-M

[CA-940-07-4520-12; Group 845]

Filing of Plat of Survey; California

February 4, 1987.

1. This plat of the following described land will be officially filed in the

California State Office, Sacramento, California immediately:

Mount Diablo Meridian, Lassen County

T. 16 N., R. 11 E.

2. This plat representing the dependent resurvey of a portion of the subdivisional lines, and the survey of the subdivision of certain sections, Township 34 North, Range 11 East, Mount Diablo Meridian, California, under Group No. 845, California, was accepted January 23, 1987.

3. This plat will immediately become the basic record of describing the land for all authorized purposes. This plat has been placed in the open files and is available to the public for information only.

4. This plat was executed to meet certain administrative needs of the U.S. Forest Service, Lassen National Forest.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Records & Information Section.

[FR Doc. 87-2964 Filed 1-11-87; 8:45 am]

BILLING CODE 4310-40-M

[CA-940-07-4520-12; Group 676]

Filing of Plat of Survey; California

February 4, 1987.

1. This plat of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

Mount Diablo Meridian, Mendocino County

T. 16 N., R. 11 W.

2. This plat representing the dependent resurvey of the Third Standard Parallel North along a portion of the south boundary, a portion of the east and north boundaries, and a portion of the subdivisional lines of Township 16 North, Range 11 West, Mount Diablo Meridian, California, under Group No. 676, California, was accepted January 23, 1987.

3. This plat will immediately become the basic record of describing the land for all authorized purposes. This plat has been placed in the open files and is available to the public for information only.

4. This plat was executed to meet certain administrative needs of the Bureau of Land Management.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management,

Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Records & Information Section.

[FR Doc. 87-2965 Filed 2-11-87; 8:45 am]

BILLING CODE 4310-40-M

[CA-940-07-4520-12; Group 747]

Filing of Plat of Survey; California

February 4, 1987.

1. This plat of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

San Bernardino Meridian, Imperial County

T. 15 S., R. 21 E.

2. This plat representing the retracement of a portion of the south boundary, and the dependent resurvey of a portion of the east boundary and subdivisional lines in Township 15 South, Range 21 East, San Bernardino, Meridian, California, under Group No. 747, California, was accepted January 21, 1987.

3. This plat will immediately become the basic record of describing the land for all authorized purposes. This plat has been placed in the open files and is available to the public for information only.

4. This plat was executed to meet certain administrative needs of the Bureau of Indian Affairs, Phoenix Area Office, Phoenix Arizona.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief Records & Information Section.

[FR Doc. 87-2966 Filed 2-11-87; 8:45 am]

BILLING CODE 4310-40-M

Filing of Plat of Survey; New Mexico

February 5, 1987.

The Plat of survey described below was officially filed in the New Mexico State Office, Bureau of Land Management, Santa Fe, New Mexico, effective at 10:00 a.m. on February 5, 1987.

A survey representing the survey of the north and west boundaries and the subdivisional lines of Township 23 North, Range 17 West; and the dependent resurvey of the east boundary and the survey of the west boundary and subdivisional lines of Township 24 North, Range 17 West, New Mexico

Principal Meridian, New Mexico, under Group 833.

The survey was requested by the Bureau of Indian Affairs Navajo Area Office, Window Rock, Arizona.

The plat will be in the open files of the New Mexico State Office, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87504. Copies of the plat may be obtained from that office upon payments of \$2.50 per sheet.

Gary S. Speight,

Chief, Branch of Cadastral Survey.

[FR Doc. 87-2967 Filed 2-11-87; 8:45 am]

BILLING CODE 4310-FB-M

[CO-940-07-4220-11; C-013628]

Colorado; Proposed Continuation of Withdrawal

February 5, 1987.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Forest Service, U.S. Department of Agriculture, proposes that the order which withdrew lands for an indefinite period of time for use as recreation areas, campgrounds, and an administrative site, be modified and the withdrawal be continued for 20 years insofar as it affects 70.00 acres of National Forest System land. The land will remain closed to surface entry and mining, but not to mineral leasing.

DATE: Comments should be received on or before May 13, 1987.

ADDRESS: Comments should be addressed to State Director, Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215.

FOR FURTHER INFORMATION CONTACT: Doris E. Chelius, BLM Colorado State Office, (303) 236-1768.

The Forest Service, U.S. Department of Agriculture, proposes that the existing withdrawal made by Public Land Order 1381, dated January 14, 1957, as amended, for an indefinite period of time, be modified to expire in 20 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, insofar as it affects the following identified lands:

Sixth Principal Meridian

Routt National Forest Gore Pass Campground

T. 1 N., R. 82 W.,

Sec. 3, S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 10, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$.

Toponas Creek Campground

T. 1 N., R. 83 W.,

Sec. 4, S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$.

Walton Creek Campground

T. 5 N., R. 83 W.,

Sec. 23, N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.

Walton Mountain Repeater Station

T. 5 N., R. 83 W.,

Sec. 34, S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$.

Fish Creek Recreation Area

T. 6 N., R. 83 W.,

Sec. 10, S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 15, N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$.

Summit Lake Recreation Area

T. 7 N., R. 83 W.,

Sec. 26, S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.

The areas described aggregate 70.00 acres in Grand, Jackson, and Routt Counties.

The purpose of this withdrawal is for the administration and protection of the Gore Pass, Toponas Creek, and Walton Creek Campgrounds, the Walton Mountain Repeater Station, and the Fish Creek and Summit Lake Recreation Areas. No change is proposed in the purpose or segregative effect of the withdrawal. The land will continue to be withdrawn from surface entry and mining, but not from mineral leasing.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with this proposed action may present their views in writing to this office.

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 land and its resources. A report will be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and, if so, for how long. Notice of the final determination will be published in the **Federal Register**. The existing withdrawal will continue until such determination is made.

Richard D. Tate,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 87-2926 Filed 2-11-87; 8:45 am]

BILLING CODE 4310-JB-M

[NM-040-07-4212-11; OK NM 63444]

Recreation and Public Purposes Classification; Kiowa County, OK

AGENCY: Bureau of Land Management, Interior.

ACTION: Land classification.

SUMMARY: The following described lands have been found suitable for recreation. They are hereby classified for sale under the provisions of the Recreation and Public Purposes Act of June 14, 1926 (44 Stat. 741; 43 U.S.C. 869), as amended, and the regulations thereunder Title 43 Code of Federal Regulations (CFR) Parts 2740 and 2912:

Tract

KW-1

Legal Description

T. 4 N., R. 20 W., I.M.

Sec. 12, E $\frac{1}{2}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$.

Acres: 100.00.

The lands are needed by the Oklahoma Tourism and Recreation Department for enhancement of the recreation resource in the Devils Canyon area.

The classification of the identified lands will segregate them from all appropriation, except as to application under the mineral leasing laws and the Recreation and Public Purposes Act. Segregation will terminate upon issuance of a patent or eighteen months from the date of this Notice; or upon publication of a notice of termination, whichever occurs first.

Comments: For a period of 45 days after the date of publication of this Notice in the *Federal Register*, interested parties may submit comments in writing to the District Manager, Bureau of Land Management, 9522-H East 47th Place, Tulsa, Oklahoma, 74145. 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.

FOR FURTHER INFORMATION CONTACT: Hans Sallani, Oklahoma Resource Area Headquarters, telephone 405-231-5491.

Dated: February 3, 1987.

Jim Sims,

District Manager.

[FR Doc. 87-3024 Filed 2-11-87; 8:45 am]

BILLING CODE 4310-FB-M

[WY-920-07-4310-22]

Powder River Coal Region, Round Two Leasing etc.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice deferring the decision to resume the round two Federal coal leasing in the Powder River coal region and deleting Big Horn County, Wyoming

from the Powder River Federal Coal Production Region.

SUMMARY: The Powder River Regional Coal Team (RCT) met in December 1986 to discuss the need for resuming the Powder River round two coal activity plan suspended by the Secretary of the Interior in 1984. The RCT concluded that the near-term need for additional Federal coal leasing does not warrant resumption of the round two coal activity plan at this time. Consequently, the resumption of the round two coal activity plan is delayed, pending further review in the fall of 1987. Additionally, Big Horn County, Wyoming is deleted from the Powder River Federal Coal Production Region, as recommended by the RCT.

FOR FURTHER INFORMATION CONTACT: Don Brabson, Branch of Solid Minerals, Wyoming State Office, Bureau of Land Management, 2515 Warren Avenue, Cheyenne, Wyoming 82001; telephone number (307) 772-2571 or (FTS) 328-2571.

SUPPLEMENTARY INFORMATION: On December 4, 1986, the Powder River RCT held a public meeting in Billings, Montana, to discuss resumption of the second round of Federal coal leasing in the Powder River Coal Region. This region involves the Federal coal in northeastern Wyoming and southcentral Montana.

The RCT unanimously adopted the following four-part recommendation that: (1) Defers a decision on the resumption of the second round of coal leasing until October 1, 1987, or thereabouts, (2) the lead State Director request a new call for expression of leasing interest by August 1, 1987, (3) regional data adequacy standards be finalized by June 1, 1987, and (4) the Bureau of Land Management's program staff begin updating the socioeconomic data base, land use data base, and other information for the region so that, if necessary, the Powder River Regional Coal Team can prepare an environmental impact statement (EIS) for a possible second round coal sale, the draft EIS to be available by June 1, 1988: The lead State Director may adjust this schedule, as appropriate.

The RCT's recommendation was based on (1) the long-range market analysis contained in the *Federal Coal Management Program, Final Environmental Impact Statement Supplemental*, October 1985, which indicates that production capacity exceeds production forecasts in the Powder River through the year 2000, (2) a *Powder River Coal Regional Market*

Analysis, September 1986, which among other things suggested no present need for leasing based on the recent Powder River coal contracting rate and production needs, (3) written comments on the *Powder River Coal Regional Market Analysis*, (4) public input during the RCT meeting, and (5) the much diminished interest in coal leasing within the Powder River region. Deferral of the decision to resume the round two regional coal activity planning will allow the public and the RCT the opportunity to reconsider the need for leasing in late 1987. In the interim, the lead State Director will pursue completion of the regional data adequacy standards and update, as necessary, the region's baseline data. Emergency coal leasing will continue in accordance with 43 CFR 3425.1-4. Applications for emergency Federal coal leases will be processed upon receipt. Additionally, pending preference right coal lease applications may be processed independently from round two coal activity planning.

By *Federal Register* notice on November 9, 1979, the BLM established eight coal production regions or subregions having significant federally-owned coal deposits, including the Powder River Coal Production Region. Big Horn County, Wyoming is one of the 17 counties comprising the Powder River region. Since establishment of the Powder River region, however, there has been no Federal coal leasing interest in Big Horn County, Wyoming. Also, no direct or significant secondary impacts from Powder River coal development have occurred in this county. Consequently, the RCT (after reviewing the past leasing interest, the coal development potential for Big Horn County and public interest in the proposal to delete Big Horn County from the region) concluded that the region should be modified by deleting Big Horn County, Wyoming, from the region. Federal coal leasing in the county, if any, will be conducted using lease by application procedures pursuant to 43 CFR 3425.1-5.

The RCT's recommendations will improve the efficiency of Federal coal leasing in the Powder River region without foreclosing the Department's responsibility to satisfy industry's near and long-term need for Federal coal. Therefore, resumption of the round two coal activity plan for the Powder River region is deferred in accordance with the RCT's recommendation. Also, the boundary of the Powder River Federal

Coal Production Region is modified to exclude Big Horn County, Wyoming.

Robert F. Burford,

Director, Bureau of Land Management.

February 9, 1987.

[FR Doc. 87-2991 Filed 2-11-87; 8:45 am]

BILLING CODE 4310-22-M

[ID-010-07-4322-14]

Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Boise District Office, Interior.

ACTION: Boise District, Idaho, Grazing Advisory Board Meeting.

SUMMARY: Notice is hereby given in accordance with Pub. L. 94-579 and Pub. L. 92-463 a public meeting of the Boise District Grazing Advisory Board will be held on Wednesday, March 11, 1987 from 9:00 a.m. to 4:30 p.m.

SUPPLEMENTARY INFORMATION: The meeting will begin at 9:00 a.m. in the lower conference room at the Bureau of Land Management, Boise District Office, at 3948 Development Avenue in Boise, Idaho. The meeting is open to the public, a public comment period is scheduled from 2:00 to 3:00 p.m. The agenda includes the following topics:

Review of Board Financial Status
Distribution of Board Funds
Update of Fire Rehabilitation Efforts,
Cascade Resource Area.

FOR FURTHER INFORMATION CONTACT:

Further information is available from the Boise District, Bureau of Land Management, 3948 Development Avenue, Boise, Idaho 83705, telephone number (208) 334-1582. Minutes of the meeting will be available for public inspection at the District Office.

J. David Brunner,

District Manager.

[FR Doc. 87-3023 Filed 2-11-87; 8:45 am]

BILLING CODE 4310-GG-M

[UT-040-07-4322-02]

Cedar City District Advisory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Cedar City District Grazing Advisory Board will be held on Thursday, March 26, 1987. The meeting will begin at 9:30 a.m. in the Bureau of Land Management Cedar City District Office located at 176 East DL Sargent Drive, Cedar City, Utah.

The agenda is as follows: (1) Report from F&WS on animal damage control

program; (2) Priority ranking of proposed range improvement projects; (3) Report on recent grazing transfers; (4) Rangeland Monitoring Studies; (5) Noxious Weed Control; (6) General Advisory Board Business.

Grazing Advisory Board meetings are open to the public. Interested persons may make oral statements or file written statements for the Board's consideration. Oral statements will be received at 9:30 a.m. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 176 East DL Sargent Drive, Cedar City, Utah 84720, phone 801-586-2401, by March 23, 1987. Depending on the number of persons wishing to make statements, a per person time limit may be established by the District Manager.

Summary minutes of the Board meetings will be maintained in the District Office and be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: February 6, 1987.

Morgan S. Jensen,

District Manager.

[FR Doc. 87-3027 Filed 2-11-87; 8:45 am]

BILLING CODE 4310-DQ-M

[NM NM 64640]

New Mexico; Proposed Reinstatement of Termination Oil and Gas Lease

United States Department of the Interior, Bureau of Land Management, Santa Fe, New Mexico 87504. Under the provisions of 43 CFR 3108.2-3, Vista Energy Corporation, petitioned for reinstatement of oil and gas lease NM 64640 covering the following described lands located in Chaves County, New Mexico:

T. 14 S., R. 25 E., NMPM, New Mexico,
Sec. 15: SE $\frac{1}{4}$;
Sec. 22: SW $\frac{1}{4}$.

Containing 320.00 acres.

It has been shown to my satisfaction that failure to make timely payment of rental was due to inadvertence.

No valid lease has been issued affecting the lands. Payment of back rentals and administrative cost of \$500.00 has been paid. Future rentals shall be at the rate of \$5.00 per acre per year and royalties shall be at the rate of 16% percent. Reimbursement for cost of the publication of this notice shall be paid by the lessee.

Reinstatement of the lease will be effective as of the date of termination, August 1, 1986.

Dated: February 3, 1987.

Delores L. Vigil,

Chief, Adjudication Section.

[FR Doc. 87-3029 Filed 2-11-87; 8:45 am]

BILLING CODE 4310-FB-M

[ES-030-07-4212-11; ES-00157-004]

Realty Action; Recreation and Public Purposes Classification; Correction

SUMMARY: The following described parcel of land in Cass County, Minnesota is deleted from the Notice of Realty Action as published in the *Federal Register*, August 8, 1983, Vol. 48, No. 153, p. 26005 which was corrected as published in the *Federal Register*, May 20, 1986, Vol. 51, No. 97, p. 18514. A potential ownership conflict is the reason for the deletion of this parcel.

	Acres	Serial No.
T.140N., R.29W., section 9, lot 9	3.00	ES-31836

The conveyance of the 3.86 acres in Todd County for fisheries management purposes remains in effect.

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 Management at the below address. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT:

Milwaukee District, Bureau of Land Management, Suite 225, 310 West Wisconsin Avenue, Milwaukee, Wisconsin 53203.

Bert Rodgers,

District Manager.

[FR Doc. 87-3028 Filed 2-11-87; 8:45 am]

BILLING CODE 4310-PN-M

[CO-942-06-4520-12]

Colorado; Filing of Plats of Survey

February 3, 1987.

The plat of survey of the following described land, will be officially filed in the Colorado State Official, Bureau of Land Management, Lakewood, Colorado, effective 10:00 a.m., February 3, 1987.

The plat, representing the dependent resurvey of the New Mexico Principal Meridian, (west boundary), a portion of the Ninth Standard Parallel North (south boundary), the west one mile of the north boundary, a portion of the subdivisional lines, and the survey of the subdivision of certain sections, T. 37

N., 1 E., New Mexico Principal Meridian, Colorado, Group 774, was accepted January 28, 1987.

This survey was executed to meet certain administrative needs of the U.S. Forest Service.

All inquiries about this land should be sent to the Colorado State Office, Bureau of Land Management, 2850 Youngfield Street, Lakewood, Colorado 80215.

Jack A. Eaves,

Chief, Cadastral Surveyor for Colorado.

[FR Doc. 87-3025 Filed 2-11-87; 8:45 am]

BILLING CODE 4310-JB-M

Minerals Management Service

Outer Continental Shelf, Chevron U.S.A. Inc.; Development Operations Coordination Document

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development operations coordination document (DOCD).

SUMMARY: Notice is hereby given that Chevron U.S.A. Inc., Unit Operator of the Main Pass Block 40 Federal Unit Agreement No. 14-08-001-3847, has submitted a DOCD describing that activities it proposes to conduct on the Main Pass Block 40 Federal unit. 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 Venice, Louisiana.

DATE: The subject DOCD was deemed submitted on January 28, 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 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Mr. Steve Dessauer; Minerals Management Service; Gulf of Mexico OCS Region; Production and Development; Development and Unitization Section; Unitization Unit; Phone (504) 736-2660.

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 Section 250.34 of Title 30 of the CFR.

Dated: February 4, 1987.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 87-2968 Filed 2-11-87; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document; Diamond Shamrock

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development operations coordination document (DOCD).

SUMMARY: Notice is hereby given that Diamond Shamrock has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 5286, Block 178, West Cameron Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from onshore bases located at Cameron and Intracoastal City, Louisiana.

DATE: The subject DOCD was deemed submitted on January 30, 1987. Comments must be received within 15 days of the date of this Notice or 15 days after the Coastal Management Section receives a copy of the plan from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico Region, Minerals Management Service, 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for Public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, Attention OCS Plans, Post Office Box 44487, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Ms. Angie D. Gobert; Minerals Management Service, Gulf of Mexico

OCS Region, Field Operations, Plans, Platform and Pipeline Section; Exploration/Development Plans Unit, Telephone (504) 736-2876.

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. Additionally, this Notice is to inform the Public, pursuant to § 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

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: February 4, 1987.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 87-3022 Filed 2-11-87; 8:45 am]

BILLING CODE 4310-MR-M

INTERSTATE COMMERCE COMMISSION

Indexing the Annual Operating Revenues of Railroads and Motor Carriers of Property

AGENCY: Interstate Commerce Commission.

ACTION: Notice.

SUMMARY: The Interstate Commerce Commission has adopted a methodology for indexing gross annual operating revenues for railroads and motor carriers of property to eliminate the effects of inflation from the classification process. The Commission's price deflator formula will provide assurances that carriers are moved to a higher classification because of real business expansion and not from inflationary consequences.

The annual average Railroad Freight Price Index will be used as the railroad deflator. The annual average Producer Price Index for all commodities will be used as the motor carrier deflator. Each index is developed by the Bureau of Labor Statistics. The base years for railroads and motor carriers are 1978

and 1980, respectively. The deflators for 1984, 1985, and 1986 are:

	Railroads— railroad freight index			Motor carriers of property— producer prices index	
	Index	Defla- tor per- cent		Index	Defla- tor per- cent
1978.....	213.1		1980.....	252.4	
1984.....	372.2	57.25	1984.....	290.4	86.91
1985.....	374.8	56.86	1985.....	291.9	86.47
1986.....	377.4	56.47	1986.....	284.9	88.59

EFFECTIVE DATE: January 1, 1987.

FOR FURTHER INFORMATION CONTACT:

Leonardo A. Rodriguez or William G. Norris, (202) 275-7510.

Noreta R. McGee,

Secretary.

[FR Doc. 87-2998 Filed 2-11-87; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Lodging of Consent Decree

In accordance with the policy of the Department of Justice, 28 CFR 50.7, notice is hereby given that on January 21, 1987, a proposed consent decree in *United States v. Ferro Corporation*, Civil Action No. 84-680-B, was lodged with the United States District Court for the Middle District of Louisiana. This consent decree settles a lawsuit filed June 28, 1984, pursuant to section 309 of the Clean Water Act ("the Act"), 33 U.S.C. 1319, for injunctive relief and for assessment of a civil penalty against Ferro Corporation ("Ferro"). The complaint alleged, among other things, that Ferro violated its National Pollutant Discharge Elimination System ("NPDES") permit by discharging pollutants from its chemical plant located in Baton Rouge, Louisiana, known as the Grant Chemical Division in excess of the limitations contained in its permit. The complaint alleged that Ferro's violations of its NPDES permit constituted violations of section 301 of the Act, 33 U.S.C. 1311, and entitled the United States pursuant to section 309 of the Act, 33 U.S.C. 1319, to obtain a permanent or temporary injunction and recover a civil penalty of not more than \$10,000 per day of violation. The State of Louisiana intervened pursuant to section 505 of the Act, 33 U.S.C. 1365, and La. R.S. 30:1051, *et seq.* (the "Louisiana Environmental Quality Act").

Under the terms of the proposed consent decree, Ferro agrees to pay a civil penalty of \$200,000 with respect to the claims asserted by the United States and the State of Louisiana in their complaint and intervention. Of the

\$200,000 civil penalty, \$120,000 will be paid to the United States and \$80,000 will be paid to the State of Louisiana. Ferro has attained compliance with the terms and conditions of its NPDES permit and the Act. Therefore, the proposed decree does not contain any corrective action program.

The Department of Justice will receive comments relating to the proposed consent decree for a period of 30 days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530. All comments should refer to *United States v. Ferro Corporation*, D.J. Ref. 90-5-1-1-2115.

The proposed consent decree may be examined at the following offices of the United States Attorney and the Environmental Protection Agency ("EPA"):

EPA Region VI

Contact: Paul Wendel, Office of Regional Counsel, U.S. Environmental Protection Agency, Region VI, 1201 Elm Street, Dallas, Texas 75270, (214) 767-6552.

United States Attorney's Office

Contact: Edward J. Gonzales, Assistant United States Attorney, Middle District of Louisiana, 352 Florida Street, Baton Rouge, Louisiana 70801, (504) 389-0443.

Copies of the proposed consent decree may also be examined at the Environmental Enforcement Section, Land and Natural Resources Division, United States Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue NW., Washington, DC 20530. A copy of the proposed consent decree may be obtained by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 87-3020 Filed 2-11-87; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree Pursuant to Clean Air Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on January 22, 1987, a proposed Consent Decree in *United States v. L & S Lighting Company, Inc.*, CV 86-4271 SVW was lodged with the United States District Court for the Central District of California. The proposed Consent Decree concerns the

prevention of the release of volatile organic compounds in violation of the Clean Air Act and the limits set forth in Local Rule 1107 of the South Coast Air Quality Management Division which is part of the California State Implementation Plan that has been approved by the United States Environmental Protection Agency. The proposed Consent Decree requires L & S Lighting Company, Inc. to make the necessary modifications to achieve compliance with Rule 1107 and to pay a civil penalty of \$17,000.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *L & S Lighting Company, Inc.*, D.J. Ref. 90-5-2-1-969.

The proposed Consent Decree may be examined at the office of the United States Attorney, Central District of California, 312 N. Spring Street, Los Angeles, California 90012, and at the Region 9 Office of Environmental Protection Agency, 215 Fremont Street, San Francisco, California 90415. Copies of the Consent Decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1517, Ninth Street and Pennsylvania Avenue NW., Washington, DC 20530. A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy please refer to the referenced case and enclose a check in the amount of \$1.60 (10 cents per page reproduction cost) made payable to the Treasurer of the United States.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 87-3019 Filed 2-11-87; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

[Docket No. 86-81]

Allan Gersen Beck, M.D., Philadelphia, PA; Hearing

Notice is hereby given that on October 14, 1986, the Drug Enforcement Administration, Department of Justice, issued to Allan Gersen Beck, M.D., an Order To Show Cause as to why the Drug Enforcement Administration

should not revoke his current DEA Certificate of Registration, AB8569189, and deny his pending application for renewal, executed on July 3, 1986, as a practitioner under 21 U.S.C. 823(f).

Thirty days having elapsed since the said Order To Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. on Tuesday, March 10, 1987, in Courtroom 10, Room 309, United States Claims Court, 717 Madison Place, N.W., Washington, DC.

Dated: February 6, 1987

John C. Lawn,

Administrator, Drug Enforcement Administration.

[FR Doc. 87-2981 Filed 2-11-87; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 86-39]

Leonardo V. Lopez, M.D.; Denial of Application

On March 24, 1986, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) issued an Order to Show Cause to Leonardo V. Lopez, M.D. (Respondent) of 4460 W. Vernor, Detroit, Michigan 48209, proposing to deny his application, executed on January 2, 1985 (sic), for registration as a practitioner under 21 U.S.C. 823(f). The statutory basis for the proposed action was that the registration of Respondent would be inconsistent with the public interest, as that term is used in 21 U.S.C. 823(f).

By letter dated May 4, 1986, Respondent requested a hearing on the issues raised in the Order to Show Cause. The matter was placed on the docket of Administrative Law Judge Francis L. Young. The hearing was held in Washington, DC on August 19, 1986.

On November 25, 1986, the Administrative Law Judge issued his opinion and recommended ruling, findings of fact, conclusions of law and decision. Respondent filed exceptions to Judge Young's recommended ruling pursuant to 21 CFR 1316.66. On December 29, 1986, the Administrative Law Judge transmitted the record in these proceedings, including Respondent's exceptions, to the Administrator. The Administrator has considered this record in its entirety and pursuant to 21 CFR 1316.67, hereby issues his final order in this matter, based upon findings of fact and conclusions of law as hereinafter set forth.

The Administrative Law Judge found that Respondent came to the United States from the Philippines in 1957. In 1977, Respondent was practicing medicine in Detroit, Michigan, when the Michigan State Police—Diversion Investigation Unit conducted an investigation of Respondent's controlled substance prescribing practices. This investigation was initiated based on information received from a confidential informant that Respondent was selling prescriptions to "patients" who had no legitimate medical need for the controlled substances prescribed.

On four separate occasions between June 14, 1977 and August 9, 1977, a Michigan State Police detective went to Respondent's office in an undercover capacity. On three of these occasions, the detective was accompanied by a Michigan Department of Licensing and Regulation investigator, also acting in an undercover capacity. During each visit, Respondent wrote prescriptions for Tuinal, Valium, Quaalude or Desoxyn, all controlled substances, for the undercover officers. Respondent did not perform any sort of physical examination prior to issuing the prescriptions. In fact, of the fifteen prescriptions that Respondent wrote for the officers during the four visits, nine of these prescriptions were written for fictitious individuals. Respondent never asked the undercover officers any questions regarding these individuals before writing out the prescriptions in their names.

During these visits, there was no attempt by either Respondent or the undercover officers to characterize these prescriptions as being written for a legitimate medical need. That these were strictly business transactions is evidenced by the conversation that took place during one of the officers' second visit to the Respondent. As Respondent wrote the officer a prescription for Quaalude, he stated that he would have to be more careful because the state and Federal authorities were "after him." Respondent then stated that he had to raise the price per prescription because of the risk involved. On at least one occasion, one of the undercover officers told Respondent that he was selling the drugs that Respondent prescribed for him. During the course of their visits to Respondent's office, the undercover officers spoke with other individuals in the doctor's waiting room. These individuals made it clear to the officers that they had come to Respondent solely to "score" or buy prescriptions for drugs from the doctor.

As a result of the investigation, conducted by the Michigan State Police—Diversion Investigation Unit,

Respondent was arrested on August 15, 1977. He was charged with two felony counts of delivery of Desoxyn in violation of the Michigan Controlled Substances Act. On September 22, 1977, Respondent entered a guilty plea in Recorder's Court for the City of Detroit to one of the counts of delivery of Desoxyn. Subsequently, Respondent was placed on probation for two years and fined five thousand dollars plus costs.

The Administrative Law Judge recommended that Respondent's application for registration be denied. He noted that the events which led to Respondent's conviction occurred almost ten years ago. However, Judge Young concluded that Respondent has not provided adequate assurances that such illegal activities will not occur again. Respondent has not demonstrated that he is adequately equipped to be entrusted with the responsibility that accompanies a DEA registration.

The Administrator adopts the recommended ruling and decision of the Administrative Law Judge in its entirety. Respondent's application for registration must be denied. Respondent states that he needs a DEA registration to maintain hospital privileges. 21 CFR 1301.76(a) provides that no registrant shall employ, as an employee or agent with access to controlled substances, any person who has had an application for registration denied. The Administrator might be willing to waive 21 CFR 1301.76(a) with respect to employment of the Respondent. Such waivers are granted to the employing registrant, not to the employee. Accordingly, if such a facility offers Respondent employment, the Administrator will review a request for a waiver.

Having concluded that there is a lawful basis for the denial of Respondent's application pursuant to 21 U.S.C. 823(f), and having further concluded that under the facts and circumstances presented in this case the application should be denied, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 28 CFR 0.100(b), hereby orders that the application, submitted by Leonardo V. Lopez, M.D. on January 2, 1985 (sic), for registration as a practitioner under the Controlled Substances Act, be, and it hereby is, denied. This order is effective February 12, 1987.

Dated: February 5, 1987.

John C. Lawn,

Administrator.

[FR Doc. 87-2980 Filed 2-11-87; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 86-69]

David E. Trawick, D.D.S., Shelby, NC; Hearing

Notice is hereby given that on August 11, 1986, the Drug Enforcement Administration, Department of Justice, issued to David E. Trawick, D.D.S., an Order To Show Cause as to why the Drug Enforcement Administration should not revoke his DEA Certificate of Registration, AD2115877, and deny any pending applications for renewal, as a practitioner under Title 21 U.S.C. 823(f).

Thirty days having elapsed since the said Order To Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. on Friday, February 27, 1987, in Courtroom 10, Room 309, United States Claims Court, 717 Madison Place, NW., Washington, DC.

Dated: February 6, 1987.

John C. Lawn,

Administrator, Drug Enforcement Administration.

[FR Doc. 87-2982 Filed 2-11-87; 8:45 am]

BILLING CODE 4410-09-M

NUCLEAR REGULATORY COMMISSION**Application for Licenses to Export Nuclear Facilities or Materials**

Pursuant to 10 CFR 110.70(b) "Public notice of receipt of an application" please take notice that the Nuclear Regulatory Commission has received the following application for an export license. A copy of the application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, NW., Washington, DC.

A request for a hearing or petition for leave to intervene may be filed within 30 days after publication of this notice in the **Federal Register**. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, DC 20555, the Secretary, U.S. Nuclear Regulatory Commission, and the Executive Secretary, U.S. Department of State, Washington, DC 20520.

In its review of applications for licenses to export production or utilization facilities, special nuclear materials or source material, noticed herein, the Commission does not evaluate the health, safety or

environmental effects in the recipient nation of the facility or material to be

exported. The information concerning this application follows.

NRC EXPORT APPLICATIONS

Name of applicant, date of application, date received, application No.	Material type	Material in kilograms		End use	Country of destination
		Total element	Total isotope		
Transnuclear, Inc. 01-28-87, XSNM02315.	93.3% enriched uranium.....	25.07	23.39	Fuel for HFR Grenoble.....	France.

Dated this 6th day of February 1987 at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Marvin R. Peterson,

Assistant Director, Export/Import and International Safeguards, Office of International Programs.

[FR Doc. 87-3007 Filed 2-11-87; 8:45 am]

BILLING CODE 7590-01-M

Regulatory Guide; Issuance, Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public such information as methods acceptable to the NRC staff for implementing specific parts of the Commission's regulations, techniques used by the staff in evaluating specific problems or postulated accidents, and data needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.154, "Format and Content of Plant-Specific Pressurized Thermal Shock Safety Analysis Reports for Pressurized Water Reactors," describes a format and content acceptable to the NRC staff for plant-specific pressurized thermal shock (PTS) safety analyses. The guide also describes acceptance criteria that the NRC staff will use in evaluating licensee analyses and proposed corrective measures.

Issuance of this regulatory guide fulfills the NRC's obligation to provide "Commission Guidance and Acceptance Criteria" for the PTS analyses required by paragraph (b)(4) of the PTS rule, § 50.61 of 10 CFR Part 50. This rule requires that PTS analyses be submitted 3 years before exceeding the PTS screening criterion or 1 year after issuance of this regulatory guide, whichever is later.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Written comments may be submitted to the

Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC. Copies of issued guides may be purchased from the Government Printing Office at the current GPO price. Information on current GPO prices may be obtained by contacting the Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37082, Washington, DC 20013-7082, telephone (202) 275-2060 or (202) 275-2171. Issued guides may also be purchased from the National Technical Information Service on a standing order basis. Details on this service may be obtained by writing NTIS, 5285 Port Royal Road, Springfield, VA 22161.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 9th day of February 1987.

For the Nuclear Regulatory Commission.

Eric S. Beckjord,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 87-3006 Filed 2-11-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 30-16055-SP, ASLBP No. 87-545-01-SP, BML No. 34-19089-01 EA 86-155]

Advanced Medical Systems, Inc.; Order Setting Prehearing Conference

In the matter of Advanced Medical Systems, Inc., One Factory Row, Geneva, Ohio 44041.
February 5, 1987.

The parties or their counsel are directed to appear at a prehearing conference on February 25, 1987 beginning at 10:00 A.M. at the Commission's Hearing Room, Fifth Floor, East West Towers, 4350 East West Highway, Bethesda, Maryland.

The parties shall be prepared to present their respective views on the legal and factual issues surviving for

hearing given the Regional Administrator's recent action relaxing the October 10, 1986 Order Suspending License and Order to Show Cause (Effective Immediately). In particular the parties shall be prepared to specify the relief sought by each in the proceeding. The parties shall also attempt to arrive at a joint position as to the issues and, if possible, present their position in writing before or at the beginning of the prehearing conference.

Once the issues for hearing have been identified, the scope of discovery on the issues will be addressed. Pending discovery requests will be modified accordingly, and any surviving discovery disputes will be addressed and resolved if possible.

Counsel for the parties were notified of the time, place and general scope of the prehearing conference during a telephone conference of February 4, 1986.

It is so ordered.

Bethesda, Maryland, February 5, 1987.

Ivan W. Smith,

Administrative Law Judge.

[FR Doc. 87-3014 Filed 2-11-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 40-08027; License No. SUB-1010 EA 86-91]

Sequoyah Fuels Corp.; Order Imposing Civil Monetary Penalties

I

Sequoyah Fuels Corporation (the licensee) Sequoyah Fuels Facility, Gore, Oklahoma, is the holder of Source Material License No. SUB-1010 issued by the Nuclear Regulatory Commission (Commission/NRC) which authorizes the licensee to possess and use source material for the purpose of refining uranium from uranium ore concentrates and converting this uranium to uranium hexafluoride (UF₆) for use by enrichment facilities. The license was most recently renewed on September 20, 1985, and will expire on September 30, 1990.

II

A series of special inspections and assessments were conducted at the Sequoyah Fuels Facility, Gore, Oklahoma during the period January 4, through February 14, 1986. These efforts were undertaken as a followup to the January 4, 1986, accident in which a cylinder filled with uranium hexafluoride ruptured while being heated in a steam chest. These inspections and assessments included:

- NUREG-1179, Volumes 1 and 2, "Rupture of Model 48Y UF₆ Cylinder and Release of Uranium Hexafluoride."

- NUREG-1189, Volumes 1 and 2, "Assessment of the Public Health Impact from the Accidental Release of UF₆ at the Sequoyah Fuels Corporation Facility at Gore, Oklahoma."

- Inspection Reports 40-08027/86-01 and 40-08027/86-02.

The results of these inspection and assessments indicated that the licensee had not conducted its activities in full compliance with NRC requirements. A written Notice of Violation and Proposed Imposition of Civil Penalties was served upon the licensee by letter dated October 14, 1986. The Notice states the nature of the violations, the provisions of the Commission's regulations that the licensee had violated, and the amount of the civil penalties proposed. The licensee responded to the Notice of Violation and Proposed Imposition of Civil Penalties by Letter dated November 13, 1986.

III

After consideration of the licensee's response and the statements of fact, explanation, and arguments for remission or mitigation contained therein, and as set forth in the Appendix to this Order, the Director, Office of Inspection and Enforcement, has determined that the penalties proposed for the violations designated in the Notice of Violation and Proposed Imposition of Civil Penalties should be imposed.

IV

In view of the foregoing and pursuant to section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282, Pub. L. 96-295), and 10 CFR 2.205, it is hereby ordered that:

The licensee pay civil penalties in the amount of Three Hundred Ten Thousand Dollars (\$310,000) within 30 days of the date of this Order, by check, draft, or money order, payable to the Treasurer of the United States and mailed to the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

The licensee may 30 days of the date of this Order request a hearing. A request for a hearing shall be addressed to the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555. A copy of the hearing request shall also be sent to the Office of General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the Regional Administrator, Region IV, 611 Ryan Plaza, Suite 1000, Arlington, Texas 76111.

If a hearing is requested, the Commission will issue an Order

designating the time and place of the hearing. If the licensee fails to request a hearing within 30 days of the date of this Order, the provisions of this Order shall be effective without further proceedings, and, if payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event the licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

(a) Whether the licensee was in violation of the Commission's requirements as set forth in the Notice of Violation and Proposed Imposition of Civil Penalties referenced in Section II above, and

(b) Whether, on the basis of such violations, this Order should be sustained.

Dated at Bethesda, Maryland, this 5th day of February 1987.

For the Nuclear Regulatory Commission.

James M. Taylor,

Director Office of Inspection and Enforcement.

Appendix A—Evaluation and Conclusions For Civil Penalty Violations

On October 14, 1986, a Notice of Violation and Proposed Imposition of Civil Penalties (Notice) was issued to Sequoyah Fuels Corporation (SFC) for violations identified as a followup to a January 4, 1986 accident. SFC responded to the Notice on November 13, 1986. In its response, SFC admitted that several of the violations occurred as stated, neither denied nor admitted one of the violations, and denied one of the violations in part.

Provided below are (I) a restatement of each violation assessed civil penalties and contested by the licensee, the licensee's response, and the NRC's evaluation of the licensee's response, (II) a summary of the licensee's arguments protesting the civil penalties and in support of remission or mitigation of the proposed penalties and the NRC's evaluation of these arguments, and (III) the NRC's conclusion.

I.A. Restatement of Violation I.A.3

License Condition 9 requires the licensee to use licensed material in accordance with the statements, representations, and conditions contained in Chapters 1 through 8 of the license renewal application dated August 23, 1985.

Section 2.5, "Personnel Education and Experience Requirements," of the application states in part that the Shift Supervisors must have a thorough knowledge of approved operating procedures.

Contrary to the above, the acting Shift Supervisor of January 4, 1986 did not have a thorough knowledge of approved operating procedures in that he stated that he could not recall receiving a copy of or training on Operating Procedure N-280-1, Revision 8, dated January 23, 1985, and he approved the placing of an overfilled product cylinder into

a steam chest, an act prohibited by the procedure.

Summary of Licensee's Response

The licensee states that it is unable to either admit or deny this alleged violation because it claims that it had no capacity to determine the state of mind of the acting Shift Supervisor.

NRC Evaluation of Licensee's Response

The NRC holds licensees responsible for the safe operation of their facilities. This responsibility includes ensuring that NRC requirements are satisfied and that responsible personnel have a thorough knowledge and understanding of all procedural requirements as well as the capability to perform their assigned functions. The action approved by the acting Shift Supervisor conflicted directly with the approved written procedure. This together with the stated fact that the individual could not recall having received a copy of or training on the referenced procedure demonstrates a lack of knowledge of the approved procedure. Therefore, the licensee has not provided an adequate basis for the withdrawal of this violation and the NRC staff finds that the violation occurred as stated in the Notice.

I.B. Restatement of Violation I.B.1

License Condition 9 requires the licensee to use licensed material in accordance with the statements, representations, and conditions contained in Chapters 1 through 8 of the license renewal application dated August 23, 1985.

Section 2.7, "Operating Procedures," of the application states, in part, that procedures will be established, maintained, and adhered to for all radiation safety-related activities.

Contrary to the above, at the time of the inspection, several radiation safety-related activities (e.g., operation and calibration of the respiratory mask fit test booth, training and qualification requirements for radiation protection personnel, etc.) presently being conducted by the Sequoyah staff were not covered by written, approved procedures.

Summary of Licensee's Response

The licensee does not admit the violation; rather, the licensee states that the alleged violation may arise from its differing interpretation of the scope of Section 2.7. The licensee argues that Section 12.1.4 of the license application states that the licensee was to provide detailed instructions for 13 specific subject areas and that the statement in Section 2.7 was a general statement that procedures would be written to address these 13 topics. Furthermore, the licensee states that written, approved procedures had been developed to encompass 11 of these topics and were being prepared for the remaining two areas at the time of the inspection.

NRC Evaluation of Licensee's Response

Section 2.7 of the license application requires that procedures be established for all radiation safety-related activities, not just those specified in Section 12.1.4 of the license application. Furthermore, by the licensee's own admission, at the time of the inspection (January and February 1986) only 11 of the 13

"detailed Health Physics Instructions" that it had interpreted the license to require had been approved, despite the fact that Section 12.1.4 of the license application was proposed by the licensee on October 17, 1983, and that the commitments contained therein had been license requirements since September 20, 1985. The NRC staff considers the fact that all required procedures were not established as required by Section 2.7 to be significant. In addition, in its response, the licensee demonstrates that it has not previously placed a similar degree of significance on the importance of performing safety-related activities in accordance with approved procedures. Therefore, the licensee has not provided a sufficient basis for withdrawal of this violation, and the NRC staff concludes that this violation occurred as stated in the Notice.

II. Summary of Licensee's Request Protecting the Civil Penalties and in Support of Remission or Mitigation of the Civil Penalties

Licensee Assertions

The licensee presents a number of arguments protesting the civil penalties and in support of remission or mitigation of the civil penalties. The licensee first argues that the proposed penalties are inconsistent with the Commission's "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy). In support of this argument, the licensee states Violations I.A.1, I.A.2 and I.A.3 assessed penalties of \$100,000 each were all "facets of the same underlying concern"; therefore, the cumulation of penalties at the maximum level is unfair. The licensee further asserts that the characterization of Violations I.A.1, I.A.2, and I.A.3 at a Severity Level I was not appropriate and is inconsistent with the Enforcement Policy, and these violations are more appropriately characterized at Severity Level III. The Licensee states that its extensive efforts of cooperation with the NRC staff and its prior good history are reasons why escalation of the penalties is improper and that the violations should not be characterized as flagrant or as reflecting a pervasive management problem.

The licensee also argues in accordance with the escalation and mitigation factors in the Enforcement Policy that mitigation is warranted in this case because of its prompt identification and reporting, extensive corrective action, prior good performance, and the fact that there was no prior notice of a similar event or multiple occurrences.

The licensee further claims that a major function of civil penalties, that of deterrence, has already been served by the costs incurred as a result of the accident. The licensee also argues that the unanimous vote of the Commission authorizing restart reflects the fact that the lessons from the accident have been learned and that, in these circumstances, the imposition of a substantial additional penalty is unwarranted.

NRC Evaluation

The findings of the inspections demonstrate that the (1) licensee's procedures were violated, (2) physical equipment and facilities used for filling and weighing UF₆ cylinders were inadequate for

the safe use of the 14-ton cylinders, (3) management failed to ensure that these operating procedures important to safety were properly implemented, and (4) management failed to ensure that its personnel received adequate training to perform their duties. These violations demonstrate a major breakdown in the licensee's management control and oversight of licensed activities that was a contributing factor to an accident that resulted in the death of an individual. For this reason, these violations are considered by the NRC staff to be flagrant violations of NRC requirements that reflect a significant management problem. This breakdown emphasized the need for a major improvement in the licensee's control and implementation of its radiation safety program to ensure strict adherence to NRC requirements and the safe performance of licensed activities.

Further, notwithstanding the licensee's argument to the contrary, Violation I.A.3 is separate and distinct from Violations I.A.1 and I.A.2. Violation I.A.1 addresses procedures not being followed. Violation I.A.2 addresses lack of training of shift crews. Violation I.A.3 addresses knowledge of supervisors. While the failure to follow procedures and lack of training provides evidence to demonstrate lack of knowledge, the lack of knowledge of a supervisor is a separate regulatory concern and violation. Given the seriousness of these three violations and their impact, each violation was properly categorized at a Severity Level I and assessed a significant penalty.

In this case, basic requirements were not followed and management controls were clearly inadequate resulting in a death that should not have occurred. Under these types of circumstances, the Enforcement Policy allows discretion to be exercised to maximize a civil penalty. The NRC staff, in reaching the decision to exercise this discretion to maximize the penalty, recognized the corrective actions taken after the accident, the duration of the shutdown, the licensee's prior enforcement history, and that the Commission has approved restart now that corrective action has been taken. While the Enforcement Policy allows for mitigation of a civil penalty for such factors as prompt and extensive corrective actions, because of the seriousness of this matter, the mitigation factors allowed by the policy were not evaluated in this case. Civil penalties are not designed to obtain corrective action since immediate corrective action is always required. Rather, these civil penalties are designed to deter future violations.

In sum, the purpose of the NRC enforcement program is to promote and protect the radiological health and safety of the public by ensuring compliance with NRC requirements, obtaining prompt correction of violations, and deterring future violations by all licensees. To accomplish this purpose, application of the NRC's full enforcement authority in the form of substantial civil penalties is sometimes necessary. In this particular case, the amount of the civil penalties is considered necessary to send a strong message to this as well as all other licensees that the NRC expects effective and

aggressive management systems to prevent such flagrant violations and their adverse consequences to employees and public health and safety.

III. NRC Conclusion

The NRC concludes that the alleged violations occurred as stated in the Notice of Violation and that no mitigation of the civil penalties is warranted. Therefore, civil penalties in the amount of \$310,000 should be imposed.

Appendix B—Evaluation and Conclusions for Violations not Assessed Civil Penalties

Provided below are a restatement of the violation not assessed civil penalties contested by the licensee, the licensee's response, and NRC's evaluation of the licensee's response.

Restatement of Violation II.A

10 CFR 20.203(d)(1) defines airborne radioactivity area as "any room, enclosure, or operating area in which airborne radioactive materials composed wholly or partly of licensed material exist in concentrations in excess of the amounts specified in Appendix B, Table I, Column 1 of this part. . . ." and 10 CFR 20.203(d)(2) states "Each airborne radioactivity area shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words: CAUTION-AIRBORNE RADIO ACTIVITY AREA."

Contrary to the above, on February 11, 1986 the licensee failed to post areas of the processing building during decontamination operations when the airborne radioactivity concentrations exceeded by approximately three times the values given in Appendix B, Table 1, Column 1 of 10 CFR Part 20 for natural uranium radioactivity.

Summary of Licensee's Response

The licensee admits that the processing building was not posted during decontamination operations on February 11, 1986. The licensee denies, however, that posting was required during decontamination operations because general airborne concentrations of uranium during the decontamination work averaged less than the concentration specified in 10 CFR 20, Appendix B, Table 1, Column 1. In support of this argument, the licensee submits data showing that the general airborne concentration was less than the concentration specified in 10 CFR 20, Appendix B, Table 1, Column 1. Based on the data, the licensee contends that even though maximum concentrations exceeded 10 CFR 20, Appendix B, Table 1, Column 1 limits, posting was not required since appropriate corrective action was taken. The licensee further argues that the work was performed under a hazardous work permit and that there was limited personnel access to the area.

NRC Evaluation of the Licensee's Response

The licensee's data shows that during the decontamination work performed February 8-14, 1986, airborne concentrations in

individual area sample locations exceeded the Appendix B, Table 1, Column 1, concentration during three shifts, thus posting of these areas was required in accordance with 10 CFR 20.203(d)(1)(i). Appropriate corrective action was not taken since the elevated concentrations persisted during a three day period. Working under hazardous work permits and restricting access provides no exemption from the posting requirements of 10 CFR 20.203. Therefore, an adequate basis for withdrawal of this violation has not been provided, and the NRC staff has determined that the violation occurred as stated in the Notice.

[FR Doc. 87-3005 Filed 2-11-87; 8:45 am]

BILLING CODE 7590-01-M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Hydropower Assessment Steering Committee; Meeting

AGENCY: The Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of meeting.
Status: Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of its Hydropower Assessment Steering Committee to be held pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix I, 1-4. Activities will include:

- Options for protected areas schedules.
- Other.
- Public comment.

DATE: February 18, 1987, 1:00 p.m.

ADDRESS: The meeting will be held in the Council's central office, 850 SW. Broadway, Suite 1100, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Peter Paquet, 503-222-5161.

Edward Sheets,
Executive Director.

[FR Doc. 87-2936 Filed 2-14-87; 8:45 am]

BILLING CODE 0000-00-M

POSTAL SERVICE

Privacy Act of 1974; Systems of Records

AGENCY: Postal Service.

ACTION: Final notice of modification to existing systems of records.

SUMMARY: The purpose of this document

is to publish final notice to expand the population of individuals covered by two Postal Service systems of records that appeared for public comment in the Federal Register.

EFFECTIVE DATE: February 12, 1987.

FOR FURTHER INFORMATION CONTACT: Rubenia Carter (202) 268-4872.

SUPPLEMENTARY INFORMATION: On August 13, 1986, the Postal Service published in the Federal Register (51 FR 29028) an interim notice of a proposed change to expand the population to Postal Service systems USPS 050.020—Finance Records—Payroll System, and USPS 120.070—Personnel Records—General Personnel Folders (Official Personnel Folders and records related thereto). The purposes of these changes appeared in the proposal and will not be repeated here. Interested persons were invited to comment on the proposal. No comments regarding these systems modifications were received. Accordingly, after a review of the proposed text, the Postal Service has determined to give final notice of the following modifications to records systems descriptions USPS 050.020 and USPS 120.070, as follows:

USPS 050.020

Categories of Individuals Covered by the System

Change to read: "Current and former USPS employees; postmaster relief/replacement employees, and certain former spouses of current and former postal employees who qualify for Federal Employees Health Benefits coverage under Pub. L. 98-615."

USPS 120.070

Categories of Individuals Covered by the System

Change to read: "Present and former USPS employees; and certain former spouses of current and former employees who qualify and apply for Federal Employees Health Benefits coverage under Pub. L. 98-615."

A complete description of systems USPS 050.020 and USPS 120.070 last appeared on January 26, 1987, in 52 FR 2776 and on August 13, 1986, in 51 FR 29028, respectively.

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 87-2935 Filed 2-11-87; 8:45 am]

BILLING CODE 7710-12-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-24065; File No. SR-Amex-86-30]

Self-Regulatory Organizations; Proposed Rule Change by American Stock Exchange, Inc., Relating to Proposed Amendments to the Exchange Constitution Regarding Classification of Exchange Floor Governors and Structure of the Nominating Committee

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 18, 1986, the American Stock Exchange, Inc. ("Amex") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III 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 Amex is proposing to amend the Exchange Constitution relating to the classification of Exchange floor governors and the structure of the Exchange's Nominating Committee. The text of the proposed rule change is available at the Office of the Secretary, American Stock Exchange, Inc. and at the Commission.

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 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 IV 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 the Statutory Basis for, the Proposed Rule Change

(1) Purpose

The Exchange Constitution requires that two of the five floor governors on the Board of Governors must be specialists. Moreover, the Board is

classified so that one third of the governors are elected each year, and the Constitution currently provides that two of the specified classes must include at least one specialist. As a result of such classification, in two out of every three years one of the governors elected must be a specialist even if two specialists are already serving on the Board.

The Exchange has a Nominating Committee which nominates candidates for the Board of Governors, and for the Nominating Committee. Under the Constitution the Nominating Committee consists of four public and four industry representatives, but the latter are not further categorized. Thus while it has been customary to divide the four industry members of the Nominating Committee equally between "upstairs" representatives and floor representatives, such division is not mandated by the Constitution.

In October of this year the Board received a membership petition proposing Constitutional amendments which would (a) eliminate the requirement that at least two of the five floor governors must be specialists, and (b) increase the Nominating Committee from eight to ten members, consisting of five public representatives and five industry representatives, specifically including one specialist, one marketmaker and one floor broker. This petition was sponsored by the Options Market Maker Association, and was prompted by a concern that floor members other than specialists were under-represented on the Board and in the nominating process.

At its October meeting the Board of Governors determined not to approve the amendments proposed in the petition, but instead authorized the appointment of a committee to review the Constitutional requirements with respect to the qualifications of floor governors and the composition of the Nominating Committee.

The Committee, consisting of six Exchange governors and chaired by Robert Carswell, a senior partner of Shearman & Sterling, met during October and November with numerous representatives of each major floor constituency, including the chairmen of the three floor associations and a number of incumbent and former governors, and also received several written submissions.

The Carswell Committee unanimously made certain recommendations, which have been endorsed by the Steering Committee of the Options Market Maker Association. The Exchange proposes to amend its Constitution to reflect the recommendations of the Carswell Committee.

The requirement that at least two specialists serve on the Board will not be rescinded. However, the Constitution will be amended to eliminate any provision that may, in effect, require that more than two specialists serve. This would avoid a situation in which the Nominating Committee is required to select an additional specialist even though there are two specialists already serving in other classes.

The Constitution currently requires that, in seeking nominees for industry governors, the Nominating Committee "shall give due consideration to the various phases of Exchange activity and the business of member organizations." The Constitution will be amended to mandate that the Nominating Committee, in filling vacancies on the Board from the floor sector, consider candidates from all Principal categories of floor activity.

The Nominating Committee will remain an eight member committee consisting of four public members, including one listed company executive and one incumbent public governor, and four industry members. However, the Constitution will be amended to require that, of the four industry members:

- (a) Two must be members who spend a substantial part of their time on the floor of the Exchange; and
- (b) Two must be "upstairs" executives of member organizations.

This will insure that the size of the Nominating Committee remains at a manageable level. Further, the requirement that the industry sector of the Nominating Committee be divided equally between "upstairs" executives of member firms and floor members merely institutionalizes a traditional practice, and insures that the Committee will have the necessary balance and expertise to select the most highly qualified candidates for the Board from each broad category.

The Constitution will further provide that the two floor members on the Nominating Committee shall not both be engaged in the same principal category of floor activity (e.g., specialist, option trader, floor broker). This would ensure that no single floor group holds both floor positions on the Nominating Committee.

(2) Basis

The proposed rule change is consistent with section 6(b) of the Act in general and furthers the objectives of section 6(b)(3) in particular in that they assure a fair representation of its members in the selection of its directors and administration of its affairs.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will impose no burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the *Federal Register* or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (A) By order approve such proposed rule change, or
- (B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. 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 Amex. All submissions should refer to file number SR-Amex-86-30 and should be submitted by March 5, 1987.

Dated: February 5, 1987.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,
Secretary.

[FR Doc. 87-2942 Filed 2-11-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-24047; File No. SR-MSE-86-9]

Self-Regulatory Organizations; Proposed Rule Change By Midwest Stock Exchange, Inc. Relating to Permanent Approval of Reduction of Order Exposure Time

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on November 3, 1986, the Midwest Stock Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III 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 Midwest Stock Exchange, Incorporated (MSE) proposes to permanently reduce the time frame between the time a market order is entered into MSE's Guaranteed Execution System (MAX) and the time it is automatically executed ("order exposure time") from 30 to 15 seconds. The 30 second time frame was established with the implementation of the MAX System (SR-MSE-82-5, SR-MSE-83-3). The 15 second time frame has been in effect on a pilot basis for approximately one year (SR-MSE-85-5).

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 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 IV 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

MSE's MAX System establishes the price at which a MAX market order will be executed at the time of order entry. Previously, the System would not automatically execute the order until 30 seconds had elapsed. This allowed the specialist time to expose the order to the market and obtain a better execution if

available. Any changes to the best bid and offer during the order exposure time could cause the trade to print on the consolidated tape at a price outside the market. The reduction of the order exposure time to 15 seconds has lessened the chance for a trade to be reported outside the market, but still allows time for the specialist to expose the order to the market.

The change has been in effect on a pilot basis for one year. In reviewing the operation of the pilot, the MSE has determined that the reduction of the order exposure time has not diminished the opportunity for MAX orders to interact with interest on the MSE Floor. Permanent approval of the pilot program is requested.

The proposed rule change is consistent with section 6(b) of the Securities Exchange Act of 1934 in that it is designed to facilitate the prompt and accurate reporting of transactions on the Exchange.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Midwest Stock Exchange, Incorporated does not believe that any burdens will be placed on competition as a result of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the *Federal Register* or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (A) By order approve the proposed rule change; or
- (B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. 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. Copies of such filing will also be available for inspection and copying at the principal office of the above-referenced self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by March 5, 1987.

Dated: February 2, 1987.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz, Secretary.

[FR Doc. 87-2943 Filed 2-11-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-24070; File No. SR-OCC-87-01]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by Options Clearing Corp.

On January 16, 1987, the Options Clearing Corporation ("OCC") filed a proposed rule change with the Commission under section 19(b)(1) of the Securities Exchange Act of 1934 ("the Act"), setting forth a Credit and Security Agreement between OCC and Citibank, N.A. for Delivery vs. Payment ("DVP") settlements of exercises and assignments of options on the Australian dollar. In addition, the proposal eliminates certain Interpretations and Policies ("I&Ps") from OCC By-Laws concerning foreign currency options.

The proposed Credit and Security Agreement is similar to the agreement currently in place with Citibank, N.A. for settlement of exercises and assignments of Deutsche Mark options. Both agreements provide for overdraft protection by Citibank to ensure deliveries to Clearing Members notwithstanding the default of a Delivering or Paying Clearing Member or its agent bank. For Australian dollar overdrafts, credit is secured by the U.S. dollar settlement amounts held in OCC's accounts at Citibank branches in New York and Sydney. U.S. dollar overdrafts are secured by Australian dollars held in OCC's account at the Sydney branch

of Citibank. Loans to OCC resulting from overdrafts also would be secured by OCC's right to apply a defaulting Clearing Member's margin or Clearing Fund deposits against the defaulting Clearing Member's outstanding obligations, as well as OCC's right to assess all Clearing Members' Clearing Fund deposits for related losses.

Additionally, the proposed rule change eliminates I&P .01 and .02 from Article XV Section 1 of OCC's By-Laws. Those I&P's had enumerated the way in which premiums are expressed and the unit of trade for each underlying currency. OCC has determined that, as the number of underlying currencies increases, it is cumbersome to continue this enumeration. Instead, the revised definition of "premium" in Section 1(h) refers Participants to the appropriate Exchange rules for this information.

OCC states in its filing that the proposed rule change is consistent with section 17A of the Act. OCC believes the proposal will promote the prompt and accurate settlement of Australian dollar option exercises and assignments by providing for DVP settlements and overdraft protection that will ensure delivery of currency or U.S. dollars to Clearing Members who meet their obligations to OCC.

The foregoing rule has become effective pursuant to section 19(b)(3)(A) of the Securities Exchange Act of 1934 and subparagraph (e) of the Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the proposal. Persons making written submissions should file six copies with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the filing, 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. section 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549.

Copies of the filing will also be available for inspection and copying at the principal office of OCC. All submissions should refer to the file number in the caption above and should be submitted by March 5, 1987.

Dated: February 6, 1987.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-2947 Filed 2-11-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-24045; File No. SR-Phlx-86-41]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Rules Governing the Allocation and Reallocation of Securities Listed on the Exchange

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 8, 1986, the Philadelphia Stock Exchange, Inc. ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III 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 Philadelphia Stock Exchange, Inc. hereby proposes to amend its rules governing the allocation of securities on the Exchange. Rules 500 through 506, as presently in effect, are to be deleted and replaced by the following text.

Allocation, Evaluation and Securities Committee

Rule 500. The Allocation, Evaluation and Securities Committee shall administer Rules 500 through 599, and unless indicated otherwise, these rules shall apply to both option and equity specialist evaluations and allocations. For the purpose of Rules 500 through 599, the term "Committee" shall mean the Allocation, Evaluation and Securities Committee.

Specialist Appointment

Rule 501. (a) Upon application by a member organization, the Committee may appoint such organization as an approved specialist unit after consultation with the Floor Procedure

Committee, in the case of equity specialist units, or the Options Committee, in the case of options specialist units. An application to act as a specialist must include, for ordinary and extraordinary circumstances, the identity of the individual who will act as head specialist as well as the individual(s) who will act as assistant specialist(s). The Committee may appoint one or more alternate specialist in a particular equity issue in accordance with Rule 201A governing such appointments.

(b) Applications to become a specialist shall be in a form prescribed by the Committee and shall include the following: (1) The identity of the unit's staff positions and who will occupy those positions; (2) the unit's clearing arrangements; (3) the unit's capital structure, including any lines of credit; and (4) the unit's plan to respond to extraordinary circumstances such as the temporary or permanent loss of the head or key assistant specialist or the sudden influx of order flow in assigned securities. Also, if the Committee has set out special requirements, applicant should address those.

(c) To be approved as a specialist unit and to retain the privilege of such status, each unit must consist of at least the following staff: (1) One head specialist; (2) one assistant specialist with respect to equity specialist units (who need not be associated with the specialist unit) and two assistant specialists with respect to options specialist units (of which at least one must be associated with the specialist unit); and (3) with respect to options specialist units, one specialist clerk. The Committee, in its discretion and after consultation with the Floor Procedure Committee (in the case of equity specialist units) or the Options Committee (in the case of options specialist units), may require a unit to obtain additional staff depending upon the number of assigned equity issues or options classes and associated order flow.

(d) Once an applicant is approved by the Committee as a specialist unit, the specialist unit is obligated promptly to notify the Exchange staff of any change in registration information and any material change in the application for any assigned issue. Any material change in the capital or staff of the unit or any move by a head or assistant specialist from one unit to another shall be reported promptly in writing to the Allocation, Evaluation and Securities Committees as well as the Floor Procedure Committee (in the case of equity specialist units) or the Options Committee (in the case of options

specialist units), and in no circumstances shall be reported more than two business days after the change.

Allocation, Reallocation and Transfer of Issues

Rule 505. Upon allocation or transfer of an equity book or options class, the equity book or options class must be registered in either the name of the unit, the individual acting as specialist, or jointly in the name of the unit and the specialist ("Registrant"). In registering a security, the Registrant shall act as specialist for the security for at least one year.

Rule 506. (a) When an equity book or options class is to be allocated or reallocated by the Committee, the Committee will solicit applications from all eligible specialist units. If the Committee determines that special qualifications should be sought in the successful applicant, it shall indicate such desired qualifications in the notice.

(b) An allocation application shall be submitted in writing to the Department of Securities and shall include, at a minimum, the name and background of the head specialist and assistant specialist(s), the unit's experience and capitalization demonstrating an ability to trade the particular equity book or options class sought, and any other reasons why the unit believes it should be assigned or allocated the security. The Committee may re-solicit applications for any reason, including if it determines that its initial solicitation resulted in an insufficient number of applicants.

(c) At least five days before an allocation meeting, the Committee shall provide reasonable notice to all floor members of the security to be allocated and its applicants.

(d) The Committee shall hold allocation meetings as appropriate. The Department of Securities shall provide Committee members data on the securities to be allocated, copies of the applications, the most recent specialist performance evaluation ratings, and any other information that the Committee may deem to be relevant. Applicants may make and the Committee may request personal appearances.

(e) Allocation decisions shall be in writing and shall be distributed to all floor members.

Rule 508. Any proposal or agreement between or among specialists to transfer one or more equity books or options classes already allocated to a specified Registrant shall be identified to the Committee and either the Floor Procedure Committee (in the case of equity books) or the Options Committee (in the case of options classes) in writing

no later than 12 business days before the proposed transfer. An agreement to transfer all of a Registrant's equity books or options classes shall be deemed sanctioned subject to performance review pursuant to Rule 511(d). An agreement to transfer less than all of a Registrant's equity books may not become effective until approved by the Allocation, Evaluation and Securities Committee. Failure to provide the Committee and either the Floor Procedure Committee (in the case of equity books) or the Options Committee (in the case of options classes) prior notice of a transfer in accordance with this Rule permits the Committee to recover the transferred securities and reallocate them pursuant to Rules 506 and 511.

Specialist Performance Evaluation

Rule 511. (a) The Specialist Performance Evaluation standards and procedures contained under this subsection of Rules shall govern Committee decisions on: (1) Allocating new equity books and options classes; (2) reallocating equity books and options classes for substandard performance; (3) determining whether a specialist that has been transferred an equity book or options class is performing adequately in order to retain the transferred security; and (4) determining whether a staff reorganization or material change with respect to a Registrant has affected the ability of the Registrant to continue to perform adequately in order to retain its securities.

(b) Allocations. The Committee shall allocate new equity books and options classes or reallocate existing equity books and options classes to applicants based on the results of the evaluations conducted pursuant to Rule 515 and such other factors as the Committee deems is appropriate. Among the factors that the Committee may consider in making such allocations or reallocations are: the number and type of securities in which applicants are currently registered; the personnel, capital and other resources of the applicant; recent allocation decisions; the desirability of encouraging the entry of new specialists into the Exchange's market; the overall best interests of the Exchange; and such policies as the Board instructs the Committee to follow in allocating or reallocating securities. Solely with respect to equity book allocations or reallocations, the Committee may consider the number of primary issues in which the applicant is currently registered; the number of securities the applicant currently has registered on PACE and the level of commitments he

has made; and securities the applicant recently has applied to remove from PACE or in which the applicant has resigned as specialist. Recognition is given that evaluation results may not be available for new specialist units or recently reorganized Registrants. The Committee may establish separate or additional criteria for evaluating new or recently reorganized Registrants, particularly where evaluation results are unavailable or are only available for a limited period of time. All allocations shall initially be made on a temporary basis for a period of up to 60 days within which time the Committee may conduct a special review pursuant to Rule 515(b). The Committee is empowered to grant equity books or options classes for a limited period of time or subject to such other terms and conditions as it deems is appropriate.

(c) **Reallocations.** If the results of a routine quarterly review indicate that a Registrant has performed below minimum standards, the Committee shall inform the head specialist of such rating and give that person the opportunity to respond in writing to the rating. At the same time, the Committee shall inform the head specialist that a special performance review shall be conducted within the next 60 days and, should the Registrant's performance not improve overall or with respect to any problem securities or areas of evaluation, the Committee may institute proceedings to determine whether to remove and reallocate one or more securities. If the Registrant's performance falls below minimum standards in subsequent ratings periods, the Committee shall institute proceedings to determine whether to remove and reallocate one or more securities.

(d) **Transfers and Material Changes.** The Committee may conduct a special review pursuant to Rule 515 within 60 days after a transfer of one or more equity books or options classes has become effective or when there has been a material change in the specialist unit. In cases where a head specialist has departed the unit, the review shall also consider the background and ability of the successor head specialist. The Committee shall evaluate the performance of the Registrant with respect to the newly acquired equity books or options classes. If such performance is below minimum standards, the Committee may institute proceedings to remove and reallocate the transferred equity books or options classes.

(e) **Hearing Procedures.** Prior to a final determination with respect to any

proceedings instituted under sections (c) and (d) above, the Committee shall notify the Registrant in writing of the Committee's preliminary evaluation and proposed action and inform the Registrant of its right to a hearing on this matter. If the Registrant elects to receive a hearing, the information supporting the Committee's evaluation of the Registrant's performance shall be presented. The Registrant shall have the opportunity to comment on the Committee's evaluation and present any information that it believes is relevant. The Registrant may question members of the Committee and Exchange staff with respect to the evaluation of its performance. Formal rules of evidence shall not apply. The Registrant and the Committee shall have the right to have present at the hearing one or more technical consultants for the purpose of answering questions about trading techniques and procedures and shall not otherwise participate in the Committee's final evaluation of the Registrant's performance. The Registrant may be represented by legal or other counsel. A transcript shall be kept of the hearing and copies will be furnished to the Registrant upon request and payment of the costs of reproduction. Based on the entire hearing record, the Committee shall prepare and deliver to the Registrant a written decision setting forth its conclusions regarding the Registrant's performance and the action, if any, to be taken with respect to removing and reallocating securities and the basis therefore. The decision also shall describe the Registrant's appeal rights. In the event of such appeal, the Committee's action shall be stayed pending the conclusion of the Registrant's appeal.

Rule 515. (a) Specialist evaluations. The Committee shall adopt a format to review each equity specialist's performance with respect to each book it trades, and a format to review each options specialist's performance with respect to each options class it trades. The review format may vary depending on whether the Registrant provides a primary or secondary market in the security. The Committee, in consultation with the Floor Procedure Committee and the Options Committee as appropriate, shall be responsible for continuously reviewing, critiquing and improving any specialist evaluation format adopted hereunder.

(b) **Review Frequency and Weight of Evaluations.** Routine reviews will be conducted quarterly. Special reviews shall occur as necessary covering such time periods as is deemed appropriate. Special reviews may incorporate the

same review methodology and procedures as established for routine reviews, although special reviews may also examine such additional matters related to a Registrant's performance as the Committee deems necessary and appropriate. The Committee may seek input from members and Exchange staff and consider any other information the Committee deems relevant in making a final determination to initiate a reallocation proceeding pursuant to Rule 511(c).

Supplementary Material

.01 **Equity specialist evaluation.** The performance evaluation survey for equity specialists is divided into four sections: PACE, ITS, General and Primary Issues. Each section contains one or more evaluation categories. Specialist units are ranked from worst to best in each of the ratings categories (for example, if there are twenty in each category) based on their performance in the category. Categories may each have different weightings in determining a firm's evaluation overall and on each section. Any specialist unit ranking in the bottom 15% in overall ratings for two consecutive quarters, or in the bottom 15% on the PACE, ITS or General sections of the survey for three consecutive quarters, will be deemed to have performed below minimum standards. Within the next 60 days, the Committee will conduct a special performance review.

If, based on that review, the specialist unit's performance has not improved overall, or in the sections or with respect to the securities where substandard performance has been identified, the Committee may institute proceedings to determine whether to remove and reallocate one or more securities. Moreover, if a specialist unit deemed to have performed below minimum standards overall ranks in the bottom 15% in any one of the next four quarters, the Committee shall review the specialist's performance and may institute proceedings to determine whether to remove and reallocate one or more securities. If a specialist unit deemed to have performed below minimum standards in the ITS, PACE or General sections of the survey ranks in the bottom 15% in any two of the next four quarters, the Committee shall review the specialist's performance and may institute proceedings to determine whether to remove and reallocate one or more securities.

.02 **Options Specialist Evaluation.** Options specialists and specialist units are evaluated on the basis of questionnaires completed by floor

brokers. To the extent possible, evaluations of options specialists and specialist units shall also include an objective performance evaluation survey. A registered individual specialist or specialist unit will be deemed to have performed below minimum standards if the specialist or specialist unit has received: (1) An overall quarterly grade below 5.00 for the preceding quarter; (2) a quarterly grade below 5.00 on three or more individual questions for the preceding quarter; or (3) a quarterly grade below 5.00 for the same question for three consecutive quarters. Within the next 60 days, the Committee will conduct a special performance review. If, based on that review, the specialist or specialist unit's performance has not improved overall, or with respect to the specific questions or options classes where substandard performance has been identified, the Committee may institute proceedings to determine whether to remove and reallocate one or more options classes. Moreover, if a specialist or specialist unit deemed to have performed below minimum standards receives: (1) An overall quarterly grade below 5.00 for any two of four preceding quarters; (2) a quarterly grade below 5.00 on three or more individual questions for any two of the four preceding quarters; or (3) a quarterly grade below 5.00 for the same question for four consecutive quarters, the Committee shall institute proceedings to determine whether to remove and reallocate one or more options classes. If such proceedings were commenced under this rule and thereafter concluded, any quarter of substandard performance in the following four quarters (*i.e.*, an overall quarterly grade below 5.00, a quarterly grade below 5.00 on three or more individual questions as to which a proceeding was previously commenced, or a quarterly grade below 5.00 on any one question as to which a proceeding was previously commenced) may again result in the commencement of such proceedings.

PACE Commitments

Rule 520. A Registrant that registers on PACE a security not previously on PACE shall continue to trade that security on PACE for a minimum of one year. A specialist unit that receives a PACE traded security by transfer or reallocation shall continue to trade that security on PACE for a minimum of one year, but need not commit to any special guarantees offered by the previous Registrant.

Rule 522. The Committee shall institute reallocation proceedings with respect to any security voluntarily

removed from PACE by its Registrant. The original Registrant shall not be reallocated the security once another applicant commits to trading the security on PACE. Should no applicant commit to trading the security on PACE, the Committee shall allocate the security pursuant to Rules 506 and 511; provided, however, that if the original Registrant has applied to retain the security it shall be awarded the allocation.

Rule 523. The Committee shall institute reallocation proceedings with respect to any non-PACE traded security should any applicant commit to trading that security on PACE. The existing Registrant shall retain the security if it commits to trading the security on PACE; provided, however, that the Committee, in consultation with the Floor Procedure Committee, may from time to time determine that, for specified periods, the existing Registrant shall not retain the security in the event an applicant commits to trade the security on PACE.

Committee Authority

Rule 525. With respect to any provision in Rules 500 through 599, the Committee shall have the authority to grant any exemption or impose any condition on any applicant or Registrant that the Committee deems necessary or appropriate in the administration of these rules.

Rule 526. Where emergency or extenuating circumstances so require, the Committee Chairman or a Committee member designated by the Chairman may temporarily take any actions specified in the 500 Series rules on behalf of the Committee.

In addition, Article XI section 11-1 of the PHLX's By-Laws relating to appeals to the Board of Governors is being amended to establish procedures governing appeals from decisions of the Allocation, Evaluation and Securities Committee. The text of this proposed rule change is as follows.

Appeals When Allowed

Sec. 11-1(a). * * *

(b) * * *

(c) Notwithstanding the foregoing, any appeal from a decision of the Allocation, Evaluation and Securities Committee pursuant to Rule 511(e) of the Rules of the Board of Governors shall be heard by a special committee of the Board composed of three governors. The member requesting review shall be permitted to submit a written statement to and/or appear before this special committee. The Secretary of the Exchange shall certify the record of the

Allocation, Evaluation and Securities Committee's hearing and its written decision and shall submit these documents to the special committee. The special committee's review of the Allocation, Evaluation and Securities Committee's action shall be based solely on the record, the written decision and any statement submitted by the member. The special committee shall prepare and deliver to the member a written decision and reasons therefore. If the special committee affirms the Allocation, Evaluation and Securities Committee's action, the action shall become effective 10 days from the date of the special committee's decision. There shall be no appeal to the Board of Governors from any decision of the special committee.

II. Self-Regulatory Organization's Statement Regarding the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and 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 IV 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 Statements of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to establish permanent rules to govern the allocation and transfer of equity books and options classes to PHLX specialists. When approved, these rules will replace pilot rules whose effectiveness was last extended pursuant to PHLX rule change SR-PHLX 86-20. The proposed rules have several significant provisions. When approved, these rules will require material changes in a specialist unit to be reported to the Exchange, which include significant changes in a specialist unit's staffing and capital structure.

Floor members will be notified of the identity of applicants for new equity books and options classes so that they can submit written comments thereon to the Allocation, Evaluation and Securities Committee. Once allocated and registered to a particular specialist, securities may be transferred by their specialist to another specialist subject to review and rejection of such transfers by the Allocation, Evaluation and Securities Committee. Moreover, the

Committee is empowered to review all specialists' performance with respect to trading of assigned securities and institute proceedings to determine whether to remove and reallocate securities if such performance falls below minimum standards.

The proposed rules establish objective criteria for evaluating specialist trading of equity books and utilize questionnaires completed by floor brokers to evaluate the performance of specialists trading options. The rules provide flexibility for the Exchange in the future to also use objective criteria in evaluating options specialists trading performance.

The proposed rule change also would make two collateral changes to Exchange rules. First, it would amend the Exchange By-Laws relating to appeals to the Board of Governors by establishing procedures for appeals from decisions of the Allocation, Evaluation and Securities Committee. Second, it will amend the Exchange's Option Floor Procedure Advice enacted pursuant to PHLX Rule 960.1—960.12 to provide a pre-set fine schedule for those floor brokers who fail to respond and sign the Exchange's evaluation questionnaires regarding options specialists performance. The fine for the first occurrence of this violation would be \$25, the second occurrence would be \$50, the third \$100 and the sanction for the fourth and thereafter violations would be discretionary with the PHLX's Business Conduct Committee.

The proposed rule change is consistent with section 6(b)(5) of the Securities Exchange Act of 1934 (Act) in that the rules will promote just and equitable principles of trade, the facilitation of transactions in securities, the removal of impediments to and the perfection of the mechanism of a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The PHLX does not foresee that the rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

The proposed rule change is the culmination of extensive and exhaustive comments and review by numerous standing committees of the Board and special committees appointed thereunder.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the *Federal Register* or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the PHLX consents, the Commission will: (A) By order approve such proposed rule change, or, (B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. 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 PHLX. All submissions should refer to the file number in the caption above and should be submitted March 5, 1987.

Dated: February 2, 1987.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-2944 Filed 2-11-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-24050; File No. SR-Phlx-86-47]

Self-Regulatory Organizations; Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to a Proposal To Attract Additional Equity Specialist Interest to the Exchange

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 10, 1986 the

Philadelphia Stock Exchange, Inc. ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III 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 Philadelphia Stock Exchange, Inc. files as a proposed rule change a proposal to attract additional equity specialist interest to the Exchange. The thrust of the proposal is the assembly of a list of stocks available for allocation to new specialist units. The list would include: (i) Stocks listed on other exchanges for which the Phlx has yet to seek unlisted trading privileges; (ii) Phlx cabinet stocks; (iii) Phlx stocks currently allocated to equity specialists but not included on PACE; and (iv) PACE stocks that specialists would volunteer to make available to new specialists.

This list of eligible stocks would be circulated to specialists on the equity floor for a thirty day period.¹ During that time, current specialists would be permitted to put on PACE those non-PACE stocks already allocated to them so that they may retain these stocks.² This would encourage the expansion of the list of stocks eligible for automatic executions through PACE.³ New listings will continue to be allocated to specialists pursuant to the Exchange's specialist allocation and evaluation rules. The proposed program is to be in effect for a six-month pilot period commencing upon approval of this rule change.

¹ Under the proposed rule, if a specialist did not commit his stock to the PACE system within the thirty-day period, the stock would be reallocated. The Phlx has indicated that specialist units whose stocks are reallocated under the provision will have the right to appeal to the Board of Governors the reallocation of its stock under Phlx Rule 11-1(a).

² Currently, if a Phlx specialist does not list one of his stocks on PACE, another specialist can challenge his competitor and take away the stock if he is willing to place the stock onto the PACE system. However, the specialist to which the stock was originally allocated can escape such a loss if he agrees to put the stock onto the Pace system when the challenge occurs.

³ The Commission is also soliciting comments on a proposed rule change submitted by the Phlx (SR-Phlx-86-41). File SR-Phlx-86-41 is a codification of the existing policy (see note 1, *supra*) that permits would-be specialists to challenge specialists with non-PACE committed stocks. The exchange has indicated that the proposed non-PACE reallocation procedures contained in SR-Phlx-86-41 may be subject to further amendments depending upon the outcome of its pilot program, proposed herein.

II. Self-Regulatory Organization's Statement Regarding the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and 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 IV 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 Statements of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of this proposed program is to attract additional equity specialist interest and capital to the Phlx. While the Phlx currently provides a strong viable marketplace for over 895 equity issues representing over 815 companies, the proposal reflects a concrete commitment to build upon that base through the infusion of additional capital and new equity specialist members.

The direct effect of this program is to facilitate a broader, deeper marketplace on the Phlx while creating increased opportunities for inter-market competition. Moreover, program-generated incentives for putting further stocks on the Phlx's PACE system should increase automatic execution services to retail brokerage firms with corresponding benefits to public investors. Accordingly, the proposal is consistent with section 6(b)(5) of the Act in that it fosters "facilitating transactions in securities . . . [removing] impediments to and [perfecting] the mechanism of a free and open market and a national market system." The proposal also is consistent with section 11A(a)(1)(C)(ii) of the Act in that it promotes "fair competition among brokers and dealers [and] among exchange markets."

B. Self-Regulatory Organization's Statement on Burden on Competition

The Phlx does not foresee that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

The proposal has been reviewed and endorsed by a number of standing

committees of the PHLX Board of Governors.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the *Federal Register* or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will: (A) By order approve such proposed rule change, or, (B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. 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 Phlx. All submissions should refer to the file number in the caption above and should be submitted by March 5, 1987.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: February 3, 1987.

Jonathan G. Katz,
Secretary.

[FR Doc. 87-2945 Filed 2-11-87; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 35-24311]

Filings Under the Public Utility Holding Company Act of 1935 ("Act")

February 5, 1987.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules

promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by March 2, 1987, to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the addresses specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Allegheny Power System, Inc. (70-6984)

Allegheny Power System, Inc. ("Allegheny"), 320 Park Avenue, New York, New York, 10022, a registered holding company, has filed a post-effective amendment to its application-declaration pursuant to sections 6(a), 6(b), 7, 9(a), 10, 11, 12(b), and 13(b) of the Act and Rules 43, 50, 86, 87, 90 and 91 promulgated thereunder.

Allegheny proposes that the authority it was granted by order dated November 14, 1984 (HCAR No. 23480), to acquire all of the capital stock of, and to make capital contributions to, one or more new subsidiary corporations ("Newcos") in an aggregate amount not to exceed \$100 million, through December 31, 1986, be extended to December 31, 1988. The Newcos are limited to investing in and servicing qualifying congeneration and small power production facilities as defined by the Public Utility Regulatory Policies Act of 1978 ("PURPA Facilities"). Any such investment by a Newco will not exceed 50% equity interest in any PURPA Facility. The Newcos will secure funds up to an aggregate of \$100 million from Allegheny through: (1) The issuance and sale of common stock and/or unsecured notes to Allegheny; (2) open account advances from Allegheny; and/or (3) notes issued to nonaffiliated third parties which notes are guaranteed

by Allegheny. The Newcos may secure additional funds from nonaffiliated third parties. Any PURPA business entity in which a Newco may invest may itself engage in financing through project financing, short-term and long-term borrowings from third parties or the project owners or sponsors, capital contributions from the project owners or sponsors, or through other means and in such amounts as may be deemed appropriate the project Managers.

Short-term borrowings will not exceed 3 years and the interest rates thereon will not exceed 3% over the base or prime rate. Permanent financing may be for a term of from 3 to 20 years at a rate no greater than 300 basis points over the rate for U.S. Treasury securities of a comparable term. The Newcos will conduct their operations with a limited permanent staff and may, therefore, seek supplemental management, technical, financial and legal services and personnel from Allegheny Power Service Corporation, a service subsidiary of Allegheny, and thereafter from other Allegheny subsidiaries as needed.

Providence Energy Corporation (70-7322)

Providence Energy Corporation ("Providence Energy"), 100 Weybosset Street, Providence, Rhode Island 02901, has filed an application pursuant to section 9(a)(2) and 10 of the Act requesting an order of the Commission approving Providence Energy's acquisition of all of the outstanding capital stock of North Attleboro Gas Company ("North Attleboro"), a gas utility company. The application also requests an order of the Commission under section 3(a)(1) declaring Providence Energy exempt from all of the provisions of the Act except section 9(a)(2) following the proposed acquisition of North Attleboro.

Providence Energy, a Rhode Island corporation, is a holding company, as defined under section 2(a)(7)(A) of the Act, and is an affiliate of a public utility, as defined under section 2(a)(11)(A) of the Act, by virtue of its ownership of all of the outstanding voting securities of The Providence Gas Company ("Providence Gas"), a gas utility company that is also a Rhode Island corporation. Providence Energy is exempt from all of the provisions of the Act except section 9(a)(2) pursuant to section 3(a)(1) of the Act and Rule 2 thereunder.

North Attleboro, a Massachusetts corporation, is a natural gas distribution company serving approximately 2800 customers in the Towns of North Attleboro and Plainville, Massachusetts,

and selling propane to approximately 300 customers in the same areas. North Attleboro is situated within 20 miles of Providence, Rhode Island, the location of the executive offices of both Providence Energy and Providence Gas. The company is subject to the regulatory jurisdiction of the Massachusetts Department of Public Utilities with respect to rates and charges, standards of service, accounting, and other matters. It purchases the majority of its natural gas from Algonquin Gas Transmission Company and the remainder from Bay State Gas Company. As of the 12 months ending September 30, 1986, North Attleboro's total assets of \$1,240,796, gross operating revenues of \$1,491,947, and net income of \$109,360 were 1.0%, 1.1%, and 1.6%, respectively, of those of Providence Energy Corporation on a consolidated basis. North Attleboro does not have any direct or indirect interest in any other company.

Providence Gas is Providence Energy's most significant subsidiary and only public-utility subsidiary. Providence Gas is engaged in the distribution of natural gas, serving approximately 131,500 customers in Providence and Newport, Rhode Island, and in eighteen other cities and towns in Rhode Island. It is subject to the regulatory jurisdiction of the Rhode Island Utilities Commission and the Rhode Island Division of Public Utilities and Carriers with respect to rates and charges, standards of service, accounting, and other matters. Providence Gas purchases substantially all of its natural gas supplies (other than liquefied natural gas and propane) from Algonquin Gas Transmission Company, purchases liquefied natural gas from Distrigas Corporation, and makes spot purchases of gas in various forms and from various sources throughout the year.

Providence Energy proposes to purchase all of the outstanding capital stock of North Attleboro from its sole shareholder for \$1,042,991, representing the net book value of North Attleboro as at September 30, 1986. The agreement provides that if for any reason other than the default of the seller the closing of the purchase takes place after December 29, 1986, the purchase price will be increased by \$50,000. The carrying out of the agreement is specifically contingent upon the receipt of necessary federal regulatory approvals. Providence Energy's present plan is to operate North Attleboro as a wholly owned public-utility subsidiary.

Providence Energy also owns all of the common stock of Newport America Corporation, a nonutility company,

which in turn has six wholly owned nonutility subsidiaries. As of the twelve months ending September 30, 1986, on a consolidated basis, Newport's total assets, gross operating revenues, and net income were 6.4%, 2.9%, and (4.5%), respectively, of those of Providence Energy Corporation on a consolidated basis. For the same period, as a percentage of the combined Providence Energy-North Attleboro system, Newport's total assets, gross operating revenues, and net income, were 6.3%, 2.8%, and (4.4%), respectively.

Providence Energy asserts that it should remain an exempt holding company under section 3(a)(1) of the Act after it acquires all of the outstanding North Attleboro capital stock and has requested an order in this regard. It has agreed to file with the Commission, on or before March 1 of each year, all of the information which would otherwise be called for under Rule 2.

New England Electric System (70-7338)

New England Electric System ("NEES"), 25 Research Drive, Westborough, Massachusetts 01582, a registered holding company, has filed an application pursuant to section 6(a), 7 and 12 of the Act, and Rule 50(a)(5) promulgated thereunder.

NEES proposes to issue an additional 5,000,000 of its authorized common shares ("Additional Common Shares"), for an aggregate of 10,693,536 shares, pursuant to its Dividend Reinvestment and Common Share Purchase Plan ("Plan") through December 31, 1990. The shares available under the Plan currently come from authorized, but unissued common shares, although the Plan provides that NEES may elect to purchase shares on the open market.

The proceeds from the sale of the Additional Common Shares will be added to the general funds of NEES and be used for any or all of the following purposes: (i) Investment in subsidiaries, through loans to such subsidiaries, purchases of additional shares of their capital stock, or capital contributions, (ii) payment of NEES' indebtedness, or (iii) general purposes of NEES.

NEES may amend the Plan to provide that the purchase of newly issued common shares brought with reinvested dividends will be 100% of the market average rather than the present 95% of the market average. NEES may also amend the Plan to provide that if the shares purchased under the Plan are bought on the open market, the price shall be the actual cost thereof. NEES has requested an exception to the competitive bidding requirements of Rules 50 pursuant to subsection (a)(5)

with respect to the issuance and sale of Additional Common Shares through the optional cash payments provisions of the plan.

New Orleans Public Service, Inc. (70-7350)

New Orleans Public Service, Inc. ("NOPSI"), 317 Baronne Street, New Orleans, Louisiana 70112, a subsidiary of Middle South Utilities, Inc. ("Middle South"), a registered holding company, has filed an application pursuant to Section 6(b) of the Act and Rule 50(a)(5) promulgated thereunder.

NOPSI proposes to issue up to \$50 million principal amount of an initial series of General and Refunding Rate Recovery Bonds ("Initial Rate Recovery Bonds"), issued under a General and Refunding ("G&R") Mortgage, pursuant to an exception from the competitive bidding requirements of Rule 50 under Subsection (a)(5) thereunder. NOPSI proposes to effect a private placement with institutional investors and may proceed to negotiate the terms and conditions of the Initial Rate Recovery Bonds.

The Initial Rate Recovery Bonds will bear interest at a fixed rate per annum estimated to be in the range 10 to 12 percent and will mature in 1997. The Initial Rate Recovery Bonds will be issued from time-to-time under a G&R Mortgage that will constitute a second mortgage lien upon substantially all of the properties and assets of NOPSI. The proceeds from the issuance and sale of Rate Recovery Bonds, including the Initial Rate Recovery Bond series proposed herein, will be applied by NOPSI for the financing or refinancing of its deferred costs associated with Unit No. 1 of System Energy Resources, Inc.'s ("SERI") Grand Gulf Nuclear Station. SERI is a subsidiary of Middle South. NOPSI may amend its application to increase the principal amount of the Initial Rate Recovery Bonds series to up to \$75 million in the event that such an increase is determined by NOPSI to be appropriate in light of prevailing market conditions and NOPSI's financing requirements.

Indiana & Michigan Electric Company (70-7352)

Indiana & Michigan Electric Company ("I&ME"), One Summit Square, Fort Wayne, Indiana 46801, a subsidiary of American Electric Power Company, Inc., a registered holding company, has filed a declaration with this Commission pursuant to section 12(c) of the Act.

I&ME proposes to redeem and refund up to 1,440,000 outstanding shares of its preferred stock, \$25 par. They are redeemable at a price of \$27.72 per

share. I&ME proposes to redeem the preferred stock initially with short-term borrowings, for which authority has been granted by the Commission (HCAR No. 24264, December 16, 1986) and subsequently, later in 1987 or 1988, to issue one or more new series of cumulative preferred stock to replace such short-term debt.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,
Secretary.

[FR Doc. 87-2946 Filed 2-11-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 35-24312]

Filing Under the Public Utility Holding Company Act of 1935 ("Act")

February 5, 1987.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by March 2, 1987, to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the addresses specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

New England Electric System (70-7337)

Notice of Amendment of Agreement and Declaration of Trust. Order Authorizing Proxy Solicitation.

New England Electric System ("NEES"), 25 Research Drive, Westborough, Massachusetts 01581, a registered holding company, has filed a

declaration subject to sections 6(a)(2), 7(e) and 12(e) of the Act and Rules 62 and 65 thereunder.

NEES is a Massachusetts voluntary association created by an Agreement and Declaration of Trust dated January 2, 1926, as amended ("Trust"). NEES proposes certain amendments to the Trust, and requests authority to solicit proxies for approval of the amendments.

The first amendment would increase the authorized number of common shares to 150,000,000. NEES presently has 75,000,000 authorized common shares, of which 54,393,371 are issued and outstanding. The second amendment would essentially provide that in a takeover situation, all common shareholders of NEES must receive a "fair price," as defined below, for their shares, unless a majority of the directors or a certain high percentage of shareholders approves the transaction. "Fair price" means a price that equals or exceeds the highest per share price paid by a beneficial owner of 10% or more of NEES' outstanding shares (excluding a NEES employee benefit plan or dividend reinvestment plan) in acquiring any of NEES' common shares within the previous 24 months and must be paid either in cash or in the same form of consideration used to acquire the largest number of such common shares previously acquired by such beneficial owner. The third proposed amendment would limit the liability of NEES' directors and broaden the indemnification of directors and officers, as permitted by Massachusetts law.

The first proposed amendment must be authorized by vote of a majority of the common shares present or represented at the annual meeting, and then adopted by a two-thirds vote of the board of directors. The second and third amendments must be authorized by vote of a majority of the outstanding common shares and approved by two-thirds of the board of directors. NEES proposes to solicit proxies for voting on the proposed amendments and certain other matters at the annual meeting to be held on April 28, 1987. NEES has filed its proxy solicitation material and requests that the effectiveness of its application-declaration with respect to the solicitation of proxies be accelerated as provided in Rule 62.

It appearing to the Commission that NEES' declaration regarding the proposed solicitation of proxies should be permitted to become effective forthwith, pursuant to Rule 62:

It is ordered, that the declaration regarding the proposed solicitation of proxies be, and it hereby is, permitted to become effective forthwith, pursuant to

Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-2949 Filed 2-11-87; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-15568; 812-6523]

North American Security Life Insurance Co. et al.; Applications for Exemption Under the Investment Company Act of 1940

February 5, 1987.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the "1940 Act").

Applicant(s): North American Security Life Insurance Company; NASL Variable Account and NASL Financial Services, Inc.

Relevant 1940 Act sections: Exemption requested under section 6(c) from sections 26(a) and 27(c)(2).

Summary of application: Applicants seek an order to permit them to issue variable annuity contracts which provide for the deduction of mortality and expense risk charges from net asset value.

Filing date: November 4, 1986.

Hearing or notification of hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m., on March 3, 1987. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicant(s) with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. NASL Variable Account, NASL Financial Services, Incorporated, Wood Logan and North American Security Life Insurance Company at 129 South Street, Boston, Massachusetts 02111.

FOR FURTHER INFORMATION CONTACT: Financial Analyst Denise M. Furey (202) 272-2067 or Special Counsel Lewis B.

Reich (202) 272-2061 (Division of Investment Management).

SUPPLEMENTARY INFORMATION:

Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier (800) 231-3282 (in Maryland (301) 258-4300).

Applicant's Representations

1. The North American Security Life Insurance Company ("Company") is a stock life insurance company organized under the laws of the State of Delaware. The Company is the sponsor-depositor for the NASL Variable Account (the "Account"). The Account is a segregated investment "separate account" of the Company established in 1984 in connection with the issuance of a series of flexible payment individual deferred variable annuity contracts. The Company now intends to offer a second series of variable annuity contracts ("Contracts") through the Account. The Account is registered under the Act as a unit investment trust. NASL Financial Services, Inc., a registered broker-dealer, is the principal underwriter of the Contracts. Wood Logan, a newly organized Connecticut corporation which will be registered as a broker-dealer, has signed an agreement to become the exclusive promotional agent for the Contracts.

2. Assets of the Account will be invested in shares of NASL Series Fund, Inc. (the "Fund"), a Maryland corporation registered under the Act as a diversified open-end management investment company. The Fund is a "series company" whose capital stock is currently divided into three separate classes consisting of an equity class, a bond class and a money market class. Shares of the Fund are held under an open account arrangement without the issuance of any stock certificates. Net payments made on the Contracts will be allocated to one or more of the Account subaccounts that invest solely in a particular class of Fund shares.

3. The Company assumes mortality and expense risks under the Contracts (including the risk that the withdrawal charges will be insufficient to cover distribution expenses). The Company assumes a mortality risk by virtue of annuity rates incorporated into the Contracts that cannot be changed. It assumes an expense risk in that the annual administration fees (a \$30 per Contract charge and a 0.15% charge against Account assets), which are guaranteed for the life of the Contract, are designed to reimburse the Company for actual expenses, without profit, may be insufficient to cover actual expenses.

To compensate for these risks, the Company will make a daily charge of 1.25% on an annual basis of the value of the Account's assets, which will be added to the Company's general funds. The charge is allocable 0.80% for mortality risks and 0.45% for expense risks.

4. The Company does not impose an initial sales charge on purchase payments. Certain partial and full withdrawals, however, are subject to a contingent deferred sales load as a means for the Company to recover its sales expenses. Applicants state that the charge, guaranteed for the life of the Contract, is five percent of amounts withdrawn in excess of the free withdrawal amount. Ten percent of the contract value may be withdrawn annually free of the withdrawal charge and to the extent that there remain purchase payments unliquidated by previous withdrawals. Withdrawals are allocated to purchase payments on a first-in-first-out basis and there is no charge with respect to withdrawals of investment earnings once all purchase payments have been liquidated. Applicants acknowledge that the withdrawal charge will be insufficient to cover all distribution expenses. Any deficiency will be met from the Company's general corporate funds, which may include amounts derived from the mortality and expense risk charge.

5. Applicants assert that the mortality and expense risk charge is reasonable in amount as determined by industry practice with respect to comparable annuity products. This representation is based upon an analysis made by the Company of publicly available information about selected similar industry products, taking into consideration such factors as the method used in charging sales loads, any contractual right to increase charges above current levels and the existence of charges against Account assets for other than mortality and expense risks.

6. The Company has concluded that there is a reasonable likelihood that the possible use of the mortality and expense risk charge for distribution expenses has a reasonable likelihood of benefitting the Account and the contractowners.

Applicant's Conditions

1. The Company will maintain at its principal office and make available to the Commission, a memorandum setting forth in detail the products analyzed, the methodology used and the results of the comparative survey made to determine

that the mortality and expense risk charge is within industry range.

2. The Company will maintain at its principal office and make available to the Commission, a memorandum setting forth the basis for its conclusion that there is a reasonable likelihood that the possible use of the mortality and expense risk charge for distribution expenses has a reasonable likelihood of benefiting the Account and the contractowners.

3. The Account will invest only in open-end management investment companies that undertake to have a board of directors with a disinterested majority formulate and approve any plan under Rule 12b-1 of the Act to finance distribution expenses.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,
Secretary.

[FR Doc. 87-2948 Filed 2-11-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 33-6689]

Fifth Annual Government-Business Forum on Small Business Capital Formation

AGENCY: Securities and Exchange Commission.

ACTION: Notice of Forum recommendations.

SUMMARY: The Commission is publishing for informational purposes the securities law recommendations of the Fifth Annual SEC Government-Business Forum on Small Business Capital Formation (the "Forum") which was held on September 25-27, 1986. The Forum is authorized by the Small Business Investment Incentive Act of 1980, which directs the Securities and Exchange Commission to host an annual conference on issues relating to small business capital formation. The final recommendations are endorsed by the Forum participants and included in a final report which is submitted to the U.S. Congress, interested instrumentalities and agencies of government and others for appropriate consideration and action. This year's Forum recommendations were in the areas of securities regulation, financial services, liability insurance and ERISA/payroll costs. Although the recommendations contained in this release are of interest to the Commission, it is taking no position with regard to any particular recommendation at this time, but is simply taking this opportunity to notify

the public of the Forum's recommendations in the securities law area.

FOR FURTHER INFORMATION CONTACT: Richard K. Wulff or Karen M. O'Brien, Office of Small Business Policy, Division of Corporation Finance, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549, (202) 272-2644.

SUPPLEMENTARY INFORMATION: Pursuant to section 503 of the Small Business Investment Incentive Act of 1980,¹ the Securities and Exchange Commission is directed to host an annual conference on issues relating to small business capital formation. The Fifth Annual SEC Government-Business Forum on Small Business Capital Formation was held this year on September 25-27 in Washington, DC. The Forum brought together more than 140 small businessmen, their representatives and officials of both the Federal and local governments to discuss ways of removing governmental impediments to the capital raising ability of the small business. This year the Forum was chaired by SEC Commissioner Edward H. Fleischman.

The Forum is governed by an Executive Committee consisting of representatives of government, small business organizations, the legal and accounting professions and organizations, as well as academia. The Forum's agenda is set by the Executive Committee. While planning for this year's Forum, the Executive Committee decided upon a different focus from that of past Forums. As such, the 1986 agenda keyed in on recommendations from the recent White House Conference on Small Business held last August, as well as past Forum recommendations which have not as yet been implemented. The resulting topic areas for discussion included securities regulation, financial services, liability insurance and ERISA/payroll costs. Final recommendations in each topic area were endorsed by the Forum and have been included in a final report to the U.S. Congress. The report will also be provided to interested instrumentalities and agencies of government for appropriate consideration and action.

In connection with past Forums, the Commission and its staff have considered the recommendations and published some in the course of rulemaking proceedings. Today the Commission is taking an additional step for the first time, by publishing for informational purposes all of the

securities recommendations which were endorsed by the Forum. Since the Commission only hosts the Forum, this publication should not be considered an endorsement of any of the final recommendations.

The Commission recently published a number of proposed revisions to Regulation D, see Release No. 33-6683 (January 16, 1987) [52 FR 3015]. Several of the securities recommendations from the Forum, which have been marked below with an asterisk (*) are addressed in that rulemaking proceeding.

The following are the securities recommendations made at the Forum, presented in the order upon which they were ranked in importance by the participants.

*1. Recommendation: The following changes should be made to Regulation D:

1. The limitations on the number of purchasers (as defined in Regulation D) under Rules 505 and 506 should be increased to a minimum of 75.

2. Substantial good faith compliance with the requirements of Regulation D should constitute compliance with Regulation D, especially for filing requirements, the number of purchasers, the accredited investor tests and similar technical provisions.

*3. The dollar ceiling of Rule 504 should be increased from \$500,000 to \$1 million.

4. The filing of a Form D should be eliminated as a condition of the safe harbor.

5. A Regulation D offering should not be integrated with later private or public offering even though the later offering may still be integratable with the earlier offering.

*6. The definition of "accredited investor" should be expanded as follows:

*a. The category of institutional investors should include savings and loan associations, investment banks, broker/dealers, venture capital firms, credit unions, and any entity which controls, is controlled by or is under common control with an institutional investor.

b. The \$1 million net worth test should be reduced to \$500,000 and should apply to entities as well as natural persons.

*c. The \$200,000 income test (Rule 501(a)(7)) should be reduced to \$100,000, should apply to the joint income of spouses, and should apply to entities as well as natural persons.

d. The insider category (Rule 501(a)(4)) should be expanded to include key employees.

¹ 94 Stat. 2275.

*e. The \$150,000 investment test (Rule 501(a)(5)) should be reduced to \$100,000; and

f. If at least 90% of an entity is owned by accredited investors, then it should be deemed an accredited investor unless it was organized for the specific purpose of making the investment in question.

7. Failure to comply with the disclosure requirements of Regulation D should not constitute a violation of section 5. Recourse for such a failure should be limited to Federal and State anti-fraud laws (e.g., Rule 10b-5).

*2. Recommendation: To facilitate the removal of barriers to sellers reaching potential buyers in connection with the raising of capital for small businesses, we recommend that clear rules permit certain forms of general solicitation.

These rules should permit:

a. General solicitation of those reasonably believed to be accredited investors.

b. Generic advertising by financial intermediaries with the content specified by rule even if such an intermediary's business is of a limited scope.

c. General solicitation by issuers intending to raise a small amount of capital specified by rule (perhaps \$500,000) with the content of the message limited by a rule similar to Rule 134 which would permit the naming of the issuer, the type and price of the security offered, an indication of the type of business of the issuer, the amount to be raised and other such information.

Although we realize that "c." above is a significant departure from current concepts, we believe for those trying to raise a small amount of capital the current system does not work.

3. Recommendation: Congress should adopt legislation which would preempt, in interstate public and private offerings of securities, State regulation of securities registrations and exemptions. Such legislation should allow for a continued State role by permitting States to require notifications of offerings (and attendant filing fees) so as to provide a basis for continued anti-fraud enforcement activities.

*4. Recommendation: Expand and simplify the ability of small business to raise capital through initial public offerings.

A. By increasing the maximum entitlement under Regulation A from \$1.5 to \$5 million as currently authorized under section 3(b) of the 1933 Act.

B. By increasing the availability and usefulness of Form S-18 through the following steps:

1. The amount should be increased to \$10 million;

2. The disclosure requirements should be further streamlined;

3. The SEC should make clear that Form S-1 standards are not necessarily appropriate guidelines;

4. The SEC should provide guidance (possibly by amendment of Rule 176) that size of the offering is a factor to be considered as part of a liability analysis.

5. Recommendation: Reduce or eliminate 1934 Act reporting requirements by

1. creating a second tier of issuers which would be subject to less than the full reporting requirements; and

2. providing for reduced reporting or an exemption from reporting for issuers with trading volume in their securities below certain minimums.

*6. Recommendation: The SEC should adopt a rule that specifically exempts from Section 5 of the Securities Act of 1933 the issuance by a company of securities in an aggregate amount up to \$5 million pursuant to one or more plans intended primarily to compensate or reward employees, advisors and consultants, including non-employee directors for services to the company. Such exemption to be available only to companies that are not eligible to use Form S-8; the amount to be determined by the amount of cash or other tangible consideration paid or, in the case of an option, to be paid by the employee; that securities issued pursuant to such exemption be eligible for subsequent inclusion in a Form S-8 registration statement filed by the company; and that Rule 144 be amended to provide that the holding period for securities issued pursuant to the exemption shall not be extended by reason of any installment payment arrangement.

7. Recommendation: For a non-reporting company, reference to any mandated form for disclosure requirements and the requirement for audited financials should be eliminated. In substitution therefore, a requirement to disclose such narrative and financial information as the issuer reasonably believes would, when considered in light of all facts and circumstances, enable the investor to assess the merits and risks of making the particular investment should be included.

As an alternative, we recommend the SEC develop a specific disclosure form for all offerings pursuant to Regulation D (similar to Form MD-2 for limited offering in the State of Maryland) that includes clear and simple definitions of concepts such as "materiality" to aid issuers in compliance.

8. Recommendation: We recommend that FASB adopt a method to account for compensatory stock options by

charging to income the good faith estimate of the fair value of the option

1. at the date of grant;
2. with a minimum (arbitrary) amount;
3. and with a maximum of (not more) than one-half of the market or fair value of the stock at the date of grant.

By the Commission.

Jonathan G. Katz,
Secretary.

February 6, 1987.

[FR Doc. 87-2941 Filed 2-11-87; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice 1000]

Privacy Act of 1974; Systems of Records; Annual Publication

The Privacy Act of 1974 (5 U.S.C. 552a(e)(4)) requires agencies to publish annually in the *Federal Register* a notice of the existence and character of their systems of records. The Department of State last published the full text of its system of records at 42 FR 49699, September 17, 1977.

A document published at 51 FR 11135, April 1, 1986, further updated the systems of records. Since that time the Department proposed and implemented the alteration of STATE-49 (Family Liaison Office Centralized Date Bank of Family Members Skills and Direct Communication Network Records), May 2, 1986 (51 FR 16415), and the creation of STATE-56 (Bureau of Economic and Business Affairs Data Bank of Economic Officers), August 21, 1986 (51 FR 30020). For the convenience of the public, these system descriptions are published below.

The full text of all Department of State systems of records is available in the Department's public reading room, Room 1239, 2201 "C" Street, NW, Washington, DC 20520.

Dated: January 27, 1987.

Donald J. Bouchard,
Assistant Secretary for Administration.

State-49

SYSTEM NAME:

Family Liaison Office Centralized Data Bank of Family Member Skills and Direct Communication Network Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Department of State, 2201 C Street, NW., Washington, DC 20520.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Family members of employees of U.S. foreign affairs agencies covered by the Foreign Service Act of 1980 and their sponsors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Family member's name, Social Security Account Number, country of birth, citizenship, level and date of security clearance, GS/FS rating code, work preference mailing code, current mailing address, location code of assignment, and other biographic data including educational background, language skills, specialized training, area of expertise, and work experience; sponsor's name, Social Security Account Number, transfer eligibility date, and foreign affairs agency name and code.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C 2693 and 4026.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Family Liaison Office will use this record system to assist family members of employees of U.S. foreign affairs agencies in acquiring employment and other services. Information from this system will be made available to personnel offices of other Government agencies having employment opportunities. Information may also be disclosed to multinational corporations, international organizations, business firms, foundations, foreign governments, and families at overseas posts who are interested in hiring family members to perform a task commensurate with their work experience or to utilize their services in performing voluntary work.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Hard copy, computer media.

RETRIEVABILITY:

By individual name of family member or sponsors, as well as by each of the data items listed as a category in this description.

SAFEGUARDS:

All employees of the Department of State have undergone a background security investigation. Access to the Department of State and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets

or in restricted areas, access to which is limited to authorized personnel. All records containing personal information on a computerized data base are accessible only through computer media under Department of State jurisdiction and placed in restricted areas access to which is limited to authorized personnel. Access to computerized files is password-protected and under the direct responsibility of the system manager. The system manager has the capability of printing audit trails of access from the computer media, thereby permitting regular ad hoc monitoring of computer usage.

RETENTION AND DISPOSAL:

These records will be maintained in the system for as long as the individual is interested in participating in the employment services and/or the Direct Communication Network provided by the Family Liaison Office. More specific information may be obtained by writing to Director, Foreign Affairs Information Management Center, Room 1239, Department of State, 2201 C Street, NW., Washington, DC 20520.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Family Liaison Office, and Chief, Personnel Management, Operating Systems Division, Department of State, 2201 C Street, NW., Washington, DC 20520.

NOTIFICATION PROCEDURE:

Individuals who have reason to believe that the FLO Centralized Data Bank of Family Member Skills and Direct Communication Network Records might contain records pertaining to them should write to the Information and Privacy Coordinator, Foreign Affairs Information Management Center, Room 1239, Department of State, 2201 C Street NW., Washington, DC 20520. The individual must specify that she/he wishes the records of the FLO Centralized Data Bank of Family Member Skills and Direct Communication Network to be checked. At a minimum, the individual must include: date and place of birth; current mailing address and zip code; signature.

RECORD ACCESS PROCEDURE:

Individuals who wish to gain access to or amend records pertaining to themselves should write to the Information and Privacy Coordinator, Foreign Affairs Information Management Center (address above).

CONTESTING RECORD PROCEDURES:

(See above).

RECORD SOURCE CATEGORIES:

The individual family member for all data elements with the exception of the current mailing address, location code of assignment, and sponsors's transfer eligibility date, all of which will be transferred automatically from the sponsor's Official Personnel File.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

STATE—56**SYSTEM NAME:**

Bureau of Economic and Business Affairs Data Bank of Economic Officers.

SECURITY CLASSIFICATION:

Unclassified

SYSTEM LOCATION:

Bureau of Economic and Business Affairs, Executive Office, Department of State, 2201 C Street NW., Washington, DC 20520.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Foreign Service and Civil Service employees of the Department of State and other U.S. Foreign Affairs Agencies who have economics as a primary or secondary skill code; all International Relations Officers General (IROGs).

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee's name; Social Security Account Number; current position, grade, organization functional skill, position pay class, transfer eligibility date, diplomatic title, tour type, arrival date; languages and competency levels; employment history; economic courses taken at the university level; and Bid List information including organization, location, position, position title, position pay class, language designation, officer preference, status of position in personnel status of position in the Bureau of Economic and Business Affairs, and comments submitted by employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Foreign Service Act of 1980, as amended (22 U.S.C. 3901) and Civil Service Reform Act of 1978 (5 U.S.C. 1101).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Bureau of Economic and Business Affairs will use this record system in the assignment, reassignment, transfer, detail, and training of those individuals with economics as a primary or

secondary skill code. Information from this system will be made available to personnel offices of Government agencies having employment opportunities. Information may also be disclosed to multinational corporations, international organizations, business firms, foundations, and foreign governments who are interested in hiring an officer to perform a task commensurate with his/her work experience.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Hard copy, computer media.

RETRIEVABILITY:

By individual name or social security number, as well as by each of the data items listed as a category in this description.

SAFEGUARDS:

All employees of the Department of State have undergone a background security investigation. Access to the Department of State and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in restricted areas, access to which is limited to authorized personnel. All records containing personal information on a computerized data base are accessible only through computer media under Department of State jurisdiction and placed in restricted areas access to which is limited to authorized personnel. Access to computerized files is password-protected and under the direct responsibility of the system manager. The system manager has the capability of printing audit trails of access from the computer media, thereby permitting regular ad hoc monitoring of computer usage.

RETENTION AND DISPOSAL:

Biographic data may be maintained in the system for as long as the individual is employed by a U.S. Foreign Affairs Agency. Information pertaining to particular assignments will be maintained for the duration of the current bid cycle. More specific information may be obtained by writing to Director, Foreign Affairs Information Management Center, Room 1239, Department of State, 2201 C Street NW., Washington, DC 20520.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Director, Bureau of Economic and Business Affairs,

Department of State, 2201 C Street, NW., Washington, DC 20520.

NOTIFICATION PROCEDURE:

Individuals who have reason to believe that the EB Data Bank of Economic Officers might contain records pertaining to them should write to the Information and Privacy Coordinator, Foreign Affairs Information Management Center, Room 1239, Department of State, 2201 C Street, NW., Washington, DC 20520. The individual must specify that she/he wishes the records of the EB Data Bank of Economic Officers to be checked. At a minimum, the individual must include: date and place of birth; current mailing address and zip code; signature.

RECORD ACCESS PROCEDURES:

Individuals who wish to gain access to or amend records pertaining to themselves should write to the Information and Privacy Coordinator, Foreign Affairs Information Management Center (address above).

CONTESTING RECORD PROCEDURES:

(See above).

RECORD SOURCE CATEGORIES:

The individual employee and the Department's central personnel database.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 87-3008 Filed 2-11-87; 8:45 am]

BILLING CODE 4710-24-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; Clackamas County, OR

AGENCY: Federal Highway Administration (FHWA), DOT.
ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed project in Clackamas County, Oregon. The project would reconstruct the interchange on Interstate 205 in the vicinity of Sunnyside Road.

FOR FURTHER INFORMATION CONTACT: Elton Chang, Environmental Coordinator and Safety Programs Engineer, Federal Highway Administration, Equitable Center, Suite 100, 530 Center NE, Salem, Oregon 97301, Telephone: (503) 399-5749.

SUPPLEMENTARY INFORMATION: The proposed project is needed to increase the capacity of the existing Sunnyside Road Interchange on I-205.

Possible alternatives include rebuilding and upgrading the existing Sunnyside Road Interchange, doing nothing, considering several different alignments, including alternates using Sunnyside Road, and also improvements in mass transit. The proposed improvement would provide for the existing and projected traffic demands and a safe and efficient highway meeting modern design standards.

The proposed project was developed over a two-year period by a citizen/business advisory group. The project was also reviewed by an agency technical advisory committee. Both groups recommended the project to the Oregon Transportation Commission as part of the 6-year Highway Plan Update.

There will be no formal scoping meeting for the project; however, scoping will occur through a series of meetings with a citizen/business advisory group and agency technical advisory committee through the Winter and Spring of 1987.

Comments or questions concerning this 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 Executive Order 12372, "Intergovernmental Review of Federal Programs" apply to this program.)

Issued on: January 29, 1987.

Elton H. Chang,

Environmental Coordinator/Safety Program Engineer, Oregon Division, Salem, Oregon.

[FR Doc. 87-2969 Filed 2-11-87; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement; Tarrant County, TX

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Tarrant County, Texas.

FOR FURTHER INFORMATION CONTACT: W.L. Hall, Jr., P.E., District Engineer, Federal Highway Administration, Federal Office Building, Room 826, 300 East Eighth Street, Austin, Texas 78708, Telephone: (512) 482-5988.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Texas State Department of Highways and Public Transportation (DHT), intends to prepare an environmental impact statement (EIS) on a proposal to expand

the IH 35W/IH 30 interchange in Tarrant County, Texas.

Previously, documentation efforts included the preparation and approval of a negative environmental declaration for a proposed project on IH 35W which encompassed this interchange and its approaches.

Preparation of the environmental impact statement responds to the decision made by the United States Court of Appeals for the Fifth Circuit in *Citizen Advocates for Responsible Expansion, Inc. ("I-CARE"), et al. v. Elizabeth Dole, as Secretary of the United States Department of Transportation et al.* which requires the preparation of an environmental impact statement for the proposed interchange modification and expansion project on IH 35W from Spur 280 to Hattie Street and on IH 30 from University Drive to Riverside Drive.

The environmental impact statement will assess a variety of alternatives for a multi-lane, multi-level, directional interchange with full control of access. The study will include the analysis of feasible alternatives to expansion of the existing elevated freeway structure on the west approach to the interchange. A no-build alternative will also be assessed.

The existing interchange connects two major interstate freeways, serving traffic with nationwide origins and destinations. Located in the City of Fort Worth (Inc.) (1980 pop. 385,164), the interchange also serves commuter traffic to the City of Dallas (Inc.) (1980 pop. 904,078) as well as to many other destinations within the Dallas-Fort Worth Consolidated Metropolitan Area (1980 pop. 2,930,530).

Traffic volumes have increased considerably, and the existing facility is inadequate to handle present and future traffic needs. Average annual daily traffic for 1985 along the approaches to the existing interchange ranges from

80,000 to 100,000 vehicles per day. Congestion causes a serious breakdown in all directions, requiring a reconstruction of this interchange and its approaches.

The proposed expansion will safely and efficiently provide for the transportation needs of the area. It will alleviate congestion and delays to better serve traffic, with the result that access to housing, businesses, employment, schools, and churches will be improved.

Because of the difficulty in predicting availability of funds, the DHT has not yet decided whether to use State or Federal funds to finance construction of this project.

Coordination with city planning groups will continue as needed. A public meeting was held on August 14, 1986, concerning possible alternatives, and additional public meetings will be held in 1987 within the vicinity of the project. A public hearing or hearings will follow at a later date. Adequate notice will be given through the news media concerning the times and locations of formal public involvement proceedings.

Prior to the onset of construction, the environmental impact statement and records of the associated public involvement process is subject to review by the Court. Construction of the proposed project is anticipated within the next ten years.

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 and questions concerning this 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 regulations implementing Executive Order 12372 regarding intergovernmental consultation on

Federal programs and activities apply to this program.)

W.L. Hall, Jr.,

District Engineer, Austin, Texas.

[FR Doc. 87-2970 Filed 2-11-87; 8:45 am]

BILLING CODE 4910-22-M

Research and Special Programs Administration

Hazardous Materials; Applications for Exemptions

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of applicants for exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Transportation has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

DATES: Comment period closes March 13, 1987.

ADDRESS COMMENTS TO: Dockets Branch, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Buildings, 400 7th Street SW., Washington, DC.

NEW EXEMPTIONS

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9713-N	Acadia Industries, Inc., Crowley, LA	49 CFR 173.182, 173.217, 173.245b	To manufacture, mark and sell non-DOT specification flexible polypropylene bulk bags of approximately 2,000 pounds capacity for shipment of corrosive solids and oxidizers. (Modes 1, 2, 3.)
9714-N	E.I. du Pont de Nemours & Co., Inc., Wilmington, DE	49 CFR 173.359	To authorize the shipment of "Bidrin" B Insecticide, a poison B liquid, in DOT specification high density polyethylene plastic containers. (Modes 1, 2, 3.)
9715-N	Pennwalt Corp., Buffalo, NY	49 CFR 173.154(a)(12)	To authorize shipment of dicumyl peroxide, dry, and organic peroxide, solid, in quantities of up to 40 lbs inside polyethylene bags overpacked in a 42B95 fiberboard box. (Modes 1, 3.)
9716-N	Comdyne I, Inc., West Liberty, OH	49 CFR 173.302(a)(1), 173.304(a), (d), 175.3	To manufacture, mark and sell non-DOT specification cylinders for the shipment of certain flammable and nonflammable gases. (Modes 1, 2, 3, 4, 5.)
9717-N	Mobay Corp., Kansas City, MO	49 CFR 173.119(b), 175.3	To authorize shipment of certain flammable liquids in containers up to 1 gallon capacity overpacked in a DOT Specification 21C fiber drum. (Modes 1, 4.)
9718-N	Bignier Schmid-Laurent, Ivry Sur Seine, France	49 CFR 172.101, 173.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107, Appendix B.	To authorize shipment of certain compressed gases classed as flammable and nonflammable in non-DOT specification portable tanks comparable to DOT Specification 51 portable tanks. (Mode 4.)
9719-N	Great Southern Airways, Orlando, FL	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), Part 107, Appendix B.	To authorize carriage of various Class A, B and C explosives not permitted for air shipment or in quantities greater than those prescribed for air shipment. (Mode 4.)

This notice of receipt of applications for new exemptions is published in accordance with section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on November 5, 1986.

J. Suzanne Hedgepeth,

Chief, Exemptions Branch, Office of Hazardous Materials Transportation.

[FR Doc. 87-3001 Filed 2-11-87; 8:45 am]

BILLING CODE 4910-60-M

Hazardous Materials; Applications for Renewal or Modification of Exemptions or Applications To Become Party to an Exemption

AGENCY: Research and Special Program Administration, DOT.

ACTION: List of applications for renewal or modification of exemptions or application to become a party to an exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Transportation has received the applications described herein. This notice is abbreviated to expedite docketing a public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier Federal Register publications, they are not repeated here. Except as otherwise noted, renewal applications are for extension of the exemption terms only. Where changes are requested (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) they are described in footnotes to the application number. Application numbers with the suffix "X" denote renewal, application numbers with the suffix "P" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing.

DATE: Comment period closes February 27, 1987.

ADDRESS COMMENTS TO: Dockets Branch, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT:

Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Buildings, 400 7th Street SW., Washington, DC.

Application No.	Applicant	Renewal of exemption
2000-X	Union Carbide Corp., Danbury, CT	2000
2709-X	United Technologies Corp., San Jose, CA	2709
3109-X	HR Textron, Inc., Pacoima, CA	3109
3109-X	General Dynamics Corp., East Camden, AR	3109
3353-X	Kerr-McGee Chemical Corp., Oklahoma City, OK	3353
4338-X	Stauffer Chemical Co., Westport, CT	4338
4453-X	Pacco, Inc., Tenino, WA	4453
5022-X	United Technologies Corp., San Jose, CA	5022
5600-X	Genus, Inc., San Marcos, CA	5600
5600-X	Ozark-Mahoning Co., Tulsa, OK	5600
6126-X	Rhone-Poulenc Inc., Monmouth Junction, NJ	6126
6126-X	Aceto Chemical Co., Inc., Flushing, NY	6126
6232-X	U.S. Department of Defense, Washington, DC	6232
6267-X	Berry Plastics, Inc., d.b.a. Imperial Plastics, Evansville, IN	6267
6614-X	Continental Chemical Co., Sacramento, CA	6614
6614-X	Esbro Chemical, Redwood City, CA	6614
7063-X	Twin Lake Chemical Co., Lockport, NY	7063
7413-X	Chilton Metal Products Division, Chilton, WI	7413
7451-X	Union Carbide Corp., Danbury, CT	7451
7476-X	Thompson Tank & Manufacturing Co., Inc., Long Beach, CA	7476
7505-X	Platte Chemical Co., Greeley, CO	7505
7721-X	Applied Companies, San Fernando, CA	7721
7879-X	Gearhart Industries, Inc., Fort Worth, TX	7879
8099-X	Union Carbide Corp., Danbury, CT	8099
8196-X	Allied-Signal Inc., Morristown, NJ	8196
8196-X	Eurotainer S.A., Paris, France	8196
8196-X	Societe Auxiliaire de Transports et d'Industries, Paris, France	8196
8220-X	Applied Companies, San Fernando, CA	8220
8221-X	Applied Companies, San Fernando, CA	8221
8230-X	G. Fredrick Smith Chemical Co., Columbus, OH (see footnote 1)	8230
8232-X	Eurotainer, S.A., Paris, France	8232
8232-X	Societe Auxiliaire de Transports et d'Industries	8232
8236-X	Manager, Advanced Project Mesa, AZ (see footnote 2)	8236
8308-X	Del-Med, Inc., So. Plainfield, NJ	8308
8451-X	Ethyl Corp., Baton Rouge, LA	8451
8510-X	Dow Chemical Co., Freeport, TX	8510
8539-X	Aero Taxi-Rockford, Inc., Rockford, IL	8539
8551-X	Streamline Manufacturing, Inc., vice Huber Mfg. Gulfport, MS	8551
8569-X	U.S. Department of Defense, Falls Church, VA	8569
8569-X	General Dynamics Corp., Fort Worth, TX	8569
8723-X	Pacific Motor Transport, Inc., Tenino, WA (see footnote 3)	8723
8723-X	Pacific Powder Co., Tenino, WA (see footnote 4)	8723
8815-X	Atlas Powder Co., Dallas, TX	8815
8877-X	Mallinckrodt, Inc., Paris, KY	8877
8877-X	General Chemical Corp., Morristown, NJ	8877
8901-X	Hopkins Agricultural Chemical Co., Madison, WI	8901
8901-X	Douglas Chemical Co., Liberty, MO	8901
8901-X	Great Lakes Chemical Corp., El Dorado, AK	8901
8910-X	Canbar Products, Ltd., Waterloo, Ontario, Canada	8910
8924-X	Kane Closures Inc., Westfield, NJ	8924
8965-X	Pressed Steel Tank Co., Inc., Milwaukee, WI	8965
8995-X	Worum Chemical Co., Saint Paul, MN	8995
9001-X	Chesterfield Cylinder Co., Inc., Huntingdon Valley, PA	9001

Application No.	Applicant	Renewal of exemption
9001-X	T.I. Chesterfield, Ltd., Derbyshire, England	9001
9011-X	Van Leer Containers, Inc., Chicago, IL	9011
9064-X	Corning Glass Works, Corning, NY (see footnote 5)	9064
9095-X	Worthington Cylinder Corp., Columbus, OH (see footnote 6)	9095
9239-X	Kane Closures Inc., Westfield, NJ	9239
9625-X	Guinn Flying Service, Houston, TX	9265
9281-X	Jet Research Center, Inc., Arlington, TX (see footnote 7)	9281
9338-X	Allied-Signal Inc., Morristown, NJ	9338
9348-X	Duracell, Inc., Bethel, CT	9348
9357-X	Dynatrans, Aktiebolag, Sweden	9357
9367-X	Stone Container Corp., Arlington Heights, IL	9367
9374-X	Poly Processing Co., Inc., Monroe, LA	9374
9374-X	Poly Cal Plastics, Inc., French Camp, CA	9374
9408-X	Ethyl Corp., Baton Rouge, LA	9408
9413-X	EM Science, Cincinnati, OH	9413
9430-X	Bondico, Inc., Jacksonville, FL	9430
9440-X	Hoover Group, Inc., Beatrice, NE (see footnote 8)	9440
9488-X	Conference of Radiation Control Program Directors, Frankfort, KY	9488
9679-X	Michlin Diazo Products Corp., Dearborn, MI	9679

¹ To authorize a 2,000 ml size teflon bottle for shipment of certain oxidizers.

² To authorize additional inflator configurations classed as flammable solid 6.

³ To renew and to authorize an additional Fruehauf trailer for shipment of blasting agents.

⁴ To renew and to authorize an additional Fruehauf trailer for shipment of blasting agents.

⁵ To authorize various modification to composite type packaging configuration for the shipment of corrosive liquids, n.o.s.

⁶ To reinstate exemption to authorize shipment of certain flammable gas, n.o.s. in DOT Specification 4BA, 4BW and 4E cylinders to be retested every 12 years rather than every 5 years.

⁷ To authorize passenger carrying aircraft as additional mode of transportation.

⁸ To authorize an optional design of a polyethylene portable tank in metal frame from shipment of certain corrosive and flammable liquids and an oxidizer.

Application No.	Applicant	Parties to exemption
5022-P	McDonnell Douglas Astronautics Co., Huntington Beach, CA	5022
6418-P	Tri-River Chemical Co., Inc.	6418
8526-P	The Glidden Co., Atlanta, GA	8526
8526-P	Transshield Trucking, Inc., West Chicago, IL	8526
8554-P	J.H. Van Amburgh Explosives, Inc., Dallas, TX	8554
8582-P	Illinois Central Gulf Railroad Co., Chicago, IL	8582
8995-P	Industrial Polymer Corp., Orange, CA	8995
9262-P	NL McCullough/NL Industries, Inc., Houston, TX	9262
9428-P	General American Transportation Corp., Chicago, IL	9428
9672-P	Ethyl Corp., Baton Rouge, LA	9672

This notice of receipt of applications for renew of exemptions and for party to an exemption is published in accordance with section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued at Washington, DC, on February 6, 1987.

J. Suzanne Hedgepeth,

Chief, Exemptions Branch, Office of Hazardous Materials Transportation.

[FR Doc. 87-3002 Filed 2-11-87; 8:45 am]

BILLING CODE 4910-60-M

Saint Lawrence Seaway Development Corporation

Advisory Board; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Advisory Board of the Saint Lawrence Seaway Development Corporation, to be held at 2:00 p.m., March 19, 1987, at the Corporation's Administration Headquarters, Room 5424, 400 Seventh St. SW., Washington, DC. The agenda for this meeting will be as follows: Opening Remarks, Consideration of Minutes of Past Meeting; Review of Programs; Business; Closing Remarks.

Attendance at meeting is open to the interested public but limited to the space available. With the approval of the Administrator, members of the public may present oral statements at the meeting. Persons wishing further information should contact not later than March 16, 1987, Joan C. Hall, Advisory Board Liaison, Saint Lawrence Seaway Development Corporation, 400 Seventh Street SW., Washington, DC 20590; 202/366-0118.

Any member of the public may present a written statement to the Advisory Board at any time.

Issued at Washington, DC on February 9, 1987.

Joan C. Hall,
Advisory Board Liaison.

[FR Doc. 87-3009 Filed 2-11-87; 8:45 am]

BILLING CODE 4910-61-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: February 5, 1987.

The Department of the 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: 1545-0175.
Form Number: IRS Form 4626 and 4626-W

Type of Review: Revision.
Title: Computation of Minimum Tax-Corporations (4626); and Estimated Alternative Minimum Tax Worksheet-Corporations (4626-W).

OMB Number: 1545-0280.
Form Number: IRS Form RCMW 1-709.

Type of Review: Reinstatement.
Title: Congressional Consent Form.
Clearance Office: 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.

Office of the Secretary

OMB Number: 1505-0075
Form Number: TFAC 1, 5, 23, and 27.
Type of Review: Reinstatement.

Title: Foreign, Cuban and Iranian Assets Control Regulations; Transaction Control Regulations; Foreign Funds Control Regulations.

Clearance Officer: Bruce H. Cameron (202) 376-0410, Office of Foreign Assets Control, Room 511, 1331 G Street NW., Washington, DC 20220.

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: 1510-0024.
Form Number: TFS 1503.
Type of Review: Reinstatement.
Title: Return Notice of Claim Against the United States for the Proceeds of a Government Check.

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.

Bureau of Engraving and Printing

OMB Number: 1520-0001.
Form Number: BEP 5283.
Type of Review: Extension.
Title: Owner's Affidavit of Partial Destruction of Mutilated Currency.

OMB Number: 1520-0001.
Form Number: BEP 5287.

Type of Review: Extension.
Title: Claim for Amounts Due in Case of Deceased Owner of Mutilated Currency.

Clearance Officer: Louis Haltom (202) 447-0195, Bureau of Engraving and Printing, Room 320-05A, Engraving and Printing Annex, 14th and D Streets SW., Washington, DC 20228.

OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Dale A. Morgan,
Departmental Reports Management Office.

[FR Doc. 87-2951 Filed 2-11-87; 8:45 am]

BILLING CODE 4810-25-M

[Supplement to Department Circular—Public Debt Series—No. 2-87]

Treasury Notes, Series S-1990

February 4, 1987.

The Secretary announced on February 3, 1987, that the interest rate on the notes designated Series S-1990, described in Department Circular—Public Debt Series—No. 2-87 dated January 29, 1987, will be 6½ percent. Interest on the notes will be payable at the rate of 6½ percent per annum.

Gerald Murphy,
Fiscal Assistant Secretary.

[FR Doc. 87-2927 Filed 2-11-87; 8:45 am]

BILLING CODE 4810-40-M

Internal Revenue Service

Commissioner's Advisory Group; Open Meeting

The first meeting of the 1987 Commissioner's Advisory Group will be held on March 9 & 10, 1987 at the IRS Austin Service Center. The Service Center is located at 3651 South Interregional Highway, Austin, Texas. The meeting will begin at 8:00 a.m. on Monday, March 9 and 8:00 a.m. on Tuesday, March 10. The agenda will include the following topics:

Monday, March 9, 1987

Discuss Commissioner Advisory Group (CAG) charter
Answer CAG Questions on IRS Organization Overview of Service Center Operations and Tour of Facility ("Pipeline" and "Non-Pipeline" Operations)
Service Center Correspondence (Follow-Up from last Advisory Group Meeting)

Budget Presentation

Tuesday, March 10, 1987

Resume Tour of Facility (Compliance Operations)
Tax Reform Update
Advisory Group Feedback on Charter;
General Question/Answer Discussion;
Future Agenda Topics.

Due to the Service Center's security requirements and limited conference space, notification of intent to attend the meeting must be made with Robert Hilgen, Acting Executive Secretary, no later than March 2, 1987. Mr. Hilgen may be reached on (202) 566-4143 (not toll free).

If you would like to have the Advisory Group consider a written statement, please call or write Robert Hilgen, Acting Executive Secretary, Internal Revenue Service, 1111 Constitution Avenue NW., Room 3014, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT:
Robert Hilgen, Acting Executive Secretary, (202) 566-4143 (not toll-free).
Lawrence B. Gibbs,
Commissioner.

[FR Doc. 87-2995 Filed 2-11-87; 8:45 am]

BILLING CODE 4830-01-M

Delegations of Authority

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegations of authority.

SUMMARY: The delegation orders listed below are revised to reflect the transfer of appropriate authorities, resulting from the abolishment of the Office of the Assistant Commissioner (Support and Services), to the Assistant Commissioners (Human Resources) and (Planning, Finance and Research). In addition, Delegation Order No. 156 is revised to delegate authority to special agents and Internal Security inspectors to disclose or authorize disclosure of return information pursuant to IRC 6103(i)(3)(B)(i) and to include instructions under IRC 6103(m)(5), which permits disclosures to the Department of Health and Human Services of

individuals who have defaulted on student nursing loans.

Order No.	Title
5	Emergency Order of Succession and Delegation of Authority.
27	Authority to Administer Oaths Required by Law in Connection with Employment in the Federal Service.
39	Tours of Duty and Overtime.
46	Authority for Management and Disposal of Records.
47	Authority to Authorize or Approve Attendance at Meetings at Government Expense.
92	Delegation of Authority in Training and Development Matters.
100	Furnishing Special Statistical Studies, Compilations, Return and Return Information, Training and Training Aids.
102	Delegation of Authority in Labor-Management Relations Matters.
103	Premium Pay for Administratively Uncontrollable Overtime.
104	Absence, Leave and Carry-Over of Annual Leave.
106	Delegation of Procurement Authority.
156	Authority to Permit Disclosure of Tax Information and to Permit Testimony or the Production of Documents.
161	Authority to Affix the Seal of the Department of the Treasury.
164	Authority to Prescribe Identification Media.
208	Delegation of Authority in the Performance of Commercial Activities.

The delegation orders are on file and may be reviewed in the IRS Freedom of Information (FOI) Reading Room, located at 1111 Constitution Ave. NW., Washington, DC 20024, Room 1545; or interested parties may contact the Disclosure Officer at the appropriate IRS regional office.

EFFECTIVE DATE: January 28, 1987.

FOR FURTHER INFORMATION CONTACT:
William E. Hamilton, OP:EX:D, 1111 Constitution Ave. NW., Room 1603, Washington, DC 20024, (202) 566-4263 (Not a Toll-Free Number).

Martha M. Seeman,
Chief, Information and Productivity Improvement Branch.

The following delegation orders and Exhibits are revised: 5, 27, 39, 46, 47, 92, 100, 102, 103, 104, 106, 156, 161, 164, and 208.

Dated: January 12, 1987.

Approved: James I. Owens.

James I. Owens,
Deputy Commissioner.

[FR Doc. 87-2994 Filed 2-11-87; 8:45 am]

BILLING CODE 4830-01-M

[Delegation Order No. 182 Rev. 4]

Delegation of Authority

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of authority.

SUMMARY: This Order is revised to delegate authority to execute returns under 26 CFR 301.6020-1(b) to Collection Support function managers, GS-9 and above. The text of the delegation order appears below.

EFFECTIVE DATE: January 8, 1987.

FOR FURTHER INFORMATION CONTACT:
Grant A. Newman, OP:C:O, Room 7539
1111 Constitution Avenue NW.,
Washington, DC 20224, (202) 566-4993.

Grant A. Newman,
Director, Office of Field Operations.

Order No. 182 (Rev. 4)

Effective date: 1-8-87

Authority to Execute Returns

The authority granted to the Commissioner of Internal Revenue, by 26 CFR 301.6020-1(b) and 26 CFR 301.7701-9 to execute returns required by any internal revenue law or regulation made thereunder when the person required to file such return fails to do so, is delegated to:

1. Revenue Agents;
2. Tax Auditors;
3. Revenue Officers, GS-9 and above;
4. Collection Supports function managers, GS-9 and above;
5. Automated Collection Branch managers, GS-9 and above; and
6. Service Center Collection Branch managers, GS-9 and above.

The authority delegated herein may not be redelegated.

To the extent that the authority previously exercised consistent with this Order may require ratification it is hereby affirmed and ratified.

Delegation Order No. 182 (Rev. 3), effective December 14, 1983 is superseded.

Dated: January 8, 1987.

Approved:

James I. Owens,
Deputy Commissioner.

[FR Doc. 87-2993 Filed 2-11-87; 8:45 am]

BILLING CODE 4830-01-M

Sunshine Act Meetings

Federal Register

Vol. 52, No. 29

Thursday, February 12, 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).

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 5:23 p.m. on Wednesday, February 4, 1987, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to:

(A)(1) accept the bid submitted by Union Boulevard National Bank, Wichita, Kansas, a newly-chartered national bank, for the purchase of certain assets of and the assumption of the liability to pay deposits made in Boulevard State Bank, Wichita, Kansas, which was expected to be closed by the State Bank Commissioner for the State of Kansas on Thursday, February 5, 1987, and (2) provide such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction; and

(B)(1) accept the highest acceptable bid which may be submitted in accordance with the "Instructions for Bidding" for a purchase and assumption transaction, or (2) in the event no acceptable bid for a purchase and assumption transaction is submitted, accept the highest acceptable bid for an insured deposit transfer transaction which may be submitted, or (3) in the event no acceptable bid for either type transaction is submitted, make funds available for the payment of the insured deposits of the closed bank, with respect to each of the following: (a) Market National Bank, Denver, Colorado, which was expected to be closed by the Deputy Comptroller of the Currency, Office of the Comptroller of the Currency, on Thursday, February 5, 1987; (b) Sunbelt National Bank, Dallas, Texas, which was expected to be closed by the Deputy Comptroller of the Currency, Office of the Comptroller of the Currency, on Thursday, February 5, 1987; and (c) State Bank of Allison, Allison, Iowa, which was expected to be closed by the Superintendent of Banking for the State of Iowa on Thursday, February 5, 1987.

At that same meeting, the Board of Directors also considered the application of Sherman County Bank, Loup City, Nebraska, an insured State nonmember bank, for consent to purchase certain assets of and assume the liability to pay deposits made in Dannebrog Credit Union, Dannebrog, Nebraska, a non-FDIC-insured

institution, and for consent to establish the sole office of Dannebrog Credit Union as a branch of Sherman County Bank.

In calling the meeting, the Board determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded by Director Robert L. Clark, (Comptroller of the Currency), concurred in by Chairman L. William Seidman, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: February 9, 1987.
Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.

[FR Doc. 87-3087 Filed 2-10-87; 11:22 am]
BILLING CODE 6714-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Tuesday, February 17, 1987, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Application for consent to acquire certain assets and assume deposit liabilities:

Commercial Credit Bank, Baltimore, Maryland, an insured State nonmember bank, for consent to purchase certain assets of and assume the deposit liabilities of Commercial Credit Thrift, Inc., Edina, Minnesota; Commercial Credit Plan, Inc., Salt Lake City, Utah; Commercial Credit Industrial Bank, Denver, Colorado; Grand Junction Commercial Credit Industrial Bank, Grand Junction, Colorado; Pueblo Commercial

Credit Industrial Bank, Pueblo Colorado; and Montrose Commercial Credit Industrial Bank, Montrose, Colorado, all non-federally insured institutions.

Application for consent to merge:

First National Bank in Walsenburg, Walsenburg, Colorado, for consent to merge, under its charter and title, with First Walsenburg Industrial Bank, Walsenburg, Colorado, a non-FDIC-insured institution.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 46,896-SR

Surety Bank and Trust Company, Wakefield, Massachusetts

Case No. 46,897-NR

San Francisco National Bank, San Francisco, California

Case No. 46,898-SR

The Farmers State Bank, Protection, Kansas

Case No. 46,899-SR

State Bank of Herndon, Kansas, Herndon, Kansas

Case No. 46,900-SR

Princeton State Bank, Princeton, Missouri

Case No. 46,901-SR

Citizens Bank, Tillar, Arkansas

Case No. 46,902-SR

Citizens State Bank of Fulda, Fulda, Minnesota

Case No. 46,903-SR

The Des Plaines Bank, Des Plaines, Illinois

Case No. 46,907-L

The First National Bank of Midland, Midland, Texas

Case No. 46,910-L

The First National Bank of Midland, Midland, Texas

Case No. 46,912-SR

Strong's Bank, Dodgeville, Wisconsin

Case No. 46,913-SR

Golden Pacific National Bank, New York City (Manhattan), New York

Memorandum regarding purchase agreements.

Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications, requests, or actions involving administrative enforcement proceedings approved by the Director or an Associate Director of the Division of Bank Supervision and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Discussion Agenda:

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, DC.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 898-3813.

Dated: February 10, 1987.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.

[FR Doc. 87-3130 Filed 2-10-87; 3:18 pm]

BILLING CODE 6714-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552), notice is hereby given that at 2:30 p.m. on Tuesday, February 17, 1987, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b(c)(2), (c)(4), (c)(6), (c)(9)(A)(ii), and (c)(9)(B) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names of locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 46,891-L

Park Bank of Florida, St. Petersburg, Florida

Case No. 46,914-NR

Penn Square Bank, National Association,
Oklahoma City, Oklahoma

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, DC.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 898-3813.

Dated: February 10, 1987.

Federal Deposit Insurance Corporation

Hoyle L. Robinson,
Executive Secretary.

[FR Doc. 87-3131 Filed 2-10-87; 3:18 pm]

BILLING CODE 6714-01-M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 10:00 a.m., Wednesday, February 18, 1987.

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. Matters relating to the Plans administered under the Federal Reserve System's employee benefits program.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. 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 schedules for the meeting.

Dated: February 10, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-3126 Filed 2-10-87; 3:10 pm]

BILLING CODE 6210-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

TIME AND DATE: 9:00 a.m., Wednesday, February 18, 1987.

PLACE: NTSB Board Room, Eighth Floor, 800 Independence Avenue, SW., Washington, DC 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Pipeline Accident Report:* Texas Eastern Pipeline Ruptures and Fires on April 27, 1985, and on February 21, 1986, Beaumont and Lancaster, Kentucky.

2. *Aircraft Accident Report:* Simmons Airlines, Flight 1746, Alpena, Michigan, March 13, 1986.

FOR MORE INFORMATION CONTACT: Ray Smith (202) 382-6525.

Ray Smith,

Federal Register Liaison Officer.

February 10, 1987.

[FR Doc. 87-3088 Filed 2-10-87; 11:51 am]

BILLING CODE 7533-01-M

NUCLEAR REGULATORY COMMISSION

DATE: Monday, February 23, 1987.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Monday, February 23

2:00 p.m.

Briefing on Consideration of Emergency Planning Rule Changes to Deal with Lack of Governmental Cooperation in Offsite Emergency Planning (Public Meeting)

ADDITIONAL INFORMATION: Briefing on Surry Incident (Public Meeting) scheduled for February 23 moved to February 24.

TO VERIFY THE STATUS OF MEETINGS CALL (RECORDING) (202) 634-1498.

CONTACT PERSON FOR MORE INFORMATION: Robert McOsker (202) 634-1410.

Robert B. McOsker,

Office of the Secretary.
February 9, 1987.

[FR Doc. 87-3032 Filed 2-9-87; 4:33 pm]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION Agency Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of February 16, 1987:

Open meetings will be held on Tuesday, February 17, 1987, at 9:30 a.m., and Wednesday, February 18, 1987, at 10:00 a.m., in Room 1C30. A closed meeting will be held on Wednesday,

February 18, 1987, following the 10:00 a.m. open meeting.

The Commissioners, Counsel to the Commissioners, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10), permit consideration of the scheduled matters at a closed meeting.

Commissioner Peters, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matter of the open meeting scheduled for Tuesday, February 17, 1987, at 9:30 a.m., will be:

The Commission is hosting a roundtable concerning the growing internationalization of the securities markets. Due to the increasing movement towards global trading markets for certain securities and the significant flow of investments across national borders, the Commission believes that is appropriate to review these developments in the roundtable discussions. In the morning session, scheduled for 9:30 a.m. to 12:00 noon EST, the participants will include representatives from the securities industry and various securities markets, including the American, Amsterdam, London, New York, and Toronto Stock Exchange, the National Association of Securities Dealers, Inc., and the International Securities Clearance Corporation. The topics will include international secondary market trading mechanisms, the availability of market information, transnational surveillance sharing, international clearance and settlement systems, possible regulatory adaptations, and barriers to the entry of foreign markets.

In the afternoon session, scheduled for 2:00 p.m. to 4:30 p.m., the participants will be representatives of the securities bar, investment firms, and a money management firm. Topics will relate to primary offering of U.S. securities abroad, the nature of global investments from the perspective of an equity

fund manager, foreign broker-dealer activity in the U.S., and adaptations of or effects of Rules 10b-6 and 10b-7 under the Securities Exchange Act of 1934. For further information, please contact William M. Harter, Jr. at (202) 272-2414 or Christine A. Sakach at (202) 272-2418.

The subject matter of the open meeting scheduled for Wednesday, February 18, 1987, at 10:00 a.m., will be:

1. Consideration of whether to issue an order with regard to System Energy Resources, Inc. ("SERI") a public utility subsidiary of Middle South Utilities, Inc. a registered holding company under the Public Utility Holding Company Act of 1935: (1) Authorizing amendments proposed by SERI to its Articles of Incorporation to create a new class of preferred stock, to split its common stock, and to provide for a deviation from the Commission's earnings coverage standard; (2) authorizing SERI's proposed issuance and sale of up to \$200 million of preferred stock by negotiated public offerings or private placements; (3) denying the Arkansas Public Service Commission's request for a hearing; (4) reserving jurisdiction over the fees and expenses and the terms and conditions associated with the issuance and sale of preferred stock and the basis for the common stock split; and (5) authorizing the Division of Investment Management to release jurisdiction over such fees, expenses, terms and conditions, and the basis for the common stock split under delegated authority. For further information, please contact John Brandenburg at (202) 272-7341.

2. Consideration of whether to issue a release proposing for comment Securities Exchange Act Rules 15Ca1-1 through 15Cc1-1 and revisions to Rules 15b2-2 and Form BD in order to implement the registration and notice requirements of the Securities Exchange Act of 1934 ("Act") as amended by the Government Securities Act of 1986. The Act requires government securities broker-dealers to register or file notice with the Commission of their government securities activities. The proposed rules prescribe the form and information government securities broker-dealers must file with the Commission in order to register or file notice. For further information, please contact Lynne G. Masters at (202) 272-2848.

The subject matter of the closed meeting scheduled for Wednesday,

February 18, 1987, following the 10:00 a.m. open meeting, will be:

Settlement of administrative proceedings of an enforcement nature.
Institution of administrative proceedings of an enforcement nature.
Institution of injunctive action.
Opinion.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: David Potel at (202) 272-2014.

Jonathan G. Katz,
Secretary.

February 9, 1987.

[FR Doc. 87-3103 Filed 2-10-87; 12:44 pm]

BILLING CODE 8010-01-M

STATE JUSTICE INSTITUTE

TIME AND DATE: 9:00-4:00 p.m., February 21, 1987.

PLACE: State Justice Institute, 120 South Fairfax Street, Alexandria, VA 22314.

STATUS: The meeting will be closed from 9:00 a.m. until 2:00 p.m. to discuss matters exempted from public disclosure pursuant to 5 U.S.C. 552b(c).

MATTERS TO BE CONSIDERED:

Portions Open to the Public:

Discussion of program priorities, conditions and limitations on awards and applications and review procedures.

Portions Closed to the Public:

Discussion of personnel policies and practices of the agency.

CONTACT PERSON FOR MORE

INFORMATION: David I. Tevelin, telephone 703-628-6100, Executive Director, State Justice Institute, 120 South Fairfax Street, Old Town Alexandria, Virginia 22314.

David I. Tevelin,
Executive Director.

[FR Doc. 87-3141 Filed 2-10-87; 3:59 pm]

BILLING CODE 8020-SC-M

Corrections

Federal Register

Vol. 52, No. 29

Thursday, February 12, 1987

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, 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.

NUCLEAR REGULATORY COMMISSION

State of Illinois; Staff Assessment of Proposed Agreement Between the NRC and the State of Illinois

Correction

In FR Doc. 86-29382 beginning on page 3503 in the issue of Wednesday, February 4, 1987, make the following correction:

On page 3514, the last four pages of the document were inadvertently omitted, beginning in the description of the qualifications of Tim Runyon. The omitted material, including the complete description of Mr. Runyon's qualifications, reads as follows:

Tim Runyon: Nuclear Safety Inspector. Assists the Chief, Waste & Transportation Management.

Training:

A.S.—Illinois Central College—Radiologic Technology

"Hazardous Materials Transportation Course," ISP, Illinois State Policy Academy, Springfield, Illinois (1985)

"Review of USDOT Regulations," US NRC, Hanford, Washington (1985)

"Evaluation and Control of Ionizing Radiation," OSHA, Argonne National Laboratory (1981)

"Emergency Response for Radiological Accidents," REECO, Las Vegas, Nevada (1981)

Experience:

1985—Present: Illinois Department of Nuclear Safety, Office of Environmental Safety

1979—1985: Illinois Department of Nuclear Safety, Office of Radiation Safety

Stephen B. Shafer: Nuclear Safety Inspector II. Performs inspections and health physics Surveys.

Training:

Graduate Classes (non-degree)
University of Illinois (1984)

B.S.—Western Illinois University (1983)—
Geophysics

Hazardous Materials Transportation Enforcement Course, Illinois State Police, Springfield, Illinois (1986)

Radiological Emergency Response Operations Course, FEMA, Nevada (1986)

Short Course: Uranium and Thorium: A Perspective on the Hazard (1986)

Experience:

1986—Present: Illinois Department of Nuclear Safety

1984—1984: Illinois Department of Nuclear Safety, Summer Intern
Eric Schwing: Attorney. Provides legal counsel to the Director and technical staff in low-level radioactive waste management.

Training:

Ph.D. Candidate (presently enrolled), Michigan State University, Resource Development/Environmental Toxicology

Doctor of Laws (1982), Thomas M. Cooley Law School

B.A.—Michigan State University (1976)—
Chemistry

Experience:

1986—Present: Illinois Department of Nuclear Safety

1978—1986: Michigan Department of Public Health

1973—1978: Michigan State University
1971—1972: William Beaumont General Hospital (U.S. Army)

Gregory P. Crouch: Chief, Division of Radioecology. Directs the Office's environmental surveillance program.

Training:

M.P.H.—University of Minnesota (1986)—
Environmental Health

M.S.—Purdue University (1977)—
Bionucleonics/Health Physics

B.S.—Purdue University (1975)—
Biology

"Seminar on the Transportation of Nuclear Materials," US NRC, Springfield, Illinois (1983)

"Radiological Emergency Response Course," US DOE/FEMA, Nevada Test Site (1983)

"Inspection Procedures Course," US NRC, Atlanta, Georgia (1982)

Experience:

1986—Present: Illinois Department of Nuclear Safety

1981—1984: Illinois Department of Nuclear Safety

1977—1978: Indiana University Medical Center, Assistant Radiation Safety Officer

1976—1977: Purdue University, Radiological Services, Graduate Assistant

Gregory J. Shott: Nuclear Safety Supervisor. Supervises the Department's—Mobile Radiochemistry Laboratory.

Training:

M.S.—University of Michigan (1985), Fisheries

B.S.—University of New Hampshire (1981), Biology

Experience:

1986—Present: Illinois Department of Nuclear Safety

1985—1986: Environmental & Chemical Sciences, Inc.; Environmental Scientist

1984: Lawrence Livermore National Laboratory; Research Associate, Environmental Intern Program

1981—1984: University of Washington, Laboratory of Radiation Ecology, Research Assistant

David D. Ed: Assistant Manager, Office of Environmental Safety.

Training:

B.S.—University of Illinois, Urbana (1971)

—Chemistry

"Radon Training for State Personnel," US EPA (1986)

"Comprehensive Health Physics," Rockwell International (1985)

"Biological Effects of Ionizing Radiation," Harvard University, School of Public Health (1982)

"Dose Projection, Accident Assessment and Protective Action Decision Making for Radiological Emergency Response," US NRC, FEMA (1980)

"Environmental Radiation Surveillance," Georgia Institute of Technology (1977)

"Radiological Emergency Response Operations Training," US NRC, ERDA (1977)

"Environmental Source Term Modeling," University of Chicago, Argonne National Laboratory (1971)

Experience:

1980—Present: Illinois Department of Nuclear Safety

1973—1980: Illinois Department of Public Health

1972—1973: Illinois Environmental Protection Agency

Abdul Khaliq: Nuclear Safety Scientist I. Plans, implements and participates in radioanalytical programs.

Training:
 Ph.D.—University of Birmingham, England (1976), Analytical Chemistry
 M.S.—University of Karachi, Pakistan (1967), Chemistry
 B.S.—University of Karachi, Pakistan (1964)
 Quality Control Course, University of Business Administration, University of Karachi, Pakistan (1964)
 Experience:
 1986—Present Illinois Department of Nuclear Safety
 1981–1986: Department of Pharmacology, Southern Illinois University School of Medicine
 1975–1980: Glaxo Laboratories (Pakistan), Ltd.
 1968–1970: Opal Laboratories, Ltd. (Pakistan)
Melanie A. Hamel: Health Physicist. Functions as a health physics specialist in the environmental monitoring division.
 Training:
 B.S.—University of Lowell, MA (1977), Health Physics
 University of Lowell, MA (1977), Environmental Monitoring and Surveillance, Health Physics Certification Review, Medical Health Physics
 "Environmental Law and the Citizen," Sangamon State University, Springfield, Illinois
 "Post-Accident Radiation Assessment," Northwestern University, Illinois
 "Radiation Protection Instrumentation," Harvard University, Boston, MA
 "Radon Training Session for State Personnel," US EPA
 Experience:
 1982—Present: Illinois Department of Nuclear Safety
 1977–1981: Yankee Atomic Electric Company
 1975: University of Lowell, Research Reactor Facility, Health Physics Technician
Michael V. Madonia: Nuclear Safety Associate. Performs technical duties concerning nuclear facility monitoring and environmental radiation control.
 Training:
 B.S.—University of Illinois—Nuclear Engineering, Radiation Protection and Shielding
 "Air Sampling for Radioactive Materials," Oak Ridge Associated Universities; Oak Ridge, Tennessee (1986)
 "Personal Computer Applications in Health Physics," TMS, Inc.; Boston, MA (1986)
 Nuclear-General Employee Training (NGET), Commonwealth Edison, Chicago, Illinois (1985)

"Radiation Detection and Measurement—Advanced Course," Eberline Analytical, Albuquerque, New Mexico (1985)
 "Fundamentals of Ground Water Contamination," Geraghty & Miller, Chicago, Illinois (1985)
 Experience:
 1985—Present: Illinois Department of Nuclear Safety
 1983–1984 (Summers): Illinois Department of Nuclear Safety
Richard Walker: Nuclear Policy Analyst. Performs review and analysis of Federal and State regulations.
 Training:
 Ph.D.—Purdue University (1976)
 —Sociology (Research Methods and Statistics)
 M.S.—Purdue University (1974)
 —Sociology
 B.S.—Marietta College (1972)
 —Sociology
 Environmental Radiation Surveillance, Harvard University, Massachusetts (1985)
 "Fundamentals of Radiation Safety," Radiation Safety Associates (1985)
 Experience:
 1985—Present: Illinois Department of Nuclear Safety
 1978–1984: Chairman, Department of Sociology, Blackburn College, Carlinville, Illinois
 1976–1978: Department of Sociology, Muhlenberg College, Allentown, Pennsylvania
Teresa A. Adams: Nuclear Policy Analyst. Performs staff functions coordinating and assisting with the direction of office programs.
 Training:
 B.A.—Wellesley College (1981)
 —German
 Massachusetts Institute of Technology, Department of Urban Studies and Planning (1982–1984)
 University of Hanover, West Germany; Department of Planning and Architecture (1981–1982)
 Additional coursework in decision analysis, fundamentals of radiation protection, hazardous waste minimization
 Experience:
 1985—Present: Illinois Department of Nuclear Safety
 1984: Parliamentary Research Service; Bonn, West Germany
 1982–1984: Worked on a variety of projects dealing with policy development and dispute resolution in environmental issues
Paul E. Seidler: Nuclear Policy Analyst. Responsible for implementing the Illinois public participation plan,

also performs as liaison with local government groups.

Experience:
 M.A.—University of Chicago (1986)
 —Public Policy
 B.A.—University of Illinois (1983)
 —Political Science, Communications Studies
 Urban & Regional Information Systems Association, 1986 Annual Conference (1986)
 Experience:
 1986—Present: Illinois Department of Nuclear Safety
 1985–1986: University of Chicago, Office of the Comptroller
 1985–1985: Illinois Bureau of the Budget
 1984–1985: Compass Health Plans
 1984–1984: U.S. Senator Paul Simon
 1982–1982: Creative Research Associates
 Reference: Illinois Program Statement, (Section II.C.1.a), "Low-Level Waste Management," (Section II.C.1.b) "Sheffield Low-Level Waste Disposal Facility," Section IV.B, "Low-Level Radioactive Waste Management Program," and Appendices 5 and 9.
 21. *Conditions Applicable to Special Nuclear Material, Source Material, and Tritium.* Nothing in the State's regulatory program shall interfere with the duties imposed on the holder of the materials by the NRC, for example, the duty to report to the NRC, on NRC prescribed forms (1) transfers of special nuclear material, source material, and tritium; and (2) periodic inventory data.
 The State's regulations do not prohibit or interfere with the duties imposed by the NRC on holders of special nuclear material owned by the U.S. Department of Energy or licensed by NRC, such as the responsibility of licensees to supply to the NRC reports of transfer and inventory.
 Reference: 32 ILL. Adm. Code 310.10.
 22. *Special Nuclear Material Defined.* The definition of special nuclear material in quantities not sufficient to form a critical mass, as contained in the Illinois regulations, is uniform with the definition in 10 CFR Part 150.
 Reference: 32 ILL. Adm. Code 310.20, Definition of Special Nuclear Material in Quantities Not Sufficient to Form a Critical Mass.
Administration
 23. *Fair and Impartial Administration.* The Illinois statute and regulations provide for administrative and judicial review of actions taken by the Department of Nuclear Safety.
 Reference: 32 Ill. Adm. Code Parts 200, 310.90, 310.110, 330.500, Part 400.

24. *State Agency Designation.* The Illinois Department of Nuclear Safety has been designated as the State's radiation control agency.

References: Enabling statute for Illinois Department of Nuclear Safety, Ill. Rev. Stat. 1985, ch. 127, par. 63b17.

25. *Existing NRC Licenses and Pending Applications.*

The Department has made provision to continue NRC licenses in effect temporarily after the transfer of jurisdiction. Such licenses will expire on the date of expiration specified in the NRC license.

With respect to the radioactive materials covered by the NRC license issued to Kerr-McGee Chemical Corporation for the West Chicago Rare Earth's Facility (Docket No. 40-2061-SC) the NRC staff has determined that the radioactive materials at the facility are most appropriately treated as thorium mill tailings, i.e., byproduct materials as defined in Section 11e.(2) of the Atomic Energy Act of 1954, as amended, whereas the thorium-bearing materials recovered from off-site residential properties and sewer treatment plant in West Chicago and stored at the Kerr-McGee facility are source material. The former material [11e.(2) by product material] will not be subject to the Agreement and NRC will retain regulatory jurisdiction. The latter material will be regulated by IDNS when the Agreement becomes effective.

Radiologically contaminated materials in Kress Creek and in Reed-Keppler Park, West Chicago have also been determined by NRC staff to be source material. The former is the subject of an Atomic Safety and Licensing Board (ASLB) Proceeding [Docket 40-2061-SC (ASLBP No 84-502-01-SC)]. In the Kress Creek proceeding, in which Kerr-McGee and the People of the State of Illinois are parties, the ASLB found that the presence of this material in Kress Creek and the West Branch of the DuPage River probably resulted from the conduct of an NRC (and AEC) licensed activity at the West Chicago Rare Earths Facility. The ASLB, however, declined to require clean-up of the Creek and River based upon its analysis of the hazard posed by the radiologically contaminated material. The NRC staff has appealed that decision to the Atomic Safety and Licensing Appeal Board, but a decision on appeal has not yet been issued. Jurisdiction over source material in Kress Creek and the West Branch of the DuPage River will be relinquished to Illinois when the Agreement becomes effective. At that time, the NRC staff will request termination of the ASLB proceeding. Jurisdiction over the source material in Reed-Keppler Park will also be relinquished to Illinois when the

Agreement becomes effective.

With respect to the Sheffield low-level radioactive waste disposal site, jurisdiction will be relinquished by the NRC to Illinois when the Agreement becomes effective. At that time, NRC staff will request termination of the ASLB proceeding [Docket 27-39-SC (ASLB No. 78-374-01-OT)].

Reference: 32 ILL. ADM. CODE 330.360.

26. *Relations With Federal Government and Other States.* There should be an interchange of Federal and State information and assistance in connection with the issuance of regulations and licenses or authorizations, inspection of licensees, reporting of incidents and violations, and training and education problems.

The proposed agreement declares that the State will use its best efforts to cooperate with the NRC and the other Agreement States in the formulation of standards and regulatory programs for the protection against hazards of radiation and to assure that the State's program will continue to be compatible with the Commission's program for the regulation of like materials.

Reference: Proposed Agreement between the State of Illinois and the Nuclear Regulatory Commission, Article VI.

27. *Coverage, Amendments, Reciprocity.*

The proposed Illinois agreement provides for the assumption of regulatory authority over the following categories of materials within the State:

(a) Byproduct material, as defined by Section 11e(1) of the Atomic Energy Act, as amended.

(b) Source materials.

(c) Special nuclear materials in quantities not sufficient to form a critical mass.

(d) The land disposal of source, by-product and special nuclear material received from other persons.

Reference: Proposed Agreement, Article I.

Provision has been made by Illinois for the reciprocal recognition of licenses to permit activities within Illinois of persons licensed by other jurisdictions. This reciprocity is like that granted under 10 CFR Part 150.

Reference: 32 ILL. ADM. CODE 330.900.

28. *NRC and Department of Energy Contractors.*

The State's regulations provide that certain NRC and DOE contractors or subcontractors are exempt from the State's requirements for licensing and registration of sources of radiation which such persons receive, possess, use, transfer, or acquire.

Reference: 32 ILL. ADM. CODE 310.30.

III. Staff conclusion

Section 274d of the Atomic Energy Act of 1954, as amended, states:

The Commission shall enter into an agreement under subsection b of this section with any State if:

(1) The Governor of that State certifies that the State has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by the proposed agreement, and that the State desires to assume regulatory responsibility for such materials; and

(2) The Commission finds that the State program is in accordance with the requirements of subsection o, and in all other respects compatible with the Commission's program for the regulation of such materials, and that the State program is adequate to protect the public health and safety with respect to the materials covered by the proposed amendment.

The staff has concluded that the State of Illinois meets the requirements of Section 274 of the Act. The State's statutes, regulations, personnel, licensing, inspection and administrative procedures are compatible with those of the Commission and adequate to protect the public health and safety with respect to the materials covered by the proposed agreement. Since the State is not seeking authority over uranium milling activities, subsection o, is not applicable to the proposed Illinois agreement.

Dated at Bethesda, Maryland, this 24th day of December 1986.

For the U.S. Nuclear Regulatory Commission.

G. Wayne Kerr,

Director, Office of State Programs.

Appendix A—Proposed Agreement Between the United States Nuclear Regulatory Commission and the State of Illinois for Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State Pursuant To Section 274 of the Atomic Energy Act of 1954, as Amended

WHEREAS, the United States Nuclear Regulatory Commission (hereinafter referred to as the Commission) is authorized under Section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act), to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7 and 8, and Section 161 of the Act with respect to byproduct materials as defined in Sections 11e.(1) and (2) of the Act, source materials and special nuclear materials in quantities not sufficient to form a critical mass; and,

WHEREAS, the Governor of the State

of Illinois is authorized under Illinois Revised Statutes, 1985, ch. 111 1/2, par. 216b and ch. 111 1/2, par. 241-19 to enter into this Agreement with the Commission; and,

WHEREAS, the Governor of the State of Illinois certified on _____ that the State of Illinois (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and,

WHEREAS, the Commission found on _____ that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and,

WHEREAS, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and,

WHEREAS, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemptions from licensing of those materials subject to this Agreement; and,

WHEREAS, this Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

NOW, THEREFORE, IT IS HEREBY AGREED between the Commission and the Governor of the State, acting in behalf of the State as follows:

Article I

Subject to the exceptions provided in Articles II, IV and V, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7 and 8, and Section 161 of the Act with respect to the following:

A. Byproduct material as defined in section 11e.(1) of the Act;

B. Source materials;

C. Special nuclear materials in quantities not sufficient to form a critical mass; and,

D. The land disposal of source, byproduct and special nuclear material received from other persons.

Article II

This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and

responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission; and,

E. The extraction or concentration of source material from source material ore and the management and disposal of the resulting byproduct material.

Article III

This Agreement may be amended, upon application by the State and approval by the Commission, to include the additional area specified in Article II, paragraph E, whereby the State can exert regulatory control over the materials stated therein.

Article IV

Notwithstanding this Agreement, the Commission may from time to time by rule, regulation or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

Article V

This Agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

Article VI

The Commission will use its best efforts to cooperate with the State and other Agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other Agreement States in the formulation of standards and regulatory

programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria and to obtain the comments and assistance of the other party thereon.

Article VII

The Commission and the State agree that it is desirable to provide reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any Agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations and procedures by which such reciprocity will be accorded.

Article VIII

The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend all or part of this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that (1) such termination or suspension is required to protect the public health and safety, or (2) the State has not complied with one or more of the requirements of Section 274 of the Act. The Commission may also, pursuant to Section 274j of the Act, temporarily suspend all or part of this Agreement if, in the judgment of the Commission, an emergency situation exists requiring immediate action to protect public health and safety and the State has failed to take necessary steps. The Commission shall periodically review this Agreement and actions taken by the State under this Agreement to ensure compliance with Section 274 of the Act.

Article IX

This Agreement shall become effective on _____, and shall remain in effect unless and until such time as it is terminated pursuant to Article VIII.

Done at _____, in triplicate, this _____ day of _____.

For the United States Nuclear Regulatory Commission.

Chairman

For the State of Illinois.

Governor

[FR Doc. 86-29382 Filed 12-30-86; 8:45 am]

BILLING CODE 1505-01-T

Federal Register

Thursday
February 12, 1987

Part II

**Department of
Housing and Urban
Development**

**Office of the Assistant Secretary for
Housing—Federal Housing Commissioner**

24 CFR Part 3280
**Manufactured Home Construction and
Safety Standards; Final Rule**

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT**

**Office of the Assistant Secretary for
Housing—Federal Housing
Commissioner**

24 CFR Part 3280

[Docket No. R-87-1274; FR-2137]

**Manufactured Home Construction and
Safety Standards**

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

ACTION: Final rule.

SUMMARY: HUD is revising its
Manufactured Home Construction and
Safety Standards to incorporate current
and more appropriate reference
standards and to delete specific
entrance location and placement
requirements for water, drain, gas, and
electric utility connections for
manufactured homes.

EFFECTIVE DATE: August 11, 1987. The
incorporation by reference of new
publications listed in the supplementary
information section is designated by a
dagger (†). These publications are
approved by the Director of the *Federal
Register* as of August 11, 1987.

FOR FURTHER INFORMATION CONTACT:

Mark W. Holman, Manufactured
Housing and Construction Standards
Division, Department of Housing and
Urban Development, 451 Seventh Street,
SW., Room 9156, Washington, DC
20410-8000. Telephone (202) 755-6590.
(This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

I. Background

The National Manufactured Housing
Construction and Safety Standards Act
of 1974, 42 U.S.C. 5401-27 (Act),
authorized the Secretary of Housing and
Urban Development (Secretary) to
establish and amend the Federal
manufactured home construction and
safety standards, 24 CFR Part 3280
(Standards). The stated purposes of the
Act are "to reduce the number of
personal injuries and deaths and the
amount of insurance costs and property
damage resulting from manufactured
home accidents and to improve the
quality and durability of manufactured
homes." 42 U.S.C. 5401. Changes to the
reference standards and to the utility
entrance and drain location
requirements are being adopted in
accordance with these purposes. In
accordance with the Act, these rules

will take effect 180 days from the date of
this publication. 42 U.S.C. 5403(c).

**A. Advance Notice of Proposed Rule
Making**

The Department published an
Advance Notice of Proposed Rule
Making (ANPRM) on June 7, 1979,
soliciting comment concerning revision
of the Standards (44 FR 32711).
Generally, the industry responded that
cost effectiveness and clarity of
objectives should be the Department's
primary concerns in evaluating the need
for change in the safety and durability
areas cited in the ANPRM. Consumers
and associated groups expressed the
view that manufactured homes lacked
the qualities necessary to make the
home as durable and safe as they desire.

B. Proposed Rule

On August 16, 1983, the Department
published a proposed rule revising all
Subparts of the Standards (48 FR 37136).
The comment period was held open until
30 days after a Cost Impact Analysis
was made available for public
inspection. On March 9, 1984, a Notice
of the availability of the Cost Impact
Analysis was published (49 FR 8946).
Accordingly, the comment period closed
on April 9, 1984. The Department
received 258 comments, many of them
extensive.

The Department expedited processing
of the formaldehyde standard and
certain portions of the standards
relating to fire safety. A final rule with
respect to those issues was published on
August 9, 1984 (49 FR 31996). Comments
concerning those issues were discussed
in the preamble to the 1984 final rule.

The Department is now proceeding to
final rulemaking on the referenced
standards and utility entrance
requirements. The comments relating to
these issues are discussed below. The
Department is continuing its review of
the remaining comments and will take
appropriate action on additional
proposed standards when the analysis is
complete.

**C. The National Manufactured Home
Advisory Council**

The Act provides for a National
Manufactured Home Advisory Council
comprised of 24 members divided
equally among the industry, government
agencies, and consumer groups. The Act
directs the Secretary to consult, to the
extent feasible, with the Advisory
Council before establishing, amending,
or revoking any standard (42 U.S.C.
5404(b)).

In September 1983, the Council was
convened to review the proposed
revisions that had been published in
August 1983. Subcommittees of the
Council met in workshop sessions for
three days and then presented reports
that were voted upon by the full
Council. Several changes were made to
the rule based upon the Council's
recommendations. (Copies of the
Advisory Council subcommittee reports
are part of the Department's rulemaking
record and are available for public
inspection.)

The Advisory Council supported
updating the referenced standards and
making the changes to the utility
entrance requirements that are
contained in this final rule.

II. The Final Rule

A. Referenced Standards

On December 18, 1975, the
Department published a revised final
rule establishing the Standards (40 FR
58752). The Standards, which are
codified at 24 CFR Part 3280, first
became effective on June 15, 1976. Since
that time the referenced standards have
not been updated.

In general, more recent editions of the
referenced standards have been
published by the various issuing
organizations. Others are no longer in
general use. In a few cases, the
sponsorship of a particular referenced
standard has been transferred to a
different organization. As a result of
these changes, the Department has
concluded that it is appropriate to
update the referenced standards. Public
comments generally supported the use
of the most recent and most commonly
used referenced standards. Further,
OMB Circular A-119 directs Federal
agencies to use and participate in the
development of voluntary Standards
whenever appropriate. Negative
comments will be addressed in the
section of this preamble dealing with
specific referenced standards changes.

The following is a table showing the
referenced standards incorporated by
this final rule. The standards are listed
by organization, and the table indicates
the section of the manufactured home
construction and safety standard in
which each standard is referenced. An
asterisk to the left of a standard means
that this final rule is incorporating a
later edition than the one indicated in
the proposed rule. A dagger (†) appears
before each new IBR approved by the
Director of the *Federal Register* on
August 11, 1987.

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24 CFR Section

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*AA-1982, Aluminum Construction Manual, Sec. 1, Specifications for Aluminum Structures.....	3280.304(b)(1)
American Architectural Manufacturers Association, 2700 River Road, Suite 118, Des Plaines, IL 60018:	
*†AAMA 1701.2-1985, Primary Window and Sliding Glass Door Voluntary Standard for Utilization in Manufactured Housing.....	3280.403(b) 3280.403(e) 3280.403(e)(2) 3280.404(b)
*†AAMA 1702.2-1985, Swinging Exterior Passage Doors Voluntary Standard for Utilization in Manufactured—Housing.....	3280.405(b) 3280.405(e) 3280.405(e)(2)
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*†AISC S326-1978, Specification for the Design, Fabrication, and Erection of Structural Steel for Buildings.....	3280.304(b)(1) 3280.305(i)(1)
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*†ANSI A112.18.1M-1979, Finished and Rough Brass Plumbing Fixture Fittings.....	3280.604(a)
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*†ANSI/ASME A112.19.4(M)-1984, Porcelain Enameled Formed Steel Plumbing Fixtures.....	3280.604(a)
*†ANSI A112.19.5-1979, Trim for Water Closet Bowls, Tanks, and Urinals.....	3280.604(a)
*†ANSI/AHA A135.4-1982, Basic Hardboard.....	3280.304(b)(1)
*†ANSI/AHA A135.5-1982, Prefinished Hardboard Paneling.....	3280.304(b)(1)
*†ANSI/AHA A135.6-1984, Hardboard Siding.....	3280.304(b)(1)
*†ANSI/AITC A190.1-1983, Structural Glued Laminated Timber.....	3280.304(b)(1)
*†ANSI A208.1-1979, Mat-Formed Wood Particleboard.....	3280.304(b)(1)
*†ANSI/ASME B1.20.1-1983, Pipe Threads, General Purpose (Inch), adopted 25 October 1984.....	3280.604(a) 3280.703 3280.705(e) 3280.706(d)
ANSI B16.3-1977, Malleable Iron Threaded Fittings.....	3280.604(a)
ANSI B16.4-1977, Cast Iron Threaded Fittings.....	3280.604(a)
ANSI B16.15-1978, Cast Bronze Threaded Fittings 125 and 250 Pound.....	3280.604(a)
*ANSI B16.18-1984, Cast Copper Alloy Solder-Joint Pressure Fittings.....	3280.604(a)
ANSI B16.22-1980, Wrought-Copper and Copper Alloy, Solder-Joint Pressure Fittings.....	3280.604(a)
*ANSI B16.23-1984, Cast Copper Alloy Solder-Joint Drainage Fittings, DWV.....	3280.604(a)
*ANSI B16.26-1983, Cast Copper Alloy Fittings for Flared Copper Tubes.....	3280.604(a)
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†ANSI B36.10-1979, Welded and Seamless Wrought Steel Pipe.....	3280.604(a) 3280.703 3280.705(b)(1) 3280.706(b)(1)
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*ANSI Z21.1-1982, Household Cooking Gas Appliances.....	3280.703
*†ANSI Z21.5.1-1982, Gas Clothes Dryers Vol. 1, Type 1 Clothes Dryers.....	3280.703
*ANSI Z21.10.1-1984, With Addendas ANSI Z21.10.1a-1985 and ANSI Z21.10.1b-1986, Gas Water Heaters Vol. 1, Storage Water Heaters with Input Ratings of 75,000 Btu per hour or Less.....	3280.703 3280.707(d)(2)
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*ANSI Z21.19-1983, Refrigerators Using Gas Fuel.....	3280.703
*ANSI Z21.20-1979, With Addenda 20a-1979 and 20b-1982, Automatic Gas Ignition Systems and Components.....	3280.703
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†ANSI Z21.22-1979, Relief Valves and Automatic Gas Shutoff Devices for Hot Water Supply Systems.....	3280.604(a) 3280.703 3280.703
*ANSI Z21.23-1980, Gas Appliance Thermostats.....	3280.703
*ANSI Z21.24-1981, With Addenda 24a-1983 and 24b-1985, Metal Connectors for Gas Appliances.....	3280.702(a)(17) 3280.703
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*ANSI Z21.47-1983, Gas-Fired Central Furnaces [Except Direct Vent and Separated Combustion System Central Furnaces].	3280.703
*†ANSI Z21.64-1978, Direct Vent Central Furnaces.....	3280.703

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*ANSI Z124.1-1980, Plastic Bathtub Units.....	3280.604(a)
*†ANSI Z124.2-1980, Plastic Shower Receptors and Shower Stalls.....	3280.604(a)
*†ANSI Z124.3-1980, Plastic Lavatories.....	3280.604(a)
*†ANSI Z124.4-1983, Plastic Water Closets, Bowls and Tanks.....	3280.604(a)
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American Society of Heating, Refrigeration and Air Conditioning Engineers, 1791 Tullie Circle, NE, Atlanta, GA 30329:	
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*ASTM A 120-83, Standard Specification for Pipe, Steel, Black and Hot Dipped Zinc-Coated (Galvanized) Welded and Seamless For Ordinary Uses.....	3280.604(a) 3280.703
*ASTM A 539-83, Standard Specification for Electric-Resistance-Welded Coiled Steel Tubing for Gas and Fuel Oil Lines.....	3280.703 3280.705(b)(4)
*ASTM B 42-84, Standard Specification for Seamless Copper Pipe, Standard Sizes.....	3280.604(a) 3280.703
*†ASTM B 43-84, Standard Specification for Seamless Red Brass Pipe, Standard Sizes.....	3280.604(a) 3280.705(b)(1)
*ASTM B 88-83a, Standard Specification for Seamless Copper Water Tube.....	3280.604(a) 3280.703 3280.705(b)(3) 3280.706(b)(3)
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*ASTM B 280-83, Standard Specification for Seamless Copper Tube for Air Conditioning and Refrigeration Field Service.....	3280.703 3280.705(b)(3) 3280.706(b)(3)
*ASTM B 306-83, Standard Specification for Copper Drainage Tube (DWV).....	3280.604(a)
*ASTM C 36-84, Standard Specification for Gypsum Wallboard.....	3280.304(b)(1)
*ASTM C 564-70 (82), Standard Specification for Rubber Gaskets for Cast Iron Soil Pipe and Fittings.....	3280.604(a) 3280.611(d)(5)
*†ASTM D 781-68 (73), Standard Test Methods for Puncture and Stiffness of Paperboard, and Corrugated and Solid Fiberboard.....	3280.304(b)(1) 3280.305(g)(4)
*†ASTM D 2016-74 (83), Standard Test Methods for Moisture Content of Wood.....	3280.304(b)(1)
*ASTM D 2235-81, Standard Specification for Solvent Cement for Acrylonitrile-Butadiene-Styrene (ABS) Plastic Pipe and Fittings.....	3280.604(a)
*ASTM D 2564-80, Standard Specification for Solvent Cement for Poly (Vinyl Chloride) (PVC) Plastic Pipe and Fittings.....	3280.604(a)
*†ASTM D 2661-84, Standard Specification for Acrylonitrile-Butadiene-Styrene (ABS) Plastic Drain, Waste and Vent Pipe and Fittings.....	3280.604(a)
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*†ASTM D 3311-82, Standard Specification for Drain, Waste, and Vent (DWV) Plastic Fitting Patterns.....	3280.604(a)
*ASTM E 84-84, Standard Test Method for Surface Burning Characteristics of Building Materials.....	3280.203(a)
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*†ASTM E 773-83, Standard Test Method for Seal Durability of Sealed Insulating Glass Units	3280.403(d)(2)
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*†QQ-S-781H-1974, With 1977 Amendment 2 and Notice I, Strapping, Steel, and Seals.....	3280.304(b)(1) 3280.306(g)(2)
*†WW-N-351-C-1976 With 1977 Interim Amendment 1, Nipples, Pipe, Threaded	3280.604(a)
*†WW-P-401E-1974, Pipe and Pipe Fittings, Cast-Iron, Soil.....	3280.604(a)
*†WW-P-541E/GEN-1980, Plumbing Fixtures (General Specifications).....	3280.604(a)
*WW-V-54-D1973, With 1977 Interim Amendment 3, Valve, Gate, Bronze, (125, 150 and 200 Pound Threaded Ends, Flange Ends, Solder End and Bronze Ends, for Land Use).	3280.604(a)
*ZZ-R-765B-1970, With 1971 Amendment 1, Rubber, Silicone.....	3280.611(d)(5)
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*HPMA-HP-SG-84, Structural Design Guide for Hardwood Plywood Wall Panels	3280.304(b)(1)
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*†IAPMO/PS-31-1977, Material and Property Standard for Backflow Prevention Devices	3280.604(a)
*†IAPMO/TSC-9-1985, Standard for Gas Supply Connectors for Manufactured Mobile Homes.....	3280.703
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B. Windows, Egress Windows and Devices, and Doors

The standards relating to windows and doors have been developed by the American Architectural Manufacturers Association (AAMA). The Department participated in the development process, and, as a result, the proposed standards were revised where appropriate. Revisions were made in response to public comments on the Department's proposed rule and to concerns raised at the Advisory Council meeting in October, 1984.

1. Standard for Windows and Sliding Glass Doors Used in Manufactured Homes

Section 3280.408(c) of the proposed rule would have required that all primary windows and sliding glass doors be installed in accordance with the window or door manufacturer's instructions. Several commenters pointed out that a window manufacturer's installation instructions may not be compatible with the construction practices of the manufactured home industry. Therefore, the final rule, at § 3280.403(c), has been revised to require that windows be installed to ensure proper operation and to provide protection from the weather.

Section 3280.403(i) of the present rule requires that manufacturers use only windows and sliding glass doors which have been certified by their producers in accordance with ANSI Z34.1-1947. Certification requires that the windows and sliding glass doors be tested by an independent quality assurance agency at preproduction and at least twice a year during production. The proposed rule, at § 3280.408(e), would have limited the testing requirements to at least once a year for the largest size window configuration for each design production. The comments revealed that there was some confusion about the certification requirements. The final rule, at § 3280.403(e), does not change the substantive requirements which were proposed; however, it has been written to more clearly state what the testing requirements are. Under the final rule, windows and sliding glass doors must be subjected to two in-plant production inspections per year and one production test per year by an independent quality assurance agency. Tests may be performed at the testing organization's facility or the window manufacturer's facility. Production tests are limited to the largest size window in production at the time of the inspection.

Finally, windows and sliding glass doors still must be certified in accordance with the ANSI standard.

However, the referenced standard has been updated from ANSI Z34.1-1947 to ANSI Z34.1-1982.

2. Standard for Egress Windows for Use in Manufactured Homes

Section 3280.404(b)(3) of the present Standards requires that all egress windows shall have minimum clear dimensions of 22 inches by 22 inches. The proposed rule, at § 3280.106(b), would have required dimensions of 20 inches in width and 24 inches in height. The final rule, at § 3280.404(b), does not contain specific requirements for the dimensions of egress windows. Rather, it references AAMA 1704-1985, "Voluntary Standard Egress Windows for Utilization in Manufactured Housing," which specifies the dimensions set forth in the proposed rule.

Several commenters questioned the need for this revision. However, this change in dimensions will make installation of egress windows easier and, therefore, will reduce production costs. The Department does not have any information which indicates that this change will compromise the safety of the home occupants.

The present Standards have no performance requirements for installed egress windows or devices. Section 3280.409(c)(2) of the proposed rule would have required that each installed egress window or device pass an operational check at the manufactured home factory. Any window or device which failed the operational test would have had to be removed and a suitable replacement installed. Several commenters objected to having to replace defective windows if they could be repaired. The Department agrees that costs will be reduced by permitting repairs of defective windows, and therefore, the final rule permits window repair. Other commenters objected to the operational check requirement, arguing that the window itself has been tested. However, the window certification does not protect against faulty installation and, therefore, the final rule retains the operational check requirement.

3. Standard for Swinging Exterior Passage Doors for Use in Manufactured Homes

The present Standards do not specify certification requirements for swinging exterior passage doors. Section 3280.410(d) of the proposed rule would have required that these doors be listed as conforming with the standards. Several commenters objected to the listing requirement as an unnecessary expense. The Department agrees that

self-certification would be adequate to assure that swinging exterior doors comply with the referenced standard. Therefore, the final rule, at § 3280.405(e), allows such self-certification. The doors must be certified in accordance with ANSI 34.1-1982, the same standard referenced for windows and sliding glass doors. The certification procedures are the same as those for windows and sliding glass doors. Exterior swinging doors must be subjected to preproduction testing in accordance with AAMA 1702.2-1985, two in-plant inspections per year and one production test per year. Tests must be performed by independent quality assurance agencies.

The present Standards have no flame spread requirements for doors. Section 3280.410(c) of the proposed rule would have added a requirement that the foam core of exterior doors have a flame spread of 75 or less. Several commenters objected to this requirement, claiming that it would provide minimal fire protection and increase material costs. The Department reevaluated this provision in light of these comments and decided to delete it.

Section 3280.405(d) of the present Standards contains the requirements relating to the materials used in and methods of construction of wood exterior doors. These requirements were retained in the proposed rule in 3280.410(c), with the only change being that the standards incorporated by reference were updated. Among these proposed referenced standards was AAMA 1702.2-1982, Swinging Exterior Passage Doors Voluntary Standard for Utilization in Manufactured Homes. (In the proposed rule this standard was mistakenly identified as AAMA 1702.3-1982, 48 FR 37168, August 16, 1983). One commenter suggested that since AAMA 1702.2-1982 requires compliance with many of the other standards referenced in this section, it is unnecessarily duplicative to list them in the Federal regulations. Accordingly, § 3280.405(c) has been revised to delete those referenced standards for design and construction of exterior doors which are already referenced in AAMA 1702.2-1985 in the final rule.

C. Electrical Service

Section 3280.801 of the present Standards, by reference to NFPA No. 70 Article 550, does not permit the installation of electrical service equipment on manufactured homes. To reduce the cost of providing electrical service to the homes by eliminating the need to contract for an adjacent service assembly, the proposed rule, at

§ 3280.804(c), would have allowed this equipment to be mounted on homes intended to be permanently sited. The proposed rule, however, did not permit the mounting of such equipment on homes with metallic siding.

Several commenters suggested that the Department need only reference Article 230 of NFPA No. 70 to incorporate this change to the standards. This industry standard, however, does not contain all the specific requirements which the Department believes are necessary to insure safe and proper installation and grounding of the electrical service equipment. Therefore, the final rule, at § 3280.803(k)(3), specifies how the equipment must be installed.

Several commenters objected to the prohibition on the installation of electrical service equipment on homes with metallic siding. The Department was originally concerned that the equipment could not be effectively grounded on these homes. At the Advisory Council meeting in 1984, however, the housing industry demonstrated to the Department's satisfaction that, based on their experience, electrical service equipment can be safely mounted on homes with metallic siding. The final rule, therefore, does not contain this prohibition.

The proposed rule, at § 3280.804(c)(4), would have required that exterior equipment be listed as rainproof or raintight. Several commenters requested that this provision be clarified. Therefore, in the final rule, at § 3280.803(k)(3)(ii), the Department specifies that exterior equipment, or the enclosure in which it is installed, must be weatherproof and installed in accordance with the provision in Article 373-2 of NFPA No. 70 and the conductors shall be suitable for use in wet locations.

D. Location of Utility Connections

The present Standards specify where utility connections must be located. (See 24 CFR 3280.609(b) (water), 3280.610(c) (drain), 3280.705(i) (gas) and 3280.803(i) (electrical).) The proposed rule removed these requirements. Several concerns were raised regarding these provisions in the public comments and by the Advisory Council. Most significantly, commenters said that the utility location requirements add substantially to the cost of permanently-sited manufactured homes when the requirements are incompatible with the service connection entrance points provided at the manufactured home site location. Given the range of home sizes now being produced and the increase in the number of homes being permanently

situated in manufactured home parks and subdivisions, this problem is becoming more common. Therefore, the Department has deleted these utility connection location requirements from the final rule.

E. Electrical Systems

Subpart I of the present standards, Electrical Systems, incorporates the 1975 edition of the National Electrical Code (NEC). The proposed rule referenced the 1981 NEC. In response to public comments and the Advisory Council's recommendation, Subpart I of the final rule has been amended to incorporate the latest edition of the NEC, NFPA No. 70-1984. The 1984 code does not change the minimum requirements pertaining to manufactured housing; however, it does permit the use of improved technology in several areas. For example, the 1984 edition allows manufacturers to use listed splice devices for circuit junctions. This, and other changes, will result in significant cost savings to home manufacturers.

F. Modular Homes

Section 3280.7 of the present standards, the modular home exemption, has been deleted in the final rule. The modular home exemption remains in the Manufactured Home Procedural and Enforcement Regulations, 24 CFR 3282.12. The removal of the exemption from Part 3280 has no substantive effect.

III. Miscellaneous

The information collection requirements contained in Part 3280 have been approved by the OMB and the OMB approval numbers are displayed in the text of the existing regulations. The final rule contains no new or altered information collection requirements.

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

Pursuant to the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that

this rule does not have a significant economic impact on a substantial number of small entities. The Department has done a cost analysis which demonstrates that the economic impact is insignificant.

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

This rule was listed as item 872 in the Department's Semiannual Agenda of Regulations published at (51 FR 38424, 38453) on October 27, 1986, under Executive Order 12291 and the Regulatory Flexibility Act.

List of Subjects in 24 CFR Part 3280

Fire prevention, Housing standards, Manufactured homes, Incorporation by reference.

PART 3280—[AMENDED]

Accordingly, 24 CFR Part 3280 is amended as follows:

1. The authority citation for 24 CFR Part 3280 continues to read as follows:

Authority: Secs. 604 and 625 of the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5403 and 5424; sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

2. Section 3280.4(b) is revised to read as follows:

§ 3280.4 Incorporation by reference.

(b) The abbreviations, and addresses of organizations issuing the referenced standards appear below. Reference standards which are not available from their producer organizations may be obtained from the Office of Manufactured Housing and Construction Standards, Manufactured Housing Standards Division, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410.

AA—Aluminum Association, 818 Connecticut Avenue, NW., Washington, DC 20006

AGA—American Gas Association, 1515 Wilson Boulevard, Arlington, Virginia 22209

AAMA—American Architectural Manufacturers Association, 2700 River Road, Suite 118, Des Plaines, Illinois 60018

AISC—American Institute of Steel Construction, 400 North Michigan Avenue, Chicago, Illinois 60611

AISI—American Iron and Steel Institute, 1000 16th Street, NW., Washington, DC 20036

AITC—American Institute of Timber Construction, 333 W. Hampden Avenue, Englewood, Colorado 80110

ANSI—American National Standards Institute, 1430 Broadway, New York, New York 10018

APA—American Plywood Association, P.O. Box 11700, Tacoma, Washington 98411

ARI—Air Conditioning and Refrigeration Institute, 1815 North Ft. Myer Drive, Arlington, Virginia 22209

ASHRAE—American Society of Heating, Refrigeration and Air Conditioning Engineers, 1791 Tullie Circle, NE., Atlanta, Georgia 30329

ASME—American Society of Mechanical Engineers, 345 East 47th Street, New York, New York 10017

ASTM—American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103

CISPI—Cast Iron Soil Pipe Institute, 1499 Chain Bridge Road, McLean, Virginia 22101

FS—Federal Specifications, General Services Administration, Specifications Branch, Room 6039, GSA Building, 7th and D Streets, SW., Washington, DC 20407

GAL—Gas Appliance Laboratory, 3133 East Olympic Boulevard, Los Angeles, California 90023

HPMA—Hardwood Plywood Manufacturers Association, P.O. Box 2789, Reston, Virginia 22090

HUD—FHA—Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410

IAPMO—International Association of Plumbing and Mechanical Officials, 5032 Alhambra Avenue, Los Angeles, California 90032

IITRI—IIT Research Institute, 10 West 35th Street, Chicago, Illinois 60616

MIL—Military Specifications and Standards, Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pennsylvania 19120

NFPA—National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269

(N)FPA—National Forest Products Association, 1819 Massachusetts Avenue, NW., Washington, DC 20036

NPA—National Particleboard Association, 2306 Perkins Place, Silver Spring, Maryland 20910

NSF—National Sanitation Foundation, P.O. Box 1468, Ann Arbor, Michigan 48105

NWMA—National Woodwork Manufacturers Association, 205 West Touhy Avenue, Park Ridge, Illinois 60068

PS—Product Standards, U.S. Government Printing Office, Washington, DC 20410

SAE—Society of Automotive Engineers, 400 Commonwealth Drive, Warrendale, Pennsylvania 15096

SJI—Steel Joist Institute, Suite A, 48 Avenue North, Myrtle Beach, South Carolina 29577

TPI—Truss Plate Institute, 100 West Church Street, Frederick, Maryland 21701

UL—Underwriters' Laboratories, Inc., 333 Pfingsten Road, Northbrook, Illinois 60062

3. Section 3280.7 is revised to read as follows:

§ 3280.7 Excluded structures.

Certain structures may be excluded from these Standards as modular homes under 24 CFR 3282.12.

4. Section 3280.8(c) is revised to read as follows:

§ 3280.8 Certification label.

(c) The label shall read as follows:

As evidenced by this label No. ABC 000001, the manufacturer certifies to the best of the manufacturer's knowledge and belief that this manufactured home has been inspected in accordance with the requirements of the Department of Housing and Urban Development and is constructed in conformance with the Federal manufactured home construction and safety standards in effect on the date of manufacture. See data plate.

However, labels containing the language specified in 24 CFR 3282.362 as issued on May 13, 1976, at 41 FR 19869, shall be used until inventories held by IPJA's as of December 31, 1976, are exhausted, except that all labels applied to manufactured homes on or after June 30, 1977, shall contain the language set out herein.

5. In section 3280.106, the section heading and paragraph (a) are revised to read as follows:

§ 3280.106 Exit facilities; egress windows and devices.

(a) Every room designed expressly for sleeping purposes, unless it has an exit door (see § 3280.105), shall have at least one outside window or approved exit device which meets the requirements of § 3280.404, the "Standard for Egress Windows and Devices for Use in Manufactured Homes."

6. Section 3280.114(b) is revised to read as follows:

§ 3280.114 Glass and glazed openings.

(b) *Safety glazing.* Glazing in all entrance or exit doors, sliding glass doors, units (fixed or moving sections), unframed glass doors, unbacked

mirrored wardrobe doors (i.e., mirrors not secured to a backing capable of being the door itself), shower and bathtub enclosures and surrounds to a height of 6 feet above the bathroom floor level, storm doors or combination doors, and in panels located within 12 inches on either side of exit or entrance doors shall be of a safety glazing material. Safety glazing material is considered to be any glazing material capable of passing the requirements of Safety Performance Specifications and Methods of Test for Safety Glazing Materials Used in Buildings, ANSI Z97.1-1984.

7. Section 3280.203(a) is revised to read as follows:

§ 3280.203 Flame spread limitations and fire protection requirements.

(a) Establishment of flame spread rating. The surface flame spread rating of interior-finish material shall not exceed the values shown in § 3280.203(b) when tested by "Standard Test Method for Surface Burning Characteristics of Building Materials, ASTM E 84-84," except that the surface flame spread rating of interior-finish materials required by § 3280.203(b) (5) and (6) may be determined by using the "Standard Test Method for Surface Flammability of Materials Using a Radiant Heat Energy Source, ASTM E 162-83." However, the following materials need not be tested to establish their flame spread rating unless a lower rating is required by these standards.

8. Section 3280.208(c) is revised to read as follows:

§ 3280.208 Fire detection equipment.

(c) *Labeling.* Smoke detectors shall be labeled as conforming with the requirements of Underwriters' Laboratories Standard No. 217—Third Edition 1985, as amended through October 8, 1985, for "Single and Multiple Station Smoke Detectors."

9. Section 3280.304(b)(1) is revised to read as follows:

§ 3280.304 Materials.

(b)(1) Standards for some of the generally used materials and methods of construction are listed in the following table.

Aluminum Construction Manual, Sec. 1, Specifications for Aluminum Structures	AA-1982
Steel:	
Specification for the Design, Fabrication, and Erection of Structural Steel for Buildings	AISC S326-1978

The following parts of this reference standard are not applicable: 1.3.3, 1.3.4, 1.3.5, 1.3.6, 1.4.6, 1.5.1.5, 1.5.5, 1.6, 1.7, 1.8, 1.9, 1.10.4 through 1.10.7, 1.10.9, 1.11, 1.13, 1.14.5, 1.17.7 through 1.17.9, 1.19.1, 1.19.3, 1.20, 1.21, 1.23.7, 1.24, 1.25.1 through 1.25.5, 1.26.4, 2.3, 2.4, 2.8 through 2.10.

The New and the Old Specification for the Design of Cold-Formed Steel Structural Members.....	AISI-1980
The following parts of this reference standard are not applicable: 3.1.2, 4.2.1, 4.2.4.	
Stainless Steel Cold-Formed Structural Design Manual, Part I, Structural Members: Specifications for the Design of Light Gage Cold-Formed Stainless Steel Structural Members, except 3.1.2.	AISI-1974
Standard Specifications Load Tables and Weight Tables for Steel Joists and Joist Girders, only sections 1-6 and the table for "H series only" are applicable.	SJI-1986
Manual for Structural Applications of Steel Cables for Buildings	AISI-1973
Strapping, Steel, and Seals, with Notice #1 and Amendment #2, only type 1, Finish B, Grade I of the plating/coating sections are applicable.	FS QQ-S-781H-1974 With 1977 Amendment 2 and Notice I
Wood and Wood Products:	
Basic Hardboard	ANSI/AHA A135.4-1982
Prefinished Hardboard Paneling	ANSI/AHA A135.5-1982
Hardboard Siding.....	ANSI/AHA A135.6-1984
Hardwood and Decorative Plywood	ANSI/HPMA-HP-1983
Structural Design Guide for Hardwood Plywood Wall Panels	HPMA-HP-SG-1984
Structural Glued Laminated Timber.....	ANSI/AITC A190.1-1983
Construction and Industrial Plywood	PS-1-83
APA Design/Construction Guide, Residential and Commercial.....	APA-1985
Design and Fabrication of All-Plywood Beams, Suppl. 5.....	APA-1984
Plywood Design Specification.....	APA-1985
Design and Fabrication of Plywood Lumber Beams, Suppl. 2.....	APA-1984
Design and Fabrication of Plywood Curved Panels, Suppl. 1.....	APA-1985
Design and Fabrication of Plywood Sandwich Panels, Suppl. 4.....	APA-1982
Design and Fabrication of Plywood Stressed Skin Panels, Suppl. 3.....	APA-1984
National Design Specification for Wood Construction	(N)FPA-1982 with 1982 Supplement and 1984 Amendment
Wood Structural Design Data	(N)FPA-1978
Span Tables for Joists and Rafters (PS 20-70)	(N)FPA-1977
Design Values for Joists and Rafters.....	(N)FPA-1981
Design Specifications for Metal Plate Connected Wood Trusses	TPI-1985
Standard for Particleboard for Mobile Home Decking	NPA-1-82
Mat-formed Wood Particleboard	ANSI A208.1-1979
Wood Flush Doors.....	ANSI/NWMA I.S.1-80, With 1983 Addendum
Wood Window Units	ANSI/NWMA I.S. 2-80, With 1984 Addendum
Wood Sliding Patio Doors.....	ANSI/NWMA I.S. 3-83
Water Repellant Preservative Treatment for Millwork	NWMA I.S. 4-81
Standard Test Methods for Puncture and Stiffness of Paperboard, and Corrugated and Solid Fiberboard. Exception, the puncture resistance inch-pound value provided in Section 3280.306 shall be used.	ASTM D 781-68(73)
Standard Test Methods for Moisture Content of Wood, only Test Method B is applicable	ASTM D 2016-74(83)
Other: Standard Specification for Gypsum Wallboard.....	ASTM C 36-84
Fasteners:	
Nails, Brads, Staples and Spikes, Wire, Cut and Wrought, except packing and shipping provisions.....	FS FF-N-105B-1971 With 1977 Amendment 4
Application and Fastening schedule: Power-Driven, Mechanically Driven and Manually Driven Fasteners.....	HUD-FHA Use of Materials Bulletin- UM-25d-73
Unclassified: Building Code Requirements for Minimum Design Loads in Buildings and Other Structures.....	ANSI A58.1-1982
Windows and Glazing: Safety Performance Specifications and Methods of Test for Safety Glazing Materials Used in Buildings.	ANSI Z97.1-1984

* * * * *

10. Sections 3280.305(g)(4) and 3280.305(i)(1)(i) are revised to read as follows:

§ 3280.305 Structural design requirements.

- * * * * *
- (g) * * *
- (4) Bottom board material (with or without patches) shall meet or exceed

the level of 48 inch-pounds of puncture resistance as tested by the Beach Puncture Test in accordance with Standard Test Methods for Puncture and Stiffness of Paperboard, and Corrugated and Solid Fiberboard, ASTM D-781-

1968 (73). The material shall be suitable for patches and the patch life shall be equivalent to the material life. Patch installation instruction shall be included in the manufacturer's instructions.

(i) * * *

(1) *Welded connections.* (i) All welds shall be made in accordance with the applicable provisions of the Specification For The Design, Fabrication, And Erection Of Structural Steel For Buildings, AISC-S326-1978, The New and the Old Specification for the Design of Cold-Formed Steel Structural Members, AISI-1980 and the Stainless Steel Cold-Formed Structural Design Manual, AISI-1974.

11. Section 3280.306(g)(2) is revised to read as follows:

§ 3280.306 Windstorm protection.

(g) * * *

(2) Type 1, Finish B, Grade 1 steel strapping, 1/4 inches wide and 0.035 inch thick, conforming with Federal Specification QQ-S-781H-1974, with 1977 Amendment 2 and Notice I, Strapping, Steel, and Seals, is judged to conform with the provisions of this section and paragraph (f) of this section.

12. Section 3280.403 is revised to read as follows:

§ 3280.403 Standard for windows and sliding glass doors used in manufactured homes.

(a) *Scope.* This section sets the requirements for prime windows and sliding glass doors except for windows used in entry doors. Windows so mounted are components of the door and thus are excluded from this standard.

(b) *Standard.* All primary windows and sliding glass doors shall comply with AAMA standard 1701.2-85, Primary Window and Sliding Glass Door Voluntary Standard for Utilization in Manufactured Housing.

(c) *Installation.* All primary windows and sliding glass doors shall be installed in a manner which allows proper operation and provides protection against the elements (see § 3280.307).

(d) *Glass.* (1) Safety glazing materials, where used, shall meet ANSI Z97.1-1984, "Safety Performance Specifications and Methods of Test for Safety Glazing Materials Used in Buildings."

(2) Sealed insulating glass, where used, shall meet all performance requirements for class C in accordance with ASTM E-774-84a, Standard

Specification for Sealed Insulating Glass Units. The sealing system shall be qualified in accordance with ASTM E-773-83, Standard Test Method for Seal Durability of Sealed Insulating Glass Units. Each glass unit shall be permanently identified with the name of the insulating glass manufacturer.

(e) *Certification.* All primary windows and sliding glass doors to be installed in manufactured homes shall be certified as complying with AAMA Standard 1701.2-1985.

(1) All such windows and doors shall show evidence of certification by affixing a quality certification label to the product in accordance with ANSI Z34.1-1982, "For Certification-Third-Party Certification Program."

(2) In determining certifiability of the products, an independent quality assurance agency shall conduct preproduction specimen tests in accordance with AAMA 1701.2-1985. Further, such agency shall inspect the product manufacturer's facility at least twice per year. One of these inspections shall include production unit testing of the largest size of each design available at the time of the inspection. It is not necessary to perform such production unit tests at the product manufacturer's facility.

13. Section 3280.404 is revised to read as follows:

§ 3280.404 Standard for egress windows and devices for use in manufactured homes.

(a) *Scope and purpose.* The purpose of this section is to establish the requirements for the design, construction, and installation of windows and approved devices intended to be used as an emergency exit during conditions encountered in a fire or similar disaster.

(b) *Performance.* Egress windows including auxiliary frame and seals, if any, shall meet all requirements of AAMA 1701.2-1985, "Primary Window and Sliding Glass Door Voluntary Standard for Utilization in Manufactured Housing," and AAMA 1704-1985, "Voluntary Standard Egress Window Systems for Utilization in Manufactured-Housing."

(c) *Installation.* (1) The installation of egress windows or devices shall be installed in a manner which allows for proper operation and provides protection against the elements. (See § 3280.307.)

(2) An operational check of each installed egress window or device shall be made at the manufactured home factory. All egress windows and devices shall be openable to the minimum required dimension without binding or

requiring the use of tools. Any window or device failing this check shall be repaired or replaced. A repaired window shall conform to its certification. Any repaired or replaced window or device shall pass the operational check.

(d) *Operating instructions.* Operating instructions shall be affixed to each egress window and device and carry the legend "Do Not Remove."

(e) *Certification of Egress Windows and Devices.* Egress windows and devices shall be listed in accordance with the procedures and requirements of AAMA 1704-1985.

14. Section 3280.405 is amended by revising paragraphs (b), (c), (d), and (e), to read as follows:

§ 3280.405 Standard for swinging exterior passage doors for use in manufactured homes.

(b) *Performance requirements.* The design and construction of exterior door units shall meet all requirements of AAMA 1702.2-1985, Swinging Exterior Passage Doors Voluntary Standard for Utilization in Manufactured-Housing.

(c) *Materials and methods.* Any material or method of construction shall conform to the performance requirements as outlined in paragraph (b) of this section. Wood materials or wood based materials shall also conform to the following:

(1) *Wood.* Doors shall conform to the type 1 requirements of "ANSI/NWMA I.S.1-80, With 1983 Addendum, Wood Flush Doors."

(2) *Plywood.* Plywood shall be exterior type and preservative treated in accordance with "NWMA I.S. 4-81, Water Repellent Preservative Treatment for Millwork."

(d) *Exterior doors.* All swinging exterior doors shall be installed in a manner which allows proper operation and provides protection against the elements (see § 3280.307).

(e) *Certification.* All swinging exterior doors to be installed in manufactured homes shall be certified as complying with AAMA Standard 1702.2-1985.

(1) All such doors shall show evidence of certification by affixing a quality certification label to the product in accordance with ANSI Z34.1-1982, "For Certification-Third-Party Certification Program."

(2) In determining certifiability of the products, an independent quality assurance agency shall conduct preproduction specimen tests in accordance with AAMA 1702.2-1985. Further, such agency shall inspect the product manufacturer's facility at least

twice per year. One of these inspections shall include production unit testing of the largest size of each design available at the time of the inspection. It is not necessary to perform such production unit tests at the product manufacturer's facility.

15. Section 3280.508 is revised to read as follows:

§ 3280.508 Heat loss, heat gain and cooling load calculations.

Information, values and data necessary for heat loss and heat gain determinations shall be taken from the 1981 ASHRAE Handbook of Fundamentals, chapters 20, 21, 22, 23, 25, 26, and 35. The following portions of those chapters are not applicable:

- 20.14 Masonry Construction
- 20.14 Floor Systems
- 20.17 Underground Pipe Insulation
- 20.18 Temperatures Above Ambient, Temperatures Below Ambient
- 20.18 Tanks, Vessels and Equipment
- 20.20 Refrigerated Rooms and Buildings
- 20.24 Part VI Land Transport Vehicles
- 20.27 Part VII Environmental Spaces
- 22.1 Ventilation Requirements, Minimum Outdoor Air Supply Rates
- 22.11 Air Leakage Through Walls of Elevators and Stair Shafts
- 22.13 Swinging Door Entrances
- 22.19 References
- 25.4 Ground Temperature
- 25.4 Crawl Space Temperature
- 25.4 Calculation of Heat Loss From Crawl Spaces
- 25.6 Calculating Transmission of Heat Loss From Basement
- 25.6 Design Temperatures
- 25.8 Calculating Transmission Heat Loss From Floor Slabs
- 25.11 Consideration of Pick-up Load
- 26.37 Heat Gain by Conduction Through Interior Partitions, Ceilings and Floor

16. Section 3280.511 is amended by revising paragraphs (a)(1) and (b) to read as follows:

§ 3280.511 Comfort cooling certificate and information.

(a) * * *

(1) *Alternative 1.* If a central air conditioning system is provided by the home manufacturer, the heat gain calculation necessary to properly size the air conditioning equipment shall be in accordance with procedures outlined in Chapter 22 of the 1981 ASHRAE Handbook of Fundamentals, with an assumed location and orientation. The

following information shall be supplied in the Comfort Cooling Certificate:

"Air Conditioner Manufacturer _____
 Air Conditioner Model _____
 Certified Capacity _____ BTU/Hr. in accordance with the appropriate Air Conditioning and Refrigeration Institute Standards.

The temperature to be specified shall be 20 F or 30% of the design temperature difference, whichever is greater, added to the temperature specified as the heating system capacity certification temperature without storm windows or insulating glass for Zone I and with storm windows or insulating glass for Zones II and III. Design temperature difference is 70 minus the heating system capacity certification temperature in degrees Fahrenheit.

The central air conditioning system provided with this home has been sized, assuming an orientation of the front (hitch) end of the home facing _____ and is designed on the basis of a 75 F indoor temperature and an outdoor temperature of _____ F dry bulb and F wet bulb."

Example Alternate 1

Comfort Cooling Certificate

Manufactured Home Mfg _____
 Plant Location _____
 Manufactured Home Model _____
 Air Conditioner Manufacturer _____
 Certified Capacity _____ BTU/Hr. in accordance with the appropriate Air Conditioning and Refrigeration Institute Standards.

The central air conditioning system provided with this home has been sized assuming an orientation of the front (hitch) end of the home facing _____. On this basis the system is designed to maintain an indoor temperature of 75 F when outdoor temperatures are _____ F dry bulb and F wet bulb.

The temperature to which this home can be cooled will change depending upon the amount of exposure of the windows of this home to the sun's radiant heat. Therefore, the home's heat gains will vary dependent upon its orientation to the sun and any permanent shading provided. Information concerning the calculation of cooling loads at various locations, window exposures and shadings are provided in Chapter 22 of the 1981 edition of the ASHRAE Handbook of Fundamentals."

(b) For each home designated as suitable for central air conditioning the manufacturer shall provide the maximum central manufactured home air conditioning capacity certified in accordance with the Standard for Unitary Air Conditioning Equipment

ARI 210-1981 with 84 addendum and in accordance with § 3280.715(a)(3). If the capacity information provided is based on entrances to the air supply duct at other than the furnace plenum, the manufacturer shall indicate the correct supply air entrance and return air exit locations.

17. Section 3280.602(a), paragraphs (23), (24) and (43)-(50) are revised to read as follows:

§ 3280.602 Definitions.

(a) * * *

(23) "Flush tank" means that portion of a water closet that is designed to contain sufficient water to adequately flush the fixture.

(24) "Flush valve" means a device located at the bottom of a flush tank for flushing a water closet.

(43) "Trap" means a fitting or device designed and constructed to provide a liquid seal that will prevent the back passage of air without materially affecting the flow of liquid waste through it.

(44) "Trap Arm" means the portion of a fixture drain between a trap and its vent.

(45) "Trap seal" means the verticle depth of liquid that a trap will retain.

(46) "Vacuum breaker." See Backflow Preventer.

(47) "Vent cap" means the device or fitting which protects the vent pipe from foreign substance with an opening to the atmosphere equal to the area of the vent it serves.

(48) "Vent system" means that part of a piping installation which provides circulation of air within a drainage system.

(49) "Verticle pipe" means any pipe or fitting which makes an angle of not more than 45 degrees with the vertical.

(50) "Water closet drain" means that part of the drainage piping which receives the discharge from each individual water closet.

18. Section 3280.604(a) is amended by revising the table to read as follows:

§ 3280.604 Materials.

(a) * * *

Materials	ANSI	ASTM	FS	Other
Ferrous pipe and fittings:				
Cast Iron Threaded Fittings.....	B16.4-1977			
Malleable Iron Threaded Fittings.....	B16.3-1977			
Material and Property Standard for Special Cast Iron Fittings.....				IAPMO PS-5-1984
Welded and Seamless Wrought Steel Pipe.....	B36.10-1979			

Materials	ANSI	ASTM	FS	Other
Standard Specification for Pipe, Steel, Black and Hot Dipped Zinc-Coated (Galvanized) Welded and Seamless for Ordinary Uses.		A 120-83		
Standard Specification for Pipe, Steel, Black and Hot-Dipped, Zinc-Coated, Welded and Seamless.		A 53-83		
Pipe threads, General Purpose (Inch), adopted 25 October 1984.	B1.20.1-1983			
CISPI's Specification for Cast Iron Soil Pipe Institute's Approved Coupling for Use in Connection with Hubless Cast Iron Soil Pipe and Fittings for Sanitary and Storm Drain, Waste, and Vent Piping Applications.				CISPI-310-85
Standard Specification for Cast Iron Soil Pipe and Fittings.		A 74-82	WW-P-401E-1974	
Standard Specification for Hubless Cast Iron Soil Pipe and Fittings for Sanitary and Storm Drain, Waste, and Vent Piping Applications.				CISPI-301-85
Nonferrous pipe and fittings:				
Standard Specification for Seamless Copper Pipe, Standard Sizes.		B 42-84		
Standard Specification for General Requirements for Wrought Seamless Copper and Copper-Alloy Tubes.		B 251-84		
Standard Specification for Seamless Copper Water Tube.		B 88-83a		
Standard Specification for Copper Drainage Tube (DWV) Wrought-Copper and Copper Alloy, Solder-Joint Pressure Fittings.	B16.22-1980	B 306-83		
Wrought Copper and Wrought Copper Alloy Solder-Joint Drainage Fittings—DWV.	B16.29-1980			
Cast Copper Alloy Solder-Joint Pressure Fittings.....	B16.18-1984			
Cast Copper Alloy Solder-Joint Drainage Fittings—(DWV)	B16.23-1984			
Cast Copper Alloy Fittings for Flared Copper Tubes.....	B16.26-1983			
Standard Specification for Seamless Red Brass Pipe, Standard Sizes.		B 43-84		
Cast Bronze Threaded Fittings 125 and 250 pound.....	B16.15-1978			
Plastic pipe and fittings:				
Standard Specification for Acrylonitrile-Butadiene-Styrene (ABS) Plastic Drain, Waste and Vent Pipe and Fittings.		D 2661-84	L-P-322B-1973 With 1977 Amendment 1	NSF-14-1984
Standard Specification for Poly (Vinyl Chloride) (PVC) Plastic Drain, Waste, and Vent Pipe Fittings.		D 2665-82	L-P-320B-1973 With 1977 Amendment 1	NSF-14-1984
Standard Specification for Drain, Waste and Vent (DWV) Plastic Fitting Patterns.		D 3311-82		
Standard Specification for Acrylonitrile-Butadiene-Styrene (ABS) Plastic Drain, Waste, and Vent Pipe Having a Foam Core.		F 628-84		NSF-14-1984
Standard Specification for Chlorinated Poly (Vinyl Chloride) (CPVC) Plastic Hot and Cold Water Distribution Systems.		D 2846-82		NSF-14-1984
Standard Specification for Polybutylene (PB) Plastic Hot and Cold Water Distribution Systems.		D 3309-83		NSF-14-1984
Miscellaneous:				
Nipples, Pipe, Threaded.....			WW-N-351-C-1976 With 77 Interim Amendment 1	
Standard Specification for Rubber Gaskets for Cast Iron Soil Pipe and Fittings.		C 564-70 (82)		
Backflow Valves, Prevention Devices.....	A112.14.1-1975			IAPMO/PS-31-1977
Valve, Gate, Bronze, (125, 150 and 200 Pound Threaded Ends, Flange Ends, Solder End and Bronze Ends, for Land Use).				WW-V-54-D1973, With 1977 Interim Amendment ?
Plumbing Fixture Setting Compound.....			ITP 1536A-1975	IAPMO/PS-2-1983
Material and Property Standard for Cast Brass and Tubing P-Traps.				
Relief Valves and Automatic Gas Shut-off Devices for Hot Water Supply Systems.	Z21.22-1979			
Standard Specification for Solvent Cement for Acrylonitrile-Butadiene-Styrene (ABS) Plastic Pipe and Fittings.		D 2235-81		NSF-14-1985
Standard Specification for Solvent Cement for Poly (Vinyl Chloride) (PVC) Plastic Pipe and Fittings.		D 2564-80		NSF-4-1985
Specification for Neoprene Rubber Gaskets for Hub and Spigot Cast Iron Soil Pipe and Fittings.				CISPI-HSN-85
Plumbing System Components for Mobile Homes and Recreational Vehicles.				NSF-24-1979
Material and Property Standard for Diversion Tees and Twin Waste Elbow.				IAPMO/PS-9-1984
Material and Property Standard for Flexible Copper Water Connectors.				IAPMO/PS-14-1981
Material and Property Standard for Dishwasher Drain Airgaps (Air Breaks).				IAPMO/PS-23-1981
Plumbing fixtures:				
Plumbing Fixtures (General Specifications).....			WW-P-541E/GEN-1980	
Vitreous China Plumbing Fixtures.....	A112.19.2(M)-1982			
Enameled Cast Iron Plumbing Fixtures.....	A112.19.1M-1979			
Porcelain Enameled Formed Steel Plumbing Fixtures.....	A112.19.4(M)-1984			
Plastic Bathtub Units.....	Z124.1-1980			IAPMO/TSC-2-1985
Plastic Shower Receptors and Shower Stalls.....	Z124.2-1980			
Stainless Steel Plumbing Fixtures—Residential Use.	A112.19.3-1976			
Material and Property Standard for Drains for Prefabricated and Precast Showers.				NSF-24-1979
Plastic Lavatories.....	Z124.3-1980			IAPMO/PS-4-1983 NSF-24-1979
Safety Performance Specifications and Methods of Test for Safety Glazing Materials Used in Buildings.	Z97.1-1984			
Finished and Rough Brass Plumbing Fixture Fittings.....	A112.18.1M-1979			
Trim for Water Closet Bowls, Tanks, and Urinals.....	A112.19.5-1979			
Plastic Water Closets, Bowls and Tanks.....	Z124.4-1983			

19. Section 3280.607(b)(3)(iii) is revised to read as follows:

§ 3280.607 Plumbing fixtures.

(b) ***
 (3) ***
 (iii) Shower doors and tub and shower enclosures shall be constructed so as to be waterproof and, if glazed, glazing shall comply with the standard for Safety Performance Specifications and Methods of Test for Safety Glazing Materials Used in Buildings, ANSI Z97.1-1984.

20. Section 3280.609(b)(1) is revised to read as follows:

§ 3280.609 Water distribution system.

(b) *Water outlets and supply connections.* (1) *Water connection.* Each manufactured home with a water distribution system shall be equipped with a 3/4 inch threaded inlet connection. This connection shall be tagged or marked "Fresh Water Connection" (or marked "Fresh Water Fill"). A matching cap or plug shall be provided to seal the water inlet when it is not in use, and shall be permanently attached to the manufactured home or water supply piping. When a master cold water shutoff full flow valve is not installed on the main feeder line in an accessible location, the manufacturer's installation

instructions shall indicate that such a valve is to be installed in the water supply line adjacent to the home. When a manufactured home includes expandable rooms or is composed of two or more units, fittings or connectors designed for such purpose shall be provided to connect any water piping. When not connected, the water piping shall be protected by means of matching threaded caps or plugs.

21. Section 3280.610(c)(1) is revised to read as follows:

§ 3280.610 Drainage systems.

(c) *Drain outlets.* (1) Each manufactured home shall have only one drain outlet.

22. Section 3280.611(d)(5) is revised to read as follows:

§ 3280.611 Vents and venting.

(d) ***
 (5) Materials for the anti-siphon trap vent shall be as follows: Cap and housing shall be listed acrylonitrile-butadiene-styrene, EWV grade; stem shall be DWV grade nylon or acetal; spring shall be stainless steel wire, type 302; sealing disc shall be neoprene, conforming to the Specification for Neoprene Rubber Gaskets for HUB and Spigot Cast Iron Soil Pipe and Fittings,

CISPI-HSN-85 and ASTM C 564-70 (82), Standard Specification for Rubber Gaskets for Cast Iron Soil Pipe and Fittings or, silicone rubber, low and high temperature and tear resistant, conforming to Rubber, Silicone, FS ZZ-R-765B-1970, With 1971 Amendment 1; and Liners, Case, and Sheet, Overwrap; Water-Vapor Proof or Waterproof, Flexible, MIL-L-10547E-1975.

23. Section 3280.702(a)(17) is revised to read as follows:

§ 3280.702 Definitions.

(a) ***
 (17) "Connector-Gas appliance" means a flexible or semi-rigid connector listed as conforming to ANSI Standard Z21.24-1981, With Addenda 24a-1983 and 24b-1985; Metal Connectors for Gas Appliances, used to convey fuel gas, three feet or less in length (six feet or less for gas ranges), between a gas outlet and a gas appliance in the same room with the outlet.

24. Section 3280.703 is revised to read as follows:

§ 3280.703 Minimum standards.

Heating, cooling and fuel burning appliances and systems in manufactured homes shall be free of defects, and shall conform to applicable standards in the following table unless otherwise specified in this standard. (See § 3280.4)

Appliances	ANSI	UL	Other standards
Central Cooling Air Conditioners		465—Seventh Edition—1984	
Liquid Fuel-Burning Heating Appliances for Mobile Homes and Recreational Vehicles.		307A—Fifth Edition—1978	
Electric Air Heaters		1025—Second Edition—1982, as amended through 1985.	
Electric Baseboard Heating Equipment		1042—Second Edition—1983, as amended through 1985.	
Electric Central Air Heating Equipment		1096—Third Edition—1981, as amended through 1984.	
Gas Burning Heating Appliances for Mobile Homes and Recreational Vehicles.		307(B)—First Edition—1982, as amended through April 12, 1982.	
Gas Clothes Dryers, Vol. 1, Type 1 Clothes Dryers	Z21.5.1-1982		
Gas-Fired Absorption Summer Air Conditioning Appliances	Z21.40.1-1981, Z21.40.1a-1982		
Gas-Fired Central Furnaces (Except Direct Vent and Separated Combustion System Central Furnaces).	Z21.47-1983		
Household Cooking Gas Appliances	Z21.1-1982		
Refrigerators Using Gas Fuel	Z21.19-1983		
Gas Water Heaters, Vol. 1, Storage Water Heaters with Input Ratings of 75,000 BTU per hour or Less.	Z21.10.1-1984, Z21.10.1a-1985, Z21.10.1b-1986.		
Heat Pumps		559—Fourth Edition—1985, as amended through Sept. 6, 1985.	
Household Electric Storage Tank Water Heaters		174—Seventh Edition—1983, as amended through 1985.	
Ferrous pipe and fittings:			
Standard Specification for Pipe, Steel, Black and Hot Dipped Zinc-Coated (Galvanized) Welded and Seamless For Ordinary Uses.			ASTM A 120-83
Standard Specification for Electric-Resistance-Welded Coiled Steel Tubing for Gas and Fuel Oil Lines.			ASTM A 539-83
Pipe Threads, General Purpose (inch), adopted 25 October 1984.	B1.20.1-1983		
Welded and Seamless Wrought Steel Pipes	B36.10-1979		
Nonferrous pipe, tubing and fittings:			
Standard Specification for Seamless Copper Water Tube			ASTM B 88-83a
Standard Specification for Seamless Copper Tube for Air Conditioning and Refrigeration Field Service.			ASTM B 280-83
Metal Connectors for Gas Appliances	Z21.24-1981, Z21.24a-1983, Z21.24b-1985		
Manually Operated Gas Valves	Z21.15-1979, Z21.15a-1981, Z21.15b-1984		

Appliances	ANSI	UL	Other standards
Standard for Gas Supply Connectors for Manufactured Mobile Homes.			IAPMO/TSC-9-1985
Standard Specification for General Requirements for Wrought Seamless Copper and Copper-Alloy Tubes.			ASTM B 251-84
Standard Specification for Seamless Copper Pipe, Standard Sizes.			ASTM B 42-84
Direct Vent Central Furnaces	Z21.64-1976		
Miscellaneous:			
Factory Made Air Ducts and Connectors		181—Sixth Edition—1984	
Tube Fittings for Flammable and Combustible Fluids and Refrigeration Service, and Marine Use.		109—Fourth Edition—1978	
Pigtails, and Flexible Hose Connectors for LP-Gas		569—Fifth Edition—1980, as amended through 1985.	
Roof Jacks for Mobile Homes and Recreational Vehicles		311—Fifth Edition—1976, as amended through 1984.	
Relief Valves and Automatic Gas Shutoff Devices for Hot Water Supply Systems.	Z21.22-1979		
Automatic Gas Ignition Systems and Components.	Z21.20-1979, Z21.20a-1979, Z21.20b-1982		
Automatic Valves for Gas Appliances	Z21.21-1974, Z21.21a-1977, Z21.21b-1981		
Gas Appliance Thermostats	Z21.23-1980		
Gas Vents		441—Fifth Edition—1979	
Installation of Oil Burning Equipment (the following sections only):			NFPA31-1983
1-1			
1-2			
1-3			
1-4 except 1-4.1			
1-5.1			
1-5.2			
1-5.4.2			
1-5.4.3			
1-5.5			
1-5.6			
1-6			
1-7.2 except 1-7.2.4			
1-8			
1-9			
1-10.1			
3-1.1			
3-1.3			
3-1.4			
3-1.5			
3-1.6			
3-10			
4-1.3			
4-1.4			
4-1.5			
4-2			
4-3 except 4-3.2			
4-4 except 4-4.2, 4-4.5.4, 4-4.6, 4-4.7, 4-4.9 and 4-4.10.			
Appendices B, C and E.			
National Fuel Gas Code	Z223.1-1984		
Warm Air Heating and Air Conditioning Systems, except			NFPA 54-1984
2-2.4			NFPA-90B-1984
2-3.6			
Table 3-1.3, section B			
4-1.6			
Storage and Handling Liquefied Petroleum Gases (Chapters 1, 2 and Articles 30 and 31 of Chapter 3).			NFPA 58-1983
Flares for Tubing			
Standard for Unitary Air-Conditioning Equipment			SAE J533b-1972
Standard for Air-Source Unitary Heat Pump Equipment			ARI 210-81, With 84 Addendum
Chimneys, Factory Built Residential Type and Building Heating Appliance.		103—Sixth Edition—1983, as amended through 1985.	ARI 240-81, With 1984 Addendum
Factory-Built Fireplaces		127—Fifth Edition—1983, as amended through 1985.	
Room Heaters, Solid-Fuel Type		1482—Second Edition—1983	
Fireplace Stoves		737—Fifth Edition—1982, as amended through Nov. 9, 1982.	
Standard for Fireplace Stoves for Installation in Mobile Structures.			GAL-1973

25. Section 3280.704(b)(5)(i) is revised to read as follows:

§ 3280.704 Fuel supply systems.

(b) * * *
 (5) LP-gas safety devices. (i) DOT containers shall be provided with safety relief devices as required by the regulations of the U.S. Department of Transportation. ASME containers shall be provided with relief valves in accordance with subsection 221 of the

Storage and Handling Liquefied Petroleum Gases, NFPA No. 58-1983. Safety relief valves shall have direct communication with the vapor space of the vessel.

26. Section 3280.705 is amended by revising paragraphs (b)(1), (b)(3), (b)(4), (e), (f), (j) and (l)(1) to read as follows:

§ 3280.705 Gas piping systems.

(b) * * *

(1) Steel or wrought-iron pipe shall comply with ANSI Standard B36.10-1979, Welded and Seamless Wrought Steel Pipe. Threaded brass pipe in iron pipe sizes may be used. Threaded brass pipe shall comply with Standard Specification for Seamless Red Brass Pipe, Standard Sizes (ASTM B 43-84).

(3) Copper tubing shall be annealed type, Grade K or L, conforming to the

Standard Specification for Seamless Copper Water Tube (ASTM B 88-83a), or shall comply with the Standard Specification for Seamless Copper Tube for Air Conditioning and Refrigeration Field Service, ASTM B 280-83. When used on systems designed for natural gas, such tubing shall be internally tinned.

(4) Steel tubing shall have a minimum wall thickness of 0.032 inch for tubing of 1/2 inch diameter and smaller and 0.049 inch for diameters 1/2 inch and larger. Steel tubing shall be constructed in accordance with ASTM Standard Specification for Electric-Resistance-Welded Coiled Steel Tubing for Gas and Fuel Oil Lines, ASTM A 539-83, and shall be externally corrosion protected.

(e) *Joints for gas pipe.* All pipe joints in the piping system, unless welded or brazed, shall be threaded joints that comply with Pipe Threads, General Purpose (Inch), adopted 25 October 1984, ANSI/ASME B1.20.1-1983. Right and left nipples or couplings shall not be used. Unions, if used, shall be of ground joint type. The material used for welding or brazing pipe connections shall have a melting temperature in excess of 1,000 F.

(f) *Joints for tubing.* (1) Tubing joints shall be made with either a single or a double flare of 45 degrees in accordance with Flares For Tubing, SAE-J533b-1972 or with other listed vibration-resistant fittings, or joints may be brazed with material having a melting point exceeding 1,000 F. Metallic ball sleeve compression-type tubing fittings shall not be used.

(2) Steel tubing joints shall be made with a double-flare in accordance with Flares For Tubing, SAE-J533b-1972.

(j) *Gas supply connections.* When gas appliances are installed, at least one gas supply connection shall be provided on each home. The connection shall not be located beneath an exit door. Where more than one connection is provided, the piping system shall be sized to provide adequate capacity from each supply connection.

(l) *Gas supply connectors.* (1) LP-Gas. A listed LP-Gas flexible connection conforming to the UL Standard for Pigtailed and Flexible Hose Connectors for LP-Gas (UL 569-Fifth Edition-1980, as amended through 1985) or equal shall be supplied when the fuel gas piping system is designed for the use of LP-Gas and cylinder(s) and regulator(s) are supplied.

27. Sections 3280.706 (b)(1)-(3) and (d) are revised to read as follows:

§ 3280.706 Oil piping systems.

(b) ***

(1) Steel or wrought-iron pipe shall comply with ANSI B 36.10-1979, Welded and Seamless Wrought Steel Pipe. Threaded copper or brass pipe in iron pipe sizes may be used.

(2) Fittings for oil piping shall be wrought-iron, malleable iron, steel, or brass (containing not more than 75 percent copper).

(3) Copper tubing shall be annealed type, Grade K or L conforming to the Standard Specification for Seamless Copper Water Tube (ASTM B 88-83a), or shall comply with the Standard Specification for Seamless Copper Tube for Air Conditioning and Refrigeration Field Service, ASTM B 280-83.

(d) *Joints for oil piping.* All pipe joints in the piping system, unless welded or brazed, shall be threaded joints which comply with ANSI/ASME B1.20.1-1983, Pipe Threads, General Purpose (Inch). The material used for brazing pipe connections shall have a melting temperature in excess of 1,000 F.

28. Section 3280.707 is amended by revising paragraphs (a)(2), (d), and (f) introductory text to read as follows:

§ 3280.707 Heat producing appliances.

(a) ***

(2) Gas and oil burning comfort heating appliances shall have a flue loss of not more than 25 percent, and a thermal efficiency of not less than that specified in nationally recognized standards (See § 3280.703).

(d) *Performance efficiency.* (1) All automatic electric storage water heaters installed in manufactured homes shall have a standby loss not exceeding 43 watts/meter² (4 watts/ft²) of tank surface area. The method of test for standby loss shall be as described in section 4.3.1 of Household Automatic Electric Storage Type Water Heaters, ANSI C72.1-1972.

(2) All gas and oil-fired automatic storage water heaters shall have a recovery efficiency, E, and a standby loss, S, as described below. The method of test of E and S shall be as described in Section 2.7 of Gas Water Heaters, Vol. I, Storage Water Heaters with Input/Ratings of 75,000 BTU per hour or less, ANSI Z21.10.1-1984, With Addendas ANSI Z21.10.1a-1985 and ANSI Z21.10.1b-1986, except that for oil-fired units, CF=1.0, Q=total gallons of oil consumed and H=total heating value of oil in BTU/gallon.

(f) Oil-fired heating equipment. All oil-fired heating equipment shall conform to liquid fuel-burning heating appliances for UL 307A—Fifth Edition—1987, Liquid Fuel-Burning Heating Appliances for Mobile Homes and Recreational Vehicles, and be installed in accordance with Installation of Oil Burning Equipment, NFPA 31-1983. Regardless of the requirements of the above referenced standards, or any other referenced standards, the following are not required:

29. Section 3280.714(a) (1) and (2) is revised to read as follows:

§ 3280.714 Appliances, cooling.

(a) ***

(1) Mechanical air conditioners shall be rated in accordance with the Standard for Unitary Air Conditioning Equipment (ARI Standard 210-81, With 84 Addendum) and certified by ARI or other nationally recognized testing agency capable of providing follow-up service.

(i) Electric motor-driven unitary cooling systems with rated capacity less than 65,000 BTU/Hr when rated at ARI Standard rating conditions in ARI Standard 210-81, With 84 Addendum, shall show energy efficiency ratio (EER) values not less than 7.2.

(ii) Heat pumps shall be certified to comply with all the requirements of the Standard for Air-Source Unitary Heat Pump Equipment, 240-81 With 84 Addendum. Electric motor-driven vapor compression heat pumps with supplemental electrical resistance heat shall be sized to provide by compression at least 60 percent of the calculated annual heating requirement for the manufactured home being served. A control shall be provided and set to prevent operation of supplemental electrical resistance heat at outdoor temperatures above 40 °F, except for defrost operation.

(iii) Electric motor-driven vapor compression heat pumps with supplemental electric resistance heat conforming to ARI Standard 240-81 With 84 Addendum shall show coefficient of performance ratios not less than shown below:

COP

Outdoor Air Temperature/COP

47 °F 17 °F 0°

2.5 1.7 1.0

(2) Gas-fired absorption air conditioners shall be listed or certified in accordance with ANSI Standard Z21.40.1-1981 "Gas-Fired Absorption

Summer Air Conditioning Appliances" with addenda 1a-1982, and certified by AGA or another nationally recognized testing agency capable of providing follow-up service.

30. Sections 3280.715(e) introductory text and paragraph (e)(1) are revised to read as follows:

§ 3280.715 Circulating air system.

(e) *Registers or grilles.* Fittings connecting the registers or grilles to the duct system shall be constructed of metal or material which complies with the requirements of Class 1 or 2 ducts under UL 181—Sixth Edition—1984, Factory Made Air Ducts and Connectors. Air supply terminal devices (registers) when installed in kitchens, bedrooms, and bathrooms shall be equipped with adjustable closeable dampers. Registers or grilles shall be constructed of metal or conform with the following:

(1) Be made of a material classified 94V-0 or 94V-1 when tested as described in Underwriters' Laboratories, Inc., Tests for Flammability of Plastic Materials for Parts in Devices and Appliances, UL94—Third Edition—1982, as amended through 1985.

31. Section 3280.801 is amended by revising paragraphs (a) and (b) to read as follows:

§ 3280.801 Scope.

(a) Subpart I of this standard and Part A of Article 550 of the National Electrical Code (NFPA No. 70-1984) cover the electrical conductors and equipment installed within or on manufactured homes and the conductors that connect manufactured homes to a supply of electricity.

(b) In addition to the requirements of this standard and Article 550 of the National Electrical Code (NFPA No. 70-1984), the applicable portions of other Articles of the National Electrical Code shall be followed covering electrical installations in manufactured homes. Wherever the requirements of this standard differ from the National Electrical Code, this standard shall apply.

32. Section 3280.803 is amended by revising paragraphs (h) through (k) to read as follows:

§ 3280.803 Power supply.

(h) The power supply cord shall bear the following marking: "For use with manufactured homes—40 amperes" or

"For use with manufactured homes—50 amperes."

(i) Where the cord passes through walls or floors, it shall be protected by means of conduit and bushings or equivalent. The cord may be installed within the manufactured home walls, provided a continuous raceway is installed from the branch-circuit panelboard to the underside of the manufactured home floor. The raceway may be rigid conduit, electrical metallic tubing or polyethylene (PE), polyvinylchloride (PVC) or acrylonitrile-butadiene-styrene (ABS) plastic tubing having a minimum wall thickness of nominal 1/8 inch.

(j) Permanent provisions shall be made for the protection of the attachment-plug cap of the power supply cord and any connector cord assembly or receptacle against corrosion and mechanical damage if such devices are in an exterior location while the manufactured home is in transit.

(k) Where the calculated load exceeds 50 amperes or where a permanent feeder is used, the supply shall be by means of:

(1) One mast weatherhead installation installed in accordance with Article 230 of the National Electrical Code NFPA No. 70-1984 containing four continuous insulated, color-coded, feeder conductors, one of which shall be an equipment grounding conductor; or

(2) An approved raceway from the disconnecting means in the manufactured home to the underside of the manufactured home with provisions for the attachment of a suitable junction box or fitting to the raceway on the underside of the manufactured home. The manufacturer shall provide in his written installation instructions, the proper feeder conductor sizes for the raceway and the size of the junction box to be used; or

(3) Service equipment installed on the manufactured home in accordance with Article 230 of the National Electrical Code NFPA No. 70-1984; and

(i) The installation shall be completed by the manufacturer except for the service connections, the meter and the grounding electrode conductor;

(ii) Exterior equipment, or the enclosure in which it is installed shall be weatherproof and installed in accordance with Article 373-2 of the National Electrical Code NFA No. 70-1984. Conductors shall be suitable for use in wet locations;

(iii) The neutral conductor shall be connected to the system grounding conductor on the supply side of the main disconnect in accordance with Articles 250-23, 25, and 53 of NEPA No. 70-1984;

(iv) The manufacturer shall include in its written installation instructions one

method of grounding the service equipment at the installation site;

(v) The minimum size grounding electrode conductor shall be specified in the instructions; and

(vi) A red "Warning" label shall be mounted on or adjacent to the service equipment. The label shall state: Warning—do not provide electrical power until the grounding electrode is installed and connected (see installation instructions).

33. Section 3280.804(d) is revised to read as follows:

§ 3280.804 Disconnecting means and branch-circuit protective equipment.

(d) The disconnecting equipment shall have a rating suitable for the connected load. The distribution equipment, either circuit breaker or fused type, shall be located a minimum of 24 inches from the bottom of such equipment to the floor level of the manufactured home.

34. Section 3280.805(a)(3)(iv) is revised to read as follows:

§ 3280.805 Branch circuits required.

(a) ***

(3) ***

(iv) The rating of range branch circuit shall be based on the range demand as specified for ranges in § 3280.811, Item B(5) of Method 1. For central air conditioning, see Article 440 of the National Electrical Code (NFPA No. 70-1984).

35. Section 3280.806(a)(2) is revised to read as follows:

§ 3280.806 Receptacle outlets.

(a) ***

(2) Installed according to Section 210-7 of the National Electrical Code (NFPA No. 70-1984).

36. Sections 3280.808 (a) and (m) are revised to read as follows:

§ 3280.808 Wiring methods and materials.

(a) Except as specifically limited in this part, the wiring methods and materials specified in the National Electrical Code (NFPA No. 70-1984) shall be used in manufactured homes.

(m) Outlet boxes of dimensions less than those required in Table 370-6(a) of the National Electrical Code (NFPA No. 70-1984) shall be permitted provided the

box has been tested and approved for the purpose.

* * * * *

37. Section 3280.811(b) is revised to read as follows:

§ 3280.811 Calculations.

* * * * *

(b) The following is an optional method of calculation for lighting and appliance loads for manufactured homes

served by single 3-wire 115/230 volt set of feeder conductors with an ampacity of 100 or greater. The total load for determining the feeder ampacity may be computed in accordance with the following table instead of the method previously specified. Feeder conductors whose demand load is determined by this optional calculation shall be permitted to have the neutral load determined by section 220-22 of the

National Electrical Code (NFPA No. 70-1984). The loads identified in the table as "other load" and as "Remainder of other load" shall include the following:

* * * * *

Dated: January 30, 1987.

Thomas T. Demery,
Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 87-2788 Filed 2-11-87; 8:45 am]

BILLING CODE 4210-27-M

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Thursday, February 12, 1987

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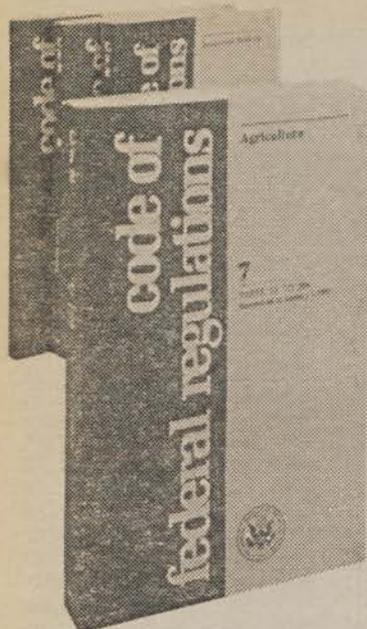
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