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Friday
February 13, 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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Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 400

[Doc. No. 4057S]

General Administrative Regulations—Suspension and Debarment

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby amends 7 CFR Part 400, General Administrative Regulations, by adding a new Subpart E, to be known as 7 CFR Part 400-Subpart E, Suspension and Debarment. The intended effect of this rule is to provide procedures for the suspension and debarment of individuals and firms from contracting with FCIC. Under the provisions of this rule, FCIC adopts, with limited reservations, the suspension and debarment regulations issued by the Department of Agriculture. The authority for the promulgation of this rule is contained in the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: February 13, 1987.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC 20250, telephone (202) 447-3325.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established by Departmental Regulation 1512-1. This action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. The sunset review date established for these regulations is November 1, 1991.

E. Ray Fosse, Manager, FCIC, (1) has determined that this action is not a major rule as defined by Executive Order 12291 because it will not result in: (a) An annual effect on the economy of $100 million or more; (b) major increases in costs or prices for consumers, individual industries, federal, State, or local governments, or a geographical region; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets; and (2) certifies that this action will not increase the federal paperwork burden for individuals, small businesses, and other persons.

This action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Flexibility Analysis was prepared.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

This program is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115, June 24, 1983.

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Under the authority contained in section 506(e) of the Federal Crop Insurance Act, as amended, FCIC may adopt, amend, and repeal bylaws, rules and regulations governing the manner in which its business may be conducted and the powers granted to it by law may be exercised and enjoyed. (7 U.S.C. 1506(e).)

In accordance with this authority, FCIC hereby issues a new Supart E, to 7 CFR Part 400, setting forth the procedures under which FCIC may suspend or debar individuals and firms from contracting with FCIC. In order to conform FCIC's suspension and debarment procedures with those of the U.S. Department of Agriculture, FCIC, for all procurement activities and programs adopts the Department's suspension and debarment regulations found at Subparts 9.4 and 409.4 of Title 48, Code of Federal Regulations. The regulations are adopted, as outlined herein, except that: (1) FCIC's suspension and debarment proceedings shall not be applicable to contracts for crop insurance entered into between the Corporation and individuals in their capacity as insured producers; and (2) the authority to suspend or debar is reserved to the Manager, FCIC, or the Manager's designee.

On Friday, November 21, 1986, FCIC published a notice of proposed rulemaking in the **Federal Register** at 51 FR 42108 to amend 7 CFR Part 400, General Administrative Regulations by adding a new Subpart E, to be known as 7 CFR 400, Subpart E—Suspension and Debarment Regulations. The public was given 60 days in which to submit written comments, data, and opinions on the proposed rule. One comment was received from the National Association of Crop Insurance Agents (NACIA). The NACIA comment made no recommendations as to the rule but indicated strong support for its adoption and urged vigorous enforcement of the procedures when adopted.

Another comment was received from the Office of Finance and Management (OFM) of the Department of Agriculture. In the comment, OFM pointed out that since the Department has not yet published regulations for non-procurement actions, FCIC had erred in the supplementary information section by indicating that the proposed rule would implement the Department's non-procurement suspension and debarment regulation, system, and authority.

Review of the proposed rule indicated that the scope of the rule needed clarification. The proposed rule referred only to subpart 409.4 of 48 CFR. Since Chapter 4 of Title 48 includes Chapter 1 by reference, it was determined that the final rule should refer to both Subparts 9.4 and 409.4 of 48 CFR.

It is the intention of FCIC to proceed with the adoption of this final rule in order to provide an immediate system allowing suspension and debarment in accordance with the Department's existing procedures. When the Department's regulations with respect to the non-procurement system are published, FCIC will revise and reissue these regulations to incorporate and implement the Department's regulations for the combined system. For this reason, FCIC removes from this final rule, any reference the FCIC's regulations and precedures are similar

to those of the Department for non-procurement activities.

Inasmuch as FCIC has determined there exists an immediate need for these regulations in order to maintain the integrity of the program, good cause exists for making this rule effective in less than 30 days.

List of Subjects in 7 CFR Part 400

General Administrative Regulations; Crop insurance, Administrative practice and procedure, Government contracts, Penalties.

Final Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby amends 7 CFR Part 400, General Administrative Regulations, by adding a new Subpart E—Suspension and Debarment, to read as follows:

PART 400—GENERAL ADMINISTRATIVE REGULATIONS

* * * * *

Subpart E—Suspension and Debarment.

Sec.
400.40 Purpose.
400.41 Suspension and debarment.
400.42 Scope.

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 73, 77, as amended (7 U.S.C. 1506, 1516).

Subpart E—Suspension and Debarment

§ 400.40 Purpose.

This part prescribes the terms and conditions under which persons or business entities may be suspended or debarred from contracting with the Federal Crop Insurance Corporation (FCIC).

§ 400.41 Suspension and debarment.

The provisions of 48 CFR Subparts 4.9 and 409.4 shall be applicable to all FCIC suspension and debarment proceedings, except that, the authority to suspend or debar is reserved to the Manager, FCIC, or the Manager's designee.

§ 400.42 Scope.

FCIC suspension and debarment proceedings shall not be applicable to a contract for crop insurance entered into between FCIC and individuals in their capacity as insured producers, or a contract for crop insurance entered into between a multi-peril insurance company and individuals in their capacity as insured producers, and reinsured by FCIC.

Done in Washington, DC on February 3, 1987.

E. Ray Fosse,

Manager, Federal Crop Insurance Corporation.

[FR Doc. 87–3179 Filed 2–12–87; 8:45 am]

BILLING CODE 3410-08-M

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7 CFR Part 454

[Doc. No. 0125A]

Fresh Market Tomato (Guaranteed Production Plan) Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby issues new Part 454 in Chapter IV of Title 7 of the Code of Federal Regulations to be known as the Fresh Market Tomato (Guaranteed Production Plan) Crop Insurance Regulations (7 CFR Part 454), effective for the 1987 and succeeding crop years. The intended effect of this rule is to prescribe procedures for insuring fresh market tomatoes on the basis of production guarantee rather than an amount of insurance. The authority for the promulgation of this rule is contained in the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: February 13, 1987.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC, 20250, telephone (202) 447–3325.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established by Departmental Regulation 1512–1. This action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. The sunset review date established for these regulations is November 1, 1991.

E. Ray Fosse, Manager, FCIC, (1) has determined that this action is not a major rule as defined by Executive Order 12291 because it will not result in: (a) An annual effect on the economy of $100 million or more; (b) major increases in costs or prices for consumers, individual industries, federal, State, or local governments, or a geographical region; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets; and (2) certifies that this action will not increase the federal paperwork burden for individuals, small businesses, and other persons.

This action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Flexibility Analysis was prepared.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

This program is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115, June 24, 1983.

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

On October 9, 1986, the Board of Directors of the FCIC approved a program for insuring fresh market tomatoes in North Florida, Georgia, Pennsylvania, and South Carolina based on a production guarantee rather than an amount of insurance. It was determined that a standard production guarantee policy would be more effective in the new program areas because the wide price fluctuations found in South Florida do not exist in the areas.

Further, data needed to determine amounts of insurance and valuation of production is more difficult to obtain in some of the new program areas. Using the production guarantee plan will ease this problem, allow individualized production guarantees, and allow a greater choice of coverage and price levels for the producer.

On Thursday, December 18, 1986, FCIC published a notice of proposed rulemaking in the **Federal Register** at 51 FR 45333 to issue a new Part 454 in Chapter IV of Title 7 of the Code of Federal Regulations to be known as 7 CFR Part 454, Fresh Market Tomato (Guaranteed Production Plan) Crop Insurance Regulations.

The public was given 30 days in which to submit written comments, data, and opinions on the proposed rule but none were received. Upon review, however, FCIC, determined that a change in the claim for indemnity section was necessary. Fresh market tomatoes are harvested by hand and taken to a packing house where they are graded, sized, and packaged for shipment. The tomatoes are graded and sized according to the same marketing standards as those used in South

Florida. All culls and undersized tomatoes are discarded and dumped. Therefore, growers do not maintain records of culls and undersized tomatoes. Such tomatoes could not then, be included as harvested production. FCIC is revising § 9.e.(1) to reflect this clarification.

With the clarification in § 9.e.(1), and other minor changes in language and format, the proposed regulations, as published at 51 FR 45333, are adopted as final.

In order for the maximum number of producers to have access to this program, and in order to protect their investment, it is necessary that these provisions be made available as quickly as possible to give those producers sufficient time to consider another option in determining their farming operations before planting. For this reason, good cause is shown for making this rule effective upon publication in the **Federal Register.**

List of Subjects in 7 CFR Part 454

Crop insurance; Fresh Market Tomato (Guaranteed Production Plan).

Final Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby issues a new Part 454 in Chapter IV of Title 7 of the Code of Federal Regulations to be known as the Fresh Market Tomato (Guaranteed Production Plan) Crop Insurance Regulations (7 CFR Part 454), effective for the 1987 and succeeding crop years. Part 454 is added to read as follows:

PART 454—FRESH MARKET TOMATO (GUARANTEED PRODUCTION PLAN) CROP INSURANCE REGULATIONS

Subpart—Regulations for the 1987 and Succeeding Crop Years

Sec.

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 73, 77, as amended (7 U.S.C. 1506, 1516).

Subpart—Regulations for the 1987 and Succeeding Crop Years

§ 454.1 Availability of fresh market tomato crop insurance

Insurance shall be offered under the provisions of this subpart on the insured crop in counties within the limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended, (the Act). The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation. The insurance is offered through two methods. First, the Corporation offers the contract contained in this part directly to the insured through Agents of the Corporation. Those contracts are specifically identified as being offered by the Federal Crop Insurance Corporation. Second, companies reinsured by the Corporation offer contracts containing substantially the same terms and conditions as the contract set out in this part. No person may have in force more than one contract on the same crop for the crop year, whether insured by the Corporation or insured by a company which is reinsured by the Corporation. If a person has more than one contract under the Act outstanding on the same crop for the same corp year, all such contracts will be voided for that crop year but the person will still be liable for the premium on all contracts unless the person can show to the satisfaction of the Corporation that the multiple contract insurance was inadvertent and without the fault of the insured. If the multiple contract insurance is shown to be inadvertent and without the fault of the insured, the contract with the earliest application will be valid and all other contracts on that crop for that crop year will be cancelled. No liability for indemnity or preminum will attach to the contracts so cancelled. The person must repay all amounts received in violation of this section with interest at the rate contained in the contract for delinquent premiums. An insured whose contract with the Corporation, or with a Company reinsured by the Corporation under the Act, has been terminated because of violation of the terms of the contract is not eligible to obtain multi-peril crop insurance under the Act with the Corporation or with a company reinsured by the Corporation unless the insured can show that the default in the prior contract was cured prior to the sales closing date of the contract applied for or unless the insured can show that the termination was improper and should not result in subsequent ineligiblity. All applicants for insurance under the Act must advise the agent, in writing, at the time of application, of any previous applications for a Contract under the Act and the present status of the other applications or contracts.

§ 454.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.

(a) The Manager shall establish premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed for fresh market tomatoes which will be included in the actuarial table on file in the applicable service offices for the county and which may be changed from year to year.

(b) At the time the application for insurance is made, the applicant will elect a coverage level and price at which indemnities will be computed from among those levels and prices set by the actuarial table for the crop year.

§ 454.3 OMB control numbers.

OMB control numbers are contained in Subpart H of Part 400, Title 7 CFR.

§ 454.4 Creditors.

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, involuntary transfer or other similar interest shall not entitle the holder of the interest to any benefit under the contract.

§ 454.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the fresh market tomato insurance contract, whenever:

(a) An insured under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation:

(1) Is indebted to the Corporation for additional premiums; or

(2) Has suffered a loss to a crop which is not insured or for which the insured is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured person believed to be insured, or believed the terms of the insurance contract to have been complied with or waived; and

(b) The Board of Directors of the Corporation, or the Manager in cases involving not more than $100,000, finds that:

(1) An agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice;

(2) Said insured relied thereon in good faith; and

(3) To require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured shall be granted relief the same as if otherwise entitled thereto. Requests for relief under this section must be submitted to the Corporation in writing.

§454.6 The contract.

The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. The contract shall cover the fresh market tomato crop as provided in the policy. The contract shall consist of the application, the policy, and the county actuarial table. Changes made in the contract shall not affect its continuity from year to year. The forms referred to in the contract are available at the applicable service offices.

§ 454.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation must be made by any person to cover such person's share in the fresh market tomato crop as landlord, owner-operator, or tenant if the person wishes to participate in the program. The application shall be submitted to the Corporation at the service office on or before the applicable sales closing date on file in the service office.

(b) The Corporation may discontinue the acceptance of applications in any county upon its determination that the insurance risk is excessive. The Manager of the Corporation is authorized in any crop year to extend the sales closing date for submitting applications in any county, by placing the extended date on file in the applicable service offices and publishing a notice in the **Federal Register** upon the Manager's determination that no adverse selectivity will result during the extended period. However, if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) In accordance with the provisions governing changes in the contract contained in policies issued under FCIC regulations for the 1987 and succeeding crop years, a contract in the form provided for in this subpart will come into effect as a continuation of a fresh market tomato contract issued under such prior regulations, without the filing of a new application.

(d) The application for the 1987 and succeeding crop years is found at Subpart D of Part 400—General Administrative Regulations (7 CFR 400.37, 400.38) and may be amended from time to time for subsequent crop years. The provisions of the Fresh Market Tomato (Guaranteed Production Plan) Crop Insurance Policy for the 1987 and succeeding crop years are as follows:

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Guaranteed Production Plan of Fresh Market—Tomato Crop Insurance Policy

(This is a continuous contract. Refer to section 15.)

AGREEMENT TO INSURE: We will provide the insurance described in this policy in return for the premium and your compliance with all applicable provisions.

Throughout this policy, "you" and "your" refer to the insured shown on the accepted application and "we," "us," and "our" refer to the Federal Crop Insurance Corporation.

Terms and Conditions

1. Causes of loss.

a. The insurance provided is against unavoidable loss of production resulting from the following causes occurring within the insurance period:

(1) Adverse weather conditions;

(2) Fire;

(3) Wildlife;

(4) Earthquake;

(5) Volcanic eruption; or

(6) If applicable, failure of the irrigation water supply due to an unavoidable cause occurring after the beginning of planting; unless those causes are excepted, excluded, or limited by the actuarial table or subsection 9.e.(5).

b. We will not insure against any loss of production due to:

(1) Damage that occurs or becomes evident after the tomatoes have been harvested;

(2) The neglect, mismanagement, or wrongdoing by you, any member of your household, your tenants, or employees;

(3) The failure to follow recognized good tomato irrigation practices;

(4) The failure or breakdown of irrigation equipment or facilities;

(5) The failure to follow recognized good tomato farming practices;

(6) The impoundment of water by any governmental, public, or private dam or reservoir project;

(7) Disease or insect infestation; or

(8) Any cause not specified in subsection 1.a. as an insured loss.

2. Crop, acreage, and share insured.

a. The crop insured will be transplanted tomatoes (excluding cherry-type tomatoes) planted for harvest as fresh market tomatoes, grown on insurable acreage, and for which a guarantee and premium rate are set by the actuarial table.

b. The acreage insured for each crop year will be tomatoes planted on insurable acreage as designated by the actuarial table and in which you have a share, as reported by you or as determined by us, whichever we elect.

c. The insured share is your share as landlord, owner-operator, or tenant in the insured tomatoes at the time of planting. However, only for the purpose of determining the amount of indemnity, your insured share will not exceed your share on the earlier of:

(1) The time of loss; or

(2) The beginning of harvest.

d. We do not insure any acreage of tomatoes grown by any person if the person had not previously:

(1) Grown fresh market tomatoes for commercial sales; or

(2) Participated in the management of a fresh market tomato farming operation, in at least one of the three previous years.

e. We do not insure any acreage:

(1) Of tomatoes grown for direct consumer marketing;

(2) If the farming practices carried out are not in accordance with farming practices for which premium rates have been established;

(3) Except in Pennsylvania, on which tomatoes, peppers, eggplants, or tobacco have been grown within the previous two years and the soil was not fumigated or nematicide was not applied before planting tomatoes;

(4) Which is destroyed, it is practical to replant to tomatoes, and such acreage is not replanted (the unavailability of plants is not a valid reason for failure to replant);

(5) Initially planted before or after the planting period set by the actuarial table;

(6) Of volunteer tomatoes;

(7) Planted to a type or variety of tomatoes not established as adapted to the area or excluded by the actuarial table;

(8) Planted for experimental purposes;

(9) Planted with another crop; or

(10) Of tomatoes not subject to an agreement between the producer and the packer to pack the production (excluding insureds with their own packing facilities). Such agreement must be executed before reporting acreage.

f. We may limit the insured acreage to any acreage limitation established under any Act of Congress, if we advise you of the limit prior to planting.

3. Report of acreage, share, and practice.

You must report on our form:

a. All the acreage of tomatoes in the county in which you have a share;

b. The practice, including the row width; and

c. Your share at the time of planting.

You must designate separately any acreage that is not insurable. You must report if you do not have a share in any tomato plantings in the county. This report must be submitted annually on or before the reporting date established by the actuarial table. All indemnities may be determined on the basis of information you submit on this report. If you do not submit this report by the acreage reporting date, we may elect to determine, by unit, the insured acreage, share, and practice or we may deny liability on any unit. Any report submitted by you may be revised only upon our approval.

4. Production guarantees, coverage levels, and prices for computing indemnities.

a. The final stage production guarantees, coverage levels, and prices for computing

indemnities are contained in the actuarial table.

b. The production guarantees per acre are progressive by stages and increase, at specified intervals, to the final stage production guarantee. The stages and production guarantees are:

(1) First Stage is from planting until qualifying for stage 2, the production guarantee is 50% of the final stage production guarantee.

(2) Second Stage is from the earlier of stakes driven, one tie and pruning, or 30 days after planting until qualifying for stage 3, the production guarantee is 75% of the final stage production guarantee.

(3) Third Stage is from 60 days after planting until qualifying for stage 4, the production guarantee is 90% of the final stage production guarantee.

(4) Fourth Stage (Final Stage) is from the earlier of 75 days after planting or the beginning of harvest, the production guarantee is the final stage guarantee.

c. Any acreage of tomatoes damaged to the extent that growers in the area generally would not further care for the tomatoes will be deemed to have been destroyed even though the tomatoes continue to be cared for. The production guarantee for such acreage will be the guarantee for the stage in which such damage occurs.

d. Coverage level 2 will apply if you do not elect a coverage level.

e. You may change the coverage level and price election on or before the sales closing date set by the actuarial table for submitting applications for the crop year.

f. You must report production to us for the prior crop year before the sales closing date as established by the actuarial table. If you do not provide the required production report, we will assign a yield for the crop year for which the report is not furnished. The production report or assigned yield will be used to compute your production history for the purpose of determining your guarantee for the insured crop year. The yield assigned by us will not be more than 75 percent of the yield used by us to determine your guarantee for the prior crop year If you have filed a claim for the prior crop year, the yield determined in adjusting your indemnity claim will be considered your production report.

5. Annual premium.

a. The annual premium is earned and payable at the time of planting. The amount is computed by multiplying the final stage production guarantee times the price election, times the premium rate, times the insured acreage, times your share at the time of planting.

b. Interest will accrue at the rate of one and one-fourth percent (1¼%) simple interest per calendar month, or any part thereof, on any unpaid premium balance starting on the first day of the month following the first premium billing date.

6. Deductions for debt.

Any unpaid amount due us may be deducted from any indemnity payable to you, or from a replanting payment, or from any loan or payment due you under any Act of Congress or program administered by the United States Depatment of Agriculture or its agencies.

7. Insurance period.

Insurance (on a per acre basis) attaches when the tomatoes are planted and ends at the earliest of:

a. Total destruction of the tomatoes;

b. Discontinuance of harvest;

c. The date harvest should have started on any acreage which was not harvested;

d. 120 days after the date of transplanting or replanting;

e. Completion of harvest;

f. Final adjustment of a loss; or

g. September 20 of the crop year.

8. Notice of damage or loss.

a. In case of damage or probable loss:

(1) You must give us written notice if:

(a) You want our consent to replant tomatoes damaged due to any insured cause (see subsection 9.f.);

(b) During the period before harvest begins, the tomatoes on any unit are damaged and you decide not to further care for or harvest any part of them;

(c) You want our consent to put the acreage to another use; or

(d) After consent to put acreage to another use is given, additional damage occurs.

Insured acreage may not be put to another use until we have appraised the tomatoes and given written consent. We will not consent to another use until it is too late to replant. You must notify us when such acreage is replanted or put to another use.

(2) You must give us notice of probable loss at least 15 days before the beginning of harvest if you anticipate a loss on any unit.

(3) If probable loss is determined within 15 days prior to or during harvest and you are going to claim an indemnity on any unit, you must give us notice not later than 72 hours after the earliest of:

(a) Total destruction of the tomatoes on the unit;

(b) Discontinuance of harvest of any acreage on the unit;

(c) The date harvest would normally start if any acreage on the unit is not to be harvested;

(d) 120 days after transplanting or replanting of the tomatoes; or

(e) September 20 of the crop year.

b. You may not destroy or replant any of the tomatoes on which a replanting payment will be claimed until we give written consent.

c. You must obtain written consent from us before you destroy any of the tomatoes which are not to be harvested.

d. We may reject any claim for indemnity if you fail to comply with any of the requirements of this section or section 9.

9. Claim for indemnity.

a. Any claim for indemnity on a unit must be submitted to us on our form not later than 60 days after the earliest of:

(1) Total destruction of the tomatoes on the unit;

(2) Discontinuance of harvesting on the unit; or

(3) The date harvest should have started on the unit on any acreage which will not be harvested.

b. We will not pay any indemnity unless you:

(1) Establish the total production of tomatoes on the unit and that any loss of production has been directly caused by one or more of the insured causes during the insurance period; and

(2) Furnish all information we require concerning the loss.

c. The indemnity will be determined on each unit by:

(1) Multiplying the insured acreage by the production guarantee for the applicable stage;

(2) Subtracting therefrom the total production of tomatoes to be counted (see subsection 9.e.);

(3) Multiplying the remainder by the price election; and

(4) Multiplying this result by your share.

d. If the information reported by you under section 3 of this policy results in a lower premium than the actual premium determined to be due, the production guarantee on the unit will be computed on the information reported, but all production from insurable acreage, whether or not reported as insurable, will count against the production guarantee.

e. The total production (in 25-pound carton equivalents) to be counted for a unit will include all harvested and appraised production.

(1) All tomato production marketed, and any harvested unmarketed production meeting the standards for grading 85% or better U.S. No. 1 with classification size of 6 x 7 (2$^{8}/_{32}$ inch minimum diameter) or larger will be considered production to count.

(2) Appraised production to be counted will include:

(a) Unharvested production of mature green and ripe tomatoes with classification size of 6 x 7 (2$^{8}/_{32}$ inch minimum diameter) or larger remaining after the final harvest;

(b) Potential production on unharvested acreage and potential production on acreage when final harvest has not been completed;

(c) Potential production lost due to uninsured causes; and

(d) Not less than the guarantee for any acreage abandoned or put to another use without prior written consent or which is damaged solely by an uninsured cause.

(3) Any appraisal we have made on insured acreage for which we have given written consent to be put to another use will be considered production unless such acreage is:

(a) Not put to another use before harvest of tomatoes becomes general in the county for the planting period and reappraised by us;

(b) Further damaged by an insured cause and reappraised by us; or

(c) Harvested.

(4) The amount of production of any unharvested tomatoes may be determined on the basis of field appraisals conducted after the end of the insurance period.

(5) If you elect to exclude hail and fire as insured causes of loss and the tomatoes are damaged by hail or fire, appraisals will be made in accordance with Form FCI–78, "Request to Exclude Hail and Fire."

f. A replanting payment may be made on any insured tomatoes replanted after we have given consent and the acreage replanted is at least the lesser of 20 acres or 20 percent of the insured acreage as determined on the final planting date. The acreage to be replanted must have sustained a loss in excess of 50 percent of the plant stand.

(1) No replanting payment will be made on acreage on which a replanting payment has been made during the current crop year.

(2) The replanting payment per acre will be your actual cost per acre for replanting, but will not exceed 70 cartons multiplied by the price election, multiplied by your share.

If the information reported by you results in a lower premium than the actual premium determined to be due, the replanting payment will be reduced proportionately.

g. You must not abandon any acreage to us.

h. Any suit against us for an indemnity must be brought in accordance with the provisions of 7 U.S.C. 1508(c). You must bring suit within 12 months of the date notice of denial of the claim is received by you.

i. An indemnity will not be paid unless you comply with all policy provisions.

j. It is our policy to pay your indemnity within 30 days of our approval of your claim, or entry of a final judgment against us. We will, in no instance, be liable for the payment of damages, attorney's fees, or other charges in connection with any claim for indemnity, whether we approve or disapprove such claim. However, we will pay simple interest on the net indemnity ultimately found to be due to you, if the reason for non-payment is not due to your failure to provide information or other material necessary for the computation or payment of the indemnity. Interest due will be paid from and including the 61st day after the date you sign, date, and submit to us the properly completed claim-for-indemnity form. The interest rate will be that established by the Secretary of the Treasury under section 12 of the Contract Disputes Act of 1978 (41 U.S.C. 611), and published in the **Federal Register** semiannually on or about January 1 and July 1. The interest rate to be paid on any indemnity will vary with the rate announced by the Secretary of the Treasury.

k. If you die, disappear, or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved after the tomatoes are planted for any crop year, any indemnity will be paid to the persons determined to be beneficially entitled thereto.

l. If you have other fire insurance, fire damage occurs during the insurance period, and you have not elected to exclude fire insurance from this policy, we will be liable for loss due to fire only for the smaller of the amount:

(1) Of indemnity determined pursuant to this contract without regard to any other insurance; or

(2) By which the loss from fire exceeds the indemnity paid or payable under such other insurance.

For the purpose of this section, the amount of loss from fire will be the difference between the fair market value of the production on the unit before the fire and after the fire.

10. Concealment or fraud.

We may void the contract on all crops insured without affecting your liability for premiums or waiving any right, including the right to collect any amount due us if, at any time, you have concealed or misrepresented any material fact or committed any fraud relating to the contract. Such voidance will be effective as of the beginning of the crop year with respect to which such act or omission occurred.

11. Transfer of right to indemnity on insured share.

If you transfer any part of your share during the crop year, you may transfer your right to an indemnity. The transfer must be on our form and approved by us. We may collect the premium from either you or your transferee or both. The transferee will have all rights and responsibilities under the contract.

12. Assignment of indemnity.

You may assign to another party your right to an indemnity for the crop year, only on our form and with our approval. The assignee will have the right to submit the loss notices and forms required by the contract.

13. Subrogation. (Recovery of loss from a third party.)

Because you may be able to recover all or a part of your loss from someone other than us, you must do all you can to preserve any such right. If we pay you for your loss, then your right of recovery will, at our option, belong to us. If we recover more than we paid you plus our expenses, the excess will be paid to you.

14. Records and access to farm.

You must keep, for three years after the time of loss, records of the harvesting, storage, shipment, sale, or other disposition of all tomatoes produced on each unit, including separate records showing the same information for production from any uninsured acreage. Failure to keep and maintain such records may, at our option, result in cancellation of the contract prior to the crop year to which the records apply, assignment of production to units by us, or a determination that no indemnity is due. Any person designated by us will have access to such records and the farm for purposes related to the contract.

15. Life of contract: Cancellation and termination.

a. This contract will be in effect for the crop year specified on the application and may not be canceled by you for such crop year. Thereafter, the contract will continue in force for each succeeding crop year unless canceled or terminated as provided in this section.

b. This contract may be canceled by either you or us for any succeeding crop year by giving written notice on or before the cancellation date preceding such crop year.

c. This contract will terminate as to any crop year if any amount due us on this or any other contract with you is not paid on or before the termination date preceding such crop year for the contract on which the amount is due. The date of payment of the amount due if deducted from:

(1) An indemnity, will be the date you sign the claim; or

(2) Payment under another program administered by the United States Department of Agriculture, will be the date both such other payment and setoff are approved.

d. The cancellation and termination dates are:

State	Cancellation and termination dates
Florida, Georgia, and South Carolina	February 15.
Pennsylvania	April 15.

e. If you die or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved, the contract will terminate as of the date of death, judicial declaration, or dissolution. If such event occurs after insurance attaches for any crop year, the contract will continue in force through the crop year and terminate at the end thereof. Death of a partner in a partnership will dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons will dissolve the joint entity.

f. The contract will terminate if no premium is earned for three consecutive years.

16. Contract changes.

We may change any terms and provisions of the contract from year to year. If your price election at which indemnities are computed is no longer offered, the actuarial table will provide the price election which you are deemed to have elected. All contract changes will be available at your service office by November 30 preceding the cancellation date for counties with a February 15 cancellation date, and by December 31 preceding the cancellation date for counties with an April 15 cancellation date. Acceptance of changes will be conclusively presumed in the absence of notice from you to cancel the contract.

17. Meaning of terms.

For the purposes of tomato crop insurance:

a. "Acre" means 43,560 square feet of land on which row widths do not exceed 6 feet or if row widths exceed 6 feet, the land area on which at least 7,260 linear feet of rows are planted.

b. "Actuarial table" means the forms and related material for the crop year approved by us which are available for public inspection in your service office, and which show the production guarantees, coverage levels, premium rates, prices for computing indemnities, practices, insurable and uninsurable acreage, and related information regarding fresh market tomato insurance in the county.

c. "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown by the actuarial table.

d. "Crop year" means the period within which the tomatoes are normally grown and is designated by the calendar year in which the tomatoes are normally harvested.

e. "Harvest" means the picking of marketable tomatoes on the unit.

f. "Insurable acreage" means the land classified as insurable by us and shown as such by the actuarial table.

g. "Insured" means the person who submitted the application accepted by us.

h. "Mature green tomato" means a tomato which:

(1) Has heightened gloss because of the waxy skin that cannot be torn by scraping;

(2) Has well formed jelly-like substance in the locules;

(3) Has seeds that are sufficiently hard so they are pushed aside and not cut by a sharp knife in slicing; and

(4) Shows no red color.

i. "Person" means an individual, partnership, association, corporation, estate, trust, or other legal entity, and wherever applicable, a State or a political subdivision or agency of a State.

j. "Planting" means transplanting the tomato plants into the field.

k. "Plant stand" means the number of live plants per acre before the plants were damaged due to insurable causes.

l. "Potential production" means the number of 25-pound cartons of mature green or ripe tomatoes with classification size of 6 x 7 (2⅝₃₂ inch minimum diameter) or larger which the tomato plants would produce or would have produced, per acre, by the end of the insurance period.

m. "Replanting" means performng the cultural practices necessary to replant insured acreage to tomatoes.

n. "Service office" means the office servicing your contract as shown on the application for insurance or such other approved office as may be selected by you or designated by us.

o. "Tenant" means a person who rents land from another person for a share of the tomatoes or a share of the proceeds therefrom.

p. "Tomatoes grown for direct consumer marketing" means tomatoes grown for the purpose of selling directly to the consumer.

q. "Unit" means all insurable acreage of tomatoes in the county on the date of planting for the crop year:

(1) In which you have 100 percent share; or

(2) Which is owned by one person and operated by another person on a share basis.

Land rented for cash, a fixed commodity payment, or any consideration other than a share in the tomatoes on such land will be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in your service office. Units will be determined when the acreage is reported. Errors in reporting units may be corrected by us to conform to applicable guidelines when adjusting a loss. We may consider any acreage and share thereof reported by or for your spouse or child or any member of your household to be your bona fide share or the bona fide share of any other person having an interest therein.

18. Descriptive headings.

The descriptive headings of the various policy terms and conditions are formulated for convenience only and are not intended to affect the construction or meaning of any of the provisions of the contract.

19. Determinations.

All determinations required by the policy will be made by us. If you disagree with our determinations, you may obtain reconsideration of or appeal those determinations in accordance with the Appeal Regulations (7 CFR Part 400—Subpart J).

20. Notices.

All notices required to be given by you must be in writing and received by your service office within the designated time unless otherwise provided by the notice requirement. Notices required to be given immediately may be by telephone or in person and confirmed in writing. Time of the notice will be determined by the time of our receipt of the written notice.

Done in Washington, DC on February 3, 1987.

E. Ray Fosse,

Manager, Federal Crop Insurance Corporation.

[FR Doc. 87-3180 Filed 2-12-87; 8:45 am]

BILLING CODE 3410-08-M

Agricultural Marketing Service

7 CFR Parts 911 and 915

Limes and Avocados Grown in Florida; Amendments to Container and Pack Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule adds a new size designation, "jumbo," to the container marking regulations for very large limes, (2) changes the dimensions specified for one lime and two avocado containers, and (3) removes five currently authorized avocado containers which are no longer used. Currently there is no provision for labeling containers for very large or "jumbo" size limes and the dimensions of some containers being supplied to shippers vary slightly from those listed in the regulation. The change in container marking requirements and container dimensions, and the removal of unused containers is designed to bring the regulatory requirements into conformity with the current needs of the Florida lime and avocado industries.

EFFECTIVE DATE: February 13, 1987.

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

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

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

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

The production area of Marketing Order No. 911, Florida limes, consists of all of the State of Florida except the area west of the Suwanee River. Production for the 1985-86 season totaled about 64,000 tons or 2.3 million bushels, of which 39,000 tons or 1.4 million bushels went to fresh market. The remaining 25,000 tons were processed for juice. Total production value was $21 million. The production area of Marketing Order No. 915, Florida avocados, consists of the southern half of the State of Florida. Production for 1985-86 totaled 28,500 tons, with a production value of $16.4 million. It is estimated that 26 handlers of Florida limes and 34 handlers of avocados under the marketing orders for limes and avocados grown in Florida will be subject to regulation during the course of the current season. In addition, there are approximately 263 lime growers and 420 avocado growers in the production area. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual gross revenues for the last three years of less than $100,000, and agricultural service firms are defined as those whose gross annual receipts are less than $3,500,000. The great majority of these firms may be classified as small entities.

Pursuant to the requirements set forth in the RFA, the Administrator of AMS has considered the economic impact on small entities. This action to add a new size designation for very large or "jumbo" size limes permits the shipment of such fruit and lessens the regulatory burden on handlers. The change in the dimensions of the lime and avocado containers recognizes that the equipment used to manufacture them changes slightly over time. Adjusting the container dimensions in the regulation is the most expedient method of dealing with this deviation. In the absence of regulation changes, handlers would have to request the manufacturers to reset their equipment. This would result in an unnecessary added expense which would be passed on to handlers. The change to eliminate avocado container sizes no longer in use merely brings the regulation into conformity with industry practice and will have no impact on

handler costs. The net result of these changes is to lessen the regulatory burden upon lime and avocado handlers, the greater number of whom are classified as small business entities. These changes will not impose any additional costs on affected growers or handlers and will have no significant impact on a substantial number of small entities.

The proposed rule was published in the September 17, 1986, **Federal Register** (51 FR 32924) affording interested persons until October 17, 1986, to file written comments. None were received.

Marketing agreement and Order Nos. 911 and 915 regulate the handling of limes and avocados, respectively, grown in Florida. The programs are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The Florida Lime Administrative Committee and Florida Avocado Administrative Committee established under the orders are responsible for their local administration.

The Lime Administrative Committee unanimously recommended adding a new size designation to Table 1 in § 911.311. The new size designation is "jumbo" with a count of fewer than 25 fruit per 10-pound sample. The addition of this size designation allows handlers to ship good quality larger sized limes and take advantage of the premium prices such fruit garners in the marketplace. This also could benefit producers' returns.

The committee also recommended changing slightly the dimensions of one of the lime containers in use from 11¼ inches by 7⅞ inches by 5⅞ inches to 11⅞ inches by 7½ inches by 6⅜ inches. The committee reports that the machinery used in the manufacture of cartons changes slightly over time, and that manufacturers are now supplying shippers with containers which differ in dimension slightly from those currently authorized. Changing the container dimensions specified in the regulation is designed to make the regulatory requirements conform with the containers currently used.

The Avocado Administrative Committee recommended changing the dimensions of the containers specified in paragraphs (a)(2) and (a)(9) of § 915.305. The container in paragraph (a)(2) is changed from 14½ x 11$^{15}/_{16}$ and depth ranging from 3½ to 5-inches to 16½ x 13½ and depth varying from 3¼ to 5 inches, while that of (a)(9) is changed from 11¼ x 16¾ x 3⅞ inches to 11¼ x 16¾ and depth varying from 3⅞ to 4½ inches. As in the case of the lime container, extended production runs over time have changed the dimensions of two avocado containers from those currently authorized. Because of the time and cost involved for manufacturers to shut down and reset the equipment, the committee believes changing the dimensions in the regulation to be the most expedient method of bringing industry practice and regulatory requirements into agreement.

The committee also recommended eliminating one of the four containers specified in paragraph (a)(1) of § 915.305, and eliminating the four containers specified in paragraphs (a)(3), (a)(5), (a)(6), and (a)(7) of § 915.305. These containers are no longer in use, and therefore no longer need to be included in the regulation. The regulation now authorizes the use of several other containers of similar dimensions, so that the industry will continue to have an adequate number of different containers to ship the avocado crop.

It is hereby found and determined that the amendment, as hereinafter set forth will tend to effectuate the declared policy of the Act. It is further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the **Federal Register** (5 U.S.C. 553) in that the shipping season is underway and to maximize benefits to producers and handlers this rule should apply to as many shipments as possible.

List of Subjects in 7 CFR Parts 911 and 915

Marketing agreements and orders, Limes, Avocados, Florida.

PART 911—LIMES GROWN IN FLORIDA

1. The authority citation for 7 CFR Part 911 continues to read as follows:

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

2. Section 911.311 is hereby amended by revising Table 1 in paragraph (a)(5) to read as follows:

§ 911.311 Lime Pack Regulation 9.

(a) * * *

(5) * * *

TABLE 1

Column 1 size designations	Column 2 size range
72	68 to 76.
63	59 to 67.
54	51 to 58.
48	45 to 51.
42	39 to 44.
36	33 to 38.
28	25 to 32.
Jumbo	24 and larger.

* * * * *

3. Section 911.329 is hereby amended by revising paragraph (a)(2)(vii) to read as follows:

§ 911.329 Lime Regulation 27.

* * * * *

(vii) Containers with inside dimensions of 11⅞ x 7½ x 6⅜ inches: *Provided,* * * *

* * * * *

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

1. The authority citation for 7 CFR Part 915 continues to read as follows:

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

2. Section 915.305 is hereby amended by revising paragraphs (a)(1), (a)(2), over to the proviso to read as follows; and by removing paragraphs (a)(3), (a)(5), (a)(6), and (a)(7); by redesignating paragraph (a)(4) as paragraph (a)(3), paragraphs (a)(8) through (a)(16) as paragraphs (a)(4) through (a)(12), respectively, and by revising redesignated paragraph (a)(5) to read as follows:

§ 915.305 Florida avocado container regulation 5.

(a) * * *

(1) Containers with inside dimensions of 11 x 16¾ x 10 or 13½ x 16½ x 9 or 12¾ x 15¼ x 10¾ inches: *Provided,* * * *

(2) Containers with inside dimensions of 16½ x 13½ and depth varying from 3¼ to 5 inches: *Provided,* * * *

* * * * *

(5) Containers with inside dimensions of 11¼ x 16¾ and depth varying from 3⅞ to 4½ inches.

* * * * *

Dated: February 6, 1987.

Thomas R. Clark,

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

[FR Doc. 87–2939 Filed 2–12–87; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 77

[Docket No. 86–125]

Tuberculosis in Cattle; State Designations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: We are affirming without change an interim rule that amended the regulations concerning the interstate

movement of cattle because of tuberculosis by raising the designation of Georgia and Missouri from modified accredited areas to accredited-free States. This action is necessary because Georgia and Missouri meet the criteria for designation as accredited-free States.

EFFECTIVE DATE: February 13, 1987.

FOR FURTHER INFORMATION CONTACT: Dr. Ralph L. Hosker, Domestic Programs Support Staff, VS, APHIS, USDA, Room 815, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8438.

SUPPLEMENTARY INFORMATION:

Background

An interim rule published in the **Federal Register** on October 10, 1986 (51 FR 36383–36385), was effective on the date of publication in the **Federal Register**, and comments were solicited for 60 days ending December 9, 1986. No comments were received. The facts presented in the interim rule still provide a basis for the amendment.

Executive Order 12291 and Regulatory Flexibility Act

This rule is issued in conformance with Executive Order 12291 and has been determined to be not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based entreprises in domestic or export markets.

For this action, the Office of Management and Budget has waived its review process required by Executive Order 12291.

Cattle moved interstate are moved for slaughter, for use as breeding stock, or for feeding. Changing the status of the States of Georgia and Missouri will not cause a significant effect on marketing patterns and will not have a significant economic impact on those persons affected by this document.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR Part 3015, Subpart V).

List of Subjects in 9 CFR Part 77

Animal diseases, Cattle, Transportation, Tuberculosis.

PART 77—TUBERCULOSIS IN CATTLE

Accordingly, we are adopting as a final rule without change, the interim rule that amended 9 CFR Part 77 and that was published at 51 FR 36383–36385 on October 10, 1986.

Authority: 21 U.S.C. 111, 114, 114a, 115–117, 120, 121, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

Done in Washington, DC, this 10th day of February, 1987.

J.K. Atwell,

Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc. 87–3090 Filed 2–12–87; 8:45 am]

BILLING CODE 3410–34–M

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9 CFR Part 78

[Docket No. 87–008]

Brucellosis in Cattle; State and Area Classifications

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document amends the regulations governing the interstate movement of cattle because of brucellosis by changing the classification of Missouri from Class B to Class A. This action is necessary because it has been determined that Missouri meets the standards for Class A status. The effect of this action is to relieve certain restrictions on the interstate movement of cattle from Missouri.

DATES: February 13, 1987. We will consider your comments if we receive them on or before April 14, 1987.

ADDRESSES: Send written comments to Steven R. Poore, Acting Assistant Director, Regulatory Coordination, APHIS, USDA, Room 728, Federal Building, Hyattsville, MD 20782. Please state that your comments refer to Docket Number Missouri. Comments received may be inspected in Room 728 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. Jan Huber, Domestic Programs Support Staff, VS, APHIS, USDA, Room 812, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8389.

SUPPLEMENTARY INFORMATION:

Background

The brucellosis regulations (contained in 9 CFR Part 78 and referred to below as the regulations) provide a system for classifying States or portions of States according to the rate of brucella infection present and the general effectiveness of a brucellosis control and eradication program. The classifications are Class Free, Class A, Class B, and Class C. States or areas which do not meet the minimum standards for Class C are required to be placed under Federal quarantine. The State of Missouri is designated as a Class B status. This document amends the regulations to change the brucellosis program status of Missouri from Class B to Class A.

The brucellosis Class Free classification is based on a finding of no known brucellosis in cattle for the period of 12 months preceding classification as Class Free. The Class C classification is for States or areas with the highest rate of Brucellosis, with Class A and Class B in between. Restrictions on the movement of cattle are more stringent for movements from Class A States or areas compared to movements from Free States or areas, and are more stringent for movements from Class B States or areas compared to movements from Class A States or areas, and so on. The restrictions include testing for movement of certain cattle from other than Class Free States or areas.

The basic standards for the different classifications of States or areas concern maintenance of: (1) A cattle herd infection rate, based on the number of herds found to have brucellosis reactors, not to exceed a stated level during 12 consecutive months; (2) a rate of infection in the cattle population, based on the percentage of brucellosis reactors found in Market Cattle Identification (testing at stockyards and slaughtering establishments) not to exceed a stated level; (3) a surveillance system which requires testing of dairy herds, participation of all slaughtering establishments in the Market Cattle Identification program, identification and monitoring of herds at high risk of infection, including herds adjacent to

infected herds and herds from which infected animals have been sold or received; and (4) minimum procedural standards for administering the program.

In order to attain and maintain Class Free status a State or area must (1) remain free from field strain *Brucella abortus* infection for 12 consecutive months or longer, (2) maintain a 12 consecutive months MCI reactor prevalence rate not to exceed one reactor per 2,000 cattle tested (0.050 percent), and (3) have an approved individual herd plan in effect within 15 days of locating the source herd or recipient herd.

In order to attain and maintain Class A status a State or area must (1) not exceed a cattle herd infection rate, due to field strain *Brucella abortus* of 0.25 percent or 2.5 herds per 1,000, based on the number of reactors found within the State or area during any 12 consecutive months, except in States with 10,000 or fewer herds, (2) must maintain a 12 consecutive months MCI reactor prevalence rate not to exceed one reactor per 1,000 cattle tested (0.10 percent), and (3) must have an approved individual herd plan in effect within 15 days of locating the source herd or recipient herd.

In order to attain and maintain Class B status a State or area must (1) not exceed a cattle herd infection rate due to field strain *Brucella abortus* of 1.5 percent or 15 herds per 1,000, based on the number of reactors found within the State or area during any 12 consecutive months except in States with 1,000 or fewer herds, (2) must maintain a 12 consecutive months MCI reactor prevalence rate not to exceed 3 reactors per 1,000 cattle tested (0.30 percent), and (3) must have an approved individual herd plan in effect within 45 days of notification of infection in the reactor herd.

A State or area with (1) 1,000 or more herds having 12 consecutive months herd infection rate, due to field strain *Brucella abortus* exceeding 1.5 percent or 15 herds or more per 1,000, based on the number of reactors found within the State or area during any 12 consecutive months, except in States with, 1,000 or fewer herds, and (2) an MCI reactor prevalence rate during 12 consecutive months exceeding three reactors per 1,000 cattle tested (0.30 percent) is a Class C State or area. States or areas designated as Class C must have an approved individual herd plan in effect within 45 days of locating the source herd or recipient herd.

Prior to the effective date of this document, Missouri was classified as a Class B State because of the herd infection rate and the MCI reactor prevalence rate. To attain and maintain Class A status, a State or area must, among other things, maintain an accumulated 12-month herd infection rate for brucellosis not to exceed 2.5 herds per 1,000 (0.25 percent) if the State has 10,000 or more herds, and an MCI reactor prevalence rate for such 12-month period must not exceed one reactor per 1,000 cattle tested (0.10 percent). A review of the brucellosis program establishes that Missouri should be changed to Class A, since it now meets the criteria for classification as Class A.

Executive Order 12291 and Regulatory Flexibility Act

This rule is issued on conformance with Executive Order 12291 and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this rule will have an effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this action, the Office of Management and Budget has waived its review process required by Executive Order 12291

Cattle moved interstate are moved for slaughter, for use as breeding stock, or for feeding. Changing the status of Missouri reduces certain testing and other requirements on the interstate movement of these cattle. Testing requirements for cattle moved interstate for immediate slaughter or to quarantined feedlots are not affected by the changes in status. Also, cattle from certified brucellosis-free herds moving interstate are not affected by these changes in status. It has been determined that the changes in brucellosis status made by this document will not affect market patterns and will not have a significant economic impact on those persons affected by this document.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR Part 3015, Subpart V.)

Emergency Action

Dr. John K. Atwell, Deputy Administrator of the Animal and Plant Health Inspection Service for Veterinary Services, has determined that an emergency situation exists which warrants publication of this interim rule without prior opportunity for public comment. Immediate action is warranted in order to delete unnecessary restrictions on the interstate movement of certain cattle from Missouri.

Further, pursuant to administrative procedure provisions in 5 U.S.C. 533, it is found upon good cause that prior notice and other public procedures with respect to this interim rule are impracticable and contrary to the public interest, and good cause is found for making this interim rule effective less than 30 days after the publication of this document in the **FEDERAL REGISTER.** Comments are being solicited for 60 days after publication of this document, and a final document discussing comments received and any amendments required will be published in the **Federal Register** as soon as possible.

List of Subjects in 9 CFR Part 78

Animal diseases, Brucellosis, Cattle, Hogs, Quarantine, Transportation.

PART 78—BRUCELLOSIS

Accordingly, 9 CFR Part 78 is amended as follows:

1. The authority citation for Part 78 continues to read as follows:

Authority: 21 U.S.C. 111–114a–1, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

§ 78.41 [Amended]

2. Section 78.41, paragraph (b) is amended by adding "Missouri" immediately after "Kansas".

3. Section 78.41, paragraph (c) is amended by removing "Missouri".

Done in Washington, DC this 10th day of February, 1987.

J.K. Atwell,

Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc. 87–3092 Filed 2–12–87; 8:45 am]

BILLING CODE 3410–34–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 20

Improved Personnel Dosimetry Processing

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to require all licensees to have personnel dosimetry devices that are utilized to comply with NRC regulations processed by processors that have been accredited by the National Voluntary Laboratory Accreditation Program (NVLAP) of the National Bureau of Standards (NBS). This action was initiated because performance evaluations of personnel dosimetry processors indicated that a significant percentage of such processors were not performing with a reasonable degree of accuracy. These amendments will result in greater uniformity and accuracy in personnel dosimetry.

EFFECTIVE DATE: February 12, 1988.

FOR FURTHER INFORMATION CONTACT: Donald O. Nellis, Division of Regulatory Applications, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: (301) 443–7989. Inquiries regarding the accreditation program for personnel dosimeters at the National Bureau of Standards should be addressed to Robert L. Gladhill, National Voluntary Laboratory Accreditation Program (NVLAP), National Bureau of Standards, Administration A–531, Gaithersburg, MD 20899, telephone: (301) 921–3431.

SUPPLEMENTARY INFORMATION:

I. Background

Personnel dosimeters are devices worn by workers to monitor their exposure to radiation. NRC licensees are required to provide such monitoring devices to certain individuals as specified in 10 CFR 20.202(a) and other applicable provisions of 10 CFR Chapter I.

Among the types of monitoring equipment in use are dosimeters such as film badges, track-etch-type dosimeters, thermoluminescent dosimeters (TLD's), and direct and indirect reading pocket ionization chambers. All of these, with the exception of the pocket ionization chambers, require processing in order to determine the radiation dose by observing a particular radiation-induced effect in the dosimeter. These dosimeters must be processed accurately and consistently and interpreted correctly to ensure the accuracy and integrity of worker dose records, to ensure that the NRC regulatory dose limits of 10 CFR 20.101 are not exceeded, and to ensure that dosimetry is provided in accordance with 10 CFR 20.202(a). It is imperative, therefore, that the personnel dosimetry processing industry conform to performance standards that will ensure accuracy and uniformity of results.

Dosimetry Processor Performance Studies

Problems in the personnel dosimetry processing industry have been apparent for many years. The commercial processing business has always been highly competitive, with competent and conscientious processors competing with processors that are unable or unwilling to perform this work in a technically sound manner. Customers of commercial processors, however, have often lacked expertise in dosimetry processing and often contracted their processing needs to the lowest bidder, so that the more qualified processors may have had to reduce the quality of their services in order to remain competitive.

Some problems became apparent shortly after the Atomic Energy Act of 1954 authorized the commercial application of nuclear technology when the first intercomparison of film badge interpretations was conducted by NBS in 1955 under an Atomic Energy Commission (AEC) contract. In 1963, the AEC published a notice in the **Federal Register** (28 FR 9411) outlining the need for a Film Dosimetry Calibration Laboratory and provided some interim film dosimetry performance criteria. Subsequently, several studies attempted to evaluate processor performance, but no method of comparing actual performance with the interim performance criteria was ever established. Consequently, the AEC requested in 1967 that Battelle Northwest Laboratory, now called Pacific Northwest Laboratory, conduct a study to determine a basis for film dosimeter performance criteria.[1]

Although the study revealed that about 85% of the participating processors had excessive bias and variance, and although the study defined certain performance criteria, no definite standard was promulgated at that time. During the next few years, four separate standards were developed, and the NRC in 1976 contracted with Battelle to conduct a study to compare and evaluate dosimetry processors against the four existing standards.[2] Most dosimetry processors did not fare well against any of the standards. The study recommended adoption of the draft standard being developed by the Health Physics Society Standards Committee (HPSSC). (This standard was published as a draft in 1978.)

In 1976, at the urging of the Conference of Radiation Control Program Directors (CRCPD) (representing the States), the NRC, the Bureau of Radiological Health, and the Energy Research and Development Agency jointly conducted a public meeting to discuss personnel dosimetry problems. As a result of the recommendations made at this meeting, the NRC contracted with the University of Michigan to conduct two rounds (1977–1979) of proficiency testing of dosimetry processors against the draft HPSSC standard. Fifty-nine personnel dosimetry processors voluntarily participated in these tests. Results of the tests showed that the standard should be modified. (It was modified in June 1981 and was published as ANSI N13.11 in 1983.) The results also showed that a significant percentage of the processors were not performing to the degree of accuracy acceptable to the NRC, which indicated, in turn, that records and reports of worker whole body and skin dose could be considerably different from the actual dose received. It became apparent to the NRC that the performance and competency of dosimetry processors had to be evaluated on a periodic basis and that rulemaking was needed to ensure this periodic evaluation.

Coordination Effort

Cooperation and coordination with other interested organizations were initiated in 1977 with the formation of the Interagency Policy Committee on Personnel Dosimetry, which included the Department of Defense, the Department of Energy, the Environmental Protection Agency, the NBS, the Occupational Safety and Health Administration of the Department of Labor, the Center for Devices and Radiological Health of the Food and Drug Administration of the Department of Health and Human Services, the CRCPD, and the NRC. Cooperation and coordination with the dosimetry processing industry were also

[1] M. Unruh et al., "The Establishment and Utilization of Film Dosimeter Performance Criteria," BNWL–542(1967) Richland, Washington, 99352.

[2] L.L. Nichols, "A Test of the Performance of Personnel Dosimeters," BNWL–2159(1977) Battelle Northwest Laboratories, Richland, Washington, 99352.

enhanced in 1977 with the formation of the Industry Overview Committee on Personnel Dosimetry to monitor the progress and development of the evaluation program and to ensure that any regulatory action taken would be appropriate and effective.

Advance Notice of Proposed Rulemaking

On March 28, 1980, the NRC took the initial step in the rulemaking process with the publication in the **Federal Register** of an Advance Notice of Proposed Rulemaking (ANPRM) (45 FR 20493). The ANPRM discussed the results of the proficiency testing against the HPSSC standard and the need for rulemaking to improve dosimetry processing. It presented four alternatives for the operation of a proficiency testing laboratory that would conduct performance testing against the HPSSC standard. The ANPRM specified that any proficiency testing laboratory established would be monitored for technical competency by the NBS and that licensees would be required to use dosimetry services that satisfied criteria established by NRC and administered by the proficiency testing laboratory. The four alternatives for proficiency testing laboratory operations as described in the ANPRM were:

1. Processors and licensees would establish one or more laboratories to administer proficiency testing against the HPSSC standard.
2. The proficiency testing laboratory would be a Federal Government facility managed and operated by the NRC.
3. The NRC would contract the services of a proficiency testing laboratory.
4. Another Federal agency experienced in laboratory testing would operate the proficiency testing laboratory.

Analysis of Comment Letters

Forty-six comment letters were received in response to the ANPRM. Twenty-one did not state a preference for which alternative should be used in establishing a proficiency testing laboratory and three felt no proficiency testing program was necessary. Of the remaining 22, 20 expressed a preference for laboratories controlled by the Federal government (alternatives 2, 3, or 4). Commenters also inquired and commented on control of the testing laboratory, on procedures to be used in the regulatory program, and on various other problems that could result from a processor failing to satisfy the established criteria. Several discussed the importance of defining and requiring minimum elements of a generic quality assurance program that should be established as part of the dosimetry processing performance criteria. The major technical questions raised were those concerning the selection of dose conversion factors within the standard. Several of the commenting dosimetry processors also requested a third round of performance testing to allow processors to be tested against the revised HPSSC standard before any rulemaking on dosimetery processing became effective.

National Voluntary Laboratory Accreditation Program (NVLAP) Alternative

During the comment period for the ANPRM, a fifth alternative for the operation of a proficiency testing laboratory that would utilize the NVLAP of the NBS was identified by the Interagency Policy Committee. NBS, in accordance with NVLAP procedures specified in 15 CFR Part 7, would contract the services of a proficiency testing laboratory to administer proficiency testing of dosimetry processors against a performance standard specified by the NRC (in this case ANSI N13.11).

The process of accreditation according to NVLAP procedures would require three separate actions: (1) Completion of a NVLAP questionnaire and other application materials that involve documentation of responsible personnel, equipment, facilities and quality control procedures; (2) successful performance in dosimetry proficiency testing in accordance with ANSI N13.11, "Criteria for Testing Personnel Dosimetry Performance"; and (3) onsite inspection by NVLAP assessors of the processor's routine dosimetry service with respect to processing protocols and associated minimum quality assurance criteria specified in NVLAP general and specific criteria and supplied to the processor upon application for the program. NVLAP would thus offer a system of third-party accreditation by a Federal Government agency, namely, the Department of Commerce (DOC) operating through the NBS. In addition, the pass-fail criterion for accreditation ensures that the mean of the reported doses will be within ±50% of the actual dose at the 95% confidence level, and that at least 90% of the individual reported doses will be within ±95% of the actual dose at the 95% confidence level.

In December 1980, the NRC asked the DOC to establish, in coordination with NRC staff, an accreditation program under NVLAP for personnel dosimetry processors. In accordance with NVLAP procedures and authority (15 CFR Part 7), the DOC published NRC's request (46 FR 9689) for development of such a Laboratory Accreditation Program (LAP) on January 29, 1981 and requested public comment. NRC sent a copy of the DOC Federal Register Notice and a description of the NVLAP to all known dosimetry processors and interested persons on February 6, 1981. All 19 letters of comment received were unanimous in their approval of the NVLAP alternative. Consequently the NVLAP dosimetry LAP was started in 1981 under an Interagency Agreement between NRC and NBS, and a proficiency testing laboratory was contracted by the NBS. Proficiency testing and NVLAP accreditation of processors began in January 1984.

Additional Performance Testing

Since the original HPSSC standard was significantly revised following the two pilot tests, the NRC staff sponsored a third round of performance testing against ANSI N13.11, which was completed in 1983.[3] Seventy personnel dosimetry processors voluntarily participated in this round. The standard provides a total of eight radiation categories involving high-energy and low-energy photons, beta particles, neutrons, and mixtures of these. The procedure was for a processor to send 15 dosimeters for each test category in which it wished to be tested to the testing laboratory. These dosimeters were then irradiated with doses known only to the testing laboratory and returned to the processor. NBS had the responsibility of verifying the accuracy of the irradiations performed by the testing laboratory. The processor then determined the dose for each dosimeter and reported the results back to the testing laboratory for evaluation against the standard. The testing laboratory evaluated the processor's performance in accordance with the performance criterion specified in ANSI N13.11. Of the category tests attempted, an average of 25% failed. This compares to failure rates of 52% for the first test and 38% for the second, as measured against the final standard.

Although the identity and individual results of the dosimeter test data were confidential to the proficiency testing laboratory, the contractor reported that the categories failed in this third round of testing were evenly distributed among large and small commercial and in-

[3] Plato, P. and J. Miklos, "Performance Testing of Personnel Dosimetry Services: Final Report of Test #3," NUREG/CR 2691, February 1983.

house processors. In light of the results from the three pilot tests, the NRC concluded that improvement on the part of most dosimetry processors was needed and the regulations should be amended not only to provide for periodic evaluation but also to include checks of a processor's quality assurance program to improve the quality of personnel dosimetry processing.

II. Proposed Rule

In view of the comments received in response to the ANPRM and the unanimous approval of the NVLAP alternative, the NRC published on January 10, 1984, a Notice of Proposed Rulemaking (NPRM) (49 FR 1205) that would require NRC licensees to use the services of dosimetry processors that have been accredited by the NVLAP of NBS. Five alternatives were considered in drafting the NPRM, and an analysis of each of these is included in the Regulatory Analysis, which is available for inspection and copying for a fee at the NRC Public Document Room located at 1717 H Street NW., Washington, DC.

III. Summary of Public Comments

The NRC received 96 comment letters on the proposed rule, some of which were duplicates, leaving a net of 93 letters, many of which contained more than one comment.

All of the public comments have been considered, and the staff responses to these comments are set forth in the Analysis of Comments document which is available for review and copying for a fee at the NRC Public Document Room located at 1717 H Street NW., Washington, DC.

Forty commenters approved of the proposed rule outright, 20 commenters approved of the rule but identified suggested changes or additions, and 6 commenters approved of that part of the rule requiring accreditation of processors but were opposed to requiring the licensee to retain NVLAP certification records. (This requirement has been deleted from the final rule.) Nineteen commenters were opposed to the proposed rule, primarily because of the cost, and another eight commenters provided miscellaneous comments on the rule.

A repeated comment in opposition to the rule from medical and hospital licensees appears to be the result of a misunderstanding. These commenters stated that the imposition of the accreditation requirement would force them, on the basis of cost, to terminate their in-house monitoring services, which now provide supplementary or redundant dosimeters to personnel that have their primary dosimeters processed by a commercial processor, and to terminate dosimetry services not required by 10 CFR 20.202(a). Other commenters stated that a differential fee structure is needed to provide relief to small processors, that the onsite assessment should be waived for small processors as a means of reducing costs, and that the proposed § 20.202(c)(2) should be clarified by issuance of a Regulatory Guide to assist licensees to determine in which radiation categories they should be accredited.

In regard to the suggestion that onsite assessment be waived for small processors, accreditation in the testing program under appropriate categories, as emphasized in the proposed new § 20.202(c)(2), does not in itself ensure that the processor applies the same care and attention to routine dosimetry processing as it does to test dosimeters. The onsite visits conducted by NVLAP assessors are not only a part of the mechanism for detecting sources of variability under the control of the processor, they also serve to check on the quality assurance program of the processor as it applies to routine dosimetry and ensure that equivalent care is given both to routine dosimetry processing and to test dosimetry processing. It is for these reasons that the onsite visits cannot be waived for the small or in-house processors.

Turning to the major comment from medical and hospital licensees, it is not the intent of the NRC to discourage voluntary dosimetry or redundant dosimetry that is provided in addition to the required dosimetry. The subject regulation will not require the services of an accredited personnel dosimetry processor for such voluntary or redundant dosimeters. It should be noted that there are also other methods of dose assessment such as surveys, time and motion studies, or use of pocket ionization chambers that do not require processing, all of which are outside the scope of this rule.

Licensees who do not make a determination as to which personnel require personnel monitoring to comply with 10 CFR 20.202(a) will be required to use an accredited personnel dosimetry processor for all dosimeters that need processing. Also, licensees who use dosimeters to determine whether dosimetry is routinely required under 10 CFR 20.202(a) or other relevant NRC regulations will be required to use the services of an accredited processor for those test dosimeters. Those licensees that have made a commitment in their license application to provide personnel dosimetry to personnel for whom it is not required (under 10 CFR 20.202(a) or other applicable regulations) may apply for a license amendment to delete this requirement from the license before the effective date of the rule. Nothing in this regulation precludes a licensee from providing voluntary dosimetry services whether such dosimetry utilizes accredited processing or not. The Commission, however, encourages the use of accredited processing for voluntary dosimetry in order to provide the desired accuracy and reliability for all dose records. After the effective date of the rule, dosimetry required by license conditions (which may reference commitments made in license applications) must be provided by an accredited dosimetry processor.

With respect to clarifications that would enable licensees to determine which radiation categories apply to their operations, it should be pointed out that it has always been the responsibility of the licensee to provide appropriate and properly calibrated personnel monitoring devices. The rule to require NVLAP accreditation does not alter this responsibility. In view of the comments received, however, the NRC plans to issue supplementary information to help licensees to determine appropriate testing categories for their specific operations.

It is recognized that even the minimum fees charged by NVLAP can seriously affect small dosimetry processors. NRC has no authority to impose a differential fee structure since NBS sets the NVLAP accreditation fees. These processors should be aware that grants may be available from the Small Business Administration to assist small businesses in paying these fees. Also, licensees who believe that they should be exempted from the requirements of this rule may apply for an exemption in accordance with 10 CFR 20.501.

A number of NRC licensees have expressed concern that, should their personnel dosimetry processor lose accreditation, they could be in non-compliance with the new regulation. The NRC believes, however, that few, if any, dosimetry processors will lose their accreditation and that accreditation loss would be a relatively lengthy process. NVLAP accreditation is given for a two-year period; a processor would have ample warning during the retesting and renewal process that accreditation criteria were not being met. It would be prudent for licensees to negotiate with their processors agreements which require current information regarding the reaccreditation process.

The NVLAP testing and accreditation program has been in operation for more than two years, and on the basis of this

operating experience it has been found that a minimum of about six months is required for processors to receive accreditation. Since some processors fail the first round of testing, an additional three months may be necessary. On this basis, the Commission has determined that an effective date of one year after publication of this rule in effective form would be reasonable.

Environmental Impact: Categorical Exclusion

The NRC has determined that this final rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(3). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

Paperwork Reduction Act Statement

This final rule does not contain any new or amended information collection requirements subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). Existing requirements were approved by the Office of Management and Budget approval number 3150–0014.

Regulatory Analysis

The Commission has prepared a regulatory analysis on this final rule. The analysis examines the costs and benefits of the alternatives considered by the Commission. The analysis is available for inspection and copying at the NRC Public Document Room, 1717 H Street NW., Washington, DC. Single copies of the analysis may be obtained from Donald O. Nellis, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Mail Stop NL–007, Washington, DC 20555, Telephone: (301) 443–7989.

Regulatory Flexibility Analysis

The NRC has prepared a final regulatory flexibility analysis on the impact of this rule on small entities as required by Section 604 of the Regulatory Flexibility Act. The analysis indicates that although the final rule could have an economic impact of $7,000 initially, and from $3,000 to $8,400 annually on each personnel dosimetry processor, of which about 10 are small entities, the selected alternative is the least costly alternative that provides adequate dosimetry processing for licensees and workers. A copy of the final regulatory flexibility analysis is available for inspection and copying at the NRC Public Document Room, 1717 H Street NW., Washington, DC. Single copies may be obtained from Donald O. Nellis, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Mail Stop NL–007, Washington, DC 20555, Telephone (301) 443–7989.

Backfit Analysis

As required by 10 CFR 50.109 (50 FR 38097), the Commission has prepared a backfit analysis for the final rule. The Commission has determined, based on this analysis, that backfitting to comply with the requirements of this final rule is justified. A copy of the backfit analysis is available for inspection and copying at the NRC Public Document Room located at 1717 H Street NW., Washington, DC. Single copies may be obtained from Donald O. Nellis, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Mail Stop NL–007, Washington, DC 20555, Telephone (301) 443–7989.

List of Subjects in 10 CFR Part 20

Byproduct material, Licensed material, Nuclear materials, Nuclear power plants and reactors, Occupational safety and health, Packaging and containers, Penalty, Radiation protection, Reporting and recordkeeping requirements, Special nuclear material, Source material, and Waste treatment and disposal.

For reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 553, the NRC is adopting the following amendments to 10 CFR Part 20.

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

1. The authority citation for Part 20 is revised to read as follows:

Authority: Secs. 53, 63, 65, 81, 103, 104, 161, 68 Stat. 930, 933, 935, 936, 937, 948, as amended (42 U.S.C. 2073, 2093, 2095, 2111, 2133, 2134, 2201); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 20.101, 20.102, 20.103(a), (b) and (f), 20.104(a) and (b), 20.105(b), 20.106(a), 20.201, 20.202(a), 20.205, 20.207, 20.301, 20.303, 20.304, and 20.305 are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); and §§ 20.102, 20.103(e), 20.401–20.407, 20.408(b), and 20.409 are issued under sec. 161(o), 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. In § 20.3, a new definition is added as paragraph (a)(20) to read as follows:

§ 20.3 Definitions.

(a) As used in this part:

* * * * *

(20) "Dosimetry processor" means an individual or an organization that processes and evaluates personnel monitoring equipment in order to determine the radiation dose delivered to the equipment.

3. In § 20.202, a new paragraph (c) is added to read as follows:

§ 20.202 Personnel monitoring.

* * * * *

(c) All personnel dosimeters (except for direct and indirect reading pocket ionization chambers and those dosimeters used to measure the dose to hands and forearms, feet and ankles) that require processing to determine the radiation dose and that are utilized by licensees to comply with paragraph (a) of this section, with other applicable provisions of 10 CFR Chapter I, or with conditions specified in a licensee's license must be processed and evaluated by a dosimetry processor:

(1) Holding current personnel dosimetry accreditation from the National Voluntary Laboratory Accreditation Program (NVLAP) of the National Bureau of Standards, and

(2) Approved in this accreditation process for the type of radiation or radiations included in the NVLAP program that most closely approximate the type of radiation or radiations for which the individual wearing the dosimeter is monitored.

Dated at Washington, DC, this 9th day of February, 1987.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 87–3139 Filed 2–12–87; 8:45 am]

BILLING CODE 7590–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 86–CE–45–AD; Amdt. 39–5553]

Airworthiness Directives; Beech Models 1900 and 1900C Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Beech Models 1900 and 1900C airplanes equipped with optional "chip detect" annunciators. The AD requires that the Pilots Operating Handbook and FAA Approved Airplane Flight Manual (POH/AFM) be revised to remove language which could allow

flights beyond the point of first intended landing following illumination of a "chip detect" annunciator, and to insert in its place a requirement that the cause of the illumination be determined and corrected prior to the next takeoff. This annunciator is intended to inform the flight crew of magnetic particle contamination in the engine reduction gear oil supply, a condition which could lead to in-flight engine failure, and continued illumination of a "chip detect" caution annunciator may reduce the attention-getting qualities of other required caution and warning lights with a resulting adverse effect upon safe operation.

DATES: *Effective Date:* March 23, 1987. Compliance As prescribed in the body of the AD.

ADDRESSES: Copies of the applicable POH/AFM revisions are available from Beech Aircraft Corporation, 9709 E. Central, P.O. Box 85, Wichita, Kansas 67201. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. L.D. Felix, ACE-160W, Wichita Aircraft Certification Office, Federal Aviation Administration, 1801 Airport Road, Room 100, Wichita, Kansas 67209; Telephone (316) 946-4433.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an AD requiring that the POH/AFM be revised to remove language which could allow flights beyond the point of first intended landing following illumination of a "chip detect" annunciator, and to insert in its place a requirement that the cause of the illumination be determined and corrected prior to the next takeoff, applicable to certain Beech Models 1900 and 1900C airplanes equipped with optional "chip detect" annunciators, was published in the **Federal Register** on October 17, 1986 (51 FR 37039). The proposal resulted from language introduced into the Beech Models 1900/1900C POH/AFM Part Number (P/N) 114-590021-3 by Revision A2 dated September 1985, which would authorize flights beyond the point of first intended landing following illumination of a "chip detect" caution annunciator without first determining the cause of the illumination. The FAA considers that for reasons of operating safety, any caution annunciation, once given, must be considered valid until its cause is found and corrected. The "chip detect" caution annunciator is intended to inform the flight crew of magnetic particle contamination in the engine reduction gear oil supply, a condition which may lead to in-flight engine failure A failure to determine and correct the cause of such annunciation at the point of first intended landing exposes the occupants of the airplane to possible undue hazard due to in-flight engine failure on any additional flights, including those which may be necessary to reach a point at which normal maintenance may be performed.

The warning, caution, and advisory annunciators installed in the Models 1900 and 1900C cockpits are presented in a format that is generally compatible with the requirements of the Federal Aviation Regulations. In this format, red (warning) annunciators are used to indicate hazards which may require immediate corrective action. Amber (caution) annunciators are used to indicate the possible need for future corrective action. Green annunciators are used to indicate safe operation, and annunciators of other colors may be used to indicate system status. The safety benefits of this format depend upon the attention-getting qualities of the individual annunciators. Where any warning (red) or caution (amber) annunciator operates continuously, the attention-getting qualities of the remaining annunciators may be compromised. This may result in the flight crew's failure to detect and take timely action with respect to failures in other installed systems, particularly if flight is extended beyond the point of first intended landing. Since flight operation beyond the point of first intended landing with a caution annunciator illuminated may lead to unsafe flight crew actions, the FAA has determined that an unsafe condition exists. This AD requires that pen-and-ink changes be made to the POH/AFM to delete a requirement that, following illumination of a chip detect annunciator, the cause of the malfunction should be determined and corrected at the next point where maintenance can be performed, and to insert in its place a requirement that the cause of the malfunction should be determined and corrected prior to the next takeoff.

Revision A3, dated February 1986, incorporates POH/AFM changes which are substantively the same as those directed by this proposed AD, and Beech has provided copies of Revision A3 to operators for each Model 1900 and 1900C airplane in service. Notwithstanding this, the unsafe procedure that is contained in the POH/AFM Revison A2 material is legally presumed to be safe unless it is subject to directed revision or unless the FAA approval is rescinded.

Since the condition described is likely to exist or develop in other Beech Models 1900/1900C airplanes of the same design, this AD requires that the Beech Models 1900/1900C POH/AFM P/N 114-590021-3 be revised to require pen-and-ink correction to material inserted by Revision A2 dated September 1985, or by incorporating Revision A3 dated February 1986.

No comments or objections were received on the proposal or the FAA determination of the related cost to the public. Accordingly, the proposal is adopted without change.

The FAA has determined there are approximately 58 airplanes affected by this AD. The cost of revising the POH/AFM of these airplanes as required by this AD is estimated to be negligible to the private sector. The cost of compliance with this AD is so small that the expense of compliance will not be a significant financial impact on any small entities operating these airplanes.

Therefore, I certify that this action: (1) Is not a "major rule" under the provisions of Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation has been prepared for this action and has been placed in the public docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **"ADDRESSES".**

List of Subjects in 14 CFR Part 39

Air transportation, Aviation safety, Aircraft, Safety.

Adoption of the Amendment

PART 39—[AMENDED]

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

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

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

§ 39.13 [Amended]

2. By adding the following new AD:

Beech: Applies to Models 1900 and 1900C (all serial numbers) airplanes equipped with optional "chip detect" annunciators, certificated in any category

Compliance: Required within the next 100 hours time-in-service after the effective date of this AD, unless already accomplished.

To preclude the reduction of the attention-getting qualities and enhance pilot awareness of the cockpit caution and warning annunciators, accomplish the following:

(a) Revise Beech Models 1900/1900C Pilot's Operating Handbook and FAA Approved Airplane Flight Manual (POH/AFM), Part Number (P/N) 114–590021–3, by incorporating Revision A3, dated February 1986.

(b) An alternate means of compliance with paragraph (a) of the AD is as follows:

(1) Using pen-and-ink or other permanent means, delete the words "at the next point where maintenance can be performed" from the procedure entitled ILLUMINATION OF "CHIP DETECT" ANNUNCIATOR on page 3A–6.

(2) In place of the words deleted in step (1), insert the words "prior to the next takeoff".

(c) The requirements of paragraph (a) or (b) of this AD may be accomplished by the holder of a pilot certificate issued under Part 61 of the Federal Aviation Regulations (FAR) on any airplane owned or operated by him. The person accomplishing these actions must make the appropriate aircraft maintenance record entry as prescribed by FAR 91.173.

(d) An equivalent method of compliance with this AD, if used, must be approved by the Manager, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Room 100, Wichita, Kansas 67209; Telephone (316) 946–4400.

All persons affected by this directive may obtain copies of the documents applicable to this AD upon request to Beech Aircraft Corporation, 9709 East Central, P.O. Box 85, Wichita, Kansas 67201; or the FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

This amendment becomes effective March 23, 1987.

Issued in Kansas City, Missouri, on February 4, 1987.

Jerold M. Chavkin,

Acting Director, Central Region.

[FR Doc. 87–3074 Filed 2–12–87; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 86–NM–231–AD; Amdt. 39–5556]

Airworthiness Directive; CASA Model C–212 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Construcciones Aeronauticas S.A. (CASA) Model C–212 series airplanes, which requires modification of the nose landing gear steering actuator attachment. This amendment is prompted by several reports of airplanes running off the runway, following severe vibration (shimmy) and loss of nose wheel steering. This condition, if not corrected, could result in failure of the nose landing gear and major damage to the airplane.

EFFECTIVE DATE: March 2, 1987.

ADDRESSES: The applicable service information may be obtained from Construcciones Aeronauticas S.A., Getafe, Madrid, Spain. This information may be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Ms. Judy Golder, Standardization Branch, ANM–113; telephone (206) 431–1967. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: The Spanish Dirección General de Aviación Civil (DGAC) has, in accordance with existing provisions of a bilateral airworthiness agreement, notified the FAA of an unsafe condition, which may exist or develop on certain CASA Model C–212 airplanes due to failures of torque link bolts in the nose landing gear, caused by excessive vibration. There have been two recent reports of CASA Model C–212 airplanes that ran off the runway, following severe nose wheel vibration during landing. Investigation revealed that the nose wheel steering actuator attachment bolts had sheared. Failures of the bolts can lead to failure of the nose landing gear and resultant severe damage to the airplane.

CASA issued Service Bulletin 212–32–21, Revision 1, dated June 4, 1986, which provides the instructions necessary to reinforce the unions between the steering actuator and landing gear attachment fitting, and to improve the safetying of all attaching components. The DGAC has classified this service bulletin as mandatory.

This airplane model is manufactured in Spain and type certificated in the United States under the provisions of Section 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement.

Since this situation is likely to exist or develop on other airplanes of the same type design, this AD requires modification of the nose landing gear in accordance with CASA Service Bulletin 212–32–21, Revision 1, dated June 4, 1986.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedures hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required).

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

PART 39—[AMENDED]

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the FAA amends § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

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

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

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

Construcciones Aeronauticas S.A. (CASA): Applies to Model C–212 airplanes identified in CASA Service Bulletin 212–32–21, Revision 1, dated June 4, 1986, certificated in any category. Compliance is required within 45 days after the effective date of this AD.

To prevent loss of aircraft control on the runway caused by fractured nose landing gear components, accomplish the following, unless already accomplished:

A. Modify the nose landing gear in accordance with the accomplishment instructions of CASA Service Bulletin 212–32–21, Revision 1, dated June 4, 1986.

B. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM–113, FAA, Northwest Mountain Region.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of the modification required by this AD.

All persons affected by this directive who have not already received the appropriate service information from the manufacturer, may obtain copies upon request to Construcciones Aeronauticas S.A., Getafe, Madrid, Spain. This information may be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective March 2, 1987.

Issued in Seattle, Washington, on February 5, 1987.

Wayne J. Barlow,

Director, Northwest Mountain Region.

[FR Doc. 87-3075 Filed 2-12-87; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 86-ANE-27; Amdt. 39-5555]

Airworthiness Directives; Teledyne Continental Motors GTSIO-520, TSIO-520, IO-520 and IO-550 Series Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the Federal Register and makes effective as to all persons an amendment adopting a new airworthiness directive (AD) which was previously made effective as to all known U.S. owners and operators of certain Teledyne Continental Motors reciprocating engines by individual letters. The AD requires repetitive inspections, and replacement if necessary, of cylinder assemblies in service and a one time inspection of cylinders in stock. The AD is needed to prevent possible cylinder head to barrel separation which could result in engine failure and/or engine compartment fire.

DATES: Effective February 19, 1987, as to all persons except those persons to whom it was made immediately effective by priority letter AD No. 86-13-04 R2, issued December 24, 1986, which contained this amendment.

Compliance—As required in the body of the AD.

FOR FURTHER INFORMATION CONTACT: Jerry C. Robinette, Aerospace Engineer, Propulsion Branch, ACE-140A, Atlanta Aircraft Certification Office, Federal Aviation Administration, 1669 Phoenix Parkway, Suite 210, Atlanta, Georgia 30349, telephone (404) 991-3810.

SUPPLEMENTARY INFORMATION: On June 20, 1986, AD No. 86-13-04 was issued requiring repetitive inspections of cylinder assemblies in service and the one time inspection of cylinders in stock on certain Teledyne Continental Motors GTSIO-520, TSIO-520, IO-520, and IO-550 series engines. AD action was necessary to prevent possible cylinder head to barrel separation which could cause engine failure and/or engine compartment fire. Priority Letter AD No. 86-13-04 R1, issued September 5, 1986, allowed the replacement of suspect cylinder assemblies with approved cylinder assemblies in order to discontinue the repetitive inspections required, and amended the effective date of the AD. Priority Letter AD No. 86-13-04 R2, issued December 24, 1986, added certain chrome plated cylinder assembly part numbers to the list of suspect cylinder assemblies.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to public interest, and good cause existed to make the AD effective immediately by individual letters as to all known U.S. owners and operators of certain Teledyne Continental Motors GTSIO-520, TSIO-520, IO-520, and IO-550 series engines. These conditions still exist, and the AD is hereby published in the Federal Register as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

Conclusion

The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT"**.

List of Subjects in 14 CFR Part 39

Engines, Air transportation, Aircraft, Aviation safety.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) amends Part 39 of the Federal Aviation Regulations (FAR) as follows:

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

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

§ 39.13 [Amended]

2. By adding to § 39.13 the following new airworthiness directive (AD):

Teledyne Continental Motors:

Applies to cylinder assemblies (part number stamped on flange of cylinder) with P/N's 643985, 646100, 646101, 646652, 646652CP, 646657, 646657CP, 649162, 649162CP, 649169, 649169CP including all these numbers with all A dash numbers as a suffix, manufactured on or after January 1, 1985, with 485 total hours or less installed on, but not limited to, the following Teledyne Continental Motors (TCM) Engines:

New engines	Serial Nos.
GTSIO-520-H	607068 thru 607070.
-K	605164.
-L	608669 thru 608673.
-M	606979 thru 606997.
-N	610450 thru 610462.
TSIO-520-BE	528133 thru 528242, 528244 thru 528246, 258252 thru 528256, 528259, 528260, 528263, 528270.
-CE	530045 thru 530127, 530131, 530132.
-C	501603 thru 501610.
-EB	510802 thru 510809.
-G	507066.
-H	506883 thru 506885.
-M	520742 thru 520824, 520829 thru 520835, 520837, 520838.
TSIO-520-NB	521585 thru 521615.
-P	513908 thru 513910.
-R	522588 thru 522602, 522604, 522605.
-UB	527063 thru 527080.
-VB	529014 thru 529060.
-WB	518895 thru 518906.
10-520-BB	578073, 578084 thru 578151, 578155, 578156, 578166.
-CB	576237 thru 576272.
-D	575717, 575747 thru 575806.
-E	556594 thru 556603.
-F	574844 thru 574988.
-K	557516 thru 557518.
-L	577121 thru 577147, 577149 thru 577153.
-MB	575043 thru 575046.
10-550-B	675125 thru 675237, 675239 thru 675244, 675246 thru 675256, 675258 thru 675266, 675273, 675274, 675277, 675278.
-C	676156 thru 676231, 676233 thru 676248, 676250 thru 676271.

Rebuilt Engines	Serial Nos.
GTSIO-520-C	155546 thru 155550.
-D	219429 thru 219435.
-H	235236 thru 235290, 235293 thru 235298, 267000 thru 267003.
-K	226106 thru 226110.
-L	245882 thru 245990, 245992 thru 246008, 246011 thru 246014, 246016 thru 246021, 246023, 246024.
-M	243217 thru 243364, 243366, 243367, 243369 thru 243381.
-N	241300, 265000 thru 265039, 265041.
TSIO-520-AF	245205.
-BB	236937 thru 236951.
-B	176485 thru 176522.
-C	178289 thru 178297.
-EB	242984 thru 242999.
-E	183816 thru 183939, 183941 thru 183943, 183947.
-G	216022 thru 21605.
-H	217173 thru 217187.
-J	218907 thru 218924.
-K	224583, 224584.
-LB	237237 thru 237241, 237245, 237246.
TSIO-520-L	241883 thru 241900.
-M	230223, 230225, 248601 thru 248628, 248632 thru 248638, 248642.
-NB	244933 thru 244999, 266500, 266501, 266503 thru 266511, 266513 thru 266517, 266521, 266525.
-N	228481 thru 228505, 228509 thru 228516.
-P	236453 thru 236467.
-R	245645 thru 245686.
-T	239316 thru 239321.
-UB	240981 thru 241000, 248851 thru 248854, 248858.
-VB	248288 thru 248499, 266600 thru 266681, 266683 thru 266685, 266687, 266689, 266691, 266699 thru 266702.
-WB	248160 thru 248203, 248205 thru 248217.
10-520-A	112547 thru 112569.
-BA	241763 thru 241800, 249251 thru 249425, 249427 thru 249429, 249433 thru 249443, 249445, 249446, 249448 thru 249453, 249457.
-BB	236000, 236789, 248500 thru 248568, 248572, 248573, 248575.
10-520-B	234758.
-CB	244047, 244067 thru 244110, 244112 thru 244123, 244126, 244127, 244130, 244131.
-C	243728, 243766 thru 243999, 267500, 267505 thru 267510, 267513 thru 267516, 267527.
-D	175381 thru 175531, 175534 thru 175536, 175540 thru 175556, 175559, 175560, 175563, 175565 thru 175567.
-E	215674 thru 215690.
-F	247574, 247577, 247607 thru 247727, 247731 thru 247742, 247744, 247746 thru 247750, 247752 thru 247756, 247762, 247766, 247767.
-J	216515.
-K	224045, 224046.
-L	242834 thru 242896, 242899.
-MB	236383 thru 236400, 266000 thru 266017, 266019.
-M	235728 thru 235787, 235789 thru 235793.
10-550-B	249104 thru 249122.

These engines are used on, but are not limited to, installation on the following airplanes:

Aero Commander 200, 500, 685
AISI F, 20 Pegaso
Ambrosini MF-15
Beagles B206S
Beech 33 Series, 35 series, 36, A36, A36TC, 55 Series, 58, 58P, 58TC
Bellanca Viking 300
Cessna 185, 188 series, 206 series, 207 series, 210 series, 310, T310, 320, 335, 340, 401, 402, 404, 411, 414, 421
Fletcher FU-24A
Janox Javilon
Navion Model H
Omnipal Cmelak
Piper PA-46
Prinair DeHavilland Heron
Procaer F-150
Transavia Airtruck
Windecker Eagle
Yeoman Cropmaster 285.

Compliance required within the next 5 flight hours after the effective date of this AD, except as to those compliance requirements set forth in AD 86-13-04, dated June 20, 1986, and priority letter AD 86-13-04 R1, dated September 5, 1986, unless already accomplished.

To prevent possible cylinder head to barrel separation, engine failure and/or engine compartment fire, accomplish the following:

I. For the above cylinder assembly part numbers installed on engines including those serial numbered engines listed above:

(a) Determine the part number for each cylinder assembly (part number is stamped on flange of cylinder barrel) and the date of manufacture (month and year of manufacture are stamped underneath rocker cover in the face of the rocker shaft boss).

1. If the cylinder assembly part number and date of manufacture are as listed above, proceed with paragraph (b), (c), (d), (e), and (f).

2. If the cylinder assembly part number and date of manufacture are not as listed above, proceed to paragraph (f). No further inspections are required by this AD.

(b) Visually inspect all cylinders for oil stains or leakage between the first and second barrel fins from the bottom of the head casting. The area of concern on direct drive engines is at the 12 o'clock position on the 1-3-5 cylinder side and the 6 o'clock position on the 2-4-6 side. On the GTSIO series engine, the area of concern is at the 6 o'clock position on the 1-3-5 cylinder side and 12 o'clock position on the 2-4-6 cylinder side.

(c) Pressure check all cylinder assemblies using a differential compression tester. The piston should be as close to BDC (Bottom Dead Center) as possible to insure the piston and rings are below the inspection area specified in paragraph (b) but still keeping both values closed and maintaining pressure in the cylinder. With 80 PSIG (pounds per square inch guage) air pressure in the cylinder, check the area specified in paragraph (b) with a soap/water solution and inspect for any leakage.

(d) If any leakage is noted from the above inspection and/or pressure check, the cylinder assembly must be changed before further flight.

(e) This visual inspection and pressure check must be repeated at intervals not to exceed 50 flight hours until the last inspection and pressure check required by this AD has been accomplished. The last inspection and pressure check required by this AD must occur between 440 hours and 490 hours of cylinder operation. However, these repetitive inspections and pressure checks may be discontinued when suspect cylinder assemblies having been replaced with assemblies having a date of manufacture before January 1985 or by approved replacement cylinder assemblies have different part numbers.

(f) Make appropriate Engine Logbook entry.

II. For cylinder assemblies not installed on engines:

Confirm a manufacture date stamp of 1-85 (January 1985) or subsequent (month and year of manufacture are stamped underneath rocker cover in the face of the rocker shaft boss), then notify Teledyne Continental Motors for disposition and replacement.

Notes: (a) Teledyne Continental Motors Service Bulletin No. M86-7, Rev. 5, dated 15 November 1986, addressed this subject.

(b) The manufacturer recommends continuing repetitive inspections at 100 hour intervals or at annual inspection.

Aircraft may be ferried in accordance with the provisions of FAR 21.197 and 21.199 to a base where the AD can be accomplished.

Upon request, an equivalent means of compliance with the requirements of this AD may be approved by the Manager, Atlanta Aircraft Certification Office, 1669 Phoenix Parkway, Suite 210, Atlanta, Georgia 30349.

Upon submission of substantiating data by an owner or operator through an FAA maintenance inspector, the Manager, Atlanta Aircraft Certification Office, 1669 Phoenix Parkway, Suite 210, Atlanta, Georgia 30349 may adjust the compliance time specified in this AD.

This amendment becomes effective February 19, 1987, as to all persons except those persons to whom it was made immediately effective by Priority Letter AD No. 86-13-04R2, issued December 24, 1986, which contained this amendment.

Issued in Burlington, Massachusetts, on February 5, 1987.

Clyde DeHart, Jr.,

Acting Director, New England Region.

[FR Doc. 87-3076 Filed 2-12-86; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 86-AWA-37]

Establishment of Airport Radar Service Area; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: This action corrects a coordinate in the description of the Charleston AFB/International Airport, SC, Airport Radar Service Area as published in the **Federal Register** (FR Document 87-729) on January 13, 1987 (52 FR 1426). In the amendatory language of that document, "lat. 23°" is corrected to read "lat. 32°".

EFFECTIVE DATE: 0901 UTC, February 12, 1987.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Burns, Airspace and Air Traffic Rules Branch (ATO-230), Airspace-Rules and Aeronautical Information Division, Air Traffic

Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–9253.

(Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.)

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

Harold H. Downey,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 87–3071 Filed 2–10–87; 12:01 pm]

BILLING CODE 4910–13–M

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14 CFR Part 97

[Docket No. 25187; Amdt. No. 1340]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: *Effective:* An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures Standards Branch (AFS–230), Air Transportation Division, Office of Flight Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 426–8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4, and 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in CFR Part 97

Approaches, Standard instrument, Incorporation by reference.

Issued in Washington, DC on February 6, 1987.

John S. Kern,

Director of Flight Standards.

Adoption of the Amendment

PART 97—[AMENDED]

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

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

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

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

. . . Effective April 9, 1987

Decatur, AL—Pryor Field, VOR RWY 18, Amdt. 9
Decatur, AL—Pryor Field, VOR RWY 36, Amdt. 2
Huntsville, AL—Huntsville Airport North, VOR/DME-B, Amdt. 4
Huntsville, AL—Huntsville-Madison Co Arpt—Carl T Jones Field, VOR-A, Amdt. 11
Huntsville, AL—Huntsville-Madison Co Arpt—Carl T Jones Field, NDB RWY 18R, Amdt. 12
Huntsville, AL—Huntsville-Madison Co Arpt—Carl T Jones Field, ILS RWY 18L, Amdt. 1
Huntsville, AL—Huntsville-Madison Co Arpt—Carl T Jones Field, ILS RWY 18R, Amdt. 19
Huntsville, AL—Huntsville-Madison Co Arpt—Carl T Jones Field, ILS RWY 36L, Amdt. 6
Huntsville, AL—Huntsville-Madison Co Arpt—Carl T Jones Field, RADAR-1, Amdt. 6
Madison, CT—Griswold, VOR-A, Amdt. 4
Windsor Locks, CT—Bradley Intl, RADAR-1, Amdt. 6, CANCELLED
Kailua-Kona, HI—Keahole, LOC RWY 17, Amdt. 4
Kailua-Kona, HI—Keahole, LOC BC RWY 35, Amdt. 7
Kailua-Kona, HI—Keahole, ILS/DME RWY 17, Amdt. 8
Biddeford, ME—Biddeford Muni, VOR-A, Amdt. 5
Tupelo, MS—C. D. Lemons Muni, VOR-A, ORIG, CANCELLED
Cross Keys, NJ—Cross Keys, VOR RWY 9, Amdt. 3
Toms River, NJ—Robert J. Miller Air Park, LOC RWY 6, Amdt. 2
Spring Valley, NY—Ramapo Valley, VOR RWY 8, ORIG, CANCELLED
Ahoskie, NC—Tri-County, VOR/DME-A, Amdt. 4
Ahoskie, NC—Tri-County, NDB RWY 36, Amdt. 1
Asheville, NC—Asheville Regional, ILS RWY 34, Amdt. 22
Edenton, NC—Edenton Muni, NDB RWY 5, Amdt. 4
Edenton, NC—Edenton Muni, NDB RWY 19, Amdt. 5
Rocky Mount, NC—Rocky Mount-Wilson, LOC BC RWY 22, Amdt. 3
Rocky Mount, NC—Rocky Mount-Wilson, NDB RWY 4, Amdt. 6
Rocky Mount, NC—Rocky Mount-Wilson, ILS RWY 4, Amdt. 11
Williamston, NC—Martin County, NDB RWY 21, Amdt. 3
Wilson, NC—Wilson Muni, NDB RWY 3, Amdt. 5
Chillicothe, OH—Ross County, VOR RWY 22, Amdt. 1
Chillicothe, OH—Ross County, NDB RWY 22, Amdt. 5
Circleville, OH—Pickaway County Memorial, VOR RWY 19, Amdt. 1
Circleville, OH—Pickaway County Memorial, NDB RWY 19, Amdt. 4
Lancaster, OH—Fairfield County, RNAV RWY 10, Amdt. 6
Tillamook, OR—Tillamook, NDB-A, Amdt. 1
Conway, SC—Conway-Horry County, VOR/DME-B, Amdt. 2
Conway, SC—Conway-Horry County, NDB-A, Amdt. 2, CANCELLED
Conway, SC—Conway-Horry County, NDB RWY 4, ORIG
Blanding, UT—Blanding Muni, NDB RWY 35, Amdt. 5

. . . Effective March 12, 1987

Denver, CO—Stapleton Intl, LOC/DME RWY 18, ORIG
Menominee, MI—Menominee-Marinette Twin County, VOR-A, Amdt. 1
Menominee, MI—Menominee-Marinette Twin County, RNAV RWY 21, ORIG
Kansas City, MO—Kansas City Downtown, VOR RWY 3, Amdt. 15
Kansas City, MO—Kansas City Downtown, VOR RWY 19, Amdt. 18
Kansas City, MO—Kansas City Downtown, VOR RWY 21, Amdt. 12
Kansas City, MO—Kansas City Downtown, NDB RWY 19, Amdt. 16
Kansas City, MO—Kansas City Downtown, ILS RWY 19, Amdt. 19
St Louis, MO—Lambert/St Louis Intl, ILS RWY 12R, Amdt. 20
Nashville, TN—John C. Tune, LOC/DME RWY 19, ORIG

. . . Effective January 15, 1987

Butler, PA—Butler County, ILS RWY 8, Amdt. 3

[FR Doc. 87-3072 Filed 2-12-87; 8:45 am]
BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 430, 436, and 455

[Docket No. 86N-0498]

Antibiotic Drugs; Aztreonam for Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the antibiotic drug regulations to provide for the inclusion of accepted standards for a new antibiotic drug, aztreonam for injection. The manufacturer has supplied sufficient data and information to establish its safety and efficacy.

DATES: Effective February 13, 1987; comments, notice of participation, and request for hearing by March 16, 1987; data, information, and analyses to justify a hearing by April 14, 1987.

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

FOR FURTHER INFORMATION CONTACT: Peter A. Dionne, Center for Drugs and Biologics (HFN-815), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: FDA has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357), as amended, with respect to a request for approval of a new antibiotic drug, aztreonam for injection. The agency has concluded that the data supplied by the manufacturer concerning this antibiotic drug are adequate to establish its safety and efficacy when used as directed in the labeling and that the regulations should be amended in Parts 430, 436, and 455 (21 CFR Parts 430, 436, and 455) to provide for the inclusion of accepted standards for the product.

Environmental Impact

The agency has determined under 21 CFR 25.24(c)(6) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Submitting Comments and Filing Objections

This regulation announces standards that FDA has accepted in a request for approval of an antibiotic drug. Because this regulation is not controversial and because when effective it provides notice of accepted standards, notice and comment procedure and delayed effective date are found to be unnecessary and not in the public interest. This regulation, therefore, is effective February 13, 1987. However, interested persons may on or before March 16, 1987, submit written comments to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this final rule may file objections to it and request a hearing. Reasonable grounds for the hearing must be shown. Any person who decides to seek a hearing must file: (1) On or before March 16, 1987, a written notice of participation and request for hearing, and (2) on or before April 14, 1987, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 314.300. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing. All submissions must be filed in three copies, identified with the docket number appearing in the heading of this order and filed with the Dockets Management Branch.

The procedures and requirements governing this order, a notice of participation and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 314.300.

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects

21 CFR Part 430

Administrative practice and procedure, Antibiotics.

21 CFR Part 436

Antibiotics.

21 CFR Part 455

Antibiotics.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, Parts 430, 436, and 455 are amended as follows:

PART 430—ANTIBIOTIC DRUGS; GENERAL

1. The authority citation for 21 CFR Part 430 continues to read as follows:

Authority: Secs. 507, 701(a), 59 Stat. 463 as amended, 52 Stat. 1055 (21 U.S.C. 357, 371(a)); 21 CFR 5.10.

2. Section 430.4 is amended by adding new paragraph (a)(56) to read as follows:

§ 430.4 Definitions of antibiotic substances.

(a) * * *

(56) *Aztreonam.* [2*S*[2*alpha*,3*beta*(*Z*)]]-2-[[[1-(2-amino-4-thiazolyl)-2-[(2-methyl-4-oxo-1-sulfo-3-azetidinyl)amino]-2-oxoethylidene]amino]oxy]-2-methylpropanoic acid.

3. Section 430.5 is amended by adding new paragraphs (a)(89) and (b)(91) to read as follows:

§ 430.5 Definitions of master and working standards.

(a) * * *

(89) *Aztreonam.* The term "aztreonam master standard" means a specific lot of aztreonam that is designated by the Commissioner as the standard of comparison in determining the potency of the aztreonam working standard.

(b) * * *

(91) *Aztreonam.* The term "aztreonam working standard" means a specific lot of a homogeneous preparation of aztreonam.

4. Section 430.6 is amended by adding new paragraph (b)(91) to read as follows:

§ 430.6 Definitions of the terms "unit" and "microgram" as applied to antibiotic substances.

* * * * *

(b) * * *

(91) *Aztreonam.* The term "microgram" applied to aztreonam means the aztreonam activity (potency) contained in 1.05 micrograms of the aztreonam master standard.

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

5. The authority citation for 21 CFR Part 436 continues to read as follows:

Authority: Sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357); 21 CFR 5.10.

6. Section 436.20 is amended by adding new paragraph (d)(9) to read as follows:

§ 436.20 Sterility test methods and procedures.

* * * * *

(d) * * *

(9) *Diluting fluid I.* To each liter of diluting fluid A add 23.4 grams of sterile L-arginine base.

* * * * *

7. New § 436.361 is added to read as follows:

§ 436.361 High-performance liquid chromatographic assay for aztreonam.

(a) *Equipment.* A suitable high-performance liquid chromatograph equipped with:

(1) A suitable detection system specified in the monograph for the drug being tested;

(2) A suitable recording device of at least 25-centimeter deflection;

(3) A suitable chromatographic data managing system; and

(4) An analytical column, 3 to 30 centimeters long, packed with a material as defined in the monograph for the drug being tested; and if specified in that monograph, the inlet of this column may be connected to a guard column, 3 to 5 centimeters in length, packed with the same material of 40 to 60 micrometers particle size.

(b) *Procedure.* Perform the assay and calculate the drug content using the temperature, instrumental conditions, flow rate, and calculations specified in the monograph for the drug being tested. Use a detector sensitivity setting that gives a peak height for the working standard that is at least 50 percent of scale with typical chart speed of not less than 2.5 millimeters per minute. Use the equipment described in paragraph (a) of this section. Use the reagents, working standard solution, and sample solution described in the monograph for the drug being tested. Equilibrate and condition the column by passage of 10 to 15 void volumes of mobile phase followed by five replicate injections of the same volume (between 10 and 20 microliters) of the working standard solution. Allow an operating time sufficiently long to obtain satisfactory separation and elution of the expected components after each injection. Record the peak responses and calculate the prescribed system suitability requirements described for the system suitability test in paragraph (c) of this section.

(c) *System suitability test.* Select the system suitability requirements specified in the monograph for the drug being tested. Then, using the equipment and procedure described in this section, test the chromatographic system for assay as follows:

(1) *Tailing factor.* Calculate the tailing factor (*T*), from distances measured along the horizontal line at 5 percent of the peak height above the baseline, as follows:

$$T = \frac{W_{0.05}}{2f}$$

where:

$W_{0.05}$ = Width of peak at 5 percent height; and

f = Horizontal distance from point of ascent to a point coincident with maximum peak height.

(2) *Efficiency of the column.* Calculate the number of theoretical plates (n) of the column as follows:

$$n = 5.545 \left[\frac{t_R}{w_h} \right]^2$$

where:

n = Efficiency, as number of theoretical plates for column;

t_R = Retention time of solute; and

w_h = Peak width at half-height.

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(3) Resolution. Calculate the resolution (R) as follows:

$$R = \frac{2(t_{Rj} - t_{Ri})}{w_i = w_j}$$

where:

t_{Rj} = Retention time of a solute eluting after i (t_{Rj} is larger than t_{Ri});

t_{Ri} = Retention time of any solute;

w_i = Width of peak at baseline of any solute; and

w_j = Width of peak at baseline of any solute eluting after i.

(4) Coefficient of variation (relative standard deviation). Calculate the coefficient of variation (S_R in percent) as follows:

$$S_R = \frac{100}{\bar{x}} \left[\frac{\sum_{i=1}^{N} (x_i - \bar{x})^2}{N-1} \right]^{\frac{1}{2}}$$

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where:

X is the mean of N individual measurements of X_i.

If the complete operating system meets the system suitability requirements of the monograph for the drug being tested, proceed as described in paragraph (b) of this section, except alternate injections of the working standard solution with injections of the sample solution.

PART 455—CERTAIN OTHER ANTIBIOTIC DRUGS

8. The authority citation for 21 CFR Part 455 continues to read as follows:

Authority: Sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357); 21 CFR 5.10.

9. New § 455.4a is added to read as follows:

§ 455.4a Sterile aztreonam.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Aztreonam is a practically odorless, white to slightly off-white fine powder. It is sparingly soluble in water of pH 2, and is very soluble at pH values above 4. Its solubility is slight to very slight in polar organic solvents such as methanol and ethanol and it is insoluble in non-polar solvents such as hexane and heptane. It is so purified and dried that:

(i) Its potency is not less than 900 micrograms of aztreonam per milligram on an "as is" basis.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) Its moisture content is not more than 2.0 percent.

(v) Its residue on ignition is not more than 0.1 percent.

(vi) Its heavy metals content is not more than 30 parts per million.

(vii) It passes the identity test.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requirements for certification: samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, moisture, residue on ignition, heavy metals, and identity.

(ii) Samples, if required by the Director, Center for Drugs and Biologics:

(*a*) For all tests except sterility: 10 packages, each containing approximately 500 milligrams.

(*b*) For sterility testing: 20 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.361 of this chapter, except in lieu of the guard column described in paragraph (a)(4) of that section, use a 5- to 10-centimeter precolumn having an inside diameter of 2 millimeters and packed with octadecyl silane chemically bonded to silica gel of a controlled surface porosity that has been bonded to a solid spherical core (U.S.P. designation L–2) 30 micrograms to 50 micrograms in diameter; and use the resolution test solution to determine resolution in lieu of the working standard solution. Perform the assay at ambient temperature, using an ultraviolet detection system operating at a wavelength of 270 nanometers (or 254 nanometers fixed mercury source), a column packed with octadecyl silane chemically bonded to porous silica or ceramic microparticles (U.S.P. designation L–1) 5 micrograms to 10 micrograms in diameter or equivalent, a flow rate of 1.5 milliliters per minute, and a known injection volume of 20 microliters. Reagents, working standard solution, sample solution, resolution test solution, system suitability requirements, and calculations are as follows:

(i) *Reagents*—(*a*) *0.05M potassium phosphate buffer, pH 3.0.* Prepare a solution containing 6.8 grams of potassium phosphate monobasic per liter of distilled water. Adjust the solution to pH 3.0 with 1*M* phosphoric acid.

(*b*) *Mobile phase.* 0.05*M* potassium phosphate buffer, pH 3.0: methanol (4:1).

(ii) *Preparation of working standard, sample, and resolution test solutions*—(*a*) *Working standard solution.* Transfer approximately 25 milligrams of aztreonam working standard, accurately weighed, to a 25-milliliter volumetric flask. Dissolve and dilute to volume with mobile phase.

(*b*) *Sample solution.* Transfer approximately 25 milligrams of the sample, accurately weighed, to a 25-milliliter volumetric flask. Dissolve and dilute to volume with mobile phase.

(*c*) *Resolution test solution.* Dissolve 10 milligrams of [2*S*-[2*alpha*,3*beta*(*E*]]-2-[[[1-(2-amino-4-thiazolyl)-2-[[2-methyl-4-oxo-1-sulfo-3-azetidinyl]amino]-2-oxoethylidene] amino]oxy]-2-methylpropanoic acid (E isomer) in 10 milliliters of working standard solution and dilute to 50-milliliters with mobile phase.

(iii) *System suitability requirements*—(*a*) *Tailing factor.* The tailing factor (T) is satisfactory if it is not more than 2 at 5 percent of peak height.

(*b*) *Efficiency of the column.* The efficiency of the column (n) is satisfactory if it is greater than 1,000 theoretical plates.

(*c*) *Resolution.* The resolution (R) between the peak for aztreonam and the E isomer is satisfactory if it is not less than 2.0.

(*d*) *Coefficient of variation.* The coefficient of variation (S_R in percent) of 5 replicate injections is satisfactory if it is not more than 2.0 percent.

If the system suitability requirements have been met, then proceed as described in § 436.361(b) of this chapter. Alternate chromatographic conditions are acceptable provided reproducibility and resolution are comparable to the system. However, the sample preparation described in paragraph (b)(1)(ii)(*b*) of this section should not be changed.

(iv) *Calculation.* Calculate the micrograms of aztreonam per milligram as follows:

$$\text{Micrograms of aztreonam per milligram} = \frac{A_u \times P_s}{A_s \times C_u}$$

where:

A_u = Area of the aztreonam peak in the chromatogram of the sample (at a retention time equal to that observed for the standard);

A_s = Area of the aztreonam peak in the chromatogram of the aztreonam working standard;

P_s = Aztreonam activity in the aztreonam working standard solution in micrograms per milliliter; and

C_u = Milligrams of sample per milliliter of sample solution.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section, except use diluting fluid I in lieu of diluting fluid A.

(3) *Pyrogens.* Proceed as directed in § 436.32(b) of this chapter, using a solution containing 50 milligrams of aztreonam and 39 milligrams of pyrogen-free L-arginine base per milliliter.

(4) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(5) *Residue on ignition.* Proceed as directed in § 436.207(a) of this chapter.

(6) *Heavy metals.* Proceed as directed in § 436.208 of this chapter.

(7) *Identity.* Proceed as directed in § 436.211 of this chapter, using the 0.5 percent potassium bromide disc prepared as described in paragraph (b)(1) of that section, except prepare a solution containing 3 milligrams of aztreonam per milliliter of methanol and use 0.5 milliliter of the solution as the sample.

10. New § 455.204 is added to read as follows:

§ 455.204 Aztreonam for injection.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Aztreonam for injection is a dry mixture of aztreonam and arginine. Its potency is satisfactory if each milligram of aztreonam for injection contains not less than 900 micrograms and not more than 1,050 micrograms of aztreonam when corrected for arginine content and moisture content. Its aztreonam immediate container fill (content) is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of aztreonam that it is represented to contain. It is sterile. It is nonpyrogenic. Its moisture content is not more than 2.0 percent. Its pH in an aqueous solution containing 100 milligrams of aztreonam per milliliter is not less than 4.5 and not more than 7.5. The aztreonam used conforms to the standards prescribed by § 455.4a(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The sterile aztreonam used in making the batch for potency, sterility, pyrogens, moisture, residue on ignition, heavy metals, and identity.

(*b*) The batch for aztreonam potency, aztreonam content, sterility, pyrogens, moisture, and pH.

(ii) Samples, if required by the Director, Center for Drugs and Biologics:

(*a*) The aztreonam used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 10 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency and content.* Determine both micrograms of aztreonam per milligram of sample and milligrams of aztreonam per container. Proceed as directed in § 436.361 of this chapter, except in addition to the column described in paragraph (a)(4) of that section, use a 5- to 50-centimeter saturator column having an inside diameter of 2 to 4.6 millimeters and packed with approximately 37 micrometer silica; and use the resolution test solution to determine resolution in lieu of the working standard solution. Perform the assay at ambient temperature, using an ultraviolet detection system operating at a wavelength of 206 nanometers, and a column packed with Chromegabond Diol (dihydroypropane chemically bonded to porous silica), 5 to 10 micrometers or equivalent. Mobile phase, working standard solution, sample solution, resolution test solution, system suitability requirements, and calculations are as follows:

(i) *Mobile phase.* Acetonitrile:0.01*M* ammonium phosphate, pH 2.0. Transfer 1.15 grams of ammonium phosphate monobasic to a 1-liter volumetric flask. Add about 800 milliliters of distilled water and sonicate to aid dissolution. Adjust the solution to pH 2.0 with o-phosphoric acid, 85 percent. Dilute the solution to volume with distilled water and mix well. Transfer about 250 milliliters of this solution and 750 milliliters of acetonitrile to a suitably sized container and mix well.

(ii) *Preparation of working standard, sample, and resolution test solutions*—(*a*) *Working standard solution.* Transfer approximately 25 milligrams each of the aztreonam working standard and the arginine working standard, accurately weighed, to a 25-milliliter volumetric flask. Dissolve and dilute to volume with mobile phase (primary working standard solution). Further dilute with mobile phase to 0.2 milligram of aztreonam per milliliter (estimated).

(*b*) *Sample solutions.* Use separate containers for preparation of each sample solution as described in paragraph (b)(1)(ii)(*b*) (*1*) and (*2*) of this section.

(*1*) *Potency (micrograms of aztreonam per milligram).* Accurately weigh the container contents by difference and quantitatively transfer it to a 100-milliliter volumetric flask. Dissolve and dilute to volume with mobile phase. Further dilute in mobile phase to 0.2 milligram of aztreonam per milliliter (estimated).

(*2*) *Content (milligrams of aztreonam Per container).* If packaged in containers with capacities of less than 100 milliliters, reconstitute the sample as directed in the labeling, using distilled water in lieu of reconstituting fluid. If packaged in bottles with capacities of 100 milliliters or greater, reconstitute with 10 milliliters of distilled water. Withdraw the total contents of each container or bottle and dilute with mobile phase to a concentration of 0.2 milligram of aztreonam per milliliter (estimated).

(*c*) *Resolution test solution.* Dissolve 10 milligrams of open ring aztreonam, 2-[[(2-amino-4-thiazolyl)[(1carboxy-1-methylethoxy)imino]acetyl]amino1-3-(sulfoamino)butanoic acid, in 10.0 milliliters of primary standard solution. Further dilute 5 milliliters of this solution to 25.0 milliliters with mobile phase.

(iii) *System suitability requirements*—(*a*) *Tailing factor.* The tailing factor (*T*) of the aztreonam peak is satisfactory if it is not more than 2 at 5 percent of peak height.

(*b*) *Efficiency of the column.* The efficiency of the column (*n*) is satisfactory if it is greater than 1,000 theoretical plates.

(*c*) *Resolution.* The resolution (*R*) between aztreonam peak and open ring aztreonam is satisfactory if it is not less than 2.0.

(*d*) *Coefficient of variation.* The coefficient of variation (S_R in percent) of 5 replicate injections is satisfactory if it is not more than 2.0 percent.

If the system suitability requirements have been met, then proceed as described in § 436.361(b) of this chapter. Alternate chromatographic conditions are acceptable provided reproducibility and resolution are comparable to the system. However, the sample preparation described in paragraph (b)(1)(ii)(*b*) of this section should not be changed.

(iv) *Calculations*—(*a*) *Potency (micrograms per milligram).* (*1*) Calculate the micrograms of aztreonam per milligram (uncorrected) as follows:

$$\text{Micrograms of aztreonam per milligram (uncorrected)} = \frac{A_u \times P_s}{A_s \times C_u}$$

where:

A_u = Area of the aztreonam peak in the chromatogram of the sample (at a retention time equal to that observed for the standard);

A_s = Area of the aztreonam peak in the chromatogram of the working standard;

P_s = Aztreonam activity in the working standard solution in micrograms per milliliter; and

C_u = Milligrams of sample per milliliter of sample solution.

(*2*) Calculate the micrograms of arginine per milligram as follows:

$$\text{Micrograms of arginine permilligram} = \frac{A_u \times P_s}{A_s \times C_u}$$

where:

A_u = Area of the arginine peak in the chromatogram of the sample (at a retention time equal to that observed for the standard);

A_s = Area of the arginine peak in the chromatogram of the working standard;

P_s = Arginine activity in the working standard solution in micrograms per milliliter; and

C_u = Milligrams of sample per milliliter of sample solution.

(*3*) Calculate the micrograms of aztreonam per milligram (corrected) as follows:

$$\text{Micrograms of aztreonam per milligram (corrected)} = \frac{\text{Micrograms of aztreonam per milligram (uncorrected)} \times 1{,}000}{1{,}000 \left[\left(\frac{\text{Micrograms of arginine per milligram}}{\text{percent + moisture}}\right) \times 10\right]}$$

(b) *Content (milligrams of aztreonam per container).* Calculate the aztreonam content of the container as follows:

$$\text{Milligrams of aztreonam per container} = \frac{A_u \times P_s \times d}{A_s \times 1{,}000}$$

where:

A_u = Area of the aztreonam peak in the chromatogram of the sample (at a retention time equal to that observed for the standard);

A_s = Area of the aztreonam peak in the chromatogram of the working standard;

P_s = Aztreonam activity in the aztreonam working standard solution in micrograms per milliliter; and

d = Dilution factor of the sample.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(b) of this chapter, using a solution containing 50 milligrams of aztreonam per milliliter.

(4) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(5) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 100 milligrams of aztreonam per milliliter.

Dated: February 6, 1987.

Daniel L. Michels,

Director, Office of Compliance, Center for Drugs and Biologics.

[FR Doc. 87-3079 Filed 2-12-87; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Parts 436 and 449

[Docket No. 86N-0497]

Antibiotic Drugs; Nystatin Pastilles

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the antibiotic drug regulations to provide for the inclusion of accepted standards for a new dosage form of nystatin, nystatin pastilles. The manufacturer has supplied sufficient data and information to establish its safety and efficacy.

DATES: Effective February 13, 1987; comments, notice of participation, and request for hearing by March 16, 1987; data information, and analyses to justify a hearing by April 14, 1987.

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

FOR FURTHER INFORMATION CONTACT: Peter A. Dionne, Center for Drugs and Biologics (HFN-815), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: FDA has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357), as amended, with respect to a request for approval of a new dosage form of nystatin, nystatin pastilles. The agency has concluded that the data supplied by the manufacturer concerning this antibiotic drug are adequate to establish its safety and efficacy when used as directed in the labeling and that the regulations should be amended in Parts 436 and 449 (21 CFR Parts 436 and 449) to provide for the inclusion of accepted standards for the product.

Environmental Impact

The agency has determined under 21 CFR 25.24(c)(6) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Submitting Comments and Filing Objections

This final rule announces standards that FDA has accepted in a request for approval of an antibiotic drug. Because this final rule is not controversial and because when effective it provides notice of accepted standards, notice and comment procedure and delayed effective date are found to be unnecessary and not in the public interest. This final rule, therefore, is effective February 13, 1987. However, interested persons may, on or before March 16, 1987, submit written comments to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this final rule may file objections to it and request a hearing. Reasonable grounds for the hearing must be shown. Any person who decides to seek a hearing must file: (1) On or before March 16, 1987, a written notice of participation and request for hearing, and (2) on or before April 14, 1987, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 314.300. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing. All submissions must be filed in three copies, identified with the docket number appearing in the heading of this order and filed with the Dockets Management Branch.

The procedures and requirements governing this order, a notice of participation and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 314.300.

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects

21 CFR Part 436

Antibiotics.

21 CFR Part 449

Antibiotics.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, Parts 436 and 449 are amended as follows:

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

1. The authority citation for 21 CFR Part 436 continues to read as follows:

Authority: Sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357); 21 CFR 5.10.

2. Section 436.105(b) is amended in the table by adding footnote "10" to the item "Nystatin" and at the end of the table to read as follows:

§ 436.105 Microbiological agar diffusion assay.

* * * * *

(b) * * *

Antibiotic	Working standard stock solutions: Drying conditions (method number as listed in § 436.200)	Initial solvent	Diluent (solution number as listed in § 436.101(a))	Final concentration units or milligrams per milliliter	Standard response line concentrations: Storage time under refrigeration	Diluent	Final concentrations, units or micrograms of antibiotic activity per milliliter
*	*	*	*	*		*	*
Nystatin[10]							
*	*	*	*	*		*	*
*	*	*	*	*		*	*

[10]For assay of nystatin pastilles, use 80 percent aqueous dimethylformamide as the initial solvent and as diluent for all dilutions where dimethylformamide is required.

* * * * * * *

3. Section 436.212 is amended by adding paragraph (e)(4) and by revising paragraph (f) to read as follows:

§ 436.212 Disintegration test.

* * * * *

(e) * * *

(4) *Pastilles.* Place one pastille into each of the six tubes of the basket, add a disk to each tube, and operate the apparatus, using distilled water as the immersion fluid. At the end of the time limit specified in the individual section for the particular antibiotic pastille being tested, lift the basket from the fluid and observe the pastilles.

(f) *Evaluation.* Complete disintegration is defined as that state in which any residue of the tablet or pastille (except fragments of the insoluble coating) remaining on the screen is a soft mass having no palpably firm core. The tablets or pastilles pass the disintegration test if all of the units tested disintegrate completely under the conditions and time specified in the individual section for the antibiotic tablet or pastille being tested. If one or two tablets or pastilles fail to disintegrate completely, repeat the test on 12 additional tablets or pastilles. The tablets or pastilles pass the disintegration test if not less than 16 of the total 18 tested disintegrate completely. Enteric coated tablets fail the disintegration test if they show any distinct evidence of dissolution or disintegration after 1 hour immersion in simulated gastric fluid.

PART 449—ANTIFUNGAL ANTIBIOTIC DRUGS

4. The authority citation for 21 CFR Part 449 continues to read as follows:

Authority: Sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357); 21 CFR 5.10.

5. Part 449 is amended by adding new § 449.150d to read as follows:

§ 449.150d Nystatin pastilles.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Nystatin pastilles are composed of nystatin with suitable diluents, binders, buffers, colorings, and flavorings. Each pastille contains nystatin equivalent to 200,000 units of nystatin. Its potency is satisfactory if it contains not less than 90 percent and not more that 125 percent of the number of units of nystatin that it is represented to contain. The pH in an aqueous solution is not less than 5.0 and not more than 7.5. It disintegrates within 90 minutes. The nystatin used conforms to the standards prescribed by § 449.50(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The nystatin used in making the batch for potency, loss on driving, pH, and identity.

(*b*) The batch for potency, pH, and disintegration time.

(ii) Samples, if required by the Director, Center for Drugs and Biologics:

(*a*) The nystatin used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 36 pastilles.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place a representative number of pastilles into a high-speed glass blender jar containing 100 milliliters of sterile distilled water. Blend for 18 to 20 minutes. Add 400 milliliters of dimethylformamide and continue blending for an additional 10 minutes. Remove an aliquot and add sufficient 80 percent dimethylformamide so that upon final dilution with 10 percent potassium phosphate buffer, pH 6.0 (solution 6), to the reference concentration of 20 units of nystatin per milliliter, the concentration of dimethylformamide will be 4 percent.

(2) *pH.* Dissolve 1 pastille in 100 milliliters of distilled water at 37 °C, cool, and proceed as directed in § 436.202 of this chapter.

(3) *Disintegration time.* Proceed as directed in § 436.212 of this chapter, using the method described in paragraph (e)(4) of that section.

Dated: February 6, 1987.

Daniel L. Michels,

Director, Office of Compliance.

[FR Doc. 87-3078 Filed 2-12-87; 8:45 am]

BILLING CODE 4160-01-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2619

Valuation of Plan Benefits in Single-Employer Plans; Amendment Adopting Additional PBGC Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This amendment to the regulation on Valuation of Plan Benefits in Single-Employer Plans contains the interest rates and factors for the period beginning March 1, 1987. The use of these interest rates and factors to value benefits is mandatory for some terminating single-employer pension plans and optional for others. The PBGC adjusts the interest rates and factors periodically to reflect changes in financial and annuity markets. This amendment adopts the rates and factors applicable to plans that terminate on or after March 1, 1987, and will remain in effect until the PBGC issues new interest rates and factors.

EFFECTIVE DATE: March 1, 1987.

FOR FURTHER INFORMATION CONTACT: John Foster, Attorney, Corporate Policy and Regulations Department, Code 35400, Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, DC 20006, 202–778–8850 (202–778–8859 for TTY and TDD). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: The PBGC's regulation on the valuation of plan benefits in single-employer plans (29 CFR Part 2619) sets forth the methods for valuing plan benefits of terminating single-employer plans covered under Title IV of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"). Although the amendments to Title IV effected by the Single-Employer Pension Plan Amendments Act of 1986 ("SEPPAA") change significantly the rules for terminating single-employer plans, the valuation rules are much the same. (SEPPAA applies to all plan terminations initiated on or after January 1, 1986.) Under amended ERISA section 4041(c), all plans wishing to terminate in a distress termination (like all insufficient plans under prior law) must value guaranteed benefits and (new under SEPPAA) benefit commitments under the plan using the formulas set forth in Part 2619. Plans terminating in a standard termination may, for purposes of the notice given to the PBGC, use these formulas to value benefit commitments, although this is not required. (Such plans may value benefit commitments that are payable as annuities on the basis of a qualifying bid obtained from an insurer.)

Appendix B in Part 2619 sets forth the interest rates and factors that are to be used in formulas contained in the regulation. Because these rates and factors are intended to reflect current conditions in the financial and annuity markets, it is necessary to update the rates and factors periodically.

The rates and factors currently in use have been in effect since December 1, 1986 (51 FR 41298 (November 14, 1986)). Changes in the financial and annuity markets now require a decrease in those rates. Accordingly, this amendment adds to Appendix B a new set of interest rates and factors for valuing benefits in plans that terminate on or after March 1, 1987, which set reflects a decrease of ¼ percent in the immediate interest rate to 7¼ percent.

Generally, the interest rates and factors will be in effect for at least one month. However, any published rates and factors will remain in effect until such time as the PBGC publishes another amendment changing them. Any change in the rates normally will be published in the **Federal Register** by the 15th of the month preceding the effective date of the new rates or as close to that date as circumstances permit.

The PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest rates and factors promptly so that the rates can reflect, as accurately as possible, current market conditions.

Because of the need to provide immediate guidance for the valuation of benefits in plans that will terminate on or after March 1, 1987, and because no adjustment by ongoing plans is required by this amendment, the PBGC finds that good cause exists for making the rates set forth in this amendment effective less than 30 days after publication.

The PBGC has determined that this is not a "major rule" under the criteria set forth in Executive Order 12291, because it will not result in an annual effect on the economy of $100 million or more, a major increase in costs for consumers or individual industries, or significant adverse effects on competition, employment, investment, productivity, or innovation.

List of Subjects in 29 CFR Part 2619

Employment benefit plans, Pension insurance, Pensions.

In consideration of the foregoing, Part 2619 of Chapter XXVI, Title 29, Code of Federal Regulations, is hereby amended as follows:

PART 2619—[AMENDED]

1. The authority citation for Part 2619 continues to read as follows:

Authority: Secs. 4002(b)(3), 4041 (b) and (c), 4044, 4062 (b) and (c), Pub. L. 93–406, 88 Stat. 1004, 1020, 1025, 1029, as amended by secs. 403(1), 403(d), 402(a)(7), Pub. L. 96–364, 94 Stat. 1302, 1301, 1299, and by secs. 11007–11009, 11011, Pub. L. 99–272, 100 Stat. 244, 248, 253 [29 U.S.C. 1302, 1341, 1344, 1362].

2. Rate Set 66 of Appendix B is revised and Rate Set 67 of Appendix B is added to read as follows. The introductory text is republished.

Appendix B—Interest Rates and Quantities Used to Value Immediate and Deferred Annuities

In the table that follows, the immediate annuity rate is used to value immediate annuities, to compute the quality "G" for deferred annuities and to value both portions of a refund annuity. An interest rate of 5% shall be used to value death benefits other than the decreasing term insurance portion of a refund annuity. For deferred annuities, k_1, k_2, k_3, n_1 and n_2, as defined in § 2619.45.

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities				
	On or after	Before		k_1	k_2	k_3	n_1	n_2
• • •	•		•	•		•		
66	12–1–86	3–1–87	7.50	1.0675	1.0550	1.0400	7	8
67	3–1–87		7.25	1.0650	1.0525	1.0400	7	8

Kathleen P. Utgoff,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 87–3054 Filed 2–12–87; 8:45 am]

BILLING CODE 7708–01–M

29 CFR Part 2676

Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal—Interest Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This is an amendment to the Pension Benefit Guaranty Corporation's regulation on Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal (29 CFR Part 2676). The regulation prescribes rules for valuing benefits and certain assets of multiemployer plans under sections 4219(c)(1)(D) and 4281(b) of the Employee Retirement Income Security Act of 1974. Section 2676.15(c) of the regulation contains a table setting forth, for each calendar month, a series of

interest rates to be used in any valuation performed as of a valuation date within that calendar month. On or about the fifteenth of each month, the PBGC publishes a new entry in the table for the following month, whether or not the rates are changing. This amendment adds to the table the rate series for the month of March 1987.

EFFECTIVE DATE: March 1, 1987.

FOR FURTHER INFORMATION CONTACT: Deborah C. Murphy, Attorney, Corporate Policy and Regulations Department (35400), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington DC 20006; 202–778–8850 (202–778–8859 for TTY and TDD). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: The PBGC finds that notice of and public comment on this amendment would be impracticable and contrary to the public interest, and that there is good cause for making this amendment effective immediately. These findings are based on the need to have the interest rates in this amendment reflect market conditions that are as nearly current as possible and the need to issue the interest rates promptly so that they are available to the public before the beginning of the period to which they apply. (*See* 5 U.S.C. 533(b) and (d).) Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply (5 U.S.C. 601(2)).

The PBGC has also determined that this amendment is not a "major rule" within the meaning of Executive Order 12291 because it will not have an annual effect on the economy of $100 million or more; or create a major increase in costs or prices for consumers, individual industries, or geographic regions; or have significant adverse effects on competition, employment, investment, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 29 CFR Part 2676

Employee benefit plans, Pensions.

In consideration of the foregoing, Part 2676 of Subchapter H of Chapter XXVI of Title 29, Code of Federal Regulations, is amended as follows:

PART 2676—VALUATION OF PLAN BENEFITS AND PLAN ASSETS FOLLOWING MASS WITHDRAWAL

1. The authority citation for Part 2676 continues to read as follows:

Authority: Secs. 4002(b)(3), 4219(c)(1)(D), and 4281(b), Pub. L. 93–406, as amended by sections 403(1) and 104(2) (respectively), Pub. L. 96–364, 94 Stat. 1302, 1237–1238, and 1261 (1980) (29 U.S.C. 1302(b)(3), 1399(c)(1)(D), and 1441(b)(1)).

2. In § 2676.15, paragraph (c) is amended by adding to the end of the table of interest rates therein the following new entry:

§ 2676.15 Interest.

* * * * *

(c) *Interest rates.*

For valuation dates occurring in the month—	The values of i_k are—															
	i_1	i_2	i_3	i_4	i_5	i_6	i_7	i_8	i_9	i_{10}	i_{11}	i_{12}	i_{13}	i_{14}	i_{15}	i_u
*	*			*		*			*			*			*	
March 1987	.0825	.08	.0775	.075	.0725	.07	.07	.07	.07	.07	.065	.065	.065	.065	.065	.5875

Issued at Washington, DC, on this 9th day of February 1987.

Kathleen P. Utgoff,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 87–3055 Filed 2–12–87; 8:45 am]

BILLING CODE 7708–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Region II Docket No. 66; FRL–3126–3]

Approval and Promulgation of State Implementation Plans; Revision to the Virgin Islands Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces that the Environmental Protection Agency (EPA) is approving a request from the United States Virgin Islands to revise its implementation plan. This revision will have the effect of allowing Martin Marietta Aluminum Properties, Inc. and Hess Oil Virgin Islands Corp., located on the Island of St. Croix, to continue using fuel oil with a maximum sulfur content of 1.5 percent, by weight. The current sulfur content limitation contained in the Virgin Islands' regulations is 0.50 percent, by weight. Under the provisions of the Virgin Islands' submittal, the use of the higher sulfur content fuel oil would continue to be permitted for a maximum period of one year from the date of EPA's final approval.

DATES: This action will be effective April 14, 1987 unless notice is received by March 16, 1987 that adverse or critical comments will be submitted.

ADDRESSES: All comments should be addressed to: Christopher J. Daggett, Regional Administrator, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278.

Copies of the submission are available for public inspection during normal business hours at:

Environmental Protection Agency, Air Programs Branch, Room 1005, Region II Office, 26 Federal Plaza, New York, New York 10278

Government of the Virgin Islands of the United States, Department of Conservation and Cultural Affairs, Charlotte Amalie, St. Thomas, Virgin Islands 00801

Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278 (212) 264–2517.

SUPPLEMENTARY INFORMATION: On October 11, 1985 the Commissioner of the Virgin Islands Department of Conservation and Cultural Affairs (VIDCCA) submitted to the Environmental Protection Agency (EPA) a request to revise the Virgin Islands Implementation Plan for attaining and maintaining national ambient air quality standards. Additional information pertaining to the submittal was contained in correspondence of February 11, 1986. This revision deals with an administrative order which, if approved by EPA, would allow Martin Marietta Aluminum Properties, Inc. (MMAPI) and Hess Oil Virgin Islands Corp. (HOVIC) to continue using fuel oil with a sulfur content of 1.5 percent, by

weight, at certain of their fuel burning sources.

Both MMAPI and HOVIC are located in the southern industrial complex on the Island of St. Croix. Sources in this location currently are required by regulation to burn fuel oil with a maximum sulfur content of 0.50 percent, by weight. However, the regulation provides for a variance to this limit if the applicant can demonstrate that the use of a higher sulfur content fuel oil will not interfere with attainment and maintenance of national ambient air quality standards. VIDCCA originally requested a variance allowing MMAPI and HOVIC to burn 1.5 percent sulfur content fuel in February 1980. This request was approved by EPA on May 2, 1980 (45 FR 29293). Since then, final approval of additional extensions of this variance have been granted on September 3, 1981 (46 FR 44188), March 4, 1983 (48 FR 9257) and on February 26, 1985 (50 FR 7769). The revision is intended to continue this variance.

The submittal by the Virgin Islands consists of a dispersion modeling analysis, recent ambient air quality data collected through September 1985, a letter indicating the Virgin Islands' approval of a request by MMAPI and HOVIC for a one-year extension of their existing variance and a notice of a Virgin Islands' public hearing held on November 27, 1985.

EPA has reviewed the technical material submitted by the Virgin Islands, and has determined that none of the national ambient air quality standards or Prevention of Significant Deterioration increments will be exceeded, if the Virgin Islands Implementation Plan revision is approved. The technical support material submitted has demonstrated that the dispersion modeling analysis did not rely on dispersion techniques prohibited under section 123 of the Clean Air Act.

EPA is publishing this action without prior proposal because the Agency views it as a noncontroversial action and anticipates no adverse comments. This action will be effective 60 days from the date of this **Federal Register** unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted.

If such notice is received, this action will be withdrawn before the effective date by publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no comments are received, the public is advised that this action will be effective 60 days from today.

Under 5 U.S.C. Section 605(b), the Administrator has certified that implementation plan approvals do not have a significant economic impact on a substantial number of small entities (46 FR 8709).

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit within 60 days of publication. This action may not be challenged later in proceedings to enforce its requirements. (Sec. 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Sulfur oxides, Incorporation by reference.

Dated: November 28, 1986.

Lee M. Thomas,

Administrator, Environmental Protection Agency.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40, Chapter I, Subchapter C, Part 52, Code of Federal Regulations is amended as follows:

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

Subpart CCC—Virgin Islands

2. Section 52.2770 is amended by adding a new paragraph (c)(16) and (c) introductory text is republished to read as follows:

§ 52.2770 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(16) Revision submitted on February 11, 1986 by the Virgin Islands Department of Environmental Conservation and Cultural Affairs which grants a variance establishing, for one year from April 14, 1987, a maximum sulfur-in-fuel-oil limitation of 1.5 percent, by weight, for the Hess Oil Virgin Islands Corporation and the Martin Marietta Properties facilities located on the Island of St. Croix.

[FR Doc. 87–3122 Filed 2–12–87; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 52

[A–10–FRL–3135–9]

Approval and Promulgation of State Implementation Plan; Oregon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rulemaking action approves an Oregon State Implementation Plan (SIP) revision pertaining to the carbon monoxide (CO) attainment plan for the Medford area. The SIP revision, which adds a mandatory vehicle inspection and maintenance (I/M) program to the existing plan, was submitted to EPA by the Oregon Department of Environmental Quality (ODEQ) on October 9, 1985, and was supplemented on February 13, 1986. EPA is also approving two other aspects of the Oregon plan: first, it is approving a modification to the Oregon I/M regulations for underhood inspections which eliminates existing tampering checks for 1974 and older model vehicles; second, it is removing a existing ban on the construction of major stationary sources of carbon monoxide in the Medford CO nonattainment area.

EFFECTIVE DATE: April 14, 1987.

ADDRESSES: Copies of the materials submitted to EPA may be examined during normal business hours at:

Public Information, Reference Unit, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460

Air Programs Branch, (10A–85–22), Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101

State of Oregon, Department of Environmental Quality, 522 SW. Fifth, Yeon Building, Portland, Oregon 97204.

FOR FURTHER INFORMATION CONTACT: Loren C. McPhillips, Air Programs Branch, M/S 532, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone: (206) 442–4233, FTS: 399–4233.

SUPPLEMENTARY INFORMATION:

1. Background

In June, 1985, the Oregon Legislature passed HB 2845, which directed the Oregon Environmental Quality Commission (EQC) to designate the boundaries of areas needing I/M programs and to implement the programs in those areas if such a program has been designated in the SIP.

On October 9, 1985, the Oregon Department of Environmental Quality submitted to EPA a revised State Implementation Plan (SIP) revision for the Medford area which contained the commitment to implement the inspection and maintenance (I/M) program and to attain the carbon monoxide (CO) standard by December 31, 1987.

For a detailed summary of the background of the Medford, Oregon, I/M program, refer to the proposed rulemaking that was published on June 27, 1986 (51 FR 23435).

II. Response to Comments

On June 27, 1986, (51 FR 23435) EPA provided a 30-day public comment period on this proposed approval. No comments were received.

III. Final Rulemaking Action

Today, EPA is approving the Medford mandatory vehicle inspection and maintenance program as a revision to the existing SIP. In addition, EPA is approving a modification to the Oregon I/M regulation for underhood inspections which eliminates existing tampering checks for 1974 and older model vehicles. Since the state's submittal corrects SIP deficiencies in the Medford area, EPA is also removing of the section 110(a)(2)(I) construction moratorium (ban on the construction of major stationary CO sources in the Medford CO nonattainment area).

IV. Administrative Review

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 14, 1987. This action may not be challenged later in proceedings to enforce its requirements (See 307(b)(2)).

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Reporting and Recordkeeping requirements, incorporation by reference.

Note.—Incorporation by reference of the Implementation Plan for the State of Oregon was approved by the Director of the Office of **Federal Register** on July 1, 1982.

Dated: December 23, 1986.

Lee M. Thomas,

Administrator.

PART 52—[AMENDED]

Title 40, Part 52 of the Code of Federal Regulations is amended as follows:

Subpart MM-Oregon

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642

2. Section 52.1970 is revised by adding paragraph (c)(75) as follows:

§ 52.1970 Identification of plan.

* * * * *

(c) * * *

(75) A revision to the Oregon State Implementation Plan was submitted by the Director of Department of Environmental Quality (DEQ) on October 9, 1985, and supplemented with technical appendices on February 13, 1986. This revision adds a mandatory vehicle Inspection and Maintenance (I/M) program to the existing Medford Carbon Monoxide plan, modifies the Oregon I/M regulations for underhood inspections by eliminating tampering checks of 1974 and older model vehicles and removes the existing section 110(a)(2)(I) construction moratorium.

(i) Incorporation by Reference.

(A) A letter dated October 9, 1985 from Department of Environmental Quality to EPA Region 10.

(B) A letter dated February 13, 1986 from Department of Environmental Quality to EPA Region 10.

(C) OAR 340–24–301 (Boundary Designations), OAR 340–24–320 (Light Duty Motor Vehicle Emission Control Test Criteria), and OAR 340–24–325 (Heavy Duty Motor Vehicle Emission Control Test Criteria), which were adopted by the Environmental Quality Commission on September 27, 1985.

(D) October 20, 1982 letter to EPA from the Department of Environmental Quality and section 4.9.3.2 (Emission Reduction Necessary for Attainment) of the Control Strategy for Medford-Ashland Air Quality Maintenance Area 1982 State Implementation Plan Revision for Carbon Monoxide as adopted by the Environmental Quality Commission on October 15, 1982.

(E) Section 4.9.5.1 (Reasonable Further Progress) of the Control Strategy for Medford-Ashland Air Quality Maintenance Area 1982 State Implementation Plan Revision for Carbon Monoxide as adopted by the Environmental Quality Commission on October 15, 1982.

(F) Section 4.9.5.5 (Conformity of Federal Actions) of the Control Strategy for Medford-Ashland Quality Maintenance Area 1982 State Implementation Plan Revision for Carbon Monoxide as adopted by the Enviromental Quality Commission on October 15, 1982.

(G) Section 4.9.4 (Control Strategy) of the Control Strategy for Medford-Ashland Air Quality Maintenance Area 1982 State Implementation Plan Revision for the Carbon Monoxide as adopted by the Environmental Quality Commission on October 15, 1982.

3. Section 52.1973 is amended by revising the table to read as follows:

§ 52.1973 Attainment dates for National Standards.

Air quality control region and nonattainment area	Pollutant						
	TSP		SO_2		NO_2	CO	O_3
	1st [1]	2nd [2]	1st [1]	2nd [2]			
Portland Interstate AQCR							
Interstate AQCR (Washington portion):							
1. Portland-Vancouver (Oregon portion)	a	f	a	b	b	h	b
2. Salem	a	b	a	b	b	e	b
3. Eugene-Springfield AQMA	a	i	a	b	b	h	b
4. Remainder of AQCR	c	c	a	b	b	d	c
Southwest Oregon Intrastate AQCR:							
1. Medford-Ashland AQMA	i	k	a	b	b	i	b
2. Remainder of AQCR	c	c	a	b	b	b	b
Northwest Oregon Intrastate AQCR	a	b	a	b	b	b	b
Central Oregon Intrastate AQCR	a	c	a	b	b	b	b
Eastern Oregon Intrastate AQCR	c	c	a	b	b	b	b

[1] 1st—Primary.
[2] 2nd—Secondary.

a. Air designated as having air quality levels presently below the primary standards or area is unclassifiable. b. Area designated as having air quality levels presently below secondary standards or area is unclassifiable. c. May, 1975. d. May 31, 1976. e. Dec. 31, 1982. f. Dec. 31, 1986. g. Later than Dec. 31, 1982 but before Dec. 31, 1987. h. Dec. 31, 1985. i. Dec. 31, 1987. j. Dec. 31, 1984. k. Dec. 31, 2000.

§ 52.1983 [Removed and Reserved]

4. Section 52.1983 is removed and reserved.

[FR Doc. 87-1100 Filed 2-12-87; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 52

[A-8 FRL-3155-7]

Approval and Promulgation of State Implementation Plans; Colorado Prevention of Significant Deterioration Regulation

AGENCY: Environmental Protection Agency.

ACTION: Final rule; correction.

SUMMARY: The purpose of this notice is to make corrections to final rulemaking published for the Colorado Prevention of Significant Deterioration (PSD) Regulation on September 2, 1986 (51 FR 31125). Some language in 40 CFR 52.343(a) now being revised inadvertantly disapproved the Colorado PSD Regulation for whole categories of sources when EPA intended to disapprove only for sources which would not otherwise be required to obtain a Colorado PSD permit. In addition, 40 CFR 52.343(b) is being revised to clarify that EPA's PSD regulations at 40 CFR 52.21 are incorporated into the Colorado State Implementation Plan only as to those sources for which the Colorado PSD regulation had previously been found to be inadequate, and sources on Indian Reservations (where State regulations do not apply).

FOR FURTHER INFORMATION CONTACT: Dale Wells, Air Programs Branch, Environmental Protection Agency, One Denver Place, Suite 500, 999 18th Street, Denver, Colorado 80202, (303) 293-1773.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, and Hydrocarbons, Incorporation by reference.

Dated: January 14, 1987.

Alexandra B. Smith,

Acting Regional Administrator.

Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart G—Colorado

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

2. Section 52.343 is amended by revising paragraphs (a)(1) and (8) and (b) and adding (a)(9) to read as follows:

§ 52.343 Significant deterioration of air quality.

* * * * *

(a) * * *

(1) The following sources for which fugitive emissions are considered in calculating potential to emit under 40 CFR 52.21 unless the source is required to obtain a Colorado PSD permit pursuant to regulations identified in § 52.320(c) 36 and 37:

Kraft Pulp Mills
Primary Zinc Smelters
Primary Aluminum Ore Reduction Plants
Primary Copper Smelters
Municipal Incinerators (capable of charging more than 250 tons of refuse per day)
Hydrofluoric Sulfuric and Nitric Acid Plants
Phosphate Rock Processing Plants
Sulfur Recovery Plants
Carbon Black Plants (furnace process)
Primary Lead Smelters
Secondary Metal Production Plants
Chemical Process Plants
Taconite Ore Processing Plants
Glass Fiber Processing Plants
Charcoal Production Plants.

* * * * *

(8) Sources which were regulated under section 111 or 112 of the Clean Air Act as of August 7, 1980 with the exception of those sources for which fugitive emissions will be included in calculating potential to emit in the Colorado Regulation, and with the exception of sources which will be required to obtain a Colorado PSD permit pursuant to regulations identified in § 52.320(c) 36 and 37.

(9) Sources locating on Indian Reservations.

* * * * *

(b) Regulations for preventing significant deterioration of air quality. The provisions of § 52.21 (b) through (w) are hereby incorporated and made a part of the applicable state plan for the State of Colorado for the sources identified in paragraph (a) as not meeting the requirements of sections 160-165 of the Clean Air Act.

[FR Doc. 87-3104 Filed 2-12-87; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 799

[OPTS-211021; FRL 3147-1]

Denial of Petition To Reconsider and Withdraw Test Rule for 1,2- and 1,4-Dichlorobenzene

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; notice of denial of petition.

SUMMARY: The Chlorobenzene Producers Association (CPA) and the Chemical Manufacturers Association Chlorobenzenes Program Panel (CMA-CPP) petitioned EPA under section 21 of the Toxic Substances Control Act (TSCA) to reconsider and withdraw the final test rule for 1,2- and 1,4-dichlorobenzene (1,2- and 1,4-DCB; CAS Nos. 95-50-1 and 106-46-7, respectively). The test rule was issued under section 4 of TSCA and requires that 1,2- and 1,4-DCB be tested for reproductive effects. This notice announces the decision of EPA to deny the CPA and CMA-CPP petition.

ADDRESS: A copy of the petition and all related information, under docket number (OPTS-211021), is located at: Environmental Protection Agency, Rm. NE-G004, 401 M St. SW., Washington, DC 20460.

This material is available for viewing and copying from 9 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

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

SUPPLEMENTARY INFORMATION: EPA is denying the CPA and CMA-CPP petition to reconsider and withdraw the testing requirements for 1,2- and 1,4-dichlorobenzene.

I. Introduction

Section 21 of TSCA (15 U.S.C. 2620) provides that any person may petition the Administrator of EPA to initiate a proceeding for the issuance,

amendment, or repeal of a rule under various sections of the Act. The Administrator may hold a public hearing or may conduct such investigation or proceeding as he deems appropriate in order to determine whether or not the petition should be granted. If the Administrator grants the petition, the Agency must promptly commence an appropriate proceeding. If the Administrator denies the petition, the reasons for denial must be published in the **Federal Register.** The petitioner may commence a civil action in a district court of the United States to compel the Administrator to initiate a proceeding as requested in the petition. Any such civil action must be filed within 60 days after the Administrator's denial of the petition or, if the Administrator fails to grant or deny the petition within 90 days after the petition is filed, within 60 days following expiration of the 90-day response period.

In the **Federal Register** of July 8, 1986 (51 FR 24657), EPA published a final test rule pursuant to TSCA section 4(a) requiring that manufacturers and processors of 1,2- and 1,4-DCB conduct reproductive effects testing. The Agency based these requirements on the findings that the manufacture, processing, use, and disposal of 1,2- and 1,4-DCB may present an unreasonable risk of adverse reproductive effects to humans, that there are insufficient data to reasonably determine or predict the effects of such activities on human health, and that testing is necessary to obtain these data. These findings were based on suggestive data on the reproductive effects of the structurally related monochlorinated benzene (MCB) and high occupational exposures to 1,2- and 1,4-DCB.

In the preamble to the final rule, EPA noted that a reproductive effects study for MCB was being conducted under the sponsorship of the chlorobenzene producers. The Agency stated that if the manufacturers believed that the results of the MCB study substantially altered the Agency's basis for requiring reproductive effects testing of 1,2- or 1,4-DCB, the manufacturers could petition EPA for reconsideration of the testing requirements.

On November 7, 1986, the CPA and CMA–CPP submitted a petition under TSCA section 21 to EPA requesting reconsideration and withdrawal of the July 8, 1986 test rule for 1,2- and 1,4-DCB (Ref. 1). The petitioners contended that (1) the reproductive effects study of MCB failed to demonstrate a biologically significant adverse reproductive effect; (2) other data demonstrate that trichlorobenzene poses no reproductive hazard; and (3) the dichlorobenzenes do not affect reproductive organs, as evidenced in CMA teratology studies and National Toxicology Program (NTP) subchronic studies on the dichlorobenzenes. The petitioners contended that there is no longer a basis to support the finding that 1,2- or 1,4-DCB may present an unreasonable risk of reproductive effects. The MCB reproductive effects study was received by the Agency on November 14, 1986.

The petitioners also requested that, pending a decision on their petition, EPA grant an interim extension of the deadline for submission of test data. The petitioners said that in order to meet the deadline for submission of the final reports, the producers would have to begin the studies before the expiration of the 90 days allowed the Agency under section 21 to respond to a petition. The petitioners suggested that the Agency delay the deadline date for submission of final reports until a date 29 months after a decision is reached on the petition, thereby preserving the original period between the effective date of the rule and the deadline for final reports.

On December 10, 1986, the Agency responded by letter to CPA and CMA–CPP's request for an interim extension of the reporting deadline for submission of test data (Refs. 2 and 3). The Agency denied the petitioners' request for a specific extension in the interim; however, the Agency agreed that it would be reasonable for the test sponsors to delay the start of the testing until the Agency decided on the petition. The Agency stated that if EPA decided to retain the rule, it would at that time consider the petitioners' request for an extension and decide how much additional time, if any, may be needed to conduct the testing and submit the test data. (See Unit III of this preamble.)

II. EPA's Decision

EPA is denying this petition filed under section 21 of TSCA for the following reasons:

1. EPA disagrees with the petitioners' contention that the reproductive effects study of MCB failed to demonstrate a biologically significant adverse reproductive effect. The results of the two-generation reproductive study showed an increased incidence of degeneration of the germinal epithelium of the testes among rats in the F_0 and F_1 generations. The lowest observed effect level was 150 parts per million (ppm), and the no-observed-effect level was 50 ppm.

The petitioners contended that the degeneration of the testicular germinal epithelium observed in this study is not biologically significant because (1) there were no statistically significant adverse effects on reproductive performance; (2) there was no increase in intensity and/or incidence of testicular lesions among the F_1 generation compared to the F_0 generation; and (3) the results from other studies failed to show any adverse effect on the testes.

EPA believes that the degeneration of the germinal epithelium of the testes observed in this study is a biologically significant adverse reproductive effect (Ref. 4). The presence of histopathological damage in excess of the level seen in control tissue of test animals provides sufficient evidence for considering an agent to be a potential human male reproductive toxicant. In general, histopathological evaluations are more sensitive indicators of adverse effects on the male reproductive organs than functional end points (e.g. fertility).

Fertility assessments are also limited by their insensitivity as measures of reproductive injury. For example, normal males of most test species produce sperm in numbers that greatly exceed the minimum requirements for fertility. That is, sperm production can be reduced by as much as 90 percent in some strains of mice and rats without compromising fertility. In humans, however, less severe reductions may have a dramatic effect on fertility, since humans produce numbers of sperm nearer to the threshold for the amount needed to ensure reproductive competence.

The biological significance of the effect is not mitigated by the fact that the toxicity did not increase in incidence or severity with succeeding generations. A review of the literature on multi-generation reproductive studies reported that only about half of the studies demonstrating effects exhibited an increasing toxicity with succeeding generations. The increased toxicity across generations was consistent for chemicals that bioaccumulate. Increasing vulnerability of subsequent generations is not always observed; effects may be static. This appears to be the case for MCB. This does not imply, however, that the findings are not of biological significance.

The results of other studies also do not negate the significance of the results of the MCB reproductive study. None of the chlorinated benzenes (MCB, 1,2-dichlorobenzene, and 1,4-dichlorobenzene) that were tested in 2-year bioassays and 13-week toxicity studies conducted by NTP reportedly produced adverse effects on the testes. However, histopathological evaluations at the end of the 2-year studies were

consistent with those of an aging testes, and tubular degeneration was noted in 80 to 90 percent of the males across all groups for both MCB and 1,2-DCB. For MCB there was a significant trend towards a decrease in testis weight at the end of the 13-week study. Histopathological evaluation was not included in the reports on the 13-week studies available to the Agency. Similarly, testicular weights were unavailable on the 2-year studies. Several factors were different between the reproductive study and the NTP studies. The NTP studies used a Fischer 344 strain of rat, and the reproductive study used a Sprague-Dawley. Perhaps, a more critical difference is the route of exposure. The NTP studies were conducted via gavage, whereas the reproductive study was conducted via inhalation. This difference may account for differences in response.

In conclusion, the Agency believes that the findings of the MCB reproductive study are biologically significant and are sufficient to support a continuing concern regarding the potential of MCB and the DCBs to produce adverse reproductive effects in human males.

2. EPA disagrees with the petitioners that results from the CMA teratology studies and the NTP subchronic studies are sufficient to reasonably predict that the dichlorobenzenes do not affect reproductive organs. The CMA teratology studies are not sufficient to alleviate concern for the potential reproductive effects of the DCBs because they do not examine all the reproductive effects and end points of concern. As discussed in the preceding paragraph, although the DCBs reportedly did not produce adverse effects in the testes in the 2-year bioassays and the 13-week toxicity studies conducted by NTP, histopathological evaluations at the end of the 2-year study were consistent with an aging testes, and tubular degeneration was noted in 80 to 90 percent of the males across all groups for MCB and 1,2-DCB. Histopathological evaluation was not included in the reports on the 13-week studies available to the Agency. In addition, the NTP studies were conducted by gavage, whereas the reproductive study on MCB which produced biologically significant adverse reproductive effects was conducted via inhalation. This difference may affect response.

In conclusion, in light of the biologically significant adverse reproductive effects observed in the reproductive study on MCB and the insufficiency of other studies to reasonably predict the reproductive effects of the DCBs, EPA continues to find that there is concern for the potential reproductive effects of the DCBs. As stated in the July 1986 final rule for the DCBs, EPA believes that because the MCB data provide suggestive evidence on the reproductive effects of MCB which conflict with the suggestive negative data on TCB, testing of the DCBs is needed to address the potential of DCBs to cause adverse reproductive effects. EPA finds that the information provided by the petitioners does not alter the Agency's basis for requiring the reproductive effects testing of the dichlorobenzenes and is denying the petitioners' request to withdraw the final test rule for 1,2- and 1,4-dichlorobenzene.

III. Reporting Deadline

The Agency believes that there is sufficient time for conduct of the reproductive studies on the DCBs and submission of the final reports by the existing reporting deadline of January 21, 1989. The Agency is, therefore, not extending the reporting deadline for submission of test data for the reproductive effects studies on the DCBs at this time. The Agency is, however, waiving the requirement that the study plans must be submitted no later than 45 days before the start of the study in order to allow the test sponsors to begin the studies immediately. However, study plans must be submitted no later than the start of the studies. The Agency will issue an amendment to 40 CFR 799.1052(d) to incorporate this modification.

IV. Public Record

A. Supporting Documentation

EPA has established a record for its response to this petition under section 21 of TSCA (docket number OPTS-211021). The public record contains the basic information considered by the Agency in reaching this decision.

B. References

(1) Chlorobenzene Producers Association and Chemical Manufacturers Association Chlorobenzenes Program Panel. Petition for reconsideration and partial withdrawal of final test rule for 1,2- and 1,4-dichlorobenzene. (November 7, 1986).

(2) U.S. Environmental Protection Agency (EPA). Letter from Charles L. Elkins, Director, Office of Toxic Substances, Washington, DC 20460, to Geraldine Cox, Chemical Manufacturers Association Chlorobenzenes Program Panel, 2501 M St., NW., Washington, DC 20037. (December 10, 1986).

(3) U.S. EPA. Letter from Charles L. Elkins, Director, Office of Toxic Substances, Washington, D.C. 20460, to Alan Rautio, Chlorobenzene Producers Association, 1330 Connecticut Avenue, NW., Suite 300, Washington, DC 20036 (December 10, 1986).

(4) U.S. EPA. Internal memorandum from Elaine Z. Francis, Toxic Effects Branch, Health and Environmental Review Division, Office of Toxic Substances (OTS), to Nancy Merrifield, Test Rules Development Branch, Existing Chemical Assessment Division, OTS. (December 29, 1986).

The public record is available for inspection in the OTS Public Information Office, Rm. NE-G004, 401 M St., SW., Washington, DC 20460, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

Authority: 15 U.S.C. 2620.

Dated: February 5, 1987.

Lee M. Thomas,

Administrator.

[FR Doc. 87-3105 Filed 2-12-87; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

45 CFR Part 96

Block Grant Programs

AGENCY: Office of the Secretary, HHS.

ACTION: Interim final rules.

SUMMARY: This interim final rule makes two changes to the Department's regulations governing administration of the low-income home energy assistance program (LIHEAP). First, the rules provide procedures to exempt grantees from having to meet the statutorily imposed time limits for responding to requests for energy crisis intervention assistance. Secondly, the rules clarify grantee use of the Federal government's official poverty income guidelines in establishing income criteria for LIHEAP.

DATES:

Effective Date: These regulations are effective beginning February 13, 1987.

Comment Date: Before adopting final regulations, we will consider any comments we receive by April 14, 1987.

ADDRESS: Send comments to: Robert C. Raymond, Deputy Director, Program Systems, Office of the Secretary/Assistant Secretary for Planning and Evaluation, Room 447-D, Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201.

The comments received in response to this interim final rule may be inspected or reviewed at the same address, Monday through Friday, between 8:00 am and 4:30 pm.

FOR FURTHER INFORMATION CONTACT: Robert C. Raymond, (202) 245-7316.

SUPPLEMENTARY INFORMATION:

Wavier of Notice and Comment Procedures

Section 502(b) of Pub.L. 99–425 requires, within 60 days of enactment, that the Department issue rules implementing the statute's provisions on energy crisis intervention assistance. The President signed the Human Services Reauthorization Act of 1986 on September 30, 1986. Consequently, it is not feasible to provide for notice and comment on the rule. Furthermore, it is important that grantees have timely notice of the rules for operating their fiscal year 1987 programs consistent with the new statutory provisions.

The second regulatory provision of this interim final rule clarifies grantee use of the applicable income poverty guidelines. It is important that grantees have this clarification as early as possible in the current fiscal year in order to avoid uncertainty and disruption to their programs.

Accordingly, the Secretary has determined that it would be impracticable, unnecessary and contrary to the public interest to use notice and comment procedures to implement this rule.

Although this is an interim final rule, we are interested in comments and advice on the rule. We will review any comments which we receive by April 14, 1987, and will revise the rule, if appropriate.

Section-by-Section Analysis of Changes in the Regulations

§ 96.89 Time limits for providing energy crisis intervention assistance.

Section 502(a) of Pub. L. 99–425 amended the LIHEAP statute to require grantees to provide energy crisis intervention assistance within certain time limits. The statute requires grantees to provide assistance that will resolve the energy crisis within 48 hours of application by an eligible household for energy crisis benefits and within 18 hours if the crisis is life-threatening. The statute also provides that these limits do not apply in the case of a natural disaster designated by the Secretary or a major disaster or emergency designated by the President under the Disaster Relief Act of 1974, if the Secretary determines that the disaster or emergency makes impracticable the provision of the assistance within the limits.

Section 96.89 provides that the time limits will not apply where the provision of assistance within those time limits is made impracticable by either (1) a major disaster or emergency declared by the President, or (2) a natural disaster determined by the chief executive officer of a state, territory, or direct-grant Indian tribe or tribal organization. In either of these cases, the chief executive officer must provide findings of the impracticability of compliance with the statutory time limits.

The time limits apply until the Secretary approves the findings submitted by the chief executive officer. Therefore, in the event of a disaster or emergency, the state must continue to respond to applications for benefits within the statutory time limits until the Secretary or the Secretary's designee makes the determination that compliance is impracticable. The exemption from the time limit is in effect from the time of the determination until a future time specified by the Secretary or the Secretary's designee. The chief executive officer or the officer's designee must furnish information on the probable duration of the conditions that make impracticable the grantee's compliance with the time limits.

Requests for exemption from the time limits should be provided by the chief executive officer or the designee to the Director, Office of Community Services, 200 Independence Avenue SW., Washington, DC 20201, (202) 475–0373. The grantee is to provide information substantiating the existence of the disaster or emergency, the impracticability of meeting the time limits and the likely duration of the conditions that make compliance impracticable.

The information may be provided by telephone. If the oral information is adequate, the determination that the grantee is exempt from the time limits may also be provided by telephone. The Secretary or his designee will provide written confirmation of oral determinations. If the grantee's initial communication is by telephone, the required information must be provided in writing as soon thereafter as possible.

§ 96.89a Application of Poverty Income Guidelines.

Section 2605(b)(2) of the LIHEAP statute states that for fiscal year 1986 and thereafter grantees may not exclude a household from eligibility if the household has an income which is less than 110 percent of the official Federal poverty level for the state for the fiscal year in which assistance is provided. Poverty income guidelines for a given fiscal year typically are not available until February or March of that year. Some grantees have expressed concern that the statute could be interpreted as requiring them to change their eligibility criteria for households in the middle of the year. This could result in retroactive eligibility for households previously denied assistance on the basis of income.

To address this situation, § 96.89a of the rule states that, in complying with the minimum eligibility criteria of 110 percent of the poverty income guidelines, grantees are to use for the entire fiscal year the poverty income guidelines that are in effect on October 1 of that year. This provision clarifies that grantees do not need to adjust their income eligibility criteria until the following October 1, at which time they will do so based upon the guidelines in effect on that date.

Paperwork Reduction Act

This rule contains no paper information collection requirements as defined by the Paper Work Reduction Act of 1980.

Executive Order 12291

This rule implements specific legislative changes which are minor or technical in nature. None involves substantial costs or other criteria specified in Executive Order 12291. Therefore, this is not a major rule under Executive Order 12291.

Regulatory Flexibility Act

The Department of Health and Human Services certifies that this rule will not have a significant economic impact on a substantial number of small entities. The rule affects state, territorial and tribal administration of LIHEAP funds through minor reforms that modify eligibility criteria and timing of assistance in disasters.

List of Subjects in 45 CFR Part 96

Energy, Grant programs-energy.

PART 96—[AMENDED]

For the reasons set forth in the preamble, Part 96 of Title 45 of the Code of Federal Regulations is amended as follows:

1. The authority citation for 45 CFR Part 96 is revised to read as follows:

Authority: 42 U.S.C. 300w note; 42 U.S.C. 1304 note; 42 U.S.C. 1305; 42 U.S.C. 8621 note; 42 U.S.C. 9901 note.

2. By adding a new § 96.89 to subpart H to read as follows:

§ 96.89 Time limits for providing energy crisis assistance.

(a) The time limits set out in section 502(a) of Pub. L. 99–425 shall not apply to a program in a geographical area affected by:

(1) A major disaster or emergency designated by the President under the Disaster Relief Act of 1974; or

(2) A natural disaster identified by the chief executive officer of a state, territory, or direct grant Indian tribe or tribal organization.

In either of these cases, the exemptions from the time limits apply only if the Secretary determines that the disaster or emergency makes compliance with the limits impracticable. The Secretary's determination will be made following communication by the chief executive officer (or from his or her designee) to the Secretary (or the Secretary's designee) of information substantiating the existence of a disaster or emergency and the impracticability of compliance with the time limits. The chief executive officer must also provide information on the expected duration of the conditions that make compliance impracticable. The initial communication by the chief executive officer may be oral or written. If oral, it must be followed as soon thereafter as possible by written communication.

(b) The exemption from the time limits shall apply from the moment of the Secretary's determination, only in the geographical area affected by the disaster or emergency and only for so long as the Secretary determines that the disaster or emergency makes compliance with time limits impracticable.

3. By adding a new § 96.89a to read as follows:

§ 96.89a Application of poverty income guidelines.

In implementing the minimum income eligibility criteria in section 2605(b)(2) of the LIHEAP statute, grantees shall use the Federal government's official poverty income guidelines that are in effect on October 1 of the fiscal year in which assistance is provided.

Dated: February 9, 1987.

Otis R. Bowen,

Secretary.

[FR Doc. 87-2996 Filed 2-12-87; 8:45 am]

BILLING CODE 4150-04-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. MC-59]

49 CFR Part 1050

Motor Carrier Operation in the State of Hawaii; Removal of Rules

AGENCY: Interstate Commerce Commission.

ACTION: Removal of rules.

SUMMARY: The Commission is repealing rules adopted in 1960, and modified in 1972, that exempt from regulation non-household goods transportation by motor carriers engaged in operation solely within Hawaii. Statutory provisions in The Bus Regulatory Reform Act of 1982 make the rules unnecessary.

EFFECTIVE DATE: February 13, 1987.

FOR FURTHER INFORMATION CONTACT: Ken Schwartz, 202-275-7956 or Mark Shaffer, 202-275-7805.

SUPPLEMENTARY INFORMATION: Under former section 204(a)(4a) of the Interstate Commerce Act [49 U.S.C. 304(a)(4a)], the Commission found that motor carrier transportation, in interstate or foreign commerce, performed solely within Hawaii was not of such nature, character, or quality as substantially to affect or impair uniform regulation of motor carrier transportation in effectuating the national transportation policy. *Motor Carrier Operation in the State of Hawaii,* 84 M.C.C. 5(1960). Therefore, the Commission adopted regulations at 49 CFR Part 1050 certifying that such transportation was exempt from our regulation. Later, the Commission determined that the exemption should be revoked to the extent it pertained to household goods transportation, and made an appropriate modification of the regulations. *Motor Carrier Operation in the State of Hawaii,* 115 M.C.C. 228 (1972), 37 FR 10506, May 24, 1972.

Section 204(a)(4a) was recodified at 49 U.S.C. 10525, without substantive change, under Pub. L. No. 95-473, October 17, 1978.

The Bus Regulatory Reform Act of 1982, Pub. L. No. 97-261, sec. 30, September 30, 1982, amended section 10525 by adding a new subsection (e). Subsection (e) codified our existing regulations at 49 CFR Part 1050. This moots the regulations. Accordingly, 49 CFR Part 1050 will be removed. Repeal of this part will have no effect on motor carrier operations within Hawaii or on the national transportation policy of 49 U.S.C. 10101. Moreover, as the rules have been codified, repeal of them will affect no one. Notice and comment, therefore, are unnecessary and are not required under the Administrative Procedure Act.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources. We are not required to make a regulatory flexibility analysis of this action because prior notice and comment are not mandated by 5 U.S.C. 553. However, this action will have no adverse effect on small entities because it merely removes a rule that has ceased to have purpose.

List of Subjects in 49 CFR Part 1050

Motor carriers.

For the reasons set out in the preamble, Title 49, Chapter X, Subchapter A of the Code of Federal Regulations, is amended as follows:

PART 1050—MOTOR CARRIER OPERATION IN THE STATE OF HAWAII

Part 1050 is removed.

Authority: 49 U.S.C. 10321 and 10525, 5 U.S.C. 553.

Decided: February 2, 1987.

By the Commission, Chairman Gradison, Vice Chairman Lamboley, Commissioners Sterrett, Andre, and Simmons.

Noreta R. McGee,

Secretary.

[FR Doc. 87-3093 Filed 2-12-87; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Parts 1162 and 1312

[Ex Parte No. MC-165 (Sub-No. 2)]

Exemption of Water Contract Carriers From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: The commission is adopting final rules amending 49 CFR Part 1162 and 1312 to exempt water contract carriers from all tariff filing requirements. It concludes that an exemption will result in time- and cost-saving benefits for water contract carriers, leading to enhanced competition, improved operating economies and efficiencies, and more responsive transportation services at reduced rates, in a manner consistent with the public interest and the transportation policy of 49 U.S.C. 10101.

EFFECTIVE DATE: The rules are effective on March 16, 1987.

FOR FURTHER INFORMATION CONTACT: Marc A. Lerner, (202) 275-7150.

or

Louis E. Gitomer, (202) 275-7691

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's final decision. To purchase a copy of the decision, write to T.S. InfoSystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll-free (800) 424-5403.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

The Commission certifies that the final rules will not have a significant economic impact on a substantial number of small entities. The filing exemption will reduce small carrier costs and lead to more responsive service and reduced rates for small shippers and communities.

List of Subjects

49 CFR Part 1162

Administrative practice and procedure, Maritime carriers, Motor carriers.

49 CFR Part 1312

Freight forwarders, Maritime carriers, Motor carriers, Railroads.

Decided: February 2, 1987.

By the Commission, Chairman Gradison, Vice Chairman Lamboley, Commissioners Sterrett, Andre, and Simmons.

Noreta R. McGee,

Secretary.

Title 49 of the Code of Federal Regulations is amended as follows:

PART 1162—TEMPORARY AUTHORITY (TA) AND EMERGENCY TEMPORARY AUTHORITY (ETA) PROCEDURES UNDER 49 U.S.C. 10928

1. The authority citation for Part 1162 continues to read as follows:

Authority: 49 U.S.C. 10321 and 10928; 5 U.S.C. 553.

§ 1162.3 [Amended]

2. Section 1162.3 is amended by revising the first sentence of paragraph (b) to read as follows:

* * * * *

(b) * * * A carrier (except a motor contract carrier of property or a water contract carrier) may not lawfully perform transportation under a grant of TA or ETA until compliance has been made with the rate and other requirements of 49 U.S.C. 10761 and 10762. * * *

* * * * *

§ 1162.5 [Amended]

3. Section 1162.5 is amended by revising the first sentence of paragraph (b)(1) to read as follows:

* * * * *

(b) * * * (1) Each application for ETA (except an application seeking authority as a motor contract carrier of property or a water contract carrier) shall be accompanied by a statement of the rates, fares, charges, and other tariff or schedule provisions to become effective if the application is granted. * * *

* * * * *

PART 1312—REGULATIONS FOR THE PUBLICATION, POSTING AND FILING OF TARIFFS, SCHEDULES AND RELATED DOCUMENTS

4. The authority citation for Part 1312 is revised to read as follows:

Authority: 49 U.S.C. 10321, 10702, 10761 and 10762; 5 U.S.C. 553.

§ 1312.12 [Amended]

5. Section 1312.12 is amended by revising the first sentence of paragraph (e)(1) to read as follows:

* * * * *

(e) * * * (1) (this paragraph applies to motor passenger contract carriers.) * * *

* * * * *

§ 1312.14 [Amended]

6. Section 1312.14 is amended by revising the fifth sentence of paragraph (a)(1)

* * * * *

(a) * * * Tariffs of motor passenger contract carriers shall provide an explicit statement of the minimum rates, fares, or charges actually maintained. * * *

* * * * *

FR Doc. 87-2997 Filed 2-12-87; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 642

[Docket No. 60600-6130]

Coastal Migratory Pelagic Resources of the Gulf of Mexico and the South Atlantic

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of closure.

SUMMARY: The Secretary of Commerce (Secretary) closes the commercial purse seine fishery for king mackerel from the Gulf of Mexico migratory group in the exclusive economic zone (EEZ). The Regional Director, Southeast Region, NMFS, has determined that the commercial allocation has been reached. This closure will ensure that the allocation for king mackerel from the Gulf migratory group is not further exceeded during the current fishing year.

EFFECTIVE DATE: Closure is effective at 0001 hours local time February 10, 1987, until 2400 hours local time June 30, 1987.

FOR FURTHER INFORMATION CONTACT: William N. Lindall, Jr., 813-893-3722.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for Coastal Migratory Pelagic Resources of the Gulf of Mexico and the South Atlantic (FMP) was developed by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) under authority of the Magnuson Fishery Conservation and Management Act, and is implemented by regulations appearing at 50 CFR Part 642. Amendment 1 to the FMP, which went into effect on September 22, 1985 (50 FR 34840, August 28, 1985), established separate allocations for the Gulf and Atlantic migratory groups of king mackerel.

Tagging studies indicate that the Gulf migratory group extends from the U.S./Mexico border, across the Gulf, through the Keys, and up the east coast of Florida, migrating farther north in winter than in summer. For management purposes, its extent is defined as the latitude of the Collier/Monroe County, Florida, boundary (25°48' N.) from April 1 through October 31; and of the Volusia/Flagler County, Florida, boundary (29°25' N.) from November 1 through March 31.

The Councils set the catch limit for the Gulf migratory group for the fishing year (July 1, 1986, through June 30, 1987) at 2.9 million pounds. The recreational quota is 1.97 million pounds and the commercial quota is 0.93 million pounds. The commercial quota is further divided into quotas of 0.06 million pounds for purse seines; 0.6 million pounds for the eastern allocation zone; and 0.27 million pounds for the western allocation zone. When a quota is reached, that sector of the fishery will be closed for the remainder of the fishing year.

The eastern and western allocation zones were closed February 4, 1987 (52 FR 4019, February 9, 1987) because their quotas had been exceeded. Subsequent landings data show a significant overharvest by the commercial sector; therefore the purse seine fishery is closed at 0001 hours local time, February 10, 1987.

The closure will remain in effect until 2400 hours local time June 30, 1987, the end of the current fishing year for the Gulf migratory group of king mackerel.

During the period of the closure, the purchase, trade, barter, or sale of Gulf migratory group king mackerel taken from the EEZ is illegal. This prohibition does not apply to trade in king mackerel harvested, landed, bartered, traded, or

sold prior to the closure and held in cold storage by dealers and processors.

This action is required by 50 CFR 642.22, and complies with Executive Order 12291.

(16 U.S.C. 1801 *et seq.*)

List of Subjects in 50 CFR Part 642

Fisheries, Fishing.

Dated: February 10, 1987.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 87-3174 Filed 2-10-87; 4:52 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 52, No. 30
Friday, February 13, 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.

FEDERAL RESERVE SYSTEM

12 CFR Part 225

[Reg. Y; Docket No. R-0537]

Bank Holding Companies and Change in Bank Control; Requests for Comments on Proposal Regarding the Premissibility of Real Estate Investment Activities for Bank Holding Companies

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Extension of comment period.

SUMMARY: On December 31, 1986, the Board requested public comment as part of a rulemaking proceeding under the Bank Holding Company Act to permit bank holding companies to engage in real estate investment activities under specific conditions that have been designed to ensure that the conduct of the activity does not result in unsafe or unsound banking practices, unfair competition, conflicts of interest, or other adverse effects (52 FR 543 (January 7, 1987)). Comments were due by February 23, 1987. In response to requests from the public, the Secretary to the Board, acting pursuant to delegated authority from the Board, has extended the comment period for this proposal until March 25, 1987.

DATE: Comments must be received by March 25, 1987.

FOR FURTHER INFORMATION CONTACT: J. Virgil Mattingly, Deputy General Counsel (202/452–3430), Scott G. Alvarez, Senior Counsel (202/452–3583), Legal Division; Roger Cole, Manager (202/452–2618), Margaret Spillenkothen, Supervisory Financial Analyst (202/452–2720), Division of Banking Supervision and Regulation; or Myron Kwast, Chief, Financial Studies Section, Division of Research and Statistics (202/452–2909), Board of Governors of the Federal Reserve System, Washington, DC 20551. For the hearing impaird *only*, Telecommunications Service for the Deaf, Earnestine Hill or Dorothea Thompson, (202/452–3544).

By order of the Secretary of the Board, acting pursuant to delegated authority, 12 CFR 265.2(a)(6), February 6, 1987.

William W. Wiles,

Secretary of the Board.

[FR Doc. 87–3081 Filed 2–12–87; 8:45 am]

BILLING CODE 6210–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 87–AGL–1]

Proposed Alteration to Control Zone and Transition Area—Evansville, IN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the Evansville, Indiana, control zone and transition area to accommodate existing Standard Instrument Approach Procedures (SIAPs) to Evansville Dress Regional Airport.

The intended effect of this action is to eliminate the extensions to the control zone; decrease the transition area radius; and, increase the width of the transition area extension.

DATE: Comments must be received on or before March 18, 1987.

ADDRESS: Send comments on the proposal in triplicate to: Federal Aviation Administration, Regional Counsel, AGL–7, Attn: Rules Docket No. 87–AGL–1, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket may be examined in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

An informal docket may also be examined during normal business hours at the Air Traffic Division, Airspace Branch, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694–7360.

SUPPLEMENTARY INFORNATION: The present control zone and transition area are being altered to eliminate the extensions to the control zone; decrease the transition area radius; and, increase the width of the transition area extension. The modified control zone will consist of a 5-mile radius. The transition area modification will consist of a 8.5-mile radius, and a 2.75-mile increase in width to each side of the transition area extension. The modifications are necessary to coincide with present control zone and transition area criteria.

Aeronautical maps and charts will reflect the defined area which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 87–AGL–1. The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket, FAA, Great Lakes Region, Office of Regional Counsel, 2300 East Devon Avenue, Des Plaines, Illinois, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA

personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2, which describes the application procedure.

The Proposal

The FAA is considering an amendment to §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to modify the designated control zone and transition area near Evansville, IN.

Sections 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations were republished in Handbook 7400.6B dated January 2, 1986.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Control zones, Transition areas.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 71.171 [Amended]

2. Section 71.171 is amended as follows:

Evansville, IN [Amended]

Within a 5-mile radius of Evansville Dress Regional Airport (Lat. 38°02'17" N., Long. 87°31'50" W.).

§ 71.181 [Amended]

3. Section 71.181 is amended as follows:

Evansville, IN [Amended]

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Evansville Dress Regional Airport (Lat. 38°02'17" N., Long. 87°31'50" W.); and within 4.75-miles each side of the Evansville VORTAC 060 radial, extending from the 8.5-mile radius area to the VORTAC.

Issued in Des Plaines, Illinois, on January 29, 1987.

Peter H. Salmon,

Acting Manager, Air Traffic Division.

[FR Doc. 87–3073 Filed 2–12–87; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 902

Consideration of Amendments to the Alaska Program Under the Surface Mining Control and Reclamation Act of 1977 (SMCRA); Reopening of Public Comment Period

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSMRE), Interior.

ACTION: Reopening of public comment period.

SUMMARY: OSMRE is reopening the period for review and public comment on an amendment submitted by the State of Alaska to modify its permanent regulatory program. On August 28, 1955 (50 FR 34863), OSMRE announced a public comment period and procedures for requesting a public hearing on the proposed amendment to the Alaska permanent program which was approved by the Secretary of the Interior under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed program amendment consists of proposed provisions to implement a blaster training, examination and certification program as required by 30 CFR Part 850. OSMRE is reopening the comment period to allow the public an opportunity to comment on additional material relating to the proposed amendment submitted by the State on November 24, 1986.

This notice sets forth the times and locations that the proposed amendment is available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendment and information pertinent to the public hearing.

DATES: Written comments, data or other relevant information must be received on or before 4:00 p.m. March 2, 1987, to be considered. Comments submitted after this date may not necessarily be considered.

ADDRESSES: Written comments should be directed to Mr. Jerry Ennis, Director, Casper Field Office, OSMRE, 100 East "B" Street, Casper, Wyoming 82601–1918.

Copies of supplemental material submitted by Alaska and other relevant documents are available for review at the Capser Field Office and the office of the State Regulatory Authority listed below, Monday through Friday, 8:00 to 4:00 p.m., excluding holidays. Each requestor may receive, free of charge, one single copy of the Alaska amendment by contacting OSMRE's Casper Field Office listed above.

Office of Surface Mining Reclamation and Enforcement, Administrative Record, Room 5124, 1100 "L" Street, NW., Washington, DC 20240

Alaska Department of Natural Resources, Division of Mining, Pouch 7–016, Anchorage, Alaska 99510.

FOR FURTHER INFORMATION CONTACT: Mr. Jerry Ennis, Director, Casper Field Office, Office of Surface Mining Reclamation and Enforcement, 100 East "B" Street, Casper, Wyoming 82601–1918; telephone: (307) 261–5824.

SUPPLEMENTARY INFORMATION: The Alaska program was approved by the Secretary of the Interior on May 2, 1983 (48 FR 12274). On May 28, 1985, the State of Alaska submitted to OSMRE, for informal review, a draft blaster certification amendment to its approved permanent regulatory program. On August 1, 1985, Alaska notified OSMRE that the informal draft submission was to be considered Alaska's formal blaster certification program amendment submission. The proposed program amendment is intended to implement the provisions of 30 CFR Part 850 relating to blaster training, examination and certification. The proposed amendment consists of proposed regulations governing the standards for certification of blasters and material addressing proposed training and certification programs available for individuals

interested in becoming certified blasters. A discussion of each area of concern is provided in an outline which follows the Federal regulations at 30 CFR Parts 816, 817, (use of explosives) and 850 (blaster certification) as published in the March 4, 1983 **Federal Register** (48 FR 9486).

On November 24, 1986, Alaska submitted a signed agreement involving the University of Alaska and the Department of Natural Resources, Division of Mining, for a blasters certification program. Copies of this agreement are available at those locations listed under "ADDRESSES". OSMRE is reopening the comment period in order to allow the public an opportunity to review and comment on the additional material submitted to OSMRE by Alaska on November 24, 1986. Specifically, OSMRE is seeking comment on whether the material submitted by Alaska for the program amendment satisfies the criteria for approval of State program amendents at 30 CFR 732.15 and 732.17. If the proposed amendment is found by the Director to be in accordance with SMCRA and no less effective than the Federal regulations, the amendment will be approved by the Director and codified in 30 CFR Part 902 as part of the Alaska permanent program.

List of Subjects in 30 CFR Part 902

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: February 6, 1987.

Brent Walquist,

Assistant Director, Program Policy.

[FR Doc. 87-13121 Filed 2-12-87; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL-3154-9]

Approval and Promulgation of Implementation Plans; Illinois

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Proposed rule; extension of the public comment period.

SUMMARY: On November 21, 1986 (51 FR 42111), USEPA proposed to disapprove a revision to the Illinois State Implementation Plan (SIP) for total suspended particulates (TSP). The revision pertains to a variance from Illinois Pollution Control Board Rule 203(d)(5)(J) until February 18, 1987, for hot scarfing operatings at LTV Steel Corporation's (LTV Steel) Chicago Works. The legal representative of LTV Steel has requested a 30-day extension of the public comment period to allow for the preparation of their public comments. Therefore, the public comment period is extended until February 18, 1987.

DATE: Comments must be received on or before February 18, 1987.

ADDRESS: Comments should be submitted to: Gary V. Gulezian, Chief, Regulatory Analysis Section (5AR-26), Air and Radiation Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Randolph O. Cano, (312) 886-6036.

Dated: February 4, 1987.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 87-2975 Filed 2-12-87; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-6

Federal Advisory Committee Management

AGENCY: General Services Administration.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: This advance notice requests public participation in the formulation of a proposed General Services Administration (GSA) Federal Property Management Regulation (FPMR) on Federal advisory committee management pursuant to the Federal Advisory Committee Act (FACA), as amended (Pub. L. 92-463, 5 U.S.C., APP.). Current Federal advisory committee regulations are contained in GSA FPMR interim final rule located at 41 CFR Subpart 101-6.10.

Certain provisions of the interim rule, including those related to compensation of committee members, provision of quarterly membership reports by Federal agencies, and limitations on committee size, elicited significant responses from the Federal community and other interested parties. Other comments addressed issues such as the coverage and chartering of subcommittees under FACA and the need to streamline the consultation process administered by GSA under section 9(a)(2) of FACA.

The issues involved are substantive in nature and require modification of several provisions of the interim rule. Also, considerable time has elapsed since issuance of the interim rule, which was published in the Federal Register on April 28, 1983 (48 FR 19324). In light of these considerations, GSA, in consultation with the Office of Management and Budget (OMB), has determined that it is in the interest of all affected parties to issue a revised proposed rule on Federal advisory committee management, prior to issuance of a final rule.

This regulation will provide administrative and interpretive guidelines and management controls for Federal agencies concerning the implementation of the Federal Advisory Committee Act. It also fulfills GSA's responsibilities under Section 7(c) and (d) of FACA in accordance with Section 1 of Executive Order 12024, dated December 1, 1977.

DATES: Written comments must be received on or before March 16, 1987.

ADDRESSES: Comments should be submitted to the Committee Management Secretariat (mailing address: General Services Administration (CTM), Washington, DC 20405). Comments will be available for examination at the Committee Management Secretariat, Room 7030, GSA Central Office, 18th and F Streets, NW, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Mr. Charles F. Howton, Committee Management Secretariat at (202) 523-4884.

Dated: February 11, 1987.

Paul T. Weiss,

Associate Administrator for Administration.

[FR Doc. 87-3250 Filed 2-12-87; 8:45 am]

BILLING CODE 6820-34-M

Notices

Federal Register
Vol. 52, No. 30
Friday, February 13, 1987

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Amendment and Revision of Forest Plans

AGENCY: Forest Service, USDA.

ACTION: Notice; reissuance of planning direction.

SUMMARY: The Forest Service is reissuing an interim directive to its field personnel to clarify the distinction between significant and nonsignificant changes to a forest land and resource management plan. The directive also clarifies the distinction between amendment of a plan and plan revision and assigns responsibility for approving revision schedules and significant amendments to forest land and resource management plans. This interim directive replaces Interim Directive Number 12 to Forest Service Manual 1920 which has expired.

EFFECTIVE DATE: Interim directive #13 was effective on January 20, 1987.

FOR FURTHER INFORMATION CONTACT: Everett Towle, Director, Land Management Planning Staff, Forest Service, USDA, P.O. Box 96090, Washington, DC 20013–6090, (202) 447–6697.

SUPPLEMENTARY INFORMATION: The Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976 [16 U.S.C. 1604(f)(4), (5)] requires that forest land and resource management plans be amended and revised in response to changing conditions in the planning area. The regulations implementing the Act [36 CFR 219.10(f)] permit amendments that may result in either significant or nonsignificant changes to the forest land and resource management plan.

In the process of imeplementing the Act and regulations, it became apparent that Forest Service personnel required additional administrative guidance on the amendment process. The Forest Service provided that guidance through issuance of Interim Directive No. 12 to Chapter 1920 of the Forest Service Manual dated January 8, 1986. The notice of availability of the interim directive and request for comments was published in the **Federal Register** on January 13, 1986, at 51 FR 1476.

Under the Forest Service directive system, interim directives expire after one year; therefore, until the Agency completes development of continuing direction, it is necessary to reissue the interim directive.

The reissued interim directive is verbatim to that issued on January 8, 1986. It continues to reserve authority to the Chief to approve the schedule for revision of forest plans and requires the responsible Regional Forester to review and approve significant amendments to forest plans. It also clarifies the distinction between significant and nonsignificant amendments to a forest plan and clarifies the distinction between amendment and revision of forest plans.

Public comment received in response to the original request for comments is being used in development of final direction. The Forest Service will issue the final direction to its personnel as an amendment to Chapter 1920 of the Forest Service Manual.

Dated: February 6, 1987.

George M. Leonard,

Associate Chief.

[FR Doc. 87–3091 Filed 2–12–87; 8:45 am]
BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

International Trade Administration

[Case No. OEE–3–86]

Bollinger GmbH et al.; Order Renewing Temporary Denial of Export Privileges

In the Matter of: Bollinger GmbH, Roseggergasse 34, 1160 Vienna, Austria; Leopold Hrobsky, Donaufelderstrasse 38, Stg. 4, Apt. 4, 1210 Vienna, Austria; Dietmar Ulrichshofer, with addresses at Kirchenstrasse 1, 3061 Ollersbach, Austria; and c/o Bollinger GmbH, Roseggergasse 34, 1160 Vienna, Austria; and Vrablicz and Company, Steinergasse 11, 1170 Vienna, Austria, Respondents.

The Office of Export Enforcement, International Trade Administration, United States Department of Commerce (Department), pursuant to the provisions of § 388.19 of the Export Administration Regulations, 15 CFR Parts 368–399 (1986) (the Regulations), issued pursuant to the Export Administration Act of 1979, 50 U.S.C. app. 2401–2420 (1982), as amended by the Export Administration Amendments Act of 1985, Pub. L. 99–64, 99 Stat. 120 (July 12, 1985) (the Act), has asked the Deputy Assistant Secretary for Export Enforcement to renew an order temporarily denying all United States export privileges to Dietmar Ulrichshofer; Bollinger GmbH, which is owned by Dietmar Ulrichshofer; Loepold Hrobsky; and, Vrablicz and Company (hereinafter collectively referred to as respondents). Ulrichshofer, who is subject to an outstanding indictment in the U.S. District Court for the Central District of California for conspiracy to violate U.S. export controls and is a fugitive from U.S. justice, resides in Ollersbach, Austria; all of the other respondents reside in Vienna, Austria. The initial order was issued on August 12, 1986 (51 FR 29509, August 18, 1986) and renewed on October 11, 1986 (51 FR 37210, October 20, 1986) and December 10, 1986 (51 FR 44655, December 11, 1986).

In its renewal request dated January 16, 1986, the Department states that, as a result of an ongoing investigation, it has reason to believe that respondents have conspired and acted in concert to violate the Act and the Regulations. The Department has reason to believe that the purpose of the conspiracy is to obtain U.S.-origin goods from third countries for ultimate destination in proscribed countries, without obtaining the required authorization from the Department for such shipments. The Department has reason to believe that respondents have participated in the unauthorized reexport of U.S.-origin commodities, including computer equipment and peripherals, from Austria to proscribed destinations, without authorization from the Department. Indeed, the Department previously provided a statement by the U.S. Customs Attache in Austria that his aspect of the investigation has revealed that respondent Vrablicz, on August 5, 1986, reexported such commodities to

Czechoslovakia, which commodities were "owned" by respondent Bollinger. The Department further shows that a statement given by the Customs Attache indicates that respondents currently have in their possession and control in Vienna, Austria, additional U.S.-origin equipment which requires authorization from the Department to permit its reexport from Austria. The Department has shown that there is a presumption of denial for any request seeking authorization to reexport this U.S.-origin equipment to proscribed destinations and states that, in any event, no such authorization has been requested. Nevertheless, the Department has reason to believe that respondents may attempt to reexport these U.S.-origin goods to proscribed destinations.

The Department states that the investigation gives it reason to believe that the violations under investigation were deliberate and covert. The Department has shown that respondents Ulrichshofer and Hrobsky directed sales of commodities covered by the investigation to the Soviet Bloc. The Department has also shown that Ulrichshofer is involved with other parties in reexporting U.S.-origin commodities from Austria to proscribed destinations without authorization from the Department. Further, since the respondents currently have possession and controls of U.S-origin goods subject to the Act and the Regulations, the Department states that violations are likely to occur again. The Department submits that renewal of the temporary denial order naming respondents is necessary for the purpose of giving notice to companies in the United States and abroad to cease dealing with respondents in goods and technical data subject to the Act and the Regulations in order to reduce the likelihood that respondents will continue to engage in activities which are in violation of the Act and the Regulations.

In a letter dated December 9, 1986, respondent Vrablicz belatedly filed with the Deputy Assistant Secretary a submission contesting the previous renewal of the order. Subsequently, in response to the current renewal request, Vrablicz filed with the Deputy Assistant Secretary a similar submission dated January 27, 1987, which is considered to be filed in a timely manner. The arguments contained in both submissions will be considered as opposition to the current renewal request and copies have been provided to the Department. The substance of the argument made by Vrablicz is that it has provided all requested information to the U.S. Government, except in one instance where the request for information required further clarification. Vrablicz contends that this cooperation, together with the company's alleged lack of knowledge as to the contents of the shipments under investigation, provide reason not to subject it to further renewal of the Order.

The Department's request for renewal directly contradicts the indication by Vrabicz that it has been fully cooperative. In particular, the Department has shown Vrablicz's refusal to provide a statement to the Austrian Finance Ministry concerning its knowledge of events covered by the ongoing investigation.[1] Given that the investigation is ongoing and there is doubt regarding Vrablicz's full cooperation, this renewal will include Vrablicz. However, if the Department should show that *it* is satisfied by any effort of cooperation on the part of Vrablicz (or any respondent) *and* that a temporary denial of export privileges is no longer necessary against Vrablicz, this Order could be accordingly modified.

In the case of respondent Hrobsky, a statement has been filed in a timely manner with the Deputy Assistant Secretary which is considered to constitute opposition to the renewal request. Hrobsky claims there is no documentary proof against him, but does not deny participation in the violations under investigation. He only questions the "extent" to which he is alleged to have carried out such activities. In previous submissions, the Department has shown that Hrobsky, together with Ulrichshofer, directed sales covered by the investigation to the Soviet Bloc. Given this direct clash, the ongoing nature of the investigation, and the lack of any showing of cooperation on the part of this respondent, this order is renewed against Hrobsky.

Fundamentally, both respondents base their opposition to the Department's request for renewal on the argument that the Department has not shown to their satisfaction that they have in fact committed an export control violation. They challenge the Department's evidence as being insufficient to establish culpability. Thus, their protestation misses the mark.

A temporary denial order is a preventive enforcement measure and not a punative instrument. It is not necessary for the Department to prove that a respondent is in fact guilty of diversion or illegal exportation or reexportation of U.S.-origin controlled goods or technology before a temporary denial order could be issued against him. While evidence of past unlawful export activities is relevant to the question of a respondent's inclination or vulnerability to further illegal export conduct, and thus pertinent to the ultimate issue of "imminent violation", whether the Department's evidence is sufficient to show past violation on the part of a respondent, or is likely to make such a showing ultimately, is not dispositive as to whether a temporary denial order is necessary to prevent an imminent violation.

In the instant case, the evidence provided by the Department and the respondents, *in toto*, is sufficient to give reason to believe there is threat of imminent violation. Therefore, based on the showing made by the Department, I find that renewal of the order temporarily denying export privileges to respondents is necessary in the public interest to prevent an imminent violation of the Act and the Regulations and to give notice to companies in the United States and abroad to cease dealing with respondents in goods and technical data subject to the Act and the Regulations in order to reduce the substantial likelihood that respondents will continue to engage in activities which are in violation of the Act and the Regulations. It is noted that neither Ulrichshofer nor Bollinger filed an opposition to the Department's January 16, 1987 request for renewal of the temporary denial order.

Accordingly, it is hereby
Ordered:

I. All outstanding validated export licenses in which any respondent appears or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Licensing for cancellation.

II. The respondents, their successors or assignees, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported or to be exported from the United States in whole or in part, or that are otherwise subject to the Regulations. Without limiting the generality of the foregoing, participation, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any export license application submitted to the Department, (b) in preparing or filing

[1] As per the letter from Roger Urbanski, Customs Attache, to Dr. Ronald Rast, counsel for Vrablicz, dated December 19, 1986, which was submitted as Exhibit 3 to the renewal request.

with the Department any export license application or reexport authorization, or any document to be submitted therewith, (c) in obtaining or using any validated or general export license or other export control document, (d) in carrying on negotiations with respect to, or in receiving, ordering, buying, selling, delivering, storing, using, or disposing of, in whole or in part, any commodities or technical data exported from the United States, or to be exported, and (e) in financing, forwarding, transporting, or other servicing of such commodities or technical data. Such denial of export privileges shall extend only to those commodities and technical data which are subject to the Act and the Regulations.

III. After notice and opportunity for comment, such denial may be made applicable to any person, firm, corporation, or business organization with which any respondent is now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or related services.

IV. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Licensing shall, with respect to U.S.-origin commodities and technical data, do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with any respondent or any related party, or whereby any respondent or any related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any export, reexport, transshipment, or diversion of any commodity or technical data exported in whole or in part, or to be exported by, to, or for any respondent or any related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any export, reexport, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

V. In accordance with the provisions of § 388.19(e) of the Regulations, any respondent may, at any time, appeal this order by filing with the Office of the Administrative Law Judges, U.S. Department of Commerce, Room H-6716, 14th Street and Constitution Avenue, NW., Washington, DC 20230, a full written statement in support of the appeal.

VI. This order is effective February 8, 1987, and shall remain in effect for 60 days.

VII. In accordance with the provisions of § 388.19(d) of the Regulations, the Department may seek renewal of this temporary denial order by filing a written request not later than 20 days before the expiration date. Any respondent may oppose any request to renew this temporary denial order by filing a written submission with the Deputy Assistant Secretary for Export Enforcement, which must be received not later than seven days before the expiration date of this order.

A copy of this order shall be served upon each respondent and published in the **Federal Register**.

Dated: February 8, 1987.

Theodore W. Wu,

Deputy Assistant Secretary for Export Enforcement.

[FR Doc. 87-3173 Filed 2-12-87; 8:45 am]

BILLING CODE 3510-DS-M

National Cancer Institute et al.; Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 A.M. and 5:00 P.M. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 86-288. Applicant: National Cancer Institute, Frederick, MD 21701. Instrument: Electron Microscope (Side Entry with 35mm Camera), Model H-7000. Manufacturer: Hitachi Scientific Instrument, Japan. Intended use: See notice at 51 FR 29150. Instrument ordered: August 7, 1985.

Docket Number: 87-027. Applicant: The University of Michigan, Ann Arbor, MI 48109. Instrument: Electron Microscope, Model EM 902 with Imaging Spectrometer. Manufacturer: Carl Zeiss, West Germany. Intended use: See notice at 51 FR 42126. Application received by Commissioner of Customs: November 3, 1986.

Docket Number: 87-029. Applicant: Children's Hospital, Pittsburgh, PA 15213. Instrument: Electron Microscope, Model CM 10/35 with Accessories. Manufacturer: N.V. Philips, The Netherlands. Intended use: See notice at 51 FR 42890. Instrument ordered: August 1, 1986.

Docket Number: 87-031. Applicant: University of California, Los Angeles, CA 90024. Instrument: Electron Microscope, Model H-7000 with Accessories. Manufacturer: Hitachi, Japan. Intended use: See notice at 51 FR 42890. Instrument ordered: June 10, 1986.

Docket Number: 87:032. Applicant: University of Louisville, Louisville, KY 40292. Instrument: Electron Microscope, Model CM 12/S. Manufacturer: N.V. Philips, The Netherlands. Intended use: See notice at 51 FR 44651. Instrument ordered: May 1, 1986.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered.

Reasons: Each foreign instrument is a conventional transmission electron microscope (CTEM) and is intended for research or scientific educational uses requiring a CTEM. We know of no CTEM, or any other instrument suited to these purposes, which was being manufactured in the United States either at the time of order of each instrument or at the time of receipt of application by the U.S. Customs Service.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 87-3056 Filed 2-12-87; 8:45 am]

BILLING CODE 3510-DS-M

Texas A&M Research Foundation; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 86-169. Applicant: Texas A&M Research Foundation, College Station, TX 77843-3578. Instrument: UV/Visible Spectrophotometer Unit, Model SU-40A. Manufacturer: Hi-Tech Scientific Ltd., United Kingdom. Intended use: See notice 51 FR 15820.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is

intended to be used, is being manufactured in the United States.

Reasons: This is a compatible accessory for an instrument previously imported for the use of the applicant. The instrument and accessory were made by the same manufacturer. The National Institutes of Health advises in its memorandum dated September 16, 1986 that the accessory is pertinent to the intended uses and that it knows of no comparable domestic accessory.

We know of no domestic accessory which can be readily adapted to the instrument.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 87-3057 Filed 2-12-87; 8:45 am]

BILLING CODE 3510-DS-M

University of Florida et al.; Consolidated Decision on Applications for Duty-Free Entry of Spectrophotometers

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 87-038. Applicant: University of Florida, Gainesville, FL 32611. Intended use: See notice at 51 FR 44651.

Docket Number: 87-042. Applicant: National Institutes of Health, Bethesda, MD 20892. Intended use: See notice at 51 FR 44652.

Docket Number: 87-044. Applicant: Carnegie-Mellon University, Pittsburgh, PA 15213. Intended use: See notice at 51 FR 44652. Instrument: FTI Spectrophotometer, Model DA3.16. Manufacturer: Bomem Inc., Canada.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as each is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides an unapodized resolution of 0.02 cm^{-1} and a spectral range of 500-50,000 cm^{-1}. This capability is pertinent to each applicant's intended purpose. We know of no domestic instrument or apparatus of equivalent scientific value for the intended use of each instrument.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 87-3058 Filed 2-12-87; 8:45 am]

BILLING CODE 3510-DS-M

University of Kentucky et al.; Consolidated Decision on Applications for Duty-Free Entry of Accessories for Foreign Instruments

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L.. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 A.M. and 5:00 P.M. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 87-026. Applicant: University of Kentucky, Lexington, KY 40506-0055. Instrument: Second Harmonic Generator (Laser), Model Hyper-Trak 1000. Manufacturer: Lumonics Inc., Canada. Intended use: See notice at 51 FR 42126.

Docket Number: 85-119. Applicant: Auburn University, Auburn, AL 36849. Instrument: Turbomolecular Pumps. Manufacturer: Leybold Heraeus GmbH and Company, West Germany. Intended use: See notice 50 FR 15596.

Docket Number: 85-118. Applicant: Auburn University, Auburn, AL 36849. Instrument: Thermomolecular Pump, Model TMP 360. Manufacturer: Leybold Heraeus GmbH and Company, West Germany. Intended use: See notice 50 FR 13843.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instruments, for the purposes for which the instruments are intended to be used, is being manufactured in the United States.

Reasons: These are compatible accessories for instruments previously imported for the use of the applicants. In each case, the instrument and accessory were made by the same manufacturer. The National Institutes of Health advises us that the accessories are pertinent to the intended uses and that it knows of no comparable domestic accessories.

We know of no domestic accessories which can be readily adapted to the previously imported instruments.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 87-3059 Filed 2-12-87; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-605]

Malleable Cast Iron Pipe Fittings From Japan; Preliminary Determination of Sales at Less Than Fair Value

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: We have preliminarily determined that certain malleable cast iron pipe fittings (pipe fittings) from Japan are being, or are likely to be, sold in the United States at less than fair value. We have notified the U.S. International Trade Commission (ITC) of our determination, and have directed the U.S. Customs Service to suspend the liquidation of all entries of pipe fittings from Japan that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice, and to require a cash deposit or bond for each entry in an amount equal to the estimated dumping margins as described in the "Suspension of Liquidation" section of this notice. If this investigation proceeds normally, we will make our final determination by April 21, 1987.

EFFECTIVE DATE: February 13, 1987.

FOR FURTHER INFORMATION CONTACT: Steven Lim or Charles Wilson, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 377-5332 or 377-5288.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

We have preliminarily determined that pipe fittings from Japan are being, or are likely to be, sold in the United States at less than fair value, as provided in section 733(b) of the Tariff Act of 1930, as amended (the Act) (19 USC 1673b(b)). The weighted-average margins are shown in the "Suspension of Liquidation" section of this notice.

Case History

On August 29, 1986, we received a petition filed in proper form by the Cast Iron Pipe Fittings Committee on behalf of the domestic manufacturers of pipe fittings. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports of the subject merchandise from Japan are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that these imports are materially injuring, or threaten material injury to, a United States industry.

After reviewing the petition, we determined that it contained sufficient grounds upon which to initiate an antidumping duty investigation. We initiated such an investigation on September 18, 1986 (51 FR 34110, September 25, 1986), and notified the

ITC of our action. On October 14, 1986, the ITC found that there is a reasonable indication that imports of pipe fittings from Japan are materially injuring a U.S. industry (USITC Pub. No. 1900).

On October 16, 1986, we presented an antidumping duty questionnaire to Hitachi Metals, Ltd. (Hitachi). We requested a response in 30 days. On October 30, 1986, respondent requested an extension of the due date for the questionnaire response. We granted the respondent a two-week extension. We received a response on December 8, 1986. On December 24, 1986, the Department requested supplemental information. A supplemental response was received on January 8, 1987.

Scope of Investigation

The products covered by this investigation are malleable cast iron pipe fittings, advanced in condition by operations or processes subsequent to the casting process other than with grooves, or not advanced, of cast iron other than alloy cast iron, as currently provided for in items 610.7000 and 610.7400 of the *Tariff Schedules of the United States Annotated* (TSUSA).

Fair Value Comparisons

We investigated sales of pipe fittings to the United States during the period March 1 through August 31, 1986. Because Hitachi accounted for approximately 75 percent of all sales of this merchandise from Japan, we limited our investigation to it. Because a satisfactory explanation of difference in merchandise claims was received too late to allow us to consider it for this preliminary determination, we have based this determination on comparisons of identical merchandise.

If verified, we will use the difference in merchandise information in making our final determination.

To determine whether sales of the subject merchandise in the Unites States were made at less than fair value, we compared the United States price with the foreign market value for the company under investigation using data provided in the response.

United States Price

As provided in section 772(b) of the Act, we used the purchase price of the subject merchandise to represent the United States price for certain sales since the merchandise was purchased by the unrelated U.S. customer directly from the foreign manufacturer prior to importation. As provided in section 772(c) of the Act, we used the exporter's sales price of the subject merchandise to represent the United States price for other sales, because the merchandise was sold to unrelated purchasers after importation into the United States.

We calculated purchase price based on the packed, c.i.f. delivered, duty paid, prices to unrelated purchasers in the United States. We made deductions, where appropriate, for foreign inland freight, ocean freight, marine insurance, brokerage, U.S. duty, and U.S. inland freight. We calculated exporter's sale price by deducting, where appropriate, foreign inland freight, ocean freight, marine insurance, Japanese brokerage, U.S. duty, U.S. brokerage, U.S. inland freight, discounts and commissions. We also made a deduction for credit expenses and other selling expenses.

Foreign Market Value

In accordance with section 773(a) of the Act, we used home market delivered prices of such or similar merchandise to determine foreign market value. Hitachi had made a small portion of sales to its related firm in Japan. We found the prices between Hitachi and its related purchaser to be "arms-length." Accordingly, we based our calculation of foreign market value on delivered, packed, prices to all purchasers. When comparing purchase price to foreign market value, we made deductions, where appropriate, for discounts, rebates, and inland freight. We made an adjustment for differences in circumstances of sales in accordance with § 353.15 of our regulations for differences in advertising and credit expenses between the two markets. Where sales involved unrelated party commissions, indirect selling expenses were granted as an offset for the cost of the U.S commission expenses in accordance with § 353.15(c) of the Commerce Regulations.

When comparing exporter's sales price to the home market price, we made deductions, where appropriate, for discounts, rebates, and inland freight. We also deducted advertising, credit expenses and indirect selling expenses from the home market price but limited the deduction for home market indirect selling expenses to the amount of the U.S. indirect selling expenses.

We have disallowed Hitachi's claim for warehousing expenses. The claimed adjustment included expenses such as rent, inventory checking and preparation of bills of lading, and fees for loading into and out of warehouse which we do not consider direct selling expenses. Since these expenses were not individually itemized, we could not separate them from the total claim and so have disallowed the total claims at this time.

We have also preliminarily disallowed Hitachi's liability insurance premium expense claim as a circumstance-of-sale adjustment, because we cannot determine at this time whether this expense is directly related to sales.

We deducted home market packing costs and added the packing costs incurred on sales to the United States.

Currency Conversion

For comparisons involving purchase price transactions, when calculating foreign market value, we made currency conversions from Japanese yen to U.S. dollars in accordance with § 353.56(a)(1) of our regulations, using the certified daily exchange rates furnished by the Federal Reserve Bank of New York. For comparisons involving exporter's sales price transactions, we used the official exchange rate for the date of purchase, pursuant to section 615 of the Tariff and Trade Act of 1984. We followed section 615 of the 1984 Act rather than § 353.56(a)(2) of our regulations, as it supersedes that section of the regulations.

Verification

We will verify all information used in making our final determination in accordance with section 776(a) of the Act. We will use standard verification procedures, including examination of relevant sales and financial records of the company under investigation.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of pipe fittings from Japan that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register**. The U.S. Customs Service shall require a cash deposit or the posting of a bond equal to the estimated weighted-average amounts by which the foreign market value of the merchandise subject to this investigation exceeds the United States price as shown in the table below. The suspension of liquidation will remain in effect until further notice.

Manufacturer/producer/exporter	Margin percentage
Hitachi	77.75
All others	77.75

ITC Notification

In accordance with section 733(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonproprietary information relating to this investigation. We will allow the ITC access to all privileged and proprietary information in our files, provided the ITC confirms that it will not disclose such information either publicly or under administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration. The ITC will determine whether these imports materially injure, or threaten material injury to, a United States industry, before the later of 120 days after our preliminary affirmative determination or 45 days after our final determination.

Public Comment

In accordance with § 353.47 of our regulations (19 CFR 353.47), if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 1:00 p.m. on March 18, 1987, at the U.S. Department of Commerce, Room 1414, 14th Street & Constitution Avenue NW., Washington, DC 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room B099, at the above address within 10 days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by March 6, 1987. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, not less than 30 days before the final determination or, if a hearing is held, within 7 days after the hearing transcript is available, at the above address in at least 10 copies.

This determination is published pursuant to section 733(f) of the Act (19 U.S.C. 1673b(f).

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

February 5, 1987.

[FR Doc. 87-3060 Filed 2-12-87; 8:45 am]

BILLING CODE 3510-DS-M

[A-549-601]

Malleable Cast Iron Pipe Fittings From Thailand; Preliminary Determination of Sales at Less Than Fair Value

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: We have preliminarily determined that certain malleable cast iron pipe fittings (pipe fittings) from Thailand are being, or are likely to be, sold in the United States at less than fair value. We have notified the U.S. International Trade Commission (ITC) of our determination and have directed the U.S. Customs Service to suspend the liquidation of all entries of pipe fittings from Thailand that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice, and to require a cash deposit or bond for each entry in an amount equal to the estimated dumping margins as described in the "Suspension of Liquidation" section of this notice. If this investigation proceeds normally, we will make our final determination by April 21, 1987.

EFFECTIVE DATE: February 13, 1987.

FOR FURTHER INFORMATION CONTACT: James Riggs or Charles Wilson, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 377-4929 or 377-5288.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

We have preliminarily determined that pipe fittings from Thailand are being, or are likely to be, sold in the United States at less than fair value, as provided in section 733(b) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673b(b)). The weighted-average margins are shown in the "Suspension of Liquidation" section of this notice.

Case History

On August 29, 1986, we received a petition filed in proper form from the Cast Iron Pipe Fittings Committee on behalf of the domestic manufacturers of pipe fittings. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports of the subject merchandise from Thailand are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that these imports are materially injuring, or threaten material injury to, a United States industry.

After reviewing the petition, we determined that it contained sufficient grounds upon which to initiate an antidumping duty investigation. We initiated such an investigation on September 18, 1986 (51 FR 34111, September 25, 1986), and notified the ITC of our action. On October 14, 1986, the ITC determined that there is reasonable indication that imports of pipe fittings from Thailand are materially injuring a U.S. industry (US ITC Pub. No. 1900).

On October 15, 1986, we presented an antidumping duty questionnaire to counsel for Siam Fittings Co., Ltd. and requested a response in 30 days. On October 31, 1986, respondent requested an extension of the due date for the questionnaire response. We granted the respondent a two-week extension. We received a response on December 1, 1986. On December 22, 1986, the Department requested supplemental information. A supplemental response was received on January 2, 1987.

Scope of Investigation

The products covered by this investigation are malleable cast iron pipe fittings, advanced in condition by operations or processes subsequent to the casting process other than with grooves, or not advanced, of cast iron other than alloy cast iron, as currently provided for in items 610.7000 and 610.7400 of the *Tariff Schedules of the United States Annotated* (TSUSA).

Fair Value Comparisons

We investigated sales of pipe fittings to the United States during the period March 1 through August 31, 1986. Because Siam Fittings Co., Ltd. accounted for approximately 70 percent of all sales of this merchandise from Thailand, we limited our investigation to this company.

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price with the foreign market value for the company under investigation using data provided in the response.

United States Price

As provided in section 772(b) of the Act, we used the purchase price of the subject merchandise to represent United States price since the merchandise was purchased by the unrelated U.S. customer directly from the foreign manufacturer prior to importation. We calculated purchase price based on the packed, f.o.b., c. & f., or c.i.f. prices to

unrelated purchasers in the United States. We made deductions, where appropriate, for foreign inland freight and insurance, handling charges, ocean freight, and marine insurance. We made additions to purchase price for duty drawback (i.e., import duties which were rebated, or not collected, by reason of the exportation of the merchandise to the United States) pursuant to section 772(d)(1)(B), and for taxes rebated upon export, pursuant to section 772(d)(1)(C) of the Act. We also made a deduction for bank charges on U.S. sales.

Foreign Market Value

In accordance with section 773(a) of the Act, we used home market prices of such or similar merchandise to determine foreign market value. We based our calculations of foreign market value on delivered, packed prices to unrelated purchasers. We made deductions, where appropriate, for inland freight. We made an adjustment for differences in circumstances of sale in accordance with § 353.15 of our regulations for differences in credit terms between the two markets. We disallowed a claim for home market advertising expenses as these do not appear to be an assumption by Siam Fittings Co., Ltd. of a purchaser's advertising expenses.

We deducted home market packing costs and added the packing costs incurred on sales to the United States.

Where there was no identical product in the home market with which to compare a product sold in the United States, we made an adjustment to account for differences in the physical characteristics of the merchandise, in accordance with section 773(a)(4)(C) of the Act. These adjustments were based on differences in costs of materials, labor and directly related factory overhead.

Currency Conversion

We made currency conversions from Thai baht to U.S. dollars in accordance with § 353.56(a) of our regulations, using the certified quarterly exchange rates furnished by the Federal Reserve Bank of New York.

Verification

We will verify all information used in making our final determination in accordance with section 776(a) of the Act. We will use standard verification procedures, including examination of relevant sales and financial records of the companies under investigation.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of pipe fittings from Thailand that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register**. The U.S. Customs Service shall require a cash deposit or the posting of a bond equal to the estimated weighted-average amounts by which the foreign market value of the merchandise subject to this investigation exceeds the United States price as shown in the table below. The suspension of liquidation will remain in effect until further notice.

Manufacturer/Producer/Exporter	Margin percentage
Siam Fittings Co., Ltd.	2.75
All Others	2.75

ITC Notification

In accordance with section 733(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonproprietary information relating to this investigation. We will allow the ITC access to all privileged and proprietary information in our files, provided the ITC confirms that it will not disclose such information either publicly or under administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration. The ITC will determine whether these imports materially injure, or threaten material injury to, a United States industry, before the later of 120 days after our preliminary affirmative determination or 45 days after our final determination.

Public Comment

In accordance with section 353.47 of our regulations (19 CFR 353.47), if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 10:00 a.m. on March 19, 1987, at the U.S. Department of Commerce, Room 3708, 14th Street and Constitution Avenue NW., Washington, DC 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary, Import Administration, Room B-099, at the above address within 10 days of this notice's publication.

Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by March 6, 1987. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, not less than 30 days before the final determination, or, if a hearing is held, within 7 days after the hearing transcript is available, at the above address in at least 10 copies.

This determination is published pursuant to section 733(f) of the Act (19 U.S.C. 1673b(f)).

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 87-3061 Filed 2-12-87; 8:45 am]

BILLING CODE 3510-DS-M

Management-Labor Textile Advisory Committee; Partially Closed Meeting

A meeting of the Management-Labor Textile Advisory Committee will held on Friday, February 27, 1987, at 1:30 p.m., Herbert C. Hoover Building, Room H6802, 14th Street and Constitution Avenue, NW., Washington, DC. (The Committee was established by the Secretary of Commerce on October 18, 1961 to advise Department officials on problems and conditions in the textile and apparel industry).

General Session: 1:30 p.m. Review of import trends, report on conditions in the domestic market, and other business.

Executive Session: 2:00 p.m. Discussion of matters properly classified under Executive Order 12356 (3 CFR, 1982 Comp. p. 166) and listed in 5 U.S.C. 552b(c)(1).

The general session will be open to the public with the limited number of seats available. A Notice of Determination to close meetings or portions of meetings to the public on the basis of 5 U.S.C. 552b(c)(1) has been approved in accordance with the Federal Advisory Committee Act. A copy of the notice is available for public inspection and copying in the Central Facility Room 6628, U.S. Department of Commerce, (202) 377-3031.

For further information or copies of the minutes contact Alfreda Clark Burton (202) 377-3737.

Dated: February 9, 1987.

Ronald I. Levin,

Acting Chairman, Management-Labor Textile Advisory Committee.

[FR Doc. 87-3063 Filed 2-12-87; 8:45 am]

BILLING CODE 3510-DR-M

National Oceanic and Atmospheric Administration

Marine Mammals; Issuance of Permit: Nelio B. Barros and Daniel K. Odell (P38B)

On November 24, 1986, notice was published in the **Federal Register** (51 FR 42278) that an application had been filed by Mr. Nelio B. Barros and Dr. Daniel K. Odell to import one (1) Tucuxi (*Sotalia fluviatilis*) skull and stomach contents and one (1) southern bottlenose dolphin (*Tursiops truncatus*) skull from Brazil.

Notice is hereby given that on February 9, 1987, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) and the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), the National Marine Fisheries Service issued a Permit for the above taking subject to certain conditions set forth therein.

The Permit is available for review by interested persons in the following offices:

Office of Protected Species and Habitat Conservation, National Marine Fisheries Service, 1825 Connecticut Avenue, NW., Room 805 Washington, DC; and Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: February 9, 1987.

Nancy Foster,

Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 87–3127 Filed 2–12–87; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service

Intent To Grant Exclusive Patent License; Leonid Shturman

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to Leonid Shturman, having a place of business at 11725 Montana Avenue, Los Angeles, CA 90049, an exclusive right in the United States to practice the invention embodied in the invention in U.S. Patent 4,403,985, "Jet Controlled Catheter." The Patent rights in this invention will be assigned to the United States of America, as represented by the Secretary of Commerce.

The intended exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR Part 404. The intended license may be granted unless, within sixty days from the date of this published Notice, NTIS receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest.

Inquiries, comments and other materials relating to the intended license must be submitted within the above specified 60-day period and should be addressed to Robert P. Auber, Office of Federal Patent Licensing, NTIS, Box 1423, Springfield, VA 22151.

Douglas J. Campion,

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

[FR Doc. 87–3142 Filed 2–12–87; 8:45 am]

BILLING CODE 3510-04-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

New Export Visa Arrangement and Exempt Certification for Certain Cotton, Wool, Man-Made, Vegetable Fiber, Other Than Cotton, and Silk Blend Textiles and Textile Products Produced or Manufactured in Japan

February 6, 1987.

The Chairman of the Committee for the Implementation of Textile Agreement (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on March 1, 1987. For further information contact Ross Arnold, International Trade Specialist (202) 377–4212.

Background

Under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of February 6, 1987, the Governments of the United States and the Republic of Japan have exchanged letters establishing a new export visa arrangement and an exempt certification system.

Effective on March 1, 1987, commercial shipments of cotton, wool, man-made fiber, vegetable fiber, other than cotton, and silk blend textiles and textile products in categories 300–369, 400–469, 600–670 and 800–899 exported on and after March 1, 1987 must be accompanied by a valid and correct visa or exempt certification as described in the enclosed letter to the Commissioner of Customs. Merchandise imported for the personal use of the importer and not for resale, and properly marked commercial sample shipments valued at U.S. $250 or less do not require a visa or exempt certification for entry and shall not be charged to restraints.

Lists of the issuing authorities and exempt "Japan items" and facsimiles of the visa and exempt certification stamps are published as enclosures to the letter to the Commissioner of Customs which follows this notice.

Interested persons are advised to take all necessary steps to ensure that cotton, wool, man-made fiber, vegetable fiber, other than cotton, and silk blend textiles and textile products, produced or manufactured in Japan and exported on and after March 1, 1987, which are to be entered or withdrawn from warehouse for consumption in the United States will meet the requirements set forth in this notice.

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

February 6, 1987.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Mr. Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Agreement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extended on July 31, 1986; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of February 6, 1987, between the Governments of the United States and the Republic of Japan; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on March 1, 1987, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, man-made fiber, vegetable fiber, other than cotton, and silk blend textiles and textile products in Categories 300–369, 400–469, 600–670 and 800–899, produced or manufactured in Japan and exported on and after March 1, 1987 from Japan for which the Government of the Republic of Japan has not issued an appropriate visa or exempt certification fully described below.

A visa must accompany merchandise in Categories 300–369, 400–469, 600–670 and 800–899. A circular stamped marking in blue ink will appear on the front of the original commercial invoice. The original visa shall not be stamped on the duplicate copies of the invoice. The original of the invoice with the original visa stamp will be required to enter the shipment into the United States of America, and duplicates may not be used for this purpose. The visa shall include a number in standard 9 digit format, and the signature of an official from an authorized issuing authority, and the date on which the visa was issued. The visa number shall be nine digits and letters, beginning with one numerical digit for the last digit of the year of export, followed by the two character alpha country code specified by the International

Organization for Standardization (ISO), and a six digit numerical serial number identifying the shipment; e.g. 7JP123456.

The visa must not be accepted and entry must not be permitted if the shipment does not have a visa, or if the visa number, date, or signature are missing, incorrect or illegible, or have been crossed out or altered in any way. If the visa is not acceptable then a new visa must be obtained and presented to the U.S. Customs Service before any portion of the shipment will be released. If the visaed invoice is deficient, the U.S. Customs Service will not return the original document after entry, but will provide a certified copy of that visaed invoice for use in obtaining a new correct original visaed invoice.

For certain textiles and textile articles designated as "Japan items," which have been certified exempt from import restraints, a rectangular-shaped marking in blue ink will appear on the front of commercial invoice, and a visa shall not be required. The exempt certification must include the date of issuance, signature of an official from an authorized issuing authority, and the name of the specific item. The wording on the invoice should read: "JAPAN ITEMS"—"Name of the specific item(s)." The exempt certification must be issued prior to exportation of the shipment from Japan. If the certification is incorrect (i.e. the date of issuance, signature or basis for the exemption is missing, incorrect or illegible, or has been crossed out or altered in any way), then the exempt certification must not be accepted and entry shall not be permitted unless a visa is obtained. Japan items and visaed items may not both appear on the same invoice.

Facsimiles of the visa and exempt certification stamps, including the issuing authorities and authorized signatures, and a list of exempt "Japan items" are published as enclosures to this letter.

Properly marked commercial shipments valued at U.S. $250 or less, and merchandise imported for the personal use of the importer and not for resale will not require a visa or exempt certification. You are further directed to permit entry into the United States for consumption and withdrawal from warehouse for consumption of designated shipments of cotton, wool, man-made fiber, vegetable fiber, other than cotton, and silk blend textiles and textile products, produced or manufactured in Japan, notwithstanding the designated shipment or shipments do not fulfill the aforementioned visa requirements, whenever requested to do so in writing by the Chairman of the Committee for the Implementation of Textile Agreements.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of Japan and with respect to imports of cotton, wool, man-made fiber, vegetable fiber, other than cotton, and silk textiles and textile products from Japan have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register**.

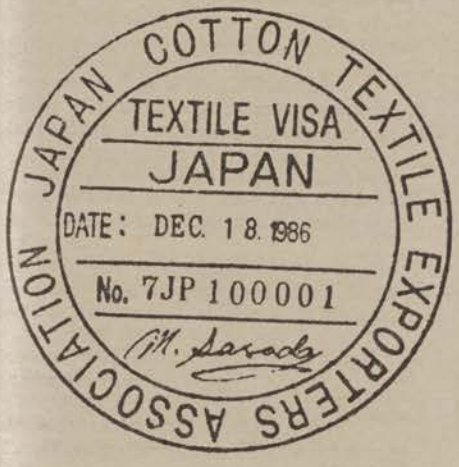
Sincerely,

Ronald I. Levin,

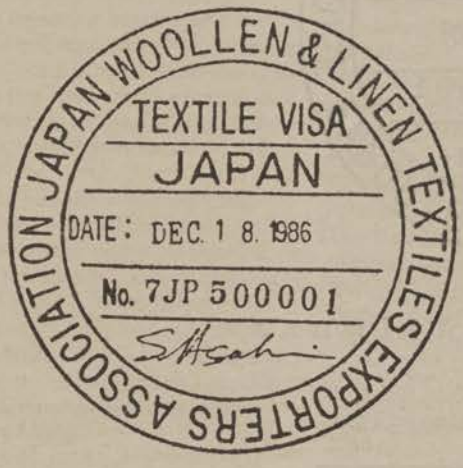
Acting Chairman, Committee for the Implementation of Textile Agreements.

BILLING CODE 3510-DR-M

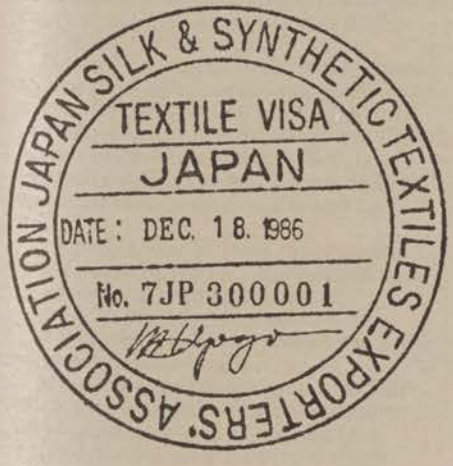
VISA STAMP (With Issuer's Signature)



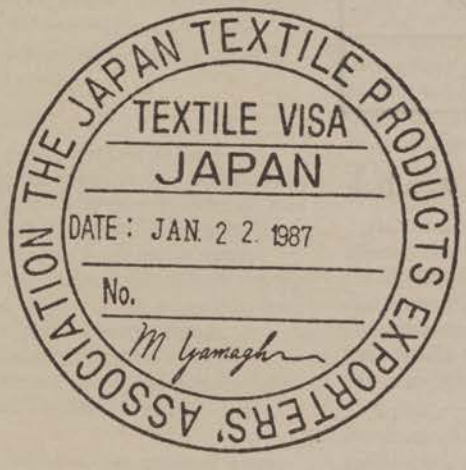
Masayasu Sasada



Shogo Asahina

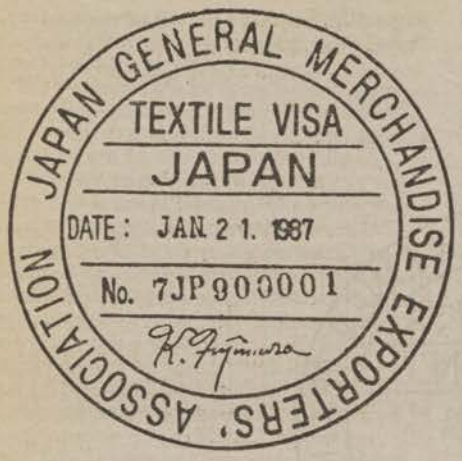


Minoru Hyogo



Masao Yamaguchi

* The name below each stamp is correct name of the signer.



Kyoichi Fujimura

THE JAPAN TEXTILE PRODUCTS EXPORTERS' ASSOCIATION
EXEMPT CERTIFICATE (JAPAN ITEM)
ITEM:
DATE: JAN. 22, 1987
M. Yamaguchi

Masao Yamaguchi

BILLING CODE 3510-DR-C

Annex—Japan Items

Clothing

Kimono: Traditional Japanese one-piece style garments of full length or longer, overlapped in front and fastened with Obi (not by buttons). Characterized by standarized shape, cut in linear ignoring the human body's curve. No differences in style between male and female, but varies according to materials, design, colors, weave, and length of sleeves.

Yukata: A type of long Kimono worn usually in summer. Made mainly of dyed plain-woven cotton lightweight fabrics.

Juban: Underwear worn under Kimono, often in light color such as white. The waist-length Juban is called Han–Juban and the full length Naga–Juban. Basically the same style as Kimono.

Haori: Short coat usually of knee-length worn over a Kimono fastened with a string in front. It is characterized by gusset sleeves and a folded strip of fabric which extends from one end of the opening to the other making the finished edge.

Wafuku–coat: Traditional Japanese style coat worn over Kimono or Happi for protection against rain or cold. Corresponds to the western raincoat, but the style is basically same as Kimono except for its front which is closed with buttons or hooks and not with Obi. Wafuku fabrics against rain are waterproofed.

Happi: Similar style with Haori, but often a little shorter, (sometimes fastened with Obi). Characterized by tight sleeves without gusset, and by design dyed with family name or crest, etc. Used as working or festival clothes or sometimes as demonstrative purpose.

Judogi and Karategi: Kimono style sportswear made of thick fabric for Judo or Karate, usually accompanied by approximately ¾ length trousers and an Obi. Upper wear is approximately mid-thigh to knee length in Haori-style.

Kendogi: Kimono style sportswear, usually accompanied by a long pleated skirt with two interior leg openings and a self-fabric belt and with an upper approximately mid-thigh to knee length in Haori-style. There is a stiffened extension in the back top portion above the waist several inches high and wide.

Kappogi: A kind of apron usually worn over Kimono by female covering chest and shoulders to protect against dirt on housework. Usually white colored, long sleeve edges tightened by rubber, and a little shorter than knee-length.

Monpe: A pair of baggy pants with fully elasticized waist and leg openings and no other openings. It may or may not have pockets, but not more than two pockets.

Clothing Accessories

Obi: Band or wide belt which is, unlike western belt, long enough to tie round the waist several times. Obi is used to fix Kimono to prevent disarry, and also for decorative purpose to achieve overall harmony. They are important accessories essential to the completion of Japanese style clothing, which should be regarded as integral parts of Kimono.

(1) Wide thick belts for female Kimono. Usually, a few inches wide or more made of fine, solid and strongly beaten fabrics designed with Japanese traditional patterns.

(2) Wide, thin belts for male's Kimono or Yukata.

(3) Judo or Karate belt, usually narrower than Obi, but longer than western style belt. Made of solid fabrics and without buckle.

Obijime: A belt for tying on the Obi to prevent it from loosening, braided with 4 or more strands. It may be round or flat in shape and not exceed 1 inch in width or 65 inches in length. Usually it is made of silk or rayon or rayon blends. If made of silk the braid will not contain a core, otherwise the braid will contain a core.

Tabi: Socks to be worn when one wears Kimono, made of woven fabrics, tightly in the form of the foot, having a separate division for the big toe. Reaches just above the ankle and is fastened at the back by means of an overlap having metal hook tabs (Koh–Aze).

Koshihimo: Narrow light weight tubular belt with closed ends and no buckle or other attachments, used to adjust the length of a Kimono to one's height.

Erisugata: Neck-round part of Kimono is called Eri, corresponding to western style collar. While Eri is united to Kimono, Erisugata is the Eri-shaped cloth (same or different design) to put on Eri to protect against dirt as well as for decorative purpose.

Sodeguchi: Extra broad sleeve worn to cover short sleeve of Juban, usually with the laced edge.

Homaekake: Men's woven working apron with one or more pockets extending the full width of the apron, with 4 inch or more extension of fabric below the pocket(s), to be tied around the waist with an attached fabric strip. Usually the apron is made of thick, heavy fabric printed with a family name in Japanese, or a crest.

Household Goods

Shikifuton: Japanese style mattress in approximately the following sizes (in inches): 30 by 74, 39 by 78, 60 by 80, and 72 by 84. It is stuffed with cotton, cotton/-man-made fiber blends, down, kapok, and similar natural materials, with a woven fabric cotton ticking, with spot-type quilting stitch going from front fabric to back fabric. The mattress is different from western style mattresses in that the stuffing material is much softer and the ticking fabric of lighter weight construction.

Koinobori: Artificial carp made of woven fabrics to fly on top of a long pole outdoors on the occasion of Boy's Festival (Children's Day) in the Japanese custom.

Noren: A piece of cloth, rectangular strip, with vertical cut in several parts to hang at the entrance of shops. It is also hung at the entrance of the general household as decoration.

[FR Doc. 87–3062 Filed 2–12–87; 8:45 am]
BILLING CODE 3510–DR–M

Adjusting Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Turkey

February 10, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 31, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on February 17, 1987. For further information contact Ann Fields, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, DC, (202) 377–4212. For information on the quota status of this limit, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, please call (202) 377–3715.

Background

On August 18, 1986 a notice was published in the **Federal Register** (51 FR 29513) which establishes import restraint limits for certain cotton and man-made fiber textile products, produced or manufactured in Turkey and exported during the agreement year which began on July 1, 1986 and extends through June 30, 1987. Under the terms of the Bilateral Cotton and Man-Made Fiber Textile Agreement of October 18, 1985, as amended and extended, swing is being applied to the restraint limit previously established for cotton textile products in Category 339. The limit for Category 340/640 is being reduced to account for the amount of swing applied to Category 339. The limit for Category 339 has been filled.

Accordingly, in the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to adjust the restraint limits previously established for Categories 339 and 340/640.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

February 10, 1987.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Mr. Commissioner:

This directive amends, but does not cancel, the directive issued to you on August 12, 1986 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton and man-made fiber textile products, produced or manufactured in Turkey and exported during the twelve-month period which began on July 1, 1986 and extends through June 30, 1987.

Effective on February 17, 1987, the directive of August 12, 1986 is further amended to include the following adjusted limits to the previously established restraint limits for cotton and man-made fiber textile products in Categories 339 and 340/640, as provided under the terms of the bilateral agreement of October 18, 1985, as amended and extended: [1]

Category	Adjusted 12-month limit [1]
339	492,200 dozen
340/640	440,340 dozen

[1] The limits have not been adjusted to account for any imports exported after June 30, 1986.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-3176 Filed 2-12-87; 8:45 am]

BILLING CODE 3510-DR-M

Amending the Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Mauritius

February 6, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on February 13, 1987. For further information contact Pamela Smith, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, please call (202) 377-3715.

Background

A CITA directive establishing import limits for specified categories of cotton, wool and man-made fiber textile products, produced or manufactured in Mauritius and exported during the twelve-month period which began on October 1, 1986, was published in the **Federal Register** on November 4, 1986 (51 FR 40061). Under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 3 and 4, 1985, as amended, between the Governments of the United States and Mauritius, it was determined that deductions will be made for overshipments of cotton and man-made fiber textile products imported during the period April 1, 1986 through September 30, 1986 in Categories 341/641 and 347/348. These deductions will be made from the restraint limits established for the period beginning on October 1, 1986 and extending through September 30, 1987. The new restraint levels will be 102,308 dozen for Categories 341/641 and 422,730 dozen for Categories 347/348. With later data, further adjustments may be made. Also, charges for goods imported during the period October 1 through November 5, 1986 will be charged to the restraint limits for Categories 341/641 and 347/348 which began on October 1, 1986 and extends through September 30, 1987.

Accordingly, in the letter which follows this notice, the Chairman of CITA directs the Commissioner of Customs, to deduct 136,692 dozen and 3,270 dozen from the designated import restraint limits established for Categories 341/641 and 347/348, respectively, for overshipment of the restraint limits for the April 1 through September 30, 1986 period. The Commissioner is also directed to charge 15,136 dozen (Category 341/641) and 9,063 dozen (Category 347/348) to the designated import restraint limits, for goods imported from October 1 through November 4, 1986 that are subject to the current restraint limits.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983, (48 FR 57584), April 4, 1984, (49 FR 13397), June 28, 1984, (49 FR 26622), July 16, 1984, (49 FR 28754), November 9, 1984, (49 FR 44782), July 14, 1986, (51 FR 25386) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textiles Agreements.

February 6, 1987.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Mr. Commissioner:

To facilitate implementation of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 3 and 4, 1985, as amended, between the Governments of the United States and Mauritius, I request that, effective on February 13, 1987 you charge the following amounts to the limits established in the directive of October 30, 1986 for cotton and man-made fiber textile products, produced or manufactured in Mauritius and exported October 1, 1986 and extends through September 30, 1987. The charges are for goods imported during the periods April 1, 1986 through September 30, 1986.

Category	Amount to be charged
341/641	15,136 dozen
347/348	9,063 dozen

Also effective on February 13, 1987, the directive of October 30, 1986 is hereby amended to adjust the previously established restraint limits for Categories 341/641 and 347/348 under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 3 and 4, 1985, as amended: [1]

Category	New Adjusted limit
341/641	102,308 dozen
347/348	422,730 dozen

Sincerely,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-3175 Filed 2-12-87; 8:45 am]

BILLING CODE 3510-DR-M

[1] The provisions of the bilateral agreement provide, in part, that: (1) Specific limits may be increased by 7 percent swing during an agreement period and (2) specific limits may be increased by carryover and carryforward up to 11 percent of the applicable category limit.

[1] The Agreement provides, in part, that overshipments which occur in an agreement period can be charged to the limit in the succeeding agreement period, or over a period of years as in the case of 341/641.

Requesting Public Comment on Bilateral Consultations With the Government of the People's Republic of China on Categories 835, 842, and 847

February 10, 1987.

FOR FURTHER INFORMATION CONTACT: Diana Solkoff, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port or call (202) 566–6828. For information on embargoes and quota re-openings, please call (202) 377–3715. For information on categories on which consultations have been requested call (202) 377–3740.

Background

On December 31, 1986, the United States Government, in accordance with section 204 of the Agricultural Adjustment Act of 1956, as amended, requested consultations with the Government of the People's Republic of China with respect to coats (Category 835), skirts (Category 842) and trousers, slacks and shorts (Category 847) of silk blends and vegetable fibers, other than cotton, produced or manufactured in China.

The purpose of this notice is to advise the public that the Committee for the Implementation of Textile Agreements may later establish limits for the entry or withdrawal from warehouse for consumption of textile products in Categories 835, 842, and 847, produced or manufactured in the People's Republic of China and exported to the United States during the twelve-month period which began on December 31, 1986 and extends through December 30, 1987, at levels of 49,357 dozen (Category 835), 33,636 dozen (Category 842) and 703,358 dozen (Category 847).

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on July 29, 1986 (51 FR 27068).

Summary market statements for these categories follow this notice.

Anyone wishing to comment or provide data or information regarding the treatment of Categories 835, 842 and 847, or to comment on domestic production or availability of textile products included in these categories, is invited to submit such comments or information in ten copies to Mr. Ronald I. Levin, Acting Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230. Because of the enact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC, and may be obtained upon request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87–3177 Filed 2–12–87; 8:45 am]

BILLING CODE 3510–DR–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Privacy Act of 1974; New Blanket Routine Use Added to DoD Systems of Records

AGENCY: Office of the Secretary of Defense (OSD).

ACTION: Notice of a new Blanket Routine Use for DoD systems of records.

SUMMARY: The Office of the Secretary of Defense is publishing for public comment a notice of a proposed new Blanket Routine Use which will be applicable to all existing systems of records of the DoD Components subject to the Privacy Act of 1974.

DATE: This proposed action will be effective, without further notice, on or before March 16, 1987, unless comments are received which would result in a contrary determination.

ADDRESS: Send any comments to Aurelio Nepa, Jr., Defense Privacy Office, Room 205, 400 Army Navy Drive, Arlington, VA 22202. Telephone: 202–694–3027, Autovon: 224–3027.

FOR FURTHER INFORMATION CONTACT: Aurelio Nepa, Jr. at the above address and telephone number.

SUPPLEMENTARY INFORMATION: Certain blanket "routine uses", as defined under the Privacy Act of 1974 (5 U.S.C. 552a(a)(7)) have been established within the Department of Defense (DoD) and, unless specifically stated otherwise within a particular record system, these blanket routine uses are applicable to every record system maintained within the DoD. These blanket routine uses of the records are published only once at the beginning of each DoD Component's listing of record systems subject to the Privacy Act. They are used in the interest of simplicity, economy and to avoid redundancy by avoiding having to repeat them all in each individual record system. The DoD proposes to add a new blanket routine use. This added routine use amendment is not within the purview of the provisions of 5 U.S.C. 552a(o) which requires the submission of an altered system report to OMB and Congress.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

February 9, 1987.

The following new DoD Blanket Routine Use applicable to all DoD Components is added to the existing DOD blanket routine uses:

Routine Use-Counterintelligence Purposes

A record from a system of records maintained by this component may be disclosed as a routine use outside the DoD for the purpose of counterintelligence activities authorized by U.S. Law or Executive Order or for the purpose of enforcing laws which protect the national security of the United States.

[FR Doc. 87–3099 Filed 2–12–87; 8:45 am]

BILLING CODE 3810–01–M

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

SUMMARY: The DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATE: The meeting will be held at 0900, Thursday, 5 March 1987.

ADDRESS: The meeting will be held at Palisades Institute for Research Services, Inc., 2011 S. Crystal Drive, Suite 307, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: David Slater, AGED Secretariat, 201 Varick Street, New York, 10014.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide the Under Secretary of Defense for Acquisition, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of

economical and effective research and development programs in the area of electron devices.

The AGED meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The agenda for this meeting will include programs on Radiation Hardened Devices, Microwave Tubes, Displays and Lasers. The review will include details of classified defense programs throughout.

In accordance with section 10(d) of Pub. L. No. 92–463, as amended, (5 U.S.C. App. II 10(d) (1982)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly, this meeting will be closed to the public.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

February 9, 1987.

[FR Doc. 87–3098 Filed 2–12–87; 8:45 am]

BILLING CODE 3810–01–M

Department of the Air Force

USAF Scientific Advisory Board; Meeting

February 6, 1987.

The USAF Scientific Advisory Board Arnold Engineering Development Center (AEDC) Advisory Group will meet on March 18, 1987, from 8:00 a.m. to 4:00 p.m. and March 19, 1987, from 8:00 a.m. to 12:00 noon at the AEDC Headquarters (A & E Conference Room), Arnold Air Force Station, TN.

The purpose of this meeting is to receive briefings on and to discuss selected ground test facilities, requirements, and programs which support Air Force weapon system development.

This meeting will involve discussions of classified defense matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697–4648.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 87–3143 Filed 2–12–87; 8:45 am]

BILLING CODE 3910–01–M

USAF Scientific Advisory Board; Meeting

February 6, 1987.

The USAF Scientific Advisory Board Committee on Software Expertise & ADA will meet at the Pentagon, Washington, DC, Room 5D982 on 3 and 4 March 1987, from 8:00 a.m. to 5:00 p.m. each day.

The meeting will be open to the public.

The purpose of the meeting is to review, discuss and evaluate the effectiveness of software expertise being developed by the Air Force.

For further information, contact the Scientific Advisory Board Secretariat at 202–697–8845.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 87–3067 Filed 2–12–87; 8:45 am]

BILLING CODE 3910–01–M

Department of the Army

Consideration of Independent Environmental and Safety Assessments for Destruction, Unitary Chemical Stockpile in the Continental United States

AGENCY: Department of the Army, DOD.

ACTION: Notice of the Army possibly providing assistance to members of affected communities to make additional environmental and safety assessments regarding the destruction of the Unitary Chemical Stockpile stored within the continental United States.

1. The U.S. Army is considering several alternatives to demilitarize chemical munitions stored at the following sites within the continental United States:

a. Aberdeen Proving Ground, Maryland
b. Anniston Army Depot, Alabama
c. Lexington Blue Grass Army Depot, Kentucky
d. Pine Bluff Arsenal, Arkansas
e. Newport Army Ammunition Plant, Indiana
f. Pueblo Army Depot Activity, Colorado
g. Tooele Army Depot, Utah
h. Umatilla Army Depot Activity, Oregon.

2. A Draft Programmatic Environmental Impact Statement published 1 July 1986 indicated minimal environmental and safety risks. Nonetheless, the Army recognizes that some members of involved communities may desire to make additional assessments from available or independently developed data. If so, the Army will consider providing financial assistance and providing available information as needed for an independent assessment where it can be demonstrated that:

a. There is community concern over planned Army operations, and

b. The applicant group is representative of the total community and will have available to it the requisite expertise for an independent assessment.

3. A course selection has been made to perform an independent assessment at Lexington, Bluegrass Army Depot. This notice applies to the other seven locations.

4. interested groups should contact Mr. C.C. Solloway, U.S. AMCCOM, Procurement Directorate (Edgewood), AMSMC–PC (A), Aberdeen Proving Ground, MD 21010–5423, AC (301) 671–2554 by 28 February 1987. After that time, in view of the necessity to efficiently and timely proceed with planned operations, further applications will not be considered.

Lewis D. Walker,

Deputy for Environment, Safety and Occupational Health OASA (I&L).

[FR Doc. 87–3120 Filed 2–12–87; 8:45 am]

BILLING CODE 3710–08–M

Assistant Secretary of the Army (Civil Works); Request for Nominations to the Inland Waterways Users Board

AGENCY: Department of the Army; DoD.

ACTION: Notice.

SUMMARY: Public Law 99–662 creates an eleven member Inland Waterways Users Board, make up of shippers and users of the U.S. inland waterways. Members will be appointed by the Secretary of the Army. This notice is to solicit nominations to this Users Board.

EFFECTIVE DATE: February 13, 1987.

ADDRESS: Department of the Army; Office of the Assistant Secretary (Civil Works); Washington, DC 20310–0103. Attn: Inland Waterways Users Board Nomination Committee.

FOR FURTHER INFORMATION CONTACT: Dr. Edward Dickey; 202–272–0126.

SUPPLEMENTARY INFORMATION: Section 302 of Pub. L. 99–662 establishes an Inland Waterways Users Board composed of eleven members selected by the Secretary of the Army. The law further specifies that the members shall be selected so as to represent various regions of the country and a spectrum of the primary users and shippers utilizing the inland and intra-coastal waterways for commercial purposes. Due

consideration shall also be given to assure a balance among the members based on the ton-mile shipments of the various categories of commodities shipped on inland waterways. The users board is subject to the Federal Advisory Committee Act (86 Stat. 770; 5 U.S.C. App.). Members of the users board, while engaged in the performance of their duties away from their home or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistance, as authorized by section 5703 of Title 5, United States Code.

Duties of the board. The users board shall meet at least semi-annually to develop and make recommendations to the Secretary regarding construction and rehaiblitation priorities and spending levels on the commercial navigation features and components of the inland waterways and inland harbors of the United States. Any advice or recommendations made by the users board to the Secretary shall reflect the independent judgment of the users board. The users board shall, by December 31, 1987, and annually thereafter file such recommendations with the Secretary and with Congress.

Eligibility for membership. Pending issuance of regulations implementing the law, the Secretary proposes to use the following criteria for evaluating eligibility for membership.

(a) *Shipper or User.* A candidate being nominated for membership to the Inland Waterways Users Board should be a representative of an individual or firm which uses the inland waterways of the United States for commercial transportation either as a "shipper" or "user". A shipper is defined as an owner, person or firm for whose account transportation of cargo is provided or to whom delivery is to be made. The shipper should be closely tied to the modal decision making process. A user is a person or firm which operates towboats and/or barges on the inland waterways of the United States for commercial purposes, either in private carriage or for hire. All nominations must specify if the nominee is to represent a "shipper" or "user", and provide evidence in support of this contention. For purposes of this provision, a trade associaton is neither a shipper nor a user.

(b) *Commerce moved by region.* For purposes of meeting the requirements of the law concerning the make-up of the users board, nominations must include the following informaiton concerning the commercial operations of the shipper or user whom they are being asked to represent. In addition to the information concerning the candidate's personal experience which demonstrates as ability to perform the functions of a member of the board, commercial information of the shipper or user firm concerning ton-mile shipments should be provided by commodity and region transported. For purposes of users board membership, inland waterways shall be defined as those waterways subject to the Inland Waterways Fuel Tax and described in section 206 of Pub. L. 95–502, as amended by Pub. L. 99–662. For the purposes of establishing this users board, these 26 regions are aggregated into six, as follows: (1) Upper Mississippi (including the Upper Mississippi from Minneapolis, Minnesota to the mouth of the Ohio; the Missouri River; the Illinois and the Kaskaskia). (2) The Lower Mississippi (including the Lower Mississippi from the mouth of the Ohio River to Baton Rouge); the Arkansas and White Rivers; the Atchafalaya; the Ouchita-Black; and the Red Rivers). (3) The Ohio River (including the Ohio River; the Tennessee River; the Monongahela; the Allegheny River; the Cumberland; the Green-Barren; the Kentucky River; and the Kanawha). (4) The Gulf Intracoastal Waterway—West, from Brownsville, Texas to New Orleans. (5) The East Gulf & South Atlantic Waterway including the Gulf Intracoastal Waterway from New Orleans to St. Mark's, Florida; the Black Warrior-Tombigbee-Mobile; the Tennessee-Tombigbee Waterway; the Alabama-Coosa; the Apalachicola-Chattachoehee-Flint; the Pearl; and the Atlantic Intracoastal Waterway (from Miami, Florida to Norfolk, Virginia). (6) The Columbia River (Columbia-Snake Inland Waterways). Ton-miles of commerce transported on each of these six regions should be estimated for the 1984 calendar year. To the degree possible, commerce should be classified by two-digit commodity code as reported to the Waterborne Commerce Statistical Center, and published in the *Waterborne Commerce of the United States.*

Deadline for nominations. All nominations must be recieved at the address indicated above no later than March 10, 1987.

Dated: February 10, 1987.

Approved.

Robert K. Dawson,

Assistant Secretary of the Army (Civil Works).

[FR Doc. 87–3217 Filed 2–12–87; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF EDUCATION

Notice Inviting Applications for New Awards Under the Centers for Independent Living Program for Fiscal Year 1987 (CFCA No. 84.132)

Purpose: Provides grants to State vocational rehabilitation agencies, local public agencies, or private nonprofit organizations for the support of centers for independent living. This application notice supersedes the application notice published on September 30, 1986 at 51 FR 34681.

Deadline for transmittal of applications: April 30, 1987 for designated State units, and June 1, 1987 for local public agencies or private nonprofit organizations.

Deadline for intergovernmental review comments: August 3, 1987.

Applications available: February 27, 1987.

Available funds: $2,000,000.

Estimated range of awards: $150,000—$250,000.

Estimated average size of awards: $200,000.

Estimated number of awards: 10.

Project period: 36 months.

Applicable regulations: (a) Regulations governing the Centers for Independent Living Program (34 CFR Part 366); and (b) Education Department General Administrative Regulation (EDGAR) (34 CFR Parts 74, 75, 77, 78 and 79).

Priorities: In accordance with the Education Department General Administrative Regulations (EGAR) at 34 CFR 75.105(c)(1), the Secretary especially urges the submission of fiscal year 1987 applications for new projects that respond to one or both of the following invitational priorities: (1) To provide services which assist individuals with severe handicaps to make the transition from school or institution to work and community living; and (2) to serve a broad range of disability groups. However, an application submitted under this notice that meets an invitational priority will not be given preference over other applications. The principal eligible applicants under this program are designated State vocational rehabilitation units. Awards may also be made to local public agencies or private nonprofit organizations within a State, if the designated State unit has not submitted an application within three months after the Secretary begins accepting new applications in any fiscal year. In addition, pursuant to 29 U.S.C. 711(h) and 34 CFR 75.105(c)(2)(i), a competitive preference will be given to

those applications that demonstrate that the proposed project will serve geographic areas which are currently not served or underserved by independent living centers. This competitive preference will be implemented by awarding to those applications that meet this priority in a particularly effective way, up to 20 additional points to those earned by the applicant under 34 CFR 366.31.

For applications or information contact: Judith Miller Tynes, Office of Developmental Programs, Rehabilitation Services Administration, U.S. Department of Education, 400 Maryland Avenue SW., Room 3326 Mary E. Switzer Building, MS 2312, Washington, DC 20202. Telephone: (202) 732–1346.

Program Authority: 29 U.S.C. 796e.

Dated: February 9, 1987.

Madeleine Will,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 87–3132 Filed 2–12–87; 8:45 am]

BILLING CODE 4000–01–M

Notice Inviting Applications for New Awards To Be Made in Fiscal Year 1987 (CFDA No 84.116D) Under the Comprehensive Program Final Year Dissemination Competition Conducted by the Fund for the Improvement of Postsecondary Education

Purpose: Provides grants to institutions of postsecondary education and other public and private institutions and agencies to improve postsecondary education by supporting the efforts of current grantees to disseminate project ideas and results. Applications under the Final Year Dissemination competitions are limited to grantees of FIPSE whose projects are in their final year of funding, except that a recipient of a single-year grant may apply for assistance under this Competition within one year following the termination of his or her project.

Deadline for transmittal of applications: March 31, 1987.

Applications available: February 13, 1987.

Available funds: $100,000.

Estimated size of awards: $8,000 maximum.

Project period: Not to exceed 12 months.

Applicable regulations: The Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, and 78 with the exceptions noted in 34 CFR 630.4(b).

For applications or information contact: Diana Hayman, 400 Maryland Avenue SW., (Room 3100, ROB–3), Washington DC 20202. Telephone number (202) 245–8091 or 245–8100.

Program authority: 20 U.S.C. 1135.

Dated: February 6, 1987.

C. Ronald Kimberling,

Assistant Secretary for Postsecondary Education.

[FR Doc. 87–3133 Filed 2–12–87; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Hydropower Licenses Expiring Between January 1, 1987 and December 31, 1999

February 11, 1987

The following information has been provided by the Federal Energy Regulatory Commission's Office of Hydropower Licensing concerning relicensing. Table 2, provides projects for which licenses will expire between January 1, 1987, and December 31, 1999, inclusive, that are subject to relicensing and takeover. Table 3 provides the licenses that will expire during the same period that are subject to relicense but not subject to takeover.

Kenneth F. Plumb,

Secretary.

TABLE 2.—PROJECTS FOR WHICH LICENSES WILL EXPIRE BETWEEN JANUARY 1, 1987, AND DECEMBER 31, 1999 INCLUSIVE, THAT ARE SUBJECT TO RELICENSING OR TAKEOVER [1]

License expiration date	Licensee	FERC project No.	State	County	River	Installation (kilowatts)	Facilities under license	Period of license (years)
12/31/87	Wisconsin Public Service corp	1966	WI	Portage	Wisconsin	17,240	Dam, powerhouse	50
12/31/87	Central Vermont Public Service corp.	2205	VT	Franklin Chittenden	Lamoille	16,880	4 Dams, 4 reservoirs, 4 powerhouses, transm. lines.	50
12/31/87	Central Maine Power Co	2335	ME	Somerset	Kennebec	13,000	2 Dams, Powerhouse	50
12/31/87	Potomac Edison Co	2343	WV	Jefferson	Shenandoah	2,840	Dam, Powerhouse	50
12/31/87	Utah Power & Light Co	2381	ID	Fremont	Snake	6,300	2 Dams, 2 powerhouses	50
12/31/87	Public Service Co. of New Hampshire.	2457	NH	Merrimack	Pemigewasset	64,000	Dam, Powerhouse	50
12/31/87	Elkem Metals Co	2512	WV	Fayette	New	107,450	2 Dams, 2 reservoirs, 2 powerhouses.	50
12/31/87	Great Northern Paper Co	2520	ME	Penobscot	Penobscot	19,200	Dam, reservoir, powerhouse, transm. lines.	50
12/31/87	Central Maine Power Co	2528	ME	York	Saco	6,650	4 Dams, reservoir, powerhouse	50
12/31/87	Central Maine Power Co	2531	ME	York	Saco	6,625	Dam, reservoir, 2 powerhouses	50
12/31/87	Beaver Falls Power Co	2593	NY	Lewis	Beaver	1,500	Dam, reservoir, powerhouse	50
12/31/87	Bangor Hydro Electric Co	2727	ME	Hancock	Union	8,400	2 Dams, 2 reservoirs, 2 powerhouses.	50
3/31/88	Holyoke Gas and Electric Co	2387	MA	Hampden	Holyoke Canal	800	Canal, powerhouse	33
6/30/88	Montana Power Co	1473	MT	Granite	Flint Creek	1,100	Dam, powerhouse, reservoir	50
8/31/88	Alaska Electric Light & Power Co	2307	AK	Juneau	Salmon and Annex Creek	9,100	2 Dams, 3 powerhouses, reservoir, transm. lines.	25
10/26/88	CWC Fisheries, Inc	1432	AK	Kodiak	Dry Spruce Bay	75	2 Reservoirs, powerhouse, dam	20
10/31/88	George A. Whiting	2352	WI	Winnebago	Fox	250	Dam, powerhouse	23
12/31/88	Upper Pennisula Power Co	1864	WI	Ontonagon	Ontonagon	12,000	4 Dams, reservoir, and powerhouse.	35
12/31/88	Pacific Power & Light Co	2337	OR	Jackson	Rogue	7,200	Dam, powerhouse, transm. line	25
4/30/89	Pacific Gas & Electric Co	1333	CA	Tulare	Tule	4,800	2 Dams, powerhouse, transm. lines.	50
4/30/89	Pacific Gas & Electric Co	1354	CA	Madera, Fresno	San Joaquin	20,425	5 Dams, 5 powerhouses transm. lines.	50
12/31/89	Lake Superior District Power	2610	MI	Gogebic	Montreal	1,250	Dam, powerhouse	50
5/31/90	Holyoke Gas & Electric Co	2388	MA	Hampden	Holyoke Canal	450	do	25
6/30/90	Wisconsin Public Service Corp	1957	WI	Vilas	Wisconsin	1,000	do	15

TABLE 2.—PROJECTS FOR WHICH LICENSES WILL EXPIRE BETWEEN JANUARY 1, 1987, AND DECEMBER 31, 1999 INCLUSIVE, THAT ARE SUBJECT TO RELICENSING OR TAKEOVER [1]—Continued

License expiration date	Licensee	FERC project No.	State	County	River	Installation (kilowatts)	Facilities under license	Period of license (years)
6/30/90	Kimberly-Clark Corp	1967	WI	Portage	Wisconsin	600	do	15
12/31/90	Maine Public Service Co	2368	ME	Aroostook	Squa Pan Stream	1,500	do	25
12/31/90	Georgia-Pacific Corp	2392	NH	Coos	Connecticut	3,390	do	25
12/31/90	Bangor Hydro-Electric Co	2534	ME	Penobscot	Penobscot	6,400	do	20
2/28/91	Holyoke Gas & Electric	2386	MA	Hampden	Holyoke Canal	1,056	do	25
2/28/91	Linweave, Inc	2497	MA	Hampden	Connecticut	400	Powerhouse	16
2/28/91	Hammermill Paper Co	2622	MA	Franklin	Connecticut	937	Dam, powerhouse	20
2/28/91	Linweave, Inc	2758	MA	Hampden	Connecticut	280	Powerhouse	14
2/28/91	do	2766	MA	do	do	400	do	14
2/28/91	do	2768	MA	do	do	250	do	14
2/28/91	do	2770	MA	do	do	240	do	14
2/28/91	do	2771	MA	do	do	400	do	14
2/28/91	do	2772	MA	do	do	460	do	14
2/28/91	do	2775	MA	do	do	360	do	14
6/30/91	Consolidated Water Power Co	1953	WI	Portage	Wisconsin	7,200	Dam, powerhouse	30
6/30/91	Niagara Mohawk Power Corp	2424	NY	Monroe	Barge Canal	4,687	do	27
7/31/91	Pacific Gas and Electric Co	1403	CA	Yuba	Yuba	9,350	do	50
9/30/91	Four Rent	1746	NV	Esmeralda	Leidy Creek	200	do	25
2/11/92	Pinedale Power & Light Co	662	WY	Sublette	Pine Creek	75	do	50
6/30/92	Maine Public Service Co	2366	ME	Piscataquis	Millinocket	0	do	25
11/30/92	Lower Valley Power & Light Co	1651	WY	Lincoln	Swift Creek	1,550	do	50
3/31/93	Moon Lake Elec. Asso	1773	UT	Duchesne	Yellowstone Creek	900	do	50
3/31/93	Northern States Power Co	2711	WI	Washburn	Namekagon	1,200	do	16
6/30/93	Wisconsin Elec. Power co	2394	MI	Menominee	Menominee	7,800	do	28
6/30/93	Niagara of Wisc. Paper	2536	WI	Marinette	do	8,386	do	25
6/30/93	Consildated Water Power Co	2590	WI	Portage	Wisconsin	1,800	do	18
7/31/93	Wis. Valley Impro. Co	2113	WI	Vilas	Deerskin	0	21 Dams, powerhouse	34
7/31/93	Weyerhaeuser Co	2212	WI	Marathon	Wisconsin	3,640	Dam, powerhouse	34
7/31/93	Tomahawk Power and Pulp Co	2239	WI	Lincoln	do	2,770	do	34
7/31/93	Nekoosa Papers Inc	2255	WI	Wood	do	3,200	do	34
7/31/93	Consolidated water Power Co	2256	WI	do	do	4,680	do	34
7/31/93	Nekoosa Papers Inc	2291	WI	do	do	3,593	do	31
7/31/93	Nekoosa Papers Inc	2292	WI	do	do	3,800	do	31
8/31/93	Empire District Elec. Co	2221	MO	Taney	White	16,000	do	23
12/31/93	Public Service Co. of Colo	2187	CO	Stanly, Davidson	Clear Creek	1,440	5 Dams, powerhouse	29
12/31/93	do	2275	CO	Chaffee	Arkansas	1,330	2 Dams, 2 powerhouses	28
12/31/93	Central Maine Power Co	2283	ME	Androscoggin	Androscoggin	29,240	2 Dams, 3 powerhouse	31
12/31/93	Public Service Co. of NH	2287	NH	Coos	do	15,000	Dam, powerhouse	31
12/31/93	do	2288	NH	do	do	2,150	do	31
12/31/93	Southern Cal. Edison Co	2290	CA	Kern	Kern	32,000	3 Dams, powerhouse	39
12/31/93	James River—NH	2300	NH	Coos	Androscoggin	3,720	Dam, powerhouse	30
12/31/93	Citizens Utilities	2306	VT	Orleans	Clyde	6,000	5 Dams, 5 powerhouses	30
12/31/93	James River—NH Elec. Inc	2311	NH	Coos	Androscoggin	3,720	Dam, powerhouse	30
12/31/93	South Carolina Elec. and Gas	2315	SC	Chester	Broad	5,200	do	30
12/31/93	Niagara Mohawk Power Corp	2318	NY	Saratoga	Sacandaga	20,000	do	30
12/31/93	do	2320	NY	St. Lawrence	Raquette	46,000	4 dams, 4 powerhouses	29
12/31/93	New England Power Co	2323	MA	Franklin, Windham	Deerfield	76,750	Dam, powerhouse	30
12/31/93	Central Maine Power Co	2325	ME	Somerset	Kennebec	12,000	do	29
12/31/93	James River—NH Elec. Inc	2326	NH	Coos	Androscoggin	3,220	do	29
12/31/93	James River—NY Elec. Inc	2327	NH	do	do	7,200	do	29
12/31/93	Central Maine Power Corp	2329	ME	Somerset	Kennebec	72,000	do	29
12/31/93	Niagara Mohawk Power Corp	2330	NY	St. Lawrence, Franklin	Raquette	11,500	4 Dams, powerhouse	29
12/31/93	Duke Power Co	2331	SC	Cherokee	Broad	18,000	Dam, powerhouse	29
12/31/93	do	2332	SC	do	do	9,140	3 Dams, powerhouse	29
12/31/93	Rumford Falls Power Co	2333	ME	Oxford	Androscoggin	34,770	2 Dams, 2 powerhouses	28
12/31/93	Western Mass Elec. Co	2334	MA	Franklin	Deerfield	3,580	Dam, powerhouse	29
12/31/93	Georgia Power Co	2336	GA	Butts	Ocmulgee	14,400	do	25
12/31/93	do	2341	GA	Troup	Chattahoochee	1,040	do	29
12/31/93	Pacific Power and light	2342	WA	Klickitat	While Salmon	9,600	do	25
12/31/93	Wisconsin Power and Light	2347	WI	Rock	Rock	500	do	29
12/31/93	do	2348	WI	do	do	380	do	29
12/31/93	Georgia Power Co	2350	GA	Harris	Chattahoochee	480	2 Dams, powerhouse	28
12/31/93	do	2354	GA	Habersham, Rabun	Tugalo	166,420	7 Dams, 6 powerhouses	29
12/31/93	Wisconsin Elec. Power Co	2357	MI	Menominee	Menominee	8,000	Dam, powerhouse	28
12/31/93	Minnesota Power and Light Co	2360	MN	Carlton, St. Louis	Beaver	83,350	9 Dams, 9 powerhouses	29
12/31/93	do	2361	MN	Itasca	Prairie	1,084	Dam, powerhouse	28
12/31/93	Blandin Paper Co	2362	MN	do	Mississippi	2,100	do	28
12/31/93	Potlatch Corp	2363	MN	Carlton	St. Louis	6,514	do	29
12/31/93	Maine Public Service Co	2367	ME	Aroostook	Aroostook	800	do	29
12/31/93	Penn Elec Co	2370	MD	Garrett	Deep Creek	19,200	do	25
12/31/93	South Beliot W.G. and E. Co	2373	IL	Winnebago	Rock	1,200	do	29
12/31/93	Appalachian Power	2376	VA	Bedford	James	12,500	do	29
12/31/93	Finch Pruyn and Co	2385	NY	Warren	Hudson	9,840	do	28
12/31/93	Edwards Mfg. Co. Augusta Deve. Corp.	2389	ME	Kennebec	Kennebec	3,500	do	29
12/31/93	Northern States Power Co	2390	WI	Rusk	Flambeau	7,780	do	28
12/31/93	Potomac Edison Co	2391	VA	Warren	Shenandoah	750	do	28
12/31/93	Flambeau Paper Corp	2395	WI	Price	North Fork Flambeau	960	do	24
12/31/93	Central Vermont PS Corp	2396	VT	Caledonia	Passumpsic	250	do	24
12/31/93	do	2397	VT	do	do	70	do	24
12/31/93	do	2399	VT	do	do	350	do	24
12/31/93	do	2400	VT	do	do	700	do	23
12/31/93	Upper Peninsula Power Co	2402	MI	Baraga	Sturgeon	1,760	Dam, powerhouse	25
12/31/93	Duke Power Co	2404	MI	Alpena	Upper Thunder Bay	6,800	5 Dams, 5 powerhouses	25
12/31/93	do	2406	SC	Greenville	Saluda	2,400	Dam, powerhouse	25
12/31/93	Alabama Power Co	2407	AL	Elmore	Tallapoosa	32,000	do	26
12/31/93	do	2408	AL	do	do	58,000	do	28
12/31/93	Dan River Inc	2411	VA	Pittsylvania	Dan	4,550	2 Dams, powerhouse	17
12/31/93	Northern States Power Co. (WI)	2417	WI	Sawyer	Namekagon	168	7 Dams, 6 powerhouses	26

TABLE 2.—PROJECTS FOR WHICH LICENSES WILL EXPIRE BETWEEN JANUARY 1, 1987, AND DECEMBER 31, 1999 INCLUSIVE, THAT ARE SUBJECT TO RELICENSING OR TAKEOVER [1]—Continued

License expiration date	Licensee	FERC project No.	State	County	River	Installation (kilowatts)	Facilities under license	Period of license (years)
12/31/93	Alpena Power Co	2419	MI	Alpena	Thunder Bay	250	Dam, powerhouse	28
12/31/93	Utah Power and Light Co	2420	UT	Utah	Bear	30,000	do	25
12/31/93	Flambeau Paper Corp	2421	WI	Price	Flambeau	1,200	do	27
12/31/93	James River—NH Elec. Inc	2422	NH	Coos	Androscoggin	3,174	do	28
12/31/93	do	2423	NH	do	do	7,600	do	28
12/31/93	Potomac Edison Co	2425	VA	Page	Shenandoah	3,000	do	28
12/31/93	Wisconsin Elec. Power	2431	MI	Iron	Brule	5,335	do	26
12/31/93	Wisconsin Pub. Serv. Corp	2433	MI	Menominee	Menominee	7,020	do	28
12/31/93	Consumers Power Co	2436	MI	Alcona	Au Sable	9,000	do	27
12/31/93	New York State Elec. and Gas Corp.	2438	NY	Seneca	Seneca Caral	9,920	do	28
12/31/93	Northern States Power Co	2440	WI	Chippewa	Chippewa	21,600	do	28
12/31/93	do	2444	WI	Ashland	White	1,000	do	27
12/31/93	Vermont Marble Co	2445	VT	Rutland	Otter Creek	275	do	28
12/31/93	Commonwealth Edison Co	2446	IL	Lee	Rock	3,200	do	18
12/31/93	Consumers Power Co	2447	MI	Alcona	Au Sable	8,000	do	25
12/31/93	do	2448	MI	Oscoda	do	5,000	do	25
12/31/93	do	2449	MI	Alconda	do	4,000	do	25
12/31/93	do	2450	MI	do	do	9,000	do	25
12/31/93	do	2451	MI	Mecosta	Muskegon	6,000	do	25
12/31/93	do	2452	MI	Newaygo	do	30,000	do	25
12/31/93	do	2453	MI	Alconda	Au Sable	6,000	do	26
12/31/93	do	2454	MN	Morrison	Crow Wing	1,800	do	25
12/31/93	Public Service Co. of NH	2456	NH	Grafton	Pemigewasset	8,400	do	25
12/31/93	Great Northern Nekoosa Co	2458	ME	Penobscot	Penobscot	41,050	5 Dams, 5 powerhouses	25
12/31/93	West Penn Power Co	2459	WV	Preston	Cheat	51,200	Dam, powerhouse	25
12/31/93	Duke Power Co	2465	SC	Anderson	Saluda	3,500	do	26
12/31/93	Appalachian Power Co	2466	VA	Bedford	Roanoke	2,400	do	25
12/31/93	Consumers Power Co	2468	MI	Newaygo	Muskegon	8,849	do	25
12/31/93	Wisconsin Elec. Power Co	2471	MI	Dickinson	Sturgeon	800	do	27
12/31/93	Flambeau Paper Corp	2473	WI	Price	Flambeau	1,500	do	24
12/31/93	Niagara Mohawk Power Corp	2474	NY	Oswego	Oswego	18,050	3 Dams, 3 powerhouses	25
12/31/93	Northern States Power Corp	2475	WI	Rusk	Flambeau	1,400	Dam, powerhouse	28
12/31/93	Wisconsin Public Service Corp	2476	WI	Lincoln	Tomahawk	512	do	27
12/31/93	Niagara Mohawk Power Corp	2482	NY	Saratoga	Hudson	84,050	5 Dams, 5 powerhouses	25
12/31/93	Wisconsin Elec. Power Co	2486	WIK	Florence	Pine	3,600	Dam, powerhouse	25
12/31/93	Hydro-Power Inc	2487	NY	Rensselaer	Hoosic	1,050	do	27
12/31/93	Central Vermont P S Corp	2489	VT	Windsor	Black	1,440	do	24
12/31/93	do	2490	VT	do	Ottaquechee	500	do	27
12/31/93	Puget Sound Power and Light Co	2493	WA	King	Snoqualmie	41,693	Dam, 2 powerhouses	18
12/31/93	Niagara Mohawk Power Corp	2500	NY	Saratoga	Hudson	4,500	Dam, Powerhouse	25
12/31/93	Escanaba Paper Co	2506	MI	Dalta	Escanaba	2,500	3 Dams, 3 powerhouses	17
12/31/93	do	2509	MI	Page	do	4,740	Dam, powerhouse	27
12/31/93	Green Mountain Power Corp	2513	VA	Chittenden	New	7,200	do	24
12/31/93	Appalachian Power Co	2514	WV	Carrollon	Potomac	30,100	2 Dams, 2 powerhouses	15
12/31/93	Potomac Edison	2515	WV	Jefferson	do	600	Dam, powerhosue	27
12/31/93	Central Maine Power Co	2519	ME	Cumberland	Presumpscot	2,250	do	25
12/31/93	Wisconsin Public Service Corp	2522	WI	Marinette	Peshtigo	3,520	do	25
12/31/93	Wisconsin Elec. Power Co	2523	WI	Oconto	Oconto	1,320	do	26
12/31/93	Wisconsin Public Service Corp	2525	WI	Marinette	Peshtigo	6,400	do	24
12/31/93	Central Maine Power Co	2527	ME	York	Saco	16,800	do	25
12/31/93	do	2529	ME	do	do	7,200	do	23
12/31/93	Minnesota Power and Light Co	2532	MN	Todd	Mississippi	3,770	Dam 2 powerhouses	24
12/31/93	Potlatch Corp	2533	MN	Crow Wing	do	3,342	Dam, powerhouse	17
12/31/93	South Carolina Elec. and Gas Co	2535	GA	Columbia	Savannah	18,880	do	23
12/31/93	Niagara Mohawk Power Corp	2538	NY	Jefferson	Black	8,000	do	25
12/31/93	do	2539	NY	Schenectady	Mohawk	36,800	Dam, powerhouses	25
12/31/93	Cascade Power Co	2541	NC	Transylvania	Little	825	Dam, powerhouse	23
12/31/93	Montana Power Co	2543	MT	Missoula	Clark	3,040	do	28
12/31/93	Washington Water Power Co	2544	WA	Stevens	Colville	1,200	do	23
12/31/93	Wisconsin Public Service Corp	2546	WI	Marinette	Peshtigo	3,840	do	24
12/31/93	Wisconsin Water Power Co	2550	WI	Waupaca	Waupaca	400	do	24
12/31/93	Indiana and Mich. Elec Co	2551	MI	Berrien	St. Joseph	4,100	do	18
12/31/93	Central Maine Power Co	2552	ME	Kennebec	Sebasticook	1,500	do	25
12/31/93	Niagara Mohawk Power Corp.	2554	NY	Warren	Hudson	6,000	Dam, 2 powerhouses	25
12/31/93	Central Maine Power Co	2555	ME	Kennebec	Messelonskee	1,500	Dam, powerhouse	25
12/31/93	do	2556	ME	do	do	1,600	do	24
12/31/93	do	2557	ME	do	do	2,800	2 Dams, powerhouse	25
12/31/93	do	2559	ME	do	do	1,380	Dam, powerhouse	25
12/31/93	Wisconsin Public Service Corp	2560	WI	Marinette	Peshtigo	1,380	do	25
12/31/93	Sho Me Power Corp	2561	MO	Camden	Niangua	3,000	do	18
12/31/93	Northern States Power Co	2564	WI	Bayfield	Iron	800	do	25
12/31/93	Niagara Mohawk Power Corp	2569	NY	Jefferson	Black	29,600	5 Dams, 5 powerhouses	16
12/31/93	Great Northern Nekoosa Co	2572	ME	Piscataquis	Penobscot	37,530	Dam, powerhouse	25
12/31/93	Indiana and Mich Elec. Co	2579	IN	St. Joseph	St. Joseph	7,260	do	16
12/31/93	Consumers Power Co	2580	MI	Manistee	Manistee	20,000	do	16
12/31/93	Wisconsin Public Service Corp	2581	WI	Rinette	Peshtigo	581	do	25
12/31/93	Rochester Gas and El. Corp	2582	NY	Monroe	Genesee	6,500	do	26
12/31/93	do	2583	NY	do	do	38,250	do	26
12/31/93	do	2584	NY	do	do	3,000	do	26
12/31/93	Northern States Power Co	2587	WI	Gogeric	Montreal	1,320	do	25
12/31/93	Wisconsin Public Service Corp	2595	WI	Marinette	Peshtigo	7,000	do	17
12/31/93	Rochester Gas and El Corp	2596	NY	Livington	Genesee	340	do	15
12/31/93	Consumers Power Co	2599	MI	Manistee	Manistee	18,000	do	17
12/31/93	Duke Power Co	2607	NC	Gaston	South Fork	640	do	23
12/31/93	James River Paper	2608	MA	Hampden	Westfield	1,400	do	25
12/31/93	Central Maine Power Co	2613	ME	Somerset	Moxie	0	do	24
12/31/93	do	2615	ME	do	Moose	0	do	16
12/31/93	Niagara Mohawk Power Corp	2616	NY	Rensselaer	Hoosic	17,920	2 Dams, 2 powerhouses	24

TABLE 2.—PROJECTS FOR WHICH LICENSES WILL EXPIRE BETWEEN JANUARY 1, 1987, AND DECEMBER 31, 1999 INCLUSIVE, THAT ARE SUBJECT TO RELICENSING OR TAKEOVER [1]—Continued

License expiration date	Licensee	FERC project No.	State	County	River	Installation (kilowatts)	Facilities under license	Period of license (years)
12/31/93	Flambeau Paper Corp	2640	WI	Price	Flambeau	900	Dam, powerhouse	17
12/31/93	Pacific Power and Light Co	2643	OR	Deschutes	Deschutes	1,110	...do	23
12/31/93	Niagara Mohawk Power Corp	2645	NY	Lewis	Beaver	44,560	...do	15
12/31/93	Kennebec Water Power Co	2671	ME	Piscataquis	Kennebec	0	Dam, powerhouse	17
12/31/93	Scott Paper Co	2689	WI	Oconto	Oconto	1,860	...do	20
12/31/93	Bangor Hydro-Elec. Co	2712	ME	Penobscot	Stillwater	1,950	...do	15
12/31/94	Arizona Public Service Co	2069	AZ	Coconino	Fossil Creek	7,000	2 Dams, 2 powerhouses	49
6/30/95	Wisconsin Public	1999	WI	Marathon	Wisconsin	5,400	Dam, powerhouse	20
12/31/95	Pacific Gas and Elec. Co	2687	CA	Shasta	Fall Creek	63,000	4 Dams, powerhouse	25
12/31/95	...do	2699	CA	Calaveras	Angels Creek	1,400	3 Dams, powerhouse	25
4/30/96	Southern Cal Edison Co	1930	CA	Kern	Kern	24,992	Dam, powehouse	46
4/30/96	...do	1932	CA	San Bernardino	Lytle Creek	400		50
4/30/96	...do	1933	CA	...do	Santa Ana	4,000	5 Dams, 2 powerhouses	49
4/30/96								
...do	1934	CA	...do	Mill Creek	2,000	...do	50	
6/29/96/	Calif Pacific Util. Co	1986	OR	Baker	Rock Creek	800	Dam, powerhouse	45
11/05/96	Pacific Gas and Elec. Co	2019	CA	Calaveras	Stansls	3,600	8 Dams, powerhouse	50
1/29/97	Pacific Power and Light Co	1927	OR	Douglas	North Umpqua	199,250	19 Dams, 8 powerhouses	50
5/11/97	Minnesota Power and Light Co	2663	MN	Morrison	Crow Wing	1,520	Dam, powerhouse	50
8/31/97	Georiga Power Co	1951	GA	Baldwin	Oconee	45,000	...do	49
12/23/97	Idaho Power Co	2061	ID	Twin Falls	Snake	60,000	...do	46
12/31/97	Central Maine Power Co	2612	ME	Somerset	Dead	0	...do	18
1/31/98	Wisconsin River Power Co	1984	WI	Adams	Wisconsin	35,000	2 Dams 2 powerhouses	48
2/28/98	Idaho Power Co	1975	ID	Gooding	Snake	69,000	Dam, powerhouse	50
2/28/98	Wisconsin Elec. Power Co	1980	MI	Dickinson	Menominee	22,700	2 Dams, 2 powerhouses	50
6/30/98	Northern States Power Co	1982	WI	Chippewa	Chippewa	34,000	Dam, 2 powerhouses	48
11/30/98	Montana Power Co	2188	MT	Cascade	Missouri	257,800	9 Dams, 9 powerhouses	42
2/28/99	Southern Cal Edison Co	2017	CA	Fresne	San Joaquin	84,000	Dam, powerhouses	50
3/31/99	Bangor Hydro-Elec. Co	2666	ME	Penobscot	Penobscot	3,440	...do	20
5/31/99	Green Mountain Power Corp	2674	VT	Addison	Otter Creek	2,400	...do	20
5/31/99/	Idaho Power Co	2777	ID	Twin Falls	Snake	34,500	2 Dams, 2 powerhouses	20
5/31/99	...do	2778	ID	Jerome	...do	12,400	Dam, powerhouse	20
5/31/99	...do	2778	ID	Jerome	...do	12,400	Dam, powerhouse	20
8/31/99	Holyoke Water Power Co	2004	MA	Hampden	Holyoke Canal	42,865	6 Dams, 2 powerhouses	50
9/30/99	Lower Valley Power and Light Co	2032	WY	Lincoln	Strawberry Creek	1,500	Dam, powerhouse	48
9/30/99	International Paper Co	2375	ME	Oxford	Androscoggin	19.415	3 Dams, 3 powerhouses	34
9/30/99	Aquamac Corp	2927	MA	Essex	Merrimack Canal	250	Dam, powerhouse	20
9/30/99	Otis Hydro-Electric Co	8277	ME	Chisolmo	Androscoggin	10,350	...do	15
10/01/99	S D Warren Co	2897	ME	Cumberland	Presumpscot	1,350	...do	20
11/30/99	Merrimac Paper Co. Inc	2928	MA	Essex	Merrimack Canal	1,088	...do	20

[1] Section 14 of the Federal Power Act (16 U.S.C 807) reserves the right of the United States to take over the project works upon expiration of the license at a price to be determined under that section, but may be waived pursuant to section 10(i). Section 14 is not applicable to any project owned by a state or municipality, pursuant to the Act of Aug. 15, 1953 (67 Stat. 587).

TABLE 3.—PROJECTS FOR WHICH LICENSES WILL EXPIRE BETWEEN JANUARY 1, 1987 AND DECEMBER 31, 1999 INCLUSIVE, THAT ARE SUBJECT TO RELICENSING BUT NOT SUBJECT TO TAKEOVER[1]

License expiration date	Licensee	FERC Project No.	State	County	River	Installation (kilowatts)	Facilities under license	Period of license (years)
6/30/87	Nebraska Public	1835	NE	Lincoln & Keith	North & South Platte	56,195	6 Dams, 2 reservoirs, powerhouse, trans. lines, canals.	44
7/29/87	Central Nebraska Public Power	1417	NE	Keith, Lincoln, Dowson	Platte & North Platte	104,000	30 Dams, 3 powerhouses. trans. lines.	50
12/31/87	Village of Gresham	2484	WI	Shawano	Red	275	Dam, powerhouse	50
5/24/88	Brazos River Authority	1490	TX	Palo Pinto	Brazos River	33,750	Dam, powerhouse, reservoir	50
10/31/88	City of Kaukauna	2677	WI	Outagamie, Brown	Fox	8,000	Dam, 3 powerhouses, trans. line, Dam powerhouse reservoir.	50
12/31/88	Grand River Dam Authority	1494	OK	Mayes	Grand	86,400	Dam, powerhouse, reservoir	50
3/31/89	City of Kaukauna	1510	WI	Outagamie	Fox	4,800	Canal, powerhouse	50
6/30/90	Monroe City Corp	1517	UT	Sevier	Shingle and Monroe Creek.	125	Water intake, powerhouse	50
6/22/91	City of Springville	1715	UT	Springville	Spring Creek	500	Powerhouse	50
7/30/93	Beaver City Corp	1858	UT	Piute	Beaver	625	Dams, 2 powerhouses	50
12/31/93	Tacoma, City of	1862	WA	Thurston	Nisqually	114,000	2 Dams, 2 powerhouses	50
12/31/93	Norwich, City of	2441	CT	New London	Shetuket	800	Dam, powerhouses	28
12/31/93	Watertown Mun. Elec. Dept	2442	NY	Jefferson	Black	540	Dam, powerhouse	26
12/31/93	Eugene, City of	2496	OR	Lane	Mckenzie	13,500	2 Dams, powerhouse	25
12/31/93	Norwich, City of	2508	CT	New London	Shetucket	1,400	Dam, powerhouses	28
12/31/93	Eugene, City of	2510	OR	Lane	Mckenzie	800	2 Dams, powerhouse	26
12/31/94	Seattle Dept. of Lighting	2705	WA	Whatcom	Newhalem Creek	1,750	Dam, powerhouse	24
4/30/95	Ketchikan City of	1922	AK	Ketchikan	Silvis Lake	7,700	3 Dams, 3 powerhouses	50
6/30/96	Maverick Co., WCID No. 1	1952	TX	Maverick	Rio Grande	0	Dam, powerhouses	38
3/31/98	Bonners Ferry City of	1991	ID	Elmore	Moyle Stream	3,936	Dams, 2 powerhouses	48
6/30/98	Heber Light & Power Co	1994	UT	Wasatch	Snake Creek	750	Powerhouse	49

[1] Section 14 of the Federal Power Act (16 U.S.C. 807) reserves the right of the United States to take over the project works upon expiration of the license at a price to be determined under that section, but may be waived pursuant to section 10(i). Section 14 is not applicable to any project owned by a state or municipality, pursuant to the Act of Aug. 15, 1953 (67 Stat 587).

[FR Doc. 87-3144 Filed 2-12-87;8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP87-179-000, et al.]

Natural Gas Pipeline Company of America, et al.; Natural Gas Certificate Filings

February 6, 1987.

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

1. Natural Gas Pipeline Co. of America

[Docket No. CP87-179-000]

Take notice that on January 28, 1987, Natural gas Pipeline Company of America (Natural), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP87-179-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205, for authorization to increase sales deliveries to Northern Illinois Gas Company (NI-Gas) at the Kings delivery point as well as to construct and operate minor facilities under the certificate issued in Docket No. CP82-402-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Natural proposes to increase sales deliveries to NI-Gas, a local distribution company, at the Kings delivery point (Kings) near the Village of Kings, Ogle County, Illinois. Natural states that this would result in an increase in peak flow from 100 million Btu equivalent of natural gas per day to 2,640 million Btu per day. Since Natural's Illinois lateral is at capacity, it is stated that a load shift on NI-Gas' system is required in order to implement the increase at Kings. Natural states that NI-Gas has indicated that it would reduce its winter load at the Rockford delivery point (Rockford), Winnebago County, Illinois, by 2,540 million Btu per day by agreeing to a shift of such volumes to Kings, which is located upstream of Rockford.

Natural indicates that during the grain drying season, NI-Gas may require up to 1,760 million Btu per day of natural gas at Kings to serve a new grain drying operation located nearby. Natural states that even though the majority of the load is not expected to continue into the winter when peak day entitlements utilize the entire capacity of the Illinois lateral, the load shift by NI-Gas would insure that sufficient gas would be available, if needed, at Kings during the winter. Natural states that it is not necessary for NI-Gas to increase its total entitlements or contract demand from Natural because of reduced takes by other customers on NI-Gas' system.

Natural also proposes to modify its existing metering facilities at the Kings delivery point by adding a 2-inch orifice meter in parallel arrangement to the existing meter, thereby permitting accurate measurement of the smaller loads during the summer and winter and the increased loads during the grain drying season. The cost of such facilities is estimated to be $20,600, which would be reimbursed by NI-Gas.

Comment date: March 23, 1987, in accordance with Standard Paragraph G at the end of this notice.

2. Northwest Central Pipeline Corp.

[Docket No. CP87-171-000]

Take notice that on January 23, 1987, Northwest Central Pipeline Corporation (Northwest Central), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP87-171-000 an application pursuant to section 7(c) of the Natural Gas Act and § 284.221 of the Commission's Regulations (18 CFR 284.221) for a blanket certificate of public convenience and necessity authorizing the transportation of natural gas for others, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northwest Central states that, concurrent with the subject application, is has made a general section 4 rate filing in Docket No. RP87-33-000, which, among other things, sets out proposed Rate Schedules FTS and ITS, for firm and interruptible transportation service respectively, a set of general terms and conditions applicable to those rate schedules, and forms of service agreements. As part of its rate filing, Northwest Central has proposed rates which it states comply with the requirements of Order No. 436 and the Commission's Regulations, including § 284.7.

Northwest Central states that its Order No. 436 application is predicated on the proposals included in its rate filing in Docket No. RP87-33-000. Therefore Northwest Central requests waiver of any Commission Regulations necessary to permit issuance of the blanket certificate consistent with the terms and conditions of the rate schedules and tariff provisions proposed in Docket No. RP87-33-000. Northwest Central states that its acceptance of the blanket certificate is conditioned on the exclusion of Northwest Central's storage facilities and service from the non-discriminatory access conditions of Order Nos. 436, except to the extent storage facilities are utilized for firm and interruptible transportation service.

Northwest Central explains that it will soon be filing to institute a direct billing mechanism for the recovery of settlement payments related to the waiver or amendment of take-or-pay or other similar payment provisions in producer/supplier contracts, and, given the greatly increased need for such mechanism as a result of, among other things, the open access mode of operation proposed herein, Northwest Central asserts that its application herein is specifically conditioned on the Commission's satisfactory resolution of such direct billing filing.

Further, consistent with the provisions of Order No. 436 permitting pipelines to withdraw voluntarily from open-access on a nondiscriminatory basis, Northwest Central asserts that it reserves the right to cancel simultaneously all transportation service agreements entered into under the open-access provisions of Subpart B and G of Part 284 of the Federal Energy Regulatory Commission's Regulations promulgated in Order No. 436, following ninety days notice by Northwest Central to all such shippers that the Northwest Central desires to withdraw from open-access transportation.

Comment date: February 27, 1986, in accordance with Standard Paragraph F at the end of this notice.

3. Panhandle Eastern Pipe Line Co., and Trunkline Gas Co.

[Docket No. CP87-182-000]

Take notice that on January 29, 1987, Panhandle Eastern Pipe Line Company (Panhandle) and Truckline Gas Company (Trunkline), (Applicants), P.O. Box 1642, Houston, Texas, 77001, filed in Docket No. CP87-182-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon service previously provided pursuant to a certificate of public convenience and necessity which authorized the receipt, transportation and redelivery of natural gas on behalf of Mississippi River Transmission Corporation (MRT), all as more fully set forth in the application which is on file with the Commission and open for public inspection.

By this application, Applicants specifically request Commission authorization to abandon service provided under Panhandle's Rate Schedule T-10 and Truckline's Rate Schedule T-13, and to cancel such Rate Schedules effective March 1, 1987, pursuant to a letter dated February 18, 1986, from MRT requesting such termination of service.

Comment date: February 27, 1987, in accordance with Standard Paragraph F at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the 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 motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in any subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-3145 Filed 2-12-87; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59235A FRL-3156-3]

Certain Chemical Approval of Test Marketing Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of an application for test marketing exemption (TME) under section 5(h)(6) of the Toxic Substances Control Act (TSCA), TME-87-4. The test marketing conditions are described below.

EFFECTIVE DATE: February 3, 1987.

FOR FURTHER INFORMATION CONTACT: Dayton Eckerson, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-613C, 401 M St. SW., Washington, DC 20460 (202-475-8994).

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use and disposal of the substances for test marketing purposes will not present any unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will not present any unreasonable risk of injury.

EPA hereby approves TME-87-4. EPA has determined that test marketing of the new chemical substance described below, under the conditions set out in the TME application, and for the time period and restrictions specified below, will not present any unreasonable risk of injury to health or the environment. The import volume must not exceed that specified in the application. All other conditions and restrictions described in the application and in this notice must be met.

The following additional restrictions apply to TME-87-4. A bill of lading accompanying each shipment must state that the use of the substance is restricted to that approved in the TME. In addition, the Company shall maintain the following records until five years after the date they are created, and shall make them available for inspection or copying in accordance with section 11 of TSCA.

1. The applicant must maintain records of the quantity of the TME substance produced.

2. The applicant must maintain records of the dates of shipment to each customer and the quantities supplied in each shipment.

3. The applicant must maintain copies of the bill of lading that accompanies each shipment of the TME substance.

4. The applicant must maintain records of any determination that gloves are impervious to the test market substance, as required below.

T 87-4.

Date of Receipt: November 26, 1986.

Notice of Receipt: December 9, 1986 (51 FR 44375).

Applicant: BASF Corp.

Chemical: (S) Phosphine oxide diphenyl (2,4,6-trimethylbenzoyl).

Use: (S) Catalyst for ultra-violet curable lacquers.

Import Volume: Confidential.

Number of Customers: Confidential.

Worker Exposure: Confidential.

Test Marketing Period: Three Years.

Commencing on: February 3, 1987.

Risk Assessment: EPA identified a potential neurotoxicity concern for the test market substance based on health testing data on an analagous substance, triphenylphosphine oxide. However, EPA has determined that, under the conditions outlined above, and the restrictions outlined below, the estimated exposures to the test market substance will not be significant. Therefore, the test market substance will not present any unreasonable risk of injury to human health. The Agency did not identify potential adverse effects of the test market substance on aquatic organisms and no water releases of the substance are expected. Therefore, the test market substance will not present any unreasonable environmental risk.

Additional Restrictions: During processing of the test market substance at any site controlled by the Company, any person under the control of the Company, including employees and contractors, who may be exposed to the

TME substance shall use the following protective equipment:

a. For dermal exposure. 1. Gloves determined by the Company to be impervious to the the PMN substance under the conditions of exposure, including the duration of exposure. The Company shall make this determination either by testing the gloves under the conditions of exposure or by evaluating the specifications provided by the manufacturer of the gloves. Testing or evaluation of specifications shall include consideration of permeability, penetration, and potential chemical and mechanical degradation by the PMN substance and associated chemical substances.

2. Clothing which covers any other exposed areas of the arms, legs, and torso.

3. Chemical safety goggles or equivalent eye protection.

b. For inhalation exposure. National Institute for Occupational Safety and Health approved, category 23C respirators, excluding single-use or disposable and air purifying respirators, in accordance with 30 CFR 11 Subpart L. The respirators shall be equipped with combination cartridges approved for paints, enamels, and lacquers, unless air-supplied respirators are selected. Use of the respirators shall be according to 29 CFR 1910.134 and 30 CFR 11. If full-face type respirators are selected and worn, the chemical safety goggles requirement in paragraph 3 is waived.

Public Comments: None.

The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should any new information come to its attention which casts significant doubt on its finding that the test marketing activities will not present any unreasonable risk of injury to health or the environment.

Dated: February 3, 1987.

Charles L. Elkins,

Director, Office of Toxic Substances.

[FR Doc. 87-3109 Filed 2-12-87; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51662; FRL-3156-6]

Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commerces. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice announces receipt of forty-five such PMNs and provides a summary of each.

DATES: Close of Review Period:

P 87-519 and 87-520, April 28, 1987.

P 87-516, 87-517, 87-518, 87-521, 87-522, 87-523, 87-524, 87-525, 87-526, 87-528, 87-529, 87-530, and 87-531, April 29, 1987.

P 87-523, May 2, 1987.

P 87-533, 87-534, 87-535, 87-536, 87-537, 87-538, 87-539, 87-540, 87-541, 87-542, 87-543, 87-544, 87-545, 87-546, 87-547, 87-548, 87-549, 87-550, 87-551, 87-554, and 87-555, May 3, 1987.

P 87-552, May 4, 1987.

P 87-556, 87-557, 87-558, 87-559, 87-560, 87-561, and 87-562, May 5, 1987.

Written comments by:

P 87-519 and 87-520, March 29, 1987.

P 87-516, 87-517, 87-518, 87-521, 87-522, 87-523, 87-524, 87-525, 87-526, 87-528, 87-529, 87-530, and 87-531, March 30, 1987.

P 87-532, April 2, 1987.

P 87-533, 87-534, 87-535, 87-536, 87-537, 87-538, 87-539, 87-540, 87-541, 87-542, 87-543, 87-544, 87-545, 87-546, 87-547, 87-548, 87-549, 87-550, 87-551, 87-554, and 87-555, April 3, 1987.

P 87-552, April 4, 1987.

P 87-556, 87-557, 87-558, 87-559, 87-560, 87-561, and 87-562, April 5, 1987.

ADDRESS: Written comments, identified by the document control number "[OPTS-51662]" and the specific PMN number should be sent to: Document Processing Center (TS-790), Office of Toxic Substances, Enviromental Protection Agency, Room L-100, 401 M Street SW., Washington, DC 20460, (202) 554-1305.

FOR FURTHER INFORMATION CONTACT: Stephanie Roan, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Room E-611, 401 M Street SW., Washington, DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: Effective with this notice, a nonsubstantive change in format is being initiated for information published under sections 5(d)(2) and 5(h)(6) of the Toxic Substances Control Act. Toxicity data will only appear in the notice when submitted with the PMN. Exposure and environmental release/disposal information will no longer be published in the notice. The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room NE-G004 at the above address 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

P 87-516

Manufacturer. Confidential.

Chemical. (G) Substituted benzothiazolesulfonic acid.

Use/Production. (G) Dye. Prod. range: Confidential.

Toxicity Data. Acute oral: 5.0 g/kg; Irritation: Skin—Non-irritant, Eye—Irritant.

P 87-517

Manufacturer. Confidential.

Chemical. (G) Substituted benzothiazolesulfonic acid.

Use/Production. (G) Dye. Prod. range: Confidential.

Toxicity Data. Acute oral: >5 g/kg; Irritation: Skin—Non-irritant, Eye—Irritant.

P 87-518

Manufacturer. Confidential.

Chemical. (G) Substituted benzothiazolesulfonic acid.

Use/Production. (G) Site-limited intermediate. Prod. range: Confidential.

P 87-519

Manufacturer. The Dow Chemical Company.

Chemical. (G) Bromoalkylated cresol novolac.

Use/Production. (S) Site-limited intermediate. Prod. range: Confidential.

P 87-520

Manufacturer. The Dow Chemical Company.

Chemical. (G) Modified cresol epoxy novolac.

Use/Production. (G) Resins for electronic and electrical application. Prod. range: Confidential.

P 87-521

Importer. Confidential.

Chemical. (G) Docosanoic acid reaction product with tetra-alkyl amine acetates.

Use/Import. (G) Paper additive. Import range: Confidential.

P 87-522

Manufacturer. Confidential.

Chemical. (G) Substituted bis(phenyl)isobenzofuranone.

Use/Production. (S) Captive intermediate used in manufacturing a

minor component for paper coatings. Prod. range: Confidential.

P 87–523

Manufacturer. Confidential.
Chemical. (G) Substituted diphenylamine.
Use/Production. (S) Captive intermediate used in the manufacture of a minor component for paper coatings. Prod. range: Confidential.
Toxicity Data. Acute oral: <5,000 mg/kg; Ames test: Non-mutagenic.

P 87–524

Manufacturer. Confidential.
Chemical. (G) Substituted benzoyl benzoic acid.
Use/Production. (S) Captive intermediate used in the manufacture of a minor component for paper coatings. Prod. range: Confidential.
Toxicity Data. Acute oral: >5,000 mg/kg; Ames test: Non-mutagenic.

P 87–525

Manufacturer. Confidential.
Chemical. (G) Substituted acetanilide.
Use/Production. (S) Captive intermediate used in manufacture of a minor component for paper coatings. Prod. range: Confidential.
Toxicity Data. Acute oral: <5,000 mg/kg; Ames test: Non-mutagenic.

P 87–526

Manufacturer. Confidential.
Chemical. (G) Substituted aminophenol.
Use/Production. (S) Captive intermediate used in the manufacture of a minor component for paper coatings. Prod. range: Confidential.
Toxicity Data. Acute oral: <5,000 mg/kg; Ames test: Non-mutagenic.

P 87–528

Manufacturer. E.I. du Pont de Nemours and Company, Inc.
Chemical. (G) Aromatic polyester resin.
Use/Production. (G) Polymer for automotive parts. Prod. range: Confidential.

P 87–529

Manufacturer. E.I. du Pont de Nemours and Company, Inc.
Chemical. (G) Aromatic polyester resin.
Use/Production. (G) Polymer for automotive parts. Prod. range: Confidential.

P 87–530

Manufacturer. E.I. du Pont de Nemours and Company, Inc.
Chemical. (G) Aromatic polyester resin.
Use/Production. (G) Polymer for automotive parts. Prod. range: Confidential.

P 87–531

Manufacturer. E.I. du Pont de Nemours and Company, Inc.
Chemical. (G) Aromatic polyester resin.
Use/Production. (G) Polymer for automotive parts. Prod. range: Confidential.

P 87–532

Manufacturer. Confidential.
Chemical. (G) Alkyl oxyalkyl amine thiazole salt.
Use/Production. (G) Petroleum additive. Prod. range: Confidential.

P 87–533

Manufacturer. Confidential.
Chemical. (G) Thermosetting polyester.
Use/Production. (G) Resin for printing inks. Prod. range: Confidential.

P 87–534

Importer. American Hoechst Corporation.
Chemical. (G) Modified poly vinyl butyral resin.
Use/Import. (S) Site-limited binder for negative acting printing plate. Import range: Confidential.
Toxicity Data. Acute oral: >5,000 kg/yr; Irritation: Skin—Non-irritant, Eye—Irritant.

P 87–535

Importer. Confidential.
Chemical. (G) Vinyl silicone resin.
Use/Import. (S) Industrial controlled release additive for paper release coating and physical reinforcing agent for silicone rubber. Import range: Confidential.

P 87–536

Manufacturer. Confidential.
Chemical. (G) Ethoxylated sulfonated polycarboxylate.
Use/Production. (G) Scale deposit control in industrial water treatment. Prod. range: Confidential.

P 87–537

Manufacturer. Cardolite Corporation.
Chemical. (G) Cashew elastomer-formaldehyde resin.
Use/Production. (G) Open, non-dispersive use resins. Prod. range: Confidential.

P 87–538

Manufacturer. Cardolite Corporation.
Chemical. (G) Cashew elastomer-furfural resin.
Use/Production. (G) Open, non-dispersive use resins. Prod. range: Confidential.

P 87–539

Importer. DSM Resins U.S., Inc.
Chemical. (G) Modified hydrocarbon resin.
Use/Import. (S) Gravure inks. Import range: Confidential.

P 87–540

Manufacturer. Confidential.
Chemical. (G) Sulfonates of ethoxylated alcohols.
Use/Production. (G) Surfactant. Prod. range: Confidential.

P 87–541

Manufacturer. Confidential.
Chemical. (G) Sulfonates of ethoxylated alcohols.
Use/Production. (G) Surfactant. Prod. range: Confidential.

P 87–542

Manufacturer. Confidential.
Chemical. (G) Sulfonates of ethoxylated alcohols.
Use/Production. (G) Surfactant. Prod. range: Confidential.

P 87–543

Manufacturer. Confidential.
Chemical. (G) Sulfonates of ethoxylated alcohols.
Use/Production. (G) Surfactant. Prod. range: Confidential.

P 87–544

Manufacturer. Kenrich Petrochemicals, Inc.
Chemical. (S) Titanium IV bis octanolato, cyclo(dioctyl) pyrophosphato-0,0.
Use/Production. (S) Industrial coupling agent surfactant and catalyst. Prod. range: Confidential.
Toxicity Data. Acute oral: >5.0 g/kg; Ames test: Non-mutagenic.

P 87–545

Manufacturer. Kenrich Petrochemicals, Inc.
Chemical. (S) Titanium IV bis (dioctyl)cyclo pyrophosphato-0,0.
Use/Production. (S) Industrial coupling agent, surfactant and catalyst. Prod. range: Confidential.
Toxicity Data. Acute oral: >1 g/kg; Ames test: Non-mutagenic.

P 87–546

Manufacturer. Confidential.
Chemical. (G) Alkyd resin.
Use/Production. (G) Resin is converted to paint. Prod. range: Confidential.

P 87-547

Importer. Confidential.
Chemical. (G) Substituted naphthylazo substitued benzene.
Use/Import. (G) Dye stuff for fibers. Import range: Confidential.
Toxicity Data. Acute dermal: >2,000 mg/kg; Irritation: Skin—Minimal, Eye—Minimal.

P 87-548

Manufacturer. Piedmont Chemical Industries, Inc.
Chemical. (G) Modified alkyl aryl ether.
Use/Production. (G) Emulsifier and processing aid for use in textile finishing. Prod. range: Confidential.

P 87-549

Importer. Confidential.
Chemical. (G) Substituted naphthylazo substituted benzene.
Use/Production. (G) Dyestuff for fibers. Prod. range: Confidential.
Toxicity Data. Acute dermal: >2,000 mg/kg; Irritation: Skin—Minimal, Eye—Minimal.

P 87-550

Manufacturer. Confidential.
Chemical. (G) Substituted spirobenzoxantheneisobenzofuranone.
Use/Production. (G) Minor color-forming component in paper coatings and captive intermediate used in manufacturing a minor component for paper coatings. Prod. range: Confidential.

P 87-551

Manufacturer. Vista Chemical Company.
Chemical. (G) Calcium aluminate alcohol ethoxylate (dispersed).
Use/Production. (G) Catalyst. Prod. range: Confidential.

P 87-552

Manufacturer. Confidential.
Chemical. (G) Polyurea urethane acrylate.
Use/Production. (S) The new substance will be used in formulating an industrial specialty polymeric material having an open use. Prod. range: 70,000 to 140,000 kg/yr.

P 87-554

Manufacturer. Kenrich Petrochemicals, Inc.
Chemical. (S) Zirconium IV bis(dioctyl)cyclopyrophosphato-0,0.
Use/Production. (S) Industrial coupling agent, surfactant and catalyst. Prod. range: Confidential.
Toxicity Data. Acute oral: >5.0 g/kg; Ames test: Non-mutagenic.

P 87-555

Manufacturer. Kenrich Petrochemicals, Inc.
Chemical. (S) Zirconium IV bisoctanolato, cyclo(dioctyl)pyrophosphato-0,0.
Use/Production. (S) Industrial coupling agent, surfactant and catalyst. Prod. range: Confidential.
Toxicity Data. Acute oral: >5.0 g/kg; Ames test: Non-mutagenic.

P 87-556

Manufacturer. General Electric Company.
Chemical. (G) Oxytetra aryl acid.
Use/Production. (S) Chemical intermediate. Prod. range: Confidential.

P 87-557

Manufacturer. General Electric Company.
Chemical. (G) Aryl oxydianhydride.
Use/Production. (S) Chemical intermediate. Prod. range: Confidential.

P 87-558

Manufacturer. General Electric Company.
Chemical. (G) Aromatic-N-alkylimide ether.
Use/Production. (S) Chemical intermediate. Prod. range: Confidential.

P 87-559

Manufacturer. General Electric Company.
Chemical. (G) Tetrapolymer of an oxydianhydride and aromatic diamines.
Use/Production. (S) Industrial, commercial and consumer transportation. Prod. range: Confidential.

P 87-560

Importer. Confidential.
Chemical. (G) Blocked polyisocyanate.
Use/Production. (S) Industrial co-reactant for industrial coatings. Prod. range: 3,000 to 30,000 kg/yr.

P 87-561

Importer. Confidential.
Chemical. (G) 2-Naphthalene carboxylic acid, [(substituted phenyl)azo]-3-hydroxy-, metal salt.
Manufacturer. General Electric Company.
Use/Import. (G) Colorant. Import range: Confidential.

P 87-562

Importer. Confidential.
Chemical. (G) Isoindoline derivative.
Use/Import. (G) Colorant for coatings. Import range: Confidential.
Toxicity Data. Acute oral: >5,000 mg/kg; Irritation: Skin—Non-irritant, Eye—Slight; Ames test: Non-mutagenic.

Dated: February 6, 1987.

Denise Devoe,

Acting Division Director Information Management Division.

[FR Doc. 87-3110 Filed 2-12-87; 8:45 am]
BILLING CODE 6560-50-M

[OPTS-59805; FRL-3156-5]

Certain Chemical Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substance Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). In the **Federal Register** of November 11, 1984, (49 FR 46066) (40 CFR 723.250), EPA published a rule which granted a limited exemption from certain PMN requirements for certain types of polymers. Notices for such polymers are reviewed by EPA within 21 days of receipt. This notice announces receipt of six such polymer exemption submissions and provides a summary of each.

DATES: Close of Review Period:

Y 87-99, February 18, 1987.
Y 87-100 and 87-101, February 23, 1987.
Y 87-102, February 24, 1987.
Y 87-103 and 87-104, February 25, 1987.

FOR FURTHER INFORMATION CONTACT: Stephanie Roan, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substance, Environmental Protection Agency, Room E-611 401 M Street SW., Washington, DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: Effective with this notice, a nonsubstantive change in format is being initiated for information published under sections 5(d)(2) and 5(h)(6) of the Toxic Substances Control Act. Toxicity data will only appear in the notice when submitted with the polymer exemption submission. Exposure and environmental release/disposal information will no longer be published in the notice. The following notice contains information extracted from the

non-confidential version of the submission by the manufacturer on the exemption received by EPA. The complete non-confidential document is available in the Public Reading Room NE–G004 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

Y 84–99

Manufacturer. Emery Chemicals.
Chemical. (S) Adipic and sebacic acid polymers with propylene glycol.
Use/Production. (G) Plasticizer for polyvinyl chloride resin. Prod. range: 200,000 to 500,000 kg/yr.

Y 87–100

Manufacturer. Confidential.
Chemical. (G) Oil modified polyurethane alkyd resin.
Use/Production. (S) Industrial coating vehicle. Prod. range: 42,300 to 126,800 kg/yr.

Y 87–101

Importer. Confidential.
Chemical. (G) Polyester urethane.
Use/Import. (S) Industrial thermoplastic for injection molded articles. Import range: Confidential.

Y 87–102

Manufacturer. Confidential.
Chemical. (G) Acrylic copolymer with methacrylate and butyl acrylate.
Use/Production. (G) Industrial used coating having an open, non-dispersive use. Prod. range: 10,000 to 500,000 kg/yr.

Y 87–103

Importer. Confidential.
Chemical. (G) Polyurethane resin.
Use/Import. (G) Open, non-dispersive use. Import range: Confidential.

Y 87–104

Manufacturer. Confidential.
Chemical. (G) Polyester.
Use/Production. (G) Adhesive, open, non-dispersive use. Prod. Confidential.

Dated: February 6, 1987.

Denise Devoe,

Acting Division Director, Information Management Division.

[FR Doc. 87–3111 Filed 2–12–87; 8:45 am]

BILLING CODE 6560–50–M

[ER-FRL-3155-9]

Designation of an Ocean Disposal Site for Fish Cannery Wastes Off Pago Pago, American Samoa; Intent To Prepare an Environmental Impact Statement

AGENCY: U.S. Environmental Protection Agency (EPA), Region 9.

ACTION: Notice of intent to prepare an environmental impact statement (EIS) on the final designation of an ocean disposal site for cannery wastes off Pago Pago, American Samoa.

PURPOSE: The U.S. EPA, Region 9, in accordance with Section 102(2)(c) of the National Environmental Policy Act (NEPA) and in cooperation with Star-Kist Foods, Inc. and Ralston Purina Company, will prepare a Draft EIS on the designation of an ocean disposal site for cannery wastes of Pago Pago, American Samoa. The cannery wastes are produced at fish processing facilities owned and operated by Star-Kist Samoa, Inc. and Samoa Packing Company. An EIS is needed to provide the information necessary to designate an ocean disposal site for these wastes. This Notice of Intent is issued pursuant to section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, and 40 CFR Part 228 (Criteria for the Management of Disposal Sites for Ocean Dumping).

For Further Information and To Be Placed on the Mailing List

Contact: Patrick Cotter, Oceans and Estuaries Section (W–5–3), U.S. Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, California 94105, telephone number (415) 974–0257 or FTS 454–0257.

Summary: Site designation is needed to provide a suitable disposal site for cannery wastes which can only be disposed of after EPA Region 9 has determined that the wastes meet EPA's ocean disposal criteria (40 CFR Part 227), including a demonstration of need for ocean disposal. EPA Region 9 will issue a research permit under section 102 of MPRSA, to gather information related to the EIS.

The cannery wastes consist of dissolved air flotation (DAF) sludge, precooker water, press water, thaw water and grit. DAF sludge is produced when floatable solids and waste water from treatment processes are mixed with alum and coagulant polymers.

The center of the proposed disposal site is located 2.35 nautical miles off the island at coordinates 14°22'11" South latitude by 170°40'52" West longitude. The diameter of the site is 1.5 nautical miles and the average water depth is 1450 meters. The site would be designated for continued use.

Need for Action

Star-Kist Foods, Inc. and Ralston Purina Company applied for an ocean dumping permit off American Samoa on behalf of their subsidiary companies. An EIS is required to provide the necessary information to evaluate alternatives and designate the preferred site.

Alternatives

The EIS will characterize the oceanographic parameters of the disposal site and evaluate a reasonable range of alternatives. The alternatives include: (1) Proposed Site (Preferred Alternative), (2) Shallow Water Site, (3) Site Farther From Shore, (4) Land Disposal Options and (5) No Action.

Scoping

A scoping meeting is not contemplated. Scoping will be accomplished by correspondence with affected Federal, State and local agencies, interested parties, and by correspondence.

Estimated Date of Release

The draft EIS will be made available in June 1987.

Responsible Official

Judith F. Ayres, Regional Administrator, Region 9.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 87–3148 Filed 2–12–87; 8:45 am]

BILLING CODE 6560–50–M

[ER-FRL-3156-2]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared January 26, 1987 through January 30, 1987 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act (CAA) and section 102(2)(c) of the National Environmental Policy Act (NEPA) as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382–5076/73. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in the **Federal Register** dated February 7, 1986 (51 FR 4804).

Draft EISs

ERP No. DS–SCS–D38001–00; Rating: Alter. A=EC2, Alter. B, C, and D=EU2; Upper Chester River Watershed Flood Prevention Plan, Additional Information, MD and DE. **SUMMARY:** EPA evaluated the draft EIS and found that it does not adequately address either the environmental impacts or the economic consideration of the four possible alternatives; no specific alternative was presented for in-depth reivew. Three of those four alternatives would adversely

impact from 996 to 1170 acres of wetlands and (up to) 240 miles of stream habitat, while exacerbating nutrient loadings to, and decreasing water quality in, the lower Chester River and to the Chesapeake Bay. Additionally, the mitigative measure proposed for water quality and wetlands impacts appear to be generally inadequate to compensate of the loss of biota or wetland functions. EPA has strongly recommended the selection of a new alternative, preferrably a restructuring of Alternative A, the "no action" alternative.

Final EISs

ERP No. F-AFS-J61067-CO, Wolf Creek Valley Ski Area Development, Special Use Permit, San Juan Nat'l Forest, CO. **SUMMARY:** The final EIS has adequately identified environmental issues associated with the proposed action and has responded to EPA concerns on the revised draft EIS. EPA will review and comment on the Wolf Creek Valley revised Section 404 permit application and Wetland Mitigation Plan.

ERP No. F-CDB-F89027-MI, Jefferson/Conner Industrial Revitalization Project, Relocation, Demolition and Acquisition, CDBG/USAG/Sect. 108 Loan, MI. **SUMMARY:** EPA's review concluded that adequate mechanisms have been developed to address continuing concerns related to air quality and the identification and disposal of hazardous materials. EPA requested that the Record of Decision discuss coordination agreements and contain a commitment to the noise mitigation proposed in the final EIS.

ERP No. F-FHW-C40082-NJ, NJ-147 Improvement, US 9 Middletownship to New Jersey Ave. and Spruce Ave. Intersection in North Wildwood, section 10 and 404 Permits, CGD Permit, NJ. **SUMMARY:** EPA objects to the FHWA conclusion that there is no significant wetland impact. However, because the applicant has agreed to provide adequate mitigation for all wetlands losses (pursuant to state permitting requirements), EPA does not object to the project.

ERP NO. F-FHW-H40135-1A, Greenhill Road Construction, IA-57/Dike Rd. in Cedar Falls to Hackett Rd. Bypass in Waterloo, 404 Permit, IA. **SUMMARY:** EPA has no further objections to the proposed action.

ERP No. FS-FHW-K40074-CA, I-8 and CA-125 Improvement, Fletcher Parkway to Amaya Drive, Revision Change, Right-of-Way Acquisition, CA. **SUMMARY:** EPA had no comments on the final supplemental EIS, but did request to be kept informed of FHWA's progress in carrying out the Record of Decision's mitigation measures.

Dated: February 10, 1987.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 87-3147 Filed 2-12-87; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-3156-1]

Environmental Impact Statement; Availability

Responsible Agency: Office of Federal Activities, General Information (202) 382-5073 or (202) 382-5075. Availability of Environmental Impact Statements Filed February 2, 1987 Through February 6, 1987 Pursuant to 40 CFR 1506.9.

EIS No. 870015, DSuppl, EPA, MS, MXG, Pascagoula Harbor Ocean Dredged Material Disposal Site, Continuation, Permanent Designation, Due: March 30, 1987, Contact: Reginald Rogers (404) 347-2156.

EIS No. 870041, Final, BLM, CA, San Joaquin Valley Pipeline and Ancillary Facilities Project, Weir Station to Martinez Oil Refinery, R-O-W Grant, Due: March 16, 1987, Contact: John Lien (916) 322-7805.

EIS No. 870042, Final, MMS, SEV, Mid 87-Mid 92 Outer Continental Shelf (OCS) Oil and Gas Lease Sales, Leasing, 5-Year Program Offshore the Atlantic, Pacific, Gulf of Mexico and Alaska Regions, Due: March 16, 1987, Contact: Daniel Henry (202) 343-6264.

EIS No. 870043, Final COE, CA, Arco Coal Oil Point, Oil and Gas Development, 404/10 Permits, Santa Barbara County, Due: March 16, 1987, Contact: David Castanon (213) 894-0245.

EIS No. 870044, Final, COE, TX, Stacy Reservoir Dam and Pump Station, Municipal and Industrial Water Supply Development, 10/404 Permits, Due: March 16, 1987, Contact: Joseph Paxton (817) 334-2095.

EIS No. 870045, Final, EPA, FL, AL, MS, Pensacola, FL, Mobile, AL, and Gulfport, MS Ocean Dredged Material Disposal Sites, Designation, Due: March 16, 1987, Contact: Sally Turner (404) 347-2126.

EIS No. 870046, Draft, FWS, MN, IA, WI, IL, Upper Mississippi River National Wildlife and Fish Refuge Master Plan, Due: May 15, 1987, Contact: Jim Lennartson (507) 452-4232.

EIS No. 870047, FSuppl, COE, NY, NJ, Newark Bay/Kill Van Kull Navigation Channel Improvements, Additional Information, Due: March 16, 1987, Contact: Joseph Debler (212) 264-4663.

EIS No. 870048, Final, COE, OH, William H. Zimmer Conversion Project, Nuclear Power Plant into Coal-Fired Electrical Generating Plant, 404/10 Permits, Clermont County, Due: March 16, 1987, Contact: Robert Oliver (502) 582-5601.

EIS No. 870049, Draft, AFS, CO, East Fork Ski Area Development, Special Use Permit, San Juan National Forest, Archuleta and Mineral Counties, Due: April 14, 1987, Contact: John Kirkpatrick (303) 247-4874.

EIS No. 870050, Draft, FHW, MN, US TH-169/Cross Range Expressway Improvement, US TH-2 in Grand Rapids to MN TH-65 in Pengilly, Itaska County, Due: March 30, 1987, Contact: Stan Graczyk (612) 349-5246.

EIS No. 870051, Draft, USN, CA, San Francisco Bay Battleship Battlegroup and Cruiser Destroyer Group Homeporting, Construction/Operation, San Francisco County, Due: March 30, 1987, Contact: Robert Forsyth (415) 877-7544.

Amended Notices

EIS No. 870028, Final, COE, CA, Pamo Dam and Reservoir Emergency Water Supply Project, Construction, San Diego County, Due: March 9, 1987, Published FR 01-30-87—Review period reestablished.

EIS No. 860494, Draft, UAF, MA, Westover Air Force Base, Air Force Reserve Mission Change, C-130 to C-5A Aircraft and Civil Aviation Operation Expansion thru 1995, Hampden and Hampshire Counties, Due: February 11, 1987, Published FR 12-5-86—Review period extended.

EIS No. 860496, Draft, COE, CA, OR, WA, Third 500kV AC Intertie Transmission Path, Tesla Substation, CA to Southern Oregon, Los Banos Substation to Gates Substation and Pacific Northwest Facility Reinforcements, C/O/M, Due: March 2, 1987, Published FR 12-5-86—Review period extended.

Dated: February 10, 1987.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 87-3146 Filed 2-12-87; 8:45 am]

BILLING CODE 6560-50-M

[FRL-3155-8]

Science Advisory Board Environmental Engineering Committee; Open Meeting

Under Pub. L. 92-463, notice is hereby given that the Environmental Engineering Committee of the Science Advisory Board will hold a two-day meeting on March 5-6, 1987 at the Environmental Protection Agency, Conference Room #1 North (on the

Ground Floor, near the EPA Washington Information Center), Waterside Mall, 401 M Street SW., Washington, DC. The meeting will begin at 9:00 a.m. and last until 5:00 p.m. on March 5, and begin at 9:00 a.m. and last until 1:00 p.m. on March 6.

The purpose of the meeting is to introduce and discuss potential reviews for 1987. In addition to a general discussion of potential review topic that have been suggested by the Agency, the Committee will receive *introductory* briefings on several of these topics, including the Underground Storage Tank Failure Model, the Waste Minimization Research Plan, the Mining Waste Screening Phase Risk Assessment Methodology, the Toxicity Characteristic Leaching Procedure, and the Air Emissions Characteristic Test. Please note that these briefings will be only general introductions to the topics listed above. It the Committee decides to conduct reviews on any of these, there will be more detailed briefings and discussions at future meetings.

Public comment will be accepted at the meeting. Written comments will be accepted in any form, and there will be opportunity for *brief* oral statements. Anyone wishing to make oral or written comments must contact Mr. Eric Malès (202/382–2552) prior to February 27, 1987 in order to be placed on the agenda. Any member of the public wishing to attend should contact Mrs. Brenda Browne at 202/382–2552.

Dated: February 5, 1987.

Terry F. Yosie,

Director, Science Advisory Board.

[FR Doc. 87–3106 Filed 2–12–87; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL RESERVE SYSTEM

Joe Jagger; Acquisition of Shares of Banks or Bank Holding Companies; Change in Bank Control

The notificant listed below has applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and section 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than February 27, 1987.

A. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Joe Jagger,* Kenneth D. Wedel/Profit Sharing, Kermit G. Wedel/Profit Sharing, John O. & Marilyn Pruitt, all of Minneapolis, Kansas; Thomas D. McGavran, Ada, Kansas; Lee Roy Parks, Miltonvale, Kansas; and Robert M. Mortimer, Carl R. McGavran, William Anderson, Melvin Allison, Janice D. Chancy, Kristine M. Schrandt, Diana S. Klein, and Willard & Clara Irvine, all of Delphos, Kansas, to acquire 98.02 percent of the voting shares of Delphos, Inc., Delphos, Kansas, and thereby indirectly acquire The State Bank of Delphos, Delphos, Kansas.

Board of Governors of the Federal Reserve System, February 9, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87–3083 Filed 2–12–87; 8:45 am]

BILLING CODE 6210–01–M

Capital One Corp., et al.; Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo,* either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 3, 1987.

A. **Federal Reserve Bank of Chicago** (David S. Epstein, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Capital One Corp.,* Brown Deer, Wisconsin; to engage *de novo* through its subsidiary, Capital One Finance Corp., Brown Deer, Wisconsin, in acquiring from its affiliate loans or other extensions of credit such as made by banking, commercial finance, mortgage and consumer finance companies for its own account or for the account of others pursuant to § 225.25(b)(1) of the Board's Regulation Y.

2. *Illini Community Bancorp, Inc.,* Springfield, Illinois; to engage *de novo* through its subsidiary, Illini & Associates, Inc., Springfield, Illiniois, in providing management consulting advice, auditing, accounting and tax services to nonaffiliates and nonbank depository institutions pursuant to § 225.25 (b)(11) and (b)(21) of the Board's Regulation Y.

3. *Illini Community Bancorp, Inc.,* Springfield, Illinois; to engage *de novo* through its subsidiary, Illini Community Mortgage Co., Springfield, Illinois, in the origination of VA, FHA & conventional mortgage loans for resale to the secondary market; appraisal services; servicing of loans originated and sold; warehouse financing of mortgage loans; and other related services pursuant to § 225.25 (b)(1) and (b)(13) of the Board's Regulation Y.

B. **Federal Reserve Bank of St. Louis** (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *DBT Financial Corooration,* DeWitt, Arkansas; to engage *de novo* through its subsidiary, DeWitt Bank and Trust Insurance, Inc., DeWitt, Arkansas, in the sale, as agent, of numerous lines of insurance from an office in DeWitt, Arkansas, a town with a population of less than 5,000, pursuant to § 225.25(b)(8). This activity will be conducted in DeWitt, Arkansas.

C. **Federal Reserve Bank of Dallas** (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Broadway Bancshares, Inc.*, San Antonio, Texas; to engage *de novo* through its subsidiary, Broadway National Life Insurance Company, San Antonio, Texas, a *de novo* company, in the activity of underwriting as reinsurer of life insurance or home mortgage redemption insurance pursuant to § 225.25(b)(8) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, February 9, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-3082 Filed 2-12-87; 8:45 am]

BILLING CODE 6210-01-M

Chemical New York Corp.; Formation of, Acquisition by, or Merger of Bank Holding Companies; and Acquisition of Nonbanking Company

The company listed in this notice has applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed company has also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 11, 1987.

A. **Federal Reserve Bank of New York** (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Chemical New York Corporation*, New York, New York; to acquire 100 percent of the voting shares of Texas Commerce Bancshares, Inc., Houston, Texas, and thereby indirectly acquire Texas Commerce Bank-Amarillo, Amarillo, Texas; Texas Commerce Bank-Austin, N.A., Texas Commerce Bank-Barton Creek, N.A., and Texas Commerce Bank-Northcross, N.A., all in Austin, Texas; Texas Commerce Bank-Beaumont, N.A., Beaumont, Texas; Texas Commerce Bank-Brownsville, Brownsville, Texas; Texas Commerce Bank-Corpus Christi, N.A., Texas Commerce Bank-Gulfway, N.A., both in Corpus Christi, Texas; Texas Commerce Bank-Arlington, Arlington, Texas; Texas Commerce Bank-Brookhollow, N.A, Dallas, Texas; Texas Commerce Bank-Campbell Centre, N.A., Dallas, Texas; Texas Commerce Bank-Casa Linda, N.A., Dallas, Texas; Texas Commerce Bank-Dallas, N.A., Dallas, Texas; Texas Commerce Bank-Fort Worth, Fort Worth, Texas; Texas Commerce Bank-Garland, Garland, Texas; Texas Commerce Bank-Hillcrest, Dallas, Texas; Texas Commerce Bank-Hurst, N.A., Hurst, Texas; Texas Commerce Bank-Irving Boulevard, Irving, Texas; Texas Commerce Bank-Las Colinas, Irving, Texas; Texas Commerce Bank-Northwest, N.A., Dallas, Texas; Texas Commerce Bank-Park Central, N.A., Dallas, Texas; Texas Commerce Bank-Preston Royal, N.A., Dallas, Texas; Texas Commerce Bank-Quorum, N.A., Dallas, Texas; Texas Commerce Bank-Border City, Texas Commerce Bank-Chamizal, N.A., Texas Commerce Bank-East, N.A., Texas Commerce Bank-El Paso, N.A., Texas Commerce Bank-First State, Texas Commerce Bank-Northgate, N.A., Texas Commerce Bank-West, N.A., all in El Paso, Texas; Texas Commerce Bank-Airline, Texas Commerce Bank-Champions Park, N.A., Texas Commerce Bank-Chemical, Texas Commerce Bank-Clear Lake, N.A., all in Houston, Texas; Texas Commerce.. Bank-Conroe, N.A., Conroe, Texas; Texas Commerce Bank-Cyfair, N.A., Houston, Texas; Texas Commerce Bank-Cypress Station, N.A., Houston, Texas; Texas Commerce Bank-Del Oro, N.A., Houston, Texas; Texas Commerce Bank-Friendswood, Friendswood, Texas; Texas Commerce Bank-Greens Crossing, N.A., Houston, Texas; Texas Commerce Bank-Greenway Plaza, N.A., Houston, Texas; Texas Commerce Bank National Association, Houston, Texas; Texas Commerce Bank-Inwood, N.A., Houston, Texas; Texas Commerce Bank-Katy Freeway, N.A., Katy, Texas; Texas Commerce Bank-Kingwood, N.A., Kingwood, Texas; Texas Commerce Bank-Lakeside, Houston, Texas; Texas Commerce Bank-North Freeway, Houston, Texas; Texas Commerce Bank-Pasadena, Pasadena, Texas; Texas Commerce Bank-Reagan, Houston, Texas; Texas Commerce Bank-Richmond/Sage, Houston, Texas; Texas Commerce Bank-River Oaks, N.A., Houston, Texas; Texas Commerce Bank-South Belt, N.A., Houston, Texas; Texas Commerce Bank-Southeast, Houston, Texas; Texas Commerce Bank-Stafford, N.A., Houston, Texas; Texas Commerce Bank-Sugar Land, N.A., Sugar Land, Texas; Texas Commerce Bank-Tanglewood, Houston, Texas; Texas Commerce Bank-Westlake Park, N.A., Houston, Texas; Texas Commerce Bank-West Oaks, N.A., Houston, Texas; Texas Commerce Bank-Westwood, Houston, Texas; Texas Commerce Medical Bank, Houston, Texas; Texas Commerce Bank-Longview, N.A., Longview, Texas; Texas Commerce Bank National Association, Lubbock, Texas; Texas Commerce Bank-McAllen, N.A., McAllen, Texas; Texas Commerce Bank-Midland, N.A., Midland, Texas; Stone Fort National Bank of Nacogdoches, Nacogdoches, Texas; Texas Commerce Bank-New Braunfels, N.A., New Braunfels, Texas; Texas Commerce Bank-Odessa, Odessa, Texas; Texas Commerce Bank-San Angelo, N.A., San Angelo, Texas; Texas Commerce Bank-San Antonio, San Antonio, Texas; Texas Commerce Bank-San Antonio, Loop 410, San Antonio, Texas; Texas Commerce Bank-San Antonio, N.W., N.A., San Antonio, Texas; and Texas Commerce Banks (Delaware), Newark, Delaware.

In addition, Applicant will acquire indirectly Texas Commerce Bancshares, Inc.'s 9.5% interest in Lockwood National Bank, Houston, Texas. Applicant, through its subsidiary, CT Holdings, Inc., also will acquire Texas Commerce Bank-Richardson N.A., Richardson, Texas. In connection with this application, CT Holdings, Inc., has applied to become a bank holding company.

In connection with this application, Applicant proposes to acquire El Paso National Corporation, and thereby engage in leasing personal or real property pursuant to § 225.25(b)(5) of the Board's Regulation Y, and management consulting to depository institutions pursuant to § 225.25(b)(11) of the Board's Regulation Y; Pyramid Agency, Inc., and thereby engage in the sale of single-interest insurance and public fund depository bonds pursuant to § 225.25(b)(8) of the Board's Regulation Y; Texas Commerce Bancshares Leasing Company, and thereby engage in leasing personal or real property pursuant to § 225.25(b)(5) of the Board's Regulation Y; Texas Commerce Corporate Finance, Inc., and thereby engage in making and servicing loans, investment or financial advice pursuant to §§ 225.25 (b)(1) and (b)(4) of the Board's Regulation Y; Texas Commerce Financial Services, Inc., and thereby engage in securities brokerage activities pursuant to § 225.25(b)(15) of the Board's Regulation Y; Texas Commerce Funding Company, and thereby engage in making and servicing loans pursuant to § 225.25(b)(1) of the Board's Regulation Y; Texas Commerce Information Systems, Inc., and thereby engage in data processing pursuant to § 225.25(b)(7) of the Board's Regulation Y; Texas Commerce Investment Management Company, and thereby engage in investment or financial advice pursuant to § 225.25(b)(4) of the Board's Regulation Y; Texas Commerce Leasing Company, and thereby engage in leasing personal or real property pursuant to § 225.25(b)(5) of the Board's Regulation Y; Texas Commerce Mortgage Company, and thereby engage in making and servicing loans pursuant to § 225.25(b)(1) of the Board's Regulation Y; Texas Commerce Securities, Inc., and thereby engage in investment or financial advice, underwriting and dealing in government obligations and money market instruments pursuant to §§ 225.25 (b)(4) and (b)(16) of the Board's Regulation Y; Texas Commerce Services Company, and thereby engage in trust company functions pursuant to section 225.25(b)(3) of the Board's Regulation Y; and Texas Commerce Trust Company of New York, and thereby engage in trust company functions pursuant to § 225.25(b)(3) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, February 9, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-3084 Filed 2-12-87; 8:45 am]

BILLING CODE 6210-01-M

Lincoln Financial Corp.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23 (a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23 (a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 5, 1987.

A. **Federal Reserve Bank of Chicago** (David S. Epstein, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Lincoln Financial Corporation,* Fort Wayne, Indiana; to acquire Shipshewana Insurance Agency, Inc., LaGrange, Indiana, and thereby engage in acting as an insurance agent or broker with regard to insurance sold in connection with extensions of credit by the bank and bank holding company pursuant to § 225.25(b)(8) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, February 9, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-3085 Filed 2-12-87; 8:45 am]

BILLING CODE 6210-01-M

Union Bancorp, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than March 5, 1987.

A. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Union Bancorp, Inc.,* Pottsville, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of Union Bank and Trust Company, Pottsville, Pennsylvania.

B. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Dominion Bankshares Corporation,* Roanoke, Virginia; to merge with First National Financial Corporation, Clarksville, Tennessee, and thereby indirectly acquire The First National Bank of Clarksville, Clarksville, Tennessee.

2. *Dominion Bankshares Corporation,* Roanoke, Virginia; to merge with Mid-Tennessee Bancorp, Inc., Ashland City, Tennessee, and thereby indirectly

acquire Ashland City Bank and Trust Company, Ashland City, Tennessee.

C. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *SunTrust Banks, Inc.*, Atlanta, Georgia, and Third National Corporation. Nashville, Tennessee; to merge with SWG Financial Enterprises, Inc., Morristown, Tennessee, and thereby indirectly acquire Hamilton Bank of Morristown, Morristown, Tennessee.

D. **Federal Reserve Bank of Minneapolis** (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Sentry Bancorp, Inc.*, Minneapolis, Minnesota; to become a bank holding company by acquiring 98.89 percent of the voting shares of Cannon Valley Bank, Dundas, Minnesota.

E. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Alameda Bancorporation, Inc.*, Alameda, California; to acquire 100 percent of the voting shares of Community First National Bank, Pleasanton, California.

Board of Governors of the Federal Reserve System, February 9, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-3086 Filed 2-12-87; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on February 6, 1987.

Public Health Service (PHS)

(Call Reports Clearance Officer on 202-245-2100 for copies of Package.)

National Institutes of Health

Subject: Program Evaluation: Office of Cancer Communications Education Program—NEW.

Respondents: Individuals or households.

Food and Drug Administration

Subject: Application for Exemption From Pre-emption for Medical Devices—Extension—(0910-0129).

Respondents: State or local governments.

OMB Desk Officer: Shannah Koss.

National Security Administration (SSA)

(Call Reports Clearance Officer on 301-594-5706 for copies of package.)

Subject: Farm Arrangement Questionnaire—Extension—(0960-0064).

Respondents: Individuals or households.

Health Care Financing Administration (HCFA)

(Call Reports Clearance Officer on 301-594-8650 for copies of package).

Subject: Information Collection Requirements in BPO-47-FN, MMIS Requirements for Physician and Supplier Services—NEW.

Respondents: State or local governments.

Subject: Preclearance for: Evaluation of Medicare Retiree Group Demonstration—NEW.

Respondents: Individuals or households: Businesses or other for-profit.

Subject: Revisions to the Medicaid State Plan Preprint Standards for Provisions of Organ Transplants in State Programs—Revision—(0938-0193)-HCFA-179.

Respondents: State or local governments.

Subject: Information Collection Requirements in 405.2112, 405.2123, 405.2134, 405.2136, 405.2137, 405.2138, 405.2139, 405.2140 and 405.2171—Extension—(0938-0386)-HCFA-P-52.

Respondents: Businesses or other for-profit: Non-profit institutions: Small businesses or organizations.

Subject: Recordkeepinq Requirements Contained in Provider Reimbursement Manual Sections 2198 and 2746—NEW.

Respondents: Businesses or other for-profit; Small businesses or organizations.

Subject: Medicaid—Quarterly Medicaid Statement of Expenditures—Revisions—(0938-0067)-HCFA-64.

Respondents: State or local governments.

Subject: Health Insurance Claim Form Medicaid/Medicare—Revision—(0938-0008)-HCFA-1500.

Respondents: Businesses or other for-profit; Non-profit institutions; Small businesses or organizations.

OMB Desk Officer: Allison Herron.

Family Support Administration

(Call Reports Clearance Officer on 202-245-0652 for copies of package).

Subject: Office of Child Support Enforcement Quarterly Financial/Statistical Report—NEW.

Respondents: State or local governments.

OMB Desk Officer: Judy Egan.

As mentioned above, copies of the information collection clearance packaqes can be obtained by calling the Reports Clearance Officer, on one of the following numbers:

SSA: 301-5-4-5706
HCFA: 301-594-8650
FSA: 202-245-0652
PHS: 202-245-2100

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the followinq address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, DC 20503, ATTN: (name of OMB Desk Officer).

Dated: February 6, 1987.

Barbara S. Wamsley,

Acting Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 87-2971 Filed 2-12-87; 8:45 am]

BILLING CODE 4150-04-M

Food and Drug Administration

Advisory Committees; Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

Meeting: The following advisory committee meeting is announced:

Cardiovascular and Renal Drugs Advisory Committee

Date, time, and place. March 2 and 3, 9 a.m., Auditorium, Lister Hill Center, 8600 Rockville Pike, Bethesda, MD.

Type of meeting and contact person. Open public hearing, March 2, 9 a.m. to 10 a.m., unless public participation does not last that long; open committee discussion, 10 a.m. to 5 p.m.; open public hearing, March 3, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 5 p.m.;

Joan C. Standaert, Center for Drugs and Biologics (HFN–110), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4730.

General function of the committee. The committee reviews and evaluates available data on the study of anti-anginal and anti-arrhythmic drugs.

Agenda—Open public hearing. Interested persons who wish to present data, information, or views, orally or in writing, on issues pending before the committee should communicate with the contact person.

Open committee discussion. The committee will discuss guidelines for study of anti-anginal and anti-arrhythmic drugs.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (Subpart C of 21 CFR Part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under 21 CFR Part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA–305), Rm. 4–62, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)), and FDA's regulations (21 CFR Part 14) on advisory committees.

Dated: February 5, 1987.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 87–3080 Filed 2–12–87; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N–87–1648; FR–2271]

Notice Requesting a Private Organization to Develop and Maintain the Federal Manufactured Home Construction and Safety Standards

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

ACTION: Notice; second request for a private organization to develop and maintain model standards for incorporation by reference into HUD's Federal Manufactured Home Construction and Safety Standards (FMHCSS).

SUMMARY: HUD published a Notice in the **Federal Register** of July 7, 1982 (47 FR 29605) that announced HUD's interest in having a nationally recognized building code or standards organization develop, publish and maintain suitable model standards which could replace, by reference, all of the HUD standards now in the FMHCSS. HUD would retain the responsibility and authority to promulgate and enforce revisions to the FMHCSS, after formal notice and comment rulemaking. Model standards incorporated by reference in the FMHCSS would then become preemptive and be enforced as HUD standards.

The Department originally intended to select a private standards organization after proposed revisions to the FMHCSS were promulgated in a final rule. The Department received several proposals in response to the July 1982 Notice, but final consideration of the comprehensive revision of the FMHCSS under this process was delayed until now. Therefore, the Department is allowing previous respondents to withdraw, amend, or submit new proposals. Other private organizations which now are interested are also urged to advise the Department on their qualifications and experience in developing, publishing, and maintaining model standards.

DATE: Organizations wishing to submit responses must do so on or before April 14, 1987.

ADDRESS: Responses and public comments may be sent to the Rules Docket Clerk, Office of the General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Communications should refer to the above docket number and title.

FOR FURTHER INFORMATION CONTACT: William C. Sorrentino, Director, Manufactured Housing and Construction Standards Division, Room 9158, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 755–5210. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

Section 604 of the National Manufactured Construction and Safety Standards Act of 1974 (the Act), 42 U.S.C. 5403, requires the Secretary of HUD to establish preemptive FMHCSS for all manufactured (mobile) homes. FMHCSS were published as a final rule in the **Federal Register** of December 18, 1975 (40 FR 58752) at 24 CFR Part 3280. Many HUD standards in the FMHCSS were similar to model standards in 1975 which were published by a private organization.

Since the promulgation of the FMHCSS, the Department has conducted extensive research to provide answers to questions relating to the safety, durability, and thermal energy performance of manufactured homes. In

addition, statistics and other information were collected from consumers and technical organizations ralating to the adequacy of the FMHCSS. As a result of HUD's efforts from 1975–81, the Department in 1982 prepared for its first comprehensive revision of the FMHCSS.

OMB Circular A–119, published at 47 FR 49496 (November 1, 1982), however, established a Federal policy that whenever feasible standards developed by private organizations should be promulgated in Federal agency regulations. The Circular also encourages Federal agencies to contribute to the development of model standards by private organizations that will eliminate the necessity for separate Federal agency standards covering the same technical issues.

As a result of OMB Circular A–119 and supporting recommendations contained in the 1982 Report of the President's Commission on Housing and the National Institute of Building Sciences' *Recommendations for Change—Phase II* (August 15, 1981, page 35), the Department published a Notice at 47 FR 29605 (July 7, 1982) inviting a private standards organization to develop, published and maintain suitable model standards that could replace, by reference and after notice and comment rulemaking, the HUD standards now in the FMHCSS. The Department intended to select a suitable private standards organization after HUD's first comprehensive revision of the FMHCSS (proposed at 48 FR 37136 (August 16, 1983)) was completed. This approach should not present significant problems, since a large portion of the current FMHCSS was adopted from model standards originally developed by a private organization.

Most of the proposed FMHCSS revisions have been promulgated in a final rule (see 49 FR 31996, August 9, 1984). The Department no longer considers rulemaking on all portions of the 1983 proposed rule to be necessary before resuming its search for a qualified private standards body to develop, publish and maintain model standards for incorporation by reference into the FMHCSS. Because proposals submitted by respondents in 1982 might not represent their current position, the Department is issuing this second Notice to allow any private organization to withdraw, amend, or submit new proposals.

The Department emphasizes that it will not relinqish its responsibility and authority under the Act to establish and enforce FMHCSS relating to safety, quality and durability and will incorporate into the FMHCSS by reference only those model standards that are appropriate. The Department will retain the authority for reviewing and promulgating by reference any model standards developed by private standards organizations. Such standards will be promulgated by HUD in a final rule only after publication of a proposed rule for comment in the **Federal Register**, in accordance with the Administrative Procedure Act (5 U.S.C. 553).

After formal adoption of the model standards by the selected standards organization, HUD will publish a proposed rule in the **Federal Register**, which will propose to incorporate those standards by reference in 24 CFR Part 3280. Although the proposed standards will not be published in the **Federal Register**, the proposed FMHCSS revisions would be made available to the public: (1) On request for review at HUD Headquarters or at any HUD Field or Regional Office or (2) through purchase of the document at reasonable cost from the selected standards organization. (HUD intends to expand the traditional 60 day comment period to 90 days to accommodate the additional time that this procedure will involve for the transmittal of the model standards to HUD Field or Regional Offices and for the review of those standards.)

When promulgated in a final rule, the FMHCSS would incorporate by reference only those model standards (by the specific date of adoption) that were adopted by the selected standards organization and were cited in the proposed rule. Any future revisions to the FMCHSS adopted by the selected standards organization would be incorporated by reference in the FMHCSS only after formal notice and comment rulemaking by the Department in accordance with the Administrative Procedure Act. HUD reserves the authority to revise the FMHCSS through rulemaking to promulgate standards that would ensure the safety, quality, and durability of manufactured homes.

In publishing this notice, the Department's objectives are to:

1. Select a private organization which is qualified, interested and capable of developing and maintaining model standards that can replace by reference all standards in the FMHCSS and at no obligatory expense to HUD or other Federal agencies;

2. Rely on such standards that can meet the intent of the Act; and

3. Promulgate such standards by reference as the FMHCSS, either in whole or in part, and to enforce them in accordance with the requirements of the Act.

Respondents are required to describe in detail how they would accomplish the development and maintenance of model standards pertaining to the construction and safety of manufactured housing by:

1. Identifying the capabilities of staff and other entitites to be used for covering each of the following subjects: structural, fire safety, plumbing, heating-ventilating-cooling, electrical engineering, indoor air quality, and transportation;

2. Defining how the issues of safety, durability and quality would be treated in response to the requirements of the Act;

3. Identifying the methodology to be used in developing, updating, canceling or withdrawing model standards, and stating the frequency that such actions would occur;

4. Stating proposed procedures to be used to balance the views of divergent interest groups (manufacturers and suppliers, consumers, and State and local regulatory officials); and

5. Identifying the policies and procedures to be used for managing, coordinating, staffing for, voting on, processing, and publishing proposed changes in the Standards.

In reviewing the responses, the Department will consider the demonstrated knowledge, experience, and qualifications of each respondent in the following areas, particularly as related to the manufacturing of homes:

1. Building codes and standards, their function, development and scope;

2. Responsibility for the development, review, approval and publication of model standards with respect to building codes and standards;

3. Responsibility for organizing and coordinating efforts that develop structural, fire safety, mechanical and electrical model standards pertaining to residential building; and

4. Qualifications, time commitments and assignments of managerial and technical personnel.

Organizations interested in participating in the development and maintenance of the standards must provide the above information by April 14, 1987.

The information collection requirements contained in this Notice have been submitted to the Office of Management and Budget for review under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501–3520). All requirements have been approved and have been assigned OMB control number 2502–0360.

Authority: Sec. 604 of the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5403.]

Dated: February 6, 1987.

Thomas T. Demery,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 87-3134 Filed 2-12-87; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID-020-07-4212-14; I-22256, I-22257, I-22258, I-22259, I-22260, I-22261, I-22262, I-22264, I-23355, I-23356, I-23357, I-23358, I-23359]

Notice of Action; Amendment of the Malad Management Framework Plan (MFP) and the Cassia Resource Management Plan (RMP)/Notice of Realty Action, Sale of Public Land in Power and Cassia Counties, ID

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Action—Amendment of the Malad Management Framework Plan (MFP) and the Cassia Resource Management Plan (RMP)/Notice of Realty Action, Sale of Public Land in Power and Cassia, Counties, Idaho.

DATE AND ADDRESS: Notice is hereby given that the BLM has amended the Cassia RMP and the Malad MFP to allow for the disposal of certain public lands in Power and Cassia County, Idaho. The sale offering for group "A" parcels will be held on Wednesday, June 24, 1987 at the Burley District Office, 200 South Oakley Highway, Burley, Idaho. The sale offering for group "B" parcels will be held on Wednesday, August 26, 1987 at the Burley District Office. Unsold parcels will be offered every Wednesday through November 25, 1987, on which date this sale offering will be suspended.

SUMMARY: The following described lands have been examined and through the public-supported land use planning process have been determined to be suitable for sale pursuant to section 203 of the Federal Land Policy and Management Act of 1976, at no less than fair market value as determined by an appraisal. The fair market value of each parcel may be obtained from the above office within 60 days of the sale date.

Group "A" Parcels

Legal description	Parcel No.	Acres
T. 9 S., R. 29 E., B.M.		
Section 21: SE¼NW¼NE¼.	I-22256	10
Section 32: SW¼NW¼.	I-22257	40
Section 32: SE¼SE¼	I-22258	40
Section 33: SE¼NW¼	I-22259	40
T. 9 S., R. 30 E., B.M.		
Section 34: NE¼NW¼	I-22260	40
T. 10 S., R. 30 E., B.M.		
Section 10: NE¼NW¼	I-22261	40

Group "B" Parcels

Legal description	Parcel No.	Acres
T. 10 S., R. 29 E., B.M.		
Section 4: SE¼SW¼	I-22264	80
Section 9: NE¼NW¼		
T. 9 S., R. 29 E., B.M.		
Section 13: NW¼NE¼, NE¼NW¼.	I-23355	80
Section 24: NW¼NE¼, E½NW¼, NE¼SW¼, N½SE¼.	I-23356	240
T. 9 S., R. 30 E., B.M.		
Section 19: SE¼NE¼	I-23357	40
Section 21: NE¼NW¼	I-23358	40
Section 21: E½SW¼	I-23359	80
T. 10 S., R. 30 E., B.M.		
Section 18: NE¼NE¼	I-22262	40

When patented, the lands will be subject to a reservation for ditches and canals and oil and gas rights, to the United States.

These lands are hereby segregated from appropriation under the public land laws including the mining laws for a period of 270 days or until patent is issued, whichever comes first.

Sale procedures: The previously mentioned sale parcels will be sold competitively with a preference right for adjoining landowners to meet the highest bid. *Adjoining landowners must submit a bid on the date of sale in order to exercise this preference.* Adjoining landowners will be allowed 30 days from the sale date to match the high bid. Failure to match the high bid within 30 days will void their preference and the next highest bidder will be awarded the sale. Where two or more adjoining landowners exercise their preference right, they will be given the opportunity to agree upon a division of the lands among themselves. In the absence of a written agreement, the adjoining landowners shall be allowed to continue bidding to determine the high bidder.

Bids must be submitted for at least the fair market value and will constitute an application to purchase that portion of the mineral estate of no known value. A thirty percent (30%) deposit must accompany each bid. An *additional* $50.00 non-returnable (for the successful bidder) mineral conveyance processing fee is required. The bid deposit and mineral processing fee must be paid by certified check, money order, bank draft or cashiers check. *Bids will be rejected if accompanied by a personal check.*

SUPPLEMENTARY INFORMATION: Detailed information concerning the conditions of the sale be obtained by contacting Karl Simonson, Realty Specialist, at (208) 678-5514 or Wes Duggan, Deep Creek Realty Specialist at (208) 766-4766.

Planning Protests

Any party that participated in the plan amendment and is adversely affected by the amendment may protest this action only as it affects issues submitted for the record during the planning process. The protests shall be in writing and filed with the Idaho State Director within 30 days of this notice.

Sale comments

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments, regarding the sale, to the District Manager, Bureau of Land Management, Route 3, Box 1, Burley, ID 83318. Objections will be reviewed by the State Director who may sustain, vacate or modify this realty action. In the absence of any planning protests or objections regarding the sale, this realty action will become the final determination of the Department of the Interior and the planning amendment will be effective.

Dated: February 3, 1987.

John S. Davis,

District Manager.

[FR Doc. 87-3069 Filed 2-12-87; 8:45 am]

BILLING CODE 4310-GG-M

[CO-030-07-4322-10-1784]

Montrose District CO, Grazing Advisory Board Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Meeting of Montrose District Grazing Advisory Board.

SUMMARY: Notice is hereby given that a meeting of the Montrose District Grazing Advisory Board will be held in Dolores, Colorado.

DATE: Thursday, March 19, 1987, at 10:00 a.m., the meeting will convene in the conference room at the Anasazi Heritage Center, 27501 Highway 184, Dolores, Colorado. Friday, March 20, 1987, at 8:00 a.m. a tour will begin from the same location.

SUPPLEMENTARY INFORMATION: The agenda for the meeting on March 19, 1987, will include:

1. Introductions.
2. Minutes of the previous meeting.
3. Public presentations and requests.
4. New or revised allotment management plan proposals.
5. Update on riparian demonstration area.
6. Discussion of zone engineering.

7. Policy for cost sharing by new Advisory Board.

8. Status of current project work.

9. New Advisory Board project proposals.

10. Arrangements for the next meeting.

A tour of Spring Creek allotment will be held on March 20, 1987.

The meeting is open to the public. Those persons interested in attending the tour on March 20, 1987, should provide their own transportation. Four-wheel drive vehicles are advisable.

Interested persons may make oral statements to the Board between 10:00 a.m. and 11:00 a.m. on March 19, 1987, or file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 2465 South Townsend, Montrose, Colorado 81401, by March 17, 1987. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Minutes of the Board meeting will be maintained in the District Office and be available for public inspection and reproduction (during regular business hours) within thirty (30) days following the meeting.

Further information on the meeting may be obtained at the above address or by calling (303) 249–7791.

Dated: February 6, 1987.

Paul W. Arrasmith,

District Manager.

[FR Doc. 87–3068 Filed 2–12–87; 8:45 am]

BILLING CODE 4310–JB–M

[ID–030–07–4212–13]

Realty Action; Idaho Falls District; Clark and Jefferson Counties

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of Realty Action, Exchange of Public Lands in Clark and Jefferson Counties, Idaho.

SUMMARY: The following described public lands are suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

T. 9N., R. 36 E., B. M., Idaho,
Sec. 22: SE¼NW¼, NE¼SW¼;
Sec. 26: SE¼NW¼;
Sec. 27: W½;
Sec. 28: SE¼NE¼, E½SE¼, East of Railroad;
Sec. 34: N½NW¼, SE¼SE¼;
Sec. 35: SW¼SW¼.
T. 8 N., R. 36 E., B. M., Idaho,
Sec. 2: Lot 4, SW¼NW¼, W½SW¼;
Sec. 3: Lot 1, SE¼NE¼, E½SE¼;
Sec. 11: NW¼NW¼;
Sec. 12: W½SE¼.
T. 9 N., R. 37 E., B. M., Idaho,
Sec. 19: Lots 3 and 4;
Sec. 30: Lot 1.
T. 9 N., R. 34 E., B. M., Idaho,
Sec. 4: Lot 4;
Sec. 5: Lots 1, 2, 3 and 4.

Totalling 1,396.9 acres more or less.

In exchange for these lands, the Federal government will acquire non-Federal land in Clark and Jefferson counties from Blaine Larsen, described as follows:

T. 9 N., R. 36 E., B. M., Idaho,
Sec. 6: Lots 1 and 2, S½NE¼.
T. 9 N., R. 35 E., B. M., Idaho,
Sec. 1: Lots 1, 2, and 3, S½NE¼, SE¼NW¼, NE¼SW¼, NW¼SE¼;
Sec. 34: S½.
T. 8 N., R. 35 E., B. M., Idaho,
Sec. 22: E½NE¼, NW¼NE¼, N½NW¼;
Sec. 23: S½NW¼, NW¼SW¼.
T. 13 N., R. 39 E., B. M. Idaho,
Sec. 15: NE¼SE¼;
Sec. 16: W½NW¼NE¼, NW¼, SE¼SW¼;
Sec. 21: E½NW¼;
Sec. 22: W½SW¼, SE¼SW¼, SW¼SE¼.

Totalling 1620.16 acres more or less.

The purpose of this exchange is to acquire the non-Federal lands to enhance important public values and uses and to improve management efficiency. The exchange is consistent with the Bureau's planning for the lands involved and has been discussed with the Idaho Department of Fish and Game and Clark County. The public interest will be well served by making the exchange.

The value of the land has been determined by an appraisal and falls within the required twenty-five percent range. Acreage will be adjusted to equalize values or the exchange proponent will waive the difference in values.

The terms and conditions applicable to the exchange are:

A. Selected Lands.

1. The reservation to the United States of a right-of-way for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. All rights and reservations of record at the time patent is issued.

3. Minerals—All minerals will be reserved by the United States on the following selected public lands:

T. 9 N., R. 34 E., B. M., Idaho,
Sec. 5: Lots 1, 2, 3, and 4.

B. Offered Lands—All minerals will be reserved by Larsen on the following offered private lands:

T. 13 N., R. 39 E., B. M., Idaho,
Sec. 16: SE¼SW¼;
Sec. 22: NW¼SW¼, SE¼SW¼, SW¼SE¼.

Unless otherwise noted, the mineral estates will be exchanged with the surface estates.

The publication of this notice in the **Federal Register** will segregate the public lands described above to the extent that they will not be subject to appropriation under the public land laws, including the mining laws. As provided by the regulation of 43 CFR 2201.1(b), any subsequently tendered application, allowance of which is disrectionary, shall not be accepted, shall not be considered as filed, and shall be returned to the applicant.

SUPPLEMENTARY INFORMATION: Detailed information concerning the exchange, including the environmental analysis and the record of public discussion, is available for review at the Idaho Falls District Office, 940 Lincoln Road, Idaho Falls, Idaho 83401.

For a period of 45 days, interested parties may submit comments to the Idaho Falls District Office, at the address listed above.

Dated: February 6, 1987.

Lloyd H. Ferguson,

District Manager.

[FR Doc. 87–3070 Filed 2–12–87; 8:45 am]

BILLING CODE 4310–GG–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–373 (Preliminary)]

Certain Copier Toner From Japan

AGENCY: United States International Trade Commission.

ACTION: Institution of a preliminary antidumping investigation and scheduling of a conference to be held in connection with the investigation.

SUMMARY: The Commission hereby gives notice of the institution of preliminary antidumping investigation No. 731–TA–373 (Preliminary) under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of

imports from Japan of electrically-resistive monocomponent toner and "black powder" preparations therefor of a kind used with electrostatic copying machines, currently provided for in item 408.44 of the Tariff Schedules of the United States, which are alleged to be sold in the United States at less than fair value. As provided in section 733(a), the Commission must complete preliminary antidumping investigations in 45 days, or in this case by March 20, 1987.

For further information concerning the conduct of this investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and B (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201).

EFFECTIVE DATE: February 3, 1987.

FOR FURTHER INFORMATION CONTACT: Ilene Hersher (202–523–4616), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–724–0002.

SUPPLEMENTARY INFORMATION:

Background

This investigation is being instituted in response to a petition filed on February 3, 1987, by Aunyx Corp., Hingham, MA.

Participation in the Investigation

Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than seven (7) days after publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Service List

Pursuant to § 201.11(d) of the Commission's rules (19 CFR § 201.11(d)), the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance. In accordance with §§ 201.16(c) and 207.3 of the rules (19 CFR 201.16(c) and 207.3), each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Conference

The Director of Operations of the Commission has scheduled a conference in connection with this investigation for 9:30 a.m. on February 25, 1987, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, DC. Parties wishing to participate in the conference should contact Ilene Hersher (202–523–4616) not later than February 23, 1987, to arrange for their appearance. Parties in support of the imposition of antidumping duties in this investigation and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference.

Written Submissions

Any person may submit to the Commission on or before February 27, 1987, a written statement of information pertinent to the subject of the investigation, as provided in § 207.15 of the Commission's rules (19 CFR 207.15). A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

Authority: This investigation is being conducted under authority of the Tariff Act of 1930, Title VII. This notice is published pursuant to § 207.12 of the Commission's rules (19 CFR 207.12).

By order of the Commission.

Kenneth R. Mason,

Secretary.

Issued: February 10, 1987.

[FR Doc. 87–3119 Filed 2–12–87; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB–167 (Sub-No. 1081X)]

Conrail Abandonment of the Sayreville Running Track in Middlesex County, NJ; Exemption

Applicant has filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments* to abandon its 1.8-mile line of railroad between milepost 0.0 near South Amboy and milepost 1.8 near Sayreville, in Middlesex County, NJ.

Applicant has certified (1) that no local traffic has moved over the line for at least 2 years and that overhead traffic may be rerouted, and (2) that no formal complaint filed by a user of rail service on the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or any U.S. District Court, or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.-Abandonment-Goshen*, 360 I.C.C. 91 (1979).

The exemption will be effective March 16, 1987 (unless stayed pending reconsideration). Petitions to stay must be filed by February 23, 1987, and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by March 5, 1987 with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Charles E. Mechem, Senior General Attorney, Consolidated Rail Corporation, Room 1138, Six Penn Center Plaza, Philadelphia, PA 19103–2959.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Dated: February 6, 1987.

By the Commission, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 87–3094 Filed 2–12–87; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 1082X)]

Consolidated Rail Corp., Abandonment Exemption in Philadelphia, PA; Exemption

Applicant has filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments* to abandon its 0.7-mile line of railroad known as the Kensington and Tacony Branch between mileposts 0.9 and 1.6 in Philadelphia, PA.

Applicant has certified (1) that no local traffic has moved over the line for at least 2 years and that overhead traffic is not moved over the line or may be rerouted, and (2) that no formal complaint filed by a user of rail service on the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or any U.S. District Court or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.-Abandonment-Goshen,* 360 I.C.C. 91 (1979).

The exemption will be effective March 16, 1987 (unless stayed pending reconsideration). Petitions to stay must be filed by February 23, 1987, and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by March 5, 1987 with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Charles E. Mechem, Senior General Attorney, Consolidated Rail Corporation, Room 1138, Six Penn Central Plaza, Philadelphia, PA 19103-2959.

If the notice of exemption contains false or misleading information, use of the exemption is void ab initio.

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Dated: February 9, 1987.

By the Commission, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 87-3095 Filed 2-12-87; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 1082X)]

Consolidated Rail Corp., Abandonment Exemption in Cleveland, OH; Exemption

Applicant has filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments* to abandon its 0.72-mile line of railroad known as the Clark Branch between mileposts 9.28 and 10.0 in Cleveland, OH.

Applicant has certified (1) that no local traffic has moved over the line for at least 2 years and that overhead traffic is not moved over the line or may be rerouted, and (2) that no formal complaint filed by a user of rail service on the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or any U.S. District Court or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.-Abandonment-Goshen,* 360 I.C.C. 91 (1979).

The exemption will be effective March 16, 1987 (unless stayed pending reconsideration). Petitions to stay must be filed by February 23, 1987, and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by March 5, 1987 with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Charles E. Mechem, Senior General Attorney, Consolidated Rail Corporation, Room 1138, Six Penn Central Plaza, Philadelphia, PA 19103-2959.

If the notice of exemption contains false or misleading information, use of the exemption is void ab initio.

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Dated: February 9, 1987.

By the Commission, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 87-3096 Filed 2-12-87; 8:45 am]

BILLING CODE 7035-01-M

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

A.1. Parent corporation and address of principal office: Metal Masters Foodservice Equipment Co., Inc., 655 Glenwood Avenue, Smyrna, DE 19977.

2. Wholly-owned subsidiaries which will participate in the operations, and States(s) of incorporation: Crystal Tips, Inc., Junction of Highways 9 & 71, Spirit Lake, Iowa 51360. State of incorporation—Delaware.

B.1. Parent corporation and address of principal office: Marathon Electric Manufacturing Corporation, (a Wisconsin corporation), 100 East Randolph Street, Wausau, Wisconsin 54401.

2. Wholly-owned subsidiaries which will participate in the operations, and state(s) of incorporation:

(i) Marathon Special Products Corporation (Ohio)
(ii) Lima Electric Co., Inc. (Delaware)

C.1. Parent corporation and address of principal office: Maytag Corporation, One Dependability Square, Newton, IA 50208.

2. The wholly owned subsidiaries which will participate in the operation and the states of their incorporation are:

(i) Maytag Company, Delaware
(ii) Jenn-Air Company—Division of Maytag Company
(iii) Jenn Industries, Inc., Delaware
(iv) Hardwick Stove Company—Division of Magic Chef, Inc.
(v) Magic Chef, Inc., Delaware
(vi) Magic Chef Air Conditioning—Division of Magic Chef, Inc.
(vii) Admiral—Division of Magic Chef, Inc.
(viii) Norge—Division of Magic Chef, Inc.
(ix) Heatube Company—Division of Magic Chef, Inc.
(x) Warwick Manufacturing Corporation—Virginia
(xi) Ardac, Inc.—Delaware
(xii) Dixie Norco, Inc.—West Virginia

D.1. Parent corporation and address of principal office: Ralston Purina Company, 835 South 8th Street, St. Louis, MO 63164.

2. Wholly owned subsidiaries which will participate in the operations, and state of incorporation.

(a) American Redemption Systems, Inc. (IL)
(b) Bremner, Inc. (DE)
(c) Continental Baking Company (DE)
(d) Eveready Battery Company, Inc. (DE)
(e) Fiber Sales & Development Corp. (DE)
(f) Keystone Resorts Management, Inc. (CO)
(g) Ralston Purina De Puerto Rico, Inc. (DE)

(h) Red & White, Inc. (DE)
(i) Samoa Packing Company (DE)
(j) Van Camp Seafood Company, Inc. (DE)
(k) Van Can Company (DE)
(1) Benco Petfood, Inc. (IL)

E.1. Parent Corporation and Address of Principal Office: Rocco Enterprises, Inc., One Kratzer Avenue, Harrisonburg, Virginia 22801.

2. Wholly-Owned Subsidiaries Which Will Participate in the Operations, and States of Incorporation:

(i) Rocco, Inc.—Virginia
(ii) Rocco Building Supplies, Inc.—Virginia
(iii) Rocco Construction, Inc.—Virginia
(iv) Rocco Disc, Inc.—Virginia
(v) Rocco Farm Foods, Inc.—Virginia
(vi) Rocco Farms, Inc.—Virginia
(vii) Rocco Feeds, Inc.—Virginia
(viii) Rocco FSC, Inc.—Guam
(ix) Rocco Further Processing, Inc.—Virginia
(x) Rocco Investments, Inc.—Delaware
(xi) Rocco Realty, Inc.—Virginia
(xii) Rocco Turkeys, Inc.—Virginia

F.1. Parent corporation, address of principal office and State of Incorporation:

Sara Lee Corporation, Three First National Plaza, Chicago, Illinois 60602 (Maryland)

2. Wholly owned subsidiaries which will participate in the operations, the address of their respective principal offices and their States of Incorporation:

Aris Isotoner Gloves, Inc., 417 Fifth Avenue, New York, New York 10016 (Delaware)
Bali Company, 3330 Healy Dr., Winston-Salem, North Carolina 27103 (Delaware)
Booth Fisheries Corporation, Two North Riverside Plaza, Chicago, Illinois 60606 (Delaware)
Bryan Foods, Inc., 1 Churchill Road, P.O. Box 1177, West Point, Mississippi 39773 (Mississippi)
Capitol Fish Company, Inc., d/b/a Capitol Foods, 6501 Fulton Industrial Blvd., Atlanta, Georgia 30336 (Georgia)
Chef Pierre, Inc., 2314 Sybrandt St., P.O. Box 1009, Traverse City, Michigan 49685 (Delaware)
Circle T Foods Company, Inc., 4560 Leston, Dallas, Texas 75247 (Texas)
Coach Leatherware Inc., 516 West 34th Street, New York, New York 10001 (Delaware)
Country Commons Inc., 500 Waukegan Road, Deerfield, Illinois 60015 (Delaware)
Douwe Egberts Coffee Service, Inc., 990 Supreme Drive, Bensenville, Illinois 60106 (Delaware)
Electrolux Corporation, 3003 Summer Street, Stamford, Connecticut 06905 (Delaware)
Emmber Brands, Incorporated, P.O. Box 2006, Milwaukee, Wisconsin 53201 (Wisconsin)
Epic Company, Inc., Jimmy Dean Avenue, Osceola, Iowa 50213 (Illinois)
Frigid Freeze Foods, Inc., 1025 Electric Road, Salem, Virginia 24153 (Virginia)
Frozen Farm Products, Inc., Burns Avenue at Canan Station, Altoona, Pennsylvania 16603 (Pennsylvania)
The Fuller Brush Company, 2800 Rockcreek Parkway, Suite 400, North Kansas City, Missouri 64117 (Connecticut)
Gibbon Packing Company, P.O. Box 2006, Milwaukee, Wisconsin 53201 (Nebraska)
Green Hill Incorporated, Rt. 11, Elliston, Virginia 24087 (Virginia)
Hanes Knitwear/Printables, Inc., 3334 Healy Drive., Winston Salem, North Carolina 27103 (Delaware)
Higdon Food Service, Inc., 1350 N. 10th St., Paducah, Kentucky 44002 (Kentucky)
Hollywood Brands, Inc., 100 S. Poplar, Centralia, Illinois 62801 (Delaware)
Illinois Fruit & Produce Corp., One Quality Lane, Streator, Illinois 61364 (Illinois)
The Jimmy Dean Meat Company, Inc., 1341 W. Mockingbird Lane, Dallas, Texas 75247 (Texas)
Kitchens of Sara Lee, Inc., 500 Waukegan Road, Deerfield, Illinois 60015 (Delaware)
Kiwi Brands Inc., Route 662 North, Douglassville, Pennsylvania 19518 (Delaware)
Landlock Seafood Company, Inc., 4119 Billy Mitchell Road, Addison, Texas 75001 (Texas)
L'eggs Brands, Inc., P.O. Box 2495, 5660 University Parkway, Winston-Salem, North Carolina 27105 (North Carolina)
Lipes Foods, Inc., Elliston, Virginia 24087 (Virginia)
Lily Packing, Inc., P.O. Box 2006, Milwaukee, Wisconsin 53201 (Michigan)
Lo-Temp Express, Inc., Burns Avenue at Canan Station, Altoona, Pennsylvania 16603 (Pennsylvania)
Lyon's Restaurants, Inc., 1165 Triton Drive, Foster City, California 94404 (Delaware)
Lyon's Restaurants in Oregon, Inc., 1165 Triton Drive, Foster City, California 94404 (Oregon)
Moo-Battue, Inc., P.O. Box 2006, Milwaukee, Wisconsin 53201 (Wisconsin)
Ozark Salad Company, Inc., 100 N. Youngman, Baxter Springs, Kansas 66713 (Delaware)
Peck Meat Packing Corporation, P.O. Box 2006, Milwaukee, Wisconsin 53201 (Wisconsin)
Premier Fish Company, 1300 W. Higgins, Park Ridge, Illinois 60068 (Washington)
Priddy's Quality Foods, Inc., 204 H N.E., Ardmore, Oklahoma 73401 (Oklahoma)
PYA/Monarch, Inc., 107 Frederick Street, P.O. Box 1328, Greenville, South Carolina 29602 (Delaware)
Schloss & Kahn, Inc., US Highway 80 & Newcomb Avenue, Montgomery, Alabama 36195 (Delaware)
Sirena, Inc., 10333 Vacco Street, P.O. Box 3307, South Elmonte, California (California)
Sky Bros., Inc., Burns Avenue at Canan Station, Altoona, Pennsylvania 16603 (Pennsylvania)
Sky Bros. of Lemoyne, Inc., 1135 North Plymouth St., Allentown, Pennsylvania 16103 (Pennsylvania)
Standard Meat Company, 3709 East First Street, Fort Worth, Texas 76111 (Texas)
Superior Coffee and Foods, Inc., 990 Supreme Drive, Bensenville, Illinois 60106 (Illinois)
Sweet Sue Kitchens, Inc., McArthur Drive, Athens, Alabama 35611 (Alabama)
Twin Rivers Transportation Company, 955 Hamilton Drive, University Park, Illinois 60466 (Illinois)
Wolferman's, Inc., One Muffin Lane, North Kansas City, Missouri 64116 (Delaware)

3. Wholly owned divisions which will participate in the operations and their addresses:

Buring Foods division of Sara Lee Corporation, 1837 Harbor Ave., Memphis, Tennessee 38113
Direct Marketing division of Sara Lee Corporation, 480 Hanes Mill Road, Winston-Salem, North Carolina 27105
Direct Sales division of Sara Lee Corporation, 470 Hanes Mill Road, Winston-Salem, North Carolina 27105
Direct Store Delivery division of Sara Lee Corporation, 5650 University Parkway, Winston-Salem, North Carolina 27106
Gallileo-Capri Salami division of Sara Lee Corporation, 2411 Baumann Ave., San Lorenzo, California 94580
Gallo Salame, division of Sara Lee Corporation, 250 Brannan St., San Francisco, California 94107
Gordon County Farm Company division of Rudy's Farm Company, P.O. Box 1267, Mauldin Road, Calhoun, Georgia 30701
Hanes Hosiery division of Sara Lee Corporation, 401 Hanes Mill Road, Winston Salem, North Carolina 27105
Hanes Knitwear division of Hanes Knitwear/Printables, Inc., 450 Hanes Mill Road, Winston-Salem, North Carolina 27105
Hanes Printables division of Hanes Knitwear/Printables, Inc., 3334 Healy Drive, Winston Salem, North Carolina 27103
Hi-Brand Foods division of Sara Lee Corporation, P.O. Box 2048, Peachtree City, Georgia 30269
Hillshire Farm Company division of Sara Lee Corporation, P.O. Box 227, Rte. No. 4, New London, Wisconsin 54961
Kahn's and Company division of Sara Lee Corporation, 3241 Spring Grove Ave., Cincinnati, Ohio 45225
L'eggs Products division of Sara Lee Corporation, P.O. Box 2495, 5660 University Parkway, Winston-Salem, North Carolina 27105
Porter Foods division of PYA/Monarch, Inc., P.O. Box 6160, Little Rock, Arkansas 72216
R.B. Rice Company division of Sara Lee Corporation, 1951 Rice Road, Lee's Summit, Missouri 64063
Rudy's Farm Company division of Sara Lee Corporation, 2424 Music Valley Drive, Nashville, Tennessee 37214
Superior Coffee and Foods division of Sara Lee Corporation, 990 Supreme Drive, Bensenville, Illinois 60106

G.1. Parent corporation and address of principal office: Savage Industries, Inc. located at 5250 South 300 West, Suite 200; Salt Lake City, Utah 84017, a Utah Corporation.

2. Wholly owned subsidiaries which will participate in the operations and state of incorporation, are as follows:

A. Ashworth Transfer, Inc., 961 Pioneer Road, Salt Lake City, UT 84104, A Utah Corporation

B. Cornelius Development Corporation, 8 North Center, American Fork, UT 84003, A Utah Corporation
C. Ideal Concrete Corporation, 748 West 300 South, Salt Lake City, UT 84101, A Utah Corporation
D. Savage Coal Service Corporation, 5295 South 300 West, Suite 455, Salt Lake City, UT 84107, A Utah Corporation
E. Savage Energy Service Corporation, 5295 South 300 West, Suite 455, Salt Lake City, UT 84107, A Utah Corporation
F. Savage Manufacturing Corporation, 310 West 700 South, Pleasant Grove, UT 84602, A Utah Corporation
G. Three–S Corporation, 5250 South 300 West, Suite 200, Salt Lake City, UT 84107, A Utah Corporation
H. Western Coal Carrier Corporation, P.O. Box 790, Huntington, UT 84528, A Utah Corporation
I. Western Rock Products Corporation, 675 North Industrial Road #3, St. George, UT 84770, A Utah Corporation
J. Savage Brothers, Inc., A Utah Corporation.

H.1. Parent corporation and address of principal office: Valley Banana King, Inc., P.O.Box 999, Alamo, Texas 78516, Incorporation in Texas.

2. Wholly-owned subsidiary which will participate in the operations, and address of its respective principal office: Valley Banana Trucking, Inc., P.O.Box 999, Alamo, Texas 78516, Incorporation in Texas.

G.1. Parent corporation and address of principal office: West Point—Pepperell, Inc., 400 West Tenth Street, West Point, Georgia 31833, Georgia.

2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices and states of incorporation:

Alatex, Inc., 620 River Falls Street, Andalusia, AL 36420 (Delaware)
Arrow Inter-American, Inc., 433 River Street, Troy, NY 12180 (Delaware)
Cluett Peabody & Co., Inc., 400 West 10th Street, West Point, GA 31833 (Georgia)
Leroy, Inc., 9818 Reisterstown Road, Owings Mills, MD 21117 (Maryland)
Shoreham Classics, Inc., 530 5th Avenue, New York, NY 10036 (New York)
WestPoint Pepperell Trans. Co., 400 West 10th Street, West Point, GA 31833 (Georgia)
Annedeen Corporation, 661 Plaid Street, Burlington, NC 27215 (North Carolina)
Cluett Apparel Outlet, Inc., 3522 175 Business Spur, Sault Ste. Marie, MI 49873 (Michigan)
Hometown Mfg. Co., Inc., Industrial Boulevard, Greensboro, GA 30642 (New York)
Old Mission Textiles, Inc., 400 West 10th Street, West Point, Georgia 31833 (Georgia)
Stratton Industries, Inc.,779 South Erwin Street, Cartersville, Georgia 30120 (New York)

Noreta R. McGee,

Secretary.

[FR Doc. 87–3097 Filed 2–12–87; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research Act of 1984; Bell Communications Research, Inc.; et al.

Notice is hereby given that pursuant to section 6(a) of the National Cooperative Research Act of 1984, Pub. L. 98–462 ("the Act"), Bell Communications Research, Inc. ("Bellcore") has filed a written notification on behalf of Bellcore and FUJITSU LIMITED and FUJITSU LABORATORIES LTD. (hereinafter collectively known as "FUJITSU"), simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties of the joint venture and (2) the nature and objectives of the joint venture. The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties to the joint venture, and its general areas of planned activities, are given below.

Bellcore is a Delaware corporation with its principal place of business at 290 West Mount Pleasant Avenue, Livingston, New Jersey 07039.

FUJITSU is a Japanese corporation with its registered office at 1015, Kimikodanaka, Nakahara-ku, Kawasaki-shi, Kanagawa-ken 211, Japan.

Bellcore and FUJITSU entered into an agreement on November 13, 1986 to collaborate on research to gain further knowledge and understanding of technologies for new communication services and human interfaces, including:

(a) concepts of new communication services,

(b) case studies of new services based on the above concepts and studies of man-machine interfaces for assessing them, and

(c) studies of interfaces between terminals and communications systems.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 87–3113 Filed 2–12–87; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research Act of 1984; Bell Communications Research, Inc. et al.

Notice is hereby given that pursuant to section 6(a) of the National Cooperative Research Act of 1984, Pub. L. 98–462 ("the Act"), Bell Communications Research, Inc. on behalf of Ameritech Services, Inc., Bell Atlantic Network Services, Inc., BellSouth Services Incorporated, NYNEX Service Company, Pacific Bell, Southwestern Bell Telephone Company, and U S WEST, INC. has filed a written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties to the IN/2 Venture. The notification was filed for the purpose of invoking the provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties to the IN/2 Venture and the areas of planned activities of the IN/2 Venture are given below:

I. Identification of the parties

The IN/2 Venture presently consists of the following parties:

1. Ameritech Services, Inc.
2. Bell Atlantic Network Services, Inc.
3. Bell Communications Research, Inc.
4. BellSouth Services Incorporated.
5. NYNEX Service Company.
6. Pacific Bell.
7. Southwestern Bell Telephone Company.
8. U S WEST, Inc.

II. Areas of Planned Activity

The objective of the IN/2 Venture is to validate a new network architecture that will establish a framework for the telecommunications network architecture of the 1990's by providing the capability to rapidly introduce a variety of new services. The IN/2 architecture will be comprised of a series of network interfaces and protocols for the creation or modification of exchange and exchange access telecommunications services. This project will be accomplished through analytic studies, laboratory testing and field experimentation, with appropriate consideration given at each stage to determine the technical and economic feasibility of going forward with the IN/2 Venture.

As the IN/2 Venture proceeds, participation is expected to be open to other interested parties. The progress of the IN/2 Venture and the results achieved will be disclosed to the public by means of industry symposia, press releases and publication of technical documents on a timely basis.

Joseph H. Widmar,

Director of Operations Antitrust Division.

[FR Doc. 87–3114 Filed 2–12–87; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to Section 6(b) of the National Cooperative Research Act of 1984; Corporation for Open Systems International

The National Cooperative Research Act of 1984—The Corporation for Open Systems International.

Notice is hereby given that pursuant to section 6(a) of the National Cooperative Research Act of 1984, Pub.L. No. 98–462 (the "Act"), the Corporation for Open Systems International ("COS") has filed an additional written notification simultaneously with the Attorney General and the Federal Trade Commission on January 2, 1987 disclosing changes in the membership of COS. The additional written notification was filed for the purpose of extending the protections of Section 4 of the Act limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

On May 14, 1986 COS filed its original notification pursuant to section 6(a) of the Act. The Department of Justice (the "Department") published a notice in the Federal Register pursuant to section 6(b) of the Act on June 11, 1986. 51 F.R. 21260. On August 6, 1986 and September 30, 1986, COS filed additional written notifications. The Department published notices in the Federal Register in response to these additional notifications on September 4, 1986 (51 F.R. 31736) and on October 28, 1986 (51 F.R. 39434), respectively.

On October 30, 1986, International Computers Ltd. became a party to COS. On December 9, 1986, TECSIEL S.p.A. became a party to COS. Effective January 1, 1987, Sperry Corporation and Burroughs Corporation were no longer parties to COS, and Unisys Corporation, the successor corporation to Sperry Corporation and Burroughs Corporation, became a party to COS.

Joseph H. Widmar,

Director of Operations Antitrust Division.

[FR Doc. 87–3115 Filed 2–12–87; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research Act of 1984; Semiconductor Research Corp.

Notice is hereby given that pursuant to section 6(a) of the National Cooperative Research Act of 1984, Pub. L. 98–462 ("the Act"), the Semiconductor Research Corporation ("SRC") has filed a written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing certain changes in the membership of SRC. The changes consist of the substitution of Unisys for Burroughs Corporation and Sperry Corporation as a result of their recent merger, the addition of Applied Materials, Inc., the deletion of E/G Electrograph Inc., Flexible Manufacturing Systems, Inc., Isitec Corporation, Probe-Rite, Inc., Pure Aire Corporation, Semi-Gas Systems, Inc., and Universal Energy System, Inc. from the Semiconductor Equipment and Materials Institute, Inc. ("SEMI") Chapter of the SRC, and the addition of the following companies to the SEMI Chapter of the SRC:

ASYST Technologies, Inc.
FSI Corporation
Logical Solutions Technologies, Inc.
Optical Specialities, Inc.
PT Analytic, Incorporated
Solid State Equipment Corp.
Thermco Systems, Inc.

Furthermore, Amedyne is now known as Dynapert/Amedyne.

The SRC filed its notification of these membership changes for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties of SRC and SRC's general areas of planned activity are given below.

SRC is a joint venture which, with the deletion and addition of the previously identified companies to the SRC and the SEMI Chapter, comprises the following members:

Advanced Micro Devices, Incorporated
Applied Materials, Inc.
AT&T Technologies, Incorporated
Control Data Corporation
Digital Equipment Corporation
E.I. du Pont de Nemours & Company
Eastman Kodak Company
Eaton Corporation
E-Systems Inc.
GCA Corporation
General Electric Company
General Motors Corporation
Goodyear Aerospace Corporation
GTE Laboratories, Incorporated
Harris Corporation
Hewlett-Packard Company
Honeywell, Incorporated
IBM Corporation
Intel Corporation
LSI Logic Corporation
Monolithic Memories, Incorporated
Monsanto Company
Motorola, Incorporated
National Semiconductor Corporation
Perkin-Elmer Company
RCA Corporation
Rockwell International Corp.
SEMI Chapter, the members of which are the following:
  ASYST Technologies, Inc.
  Dynapert/Amedyne
  Eagle-Picher Ind. Inc.
  Emergent Technologies Corporation
  FEP Analytic (division of Verity Instruments, Inc.)
  FSI Corporation
  Genus, Inc.
  Gryphon Products
  Hercules Specialty Chemicals Company
  Ion Beam Technologies, Inc.
  Ion Implant Services
  Lehighton Electronics, Inc.
  Logical Solutions Technologies, Inc.
  Mac Dermid, Inc.
  Machine Intelligence Corp.
  Machine Technology, Inc.
  MG Industries/Scientific Gases
  Micrion Corporation
  Micromanipulator Company, Inc.
  Micronix Corporation
  Oneac Corporation
  Optical Specialities, Inc.
  Pacific Western Systems, Inc.
  Peak Systems, Inc.
  PT Analytic, Incorporated
  Sage Enterprises, Inc.
  The SEMI Group, Inc.
  Silsco, Inc.
  Solid State Equipment Corp.
  Thermco Systems, Inc.
  UTI Instruments Company
  VLSI Standards, Inc.
  XMR, Inc.
Silicon Systems, Incorporated
Texas Instruments, Incorporated
Union Carbide Corporation
Unisys
Varian Associates, Incorporated
Westinghouse Electric Corporation
Xerox Corporation

SRC's purpose is to plan, promote, coordinate, sponsor, and conduct research supportive of the semiconductor industry and directed toward:

1. Increasing knowledge of semiconductor materials and phenomena, and of related scientific and engineering subjects that are required for the useful application of semiconductors;

2. Developing new and more efficient designs and manufacturing technologies for semiconductor devices;

3. Identifying directions, limits, opportunities, and problems in generic semiconductor technologies;

4. Increasing the number of scientists and engineers proficient in research, development, and manufacture of semiconductor devices;

5. Increasing industry-university ties, establishing university semiconductor research centers with major long-term research thrusts, and developing university semiconductor research activities with more precisely defined, short-term objectives;

6. Developing more relevant graduate school education and a larger supply of graduate students in areas related to semiconductor technology;

7. Increasing the ability of universities to attract and retain competent faculty in the semiconductor field;

8. Decreasing fragmentation and redundancy in United States semiconductor research;

9. Establishing advanced research efforts for critical semiconductor technology areas that are beyond the individual resources of many SRC members;

10. Promoting efficient communication of research results to SRC members and to the United States semiconductor community as a whole.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 87-3116 Filed 2-12-87; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Office of the Secretary

All Items Consumer Price Index for All Urban Consumers; United States City Average

Pursuant to section 112 of the 1976 amendments to the Federal Election Campaign Act (Pub. L. 94-283, 2 U.S.C. 441a), the Secretary of Labor has certified to the Chairman of the Federal Election Commission and publishes this notice in the **Federal Register** that the United States City Average All Items Consumer Price Index for All Urban Consumers (1967=100) increased 122.3 percent from its 1974 annual average of 147.7 to its 1986 annual average of 328.4. Using 1974 as a base (1974=100), I certify that the United States City Average All Items Consumer Price Index for All Urban Consumers thus increased 122.3 percent form its 1974 annual average of 100 to its 1986 annual average of 222.3.

Signed at Washington, DC, on the 3rd day of February 1987.

William E. Brock,

Secretary of Labor.

[FR Doc. 87-3150 Filed 2-12-87; 8:45 am]

BILLING CODE 4510-24-M

Employment and Training Administration

[TA-W-17,940]

Akron Metal Products Division, Goodyear Tire and Rubber Co., Akron, OH; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18 an application for administrative reconsideration was filed with the Director of the Office of Trade Adjustment Assistance for workers at the Akron Metal Products Division, Goodyear Tire & Rubber Company, Akron, Ohio. The review indicated that the application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA-W-17,940; Akron Metal Products Division, Goodyear Tire and Rubber Company, Akron, Ohio (February 5, 1987).

Signed at Washington, DC, this 5th day of February 1987.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 87-3155 Filed 2-12-87; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-18,224]

Carbon Coal, Gallup, NM; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18 an application for administrative reconsideration was filed with the Director of the Office of Trade Adjustment Assistance for workers at the Carbon Coal, Gallup, New Mexico. The review indicated that the application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA-W-18,224; Carbon Coal, Gallup, New Mexico (February 3, 1987).

Signed at Washington, DC, this 5th day of February 1987.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 87-3156 Filed 2-12-87; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-18,947]

Cardinal Drilling Co., Billings, MT; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on January 12, 1987 in response to a worker petition received on January 12, 1987; and filed by employees on behalf of workers at Cardinal Drilling Company, Billings, Montana.

The petitioning group of workers are subject to an ongoing investigation for which a determination has not yet been issued (TA-W-18,866). Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed at Washington, DC, this 20th day of January 1987.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 87-3151 Filed 2-12-87; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-18,507]

Damson Oil Corp. Denver District Office Denver, CO; Affirmative Determination Regarding Application for Reconsideration

By an application dated December 15, 1986, a petitioner requested administrative reconsideration of the Department of Labor's Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance on behalf of workers and former workers at Damson Oil Corporation, Denver District Office, Denver Colorado. The determination was published in the **Federal Register** on December 2, 1986 (51 FR 43483).

The petitioner claims that workers at the Denver facility were related by ownership and control to Damson Oil Corporation, Houston, Texas, the parent company, whose workers are certified for trade adjustment assistance. It is claimed that worker separations at Denver were caused by reduced demand for their services by their parent company.

Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC, this 2nd day of February 1987.

Harold A. Bratt,

Deputy Director, Office of Program Management, UIS.

[FR Doc. 87-3154 Filed 2-12-87;8:45am]

BILLING CODE 4510-30-M

[TA-W-18,486]

Franklin Supply Co., Denver and Brighton, CO; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18 an application for administrative reconsideration was filed with the Director of the Office of Trade Adjustment Assistance for workers at the Franklin Supply Company, Denver and Brighton, Colorado. The review indicated that the application contained

no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA-W-18,486; Franklin Supply Company Denver and Brighton, Colorado (February 4, 1987).

Signed at Washington, DC this 5th day of February 1987.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 87-3157 Filed 2-12-87;8:45 am]

BILLING CODE 4510-30-M

[TA-W-18,976]

Gaffney, Cline & Associates, Dallas, TX; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on January 20, 1987 in response to a worker petition received on January 20, 1987; and filed by the company on behalf of workers at Gaffney, Cline & Associates, Dallas, Texas.

A negative determination applicable to the petitioning group of workers was issued on January 27, 1987 (TA-W-18,958). No new information is evident which would result in a reversal of the Department's previous determination. Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed at Washington, DC this 5th day of February 1987.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 87-3152 Filed 2-12-87; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-18,682]

Great Bend Well Service, Inc., Great Bend, KS; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18 an application for administrative reconsideration was filed with the Director of the Office of Trade Adjustment Assistance for workers at the Great Bend Well Service, Inc., Great Bend, Kansas. The review indicated that the application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA-W-18,682; Great Bend Well Service, Incorporated, Great Bend, Kansas (February 4, 1987).

Signed at Washington, DC this 5th day of February 1987.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 87-3158 Filed 2-12-87; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-18,551]

Molycorp, Inc., Washington, PA; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18 an application for administrative reconsideration was filed with the Director of the Office of Trade Adjustment Assistance for workers at the Molycorp, Incorporated, Washington, Pennsylvania. The review indicated that the application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA-W-18,551; Molycorp, Incorporated, Washington, Pennsylvania (February 4, 1987).

Signed at Washington, DC this 5th day of February 1987.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 87-3159 Filed 2-12-87; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-17, 780]

MRC Bearings Formerly TRW Bearings Division, Plainville, CT; Negative Determination Regarding Application for Reconsideration

By an application dated December 10, 1986, the United Auto Workers requested administrative reconsideration of the Department of Labor's Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers at MRC Bearings, Plainville, Connecticut. The denial notice was published in the **Federal Register** on December 12, 1986 (51 FR 44845).

Pursuant to CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous:

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered: or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The union states that the production volume was not sufficient for the Plainville plant to remain open after it ceased production of single row bearings; consequently, the remaining production would have to be transferred to another domestic company location.

Findings in the investigation did not substantiate that increased imports contributed importantly to worker separations. A Department of Labor survey revealed that customers of MRC Bearings did not purchase imported bearings in 1984 or 1985. The survey also showed that although some customers did import in the first half of 1986, their imported bearing purchases accounted for an unimportant portion of the survey group's decline in purchases from MRC in the first half of 1986 compared with the first half of 1985.

The union furnished statements by company officials which indicate that the import problem goes back 15 years. Worker separations prior to July 16, 1985, one year before the date of the petition are outside the scope of the Department's factfinding investigation. Section 223(b) (1) of the Act does not permit the certification of workers separated more than one year prior to the date of the petition which in this case is July 16, 1986.

Further, the transfer of the remaining production from Plainville (double row bearings) in the first quarter of 1987 to another domestic company plant also would not provide a basis for certification.

Conclusion

After review of the application and investigative findings. I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 2nd day of February, 1987.

Harold A. Bratt,

Deputy Director, Office of Program Management, UIS.

[FR Doc. 87-3172 Filed 2-12-87; 8:45 am]

BILLING CODE 4510-03-M

[TA-W-18, 964]

W.B. Hinton Drilling Co., Mt. Pleasant, TX; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on January 12, 1987 in response to a worker petition received on January 12, 1987; and filed by employees on behalf of workers at W.B. Hinton Drilling Company, Mt. Pleasant, Texas.

A negative determination applicable to the petitioning group of workers was issued on October 15, 1986 (TA-W-18,065). No new information is evident which would result in a reversal of the Department's previous determination. Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed at Washington, DC, this 20th day of January 1987.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 87-3153 Filed 2-12-87; 8:45 am]

BILLING CODE 4510-30-M

Job Training Partnership Act (JTPA) Allotments; Wagner-Peyser Act Preliminary Planning Estimates; Program Year (PY) 1987

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: This notice announces State Job Training Partnership Act (JTPA) allotments for Program Year (PY) 1987 (July 1, 1987—June 30, 1988) for JTPA Titles II-A and III, and for the summer youth program in Calendar Year (CY) 1987 for JTPA Title II-B; and preliminary planning estimates for public employment service activities under the Wagner-Peyser Act for PY 1987.

FOR FURTHER INFORMATION CONTACT: For JTPA allotments, contact Mr. Robert N. Colombo, Director, Office of Employment and Training Programs, Room N4703, 200 Constitution Avenue NW., Washington, DC 20210; Telephone: 202-535-0577. For Employment Service planning levels contact Mr. Robert A. Schaerfl, Director, U.S. Employment Service, Room N4470, 200 Constitution Avenue NW., Washington, DC 20210; Telephone: 202-535-0157.

SUPPLEMENTARY INFORMATION: The Department of Labor (DOL) is announcing Job Training Partnership Act (JTPA) allotments for Program Year (PY) 1987 (July 1,1987—June 30, 1988) for JTPA Titles II-A and III, and for the summer youth program in Calendar Year (CY) 1987 for JTPA Title II-B; and, in accord with section 6(b)(5) of the Wagner-Peyser Act, preliminary planning estimates for public employment service activities under the Wagner-Peyser Act for PY 1987. The allotments and estimates are based on the appropriations to DOL for Fiscal Year (FY) 1986 and FY 1987. JTPA Titles II-A and III allotments are subject to change since rescissions have been requested under both titles. The Congress has 45 legislative days (beginning with the date the request is "enrolled" as having been received) in which to vote on rescission requests. Unless the request is approved by both Houses within that time period the rescissions do not go into effect. These requests were submitted to Congress on January 5, 1987. A negative supplemental appropriation request has also been submitted to the Congress for public employment service activities authorized under sections 7 (a) and (b) of the Wagner-Peyser Act. It is not subject to the 45-day requirement of a recission; however, if the Congress does not affirm the request by July 1, 1987, the full amount appropriated will be available for allocation.

Attached are a list of the allotments for PY 1987 (July 1, 1987 through June 30, 1988) for programs under JTPA Titles II-A and III, a list of the allotments for the 1987 summer youth program under Title II-B of JTPA, and a list of preliminary planning estimates for public employment service activities under the Wagner-Peyser Act. The JTPA allotments are based on the funds appropriated by Pub. L. 99-591 for FY 1987, the statutory formulas contained in JTPA and the latest data available to the Secretary. These JTPA allotments will not be updated for subsequent unemployment data. The Employment Service preliminary estimates will be redone as final estimates to reflect CY 1986 data, and published in the **Federal Register** at a later date.

JTPA Title II-A Allotments. Attachment No. I shows the PY 1987 JTPA Title II-A allotments by State based on a total appropriation of $1,840,000,000. The amount allocated is composed entirely of PY 1987 formula funds. For all States, Puerto Rico, and the District of Columbia, the following data were used in developing these allotments:

- Data for areas of substantial unemployment are averages for the 12-month period, July 1985 through June 1986.
- The number of excess unemployed individuals or the area of substantial unemployment excess (depending on which is higher) are averages for this same 12-month period, July 1985 through June 1986.
- The economically disadvantaged data are from the 1980 Census.

The allotments for the Insular Areas and Freely Associated States (FASs) are based on estimated 1985 unemployment. The estimated unemployment data were developed using 1980 Census unemployment as a base. The 1980 data were updated according to relative shifts in the population. A 90-percent relative share hold-harmless of the Title II-A allotments for these areas and a minimum allotment of $125,000 were also applied in determining the allotments. PY 1987 JTPA Title II-A funds are to be distributed among designated service delivery areas (SDAs) in accordance with the revised statutory formula for programs under JTPA Titles II-A and II-B as contained in section 5 of the JTPA Amendments of 1986.

JTPA Title II-B Allotments. Attachment No. II shows the CY 1987 JTPA Title II-B allotments by State based on a total FY 1986 available appropriation of $635,976,000. The data used for these allotments are the same data as were used for JTPA Title II-A allotments. The amount allotted is composed entirely of CY 1987 formula funds.

For Palau, the FASs, and the Insular Areas, the amount is based on the percentage of Title II-B funds each area received during the previous summer.

CY 1987 Title II-B summer youth funds are to be distributed among designated SDAs in accordance with the revised statutory formula for programs under JTPA Titles II-A and II-B contained in section 5 of the JTPA Amendments of 1986. For purposes of determining State hold-harmless levels, total allotments which included excess carryout were used. Likewise, for purposes of determining SDA hold-harmless levels, funds from supplemental JTPA Title II-B appropriations are to be included as are reallocated JTPA Title II-B funds.

JTPA Title III Allotments. Attachment No. III shows the PY 1987 JTPA Title III Dislocated Worker Program allotments. Column 3 shows the total appropriation of $200,000,000, which includes the base allotment of Federal funds totaling $150,000,000 and the national reserve of $50,000,000, to be distributed at a later date. The base funds are subject to the matching requirements contained in Section 304 of JTPA. Allotments for Guam, the Virgin Islands, American Samoa, the Republic of Palau/Trust Territories of the Pacific Islands (RP/TTPI), the Federated States of

Micronesia, the Republic of the Marshall Islands (RMI), and the Commonwealth of the Northern Marianas are based on the proportion these jurisdictions received of JTPA Title II–A funds. Except for the above-listed Palau, FASs, and Insular Areas, the unemployment data used for determining these allotments, relative numbers of unemployed and relative numbers of excess unemployed, are averages for the September 1985 through August 1986 period. Long-term unemployed data used were for CY 1985.

Column 4 shows a total amount of $111,567,487. This represents the total amount States must provide in matching in accordance with section 304 of JTPA to be eligible for the Federal allotment listed in Column 3.

Column 5 shows a total amount of $311,567,487, the sum of Columns 3 and 4. This represents the total resources available for the JTPA Title III Dislocated Worker Program based on PY 1987 allotments.

Wagner-Peyser Act Employment Service Preliminary Planning Estimates. Attachment No. IV shows preliminary Employment Service planning estimates which have been produced using the legislatively-mandated formula. See Wagner-Peyser Act section 6(a) and (b). These estimates are based on preliminary data on each State's relative share of civilian labor force and unemployment for the 12-month period ending September 1986. The methodology for allocating the Secretary's 3-percent setaside is unchanged from that used in the prior year. See Wagner-Peyser Act section 6(b)(4); and 51 FR 8373 (March 11, 1986).

Final allotments will be issued on or before March 27, 1987, based on CY 1986 data, and published in the **Federal Register.** The amount appropriated for public employment service activities is $755,200,000; however, $14 million has been withheld from distribution to finance postage costs associated with the conduct of employment service business, leaving $741,200,000 to be distributed. Ten percent of the planning estimate may be reserved at the discretion of the Governor for activities described in section 7(b) of the Wagner-Peyser Act, as amended.

Signed at Washington, DC, this 9th day of February 1987.

Roger D. Semerad,

Assistant Secretary of Labor.

BILLING CODE 4510-30-M

ATTACHMENT I

U.S. DEPARTMENT OF LABOR—EMPLOYMENT AND TRAINING ADMINISTRATION
OFFICE OF FINANCIAL AND ADMINISTRATIVE MANAGEMENT
PY 1987 JTPA TITLE II-A ALLOTMENTS TO STATES
01-05-1987

	ALLOTMENT
Alabama	41,040,863
Alaska	5,465,483
Arizona	21,039,533
Arkansas	21,789,115
California	187,764,063
Colorado	20,405,090
Connecticut	12,082,962
Delaware	4,587,806
District of Columbia	6,070,755
Florida	60,378,656
Georgia	37,852,067
Hawaii	5,926,047
Idaho	8,825,753
Illinois	105,554,229
Indiana	41,803,322
Iowa	21,867,732
Kansas	10,437,358
Kentucky	39,580,809
Louisiana	59,969,851
Maine	6,800,638
Maryland	19,407,568
Massachusetts	25,731,617
Michigan	89,100,308
Minnesota	23,754,897
Mississippi	31,642,309
Missouri	30,879,373
Montana	6,974,457
Nebraska	8,045,827
Nevada	7,175,103
New Hampshire	4,587,806
New Jersey	37,106,859
New Mexico	14,629,574
New York	120,132,026
North Carolina	35,015,949
North Dakota	4,587,806
Ohio	94,601,730
Oklahoma	25,304,663
Oregon	25,332,161
Pennsylvania	90,851,453
Puerto Rico	74,045,065
Rhode Island	5,550,257
South Carolina	23,828,804
South Dakota	4,587,806
Tennessee	40,579,932
Texas	133,423,215
Utah	8,538,745
Vermont	4,587,806
Virginia	29,879,327
Washington	35,734,733
West Virginia	23,007,402
Wisconsin	32,667,826
Wyoming	4,587,806
American Samoa	248,925
Guam	1,099,889
Marshall Islands	486,254
Micronesia	1,143,982
Northern Marianas	125,000
Palau	125,000
Virgin Islands	1,648,608
NATIONAL TOTAL	1,840,000,000

ATTACHMENT II

U.S. DEPARTMENT OF LABOR—EMPLOYMENT AND TRAINING ADMINISTRATION
OFFICE OF FINANCIAL AND ADMINISTRATIVE MANAGEMENT
PY 1986 JTPA TITLE II-B ALLOTMENTS TO STATES
01-05-1987

	ALLOTMENT
Alabama	13,001,196
Alaska	1,760,978
Arizona	6,936,781
Arkansas	7,142,914
California	61,652,849
Colorado	6,690,683
Connecticut	6,539,717
Delaware	1,558,379
District of Columbia	5,418,804
Florida	20,213,749
Georgia	12,541,377
Hawaii	1,974,003
Idaho	2,882,470
Illinois	34,163,401
Indiana	14,899,797
Iowa	7,116,479
Kansas	3,621,762
Kentucky	12,878,152
Louisiana	19,337,962
Maine	2,476,101
Maryland	9,251,822
Massachusetts	13,606,919
Michigan	28,821,465
Minnesota	7,822,582
Mississippi	10,316,156
Missouri	11,247,476
Montana	2,286,261
Nebraska	2,660,953
Nevada	2,326,779
New Hampshire	1,558,379
New Jersey	17,660,751
New Mexico	4,784,124
New York	40,357,817
North Carolina	11,922,068
North Dakota	1,558,379
Ohio	30,646,773
Oklahoma	8,261,133
Oregon	8,219,919
Pennsylvania	29,350,529
Puerto Rico	24,309,992
Rhode Island	2,384,192
South Carolina	7,857,749
South Dakota	1,558,379
Tennessee	13,286,694
Texas	43,439,896
Utah	2,642,430
Vermont	1,558,379
Virginia	10,338,190
Washington	11,175,356
West Virginia	7,108,409
Wisconsin	10,665,536
Wyoming	1,558,379
American Samoa	48,279
Guam	588,824
Marshall Islands	17,352
Micronesia	41,121
Northern Marianas	22,585
Palau	6,809
Virgin Islands	333,871
Native Americans	11,565,739
NATIONAL TOTAL	635,976,000

ATTACHMENT III

U.S. DEPARTMENT OF LABOR—EMPLOYMENT AND TRAINING ADMINISTRATION
OFFICE OF FINANCIAL AND ADMINISTRATIVE MANAGEMENT
PY 1987 JTPA TITLE III
DISLOCATED WORKER PROGRAM
ALLOTMENTS AND MATCHING REQUIREMENTS
01-05-1987

	UNEMPL RATE	REDUCTION UNITS	ALLOTMENT	REQUIRED MATCH	TOTAL PROGRAM
Alabama	9.2	2	3,283,707	1,970,224	5,253,931
Alaska	10.3	4	496,511	99,302	595,813
Arizona	6.6	0	1,476,336	1,476,336	2,952,672
Arkansas	8.6	2	1,522,932	913,759	2,436,691
California	6.8	0	14,732,914	14,732,914	29,465,828
Colorado	6.6	0	1,663,981	1,663,981	3,327,962
Connecticut	4.1	0	842,508	842,508	1,685,016
Delaware	4.9	0	179,891	179,891	359,782
District of Columbia	7.6	1	450,418	360,334	810,752
Florida	5.8	0	4,146,136	4,146,136	8,292,272
Georgia	6.1	0	2,464,618	2,464,618	4,929,236
Hawaii	5.4	0	348,847	348,847	697,694
Idaho	8.3	2	683,329	409,997	1,093,326
Illinois	8.6	2	10,314,877	6,188,926	16,503,803
Indiana	7.1	0	3,695,646	3,695,646	7,391,292
Iowa	7.6	1	2,122,437	1,697,950	3,820,387
Kansas	5.3	0	887,794	887,794	1,775,588
Kentucky	9.6	3	3,397,644	1,359,058	4,756,702
Louisiana	12.5	6	5,476,114	0	5,476,114
Maine	5.3	0	420,499	420,499	840,998
Maryland	4.3	0	1,111,646	1,111,646	2,223,292
Massachusetts	3.9	0	1,335,950	1,335,950	2,671,900
Michigan	9.1	2	8,682,693	5,209,616	13,892,309
Minnesota	5.8	0	2,010,014	2,010,014	4,020,028
Mississippi	11.0	4	2,595,729	519,146	3,114,875
Missouri	6.1	0	2,532,902	2,532,902	5,065,804
Montana	7.7	1	577,133	461,706	1,038,839
Nebraska	5.4	0	647,787	647,787	1,295,574
Nevada	7.1	0	661,771	661,771	1,323,542
New Hampshire	3.4	0	173,748	173,748	347,496
New Jersey	5.4	0	3,046,177	3,046,177	6,092,354
New Mexico	9.0	2	1,166,760	700,056	1,866,816
New York	6.5	0	9,612,884	9,612,884	19,225,768
North Carolina	5.1	0	2,095,916	2,095,916	4,191,832
North Dakota	6.4	0	309,933	309,933	619,866
Ohio	8.5	2	9,616,914	5,770,148	15,387,062
Oklahoma	8.0	1	2,200,164	1,760,131	3,960,295
Oregon	8.8	2	2,410,083	1,446,050	3,856,133
Pennsylvania	7.4	1	7,932,033	6,345,626	14,277,659
Puerto Rico	19.9	13	4,425,517	0	4,425,517
Rhode Island	4.2	0	230,137	230,137	460,274
South Carolina	6.7	0	1,814,485	1,814,485	3,628,970
South Dakota	4.8	0	196,831	196,831	393,662
Tennessee	7.9	1	3,230,672	2,584,538	5,815,210
Texas	8.2	1	10,951,506	8,761,205	19,712,711
Utah	5.6	0	565,666	565,666	1,131,332
Vermont	4.4	0	138,102	138,102	276,204
Virginia	5.3	0	1,897,123	1,897,123	3,794,246
Washington	7.9	1	2,982,958	2,386,366	5,369,324
West Virginia	11.8	5	2,304,126	0	2,304,126
Wisconsin	7.0	0	3,150,967	3,150,967	6,301,934
Wyoming	8.8	2	386,900	232,140	619,040
American Samoa	0.0	0	20,293	0	20,293
Guam	0.0	0	89,665	0	89,665
Marshall Islands	0.0	0	39,640	0	39,640
Micronesia	0.0	0	93,259	0	93,259
Northern Marianas	0.0	0	10,190	0	10,190
Palau	0.0	0	10,190	0	10,190
Virgin Islands	0.0	0	134,397	0	134,397
National Reserve	0.0	0	50,000,000	0	50,000,000
NATIONAL TOTAL	7.2		200,000,000	111,567,487	311,567,487

ATTACHMENT IV

U.S. DEPARTMENT OF LABOR—EMPLOYMENT AND TRAINING ADMINISTRATION
OFFICE OF FINANCIAL AND ADMINISTRATIVE MANAGEMENT
PRELIMINARY PY 1987 WAGNER-PEYSER ALLOTMENTS TO STATES
01-05-1987

	BASIC	3% DISTRIBUTION			TOTAL
	FORMULA	STEP 1*	STEP 2**	TOTAL	ALLOTMENT***
Alabama	11,673,821	0	0	0	11,673,821
Alaska	7,033,403	1,023,796	0	1,023,796	8,057,199
Arizona	8,651,893	0	0	0	8,651,893
Arkansas	6,717,034	0	794,881	794,881	7,511,915
California	74,016,940	0	0	0	74,016,940
Colorado	9,568,064	0	0	0	9,568,064
Connecticut	8,494,432	0	0	0	8,494,432
Delaware	2,008,040	0	62,261	62,261	2,070,301
District of Columbia	4,997,693	0	591,417	591,417	5,589,110
Florida	29,388,812	0	0	0	29,388,812
Georgia	15,959,828	0	0	0	15,959,828
Hawaii	2,674,147	0	316,454	316,454	2,990,601
Idaho	5,860,075	853,004	0	853,004	6,713,079
Illinois	34,713,003	0	0	0	34,713,003
Indiana	15,683,169	0	0	0	15,683,169
Iowa	8,534,045	0	1,009,902	1,009,902	9,543,947
Kansas	6,485,029	0	0	0	6,485,029
Kentucky	10,740,034	0	0	0	10,740,034
Louisiana	14,224,118	0	0	0	14,224,118
Maine	3,484,931	507,274	0	507,274	3,992,205
Maryland	11,421,189	0	0	0	11,421,189
Massachusetts	14,892,748	0	0	0	14,892,748
Michigan	27,032,877	0	476,841	476,841	27,509,718
Minnesota	12,027,826	0	0	0	12,027,826
Mississippi	7,746,568	0	516,467	516,467	8,263,035
Missouri	13,725,243	0	0	0	13,725,243
Montana	4,788,884	697,080	0	697,080	5,485,964
Nebraska	5,755,297	837,752	0	837,752	6,593,049
Nevada	4,655,299	677,635	0	677,635	5,332,934
New Hampshire	2,619,208	0	0	0	2,619,208
New Jersey	20,411,583	0	0	0	20,411,583
New Mexico	5,373,969	782,246	0	782,246	6,156,215
New York	51,495,888	0	6,093,925	6,093,925	57,589,813
North Carolina	16,509,891	0	0	0	16,509,891
North Dakota	4,876,516	709,835	0	709,835	5,586,351
Ohio	31,520,673	0	0	0	31,520,673
Oklahoma	11,774,144	0	1,393,329	1,393,329	13,167,473
Oregon	8,275,002	0	939,497	939,497	9,214,499
Pennsylvania	32,268,615	0	0	0	32,268,615
Puerto Rico	8,913,915	0	36,565	36,565	8,950,480
Rhode Island	2,479,121	0	293,374	293,374	2,772,495
South Carolina	8,889,369	0	0	0	8,889,369
South Dakota	4,507,022	656,051	0	656,051	5,163,073
Tennessee	13,462,624	0	0	0	13,462,624
Texas	48,715,371	0	0	0	48,715,371
Utah	9,857,406	1,434,863	0	1,434,863	11,292,269
Vermont	2,111,348	307,332	0	307,332	2,418,680
Virginia	15,059,997	0	0	0	15,059,997
Washington	12,804,239	0	0	0	12,804,239
West Virginia	5,194,425	715,223	0	715,223	5,909,648
Wisconsin	13,585,678	0	0	0	13,585,678
Wyoming	3,496,766	508,996	0	508,996	4,005,762
FORMULA TOTAL	717,157,212	9,711,087	12,524,913	22,236,000	739,393,212
Guam	346,824	0	0	0	346,824
Virgin Islands	1,459,964	0	0	0	1,459,964
Indicia Postage	14,000,000	0	0	0	14,000,000
NATIONAL TOTAL	732,964,000	9,711,087	12,524,913	22,236,000	755,200,000

* - FUNDS ARE ALLOCATED TO THE 13 STATES WHOSE RELATIVE SHARE DECREASED FROM PY 1986 TO THE PY 1987 BASIC FORMULA AMOUNT AND WHICH HAVE A CIVILIAN LABOR FORCE (CLF) BELOW ONE MILLION AND ARE BELOW THE MEDIAN CLF DENSITY. THESE STATES ARE HELD HARMLESS AT 100% OF THEIR PY 1986 RELATIVE SHARE.

** - THE BALANCE OF THE 3% FUNDS ARE DISTRIBUTED TO THE REMAINING 12 STATES LOSING IN RELATIVE SHARE FROM PY 1986 TO THE PY 1987 BASIC FORMULA AMOUNT.

*** - HOLD HARMLESS PROVISIONS REQUIRED UNDER SECTION 6(B) OF THE WAGNER-PEYSER ACT, AS AMENDED, ARE MAINTAINED AT THE REVISED ALLOTMENT LEVEL.

[FR Doc. 87-3149 Filed 2-12-87; 8:45 am]
BILLING CODE 4510-30-C

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue NW., Room S-3504, Washington, DC 20210.

Modifications to General Wage Determination Decisions

The numbers of the decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume, State, and page number(s). Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

Alabama:
AL87-18 (Jan. 2, 1987) ..... p. 40.
District of Columbia:
DC87-1 (Jan. 2, 1987) ..... pp. 86,89.
Kentucky:
KY87-25 (Jan. 2, 1987) ..... pp. 350,353.
KY87-26 (Jan. 2, 1987) ..... pp. 356-359.
KY87-27 (Jan. 2, 1987) ..... pp. 362,365.
KY87-28 (Jan. 2, 1987) ..... pp. 368,370.
New York:
NY87-5 (Jan. 2, 1987) ..... pp. 721-724.
NY87-16 (Jan. 2, 1987) ..... pp. 818-819, pp. 821-824.
NY87-17 (Jan. 2, 1987) ..... p. 827.
Pennsylvania:
PA87-5 (Jan. 2, 1987) ..... pp. 885,895.
PA87-6 (Jan. 2, 1987) ..... p. 899, pp. 901-902.
PA87-7 (Jan. 2, 1987) ..... pp. 906-908, pp. 912 913.
PA87-8 (Jan. 2, 1987) ..... p. 917, pp. 921-922.
PA87-9 (Jan. 2, 1987) ..... pp. 926-928, pp. 930-931.
PA87-12 (Jan. 2, 1987) ..... pp. 942-944.
PA87-19 (Jan. 2, 1987) ..... p. 978, pp. 980-982.
PA87-21 (Jan. 2, 1987) ..... pp. 990-992.
PA87-23 (Jan. 2, 1987) ..... pp. 1007-1008.
PA87-24 (Jan. 2, 1987) ..... pp. 1012-1014.

Volume II

Illinois:
IL87-8 (Jan. 2, 1987) ..... p. 142.
Indiana:
IN87-2 (Jan. 2, 1987) ..... p. 253.
Michigan:
MI87-3 (Jan. 2, 1987) ..... p. 439.
Missouri:
M087-3 (Jan. 2, 1987) ..... pp. 610-614.
New Mexico:
NM87-1 (Jan. 2, 1987) ..... p. 689.
NM87-2 (Jan. 2, 1987) ..... p. 707.
NM87-3 (Jan. 2, 1987) ..... p. 713.
Texas:
TX87-19 (Jan. 2, 1987) ..... p. 970.
TX87-45 (Jan. 2, 1987) ..... p. 1058.
Listing by location (index) ..... p. xxxv.

Volume III

Montana:
MT87-1 (Jan. 2, 1987) ..... pp. 176-178, p. 180.
MT87-2 (Jan. 2, 1987) ..... pp. 185-202.
Nevada:
NV87-1 (Jan. 2, 1987) ..... pp. 237-238.
NV87-2 (Jan. 2, 1987) ..... p. 258.
North Dakota:
ND87-1 (Jan. 2, 1987) ..... p. 218.
Washington:
WA87-1 (Jan. 2, 1987) ..... pp. 331-332, p. 339, pp. 347-348.
Listing by location (index) ..... p. xxi.
Listing by decision (index)p. xxxiii.

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the Country. Subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 783-3238.

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume.

Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC, this 6th day of February 1987.

James L. Valin,

Assistant Administrator.

[FR Doc. 87-2844 Filed 2-12-87; 8:45 am]

BILLING CODE 4510-27-M

Mine Safety and Health Administration

[Docket No. M-86-241-C]

Harlan-Wallins Coal Co., Inc.; Petition for Modification of Application of Mandatory Safety Standard

Harlan-Wallins Coal Company, Inc., P.O. Box 152, Coldiron, Kentucky 40819 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its No. 1 Mine (I.D. No. 15-14311) located in Harlan County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. The typical mining height in the affected section ranges from 42 to 47 inches, with undulating roof and floor.

3. Petitioner states that the use of canopies on the mine's electric face equipment would result in a diminution of safety for the miners affected because the canopies could dislodge the roof bolts and restrict the equipment operator's visibility.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 16, 1987. Copies of the petition are available for inspection at that address.

Dated: February 5, 1987.

Patricia W. Silvey,

Associate Assistant Secretary for Mine Safety and Health.

[FR Doc. 87-3164 Filed 2-12-87; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-86-250-C]

Kintzel Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Kintzel Coal Company, R.D. # 2, Box 592, Pine Grove, Pennsylvania 17963 has filed a petition to modify the application of 30 CFR 75.1400 (hoisting equipment; general) to its Lykens No. 6 Mine (I.D. No. 36-01886) located in Schuylkill County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cages, platforms or other devices which are used to transport persons in shafts and slopes be equipped with safety catches or other approved devices that act quickly and effectively in an emergency.

2. Petitioner states that no such safety catch or device is available for the steeply pitching and undulating slopes with numerous curves and knuckles present in the main haulage slopes of this anthracite mine.

3. Petitioner further believes that if "makeshift" safety devices were installed they would be activated on knuckles and curves when no emergency existed and cause a tumbling effect on the conveyance.

4. As an alternate method, petitioner proposes to operate the man cage of steel gunboat with secondary safety connections securely fastened around the gunboat and to the hoisting rope, above the main connecting device. The hoisting ropes would have a factor of safety in excess of the design factor as determined by the formula specified in the American National Standard for Wire Rope for Mines.

5. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 16, 1987. Copies of the petition are available for inspection at that address.

Dated: February 4, 1987.

Patricia W. Silvey,

Associate Assistant Secretary for Mine Safety and Health.

[FR Doc. 87-3165 Filed 2-12-87; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-86-226-C]

Mid-Continent Resources, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Mid-Continent Resources, Inc., 1058 Road 100 P.O. Box 158, Carbondale, Colorado 81623 has filed a petition to modify the application of 30 CFR 75.1100-2(b) (quantity and location of firefighting equipment) to its Dutch Creek No. 1 Mine and its Rock Tunnels Project (I.D. No. 05-00301), and its Dutch Creek No. 2 Mine (I.D. No. 05-00469) all located in Pitkin County, Colorado. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that waterlines be installed parallel to the entire length of belt conveyors and be equipped with firehose outlets with valves at 300-foot intervals along each belt conveyor and at tailpieces. At least 500 feet of fire-hose with fittings suitable for connection with each belt conveyor waterline system shall be stored at strategic locations along the belt conveyor. Waterlines may be installed in entries adjacent to the conveyor entry belt as long as the outlets project into the belt conveyor.

2. As an alternate method, because of freezing and subfreezing conditions prevalent at the mine site the entire year, and the corrosive effect of standing water, petitioner proposes to establish, by designation, dry waterline systems with automatic and manual water-charging capabilities. In support of this request, petitioner states that:

(a) Dry power chemical systems will be installed for drives adjacent to a dry waterline, and two fire extinguishers will be installed adjacent to such drives;

(b) There will be a limit of five minutes elapsed time from actuation of the fire detection device to full water pressurization of such dry waterline, and it will meet flow and pressure requirements;

(c) An automatic fire detection device will be installed along each beltline companion to such a dry waterline, and when actuated will send an electrical signal to an actuator valve(s) which will thereby cause the valve(s) to

automatically open and pressurize the dry waterline with water along its entire length. Manual valves will also be installed on each dry waterline to permit manual pressurization, and when necessary, manual draining of each dry waterline along its entire length;

(d) A gauge will be provided to indicate that a supply of water under pressure is available to each dry waterline, both automatic and manual valves;

(e) To prevent freezing, ice or slush accumulations, and corrosion which could block waterlines, each dry waterline will be drained or purged after it has been used, charged or tested, or it will be maintained with a low-pressure water flow sufficient to prevent it from freezing. Both automatic and manual valves will also be protected from freezing;

(f) Sufficient water will be available at all times to adequately charge and supply the needs of the dry waterlines;

(g) All persons regularly working in conveyor belt entries in which a dry waterline is installed will be trained in the automatic and manual operation of the dry waterline system; and

(h) Each dry waterline automatic fire detection and pressurization system will be visually inspected weekly and a test of the electrical and mechanical functions of the system will be conducted monthly. A dump-valve will be provided to facilitate such monthly tests without the necessity of pressurizing the entire dry waterline. A functional test of each dry waterline system, including its fire-detection system, its automatic water charging components, and its manual activation system, will be conducted annually.

3. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 16, 1987. Copies of the petition are available for inspection at that address.

Dated: February 5, 1987.

Patricia W. Silvey,

Associate Assistant Secretary for Mine Safety and Health.

[FR Doc. 87-3166 Filed 2-12-87; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-86-246-C]

Arch of Kentucky, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Arch of Kentucky, Inc., P.O. Box 787, Lynch, Kentucky 30855 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its No. 32 Mine (I.D. No. 15-02008), its Mine No. 33 (I.D. No. 15-02007), and its Mine A (I.D. No. 15-15711), all located in Harlan County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. The mines are in the High Splint and Winifrede coal seams, and range from 42 to 60 inches in height, with ascending and descending grades.

3. Petitioner states that the use of canopies on the mine's electric face equipment would result in a diminution of safety for the miners affected because the canopies could dislodge roof supports and entrap equipment. In addiition, the canopies decrease the operator's visibility and create discomfort to the operator, thus increasing the chances for an accident.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 16, 1987. Copies of the petition are available for inspection at that address.

Dated: February 5, 1987.

Patricia W. Silvey,

Associate Assistant Secretary for Mine Safety and Health.

[FR Doc. 87-3160 Filed 2-12-87; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-86-252-C]

Big Hill Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Big Hill Coal Company, Hatfield, Kentucky 41514 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its Mine No. 9 (I.D. No. 15-13300) located in Pike County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. The height of the mine ranges from 38 to 50 inches, with dips and rolls. Petitioner states that the use of cabs or canopies on the mine's scoops causes both visibility and safety problems.

3. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 16, 1987. Copies of the petition are available for inspection at that address.

Dated: February 5, 1987.

Patricia W. Silvey,

Associate Assistant Secretary for Mine Safety and Health.

[FR Doc. 87-3161 Filed 2-12-87; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-86-210-C]

Black Horse Coal Mining & Sales, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Black Horse Coal Mining & Sales, Inc., P.O. Box 125, Marianna, West Virginia 24859 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Carol Mine (I.D. No. 46-04813) located in Wyoming County, West Virginia. The petition if filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that return air courses be examined in their entirety on a weekly basis.

2. Petitioner states that due to deteriorated roof conditions in the specified return air course, weekly examinations are too hazardous to be performed. In addition, rehabilitation of

the affected area would expose miners to hazardous conditions.

3. As an alternate method, petitioner proposes to establish two evaluation points at specific locations where gas and air measurements will be taken. The results of such examinations will be recorded.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 16, 1987. Copies of the petition are available for inspection at that address.

Dated: February 4, 1987.

Patricia W. Silvey,

Associate Assistant Secretary for Mine Safety and Health.

[FR Doc. 87-3162 Filed 2-12-87; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-86-243-C]

Black Horse Coal Mining & Sales, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Black Horse Coal Mining & Sales, Inc., P.O. Box 125, Marianna, West Virginia 24859 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Ace Mine (#64 Portal) (I.D. No. 46-04940) located in Wyoming County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that return air courses be examined in their entirety on a weekly basis.

2. Petitioner states that due to deteriorated roof conditions in the specified return air course, weekly examinations are too hazardous to be performed. In addition, rehabilitation of the affected area would expose miners to hazardous conditions.

3. As an alternate method, petitioner proposes to establish evaluation points at specific locations where gas and air measurements will be taken. The results of such examinations will be recorded.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 16, 1987. Copies of the petition are available for inspection at that address.

Dated: February 4, 1987.

Patricia W. Silvey,

Associate Assistant Secretary for Mine Safety and Health.

[FR Doc. 87-3163 Filed 2-12-87; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-86-207-C]

Monterey Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Monterey Coal Company, P.O. Box 496, Carlinville, Illinois 62626-0496 has filed a petition to modify the application of 30 CFR 77.216-3(a) (water, sediment, or slurry impoundments and impounding structures; inspection requirements; correction of hazards; program requirements) to its No. 2 Mine (I.D. No. 11-02371) located in Clinton County, Illinois. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that all water, sediment, or slurry impoundments be examined by a qualified person at intervals not exceeding seven days for appearances of structural weakness and other hazardous conditions, and that all instruments be monitored at intervals not exceeding seven days.

2. Petitioner seeks a modification of that portion of the standard which requires the operator to inspect impoundments at intervals not to exceed seven days and to monitor instruments at intervals not to exceed seven days.

3. As an alternate method, petitioner proposes to inspect the impoundments and monitor instruments on a monthly basis in lieu of every seven days. The monthly inspections would be supplemented by additional inspections if major precipitation or runoff occurs.

4. In support of this request, petitioner states that the Fresh Water Lake and the Recirculation Lake are engineered structures which were rigidly controlled during their construction. They have not changed in geometry since completion in 1976. The impounding embankments have an excellent vegetative cover and in addition have been riprapped above and below the water line. Weekly inspections over the past 10 years have shown no signs of erosion problems or other signs of instability. Neither miners nor the general public work or live within several miles downstream of these structures.

5. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 16, 1987. Copies of the petition are available for inspection at that address.

Dated: February 5, 1987.

Patricia W. Silvey,

Associate Assistant Secretary for Mine Safety and Health.

[FR Doc. 87-3167 Filed 2-12-87; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-86-251-C]

Plateau Mining Co.; Petition for Modification of Application of Mandatory Safety Standard

Plateau Mining Company, P.O. Drawer PMC, Price, Utah 84501 has filed a petition to modify the application of 30 CFR 75.1101-8 (water sprinkler systems; arrangement of sprinklers) to its Star Point No. 2 Mine (I.D. No. 42-00171) located in Carbon and Emery Counties, Utah. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the installation requirements of water sprinkler systems.

2. As an alternate method, petitioner proposes to use a single line of automatic sprinklers for fire protection systems at main and secondary belt

conveyor drives. In support of this request, petitioner states that:

(a) Automatic sprinklers will be maintained at a distance of no more than 10 feet apart with actuation temperatures between 200 degrees F. and 230 degrees F.;

(b) Automatic sprinklers will be located so that the discharge of water will extend over the belt drive;

(c) During operation of the system, water pressure will not be less than 10 psi;

(d) The sprinkler line wil be a minimum length at the drive of 50. belt;

(e) A test to insure proper operation will be conducted during the installation of each new system and during subsequent repair or replacement of any critical part; and

(f) In areas where freezing conditions exist, the sprinkler system would be charged with a specific mixture of antifreeze (Ethylene-Glycol).

3. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 16, 1987. Copies of the petition are available for inspection at that address.

Dated: February 5, 1987.

Patricia W. Silvey,

Associate Assistant Secretary for Mine Safety and Health.

[FR Doc. 87-3168 Filed 2-12-87; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-86-245-C]

12 Vein Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

12 Vein Coal Company, R.D. 1, Box 369, Shamokin, Pennsylvania 17872 has filed a petition to modify the application of the 30 CFR 75.301 (air quality, quantity, and velocity) to its 12 Vein Slope (I.D. No. 36-07773) located in Northumberland County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that the minimum quantity of air reaching the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms be 9,000 cubic feet a minute, and the minimum quantity of air reaching the intake end of a pillar line be 9,000 cubic feet a minute. The minimum quantity of air in any coal mine reaching each working face shall be 3,000 cubic feet a minute.

2. Air sample analysis history reveals that harmful quantities of methane are nonexistent in the mine. Ignition, explosion, and mine fire history are nonexistent for the mine. There is no history of harmful quantities of carbon monoxide and other noxious or poisonous gases.

3. Mine dust sampling programs have revealed extremely low concentrations of respirable dust.

4. Extremely high velocities in small cross sectional areas of airways and manways required in friable Anthracite veins for control purposes, particularly in steeply pitching mines, present a very dangerous flying object hazard to the miners and cause extremely uncomfortable damp and cold conditions in the mine.

5. As an alternate method, petitioner proposes that:

a. The minimum quantity of air reaching each working face be 1,500 cubic feet per minute;

b. The minimum quantity of air reaching the last open crosscut in any pair or set of developing entries be 5,000 cubic feet per minute; and

c. The minimum quantity of air reaching the intake end of a pillar line be 5,000 cubic feet per minute, and/or whatever additional quantity of air that may be required in any of these areas to maintain a safe and healthful mine atmosphere.

6. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 16, 1987. Copies of the petition are available for inspection at that address.

Dated: February 4, 1987.

Patricia W. Silvey,

Associate Assistant Secretary for Mine Safety and Health.

[FR Doc. 87-3169 Filed 2-12-87; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-86-69-C]

Utah Power & Light Co.; Petition for Modification of Application of Mandatory Safety Standard

Utah Power & Light Company, P.O. Box 310, Huntington, Utah 84528 has filed a petition to modify the application of 30 CFR 75-503 (permissible electric face equipment; maintenance) to its Little Dove Mine (I.D. No. 42-01393) located in Emery County, Utah. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that each mine use permissible electric face equipment and maintain such equipment in permissible condition.

2. As an alternate method, petitioner proposes to use No. 4 AWG, 3-conductor, Type G-GC, 2 KV flat trailing cables in excess of 600 feet and to permit the short-circuit protection setting for the 2/0 AWG trailing cable for the continuous miner in excess of 1500 amperes.

3. Petitioner states that the proposed increase of the short-circuit setting of the circuit breaker protecting the 2/0 trailing cable is necessary because of nuisance tripping during periods of heavy loading and machine start-up. The machine and trailing cable have been thoroughly examined to assure that they are in good repair and that they are operating properly. Nuisance tripping of this circuit breaker causes undue wear, electrical and mechanical stress, and general degradation which will result in premature failure and/or malfunction of the circuit breakers. The proposed setting will eliminate the nuisance tripping and yet provide the required electrical protection.

4. Petitioner states that increasing the length of the shuttle car cables will eliminate the need for backspooling and the addition of junction boxes. Backspooling causes undue wear and damage to the trailing cable which results in premature failure and/or breakdown of the cable. This cable damage creates a greater potential for fire hazards and shock hazards to occur. Elimination of junction boxes reduces required system maintenance and also

eliminates another potential source of fire and shock hazards.

5. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 16, 1987. Copies of the petition are available for inspection at that address.

Dated: February 5, 1987.

Patricia W. Silvey,

Associate Assistant Secretary for Mine Safety and Health.

[FR Doc. 87-3170 Filed 2-12-87; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-86-229-C]

Warrior Coal Corp.; Petition for Modification of Application of Mandatory Safety Standard

Warrior Coal Corporation, P.O. Box 911, Madisonville, Kentucky 42431 has filed a petition to modify the application of 30 CFR 75.326 (aircourses and belt haulage entries) to its Cardinal Mine (I.D. No. 15-14335) located in Hopkins County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that intake and return aircourses be separated from belt haulage entries.

2. Petitioner was previously granted a modification of 30 CFR 75.326 (M-84-99-C) to use the belt slope for return air and as a secondary escapeway until the mine workings crossed Pogue's Creek, at which time an airshaft would have to be installed into the mine workings.

3. Petitioner did drive a development to an existing airshaft into the Zeigler #9 workings and cut into the airshaft which allowed the slope belt to be put on neutral air and return air out of the airshaft. Since then, the mine workings have deteriorated.

Salt water subsurface drainage has broken into the mine, believed to be from an abandoned and uncharted oil well rendering the use of the return air to the Zeigler airshaft and escapeway ineffective. Petitioner desires to seal this affected area off.

4. As an alternate method, and in accordance with its original petition, petitioner proposes to develop an east entry to Pogue's Creek using a continuous miner. Petitioner believes that this will produce better conditions with a 4 entry system with 1 entry being on intake air, a belt entry on neutral and 2 entries on return air. Upon the successful development of the east entry, the petitioner proposes to put in an airshaft upon property which has been granted in the previous petition. Petitioner will then put in an airshaft and escapeway to ventilate the mine workings.

5. The slope is lined with Armco and has a concrete floor. The belt will be isolated from the mine workings by an airlock and some 10 feet of vertical distance at the point of entry from the mine belt to the slope. The length of the belt slope which will be used for a secondary escapeway is approximately 450 feet. A methane monitor is located at the point of entry of the return air in the belt slope. A carbon monoxide monitor is located at the portal to the slope.

6. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 16, 1987. Copies of the petition are available for inspection at that address.

Dated: February 5, 1987.

Patricia W. Silvey,

Associate Assistant Secretary for Mine Safety and Health.

[FR Doc. 87-3171 Filed 2-12-87; 8:45 am]

BILLING CODE 4510-43-M

Pension and Welfare Benefits Administration

[Application No. D-6641 et al.]

Proposed Exemptions; The Blossman Companies, Inc. Employee Stock Ownership Plan and Trust (the Plan) et. al

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Notice of proposed exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemptions, unless otherwise stated in the Notice of Pendency, within 45 days from the date of publication of this **Federal Register** Notice. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Pension and Welfare Benefits Administration, Office of Regulations and Interpretations, Room N-5669, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. Attention: Application No. stated in each Notice of Pendency. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue NW., Washington, DC 20210.

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register.** Such notice shall include a copy of the notice of pendency of the exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these

notices of pendency are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

The Blossman Companies, Inc. Employee Stock Ownership Plan and Trust (the Plan) Located in Ocean Springs, MI

[Application No. D–6641]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to: (1) the proposed sale by the Plan of certain improved real property (the Property) and of a lease (the Lease) with respect to the Property to Alpha Investment Corporation (Alpha), a party in interest with respect to the Plan; and (2) the assumption by Alpha, in connection with the proposed sale, of a first deed of trust obligation of the Plan (the Loan), provided the terms of the transactions are at least as favorable to the Plan as those obtainable in arm's length transactions with an unrelated party.

Summary of facts and Representations

1. Blossman, Inc. of Delaware (BID) is a Delaware corporation maintaining its principal place of business in Ocean Springs, Mississippi. BID is engaged in the retail sale of liquefied petroleum gas and related products. BID conducts its business through several corporations, all of which are subsidiaries or are under common control of BID's shareholders (the Related Corporations). The officers and directors of BID are Messrs. John Blossman, A.L. Allen, Jr. and Robert C. Mayer (Messrs. Blossman, Allen and Mayer).

In 1983, BID and the Related Corporations underwent a corporate reorganization. A holding company known as The Blossman Companies, Inc. (BCI) was established. BIC became the 100 percent owner of the outstanding stock of BID and the Related Corporations. Mr. Blossman is the owner of 37,890 shares of the outstanding voting stock and 101,502 shares of the outstanding non-voting stock of BCI. Mr. Blossman's ownership interest in BIC represents approximately 35 percent of the total voting shares and 26 percent of the total outstanding non-voting shares of this entity.

2. Alpha is a Louisiana corporation engaged in the business of holding real estate investment properties. Alpha maintains its offices in Ocean Springs, Mississippi. Alpha is presently owned exclusively by Mr. Blossman. Messrs. Blossman, Allen and Mayer also serve as the officers and directors of Alpha.

3. On November 29, 1974, BID and the Related Corporations adopted the Plan which is an employee stock ownership plan. On November 30, 1984, the Plan had 321 participants and total assets having a fair market value of $4,702,382. (As of that date, BCI stock held by the Plan had a fair market value of $3,959,734. Such stock constituted approximately 84 percent of the Plan's assets.) The trustee of the Plan (the Trustee) is Trustmark National Bank of Jackson, Mississippi. To a significant extent, the Trustee's investment actions are subject to the direction of a Plan committee comprised of Messrs. Blossman, Allen and Mayer. However, since the Trustee will serve as the independent fiduciary with respect to the proposed transactions, it will have complete discretion with respect to such transactions.

4. Among the Plan's assets is the Property located at 809 Washington Avenue, Ocean Springs, Mississippi. The Property was acquired from Mr. Chester McPherson (Mr. McPherson) and Mr. Robert Baker, unrelated parties, on November 9, 1982 for a purchase price of $145,600. The Property, which is adjacent to BID's headquarters, consists of a parcel of vacant land used as a parking facility and a brick office building. There is also a 12 foot easement for ingress and egress from the parking lot.

5. The Plan acquired the Property by making a $49,350 cash downpayment to the sellers. Then, the Plan assumed a first deed of trust previously executed between Ms. Katherine C. Harper, an unrelated party, and Mr. McPherson (the Harper Loan). As of November 1982, the Harper Loan had an outstanding principal balance of $32,500. At present, the Harper Loan has been paid in full.

In addition, the balance of the purchase price on the Property was obtained by the Plan through another loan provided by the First National Bank of Mobile (the Bank) located in Mobile, Alabama (the Bank Loan) which served as the Plan trustee at that time.[1] The Plan was required to repay the Bank Loan in 120 consecutive monthly installments of $354 plus accrued interest at the rate of one percent above the prime rate of Chemical Bank, N.A. of New York. The first installment under the Bank Loan was due on December 15, 1982. On December 15, 1992, the date of the final Bank Loan installment, a balloon payment of $21,249 plus any unpaid principal and/or interest will become due and payable. Since the making of the Bank Loan, all payments due thereunder have been timely made. As of February 28, 1986, the Bank Loan had an outstanding principal balance of $51,354.

6. The Plan commenced leasing the Property to BID under the terms of a ten year triple net lease. The Lease requires BID to pay all real estate taxes, insurance, utilities, the cost of repairs and other expenses relating to the operation and maintenance of the Property. In addition, it provides for a monthly rental of $2,300. The applicant acknowledges that the past and continued leasing of the Property by the Plan to BID has constituted a prohibited transaction. Accordingly, it represents that it will pay the Internal Revenue Service (the Service) all excise taxes that are applicable under section 4975(a) of the Code by reason of the Lease within 90 days of the publication in the **Federal Register** of the grant of this proposed exemption. In addition, the applicant represents that it will pay the Plan the amount, if any by which the fair market rental value of the Lease exceeds the actual rental payments together with interest on such excess for the period from November 9, 1982 until the date the Property is sold if and as such amounts are determined by the Trustee. The applicant further represents that if the Service determines that any portion of the rental payment must be considered an annual contibution to the Plan, the additional contribution will not cause BID's contribution for any plan year to exceed the annual limitation of section 415 of the Code.

7. Since the inception of the Lease, BID has made certain valuable improvements to the Property at its own expense. These improvements include the conversion of the Property from retail stores of office space; the remodeling of floors, walls and ceilings; and the construction of a special floor for the office computer.

[1] The Department is not, herein, proposing any exemptive relief for the Bank Loan.

8. An exemption is requested to allow the Plan to sell the Property and Lease to Alpha for a price reflecting their fair market values as determined by an independent appraiser. Alpha will make one cash payment for the Property and it will assume the outstanding balance of the Bank Loan. Alpha will also assume responsibility for all costs, real estate commissions and fees incurred by the Plan in connection with the proposed sale.

9. The fair market value of the Property and Lease was determined initially by Mr. E.W. Halstead, Jr. (Mr. Halstead), an independent fee appraiser from Ocean Springs, Mississippi. On November 27, 1984, Mr. Halstead placed the fair market value of the Property exclusive of the Lease at $150,000. In an appraisal report dated November 20, 1985, another independent appraiser, Mr. Jim Horne, M.A.I. (Mr. Horne), of Pascagoula, Mississippi also determined the Property had a fair market value of $150,000 free of the Lease. The date of Mr. Horne's valuation was November 11, 1985. In addition, Mr. Horne placed the fair market value of the Property subject to the Lease at $172,500 as of November 11, 1985.

Mr. Horne also states that he is of the opinion that the Lease rental payments are excessive. As such, he considers the fair market rental value of the Property to be approximately $646 per month less than the current contract rent and feels the excess rent being paid for the remaining Lease term has contributed additional value of the building. Because BID is a substantial tenant with an excellent credit rating, Mr. Horne believes it would be reasonable to assume the Lease will be honored. Therefore, he estimates a value of $22,500 for the rent.

Mr. Horne also indicates the Property has no special or unique value to Alpha by reason of its proximity to BID's headquarters. Accordingly, he does not believe Alpha should be required to pay a higher purchase price.

Thus, the purchase price to be paid by Alpha for the Property and the Lease will be based on the $172,500 valuation established by Mr. Horne.

10. As stated previously, the Trustee will serve as the independent fiduciary for the Plan with respect to the proposed transactions. According to the applicant, there are no interlocking officers and directors between the Trustee, BCI or the Related Corporations. In addition, neither BCI nor any of the Related Corporations has any bank accounts, loans or any other business activity with the Trustee. By letter dated March 10, 1986, the Trustee acknowledges that it will be the independent fiduciary for the Plan. It also represents that it fully understands its liabilities and responsibilities as a fiduciary under the Act and it states that it has consulted with legal counsel regarding those liabilities and responsibilities. The Trustee further states that it will act solely on behalf of the Plan and its participants with respect to the proposed transactions.

11. The Trustee represents that the terms of the proposed transactions are in the best interests of the Plan and its participants and beneficiaries because:

(a) The appraisal performed by Mr. Horne fairly and accurately reflects the fair market value of the Property considering the remaining period of the Lease. As such, the Trustee believes the proposed purchase price of $172,500 is reasonable, fair and in all likelihood, more than the Plan could realize in a sale to an unrelated party.

(b) The terms of the proposed sale will not result in any debt being owned by the Plan since Alpha will assume the current indebtedness owned by the Plan under the Bank Loan. Moreover, the Trustee states that the balance of the purchase price will be "all cash" to the Plan.

(c) The agreement by BCI to pay the Plan any deficient rent and interest that the Trustee may determine is due from the inception of the Lease to the date of the sale would not be available to the Plan in a sale transaction with an unrelated party.

(d) The proposed sale of the Property and the Lease will result in increased liquidity for the Plan, eliminate the fixed obligation of the Plan in connection with the Bank Loan, eliminate all management responsibilities of the Plan with respect to the Property and eliminate the prohibited transaction existing by reason of the Lease.

As the independent fiduciary, the Trustee represents that it will review any and all documentation required in connection with the sale and generally monitor the transactions. The Trustee will also perform all services required of it in connection therewith in a manner consistent with the best interests of the Plan and its participants.

12. In summary, it is represented that the proposed transactions will satisfy the statutory criteria for an exemption under section 408(a) of the Act because: (a) The sale will be a one-time transaction for cash; (b) the purchase price for the Property and the Lease has been determined by independent appraisers; (c) the Plan will not be required to pay any real estate fees or commissions in connection with the proposed sale; (d) Alpha will assume the Plan's obligations under the Bank Loan; (e) the sale will enable the Plan and BID to terminate the Lease and thereby end an ongoing prohibited transaction; (f) the Trustee, which will monitor the proposed transactions on behalf of the Plan as the independent fiduciary, believes the proposed transactions are in the best interests of the Plan and its participants and beneficiaries; (g) BID will pay the Service all applicable excise taxes which may be due by reason of the past and continued leasing of the Property by the Plan to BID within 90 days of the publication in the **Federal Register** of the grant of the notice of proposed exemption; and (h) BID will pay the Plan the amount, if any, by which the fair market rental value of the Lease exceeds actual rental payments together with interest on such excess for the period from November 9, 1982 until the date the Property is sold, if and as such amounts are determined by the Trustee.

Tax Consequences of Transaction

The Department of the Treasury has determined that if a transaction between a qualified employee benefit plan and its sponsoring employer (or affiliate thereof) results in the plan either paying less than or receiving more than fair market value, such excess may be considered to be a contribution by the sponsoring employer to the plan and therefore must be examined under applicable provisions of the Code, including section 401(a)(4), 404 and 415.

Notice to Interested Persons

Notice of the proposed exemption will be provided to all interested persons by either mail or hand delivery within 30 days of the date of publication of the notice of pendency in the **Federal Register**. Such notice shall include a copy of the notice of pendency of the exemption as published in the **Federal Register** and shall inform interested persons of their right to comment on and/or to request a hearing with respect to the proposed exemption. Comments are due within 60 days of the date of publication of the proposed exemption in the **Federal Register**.

For Further Information Contact: Ms. Jan D. Broady of the Department, telephone (202) 523-8196. (This is not a toll-free number).

Midwest Financial Group Employee Savings Plan and Trust (the Plan) Located in Kankakee, Illinois

[Application No. D-6664]

Proposed Exemption

The Department is considering granting an exemption under the

authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of sections 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975 (c)(1)(A) through (e) of the Code shall not apply to the proposed cash sale of a parcel of real property by the Plan to First Trust and Savings Bank of Kankakee (the Employer) for $99,000, provided that the terms of the transaction are not less favorable to the Plan than those obtainable in an arm's-length transaction with an unrelated party at the time the transaction is consummated.

Summary of Facts and Representations

1. Midwest Financial Group, Inc. (MFG) is an Illinois bank holding company. MFG is the parent company for several Illinois banks, including the Employer. The Midwest Financial Group Employee Savings Plan and Trust (MFG Plan) is qualified under section 401(a) of the Code. Effective January 1, 1985, certain profit sharing and money purchase pension plans maintained by MFG's wholly-owned subsidiaries were merged into the MFG Plan, including those of the Plan.

2. The estimated number of participants in the MFG Plan is 1627 and the MFG Plan had total assets of approximately $19,789,131 as of March 31, 1986. As of December 31, 1984 there were 119 participants in the Plan and the Plan had total assets of $5,247,000.

3. On June 15, 1973, the Plan acquired lots 13 and 16 located at the Northwest corner of East Station and South Dearborn Streets, Kankakee, Illinois (Dearborn Property) from the Block's Children's Trust (an unrelated party) for $70,000. On June 30, 1973, the Plan leased the Dearborn Property to the Employer for a 5 year period at an annual rental of $5,000 (Old Lease).[1] The Old Lease also provided the Employer with an option to extend the lease for an additional 5 year period, which option was exercised by the Employer.

4. On November 30, 1981, the Plan exchanged the Dearborn Property for an adjacent parcel of land owned by the Bergeron family (unrelated parties). The property owned by the Bergeron family, consisting of 32,915 square feet, was located in the 300 block of South Dearborn Avenue, Kankakee, Illinois (the Bergeron Property). When the exchange occurred, the Plan paid the Bergeron family $25,000 and assumed responsibility for a $4,000 real estate commission, making the Plan's total cost basis in the Bergeron Property $99,000.

5. On November 30, 1981, in order to allow the Plan to exchange the Dearborn Property for the Bergeron Property, the Plan agreed to release the Employer from the extension of the Old Lease in consideration of executing a new lease on the Bergeron Property, effective December 1, 1981. The lease on the Bergeron Property (New Lease) was a triple net lease in favor of the Plan for a 5 year period and provided for an annual rental of $14,850.

6. The applicant was informed by legal counsel that the New Lease could be considered to be a prohibited transaction and in order to toll the excise taxes accruing, the Plan has filed this exemption request to allow it to sell the Bergeron Property to the Employer.[2] The Plan proposes to sell the Bergeron Property to the Employer for $99,000 in cash (the Plan's cost basis) with all costs of sale being paid by the Employer. The Bergeron Property was appraised by William A. Lammen, S.R.A., an unrelated appraiser with the Kankakee Appraisal Company, Kankakee, Illinois, as having a fair market value of $84,000 as of March 14, 1986.

7. The Trustee of the Plan has reviewed the appraisal of the Bergeron Property, the marketability and appreciation potential of the Bergeron Property, and the needs of the Plan and has determined that the proposed sale transaction is in the best interests of the Plan, its participants and beneficiaries. The applicant represents that the proposed cash sale would provide the Plan with cash in order to pay benefits to its participants and allow the Plan to invest the proceeds of sale in assets which have better long term prospects for appreciation. Further, the sales price of the Bergeron Property to the Plan significantly exceeds its current appraised value.

8. In summary, the applicant represents that the transaction satisfies the statutory criteria of section 408(a) of the Act because:

(a) It will be a one time transaction for cash;

(b) All costs of sale will be paid by the Employer;

(c) The Plan's trustee represents that the transaction is in the best interests of the Plan's participants; and

(d) The sale will terminate an existing prohibited transaction.

Tax Consequences of Transaction

The Department of the Treasury has determined that if a transaction between a qualified employee benefit plan and its sponsoring employer (or affiliate thereof) results in the plan either paying less than or receiving more than fair market value such excess may be considered to be a contribution by the sponsoring employer to the plan and therefore must be examined under applicable provisions of the Internal Revenue Code, including sections 401(a)(4), 404 and 415.

For Further Information Contact: (Alan H. Levitas of the Department, telephone (202) 523–8194. (this is not a toll-free number.)

James S. Torchia, D.D.S. Profit Sharing Plan (the Profit Sharing Plan) and James S. Torchia, D.D.S. Inc. Pension Plan (the Pension Plan; collectively the Plans) Located in Tulsa, Oklahoma

[Application Nos. D–6759 and D–6760]

Proposed Exemption

The Department is considering granting and exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the proposed cash sale of an undivided interest in a parcel of real property by the Plans to Dr. James S. Torchia (Dr. Torchia), a party in interest with respect to the Plans, provided that the terms of the transaction are not less favorable to the Plans than those obtainable in an arm's-length transaction with an unrelated person at the time the transaction is consummated.

Summary of Facts and Representations

1. The Plans are a Profit Sharing Plan with seven participants and a Pension Plan with six participants. The Profit Sharing Plan has net assets of approximately $370,878 as of February 28, 1986 and the Pension Plan $428,363 as of December 31, 1985. Dr. Torchia is the trustee and administrator of the Plans.

[1] The applicant represents that the Old Lease qualified for relief under the transitional rules provided under section 414 of the Act. In this proposed exemption the Department expresses no opinion as to the applicability of section 414 of the Act to the Old Lease.

[2] The applicant has agreed to pay any excise taxes which may be found to be due on the New Lease.

2. The Plans currently own an undivided interest in a parcel of improved real property located at 9405 South Yale, Tulsa, Oklahoma (the Property). The Property was originally acquired by James S. Torchia, D.D.S., Inc., the Plans' sponsor, for $43,000 in June of 1972. The Plans' sponsor subsequently sold the Pension Plan a 43% in the Property for $18,490 and a 35% interest in the Property to the Profit Sharing Plan for $15,050 in February 1973.*

3. The Property consists of a 4.998 acre tract of land and is improved by a small two bedroom house. The Property is currently leased to Mr. Bryan Tiger, an unrelated party for $250 per month. The tenancy is on a month to month basis, without a written lease agreement.

4. The Plans now propose to sell their interests in the Property to Dr. Torchia for the greater of the Property's current appraised value of $130,410 or the appraised value on the date of sale. The property was appraised by Mr. Ty Hogan of Ty Hogan Real Estate Company, Tulsa, Oklahoma, as having a fair market value of $130,410 as of July 31, 1986. The proceeds of sale will be paid in cash by Dr. Torchia and the will pay all costs relating to the transference of the Property.

5. The Plans desire to dispose of the Property because it is not currently appreciating in value. The current expenses on the Property exceed the rental income. Also, the Plans, will be able to dispose of an unproductive asset for cash, enabling them to diversify their investment portfolios and to reinvest the proceeds in higher yielding investments. Further, the applicant represents that the joint ownership of the Property may lead to problems because of the divergent interests of the parties.

6. In summary, the applicant represents that the proposed transaction meets the statutory criteria for an exemption under section 408(a) of the Act because:

(a) It will be a one time transaction for cash;

(b) The Plans will be able to dispose of an unprofitable investiment for its current appraised value; and

(c) The terms of the transaction are no less favorable to the Plans than those obtainable in an arm's-length transaction with an unrelated person.

For Further Information Contact: Alan H. Levitas of the Department, telephone (202) 523-8194. (This is not a toll-free number.)

* In this proposed exemption the Department is not expressing any opinion concerning whether the prior investment by the Plans and the Plans' sponsor was a prohibited transaction.

Boulder Orthopedics, P.C. Pension Plan and Boulder Orthopedics, P.C. Profit Sharing Plan (the Plans) Located in Boulder, Colorado

[Application Nos. D-6872 and D-6873]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a) and 406(b)(1) and (2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the sale of a parcel of undeveloped real property (the Property) from the individual accounts in the Plans of Rex C. Bosley, M.D. (Bosley) to Bosley, a party in interest with respect to the Plans, provided the Plans receive no less than fair market value for the property at the time of sale.

Summary of Facts and Representations

1. Boulder Orthopedics, P.C. (the Corporation) is a Colorado professional corporation which is engaged in the practice of medicine, specializing in orthopedic surgery. The Boulder Orthopedics, P.C. Pension Plan (the Pension Plan) is a money purchase pension plan with seven participants and total assets of $400,756 as of September 30, 1985. The Boulder Orthopedics, P.C. Profit Sharing Plan (the Profit Sharing Plan) had seven participants and total assets of $509,367 as of September 30, 1985. Both Plans contain individual, segregated accounts for each participant and provide that a participant may direct the investments of his or her account.

2. Bosley is the president and a 50 percent shareholder of the Corporation as well as a participant in the Plans. Bosley is also a trustee and administrator of the Plans. As of September 30, 1985, the assets in Bosley's account in the Pension Plan totaled $307,120 and the assets in Bosley's account in the Profit Sharing Plan equaled $376,737. In October 1985, the Plans purchased the Property on behalf of Bosley's individual accounts. The Property is a parcel of 3.02 acres of undeveloped real property located near Boulder, Colorado. The Property was bought for $115,000 in cash from a party unrelated to Bosley or to the Plans. The Pension Plan owns 44.9 percent and the Profit Sharing Plan owns 55.1 percent of the Property. The Property was purchased by the accounts for general investment purposes and has not been used by Bosley or any other party in interest since the time of acquisition.

3. An appraisal was made on the Property on August 26, 1986, by Lloyd L. Leabhard (Leabhard), a real estate appraiser located in Boulder, Colorado. The applicant represents that Leabhard is independent of Bosley and of the Plans. Leabhard states that the Property is a residential building site which is part of a nonurban planned unit development consisting of approximately 65 acres of open space. Placing emphasis on the comparable sales approach, Leabhard estimated that the fair market value of the Property was $115,000.

4. The Property was purchased because Bosley anticipated that it would appreciate in value. However, because of the weak real estate market in the Boulder area since the purchase, the expected appreciation has not occurred. Accordingly, the Plan trustees propose to sell the Property from Bosley's segregated accounts in the Plans to Bosley. Bosley will pay the greater of fair market value for the Property at the time of sale, based on an updated independent appraisal, or the total cost to the Plans of acquiring and holding the Property, including any acquisition expenses and property taxes. Bosley will pay cash for the Property and the Plans will pay no fees or commissions in connection with the sale. The Plans will invest the proceeds from the sale on behalf of Bosley's accounts in assets which are more liquid and produce income for the accounts.

5. In summary, the applicant represents that the proposed transaction will satisfy the statutory criteria of section 408(a) of the Act because: (1) The sale of the Property will be entirely for cash and the Plans will pay no commissions or fees in connection with the sale; (2) Bosley will pay current fair market value for the Property or the total cost to the Plans of acquiring and holding the Property, whichever is higher; (3) the transaction will involve only Bosley's segregated accounts in the Plans and will not affect the assets of other Plan participants; and (4) the proceeds realized from the sale of the Property will be invested in assets which are more liquid and produce income for Bosley's accounts.

For Further Information Contract: Paul Kelty of the Department, telephone (202) 523-8196. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 10th day of February, 1987.

Elliot I. Daniel,

Associate Director for Regulations and Interpretations, Pension and Welfare Benefits Administration, U.S. Department of Labor.

[FR Doc. 87-3128 Filed 2-12-87; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 87-21; Exemption Application No. D-6453 et al.]

Grant of Individual Exemptions; Commercial Metals Company Profit Sharing (the Plan) et al.

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Grant of individual exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Notices were published in the **Federal Register** of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statment of the facts and representations. The applications have been available for public inspection at the Department in Washington, DC. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of pendency were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following fidings;

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

Commercial Metals Company Profit Sharing Plan (the Plan) Located in Dallas, Texas

[Prohibited Transaction Exemption 87-21]; Exemption Application No. D-6453]

Exemption

The restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the proposed cash sale of certain real and personal property by the Plan to Commercial Metals Company, provided that the terms of the transactions are not less favorable to the Plan than those obtainable in an arm's-length transaction with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on December 5, 1986 at 51 FR 43992.

For Further Information Contact: Alan Levitas of the Department, telephone (202) 523-8194. (This is not a toll-free number.)

BFS, Inc. Profit Sharing Plan and Style Center, Inc. Profit Sharing Plan (the Plans) Located in Honolulu, Hawaii

[Prohibited Transaction Exemption 87-22; Exemption Application Nos. D-6675 and D-6676]

Exemption

The restrictions of sections 406(a) and 406(b)(1) and (2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the sale by the Plans to BFS, Inc. of interests in the Captain Cook Lands Partnership, provided the Plans receive no less than fair market value for the interests at the time of sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on November 21, 1986 at 51 FR 42149.

For Further Information Contact: Paul Kelty of the Department, telephone (202) 523-8196. (This is not a toll-free number.)

Metalex Manufacturing, Inc. Employee Profit Plan and Trust (the Plan) Located in Cincinnati, Ohio

[Prohibited Transaction Exemption 87-23; Exemption Application No. D-6722]

Exemption

The restrictions of sections 406(a) and 406(b)(1) and (2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the sale for cash by the Plan of certain real property (the Real Property) to Werner K. Kummerle, a party in interest with respect to the Plan, provided that the amount received is the greater of the fair market value of the Real Property as of the date of sale or the Plan's total outlay for the Real Property to the date of sale, including but not limited to, the price originally paid by the Plan for the Real Property, property taxes, interest and maintenance expenses.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on November 18, 1986 at 51 FR 41705.

For Further Information Contact: Joseph L. Roberts III of the Department, telephone (202) 523-8194. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 29th day of January, 1987.

Elliot I. Daniel,

Associate Director for Regulations and Interpretations, Pension and Welfare Benefits Administration, U.S. Department of Labor.

[FR Doc. 87-3129 Filed 2-12-87; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Critical Engineering Systems Section; Meeting

Name: Advisory Committee for Critical Engineering Systems Section.

Date and Time:

March 2
9:00 a.m.—5:00 p.m.

March 3
9:00 a.m.—12:00 p.m.

Place: National Science Foundation, 1800 G Street, NW.—Room 540, Washington, DC 20550.

Type: Open.

Contact: Dr. Michael P. Gaus, Head, Critical Engineering, Systems Section/ECES, National Science Foundation, 1800 G Street NW.—Room 1130, Washington, DC 20550. Phone: 202-357-9545.

Minutes: "May be obtained from contact person listed above."

Purpose of Meeting: To provide advice and recommendations concerning fundamental research for critical engineering systems.

Agenda: Review of research content of the following research programs: Earthquake Hazard Mitigation, Natural & Manmade Mitigation, Environmental Engineering, Systems Engineering for Large Structures along with plans for the future.

M. Rebecca Winkler,

Committee Management Officer.

February 10, 1987.

[FR Doc. 87-3137 Filed 2-12-87; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Physics Subcommittee for Review of the NSF Theoretical Physics Program; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Physics: Subcommittee for the Review of the NSF Theoretical Physics Program.

Date and Time:

March 5, 1987
9:00 a.m. to 6:00 p.m.

March 6, 1987
9:00 a.m. to 4:00 p.m.

Place: Room 341, National Science Foundation, 1800 G Street NW., Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. Harvey B. Willard, Director, Division of Physics, Room 341, National Science Foundation, Washington, DC 20050, (202) 357-7985.

Purpose of Subcommittee: To provide oversight concerning NSF support and planning for research in theoretical physics.

Agenda: To review NSF Theoretical Physics Program documentation as part of the program oversight function.

Reason For Closing: The meeting will deal with a review of grants and declinations in which the Subcommittee will review materials containing the names of applicant institutions and principal investigators and privileged information from the files pertaining to the proposals. The meeting will also include a review of the peer documentation pertaining to applicants. These matters are within exemptions (4) and (5) U.S.C. 552b (c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10 (d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Officer.

February 10, 1987.

[FR Doc. 87-3138 Filed 2-12-87; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-320]

General Public Utilities Nuclear Corp. (Three Mile Island Nuclear Station Unit 2); Exemption

I

GPU Nuclear Corporation, Metropolitan Edison Company, Jersey Central Power and Light Company and Pennsylvania Electric Company (collectively, the licensee) are the

holders of Facility Operating Licensing No. DPR–73, which had authorized operation of the Three Mile Island Nuclear Station, Unit 2 (TMI–2) at power levels up to 2772 megawatts thermal. The facility, which is located in Londonderry Township, Dauphin County, Pennsylvania, is a pressurized water reactor previously used for the commercial generation of electricity.

By Order of Modification of License, dated July 20, 1979, the licensee's authority to operate the facility was suspended and the licensee's authority was limited to maintenance of the facility in the present shutdown cooling mode (44 FR 45271). By further Order of the Director, Office of Nuclear Reactor Regulation, dated February 11, 1980, a new set of formal license requirements was imposed to reflect the post-accident condition of the facility and to assure the continued maintenance of the current safe, stable, long-term cooling condition of the facility (45 FR 11292). The license provides, among other things, that it is subject to all rules, regulations and Orders of the Commission now or hereafter in effect.

II

By letter dated December 10, 1986, the licensee requested exemptions from the requirements of 10 CFR Part 50, Appendix A, General Design Criteria (GDC) 17 and 19, concerning electric power systems and control room habitability. Specifically, GDC 17 requires that an onsite electric power system and an offsite electric power system shall be provided to permit functioning of structures, systems and components important to safety. GDC 17 further requires that the safety function for each system (assuming the other system is not functioning) should be to provide sufficient capacity and capability to assure that (1) specified acceptable fuel design limits and design conditions of the reactor coolant pressure boundary are not exceeded as a result of anticipated operational occurrences and (2) the core is cooled and containment integrity and other vital functions are maintained in the event of postulated accidents. Additionally, GDC 17 specifies that both onsite and offsite electric power systems should have sufficient independence and redundancy to perform their safety functions assuming a single failure. As relevant to the licensee's request, GDC 19 requires that a control room shall be provided from which actions can be taken to operate the nuclear power unit safely under normal conditions and to maintain it in a safe condition under accident conditions, including loss-of-coolant accidents. GDC 19 further requires that adequate radiation protection shall be provided to permit access and occupancy of the control room under accident conditions without personnel receiving radiation exposures in excess of 5 rem whole body, or its equivalent to any part of the body, for the duration of the accident. Under the TMI–2 operating license, control room habitability during accident conditions has been assured through the operability of the control room emergency air cleanup system. In the unlikely event of an accident with concurrent loss of offsite power (LOOP), the diesel generators would provide onsite emergency backup power to assure the operability of the system.

III

The licensee has requested exemption from the indicated General Design Criteria in conjunction with license amendment requests submitted by letters dated June 18, 1985 and July 31, 1985, as modified by letters dated February 26, 1986 and May 20, 1986 and in additional discussions with the staff. The staff has reviewed the safety evaluations submitted in support of the proposed license amendments, which also provide the bases for the licensee's exemption requests. Specifically, the licensee proposes to delete all license requirements for availability and operability of the Class 1E diesel generators. As a result of previous amendments to the facility license to reflect the unique post-accident status of the TMI–2 facility, the control room emergency air cleanup system is the only remaining system requiring power from the onsite diesel generators. Consequently, the licensee also proposes to delete the license requirement for onsite emergency backup power to this system.

TMI–2 is currently in a long-term cold shutdown for accident recovery and defueling. Short-lived fission products which make up the preponderance of the source term in operating reactors have decayed to negligible levels. Decay heat is less than 10 kilowatts and forced cooling of the core has not been required or used since 1981. Core cooling and criticality control are provided by maintaining a sufficient volume of borated water in the RCS. Natural convective heat loss from the RCS directly to the reactor building atmosphere provides sufficient decay heat removal capability. In the unlikely event of the maximum credible TMI–2 loss of coolant accident, previously analyzed by the staff, sufficient borated water would be provided by passive, gravity feed from the borated water storage tank to keep the core covered for a minimum of 10 days. The standby reactor building sump recirculation system would be made operational during this time if needed to maintain core coverage for a longer period.

The types of accidents possible at TMI–2 during the cleanup phase (long-term cold shutdown) differ significantly from those possible in an operating reactor. The staff and the licensee have evaluated a broad spectrum of potential accident scenarios possible at TMI–2 during the cleanup phase. These included liquid spills, fires, canister drops, and loss of coolant accidents. The source terms from these accident scenarios are much smaller than those associated with postulated accidents at operating power reactors. Additionally, none of these accidents would be caused by a LOOP and thus are extremely unlikely to occur simultaneously with the unavailability of the control room emergency air cleanup system.

TMI–1, which is adjacent to TMI–2, is in a normal operating cycle for power reactors with periods of power operation periodically interrupted by variable length shutdowns for refueling, maintenance and repairs. A severe accident at TMI–1 while it is at power could generate a source term which could affect TMI–2 control room habitability. It is very improbable that this type of accident would occur and even more unlikely that it would be coincident with a loss of offsite power to TMI–2. If there were no coincident TMI–2 LOOP, the TMI–2 control room emergency air cleanup system would function normally.

The licensee has committed to terminate all recovery activities and place systems in a safe, stable configuration at TMI–2 during an emergency event at TMI–1. These activities include core alterations, RCS water processing, transfer of fuel bearing canisters and casks, and movement of heavy loads. While an accident at TMI–1 could affect habitability in TMI–2, it would not cause equipment failures and additional accidents to occur at TMI–2. No active components are required to maintain the current safe shutdown of TMI–2. With recovery activities terminated, periodic monitoring of TMI–2 is all that is required. No effect on plant safety would occur due to temporary inaccessibility of the TMI–2 control room. The staff has previously determined that offsite AC power can be restored within five hours. With the restoration of offsite power, the TMI–2 control room emergency air cleanup system would again become operable

and personnel could again monitor activities from the control room. Although not required, short-term access to the TMI–2 control room could be provided by use of self-contained breathing apparatus.

The staff has evaluated the potential accident scenarios discussed above relative to the requirements for control room habitability specified in GDC 19. We conclude that it is highly probable that in the event of an accident at TMI–1 or TMI–2, the TMI–2 control room emergency air cleanup system will be operable without relying on onsite backup emergency power sources, and thus habitability of the TMI–2 control room will be ensured in accordance with GDC 19. However, in the extremely unlikely event that a severe accident at Unit 1 occurs coincident with loss of offsite power to Unit 2, the Unit 2 control room could, if necessary, be evacuated without affecting the licensee's ability to maintain the TMI–2 facility safety shutdown. Accordingly, a partial exemption from GDC 19 during a LOOP is justified since no action of personnel in the TMI–2 control room would be required to maintain the plant in a safe shutdown condition for the period of time necessary to restore power. Except for such occurrences, the licensee will continue to comply with the provisions of GDC 19.

Since TMI–2 can be maintained in a safe shutdown condition without the requirement for continuous manning of the control room, onsite backup emergency power service for the control room emergency air cleanup system is no longer needed to ensure the safety of the facility in its present condition. Consequently, an exemption from GDC 17 is also justified. This is based on the fact that the control room emergency air cleanup system is the only remaining load on the emergency diesel generators still required by the facility license; the emergency diesel generators (the onsite electric power system) are not needed to assure core cooling, containment integrity or other safety functions at TMI–2 in the current post-accident, cold shutdown condition.

IV

Accordingly, the Commission has determined that pursuant to 10 CFR 50.12, these exemptions are authorized by law, will not present an undue risk to the pubic health and safety, and are consistent with the common defense and security. The Commission further determines that special circumstances, as provided in 10 CFR 50.12(a)(2)(ii), are present justifying the exemptions, namely, that application of the regulations in this particular circumstance is not necessary to achieve the underlying purpose of the rules: To maintain the nuclear power unit in a safe shutdown condition in the event of an accident. Specifically, as noted above, neither continuous control room manning nor operation of an onsite emergency backup power source is necessary to maintain the damaged TMI–2 reactor in a safe shutdown condition. Accordingly, the Commission hereby grants exemption from the requirements of 10 CFR Part 50, Appendix A, General Design Criterion 17 and, in part, from the requirements of General Design Criterion 19.

It is further determined that the exemptions do not authorize a change in effluent types or total amounts nor an increase in power level and will not result in any significant environmental impact. In light of this determination and as reflected in the Environmental Assessment and Notice of Finding of No Significant Environmental Impact prepared pursuant to 10 CFR 51.21 and 51.30 through 51.32 (February 9, 1987, 52 FR 4067), it is concluded that the instant action is insignificant from the standpoint of environmental impact and an environmental impact statement need not be prepared.

These exemptions are effective upon issuance of the corresponding changes to facility Technical Specifications, sections 3.7.4, 3.7.7, 3.7.10, 3.8.1, 3.8.2, 3.9.12.1, 3.9.12.2, 3/4.7.4, 3/4.7.7, 4.3, 4.7.4, 4.7.7, 4.8.1, 4.8.2, 4.9.12.1 and 4.9.12.2.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Director, Division of PWR Licensing-B, Office of Nuclear Reactor Regulation.

Dated at Bethesda, Maryland this 9th day of February 1987.

[FR Doc. 87–3124 Filed 2–12–87; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–538]

Memphis State University; Proposed Issuance of Orders Authorizing Disposition of Component Parts and Terminating Facility License

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of Orders to authorize Memphis State University, (the licensee) to dispose of the component parts of the research reactor in their possession, in accordance with the licensee's application dated November 12, 1986, as supplemented, and terminating the Facility Operating License No. R–127.

The first of these Orders would be issued following the Commission's review and approval of the licensee's detailed plan for decontamination of the facility and disposal of the radioactive components, or some alternate disposition plan for the facility. This Order would authorize implementation of the approved plan. Following completion of the authorized activities and verification by the Commission that acceptable radioactive contamination levels have been achieved, the Commission would issue a second Order terminating the facility license and any further NRC jurisdiction over the facility. Prior to issuance of each Order, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By March 9, 1987, the licensee may file a request for a hearing with respect to issuance of the subject Orders and any person whose interest may be affected by this proceeding who wishes to participate as a party in the proceeding must file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in CFR Part 2. If a request for hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate Order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any Order which may be entered on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first

prehearing conference scheduled in the proceeding but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the action under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the Order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Section, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Herbert N. Berkow: (petitioner's name and telephone number); (date petition was mailed); Memphis State University; and publication date and page number of the **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel-Bethesda, U.S. Nuclear Regulatory Commission, Washington, DC, 20555, and to the attorney for the licensee, Ms. Susan C. Short, General Counsel, State Board of Regents, 1161 Murfreesboro Road, Nashville, Tennessee 37217.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the licensee's application dated November 12, 1986, as supplemented, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

Dated at Bethesda, Maryland this 6th day of February 1987.

For the Nuclear Regulatory Commission.

Herbert N. Berkow,

Director Standardization and Special Projects Directorate, Division of PWR Licensing-B, Office of Nuclear Reactor Regulation.

[FR Doc. 87–3125 Filed 2–12–87; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. STN 50–530]

Arizona Public Service Co., et al., Palo Verde Nuclear Generating Station, Unit 3; Environmental Assessment and Finding of No Significant Impact

The Nuclear Regulatory Commission (the Commission) is considering issuance of an extension to the latest construction completion date specified in Construction Permit CPPR–143. Constructing Permit CPPR–143 for the Palo Verde Nuclear Generating Station, Unit 3 was issued to Arizona Public Service Company (APS), et al.* on May 25, 1976, with the latest construction completion date as November 1, 1986. The Palo Verde Nuclear Generating Station (PVNGS) is located in Maricopa County, Arizona.

Environmental Assessment

Identification of Proposed Action

The proposed action would amend the construction permit by extending the latest construction completion date from November 1, 1986, to December 31, 1987. The proposed action is in response to the applicant's request dated September 8, 1986.

The Need for the Proposed Action

The proposed action is needed because Unit 3 will not be ready for fuel loading until the end of the first quarter of 1987. The delay in completion of Palo Verde Unit 3 beyond November 1, 1986, is due to the following factors:

1. PVNGS Units 1, 2, and 3 have been constructed on a sequential schedule with planned minimum and maximum spacings between units of one and two years, respectively. Acts beyond the control of the permit holder have resulted in delays in construction, testing and operations, to assure safety of Units 1 and 2. This has resulted in modifications and delays impacting the sequential schedule for completion of Unit 3.

2. Although construction of PVNGS Unit 3 is essentially complete with the pre-operational program currently in progress, additional time will be required for completion in a safe manner.

APS stated that extension of the latest date for completion of PVNGS Unit 3 to December 31, 1987, will preclude the need for requesting further amendments of CPPR–143 if there should be any slippage in the expected Unit 3 fuel load date due to unforseen circumstances.

Environmental Impacts of the Proposed Action

The environmental impacts associated with construction of the facility have been previously discussed and evaluated in the NRC staff's Final Environmental Statement (FFS) issued in September 1975 (NUREG–75/0708) and in the Final Supplement to the FES (FES Supplement) issued in February, 1976 (NUREG–0036) for the PVNGS construction permit stage.

Since the proposed action involves extending the construction permit, radiological impacts are not affected by this action. The impacts that are involved are all non-radiological and are associated with continued construction. As a result of the review of the Final Safety Analysis Report to date and considering the nature of the delays, the NRC staff has identified no area of significant safety consideration in connection with the extension of the construction completion date for Palo Verde Nuclear Generating Station, Unit 3. The only change proposed by the applicant is an extension of the latest construction completion date to December 31, 1987. This extension of the construction and testing period would not change the activities already considered by previous Commission safety reviews of the facility, considered in the FES and FES Supplement and authorized by the construction permit, other than to extend the latest date by which construction must be completed.

* The other Construction Permit holders are the Salt River Project Agricultural Improvement and Power District, El Paso Electric Company, Southern California Edison Company, Public Service Company of New Mexico, Los Angeles Department of Water and Power, and Southern California Public Power Authority.

There are no new significant impacts associated with the extension.

Alternative Use of Resources

This action does not involve the use of resources not previouly considered in the FES or the FES Supplement for the PVNGS discussed above.

Agencies and Persons Contacted

The NRC staff reviewed the applicants' request and applicable documents referenced therein that support this extension. The NRC did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for this action. Based upon the environmental assessment, we conclude that this action will not have a significant effect on the quality of the human environment.

For details with respect to this action, see the request for extension, dated September 8, 1986, which is available for public inspection at the Commission's Public Document Room 1717 H Street, N.W., Washington, DC and at the Local Public Document Room in the Phoenix Public Library, Business, Science, and Technology Department, 12 East McDowell Road, Phoenix, Arizona 85004.

Dated at Bethesda, Maryland, this 9th day of February, 1987.

For the Nuclear Regulatory Commission.

George W. Knighton,

Director, PWR Project Directorate No. 7, Division of PWR Licensing-B.

[FR Doc. 87-3123 Filed 2-12-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-320]

Meeting of the Advisory Panel for the Decontamination of Three Mile Island, Unit 2 GPU Nuclear Corporation

Notice is hereby given pursuant to the Federal Advisory Committee Act that the Advisory Panel for the Decontamination of Three Mile Island Unit 2 (TMI-2) will be meeting on February 26, 1987, from 3:30 PM to 10:00 PM at the Lancaster Council Chambers, Public Safety Building, 201 N. Duke Street, Lancaster, PA 17603. The meeting will be open to the public.

The Panel will conduct a working session to review the recently issued supplement to the Programmatic Environmental Impact Statement (NUREG-0683, Supplement 2) dealing with the licensee's plans for the disposal of the accident-generated water. The Panel will also receive a status report on the progress of defueling from the licensee, General Public Utilities Nuclear Corporation. Members of the public will be given the opportunity to address the Panel.

Further information on the meeting may be obtained from Dr. Michael T. Masnik, Three Mile Island Cleanup Project Directorate, U.S. Nuclear Regulatory Commission, Washington, DC, 20555, telephone 301/492-7743.

Dated: February 9, 1987.

For the Nuclear Regulatory Commission.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 87-3140 Filed 2-12-87; 8:45 am]

BILLING CODE 7590-01-M

POSTAL RATE COMMISSION

Presentation on Introduction to Postal Costing Concepts

February 10, 1987.

Notice is hereby given that members of the technical and legal advisory staffs of the Postal Rate Commission will present an introduction to the concepts of postal costing, as employed in ratemaking under the Postal Reorganization Act (39 U.S.C. 3621 *et seq.*).

The public is invited to the session which will be held on Thursday, February, 26, 1987, at 1:30 p.m. in the Postal Rate Commission Hearing Room, 1333 H Street, NW., Suite 300, Washington, DC 20268-0001.

The Commission received expressions of interest from persons in the private sector for an introductory presentation of certain cost analysis concepts used in postal ratemaking and their application. While much information on these ideas and techniques is contained in the Commission's published rate decisions, it may also be valuable to offer a more generalized introduction to them in a relatively informal, seminar-type setting. Accordingly, the staff has been instructed to prepare a suitable public presentation.

This session will be limited to a general discussion of relevant concepts, and it is not contemplated that specific financial questions or detailed mathematical demonstrations will be taken up.

For further information, contact David F. Stover, General Counsel, Postal Rate Commission, 1333 H Street, NW., Suite 300, Washington, DC 20268-0001 ((202) 789-6820).

Charles L. Clapp,

Secretary.

[FR Doc. 87-3112 Filed 2-12-87; 8:45 am]

BILLING CODE 7715-01-M

SECURITIES AND EXCHANGE COMMISSION

Forms Under Review by Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, (202) 272-2142

Upon Written Request Copy Available From: Securities and Exchange Commission, Office of Consumer Affairs and Information Services, Washington, DC 20549

Extension

File No. 270-158, Form 8
File No. 270-68, Regulation C
File No. 270-101 Form 11-K
File No. 270-102, Regulation B
File No. 270-118, Rule 236

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for an extension of clearance of the following forms, Form 8; Regulation C; Form 11-K; Regulation B; and Rule 236. The forms provide a basis for the Commission to fulfill its statutory responsibility to ensure that issuers of publicly-traded securities provide investors and the marketplace with adequate information and some forms grant certain limited exemptions from provisions of the Securities Act of 1933.

Submit comments to OMB Desk Officer, Mr. Robert Neal (202) 395-7340, Office of Information and Regulatory Affairs, Commerce & Lands Branch, Room 3228 NEOB, Washington, DC 20503.

Jonathan G. Katz,

Secretary.

February 9, 1987.

[FR Doc. 87-3102 Filed 2-12-87; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Incorporated

February 9, 1987

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuan to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Emerald Homes, L.P.
Depositary Receipts, No Par Value (File No. 7-9672)

Sizeler Property Investors, Inc.
Common Stock, $.01 Par Value (File

No. 7–9673)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 2, 1987, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87–3700 Filed 2–12–87; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Incorporated

February 9, 1987.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following stock:

Owens-Corning Fiberglas Corporation (New)
Common Stock, $0.10 Par Value (File No. 7–9671)

This security is listed and registered on one or more other national securities exchange and is reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 2, 1987 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87–3101 Filed 2–12–87; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Noise Exposure Map Notice; Anchorage International Airport, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the noise exposure maps submitted by the State of Alaska for Anchorage International Airport under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96–193) and 14 CFR Part 150 are in compliance with applicable requirements.

EFFECTIVE DATE: The effective date of the FAA's determination on the noise exposure maps in January 22, 1987.

FOR FURTHER INFORMATION CONTACT: James S. Perham, 907–271–5448.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the noise exposure maps submitted for Anchorage International Airport are in compliance with applicable requirements of Part 150, effective January 22, 1987.

Under section 103 of the Aviation Safety and Nosie Abatement Act of 1979, hereinafter referred to as "the Act," an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict noncompatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport.

An airport operator who has submitted noise exposure maps that are found by the FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR), Part 150, promulgated pursuant to Title I of the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operators has taken or proposes for the reduction of exising noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

The FAA has completed its review of the noise exposure maps and related descriptions submitted by the State of Alaska. The specific maps under consideration are identified as Parts 1 and 2 for 1986 and 1991 in the sponsor certification segment of the noise exposure maps submission. The FAA has determined that these maps for Anchorage International Airport are in compliance with applicable requirements. This determination is effective on January 22, 1987. The FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with procedures contained in Appendix A of FAR Part 150. Such determination does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program.

If quesitons arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under section 103 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 107 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under Part 150 or through the FAA's review of noise exposure maps. Therefore, the responsibility for detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator which submitted those maps, or with those public agencies and planning agencies with which consultation is required under section 103 of the Act. The FAA has relied on the certification by the airport operator, under section 150.21 of FAR Part 150, that the statutorily required consultation has been accomplished.

Copies of the noise exposure maps and the FAA's evaluation of the maps

are available for examination at the following locations:

Federal Aviation Administration, 800 Independence Avenue, SW., Room 617, Washington, DC 20591

Federal Aviation Administration, Airports Division, 701 C Street, Box 14, Anchorage, Alaska 99513

Mr. Guy Russo, Director, Anchorage International Airport, P.O. Box 190204, Anchorage, Alaska 99519–0204.

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT.**

Issued in Anchorage, Alaska, January 22, 1987.

Franklin L. Cunningham,

Director, Alaskan Region.

[FR Doc. 87–3077 Filed 2–12–87; 8:45 am]

BILLING CODE 4910–13–M

National Highway Traffic Safety Administration

[Docket No. EX87–1; Notice 1]

Aston Martin Lagonda Limited; Petition for Temporary Exemption From Federal Motor Vehicle Safety Standard No. 208

Aston Martin Lagonda, Ltd., of Newport Pagnell, England, has petitioned for a temporary exemption from the passive restraint requirements of Motor Vehicle Safety Standard No. 208 *Occupant Restraint Systems.* The basis of the petition is that compliance would cause substantial economic hardship.

Notice of receipt of the petition is published in accordance with the regulations of the National Highway Traffic Safety Administration on this subject (49 CFR Part 555) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Petitioner's total production in the 12-month period before filing its petition was 164 motor vehicles, of which 60 were sold in the United States between September 1, 1985, and September 1, 1986. It requests an exemption of three years from the passive restraint requirements of Motor Vehicle Safety Standard No. 208 which became effective September 1, 1986. The company has been endeavoring since November 1984 to develop a system meeting Standard No. 208 and responsive to the tastes of its customers. Its prototype belt and knee bolster system met the standard's requirements but in the petitioner's opinion could have caused injuries to passengers absent further development. Tests to confirm the efficacy of a redeveloped system (six high "g" sled tests and at least one 30 mph frontal barrier impact) are estimated to cost slightly more than $376,000. The petitioner's net income for fiscal 1986 was approximately only $600,000 (assuming a value of the pound sterling at $1.5175), thus the vehicles could not be immediately conformed without creating substantial economic hardship.

The petitioner is currently negotiating with Breed Corporation for an air bag system but has concluded that under the most favorable circumstances a conforming vehicle will not be available for sale until January 1989. Aston Martin Lagonda argues that an exemption would be in the public interest and consistent with the objectives of the National Traffic and Motor Vehicle Safety Act because it believes the purchasers of its luxury performance cars are more likely than other motorists to use their restraints, and that these restraints meet current injury criteria and have no in-use problems. A denial would mean closure of its United States importer, distributors, and dealers, and "the loss of the USA market could not be replenished by sales in our other world markets and our current other world sales could not show a sufficient return of funds to sustain our current workforce. . . ."

Interested persons are invited to submit comments on the petition of Aston Martin Lagonda Ltd. described above. Comments should refer to the docket number and be submitted to Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh St. SW., Washington, DC 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The petition and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will be considered to the extent practicable. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: March 16, 1987.

(Sec. 3, Pub. L. 92–548, 86 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on: February 9, 1987.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 87–3117 Filed 2–12–87; 8:45 am]

BILLING CODE 4910–59–M

VETERANS ADMINISTRATION

Agency Forms Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

The Veterans Administration has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C Chapter 35). This document contains two extensions and lists the following information: (1) The department or staff office issuing the forms, (2) the title of the forms, (3) the agency form numbers, if applicable, (4) how often the forms must be filled out, (5) who will be required or asked to report, (6) an estimate of the number of responses (7) an estimate of the total number of hours needed to fill out the forms, and (8) an indication of whether section 3504(h) of Pub. L. 96–511 applies.

ADDRESSES: Copies of the forms and supporting documents may be obtained from Patti Viers, Agency Clearance Officer (732), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 233–2146. Comments and questions about the items on the list should be directed to the VA's OMB Desk Officer, Allison Herron, Office of Management and Budget, 726 Jackson Place, NW, Washington, DC 20503, (202) 395–7316.

DATES: Comments on the information collections should be directed to the OMB Desk Officer within 60 days of this notice.

Dated: February 9, 1987.

By direction of the Administrator.

David A. Cox,

Associate Deputy Administrator for Management.

Extensions

1. Department of Veterans Benefits.
2. Fiduciary Account Book and Accounting Form.
3. VA Forms 27–4706 and 27–4718.
4. On occasion.
5. Individuals or households; State or local governments; Federal agencies or employees; and Non-profit institutions.
6. 43,143 responses.
7. 85,692 hours.
8. Not applicable.

[FR Doc. 87–3065 Filed 2–12–87; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 52, No. 30
Friday, February 13, 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 ELECTION COMMISSION

PREVIOUS ANNOUNCEMENT: Federal Register Doc. No. 87–1831, January 29, 1987.

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, February 5, 1987, 10:00 a.m.

THE FOLLOWING ITEM WAS ADDED TO THE AGENDA:

Recently Closed Enforcement Cases: MURS 2110 and 2260

* * * * *

DATE AND TIME: Wednesday, February 18, 1987, 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. 437g.
Audits conducted pursuant to 2 U.S.C. 437g, 438(b), and Title 26, U.S.C.
Matters concerning participation in civil actions or proceedings or arbitration.
Internal personnel rules and procedures or matters affecting a particular emloyee.

* * * * *

DATE AND TIME: Thursday, February 19, 1987, 2:00 p.m.

PLACE: 999 E Street, NW., Washington, DC, Ninth Floor.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of Dates for Future Meetings.
Correction and Approval of Minutes.
Draft Advisory Opinion 1987–1—Timothy J. Newlin for Friends of Jim Dawson.
Draft Advisory Opinion 1987–2—David B. Applebaum on behalf of the Florio '88 Committee.
Draft Advisory Opinon 1986–43—Laurence A. Tuttle.
Proposed Revision of Title 26 Regulations.
Proposed Directive 24 (Internal Procedures Related to the Presidential Primary Matching Fund Program).
Routine Administrative Matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, Telephone: 202–376–3155.

Marjorie W. Emmons,

Secretary of the Commission.

[FR Doc. 87–3226 Filed 2–7–87; 3:21 pm]

BILLING CODE 6715–01–M

federal register

Friday
February 13, 1987

Part II

Department of the Interior

National Park Service

Significant Thermal Features Within Units of the National Park System; Notice of Proposed Listing

DEPARTMENT OF THE INTERIOR

National Park Service

Significant Thermal Features Within Units of the National Park System

AGENCY: National Park Service/U.S. Department of the Interior.

ACTION: Notice of proposed list of significant thermal features within units of the National Park System.

SUMMARY: In accordance with section 115 of the Department of the Interior and Related Agencies Appropriations Act for 1987, Pub. L. 99–591, the National Park Service (NPS) is publishing for public review and comment a proposed list of significant thermal features within twenty-two (22) units of the National Park System. This list may be revised after public comments are received in response to this Notice or as new information becomes available. A final list, including all public comments and rationale for additions to or deletions from the proposed list, will be sent to Congress in April 1987. No geothermal leases may be issued by the Secretary of the Interior until the final list is transmitted to Congress. Also, future geothermal leasing, pursuant to the Geothermal Steam Act of 1970, as amended, is dependent on determinations of whether or not proposals to explore for, develop, produce, or use geothermal resources surrounding the listed features are "likely to result in significant adverse effects" on the listed features.

The NPS welcomes a thorough review of the proposed listed features and the information serving as the bases for determining listed features as significant. The NPS seeks data or information that can assist in preparing a final list of significant thermal features within the specified units of the National Park System. NPS is also interested in receiving nominations for listing additional thermal features or recommendations for deleting thermal features, as proposed. All nominations for listing additional areas of significant thermal features and recommendations for deleting areas from the proposed list should be accompanied by background information on the thermal feature discussed and a supporting rationale for the recommended action.

After transmitting the final list of significant thermal features within units of the National Park System to the Congress, the NPS will publish the same list as sent to Congress in the **Federal Register** as a Final Notice. Copies of public comments received in response to this Notice will also be available for public review according to the specifications of the Final Notice.

DATES: Nominations, recommendations, and supporting comments must be received on or before March 16, 1987, to be assured of receiving consideration.

ADDRESS: Mail comments, recommendations, and nominations to Director, NPS, ATTN: Energy, Mining and Minerals Division (WASO 480, Room 3223, Main Interior Building), National Park Service, P.O. Box 37127, Washington, DC 20013–7127.

FOR FURTHER INFORMATION CONTACT: Ms. Pam Matthes, Energy, Mining and Minerals Division (Room 3223 Main Interior Building), National Park Service, P.O. Box 37127, Washington, DC 20013–7127, (202) 343–4639.

SUPPLEMENTARY INFORMATION: The Department of the Interior and Related Agencies Appropriations Act, Pub. L. 99–591, (hereinafter referred to as the Act) was passed by Congress and signed into law October 30, 1986.

Paragraph 2(a) of § 115 of the General Provisions for the Act, directs the Secretary to collect and publish in the **Federal Register**, within 120 days, a proposed list of significant thermal features in the following twenty-two (22) units of the National Park System:

Mount Rainier National Park, Washington;
Lassen Volcanic National Park, California;
Yellowstone National Park, Wyoming, Montana, and Idaho;
Bering Land Bridge National Preserve, Alaska;
Gates of the Arctic National Park and Preserve, Alaska;
Yukon-Charley Rivers National Preserve, Alaska;
Katmai National Park, Alaska;
Aniakchak National Monument and Preserve, Alaska;
Wrangell-St. Elias National Park and Preserve, Alaska;
Glacier Bay National Park and Preserve, Alaska;
Denali National Park and Preserve, Alaska;
Lake Clark National Park and Preserve, Alaska;
Hot Springs National Park, Arkansas;
Sequoia National Park, California;
Hawaii Volcanoes National Park, Hawaii;
Lake Mead National Recreation Area, Arizona and Nevada;
Big Bend National Park, Texas;
Olympic National Park, Washington;
Grand Teton National Park, Wyoming;
John D. Rockefeller, Jr. Memorial Parkway, Wyoming;
Haleakala National Park, Hawaii; and,
Crater Lake National Park, Oregon.

The NPS has been designated by the Department as the lead agency for preparation and publication of the list of significant thermal features. In making an overall determination of significance, the Act specifically requires four criteria to be applied to each thermal feature identified within the twenty-two (22) units of the National Park System. These four criteria are listed below, along with a brief discussion of the factors contributing to the determination of whether or not the identified feature(s) qualify as "significant" under each criterion:

(1) Size, extent, and uniqueness—NPS establishes neither lower nor upper limits on the size or extent of a feature. Each feature is identified according to its existing surface dimensions. However, for a feature to be considered significant under criterion #1, it is identified as unique to the unit, the Region, the Nation, or, in some cases, the World.

(2) Scientific and geologic significance—Under this criterion, a feature qualifies as "significant" when the feature has been identified as contributing to scientific or geologic data, to the understanding of thermal regimes, or to the history or origin of the feature within the unit, the Region, or the Nation.

(3) The extent to which such features remain in a natural, undisturbed condition—Under this criterion, NPS reports on the existing condition of identified features. Where applicable, NPS addresses whether disturbances or developments, if any, have affected the subsurface thermal regime.

(4) Significance of thermal features to the authorized purposes for which the National Park System unit was created—Features specifically identified within the enabling legislation for the unit or features used in a manner consistent with the stated purposes for which the unit was created are significant.

Thus, NPS has listed thermal features that were the basis for establishing the unit in the first instance (e.g., Yellowstone National Park) and thermal features that now significantly contribute to the statutory purposes for which the area was set aside by Congress (e.g., Lake Mead National Recreation Area).

In most every case, each feature listed as significant within this Notice has met all of the significance criteria, unequivocably. However, there are a few features proposed for listing where one or more of the significance criteria are met marginally or where the significance is not known at this time.

Such features are clearly identified in an introductory paragraph preceding the discussion of the significance criteria. Specific discussions for each of these features explain the rationale behind proposing these features as significant. NPS welcomes additional information that can assist in the final determinations for these features.

All thermal features initially determined to be or proposed as significant by the NPS under these criteria are listed within this Notice. The Act authorizes the Secretary to make additions to or deletions from the list based on public comments received in response to this Proposed Notice. Further, the Act requires that within 60 days of publishing the proposed list, the Secretary must transmit to Congress a final list together with copies of all public comments received. The transmittal to Congress will indicate any additions to or deleting from the proposed list, including a statement of the reasons for the action. Therefore, the NPS requests that any comments, recommendations for deletion from, or nominations for adding thermal features to the proposed list be supported by a rationale and specific information that addresses each of the above significance criteria.

The Act directs that the Secretary of the Interior shall not issue any geothermal leases under the Geothermal Steam Act of 1970, as amended (30 U.S.C. 1001), until after the list of significant thermal features within units of the National Park System is transmitted to Congress.

Paragraph 2(b) of the Act directs the Secretary of the Interior to establish and maintain a monitoring program for each of the significant thermal features included on the final list transmitted to Congress. The existing data characterizing each listed thermal feature and any data collected as a result of the monitoring program will serve as baseline data upon which the potential effects of future geothermal leasing and development on the listed features will be assessed.

The Act requires that, "Upon receipt of an application for a geothermal lease the Secretary shall determine on the basis of scientific evidence if exploration, development, or utilization of the lands subject to the geothermal lease application is reasonably likely to result in a significant adverse effect on a significant thermal feature listed." All such determinations "shall be subject to notice and public comment", and will be published in the **Federal Register** for public review and comment. Also, the Secretary of Agriculture must consider the effects on the listed thermal features when determining whether to consent to geothermal leases on national forest lands or any other lands under the jurisdiction of the Department of Agriculture. No geothermal lease can be issued, if the Secretary determines that the exploration, development, or utilization of the land subject to the lease application is "reasonably likely to result in a *significant adverse effect* on a listed thermal feature" (emphasis added). In addition, the areas within such proposed lease appplications that are likely to result in significant adverse impacts to listed features must be withdrawn from leasing under the Geothermal Steam Act.

Future proposals to explore for, develop, produce, or use geothermal resources that are determined as "reasonably likely to *adversely affect* such significant features" (emphasis added) within units of the National Park System, may be considered for leasing. If leases are issued in such areas, the "Secretary shall include stipulations in leases necessary to protect significant thermal features." If, in these areas, the Secretary later "determines that ongoing exploration, development, or utilization activities are having a significant adverse effect on significant thermal features" listed, among other things, all activity on the lease must be suspended, "temporarily or permanently" until the significant adverse effect is eliminated.

As previously mentioned, the Act specifically requires the Secretary of the Interior and the Secretary of Agriculture to determine the effects of proposed geothermal leases and future operations on each of the listed significant thermal features in units of the National Park System. The Act further requires that such determinations on lands under the jurisdiction of the Department of the Interior and/or the Department of Agriculture must be made available for public review and comment on a case-by-case basis. In response to this requirement of the Act and to assist in clarifying where future geothermal leasing may be considered, the Department of the Interior proposes to identify the affected States in which geothermal leasing proposals will be evaluated on a case-by-case basis under the public review requirements of the Act. The purpose of this proposal also is to obtain public comment for the balance of Federal lands not contained within the list of affected States so that geothermal leasing can proceed under the requirements of the Geothermal Steam Act without imposing the case-by-case public review provisions of the Act.

The States containing the specified units of the National Park System, as listed within this Notice, comprise the list of affected States. In addition, the NPS proposes to list the State of Utah as an affected State because of its proximity to Lake Mead National Recreation Area, in which the NPS proposes to list thermal features as significant. Therefore, applications for geothermal leases in the following States will be evaluated under the provisions of the Geothermal Steam Act as well as under the explicit public review requirements of the Act: Alaska, Arizona, Arkansas, California, Hawaii, Idaho, Montana, Nevada, Oregon, Texas, Utah, Washington, and Wyoming.

The provisions of the Act are designed to protect significant thermal features within units of the National Park System from the potential adverse effects of exploration, development, or utilization of geothermal resources and will remain in effect until Congress specifically directs otherwise. Therefore, it is important that the following proposed list be given the benefit of a thorough review so that information to supplement, refine, or further delineate significant features presented in this Notice can be added to the data that is transmitted to Congress.

Summary Analysis of Thermal Features in Units of the National Park System

The twenty-two (22) units of the National Park System specified by Congress in the Act are located within five (5) NPS Regions. The following table summarizes the information collected by the NPS on thermal features within each of the specified park units:

SUMMARY TABLE

NPSRegion: park units evaluated	Number of features identified	Identified features qualify as significant under the Act
Pacific Northwest Region:		
Mount Rainier National Park (Washington).	1	Yes.
Crater Lake National Park (Oregon).	1	Yes.
Olympic National Park (Washington).	2	1=Yes/1=No.
Rocky Mountain Region:		
Yellowstone National Park (Wyoming, Idaho, and Montana).	1	Yes.
Grand Teton National Park (Wyoming).	5	No.
John D. Rockefeller, Jr. Memorial Parkway (Wyoming).	1	No.
Alaska Region:		
Bering Land Bridge, National Preserve.	1	Yes.
Gates of the Arctic, National Park and Preserve.	1	Yes.
Yukon-Charley Rivers, National Preserve.	None	Not Applicable.
Katmai National Park	1	Yes.
Aniakchak National Monument and Preserve.	1	Yes.
Wrangell-St. Elias, National Park and Preserve.	2	Yes.

SUMMARY TABLE—Continued

NPSRegion: park units evaluated	Number of features identified	Identified features qualify as significant under the Act
Glacier Bay National Park and Preserve.	None	Not Applicable.
Denali National Park and Preserve.	None	Not Applicable.
Lake Clark National Park and Preserve.	2	Yes.
Southwest Region:		
Hot Springs National Park (Arkansas).	1	Yes.
Big Bend National Park (Texas).	3	Yes.
Western Region:		
Lassen Volcanic National Park (California).	1	Yes.
Sequoia National Park (California).	2	Yes.
Hawaii Volcanoes National Park (Hawaii).	10	Yes.
Haleakala National Park (Hawaii).	1	Yes.
Lake Mead National Recreation Area (Arizona and Nevada).	3	Yes.

Maps showing the location of identified thermal features (if any) within all units are available for public inspection in Washington, DC at the following address:

Energy, Mining and Minerals Division, National Park Service, Room 3223, Main Interior Building, 18th and C Streets NW., Washington, DC 20240

Maps of units showing the location of identified thermal features (if any) are available for public inspection at each of the NPS Regional Offices responsible for administering the unit of interest at the following addresses:

Pacific Northwest Regional Office, National Park Service, 83 South King Street, Library, Seattle, Washington 98104

Rocky Mountain Regional Office, National Park Service, (Attn: Cecil Lewis), 655 Parfet Street, Denver, Colorado 80225

Alaska Regional Office, National Park Service, 2525 Gambell Street, Room 107, Anchorage, Alaska 99503

Southwest Regional Office, National Park Service, Public Affairs Office, 1100 Old Santa Fe Trail, Santa Fe, New Mexico 87504–0728

Western Regional Office, National Park Service, (Attn: Ray Murray), 450 Golden Gate Avenue, San Francisco, California 94102.

The NPS proposes to list features as significant within seventeen (17) units. The following subsection entitled "Proposed List of Significant Thermal Features in Units of the National Park System" describes each of the thermal features identified within each unit and provides information that addresses each of the four significance criteria identified by the Act.

Further, the NPS proposes to list no thermal features as "significant" within six (6) of the twenty-two (22) specified units. Features are not listed either because no thermal features are identified or because those features identified do not meet the significance criteria of the Act. The subsection entitled "Specified Units Within the National Park System With No Significant Thermal Features" explains the rationale for each of the six (6) units of the National Park System that are not proposed for inclusion on the list of significant thermal features to be transmitted to Congress.

Proposed List of Significant Thermal Features in Units of the National Park System

The thermal features identified in this Notice are named from terms describing the surface manifestations of subsurface thermal activity. Heat within the earth is manifested at the earth's surface as a result of different types of thermal activity. Any or all of the surface features described may be expressions of a thermal system or thermal feature.

Hydrothermal systems are the anomalous concentrations of high temperatures at shallow depths caused by the upward movement of water and/or steam. In addition to convective heat transfer by moving fluids, some hydrothermal systems also involve an anomalously shallow heat source caused either by a volcanic system that has moved magma to a shallow level or by high regional heat flow. Surface manifestations of hydrothermal systems are geysers, hot springs, warm springs, mud pots, fumaroles, and steaming ground.

Volcanic thermal activity may be expressed on the surface in the form of molten rock (magma or lava), ash, or thermal fluids such as water (steam), mud, and gas. Geysers, hot springs, warm springs, gas vents, and fumaroles result when water, steam, mud, and gases are heated by the molten rock below the earth's surface and then ejected at the surface. Volcanoes, craters, and calderas are formed on the surface from the eruption of molten rock and associated gases and ash. The conical shape of volcanoes is produced by the ejected material. Craters are a rimmed structure, similar to a basin, usually at the summit of a volcanic cone. A caldera is a large basin-shaped feature formed by one or more volcanic vents. Volcanoes, craters, and calderas, as surface manifestations of either active or dormant heat sources, are indications of active subsurface thermal activity.

The following features are proposed as "significant" thermal features to be forwarded to Congress in April 1987.

Mount Rainier National Park

Feature: Mount Rainier

Significance criteria: 1. Size—Approximately 176,000 acres.

Extent—Mountain area of volcanic origin.

Uniqueness—Mount Rainier is the largest Northern American stratovolcano south of Alaska that contains an active thermal system and is the largest and highest (14,410') volcano in the Cascade Range.

2. Scientific and geologic significance—This feature is an ideal example of a large stratovolcano and the thermal features at the summit and the upper slopes above 10,000 feet provide excellent study opportunities. Mount Rainier is part of what is commonly referred to as the Pacific Rim of Fire. Ohanapecosh and Longmire thermal springs exist on the flanks of Mount Rainier and their presence are indicators of subsurface thermal activity.

3. The extent to which the feature remains in a natural, undisturbed condition—The volcano itself is primarily undisturbed. Longmire and Ohanapecosh Springs are significantly altered by development that occurred prior to the establishment of the park. There are other disturbances to the flanks of the volcano from the construction of roads and visitor facilities; however, these developments do not alter the thermal feature.

4. Significance of the feature to the authorized purposes for which the unit was created—Mount Rainier, the volcano, is the central feature of the park and Mount Rainier National Park was established in 1899 to preserve this feature. (16 U.S.C. 91)

Crater Lake National Park

Feature: Crater Lake

Significance Criteria: 1. Size—48 square kilometers.

Extent—Hydrothermal vents are located on the south central floor of the basin of Crater Lake at approximately 1500 feet depth. 30–150 liters per second inflow of thermal water is estimated to enter Crater Lake.

Uniqueness—Crater Lake is among the highest, largest, and deepest caldera lakes in the world. It is known for its blue color, nearly pure optical properties, and extreme water clarity.

2. Scientific and geologic significance—Studies indicate that thermal springs feed the lake from the vents located on the floor of the basin. Bathymetric and temperature surveys are needed to characterize the

contribution of these vents to the lake's water quality. Crater Lake resembles the primitive ocean. It is ideal for limnological studies and is a prime example of a caldera lake. It is an isolated system which approximates a closed system and provides a laboratory to investigate environmental disturbances from outside influences, such as atmospheric fallout.

3. The extent to which the feature remains in a natural, undisturbed condition—The feature is in a natural, undisturbed condition.

4. Significance of the feature to the authorized purposes for which the unit was created—Crater Lake National Park was established in 1902 to preserve the caldera lake and to assure the retention of the lake's superb water quality. (16 U.S.C. 121)

Olympic National Park

Feature: Sol Duc Hot Springs

NPS determines that this feature is marginally significant, mainly because of the lack of scientific interest or significance to the unit or to the Region.

However, these springs are extensively used by the public for recreational purposes as a spa. The NPS recognizes the recreational significance of this feature and has assisted in developments to accommodate increased visitor use. The value of its current recreational use is dependent upon the thermal flow of the springs. Recreational use is consistent with the authorized purpose for which the unit was created. Thus, NPS proposes to list this feature as a significant thermal feature within Olympic National Park.

Significance Criteria: 1. Size—Approximately one acre.

Extent—Sol Duc Springs are a series of seeps occurring next to the Soleduck River.

Uniqueness—The springs are unique in that hot springs are rarely found on the Olympic Peninsula and is one of two springs found within the unit. These hot springs indicates the presence of a thermal system within the confines of the Olympic Mountains.

2. Scientific and geologic significance—Sol Duc Hot Springs, located on the inactive Calawah fault zone, have not been identified as an area of scientific interest and is significant to the geology of the unit in that they serve as an indicator of a subsurface thermal regime.

3. The extent to which the feature remains in a natural, undisturbed condition—None of the seeps exist in a natural state as the springs have been extensively altered to accommodate commercial development, which is now a major concession offering all the facilities of a spa. The development of Sol Duc Hot Springs into a commercial spa is used extensively by the public for recreation and therapeutic purposes.

4. Significance of the feature to the authorized purposes for which the unit was created—In 1938, Congress established the Olympic National Park. The enabling legislation states that the lands within the unit were "set apart as a public park for the benefit and enjoyment of the people of the United States". Although not recognized within the enabling legislation, the Sol Duc Hot Springs existed as a commercial resort at the time the unit was considered for establishment by Congress. The resort has since been developed extensively to accommodate increased visitor use as a spa. The NPS recognizes the recreational significance of this feature and its thermal flow remains significant to the public's enjoyment of the springs. (16 U.S.C. 251)

Yellowstone National Park

Old Faithful and approximately 10,000 geysers and hot springs make Yellowstone National Park the world's greatest thermal area. NPS proposes to list the entire hydrothermal system within Yellowstone National Park as one significant thermal feature comprised of the identified one hundred fourteen (114) hot springs and seven (7) gas vents. Each of the features listed are part of and in total comprise the Yellowstone hydrothermal system within the boundaries of the park. The following significance criteria have been analyzed for each feature listed and have been found to be applicable to every feature within the Yellowstone thermal system.

Feature: Yellowstone National Park

Significance Criteria: 1. Size—Approximately 2,220,000 acres.

Extent—(a) 10 travertine hot springs in Mt. Holmes, Mammoth, Tower Junction, Abiathar, Madison Junction, Firehole Lake, and Huckleberry Mountain Quadrangles.

(b) 41 acid-sulfate hot springs in Obsidian Lake, Mt. Washburn, Amethyst Mountain, Madison Junction, Norris Junction, Solfatara Plateau, Canyon Village, Ponuntpa Springs, Pelican Cone, Juniper Creek, Beach Lake, Lake Junction, Steamboat Point, Buffalo Lake, Summit Lake, Shoshone Geyser Basin and Huckleberry Mountain Quandrangles.

(c) 18 neutral-chloride hot springs in Norris Junction, Ponuntpa Springs, Firehole Lake, Buffalo Lake, Warm River Butte, Old Faithful, Ragged Falls, and Lewis Lake West Quadrangles. This feature includes the Upper and Lower Geyser Basins.

(d) 1 neutral-dilute spring in Warm River Butte Quadrangle.

(e) 6 neutral-alkaline dilute springs in Lewis Lake West, Grassy Lake Reservoir, Huckleberry Mountain, and Mt. Hancock Quadrangles.

(f) 21 springs having a mixture of the above types in the following quadrangles: Obsidian Lake, Amethyst Mountain, Madison Junction, Norris Junction, Canyon Village, Pelican Cone, Firehole Lake, Juniper Creek, Steamboat Point, Old Faithful, West Thumb, Shoshone Geyser Basin, and Lewis Lake East.

(g) 1 Bicarbonate spring located in the Obsidian Lake Quadrangle.

(h) 16 springs of undetermined dominate chemistry located in Amethyst Mountain, Madison Junction, Norris Junction, Solfatara Plateau, Canyon Village, Ponuntpa Springs, Pelican Cone, Juniper Creek, Steamboat Point, and Lewis Lake West Quadrangles.

(i) 7 gas vents located in Amethyst Mountain, Abiathar Peak, Solfatara, Pelican Cone, and Eagle Peak (Brimstone Basin) Quadrangles.

Uniqueness—The Yellowstone thermal system is the world's greatest hydrothermal system and geyser area and is recognized as an outstanding natural feature of the world.

2. Scientific and geologic significance—Yellowstone contains thousands of thermal features and the park is widely known as the preeminent hydrothermal area of the world. The entire Yellowstone hydrothermal system provides numerous opportunities to study and characterize a large, undisturbed geyser system.

3. The extent to which the features remain in a natural, undisturbed condition—The feature is in a natural, undisturbed condition.

4. Significance of the features to the authorized purposes for which the unit was created—Yellowstone National Park was created in 1872 to preserve and protect all natural curiosities or wonders within the park and to retain each of the features in their natural condition. The thermal features of the park are one of the natural wonders of the park and comprise the preeminent hydrothermal area of the world. (16 U.S.C. 21)

Bering Land Bridge National Preserve

Feature: Serpentine Hot Springs

Significance Criteria: 1. Size—Approximately 0.5 square miles.

Extent—Serpentine Hot Springs is a group of hot springs providing the only

indication of thermal regime within the unit.

Uniqueness—These springs are the warmest springs in the region and is the only indicator of thermal activity in the Preserve.

2. Scientific and geologic significance—As the warmest springs in the region, Serpentine Hot Springs are the only indicator of thermal activity in the Preserve.

3. The extent to which the feature remain in a natural, undisturbed condition—The main pool has undergone some disturbance. Bath and bunk houses have been moved to the site to facilitate public visits and water has been piped to the bathing pool. These surface disturbances have not altered the thermal regime of the feature.

4. Significance of the feature to the authorized purposes for which the unit was created—The Bering Land Bridge National Preserve was established to protect and interpret volcanic lava flows, ash explosions, coastal formations and other geologic processes. Also, the recreational significance of the Serpentine Hot Springs was recognized in the enabling legislation. (16 U.S.C. 410hh)

Gates of the Arctic National Park and Preserve

Feature: Reed River Hot Springs

Significance Criteria: 1. Size—Complex of springs approximately 0.25 miles in length.

Extent—0.25 mile section along the east side of Reed River.

Uniqueness—Reed River Hot Springs is the largest known thermal feature in the park and is one of the few large hot springs in the region.

2. Scientific and geologic significance—As one of the few large warm springs in the Brooks Range of Alaska, Reed River Hot Springs has been proposed for listing in the National Register of Natural Landmarks and for designation as a State Ecological Preserve.

3. The extent to which the feature remains in a natural, undisturbed condition—The feature is in a natural, undisturbed condition.

4. Significance of the feature to the authorized purposes for which the unit was created—The Alaska National Interest Lands Conservation Act of 1980 (ANILCA) established Gates of the Arctic National Park and Preserve as a new park unit within the National Park System. ANILCA states that the purpose of the unit is to "preserve unrivaled scenic and geologic values" with the mandate to manage the unit "to maintain the wild and undeveloped character of the area" and its "ecological integrity" (16 U.S.C. 410hh). The natural, undisturbed character of the one of the few warm springs in the Brooks Range, as found in the Reed River Hot Springs, is a significant thermal feature for this unit.

Katmai National Park and Preserve

Feature: Novarupta and vicinity

Significance Criteria: 1. Size—800 square miles.

Extent—Six volcanoes, all in the vicinity of Novarupta, are east of the Bruin Bay fault and between Mount Martin and coast of Kamishak Bay, north of Mount Douglas.

Uniqueness—The volcanoes, active since 1912, have only erupted once and, consequently, has a simple structure conducive to study. There is no other site in the world where an ash eruption of comparable size has occurred at a terrestrial, rather than marine, site and where the ejects are accessible.

2. Scientific and geologic significance—The structure beneath Novarupta, including the magma body, is of major scientific interest and significance. It is hypothesized that the proximity and relative locations of the six active volcanoes may have created heat so intense that the earth's rhyolitic crust, in addition to the mantle, was melted.

3. The extent to which the feature remains in a natural, undisturbed condition—The feature is in a natural, undisturbed condition.

4. Significance of the feature to the authorized purposes for which the unit was created—Katmai National Monument was established originally to protect the volcanism that created the identified thermal features. ANILCA further expanded the unit to protect, among other features, the existing geological features, which include the volcanoes within the unit. (16 U.S.C. 410hh–1)

Aniakchak National Monument and Preserve

Feature: Aniakchak Caldera

Significance Criteria: 1. Size—Approximately 28 square miles.

Extent—The caldera is a volcanically active, flat-floored, ash-filled bowl that is 2,500 feet deep.

Uniqueness—The Aniakchak caldera is one of the largest calderas in Alaska, exhibits recent volcanic activity, and is essentially dry-bottomed.

2. Scientific and geologic significance—The area is acclaimed as one of the largest and most accessible ice-free calderas on the Alaska Peninsula.

3. The extent to which the feature remains in a natural, undisturbed condition—The feature is in a natural, undisturbed condition.

4. Significance of the feature to the authorized purposes for which the unit was created—Aniakchak's enabling legislation states the unit must be managed to "maintain the caldera and its associated volcanic features and landscapes in their natural state." Therefore, the identified feature is a significant feature serving as the basis for the unit's creation. (16 U.S.C. 410)

Wrangell-St. Elias National Park and Preserve

Feature: Mineral Springs (mud volcanoes)

Significance Criteria: 1. Size—The three springs occupy approximately 310 acres.

Extent—This feature is comprised of three widely spaced thermal areas located on the flanks of Mt. Drum. One of the sites has no appreciable water flow and largely vegetated. Another site consists of a spring of approximately 10 acres. The third site is approximately 300 acres.

Uniqueness—The three identified springs are mineral springs, which is an unusual phenomenon in Alaska.

2. Scientific and geologic significance—The unique thermal activity associated with these springs provides opportunities for scientific investigations.

3. The extent to which the feature remains in a natural, undisturbed condition—The feature is in a natural, undisturbed condition.

4. Significance of the feature to the authorized purposes for which the unit was created—ANILCA identifies the general purpose for which various Alaska units were established as one "to preserve unrivaled scenic and geological values associated with natural landscapes." The mud volcanoes identified are unique and are of significant geologic value within the unit and to the geology of the region. (16 U.S.C. 410hh)

Feature: Wrangell Volcanoes

Significance Criteria: 1. Size—Mt. Wrangell 14,153 feet; Mt. Drum 12,010 feet; Mt. Sanford 16,237 feet; and Mt. Blackburn 16,390 feet.

Extent—The four volcanoes are central features of the park.

Uniqueness—The four active volcanoes are prominent within the park which includes the greatest assemblage

of mountain peaks in any park in the Nation.

2. Scientific and geologic significance—The Wrangells are collectively referred to as a group of large shield and composite volcanoes. Geologically, they are relatively young and have had major eruptions as recently as 1,500 years ago. Their size, recent eruptions, and current activity provide significant opportunities for scientific investigations, including glaciological and volcanic studies. A long-term monitoring program of Mt. Wrangell has been ongoing for over 15 years. The Wrangells are one of the greatest assemblages of mountain peaks in the Nation, some of which are volcanoes, both active and inactive. The Wrangells are the origin for some of the longest glaciers on the North American continent.

3. The extent to which the feature remains in a natural, undisturbed condition—The foothills and lowlands that form the outer fringe of this mountain range have been the sites for a few small mining operations. The mining operations with developed access routes have created some disturbances to these areas; however, disturbances to the lower surrounding mountains is minimal.

4. Significance of the feature to the authorized purposes for which the unit was created—ANILCA identifies the general purpose for which various Alaska units were established as one of preserving unrivaled scenic and geological values associated with natural landscapes. The primary purposes of Wrangell-St. Elias National Park and Preserve are to maintain unimpaired the scenic beauty and quality of high mountain peaks, foothills, glacial system, lakes, and streams in their natural state and to provide reasonable access for mountain climbing, mountaineering, and other wilderness recreational activities. These high peaks are significant features serving as the basis for the creation of the unit. (16 U.S.C. 410hh)

Lake Clark National Park and Preserve

Feature: Redoubt Volcano

Significance Criteria: 1. Size—38,000 acres.

Extent—The small vents in the cone of Redoubt Volcano.

Uniqueness—Redoubt Volcano is the second highest of the 76 volcanoes of the Alaska Peninsula and Aleutian Islands and is an active, heavily glaciated stratovolcano.

2. Scientific and Geologic Significance—Redoubt Volcano is an excellent example of a classic stratovolcano which exhibits areas of steam venting and sulfur vents. The feature is marked by erosion from glaciers and other processes exposing cross-sections of the volcano. Exposures illustrate the relationships of various lava flows and pyroclastic rocks of which the stratovolcano is composed.

3. The extent to which the feature remains in a natural, undisturbed condition—The feature is in a natural, undisturbed condition.

4. Significance of the feature to the authorized purposes for which the unit was created—The enabling legslation for Lake Clark National Park and Preserve states that the purposes of the unit are, among others, to "maintain unimpaired the scenic beauty and quality of portions of the Alaska Range, including active volcanoes". (16 U.S.C. 410hh)

Feature: Iliamna Volcano

Significance Criteria: 1. Size—33,900 acres.

Extent—Thermal activity consists of two small sulphur vents located at about 9,000 feet near the summit on the eastern face of the volcano.

Uniqueness—Iliamna Volcano is a broad cone-shaped active volcano deeply dissected by erosional processes.

2. Scientific and geologic significance—The composition and appearance of the Iliamna Volcano offers opportunities to study its unique history.

3. The extent to which such features remain in a natural, undisturbed condition—The feature is in a natural, undisturbed condition.

4. Significance of the feature to the authorized purposes for which the unit was created—The enabling legislation for Lake Clark National Park and Preserve states that the purposes of the unit are, among others, to "maintain unimpaired the scenic beauty and quality of portions of the Alaska Range, including active volcanoes". (16 U.S.C. 410hh)

Hot Springs National Park

Feature: Hot Springs

Significance Criteria: 1. Size—0.3 mile long section of the southwest base of Hot Springs Mountain.

Extent—These springs are comprised of 47 individual springs along the southwest toe of Hot Springs Mountain.

Uniqueness—The average temperature of 143 °F of the spring waters are unique and the combined flow of 23 of the monitored springs is 600,000 gallons per day. These springs are credited with advancing the bathhouse health spa ethic in this region of the United States.

2. Scientific and geologic significance—The springs have been studied to differing levels of sophistication over the past 150 years. Monitoring equipment to be installed will provide base information to monitor temperatures and flow as a measure of adverse effects and hydrologic changes. Studies are being conducted to affirm the subsurface geology and the groundwater flow network.

3. The extent to which the feature remains in a natural, undisturbed condition—The natural environment of the springs has been extensively altered with the construction of bathhouses and the city's Central Avenue business district. The springs themselves have been walled in and capped to prevent surface-borne contamination. Twenty-three (23) of the springs have had plumbing installed to collect and distribute the waters to a central reservoir.

4. Significance of the feature to the authorized purposes for which the unit was created—The Act of April 20, 1832, initially set aside this area, including the Hot Springs, as a Federal reserve in the Territory of Arkansas. Since the initial Act, there have been over 50 additional Federal statutes specifically addressing the management of the Hot Springs. NPS recognizes the cultural significance of the evolution of the bathing regime into the elegant bathhouses and the thermal flows remain of primary significance to Hot Springs National Park. (16 U.S.C. 361)

Big Bend National Park

Feature: Spring No. 1

Significance Criteria: 1. Size and Extent—Small developed hot spring along the Rio Grande River.

Uniqueness—Approximately 7–9 gallons per minute are being pumped to supply water for the endangered fish species *Cambusia gaigei.*

2. Scientific and geologic significance—Spring No. 1 along the Rio Grande River is the water supply for an endangered fish species and is an important source for water samples to make temperature measurements for monitoring hydrologic changes.

3. The extent to which the feature remains in a natural, undisturbed condition—The spring has been enclosed and a pumphouse has been installed.

4. Significance of the feature to the authorized purposes for which the unit was created—Big Bend National Park was established in 1935 primarily "as a

public park for the benefit and enjoyment of the people". Also, the enabling legislation provides for the administration and protection of the park to be exercised under the provisions of the Organic Act of the National Park Service of August 25, 1916. The Organic Act provides for the National Park Service to promote and regulate the use of Federal lands within the National Park System in a manner to conserve natural objects and wildlife therein (16 U.S.C. 1). Although this spring is not used for the purpose of public recreation, its primary use is for the maintenance of an endangered wildlife species. Thus, the purposes for establishing Big Bend National Park include preservation of endangered species. (16 U.S.C. 156)

Feature: Spring No. 4

Significance Criteria: 1. Size and Extent—Developed hot spring along the Rio Grande River.

Uniqueness—The spring has a flow of approximately 75 gallons per minute. The spring supplies potable water for Rio Grande Village and serves as a water source for the endangered species *Gambusia gaigei.*

2. Scientific and geologic significance—Spring No. 4 along the Rio Grande River serves as a water source for an endangered fish species and is an important source for water samples and to take temperature measurements for monitoring water temperature and flow as a measure of hydrologic changes.

3. The extent to which the feature remains in a natural, undisturbed condition—The spring has been enclosed and pumphouses installed. A 4 inch pipe is used to produce water flow that simulates natural flow for endangered species.

4. Significance of the feature to the authorized purposes for which the unit was created—As stated previously for Spring No. 1, this feature's use is primarily for maintaining an endangered wildlife species. The purposes for which Big Bend National Park was established include preservation of endangered species. (16 U.S.C. 156)

Feature: Hot Springs

Significance Criteria: 1. Size and Extent—Developed hot spring along the Rio Grande River.

Uniqueness—The spring supplies a bathhouse that is used by park visitors.

2. Scientific and geologic significance—The Hot Springs is a site contributing to Regional studies being conducted to monitor temperature and flow as a measure of hydrologic changes.

3. The extent to which the feature remains in a natural, undisturbed condition—The spring has been altered by development of a bathhouse built in 1910. The walls of the bathhouse still remain.

4. Significance of the feature to the authorized purposes for which the unit was created—Hot Springs, historically and currently, serves as a therapeutic hot spring. The spring is the focal point of Hot Springs National Register Historic District and is used by the public for recreational purposes. Thus, its use is of significance to the purposes for which the unit was created. (16 U.S.C. 156)

Lassen Volcanic National Park

There are six areas within Lassen National Volcanic Park that contain surface manifestations of a single thermal system. As all of these areas are connected to a single thermal system, NPS proposes to list the Lassen thermal system as one significant feature. The following significance criteria have been analyzed for each feature listed and have been found to be applicable to every feature within the Lassen thermal system.

Feature: Lassen thermal System

Significance Criteria: 1. Size—10 to 70 square kilometers.

Extent—Bumpass Hell, Little Hot Springs Valley, Sulphur Works, Devils Kitchen, Boiling Springs Lake—Drakesbad Hot Springs, and Terminal Geyser are the six features comprising the Lassen thermal system. The system is a two-phase, vapor dominated system approximately 500–600 meters thick. Surficial expression varies from superheated fumaroles at Bumpass Hall to acid-sulfate springs and mudpots at Sulfur Works and Devils Kitchen.

2. Scientific and geologic significance—The Lassen thermal system constitutes the only known extensive vapor-dominated thermal system in the Cascade Range. Only one other vapor-dominated system of equal thermal energy is known in the Western United States (the Geysers in California).

3. The extent to which the feature remains in a natural, undisturbed condition—Except for one well sited at Terminal Geyser, the system has not been tapped by deep drilling activity and there has been no depletion of thermal energy. Surface features at Bumpass Hell, Sulphur Works, and Devils Kitchen have been only slightly altered by the installation of trails and boardwalks for the safety of visitors.

4. Significance of the feature to the authorized purposes for which the unit was created—Lassen Volcanic National Park was established in 1916 as a "public park and pleasuring ground for the benefit of the people of the United States" and to be managed "for the preservation from injury or spoilation of all timber, mineral deposits, and natural curiosities or wonders within said park and their retention in a natural condition".

The thermal features in the park represents an outstanding example of Cascade volcanism and the thermal system and its surface manifestations are a significant part of the continuing volcanic activity in the area. (16 U.S.C. 201)

Sequoia National Park

Both of the identified thermal features within Sequoia National Park are determined as marginally significant, mainly because the scientific and geologic, significance of these features are unknown at this time. These springs represent surface manifestations of active subsurface thermal activity and both remain in a natural condition. One spring is located in a heavily used area and the other in a lightly used area of the backcountry within the unit. Combined visitation frequency is not known. These features are considered as natural curiosities within the unit and as such must be retained in their natural condition. In spite of their unknown geologic or scientific significance, these features are proposed by the NPS as significant thermal features within Sequoia National Park.

Feature: Kern Hot Springs

Significance Criteria: 1. Size and Extent—Kern Hot Springs is an extremely small spring approximately 2 meters in diameter.

Uniqueness—Kern Hot Springs is the only spring in the park with temperatures over 100° Fahrenheit and its presence serves as an indicator of active subsurface thermal activity.

2. Scientific and geologic significance—Unknown.

3. The extent to which the feature remains in a natural, undisturbed condition—Kern Hot Springs is in a heavily used area of the backcountry, and the spring itself appears to be in a natural condition.

4. Significance of the feature to the authorized purposes for which the unit was created—Sequoia National Park was established by an Act of Congress in 1890 and has as its purposes, among others, to preserve "from injury of all . . . natural curiosities or wonders within said park". Also, subsequent Acts of Congress that expand the

boundaries of the park require the curiosities and wonders of the park to be retained in their natural condition. Although the scientific and geologic significance of this feature is unknown, Kern Hot Springs is considered a natural curiosity of the unit as it is the only spring in the park representing active subsurface thermal activity. (16 U.S.C. 41)

Feature: Whitney Warm Springs

Significance Criteria: 1. Size and Extent—This spring is approximately 10 meters in diameter.

Uniqueness—Whitney Warm Springs is the only spring in the park with temperature ranging in the mid-80° Fahrenheit and as such is an indicator of active subsurface thermal activity. It could have a biotic community dependent on the thermal characteristics of the feature that are different from other park waters.

2. Scientific and geologic significance—Unknown.

3. The extent to which the feature remains in a natural, undisturbed condition—Whitney Warm Springs is in a lightly used area of the backcountry and the spring itself appears to be in a natural condition. The only intrusion is an occasional wader and several rocks have been arranged around the shore of the springs.

4. Significance of the feature to the authorized purposes for which the unit was created—Sequoia National Park was created by an Act of Congress in 1890 and its purposes, among others, are to preserve "from injury of all . . . natural curiosities or wonders within said park". Also, subsequent Acts of Congress that expand the boundaries of the park require the curiosities or wonders of the park to be retained in their natural condition. Even though the scientific and geologic significance of this thermal feature is unknown, Whitney Warm Springs is considered a natural curiosity of the unit as it is the only spring in the park with temperatures in the mid-80° Fahrenheit range that could support biotic communities. Until more information is available on the significance of this feature, it is proposed for listing as a significant thermal feature within Sequoia National Park. (16 U.S.C. 41)

Hawaii Volcanoes National Park

The NPS proposes to list the following ten (10) thermal features as significant within the Hawaii Volcanoes National Park. Significance criteria #4 requires analysis of the significance of the feature to the authorized purposes for which the unit was created. Hawaii Volcanoes National Park was established as part of Hawaii National Park in 1916 and later redesignated as Hawaii Volcanoes National Park in 1961. The enabling legislation for this unit states that the purpose of the unit is to "provide for the preservation from injury of all . . . natural curiosities and wonders within said park, and their retention in their natural condition as nearly as possible". As the identified features within Hawaii Volcanoes National Park are unique natural thermal features of known scientific and geologic significance to the region, NPS has determined that each feature is a natural wonder of the unit. Many of the identified features are named as features for which the unit was created and as such are significant thermal features for this unit (16 U.S.C. 391). Criteria #4 is fully met and is applicable to each listed feature within the park.

Feature: Kilauea Caldera and Halemaumau

Significance Criteria: 1. Size and Extent—3 square miles (3 miles long by 1 mile wide).

Uniqueness—Kilauea Caldera and Halemaumau is the world's most active volcano.

2. Scientific and geologic significance—As the world's most active volcano, this feature offers extensive opportunites for scientific and geologic investigations of the active thermal activity manifested in steaming ground.

3. The extent to which the feature remains in a natural, undisturbed condition—The feature is in a natural, undisturbed condition.

Feature: Chain of Craters

Significance Criteria: 1. Size and Extent—Approximately 12 square miles (12 miles long by 1 mile wide).

Uniqueness—This chain of craters is a very active thermal zone.

2. Scientific and geologic significance—This feature is an active intrusive zone with many collapse caldera features or pit craters and steaming ground.

3. The extent to which the feature remains in a natural, undisturbed condition—The feature is in a natural, undisturbed condition.

Feature: East Rift Zone

Significance Criteria: 1. Size and Extent—Approximately 20 square miles (13 miles long by 1.5 miles wide).

Uniqueness—The East Rift Zone is the world's most active volcanic rift zone and exhibits steaming ground.

2. Scientific and geologic significance—This feature is the world's most active volcanic rift zone and as such offers opportunities for scientific and geologic investigation.

3. The extent to which the feature remains in a natural, undisturbed condition—The feature is in a natural, undisturbed condition.

Feature: Great Crack and Southwest Rift

Significance Criteria: 1. Size and Extent—Approximately 10 square miles (20 miles long by ½ mile wide).

Uniqueness—Major fault area of Kilauea is an artifact and indicator of active thermal activity.

2. Scientific and geologic significance—This feature is the major fault structural feature of Kilauea, which is an indicator of active thermal activity and offers opportunities for scientific and geologic investigation.

3. The extent to which the feature remains in a natural, undisturbed condition—The feature is in a natural, undisturbed condition.

Feature: Thurston Lava Tube

Significance Criteria: 1. Size and Extent—½ mile long by 100 yards wide.

Uniqueness—Volcanic lava tube which is an easily accessible artifact of volcanic activity.

2. Scientific and geologic significance—This feature is one of the few accessible lava tubes formed by a volcano and is the site of a popular visitor trail. This feature, because of its accessibility offers opportunities for investigation of its volcanic history.

3. The extent to which the feature remains in a natural, undisturbed condition—The area is the site of a developed visitor trail; however, these trails have not altered the integrity of the active thermal activity which characterizes the unit and the region.

Feature: Steaming Bluff and Sulphur Banks

Significance Criteria: 1. Size and Extent—Approximately 2 square miles (two miles long by one mile wide).

Uniqueness—Active steaming fumaroles.

2. Scientific and geologic significance—This feature is the site where the active steaming fumaroles may easily be viewed.

3. The extent to which the feature remains in a natural, undisturbed condition—The area is the site of developed visitor trails; however, these trails have not altered the integrity of the thermal feature.

Feature: Kilauea Iki Crater

Significance Criteria: 1. Size and Extent—1 mile long by ½ mile wide.

Uniqueness—Cooling lava pond.

2. Scientific and geologic significance—This feature is the site of current lava pond cooling rate studies.

3. The extent to which the feature remains in a natural, undisturbed condition—The feature is in a natural, undisturbed condition.

Feature: Puu Do

Significance Criteria: 1. Size and Extent—2 square miles (2 miles long by 1 mile wide).

Uniqueness—Continuously active volcanic vent.

2. Scientific and geologic significance—This area is under study for activity of a continuously active volcanic vent and its resultant magmatic activity.

3. The extent to which the feature remains in a natural, undisturbed condition—The feature is in a natural, undisturbed condition.

Feature: Mauna Ulu

Significance Criteria: 1. Size and Extent—4 square miles (two miles long by two miles wide). Uniqueness—Continuously active volcanic vent.

2. Scientific and geologic significance—Major active volcanic feature formed recently in the 1970's.

3. The extent to which the feature remains in a natural, undisturbed condition—The feature is in a natural, undisturbed condition.

Feature: Mokuaweoweo Caldera

Significance Criteria: 1. Size and Extent—4 square miles (4 miles long by 1 mile wide).

Uniqueness—This feature is the major caldera of Mauno Loa.

2. Scientific and geologic significance—This feature is the site of significant caldera studies.

3. The extent to which the feature remains in a natural, undisturbed condition—The feature is in a natural, undisturbed condition.

Haleakala National Park

Feature: Haleakala Crater

Significance Criteria: 1. Size—17,130 acres.

Extent—Haleakala Crater and adjacent outer slopes around the summit of the crater.

Uniqueness—Haleakala Crater is between 5,000 and 6,000 feet deep and is part of the Hawaiian "hotspot". The summit of the crater and a great many sites within are considered to be sacred by Native Hawaiians and contains many sites of archeological value, including royal burial sites.

2. Scientific and geologic significance—The entire Haleakala Crater (2½ miles by 7½ miles) is one large thermal feature containing many smaller thermal features. The crater is a huge erosional scar carved out of the heart of the volcano by water which has been subsequently refilled by half with new lava flows and topped off with numerous multi-colored cinder cones. The crater and its adjacent areas have been the site of volcanic and geologic studies.

3. The extent to which the feature remains in a natural, undisturbed condition—The feature is in a natural condition except for very few roads, trails, and buildings provided to serve the public. These developments have not altered the integrity of the thermal feature.

4. Significance of the feature to the authorized purposes for which the unit was created—The legislative history supporting the Act of August 10, 1916, which created the Haleakala National Park as an isolated extension of Hawaii Volcanoes National Park, emphasizes that the craters within the proposed boundaries are among the most remarkable of natural wonders and among the largest and most spectacular in the world. Scientifically and popularly, these volcanoes are a national rather than a local asset and Congress recognized that legislation was necessary to protect these and other curiosities that were being damaged at the time the legislation was being considered. The purposes of Haleakala National Park are, among others, to preserve the area's volcanoes and other wonders and curiosities for public enjoyment and scientific study. (16 U.S.C. 396b)

Lake Mead National Recreation Area

Feature: Black Canyon Hotsprings

Significance Criteria: 1. Size—Five (5) hotsprings have their source in a four-mile stretch of the river.

Extent—Three of the five springs flow from the Nevada side, the other two springs flow from the Arizona side of the river.

Uniqueness—The temperatures of the springs have been recorded as high as 124° Fahrenheit. Two of the five hot springs discharge a volume of water sufficient to maintain a flow on the surface for approximately ¼ mile. The area is unique in that these springs are the only ones that flow water at the surface at temperatures higher than 100° Fahrenheit within the unit. Their presence serve as indicators of active thermal activity. Also, waters from one of the springs is used to support a refugium for the endangered Devils Hole Pupfish.

2. Scientific and geologic significance—The waters from one of the springs serve as habitat for an endangered fish species. Much of the geology in this area is volcanic in origin from the bottom of side canyons to the Colorado River. Also, Black Canyon has been identified by the NPS in its General Management Plan for the unit as an outstanding natural feature for its geologic beauty and the existence of the unique hot springs.

3. The extent to which the feature remains in a natural, undisturbed condition—The areas surrounding the springs have minor alterations and impacts from recreational use; however, the springs themselves remain in a natural condition.

4. Significance of the feature to the authorized purposes for which the unit was created—Lake Mead National Recreation Area was established for the primary purpose of preserving and enhancing public recreation opportunities within the unit. These springs are used extensively by hikers and boaters on a regular basis for recreational and therapeutic purposes. Pools are created by stacking rocks and sand allowing visitors to immerse themselves in the pools. Public visits to the Black Canyon Hotsprings are estimated at 7,000 annually. Also, protection of endangered species is consistent with the authorized purposes for which the unit was established. (16 U.S.C. 460n)

The remaining two of the three identified features within Lake Mead National Recreation Area are connected to the same regional flow system, but otherwise their geologic significance are not known at this time. In spite of their unknown geologic significance, the NPS proposes to list the Blue Point Spring and the Rogers Spring as significant thermal features because of their value to the public for recreational purposes. The primary purpose of Lake Mead National Recreation Area is to provide for and enhance public recreational opportunities within its boundaries. As these springs are used extensively by the public as "spas" and as the value of their use is dependent on the thermal qualities of the springs, these features are proposed as significant thermal features within Lake Mead National Recreation Area.

Feature: Blue Point Spring

Significance Criteria: 1. Size—Approximately 0.3 mile long.

Extent—Small spring located in the Nevada portion of the NRA at the junction of two faults near Mississippian limestone.

Uniqueness—The discharge rate is approximately 400 gallons per minute with temperatures at the spring source measuring around 85° Fahrenheit. The presence of these warm springs are indicators of a subsurface thermal regime.

2. Scientific and Geologic Significance—This spring, at one time, was being considered as a refugium for the endangered *Moapa coriacez*. Upon investigation of the chemical properties of the waters, it was found that, although the Spring is in the same regional flow system as Moapa River headwaters springs (where the endangered species occur naturally), the ionic constituents of the waters of the spring make the area unsuitable as a refugium. The waters discharging at the spring are part of a regional flow system and represent a combination of deep and shallow water circulation in the recharge area where moisture availability is rated as intermediate. The bedrock is relatively permeable. Even though the area has been the site of scientific interest and study, the geologic significance of the area is unknown.

3. The extent to which the feature remains in a natural, undisturbed condition—The channels have been altered for commercial and recreational uses.

4. Significance of the feature to the authorized purposes for which the unit was created—Lake Mead, formed by Hoover Dam and Lake Mohave, and by Davis Dam on the Colorado River comprise this first national recreation area established by an Act of Congress in 1964. The enabling legislation states that the NRA "shall be administered . . . for general purposes of public recreation, benefit, and use, and in a manner that will preserve, develop, and enhance . . . the recreational potential, and in a manner that will preserve the scenic, historic, scientific, and other important features of the area". Blue Point Spring is a part of the regional flow system that serves as a major recreation facility used extensively by the public, with recorded visits to Blue Point Spring and Rogers Spring (listed below) estimated at 5,000 annually. As this feature is of major recreational value to the unit, the NPS proposes this feature as a significant thermal feature within the NRA. (16 U.S.C. 460n)

Feature: Rogers Spring

Significance Criteria: 1. Size—Approximately 0.75 miles long.

Extent—Rogers Spring is located in the Nevada portion of the NRA at the junction of two faults near Mississippian limestone at an elevation of 1580 feet and is in the same general vicinity as Blue Point Springs.

Uniqueness—The discharge rate is approximately three second feet and temperature at the source is measured at 87° Fahrenheit. The presence of the warm springs is an indicator of active subsurface thermal activity.

2. Scientific and geologic significance—Waters discharging at Rogers Spring are part of the same regional flow system as those of Blue Point Spring. The discharge goes directly into a man-made pond that is used by the recreating public as a swimming area. The geologic significance of the area is unknown.

3. The extent to which the feature remains in a natural, undisturbed condition—The channels of Rogers Spring have been altered over the years for either commercial purposes or recreational enhancement. Picknicking facilities have been developed adjacent to the spring for recreational use. Neither the discharge point nor underground system of the springs have been altered.

4. Significance of the feature to the authorized purposes for which the unit was created—As stated above for Blue Point Springs, Lake Mead National Recreation Area was established for the expressed purpose of preserving and enhancing public recreation opportunities within the unit. Public visits to both Rogers Spring and Blue Point Spring is estimated at 5,000 annually, with the heaviest public use centering around Rogers Spring. NPS recognizes the recreational significance of Rogers Spring and proposes its listing as a significant thermal features within the unit. (16 U.S.C. 460n)

Specified Units Within the National Park System With No Significant Thermal Features

The NPS has identified no known thermal features within the following three units of the National Park System located in Alaska:

Yukon-Charley Rivers National Preserve;

Glacier Bay National Park and Preserve; and,

Denali National Park and Preserve.

Thus, determinations of "significance" are not applicable and the three units listed above are not proposed for inclusion on the final list of significant thermal features to be forwarded to Congress in April 1987.

Thermal features were identified within the boundaries of the following three units of the National Park System; however, none of the features identified have been determined as "significant" by the NPS under the criteria of the Act. Thus, the features listed below are not proposed for inclusion on the final list of significant thermal features to be forwarded to Congress in April 1987.

Olympic National Park

Feature: Olympic Hot Springs

Significance Criteria: 1. Size—Approximately two (2) acres.

Extent—These springs consist of twenty-one (21) seeps along Boulder Creek.

Uniqueness—Olympic Hot Springs are unique because hot springs are rarely found on the Olympic Peninsula.

2. Scientific and geologic significance—Olympic Hot Springs has no apparent relationship with the area's volcanic history and has not been identified as significant in terms of the peninsula's geology. The mineral content of the waters varies little with that of surface waters and the scientific significance of the area is unknown.

3. The extent to which the feature remains in a natural, undisturbed condition—The Olympic Hot Springs have been extensively altered to accommodate commercial operations and many have been formed into pools that have been used for bathing. The impounded water frequently fails to meet water quality standards. The resort around these springs no longer exist. None of the seeps exist in a natural state.

4. Significance of the feature to the authorized purposes for which the unit was created—Olympic National Park was established in 1938 as a public park for the benefit and enjoyment of the people of the United States. The Olympic Hot Springs do not attract extensive visitor use and are not considered a major public recreational resource within the unit. Also, as these springs were not used as rationale for establishing the unit and are not used today by the public for recreation, these springs are not considered as a significant thermal feature within the unit. (16 U.S.C. 251)

John D. Rockefeller, Jr. Memorial Parkway

Feature: Huckleberry Hotsprings

Significance Criteria: 1. Size and Extent—This feature consists of several springs located one mile west of Flagg Ranch.

Uniqueness—This feature is not unique and is in fact relatively commonplace for the area.

2. Scientific and geologic Significance—The combined flow of this feature is estimated at 350,000 gallons per day with temperatures over 100

°Fahrenheit. The waters from these springs are slightly radioactive and have not been identified as having any scientific or geologic significance.

3. The extent to which the feature remains in a natural, undisturbed condition—These springs have been highly altered and were developed into a public swimming pool facility in the early 1960's. The facility was abandoned in 1984. Extensive rehabilitation is planned for the area to restore it to more natural conditions. However, alterations to the thermal feature may not be reparable.

4. Significance of the feature to the authorized purposes for which the unit was created—This identified feature was not used as rationale for the establishment of the unit and is not recognized as a significant thermal feature within the unit.

Grand Teton National Park

Feature: Steamboat Mountain Fumarole

Significance Criteria: 1. Size and Extent—This fumarole is a small thermal vent near the summit of Steamboat Mountain.

Uniqueness—This feature is not unique because the activity of the fumarole has been declining for many years. Thermal characteristics are perceptable only in winter months.

2. Scientific and Geologic Significance—The Steamboat Mountain Fumarole has such little remaining activity that it can be considered essentially extinct and has little to no significance at this time.

3. The extent to which the feature remains in a natural, undisturbed condition—The feature is relatively unmodified but is almost extinct.

4. Significance of the feature to the authorized purposes for which the unit was created—Grand Teton National Park was established by Congress in 1929 with the expressed purpose of setting apart the lands within the boundaries "as a public park or pleasure ground for the benefit and enjoyment of the people of the United States". These springs have not been the site of recreation by the public and do not exhibit any unique characteristics related to the authorized purposes for which the unit was created. (16 U.S.C. 406d)

Feature: Jackson Lake Warmsprings

Significance Criteria: 1. Size and Extent—This feature is a series of springs along the northwest shoreline of Jackson Lake.

Uniqueness—Used to be completely inundated by Jackson Lake and not considered unique.

2. Scientific and geologic significance—This feature used to be completely submerged by the enlargement of Jackson Lake in 1910, but are now above water due to the temporary restriction of the lake level. This area has not been identified as an area of scientific or geologic interest; however, there is very little information available on these springs.

3. The extent to which the feature remains in a natural, undisturbed condition—This feature has been altered and is often under water.

4. Significance of the feature to the authorized purposes for which the unit was created—These springs have not been used nor are they currently being used by the public and do not exhibit any unique characteristics related to the purposes for which the unit was created. (16 U.S.C. 406d)

Feature: Kelly Warmsprings

Significance Criteria: 1. Size and Extent—This feature is a large spring located one mile north of Kelly, Wyoming.

Uniqueness—None.

2. Scientific and geologic significance—Kelly Springs has been highly modified to increase its flow for irrigation and stock watering. Its current flow is estimated between five and seven million gallons per day with temperatures measured at 75 °Fahrenheit. Both temperature and water chemistry data suggest this spring may be associated with the same geologic structures as Teton Valley Ranch Warmsprings and Abercrombie Warmsprings identified below. This spring contains dense populations of native and exotic fish but has not been identified as having scientific or geologic significance to the region.

3. The extent to which the feature remains in a natural, undisturbed condition—This thermal feature has been extensively modified for irrigation, stock watering, and public recreation.

4. Significance of the feature to the authorized purposes for which the unit was created—These springs have been highly modified for recreation and for domestic sources of water and were not used as rationale for establishing the unit. These springs do not exhibit any unique characteristics related to the purposes for which the unit was created. (16 U.S.C. 406d)

Feature: Teton Valley Ranch Warmsprings

Significance Criteria: 1. Size and Extent—This feature is a group of small springs located north of the Gros Ventre River, which is east of Kelly, Wyoming.

Uniqueness—Relatively small and commonplace.

2. Scientific and geologic significance—These springs create a marshy area on the floodplain which is heavily grazed by livestock. No flow or water quality data are available from these springs. These springs have not been identified as having any scientific or geologic significance.

3. The extent to which the feature remains in a natural, undisturbed condition—This feature may have been modified by past irrigation development.

4. Significance of the feature to the authorized purposes for which the unit was created—This feature is not used for recreation and was not used as rationale for the establishment of the unit. These springs do not exhibit any unique characteristics related to the purposes for which the unit was created. (16 U.S.C. 406d)

Feature: Abercrombie Warmsprings

Significance Criteria: 1. Size and Extent—This feature is a relatively small spring located near the south boundary of the unit.

Uniqueness—This feature is considered commonplace, rather than unique.

2. Scientific and geologic significance—This feature was developed as a swimming pool in the 1940's and has since been removed. The spring's flow is estimated at 60,000 gallons per day with temperatures measured at 75 °Fahrenheit. In 1986, the area has been partially rehabilitated. The area has no scientific or geologic significance to the region.

3. The extent to which the feature remains in a natural, undisturbed condition—The area has been highly modified with former development and subsequent partial rehabilitation.

4. Significance of the feature to the authorized purposes for which the unit was created—This feature is not used for public recreation and was not used as rationale for the establishment of the unit. (16 U.S.C. 406d).

Dated: February 9, 1987.

Signed:

William P. Horn,

Assistant Secretary for Fish and Wildlife and Parks.

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federal register

Friday
February 13, 1987

Part III

Department of Agriculture

Cooperative State Research Service

7 CFR Part 3402

Food and Agricultural Sciences National Needs Graduate Fellowships Grants Program; Administrative Provisions; Final Rule

DEPARTMENT OF AGRICULTURE

Cooperative State Research Service

7 CFR Part 3402

Food and Agricultural Sciences National Needs Graduate Fellowships Grants Program; Administrative Provisions

AGENCY: Cooperative State Research Service, USDA.

ACTION: Final rule.

SUMMARY: This document establishes Part 3402 of Title 7, Subtitle B, Chapter XXXIV of the Code of Federal Regulations, for the purpose of administering the Food and Agricultural Sciences National Needs Graduate Fellowships Grants Program conducted under the authority of section 1417(a)(3)(B) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3152(a)(3)(B)). The issuance of this rule establishes the procedures to be followed annually in the solicitation of competitive graduate fellowships grant proposals, the evaluation of such proposals, and the award of graduate fellowships grants under this program.

EFFECTIVE DATE: February 13, 1987.

FOR FURTHER INFORMATION CONTACT: Dr. K. Jane Coulter, (202) 447–7854.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction

Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)) the collection of information requirements contained in this final rule have been reviewed and approved by the Office of Management and Budget and given the OMB Control No. 0524–0024.

Classification

This final rule has been reviewed under Executive Order 12291, and it has been determined that it is not a major rule because it does not involve a substantial or major impact on the Nation's economy or on large numbers of individuals or businesses. There will be no major increase in cost or prices for consumers, individual industries, Federal, state, or local governmental agencies, or geographical regions. It will not have a significant economic impact on competitive employment, investment, productivity, innovation, or on the ability of U.S. enterprises to compete with foreign-based enterprises in domestic or export markets. In addition, it will not have a significant impact on a substantial number of small entities as defined in the Regulatory Flexibility Act, Pub. L. No. 96–534 (5 U.S.C. 601).

Regulatory Analysis

Not required for this rulemaking.

Environmental Impact Statement

This regulation does not significantly affect the environment. Therefore, an environmental impact statement is not required under the National Environmental Policy Act of 1969.

Catalog of Federal Domestic Assistance

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.210, Food and Agricultural Sciences National Needs Graduate Fellowships Grants. For the reasons set forth in the Final Rule related Notice to 7 CFR Part 3015, Subpart V, 48 FR 29115, June 24, 1983, when the authority to administer this program resided in the Agricultural Research Service, this program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Background and Purpose

This document adds a new Part 3402 to Title 7, Subtitle B, Chapter XXXIV of the Code of Federal Regulations, for the purpose of administering the Food and Agricultural Sciences National Needs Graduate Fellowships Grants Program conducted under the authority of section 1417(a)(3)(B) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3152(a)(3)(B)). The issuance of this rule establishes the procedures to be followed annually in the solicitation of competitive graduate fellowships grant proposals, the evaluation of such proposals, and the award of graduate fellowships grants under this program. In the past, a Notice was published in the **Federal Register** announcing the availability of funds for the Food and Agricultural Sciences National Needs Graduate Fellowships Grants Program and soliciting proposals. In addition, the Notice set forth the procedures and conditions relating to the award of grants and administration of the program. This rule establishes and codifies such procedures, criteria, and conditions, and eliminates the need to republish them annually.

A Proposed Rule was published in the November 14, 1986, issue of the **Federal Register** (51 FR 41466) and provided interested persons a 30 day period for public comment. Comments were received raising the following major points: (1) The monetary value of the stipend; (2) the propriety of limiting support to newly recruited students; and (3) the maximum amount of program funds which an institution can receive in a given fiscal year. These points will be covered in that order.

The first comment was that the value of the stipend was set too high. This rule does not purport to set the value of the stipend; rather, that value will be determined for each solicitation based primarily upon the availability of Federal funds. 7 CFR 3402.5. A careful review of Federal fellowship and traineeship programs currently administered indicates that most Federal agencies pay a student stipend and a separate allocation to the institution for the purpose of covering full tuition and fees. In the USDA program, the student is responsible for his own tuition and fees. USDA firmly believes that this type of stipend arrangement leads to improved management efficiency in the program. When the cost of tuition and fees, as borne by the student, are deducted the remaining stipend available to the student is comparable to other programs.

With regard to the propriety of limiting eligibility for fellowships to newly recruited students, the appropriation history of the program denotes that the Congress initiated the program with the expressed intent of assisting institutions in increasing the enrollment of outstanding students in targeted food and agricultural sciences expertise shortage areas. The Department has determined that this can best be accomplished by requiring grant recipients to actively recruit and enroll new students recognized for their scholastic excellence. Therefore, fellowship eligibility is limited to new students.

The final issue raised was the need to set a maximum amount of program funds which could be awarded to a single institution in a given fiscal year. It was correctly pointed out that establishment of such a limit would encourage distribution of funds to a larger number of institutions. The Department concurs and has adjusted the final rule to reflect this comment.

No other significant differences exist between this document and the proposed rule published on November 14, 1986.

List of Subjects in 7 CFR Part 3402

Grant programs—agriculture, Agriculture Higher Education Programs (HEP) Food and Agricultural Sciences National Needs Graduate Fellowships Grants Program.

Part 3402 is added to Title 7, Subtitle B, Chapter XXXIV of the Code of Federal Regulations as follows:

PART 3402—FOOD AND AGRICULTURAL SCIENCES NATIONAL NEEDS GRADUATE FELLOWSHIPS GRANTS PROGRAM

Subpart A—General Introduction

Sec.

Subpart B—Program Description

Subpart C—Preparation of a Proposal

Subpart D—Submission of a Proposal

Subpart E—Proposal Review and Evaluation

Subpart F—Supplementary Information

Authority: Sec. 1470, National Agricultural Research, Extension and Teaching Policy Act of 1977, as amended (7 U.S.C. 3316).

Subpart A—General Introduction

§ 3402.1 Applicability of regulations.

(a) The regulations of this part apply to competitive grants awarded under the provisions of section 1417(a)(3)(B) of the National Agricultural Research, Extension and Teaching Policy Act of 1977, as amended (7 U.S.C. 3152(a)(3)(B)). This statute designates the Department of Agriculture as the lead Federal agency for agricultural research, extension, and teaching in the food and agricultural sciences. It authorizes the Secretary of Agriculture, who has delegated the authority to the Cooperative State Research Service (CSRS), to make competitive grants to U.S. colleges and universities to administer and conduct graduate fellowship programs to help meet the Nation's needs for development of scientific and professional expertise in the food and agricultural sciences. The fellowships are intended to encourage outstanding students to pursue and complete graduate degrees in the areas of food and agricultural sciences designated by CSRS through its Higher Education Programs (HEP) as national needs.

(b) The regulations of this part do not apply to grants awarded by the Department of Agriculture under any other authority.

§ 3402.2 Definitions.

As used in this part:

"Citizen or national of the United States" means a citizen or native resident of any one of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Marianas, the Trust Territory of the Pacific Islands, or the Virgin Islands of the United States. It does not refer to a citizen of another country who has applied for United States citizenship.

"College and university" means an educational institution in any State which (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (2) is legally authorized within such State to provide a program of education beyond secondary education, (3) provides an educational program for which a bachelor's degree or any other higher degree is awarded, (4) is a public or other nonprofit institution, and (5) is accredited by a nationally recognized accrediting agency or association.

"Food and agricultural sciences" denotes research, extension, and teaching activities concerned with the production, processing, marketing, distribution, conservation, consumption, research and development of food and agriculturally related products and services, inclusive of programs in agriculture, natural resources, forestry, veterinary medicine, home economics, and closely allied fields.

"Graduate degree" means a master's or doctoral degree.

"Teaching activities" specific to the food and agricultural sciences denote academic programs of study designed to train scientists and professionals in production, processing, marketing, distribution, conservation, consumption, research and development of food and agriculturally related products and services.

§ 3402.3 Institutional eligibility.

Proposals may be submitted by all U.S. colleges and universities that confer a graduate degree in at least one area of the food and agricultural sciences targeted for national needs fellowships, that have a significant ongoing commitment to the food and agricultural sciences generally, and that have a significant ongoing commitment to the specific subject area for which grant application is made. It is the objective to award grants to colleges and universities which have notable teaching and research competencies in the food and agricultural sciences. The grants are specifically intended to support fellowship programs that encourage outstanding students to pursue and complete a graduate degree at such institutions in an area of the food and agricultural sciences for which there is a national need for the development of scientific expertise. Therefore, institutions which currently have excellent programs of graduate study and research in the food and agricultural sciences dealing with targeted national needs are particularly encouraged to apply.

Subpart B—Program Description

§ 3402.4 Food and agricultural sciences areas targeted for national needs graduate fellowships grants support.

Areas of the food and agricultural sciences appropriate for fellowship grant applications are those in which developing shortages of expertise have been determined and targeted by CSRS-HEP for national needs fellowship grant support. When funds are available, the specific areas and funds per area will be identified in a **Federal Register** notice announcing the program and soliciting program applications.

§ 3402.5 Overview of Graduate Fellowships Grants Program.

Grants, providing funds for a limited number of fixed graduate student stipends and a fixed cost-of-education institution allowance, will be awarded competitively to selected U.S. institutions. Based on the amount of funds appropriated in any fiscal year, CSRS will determine the allowable stipend amount and cost-of-education allowance. In addition, it will establish the maximum number of national need areas for which a proposal may request funding, the minimum and maximum

numbers of fellowships that an institution may apply for in a proposal, the minimum and maximum funds that may be awarded under a single grant, and the maximum total funds that may be awarded to an institution under the program in a given fiscal year. These determinations and the limits on the total number of proposals which can be submitted by an institution as well as the number of proposals submitted by an institution on behalf of the same college or equivalent administrative unit will be published as a part of the program announcement in the **Federal Register.**

§ 3402.6 Fellowship appointments.

(a) Fellowships must be awarded within 15 months of the effective date of a grant. Institutions failing to meet this deadline will be required to refund monies associated with any unawarded fellowship(s). Fellowship appointments may be held only by persons who enroll and pursue full-time study in a graduate degree program in an area of the food and agricultural sciences targeted for national needs fellowships. In addition, fellows must be newly recruited and may not have been enrolled previously in the academic program at the same degree level; must be citizens or nationals of the United States as determined in accordance with Federal law; and must have a strong interest, as judged by the institution, in pursuing a degree in a targeted national need area and in preparing for a career as a food or agricultural scientist or professional. It will be the responsibility of the grantee institution to award fellowships to students of superior academic ability. A doctoral fellow who maintains satisfactory progress in his or her course of study is eligible for support for a maximum of 36 months within a 45-month period. Master's level fellows, maintaining satisfactory progress, are eligible for support for a maximum of 24 months during a 33-month period. However, it is the intent of this program that fellows pursue full-time uninterrupted study. For fellows requiring additional time to complete a degree, it is expected that the institution will endeavor to continue supporting individuals originally appointed to fellowships through such other institutional means as teaching assistantships and research assistantships.

(b) Within the framework of these regulations, all decisions with respect to the appointment of fellows will be made by the institution. Throughout a fellow's tenure, the institution should satisfy itself that the fellow is making satisfactory academic progress, and carrying out, or plans to carry out, national needs related research. If an institution finds it necessary to terminate support of a fellow for insufficient academic progress or by decision on the part of the fellow, the fellow becomes ineligible for future assistance under the program. If a fellow finds it necessary to interrupt his or her program of study because of health, personal reasons, outside employment, or acceptance of an assistantship, the institution must reserve the funds for the purpose of allowing the fellow to resume funded study any time within a 9-month period. However, a fellow who finds it necessary to interrupt his or her program of study more than one time cannot exceed a total of 9 months cumulative leave status without forfeiting eligibility. For fellowships terminated because of insufficient academic progress, a decision on the part of the fellow, or reserved due to an interrupted program of study but not resumed within the required time period, unexpended monies must be refunded. Institutions may not use unexpended monies associated with a terminated fellowship to recruit and support a "replacement" fellow.

§ 3402.7 Fellowship activities.

A fellow must be enrolled at all times during tenure in a full-time program leading to a graduate degree in one of the targeted national needs areas. However, the normal requirement of formal registration during part of this tenure may be waived if permitted by the policy of the fellowship institution, provided that the fellow remains engaged in appropriate full-time fellowship activities. Fellows in academic institutions are not entitled to vacations as such. They are entitled to the short normal student holidays observed by the institution. The time between academic semesters or quarters is to be utilized as an active part of the training period. During the period of support, a fellow may not accept employment by the institution or any other agency. However, a grant supporting research costs of the fellow is acceptable, exclusive of salary or wages and fringe benefits for the fellow.

§ 3402.8 Financial provisions.

The basic fellowship stipend and cost-of-education institution allowance that may be paid from grant funds will be contingent on and determined by annual appropriations. The amount of both the stipend and the cost-of-education allowance will be cited in the program announcement in the **Federal Register.** An institution may elect to use the cost-of-education funds to apply to fellows' tuitions and fees; however, such is not required. The allowance may be used also by an institution to defray other program expenses (e.g., recruitment, travel, publications, or salaries of project personnel). Tuition and fees are the responsibility of a fellow unless an institution elects to use its cost-of-education allowance for this purpose or elects to pay such costs out of other non-USDA monies. No dependency allowances are provided for fellows. Monthly stipend payments will be made to fellows by the institution, according to standard institutional procedures.

Subpart C—Preparation of a Proposal

§ 3402.9 Program brochure and application kit.

An Application Kit will be made available to any potential grant applicant upon request. This Kit includes a program brochure with application instructions and forms. Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)), the collection of information requirements contained in this final rule have been reviewed and approved by the Office of Management and Budget and given the OMB Control No. 0524–0024. The Kit also includes regulatory provisions applicable to the program.

§ 3402.10 Proposal cover page.

The Proposal Cover Page, Form CSRS–701, can be found in the program brochure and must be completed in its entirety including all authorizing signatures. One copy of each grant application must contain the pen-and-ink signature(s) of the Project Director(s), as well as the Authorized Certifying Representative for the college and for the institution.

§ 3402.11 National need summary.

Using the National Need Summary, Form CSRS–702, summarize the proposed graduate program of study and the academic and research strengths of the institution in the national need area for which funding is requested. If support for both master's and doctoral fellowships is requested, prepare a summary for each degree level. The summary should not include any reference to the specific number of fellowships requested. The information on this summary page(s) will be used in assigning the most appropriate panelists to review a proposal. If a proposal is supported, this page may be used in program publications. The *National Need Summary* form is provided in the program brochure.

§ 3402.12 National need narrative.

A narrative for the national need area should be written in four sections and limited to no more than 20 pages. The four sections to be included are as follows:

Sec. 1. Present a detailed description of the proposed fellows' graduate plan of study. Identify courses and summarize content. Discuss any special features such as multidisciplinary aspects of the program of study, multiuniversity collaborative approaches, experiential learning opportunities such as a practicum or internship, or a unique disciplinary collateral specialization. Also discuss areas of research that fellows will be encouraged to engage in via a thesis or dissertation. In essence, this section must clearly establish that the proposed program of study will result in the development of outstanding scientific/professional expertise in the national need area for which funding is requested. CAUTION: If a proposal requests support for both master's and doctoral fellowships, all information in this section should be provided specific to each degree level.

Sec. 2. Justify the institution's position that it presently provides a major, productive, recognized program of graduate study and research in the area of national need in which selected fellows would be engaged. Include evidence of the quality of existing attributes and resources of the institution such as teaching and research faculty, instructional and research instrumentation and facilities, library resources, computing resources, and so forth. Also, discuss the extent to which graduate students have access to such institution resources.

Sec. 3. Thoroughly document the institution's plans and procedures for managing fellowship appointments. Explain in-depth the plan for recruiting academically outstanding fellows and procedures for selecting fellows of superior quality who appear to be highly motivated to prepare for and pursue a career as a food or agricultural scientist or professional. In addition, cite specific plans for advising and guiding fellows through a program of study, as well as any special programs or activities that will be offered to enrich the fellows' graduate training.

Sec. 4. Include important supplementary summary data for your institution relevant to the national need area for which funding is requested. Examples of appropriate data are indices of student quality, enrollments and degrees awarded for recent years, placement of graduates, facilities, and faculty research support.

§ 3402.13 Budget.

Prepare the Proposal Budget, Form CSRS–703, identifying all costs associated with the proposal. Instructions for completing the *Proposal Budget* are provided on the form.

§ 3402.14 Faculty vitae.

This section should include summary vitae (emphasizing major accomplishments during the past 5 years) for faculty contributing significantly to institutional competence in the national need area addressed in the proposal. Arrange the vitae in alphabetical order, assign a number to each individual vita in the upper right hand corner, and refer to this number when appropriate within the context of the proposal.

§ 3402.15 Appendix.

Any additional supporting information deemed important for clarifying and/or strengthening the proposal should be included in an Appendix.

Subpart D—Submission of a Proposal

§ 3402.16 Where to submit proposals.

The annual program announcement published in the **Federal Register** will delineate the date for submission of proposals and the number of copies of a proposal required to apply for a grant. In addition, the program announcement will provide the address for mailing the proposal and the institution's latest graduate catalog.

§ 3402.17 Intent to submit a pr posal.

To assist CSRS–HEP in preparing for review of fellowship proposals, institutions planning to submit proposals for fellowships are requested to complete and return the *Intent to Submit Card* provided on the inside back cover of the program brochure. One card should be completed and returned for *each* proposal an institution anticipates submitting. Sending this card does not commit an institution to any course of action.

Subpart E—Proposal Review and Evaluation

§ 3402.18 Proposal review.

The proposal evaluation process includes both internal staff review and merit evaluation by panels of scientists, educators, industrialists, and Government officials who are highly qualified to render expert advice in the targeted areas. The goal of the process of selection and structuring of evaluation panels is to provide optimum expertise and objective judgment in the evaluation of proposals specific to a particular area of national need.

§ 3402.19 Evaluation criteria.

A proposal addressing a particular national need area will be evaluated in competition with other proposals addressing the same national need area at the same level of graduate study. Proposals addressing more than one level of graduate study will be rated for each degree level addressed. Therefore, funding may be awarded to a particular portion of a proposal addressing a degree level in lieu of funding a proposal in its entirety. Both internal staff and the panelists will evaluate proposals primarily on the basis of the following criteria:

Evaluation Criteria

	Weight
a. The degree to which the proposal clearly establishes that the proposed program of graduate training will result in the development of outstanding scientific/professional expertise related to the national need area and in a reasonable period of time.	25 points.
b. The degree to which the proposed program of study reflects special features such as multidisciplinary and/or multiuniversity collaborative approaches, experiential learning opportunities, or a unique disciplinary collatoral specialization.	15 points.
c. The degree to which the proposal establishes that the institution's faculty, facilities and equipment, instructional support resources, and other attributes are excellent for providing outstanding graduate study and research at the forefront of science and technology related to the chosen area of national need.	20 points.
d. The degree to which the institution's plans and procedures for recruitment and selection of academically outstanding fellows and for monitoring and facilitating fellows' progress through a program of study reflect excellence as documented in the proposal.	20 points.
e. Supporting summary data.....	10 points.
f. The quality of the proposal as reflected by its substantive content, organization, clarity, and accuracy.	10 points.

Additional evaluation criteria may be cited in the annual program announcement published in the **Federal Register.**

Subpart F—Supplementary Information

§ 3402.20 Terms and conditions of grant awards.

Within the limit of funds available for such purpose, the awarding official shall make project grants to those responsible, eligible applicants whose proposals are judged most meritorious in the announced program areas under the evaluation criteria and procedures set

forth in this part. The beginning of the project period shall be no later than September 30 of the Federal fiscal year in which the project is approved for support. All funds granted under this part shall be expended solely for the purpose for which the funds are granted in accordance with the approved application and budget, the regulations of this part, the terms and conditions of the award, the applicable Federal cost principles, and the Department's Uniform Federal Assistance Regulations (7 CFR Part 3015).

§ 3402.21 Notice of grant awards.

(a) The grant award document shall include, at a minimum, the following:

(1) Legal name and address of performing organization.

(2) Title of project.

(3) Name(s) and address(es) of Project Director(s).

(4) Identifying grant number assigned by the Department.

(5) Project period, which specifies how long the Department intends to support the effort without requiring reapplication for funds.

(6) Total amount of Federal financial assistance approved during the project period.

(7) Legal authority(ies) under which the grant is awarded.

(8) Approved budget plan for categorizing allocable project funds to accomplish the stated purpose of the grant award.

(9) Other information or provisions deemed necessary by the Department to carry out its granting activities or to accomplish the purpose of this particular project grant.

(b) The notice of grant award, in the form of a letter, will provide pertinent instructions and information to the grantee which are not included in the grant award document described above.

§ 3402.22 Other Federal statutes and regulations that apply.

Several other Federal regulations or statutes apply to project grants awarded under this part. These include but are not limited to:

7 CFR Part 15, Subpart A—USDA implementation of Title VI of the Civil Rights Act of 1964.

7 CFR Part 3015—USDA Uniform Federal Assistance Regulations, as amended, implementing OMB directives (i.e., Circular Nos. A–110 and A–21), as well as general policy requirements applicable to recipients of Departmental financial assistance.

29 U.S.C. 794, Section 504—Rehabilitation Act of 1973, and CFR 7 Part 15b (USDA effectuation of statute), prohibiting discrimination based upon physical handicap in Federally assisted programs.

§ 3402.23 Confidential aspects of proposals and awards.

When a proposal results in a grant, it becomes a part of the record of the Agency's transactions, available to the public upon specific request. Information that the Agency and the grantee mutually agree to be of a privileged nature will be held in confidence to the extent permitted by law. Therefore, any information that the applicant wishes to have considered as privileged should be clearly marked as such and sent in a separate statement, two copies of which should accompany the proposal. The original copy of a proposal that does not result in a grant will be retained by the Agency for a period of one year. Other copies will be destroyed. Such a proposal will be released only with the consent of the applicant or to the extent required by law. A proposal may be withdrawn at any time prior to the final action thereon.

§ 3402.24 Access to peer review information.

After final decisions have been announced, CSRS–HEP will, upon request, inform the project director of the reasons for its decision on a proposal. Verbatim copies of reviews, not including the identity of the reviewer, will be made available to respective project directors upon specific request.

§ 3401.25 Documentation of progress on funded projects.

A *Fellowship Appointment Documentation* form is included in the program brochure. Upon request by CSRS–HEP, project directors awarded grants under the program will be required to complete and submit this form. Follow-up progress reports will focus on assessing continuing progress of fellows through their graduate programs of study and on institution adherence to program guidelines.

§ 3401.26 Evaluation of program.

Grantees should be aware that CSRS may, as a part of its own program evaluation activities, carry out in-depth evaluations of assisted activities through independent third parties. Thus, grantees should be prepared to cooperate with evaluators retained by CSRS to analyze both the institutional context and the impact of any supported project.

Done at Washington, DC, this 6th day of February 1987.

John Patrick Jordan,

Administrator, Cooperative State Research Service.

[FR Doc. 87–2889 Filed 2–12–87; 8:45 am]

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federal register

Friday
February 13, 1987

Part IV

Office of Management and Budget

Budget Rescissions and Deferrals; Cumulative Report

OFFICE OF MANAGEMENT AND BUDGET

Cumulative Report on Rescissions and Deferrals

February 1, 1987.

This report is submitted in fulfillment of the requirements of section 1014(e) of the Impoundment Control Act of 1974 (Pub. L. 93–344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year for which, as of the first day of the month, a special message has been transmitted to the Congress.

This report gives the status as of February 1, 1987, of 56 deferrals contained in the four special messages of FY 1987. These messages were transmitted to the Congress on September 26, and December 15, 1986, and January 5 and 28, 1987.

Rescissions (Table A and Attachment A)

As of February 1, 1987, there were 73 rescission proposals totaling $5,835.8 million pending before the Congress.

Deferrals (Table B and Attachment B)

As of February 1, 1987, $10,011.7 million in 1987 budget authority was being deferred from obligation and $3.7 million in 1987 outlays was being deferred from expenditure. Attachment B shows the history and status of each deferral reported during FY 1987.

Information from Special Messages

The special message containing information on the deferrals covered by this cumulative report is printed in the **Federal Register** listed below:

Vol. 51, FR p. 35976, Tuesday, October 7, 1986

Vol. 51, FR p. 47356, Wednesday, December, 31, 1986

Vol. 52, FR p. 964, Friday, January 9, 1987

Vol. 52, FR p. 3552, Wednesday, February 4, 1987.

James C. Miller III,

Director.

BILLING CODE 3110-01-M

TABLE A

STATUS OF 1987 RESCISSIONS

	Amount (In millions of dollars)
Rescissions proposed by the President	5,835.8
Accepted by the Congress	0
Rejected by the Congress	0
Pending before the Congress	5,835.8

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TABLE B

STATUS OF 1987 DEFERRALS

	Amount (In millions of dollars)
Deferrals proposed by the President	11,313.2
Routine Executive releases through February 1, 1987 (OMB/Agency releases of $1,297.9 million and cumulative adjustments of $ 0 million)	-1,297.9
Overturned by the Congress	0
Currently before the Congress	10,015.4 a/

a/ This amount includes $3.7 million in outlays for a Department of the Treasury deferral (D87-21).

Attachments

Attachment A - Status of Rescissions - Fiscal Year 1987

As of February 1, 1987 Amounts in Thousands of Dollars Agency/Bureau/Account	Rescission Number	Amount Previously Considered by Congress	Amount Currently before Congress	Date of Message	Amount Rescinded	Amount Made Available	Date Made Available	Congressional Action
DEPARTMENT OF AGRICULTURE								
Agricultural Research Service								
Buildings and facilities	R87-1		28,000	1-5-87				
	R87-1A			1-28-87				
Agricultural Stabilization and Conservation Service								
Rural clean water program	R87-2		6,000	1-5-87				
Agricultural conservation program	R87-3		164,356	1-5-87				
Water bank program	R87-4		8,166	1-5-87				
Emergency conservation program	R87-5		10,000	1-5-87				
Farmers Home Administration								
Rural water and waste disposal grants	R87-6		79,500	1-5-87				
Rural community fire protection grants	R87-7		2,300	1-5-87				
Rural housing for domestic farm labor	R87-8		7,400	1-5-87				
Mutual and self-help housing	R87-9		8,000	1-5-87				
Very low income housing repair grants	R87-10		9,400	1-5-87				
Compensation for construction defects	R87-11		500	1-5-87				
Rural housing preservation grants	R87-12		14,400	1-5-87				
Soil Conservation Service								
Watershed and flood prevention operations	R87-13		96,000	1-5-87				
Great Plains conservation program	R87-14		8,000	1-5-87				
Resource conservation and development	R87-15		5,000	1-5-87				
Forest Service								
Land acquisition	R87-16		49,030	1-5-87				
DEPARTMENT OF COMMERCE								
Economic Development Administration								
Economic development assistance programs	R87-17		169,718	1-5-87				
	R87-17A		-50	1-28-87				
International Trade Administration								
Operations and administration	R87-18		11,400	1-5-87				
National Oceanic and Atmospheric Administration								
Operations, research, and facilities	R87-19		58,857	1-5-87				
National Telecommunications and Information Administration								
Public telecommunications facilities, planning and construction	R87-20		19,300	1-5-87				

Attachment A - Status of Rescissions - Fiscal Year 1987

As of February 1, 1987 Amounts in Thousands of Dollars Agency/Bureau/Account	Rescission Number	Amount Previously Considered by Congress	Amount Currently before Congress	Date of Message	Amount Rescinded	Amount Made Available	Date Made Available	Congression Action
DEPARTMENT OF DEFENSE - MILITARY								
Procurement								
Procurement of weapons and tracked combat vehicles, Army	R87-21		15,000	1-5-87				
Other procurement, Navy	R87-22		116,000	1-5-87				
Military Construction								
Military construction, Air Force	R87-23		2,750	1-5-87				
DEPARTMENT OF DEFENSE - CIVIL								
Corps of Engineers - Civil								
Construction, general	R87-24		7,715	1-5-87				
DEPARTMENT OF EDUCATION								
Office of Elementary and Secondary Education								
Compensatory education for the disadvantaged	R87-25		7,500	1-5-87				
Impact aid	R87-26		17,500	1-5-87				
Special programs	R87-27		54,980	1-5-87				
Office of Bilingual Education and Minority Languages Affairs								
Bilingual education	R87-28		45,886	1-5-87				
Office of Special Education and Rehabilitative Services								
Education for the handicapped	R87-29		288,659	1-5-87				
Rehabilitation services and handicapped research	R87-30		127,455	1-5-87				
Office of Vocational and Adult Education								
Vocational and adult education	R87-31		432,319	1-5-87				
Office of Postsecondary Education								
Student financial assistance	R87-32		1,269,000	1-5-87				
Higher education	R87-33		203,050	1-5-87				
	R87-33A			1-28-87				
Office of Educational Research and Improvement								
Libraries	R87-34		34,500	1-5-87				

Attachment A - Status of Rescissions - Fiscal Year 1987

As of February 1, 1987 Amounts in Thousands of Dollars Agency/Bureau/Account	Rescission Number	Amount Previously Considered by Congress	Amount Currently before Congress	Date of Message	Amount Rescinded	Amount Made Available	Date Made Available	Congressional Action
DEPARTMENT OF ENERGY								
Energy Programs								
Energy supply, research and development activities	R87-35		81,800	1-5-87				
Fossil energy research and development	R87-36		44,464	1-5-87				
Energy conservation	R87-37		87,433	1-5-87				
	R87-37A		-3500	1-28-87				
DEPARTMENT OF HEALTH AND HUMAN SERVICES								
Food and Drug Administration								
Buildings and facilities	R87-38		500	1-5-87				
Health Resources and Services Administration								
Health resources and services	R87-39		161,210	1-5-87				
	R87-39A			1-28-87				
Indian health facilities	R87-40		57,100	1-5-87				
	R87-40A			1-28-87				
National Institutes of Health								
National Library of Medicine	R87-41		5,405	1-5-87				
Office of the Assistant Secretary of Health								
Public health service management	R87-42		5,000	1-5-87				
Departmental Management								
Policy research	R87-43		2,200	1-5-87				
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT								
Housing Programs								
Annual contributions for assisted housing	R87-44		473,313	1-5-87				
Housing counseling assistance	R87-45		3,500	1-5-87				
Community Planning and Development								
Community development grants	R87-46		375,200	1-5-87				
Urban development action grants	R87-47		237,500	1-5-87				
Management and Administration								
Salaries and expenses	R87-48		19,042	1-5-87				

Attachment A - Status of Rescissions - Fiscal Year 1987

As of February 1, 1987 Amounts in Thousands of Dollars Agency/Bureau/Account	Rescission Number	Amount Previously Considered by Congress	Amount Currently before Congress	Date of Message	Amount Rescinded	Amount Made Available	Date Made Available	Congressional Action
DEPARTMENT OF THE INTERIOR								
Bureau of Land Management								
Management of lands and resources	R87-49		6,500	1-5-87				
Construction and access	R87-50		1,600	1-5-87				
Land acquisition	R87-51		2,700	1-5-87				
Bureau of Mines								
Mines and minerals	R87-52		16,594	1-5-87				
United States Fish and Wildlife Service								
Resource management	R87-53		20,500	1-5-87				
	R87-53A			1-28-87				
Construction	R87-54		23,200	1-5-87				
Land acquisition	R87-55		26,762	1-5-87				
National Park Service								
Operation of the national park system	R87-56		7,950	1-5-87				
Construction	R87-57		58,981	1-5-87				
Land acquisition	R87-58		97,638	1-5-87				
Historic preservation fund	R87-59		15,000	1-5-87				
Bureau of Indian Affairs								
Construction	R87-60		22,811	1-5-87				
Territorial and International Affairs								
Administration of territories	R87-61		2,500	1-5-87				
DEPARTMENT OF JUSTICE								
Immigration and Naturalization Service								
Salaries and expenses	R87-62		24,598	1-5-87				
DEPARTMENT OF LABOR								
Employment and Training Administration								
Training and employment services	R87-63		332,000	1-5-87				

Attachment A - Status of Rescissions - Fiscal Year 1987

As of February 1, 1987 Amounts in Thousands of Dollars Agency/Bureau/Account	Rescission Number	Amount Previously Considered by Congress	Amount Currently before Congress	Date of Message	Amount Rescinded	Amount Made Available	Date Made Available	Congressional Action
DEPARTMENT OF THE TREASURY								
Federal Law Enforcement Training Center								
Salaries and expenses	R87-64		8,450	1-5-87				
Bureau of Alcohol, Tobacco, and Firearms								
Salaries and expenses	R87-65		15,000	1-5-87				
United States Customs Service								
Salaries and expenses	R87-66		38,945	1-5-87				
ENVIRONMENTAL PROTECTION AGENCY								
Abatement, control, and compliance	R87-67		47,500	1-5-87				
Buildings and facilities	R87-68		2,500	1-5-87				
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION								
Research and development	R87-69		25,796	1-5-87				
VETERANS ADMINISTRATION								
Medical care	R87-70		75,000	1-5-87				
OTHER INDEPENDENT AGENCIES								
Appalachian Regional Commission								
Appalachian regional development programs	R87-71		31,059	1-5-87				
National Endowment for the Humanities								
National capital arts and cultural affairs	R87-72		4,000	1-5-87				
Selective Service System								
Salaries and expenses	R87-73		409	1-5-87				
Total, rescissions			5,835,751					

Attachment B - Status of Deferrals - Fiscal Year 1987

As of February 1, 1987 Amounts in Thousands of Dollars Agency/Bureau/Account	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change	Date of Message	Cumulative OMB/Agency Releases	Congressionally Required Releases	Congressional Action	Cumulative Adjustments	Amount Deferred as of 2-1-87
FUNDS APPROPRIATED TO THE PRESIDENT									
International Security Assistance									
Foreign military sales credit	D87-22	4,040,441		12-15-86	600,000				3,440,441
Economic support fund	D87-1	95,000		9-26-86					
	D87-1A		2,351,470	12-15-86	518,602				1,927,868
Military assistance	D87-23	847,000		12-15-86	38,000				809,000
International military education and training	D87-24	2,000		12-15-86					2,000
Agency for International Development									
Functional development assistance	D87-32	2,278		1-28-87					2,278
International disaster assistance	D87-25	57,000		12-15-86	38,837				18,163
Special Assistance for Central America									
Assistance for the Nicaraguan Democratic Resistance	D87-26	60,000		12-15-86	20,000				40,000
Promotion of stability and security in Central America	D87-27	1,000		12-15-86					1,000
DEPARTMENT OF AGRICULTURE									
Commodity Credit Corporation									
Temporary emergency food assistance	D87-33	28,559		1-28-87					28,559
Rural Electrification Administration									
Reimbursement to the Rural electrification and telephone and revolving fund for interest subsidies and losses	D87-34	20,000		1-28-87					20,000
Forest Service									
State and private forestry	D87-35	797		1-28-87					797
Land acquisition	D87-36	27,070		1-28-87					27,070
Expenses, brush disposal	D87-2	111,202		9-26-86					111,202
Timber roads, purchaser election	D87-37	11,900		1-28-87					11,900
Timber salvage sales	D87-3	29,731		9-26-86					29,731
Cooperative work	D87-4	526,938		9-26-86					526,938
Gifts, donations, and bequests for forest and rangeland research	D87-5	200		9-26-86					200

Attachment B - Status of Deferrals - Fiscal Year 1987

As of February 1, 1987 Amounts in Thousands of Dollars Agency/Bureau/Account	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change	Date of Message	Cumulative OMB/Agency Releases	Congressionally Required Releases	Congressional Action	Cumulative Adjustments	Amount Deferred as of 2-1-87
DEPARTMENT OF DEFENSE - MILITARY									
Military Construction									
Military construction, Defense.....	D87-6	2,350		9-26-86					
	D87-6A		1,316,152	12-15-86	12,514				1,305,988
Family Housing									
Family housing, Defense.....	D87-7	76,943		9-26-86					
	D87-7A		190,022	12-15-86	65,143				201,822
DEPARTMENT OF DEFENSE - CIVIL									
Soldiers' and Airmen's Home									
Capital outlays.....	D87-38	1,132		1-28-87					1,132
Wildlife Conservation, Military Reservations									
Wildlife conservation.....	D87-8	1,065		9-26-86					
	D87-8A		25	1-5-87	40				1,050
DEPARTMENT OF ENERGY									
Power Marketing Administration									
Alaska Power Administration, Operation and maintenance.....	D87-9	165		9-26-86					165
Southwestern Power Administration, Operation and maintenance.....	D87-10	7,554		9-26-86					
	D87-10A		6,106	1-5-87					13,660
Western Area Power Administration, Construction, rehabilitation, operation and maintenance.....	D87-29	4,485		1-5-87					4,485
Departmental Administration									
Departmental administration.....	D87-30	24,182		1-5-87					24,182

Attachment B - Status of Deferrals - Fiscal Year 1987

As of February 1, 1987 Amounts in Thousands of Dollars Agency/Bureau/Account	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change	Date of Message	Cumulative OMB/Agency Releases	Congressionally Required Releases	Congressional Action	Cumulative Adjustments	Amount Deferred as of 2-1-87
DEPARTMENT OF HEALTH AND HUMAN SERVICES									
Health Resources and Services Administration									
Indian catastrophic health emergency fund..	D87-28	10,000		12-15-86					10,000
Centers for Disease Control									
Disease control, research, and training....	D87-39	2,428		1-28-87					2,428
Alcohol, Drug Abuse, and Mental Health Administration									
Alcohol, drug abuse, and mental health...	D87-40	10,000		1-28-87					10,000
Office of Assistant Secretary for Health									
Scientific activities overseas (special foreign currency program).....	D87-11	2,900		9-26-86					2,900
Social Security Administration									
Limitation on administrative expenses (construction).....	D87-12	7,073		9-26-86					
	D87-12A		89	1-28-87					7,163
DEPARTMENT OF THE INTERIOR									
Bureau of Land Management									
Payments for proceeds, sale of Mineral Leasing Act of 1920, Section 40(d).....	D87-31	49		1-5-87					49
DEPARTMENT OF JUSTICE									
Office of Justice Programs									
Crime victims fund.....	D87-13	70,000		9-26-86					70,000
DEPARTMENT OF LABOR									
Employment Standards Administration									
Salaries and expenses.....	D87-41	9,659		1-28-87					9,659

Attachment B - Status of Deferrals - Fiscal Year 1987

As of February 1, 1987 Amounts in Thousands of Dollars Agency/Bureau/Account	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change	Date of Message	Cumulative OMB/Agency Releases	Congressionally Required Releases	Congressional Action	Cumulative Adjustments	Amount Deferred as of 2-1-87
DEPARTMENT OF STATE									
Bureau for Refugee Programs									
United States emergency refugee and migration assistance fund, executive.....	D87-14	6,100		9-26-86					
	D87-14A		14,000	1-5-87					20,100
Other									
Assistance for implementation of a Contadora agreement.....	D87-15	2,000		9-26-86	2,000				0
DEPARTMENT OF TRANSPORTATION									
Federal Railroad Administration									
Rail service assistance.....	D87-42	462		1-28-87					462
Railroad safety.....	D87-43	1,101		1-28-87					1,101
Conrail labor protection.....	D87-44	646		1-28-87					646
Northeast corridor improvement program.....	D87-45	16,962		1-28-87					16,962
Conrail commuter transition assistance.....	D87-46	10,000		1-28-87					10,000
Urban Mass Transportation Administration									
Research, training and human resources.....	D87-47	4,336		1-28-87					4,336
Interstate transfer grants - transit.....	D87-48	51,800		1-28-87					51,800
Federal Aviation Administration									
Operation and maintenance, Metropolitan Washington Airports.....	D87-49	12,214		1-28-87					12,214
Facilities and equipment (Airport and airway trust fund).....	D87-16	803,877		9-26-86					
	D87-16A		295,611	12-15-86					1,099,488
Coast Guard									
Research, development, test, and evaluation.....	D87-50	5,000		1-28-87					5,000
Offshore oil pollution compensation fund...	D87-51	2,154		1-28-87					2,154
Deepwater port liability fund.....	D87-52	5,176		1-28-87					5,176
Office of the Secretary									
Payments to air carriers.....	D87-53	10,748		1-28-87					10,748

Attachment B - Status of Deferrals - Fiscal Year 1987

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DEPARTMENT OF THE TREASURY									
Office of Revenue Sharing									
Local government fiscal assistance trust fund	D87-17	74,149		9-26-86	23				74,126
Local government fiscal assistance trust fund	D87-21	5,981		9-26-86	2,284				3,697
ENVIRONMENTAL PROTECTION AGENCY									
Research and development	D87-54	11,000		1-28-87					11,000
Abatement, control, and compliance	D87-55	11,400		1-28-87					11,400
OTHER INDEPENDENT AGENCIES									
Commission on the Ukraine Famine Salaries and expenses	D87-18	100		9-26-86					100
Office of the Federal Inspector for the Alaska Natural Gas Transportation System, Salaries and expenses	D87-19	411		9-26-86	411				0
Pennsylvania Avenue Development Corporation Land acquisition and development fund	D87-20	11,873		9-26-86					11,873
United States Railway Association Administrative expenses	D87-56	1,155		1-28-87					1,155
TOTAL, DEFERRALS		7,139,747	4,173,475		1,297,854	0		0	10,015,369

Note: All of the above amounts represent budget authority except the Local Government Fiscal Assistance Trust Fund (D87-21) of outlays only.

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federal register

Friday
February 13, 1987

Part V

Department of the Interior

Minerals Management Service

30 CFR Parts 202 and 206

Gas Royalty Valuation; Proposed Rulemaking

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Parts 202 and 206

Revision of Gas Royalty Valuation Regulations and Related Topics

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rulemaking provides for the amendment and clarification of regulations governing valuation of gas for royalty computation purposes. The amended and clarified regulations govern the methods by which value is determined when computing gas royalties and net profit shares under Federal (onshore and Outer Continental Shelf) and Indian (Tribal and allotted) oil and gas leases (except leases on the Osage Indian Reservation, Osage County, Oklahoma).

DATES: Comments must be received on or before May 14, 1987. Hearings are scheduled as follows:

1. April 7 and 8, 1987, 8:30 A.M. to 4:00 P.M., Denver, Colorado.
2. April 21 and 22, 1987, 8:30 A.M. to 4:00 P.M., Houston, Texas.

ADDRESSES: Written comments may be mailed to Minerals Management Service, Royalty Management Program, Rules and Procedures Branch, Denver Federal Center, Building 85, P.O. Box 25165, Mail Stop 660, Denver, Colorado, 80225, Attention: Dennis C. Whitcomb.

The hearings will be held at the following locations:

1. Denver—Sheraton Denver Airport Hotel, 3535 Quebec Street, Denver, Colorado.
2. Houston—Houston Airport Hilton Inn, 500 North Belt East, Houston, Texas.

FOR FURTHER INFORMATION CONTACT: Dennis C. Whitcomb, (303) 231–3432, (FTS) 326–3432.

SUPPLEMENTARY INFORMATION: The principal authors of this proposed rulemaking are John L. Price, Scott L. Ellis, Thomas J. Blair, Stanley J. Brown, and William H. Feldmiller, of the Royalty Valuation and Standards Division of the Minerals Management Service; and Peter J. Schaumberg of the Office of the Solicitor, Washington, DC.

I. Introduction

On January 9 and 10, 1986, the first meeting of the Royalty Management Advisory Committee (RMAC) was held in Lakewood, Colorado. (See Notice of Meeting, 50 FR 52385, December 23, 1985). The RMAC, which is composed primarily of representatives from States, Indian Tribes and allottees, and the coal, oil, and gas industry, was charged with the responsibility of advising the Secretary of the Interior about the form and content of changes to Minerals Management Service (MMS) regulations governing the value, for royalty purposes, of coal, oil, and gas production from Federal and Indian leases.

At the first RMAC meeting, the Committee asked the Secretary to withhold promulgation of proposed valuation regulations until the Committee had an opportunity to review the issues and make its recommendations. The Secretary agreed to the request, and in response to the Committee's request, MMS made available to RMAC its latest drafts of regulations governing the valuation of coal, oil, and gas, and those governing transportation and processing allowances. At the same time, MMS made copies of those same draft regulations available to the public (51 FR 4507, Feb. 5, 1986, and 51 FR 7811, March 6, 1986). Public comment on the drafts was requested both in written form and at a public meeting held in Lakewood, Colorado, on March 18 and 19, 1986.

The RMAC formed three working panels to review the draft coal, oil, and gas rules, and the transportation and processing rules related to each product. Between January and October of 1986, the various working panels held several meetings to review the draft rules. The working panel meetings were published in the **Federal Register** and the meetings were open to members of the public, many of whom participated actively.

Each of the three working panels prepared a detailed set of recommendations to RMAC. These were reviewed at the RMAC meeting held July 28–30, 1986, and October 20–22, 1986. The RMAC was unable to approve the reports of both the oil and the gas panels for transmission to the Secretary, which, by the terms of RMAC's charter, required a two-thirds vote of the Committee membership. The RMAC did approve, for submission to the Secretary, a set of recommendations regarding certain of the provisions contained in the coal valuation regulations.

The MMS representatives were present at, and participated in, all meetings of RMAC and the working panels. As a consequence of the extensive discussion between members of the groups representing the States, Indians, and the industries, and the detailed written recommendations prepared by the working panels, MMS's task of drafting proposed valuation regulations was enhanced significantly. In preparing these proposed regulations, MMS carefully considered all of the discussions which occurred at the various meetings, regardless of whether or not they were adopted in any of the three working panel reports or by the full Committee. The MMS also has considered the written and oral comments from the public on the draft rules and the resolution presented to the Secretary by RMAC. The MMS appreciates the hard work and dedication of a large number of people who were willing to work toward the common goal of clarifying and improving the regulations governing the valuation, for royalty purposes, of coal, oil, and gas production from Federal and Indian leases.

The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed rule to the location identified in the **ADDRESSES** section of this preamble. Comments must be received on or before May 14, 1987. Two public hearings will be held on the dates and at the locations identified in the **DATES AND ADDRESSES** sections of this preamble.

II. Purpose and Background

The MMS is proposing to revise the current regulations regarding the valuation of gas to accomplish the following:

(1) Clarification and reorganization of the existing regulations at 30 CFR Parts 202 and 206.

(2) Creation of regulations consistent with the present organizational structure of the Department of the Interior.

(3) Placement of the gas royalty valuation regulations in a format compatible with the valuation regulations for all leasable minerals.

(4) Clarification that royalty is to be paid on all considerations received by lessees, less applicable allowances, for production removed or sold from the lease.

(5) Creation of regulations to guide the lessee in the determination of allowable transportation costs for gas to aid in the calculation of proper royalty due the lessor.

Several general provisions which relate to both oil and gas are proposed to be added to Part 202. These provisions are included in the Notice of Proposed Rulemaking to amend the oil valuation regulations recently published

by the Department. (See 52 FR 1858, January 15, 1987.)

These proposed rules would be applied prospectively. They would supersede all existing gas royalty valuation directives contained in numerous Secretarial, MMS, and U.S. Geological Survey Conservation Division (now Bureau of Land Management, Onshore Operations Division) orders, directives, regulations and NTL's (Notice to Lessees) issued over past years. Specific guidelines governing the application of, the gas valuation regulations will be incorporated into the MMS Payor Handbook subsequent to the issuance of final rulemaking in the **Federal Register.**

MMS believes the proposed valuation methods would yield a reasonable and long-term maximum rate of return for both Federal and Indian leases. The basic premise underlying this methodology is that value is best determined by the interaction of competing market forces—the 7/8ths or 4/5ths owner is going to negotiate the best deal he/she can to further his/her own interests, advancing those of the royalty owner as well. This would add certainty to the marketplace and assure maximum, long-term revenues to all parties concerned. Comments are especially requested on this issue.

The proposed rules in § 206.150 would expressly recognize, however, that where the provisions of any Indian lease, or any statute or treaty affecting Indian leases, are inconsistent with the regulations, then the lease term, statute, or treaty would govern to the extent of the inconsistency. The same principle would apply to Federal leases.

A separate gas definitions section applicable to the royalty valuation of gas is included in this proposed rulemaking in Part 206. All definitions contained under each subpart of Part 206 shall be applicable to the regulations contained in Parts 202, 203, 207, 210, and 241.

III. Section-by-Section Analysis

The MMS is proposing to amend 30 CFR Part 202, Subpart B, Oil, Gas, and OCS Sulphur, General. The changes are included in the recently issued proposed changes to the oil valuation regulations. (See 52 FR 1858, January 15, 1987).

Proposed § 202.150, Royalty on gas, would set forth general policies regarding what gas is subject to royalty. Proposed § 202.150(a) states that royalty must be paid in value unless MMS requires payment in-kind. Proposed § 202.150(b) states that all gas is subject to royalty except gas lost which BLM or MMS, as appropriate, has determined was unavoidably lost, or gas that is used on, or for the benefit of, the lease. Accordingly, royalty would be due on gas avoidably lost or wasted, and gas for which compensatory royalty has been determined to be due as a result of drainage from the leased land, as determined by BLM for onshore oil and gas operations, or by MMS for offshore oil and gas operations. This is consistent with section 308 of the Federal Oil and Gas Management Act of 1982 (30 U.S.C. 1756). Gas used for the benefit of a lease, which is royalty free, includes gas used in lease equipment on communitized areas or unit areas when the lease is committed to a communitization agreement or unitization agreement, and gas used in lease equipment located at any other location when the BLM or MMS, as appropriate, has approved the use of that location prior to the point of royalty settlement. If the provisions of any lease are inconsistent with this section, the lease terms would govern. An example is a lease issued pursuant to section 6 of the OCS Lands Act which requires royalty to be paid on production used on the lease.

Proposed § 202.150(c) would cover those situations where a person other than the lessee of a Federal or Indian lease actually takes the allocated share of Federal or Indian lease production under a unitization or communitization agreement. These situations primarily involve production governed by a Federally approved unitization agreement or communitization agreement. The terms of these agreements require that all production covered by the agreement be allocated, for royalty purposes, to the individual leases comprising the agreement in accordance with the schedule approved by the BLM for onshore leases and by MMS for offshore leases. Many times, the lessee of a particular lease will not take the production attributable to its lease owing to the lack of a sales agreement or owing to the curtailment by the pipeline of deliveries under the existing sales agreement. In these instances, another working interest owner will often take the production attributable to a Federal or Indian lease and sell or dispose of it. As proposed, this section would require that the production attributable to the Federal and Indian lease would be subject to the royalty payment and reporting requirements of Title 30. The production would be valued as if the person actually taking the production were the Federal or Indian lessee. Therefore, as explained in more detail below, if the person actually taking the production attributable to the Federal or Indian lease sold that production under an arm's-length contract, then the value would be the gross proceeds accruing, or which could accrue, to that person under the applicable arm's-length contract. If the sale by that person was other than by an arm's-length contract, the value would be established by applying the criteria set forth in these proposed regulations. In applying those criteria, the information pertinent to the person actually taking the production would be used rather than information pertinent to the lessee of the Federal or Indian lease.

Proposed § 202.151, Royalty on processed gas, would require the payment of royalty on all residue gas and gas plant products resulting from processing gas. Proposed § 202.151(a) would provide that MMS would authorize a processing allowance for the reasonable, actual costs of processing the gas in determining the royalty payment due. The determination of processing allowances is covered by proposed Subpart D of Part 206. Proposed § 202.151(b) would provide for the royalty-free use of a reasonable amount of residue gas for operation of the processing plant, but would not provide for an allowance for boosting residue gas or other expenses incidental to marketing. Proposed § 202.151(c) would provide that royalty would not be due on residue gas or any gas plant product used in a manner to benefit the lease as provided previously for gas (see § 202.150(b)).

Proposed § 202.152, Standards for reporting and paying royalties on gas, would set forth the criteria for reporting the volumes of unprocessed gas, residue gas, and gas plant products on which royalty is due.

Proposed § 206.150, Purpose and scope, is an introductory section stating that Subpart C would be applicable to gas produced from all Federal and Indian leases, except leases on the Osage Indian Reservation. Paragraph (b) would incorporate the principle that if the specific provisions of any lease, statute, or treaty are inconsistent with the regulations, then the lease, statute, or treaty provisions would govern to the extent of the inconsistency. This principle would apply to existing leases as well as leases executed after the effective date of the regulations. Paragraph (d) would require all gas determined by BLM to have been avoidably lost or wasted from an onshore lease, all gas determined by BLM to have been drained from an onshore lease for which compensatory royalty is due, and all gas determined by MMS to have been avoidably lost from

an offshore lease to be valued in accordance with Part 206.

Proposed § 206.151, Definitions, would set forth definitions applicable to the proposed gas valuation regulations. Most definitions applicable to gas are straightforward and self-explanatory. A few of the definitions, however, require further explanation:

"Arm's-length contract" would be defined as a contract or agreement between independent, nonaffiliated persons. The definition would further provide that two persons are affiliated if one person controls, is controlled by, or is under common control with another person, *or* if one person owns an interest (regardless of the amount), either directly or indirectly, in another person. This definition is important to the regulations because, as is explained below, MMS is proposing that the gross proceeds under an arm's-length contract would be accepted as value. Other valuation criteria would apply to non-arm's-length contracts.

The thrust of the proposed arm's-length contract definition is to include within its coverage only those contracts between persons who have no affiliation or interrelationship of any kind that would cause the contract terms to be suspect as to their arm's-length nature. The MMS recognizes that by excluding from the definition those contracts between persons where one party to the contract has any ownership interest in the other, it is narrowing the universe of contracts which would fall within the scope of the definition.

The MMS has proposed a definition for arm's-length contract that excludes references to such matters as "adverse economic interests" or "free and open markets" because the inclusion of such sometimes subjective concepts would make a lessee's determination that its contract was arm's-length subject to uncertainty. The advantage to the proposed definition is that it would be almost purely objective, and lessees and other payors would have assurance that if they pay royalties on the basis of gross proceeds from an arm's-length contract, the royalty valuation would not later be susceptible to redetermination.

MMS would like commenters to address whether a list of items could be developed which could serve to define an arm's-length contract. Specifically, is there a list of questions which a lessee could answer which would lead to an objective determination of whether the contract is arm's-length? Possible questions are: (1) Is there a common equity interest between the parties to the contract; (2) is there common control of the parties to the contract; (3) was there a consolidated tax filing by the parties to the contract. MMS would like commenters to address whether the development of such a list is possible and what questions should be part of the list.

The MMS is proposing a definition for the term "gas plant products." This term would include all products resulting from the processing of gas, including natural gas liquids, nitrogen, carbon dioxide, and sulfur, but excluding residue gas.

The term "gross proceeds" is another term which is important to the regulations because it would be a common royalty value determinant. Gross proceeds is proposed to be defined as the total money or other consideration paid to an oil and gas lessee, or money or other consideration to which such lessee is entitled, for the disposition of unprocessed gas, residue gas, or gas plant products. Gross proceeds would be defined to include payments to the lessee for certain services such as treating, measuring, and field gathering that the lessee is obligated to perform at no cost to the lessor. Gross proceeds also would be defined to include: payments or credits for advanced prepaid reserve payments, or advanced exploration or development costs, subject to recoupment through reduced prices in later sales; take-or-pay payments; and reimbursements where the purchaser reimburses the seller, or pays any costs on behalf of the seller, for such items as severance taxes.

The definition is intended to be expansive to ensure that it includes all the benefits flowing from the purchaser to, or on behalf of, the seller in anticipation of and/or for the disposition of the unprocessed gas, residue gas, or gas plant products.

"Lessee" would be defined as any person to whom the United States, an Indian Tribe, or an Indian allottee, issues a lease, and any person who has assumed an obligation to make royalty or other payments required by the lease. The MMS is proposing to expressly include in the definition all persons who may have to make royalty payments. This would include all persons who have an interest in a lease as well as an operator or other payor, including in some instances, the purchaser who has assumed a royalty payment responsibility by contract or other agreement with the persons who have the actual lease interests. By using this broad definition for the product valuation regulations, it would not be necessary to use multiple terms such as lessee/payor/operator throughout the rules. This definition is not intended to change any contractual obligations under the lease instrument between the lessor and the current or original lease holder, except as it pertains to royalty valuation.

"Like-quality lease products" would be defined as lease products that have similar chemical, physical, and legal characteristics. This definition is required in order to apply valuation standards at § 206.152 and § 206.153 in non-arm's-length or no-contract situations. In these sections, the use of criteria tied to like-quality lease products is required to determine value. The value of a sweet gas with a high Btu heating value cannot be compared favorably with the value of a sour gas with a low Btu heating value. The legal characteristics primarily refer to the category for which the gas qualifies in accordance with the NGPA of 1978. Also, natural gas liquids have been subject to price regulations. When determining value of gas, MMS would not mix NGPA categories.

"Marketable condition" would be defined as lease products that are sufficiently free from impurities and otherwise in a condition that they will be accepted by a purchaser under a sales contract typical for the field or area. Federal and Indian leases typically require the lessee to pay royalties equal to a specified percentage of the amount or value of production saved, removed, or sold from the leased area. The regulations governing operations require that the lessee place in marketable condition, to the extent economically feasible, all oil, gas, etc., produced from the leased land. See 43 CFR 3162.7–1(a) and 30 CFR 250.42. See also § 206.152(i) and § 206.153(i) of the proposed rules. Court decisions have upheld the principle that the lease operator is obligated to perform necessary field gathering and treatment to develop a product that has been conditioned for market sale (*California Co.* v. *Udall*, 296 F.2d 384 (D.C. Cir. 1961)).

"Gas" is defined as any fluid, either combustible or noncombustible, hydrocarbon or nonhydrocarbon, which is extracted from a reservoir and which has neither independent shape nor form, but tends to expand indefinitely. It is a substance that exists in a gaseous or rarefied state under standard temperature and pressure conditions. The terms "gas" and " gas plant products," discussed above, and the term "residue gas," discussed below, are used either separately or together throughout the proposed gas valuation regulations. Existing valuation regulations were written to deal primarily with hydrocarbon gas streams. This was especially true when dealing

with processed gas. In the last decade, the existing regulations proved difficult to administer when handling gas mixtures of diverse content. Gas plants have been constructed to process gas mixtures where some gas plant products may not be a hydrocarbon. In order to accommodate processing plants that process and sell nonhydrocarbon production, the term "gas" will commonly apply to the total gas mixture as it enters the plant. The term "residue gas", will refer to gas consisting principally of methane resulting from processing gas. The term "gas plant products" will refer to natural gas liquids collectively (ethane, propane, butane, pentane, etc.) and other products also produced by a processing plant (carbon dioxide, sulfur, nitrogen, etc.).

Proposed § 206.152 and § 206.153 would set forth the standards by which MMS would establish values, for royalty purposes, for unprocessed gas and processed gas, respectively.

In both of these proposed sections, references are made to arm's-length contracts that contain a provision reserving to the lessee the right to process gas and arm's-length contracts which provide for the sale of gas prior to processing with the value determined later based upon a percentage of the purchaser's proceeds resulting from processing the gas (so-called percentage of proceeds contracts). The MMS recognizes these features of gas sales agreements and proposes to treat these arm's-length contracts as arm's-length contracts for the sale of residue gas and gas plant products (i.e. processed gas) rather than as unprocessed gas.

Proposed § 206.152, Valuation standards—unprocessed gas, would set forth the valuation standards for all gas from Federal and Indian leases that is not processed, such as so-called "dry gas." It also would apply to gas that is processed but is sold or otherwise disposed of by the lessee pursuant to an arm's-length contract prior to processing. However, if the price established under an arm's-length contract is based upon a percentage of the purchaser's proceeds from the residue gas and gas plant products resulting from the purchaser's processing of the gas (so-called percentage of proceeds contracts), this section would not apply. Therefore, if the gas from a lease is "wet gas" that is ultimately processed, and the lessee sells the gas pursuant to an arm's-length contract before processing at a fixed price per MMBtu, value would be determined based upon that sale and not upon a subsequent sale, or other disposition, at or beyond the tailgate of the processing plant. However, if under the same circumstances, the sale made is non-arm's-length, then value would be determined pursuant to § 206.153, discussed below.

Pursuant to proposed § 206.152, value would be determined differently depending upon whether or not the sales agreement is arm's-length. Subsection (a)(2) would state expressly that the value, for royalty purposes, of unprocessed gas production would be the value of the gas determined pursuant to § 206.152, less applicable allowances for transportation (§§ 206.156 and 206.157). However, as explained below, lessees would not be allowed to report a single net number for the royalty value (i.e. value less allowances), but would be required to report the allowances separately on the Report of Sales and Royalty Remittance, Form MMS–2014. Lessees would not be entitled to deduct transportation allowances in all situations (see discussion below).

In accordance with proposed § 206.152(b)(1), the value of unprocessed gas sold pursuant to an arm's-length contract would be the gross proceeds accruing, or which could accrue, to the lessee. Prior approval by MMS of this value would not be required, but it would be subject to monitoring, review and/or audit. MMS may direct a lessee to pay royalty at a different value if it determines that a lessee has applied the regulations improperly.

Paragraph (b)(2) would provide a specific exception to the arm's-length contract rule for gas sold pursuant to warranty contracts, even if those contracts are arm's-length. For such gas, MMS expressly reserves the right to establish the value, giving due consideration to all the valuation criteria in § 206.152.

If the disposition of unprocessed gas from a Federal or Indian lease is not pursuant to an arm's-length contract, specific criteria must be used to determine the proper royalty value. The valuation process contained in § 206.152(c) would be used when there is no arm's-length contract. In those situations, § 206.152(c) of the proposed regulations would require that the value be determined through application of criteria in a prescribed order. In other words, the second criterion would not be considered unless the first criterion could not reasonably be applied. Likewise, the third and fourth criteria would not be considered unless those preceeding it were inapplicable, etc.

The first criterion is for the lessee to use the gross proceeds accruing, or which could accrue, under its non-arm's-length contract (or other disposition other than by an arm's-length contract) provided that those gross proceeds are equivalent to the lessee's gross proceeds derived from, or paid under, comparable arm's-length contracts for purchases, sales, or other dispositions of like-quality gas in the same field or area. In evaluating the comparability of arm's-length contracts for the purpose of the proposed regulations, numerous factors must be considered. The pertinent factors are price, time of contract execution, duration of the contract, market or markets served, terms, quality of gas, volume, and any other factors which may be relevant. This method allows the lessee certainty in determining its own value without dependence upon MMS to establish the value. At the same time, it is indicative of the value in the field or area for like-quality gas. The MMS believes this method is preferable to the major portion analysis provided for in existing oil and gas regulations which proved difficult to administer. See existing 30 CFR 206.103.

If the first valuation criterion is inapplicable, the second criterion would apply. This second criterion would be the lessee's gross proceeds accruing, or which could accrue, under its non-arm's-length contract (or other disposition other than by an arm's-length contract) provided that those gross proceeds are equivalent to the gross proceeds under comparable arm's-length contracts between other persons for purchases or sales of like-quality gas in the same field or area. In evaluating the comparability of arm's-length contracts, the same factors would be used as under § 206.152(c)(1).

In the first and second benchmarks, MMS is proposing to accept the lessee's gross proceeds as value where the lessee can demonstrate that that is a reasonable value by comparing it to sales under other arm's-length contracts which otherwise are comparable. However, the proposed rules require that there be numerous factors considered before an arm's-length contract could be deemed comparable. The purpose of these factors is to prevent abuses through application of only a few factors such that contracts containing unusually low or high prices could be used. Thus, for a lessee selling a large volume of gas under a non-arm's-length contract, a large volume would be required to be purchased under an arm's-length contract before the arm's-length contract could be used in determining the acceptability of the lessee's gross proceeds under its non-arm's-length contract.

In the event that there are no comparable arm's-length contracts applicable to the field or area within which the gas is produced, the third criterion would provide for the determination of a value after considering all relevant information including gross proceeds under arm's-length contracts for purchases or sales of like-quality gas in other fields or areas, posted prices for gas, prices received in spot sales of gas, and other information as to the particular lease operation or affecting the saleability of the gas.

If a value cannot be determined using any of the valuation procedures previously mentioned, a net-back procedure to value the gas could be used. This last benchmark also would authorize the use of any other reasonable method to determine value.

The MMS particularly solicits comments regarding the proposed ordering of valuation benchmarks.

When a valuation method other than gross proceeds is used for unprocessed gas sold pursuant to a non-arm's-length contract, such as spot prices, the lessee may not be entitled to a transportation allowance. By way of illustration, if the value of unprocessed gas is established under paragraph (c)(3) based upon spot prices in the field where the lease is located, the value would not be reduced by a transportation allowance even if the lessee actually sold the unprocessed gas on a delivered basis at a point remote from the lease and incurred transportation expenses. The allowance would be inapplicable because the spot prices in this example already reflect value of unprocessed gas at the lease. However, pursuant to § 206.152(h), the valuation of the lessee's unprocessed gas based on the spot prices could not be less than the lessee's gross proceeds reduced by the transportation allowance which would be determined considering the costs the lessee actually incurred. Therefore, regardless of the value determined pursuant to the benchmarks, under no circumstances can the value, for royalty purposes, be less than the gross proceeds accruing, or which could accrue, to the lessee, less applicable transportation allowances. This long-standing principle is set forth at § 206.152(h), and is discussed below.

Proposed § 206.152(d) would provide that if the maximum lawful price permitted by Federal law is less than the value determined pursuant to the valuation regulations in Part 206, then MMS would accept such maximum price as the value. This limitation would not be applicable to gas sold pursuant to a warranty contract. Also, gross proceeds still would be a minimum value.

Proposed § 206.152(e)(1) would provide that where the value is determined pursuant to the benchmarks, MMS approval would not be required. The lessee would be required to retain the necessary data to support its benchmark applications for monitoring, review, and/or audit. MMS could direct the lessee to use a different value if it determines that the lessee has improperly applied the regulations.

Proposed § 206.152(f) would expressly provide that if MMS determines that the lessee has not properly determined value, then the lessee would be entitled to a credit, or would be required to pay additional royalty, plus interest. This could occur after an MMS review and/or audit of a value which did not require prior approval.

Proposed § 206.152(g) would give the lessee the option to seek a valuation from the MMS, where such prior approval otherwise would not be required. The lessee would first propose to MMS what that methodology should be and provide all supporting documentation for that proposal. The MMS would then establish a value as soon as possible. The lessee could use its proposed value until MMS issues its determination at which time the lessee would be required to adjust its previous reports in accordance with paragraph (f).

Proposed § 206.152(h) restates the long-standing principle that under no circumstances can the value, for royalty purposes, be less than the gross proceeds accruing, or which could accrue, to the lessee, less applicable transportation allowances. The definition of gross proceeds was discussed earlier. It is worth noting again, however, that the gross proceeds accruing to the lessee includes all costs paid by the purchaser of the gas on behalf of the seller. This principle has been upheld in several cases: *Wheless Drilling Co.*, 80 I.D. 599, 13 IBLA 21 (1973); *Amoco Production Co.*, 29 IBLA 234, 236 (1977); *Hoover & Bracken Energies, Inc.*, 52 IBLA 27, 88 I.D. 7 (1981), *aff'd*, 723 F.2d 1388 (10th Cir. 1983). Thus, if the purchaser reimburses the seller, or pays any costs on behalf of the seller, for such items as severance taxes, gathering, compressing, or measuring, then the seller must include those reimbursed costs as part of the gross proceeds upon which the royalty value is determined.

The proposed rules in paragraph (i) would retain the existing requirement that gas operations such as gathering, treating, measuring, and compressing are costs incurred to place the gas in marketable condition and are to be borne exclusively by the lessee.

Proposed § 206.152(i) also would provide that, where value is based on gross proceeds, the value would be increased to the extent those gross proceeds were reduced because the purchaser, or any other person, is providing certain services the cost of which ordinarily is the responsibility of the lessee to place the gas in marketable condition. By way of illustration, compressing gas to meet pipeline pressure requirements is a cost of making gas marketable that must be borne by the lessee. If the lessee enters into a contract where the purchaser agrees to compress the gas and, hence, the contract price is reduced by 10 cents per mcf, MMS would add the 10 cents per mcf back to the gross proceeds to determine the value.

Proposed § 206.152(j) would expressly impose a diligence requirement on lessees. For example, if, pursuant to an arm's-length contract, a lessee could charge its purchaser a higher price as of a certain date, and if the lessee fails to take proper and timely action to collect that additional money, it would be liable for royalty on the higher value. However, if the purchaser refuses to pay and the lessee enforces its right, using reasonable, documented measures, it would not be required to pay the additional royalties until the lessee's efforts are successfully concluded. The MMS believes that this regulation reflects the lessee's obligation to operate the lease prudently for the mutual benefit of itself and the lessor.

Proposed § 206.152(j) would not operate to excuse a lessee from paying any royalty if, for example, gas were delivered under a contract and the purchaser failed to pay. In such an event, royalty still would be due on the value of the gas. This section is intended to apply only to the lessee's obligation to pursue price increases to which it may be entitled under its contract.

Proposed § 206.153, Valuation standards—processed gas, applies to all gas production to which the provisions of § 206.152 would not apply. For the most part, § 206.153 mirrors proposed § 206.152. The arm's-length philosophy and mechanism of establishing values are the same, except values are established for all commodities that result from processing gas; i.e., the residue gas and gas plant products. In view of this similarity, a section-by-section analysis will not be repeated. However, this proposed section would provide that the lessee is entitled to an allowance for the reasonable actual costs of processing the gas, as well as an allowance for the reasonable actual costs of transporting the gas to a plant remote from the lease and for

transporting residue gas and gas plant products to a sales point remote from the plant. Regulations governing the determination of allowances, and limitations on allowances, are discussed below.

Proposed § 206.154, Determination of quantities and qualities for computing royalties, paragraph (a)(1), would require that royalty be computed on the basis of the quantity and quality of unprocessed gas in marketable condition at the point of royalty settlement approved by MMS for offshore leases or by BLM for onshore leases. In those instances where the lessee sells unprocessed gas at conditions and/or at locations other than the point of royalty settlement condition and location approved by BLM or MMS, paragraph (a)(2) would require that the value of the unprocessed gas determined pursuant to § 206.152 be adjusted to reflect the quantity and quality of the unprocessed gas at the point of royalty settlement approved by BLM or MMS. Proposed § 206.154(b) would require that royalty be computed on the basis of the quantity and quality of the residue gas and gas plant products produced by a processing plant. Paragraph (b)(2) would require that the value of the residue gas and/or gas plant products be adjusted to reflect the quantity and/or quality of the residue gas and/or gas plant products attributable to a lease. Paragraph (c) would provide the requirements for determining the residue gas and gas plant products attributable to a lease. Paragraph (d) would provide that no credit against the volumes determined pursuant to paragraphs (a) through (c), or the value of those volumes, would be allowed.

Proposed § 206.155, Accounting for comparison, would provide in paragraph (a) that where a lessee, or a person to whom the lessee has transferred gas pursuant to a non-arm's-length contract or no-contract situation, processes the lessee's gas (including where the lessee's arm's-length contract includes a reservation of the right to process the gas), and if after processing the gas, the residue gas is not sold pursuant to an arm's-length contract, the value, for royalty purposes, shall be the greater of (1) the value of the residue gas and gas plant products that result from processing the gas determined pursuant to § 206.153 (as adjusted for any approved processing or transportation deductions), plus the value of any condensate recovered downstream of the point of royalty settlement without resorting to processing or (2) the value of the gas prior to processing at the point of royalty settlement, determined in accordance with § 206.152. By this proposal, MMS would be eliminating dual accounting in situations where the value of residue gas is determined by the market pursuant to an arm's-length contract. However, paragraph (b) would remind lessees, particularly lessees of Indian leases, that the comparison of these values is sometimes required by the lease terms and, as previously stated in § 206.150(b), those lease terms shall govern. The MMS particularly solicits comments on whether this proposal for dual accounting should be adopted or whether MMS should maintain the requirement that dual accounting be required whenever gas is processed.

Proposed § 206.156, Transportation allowances—general, would include the general requirements for the determination of transportation allowances for unprocessed gas, residue gas, and gas plant products. Paragraph (a) would provide that where the value of production has been determined pursuant to § 206.152 or § 206.153 at a point remote from the lease, MMS shall allow a deduction for reasonable, actual transportation costs. For both onshore and offshore leases, this would include the transportation costs from the lease to the sales point remote from the lease. It also would include transportation costs from the lease to a processing plant, and from the plant to the sales point remote from the plant.

Proposed § 206.156(b) would impose a limit on the transportation allowance. The allowance could not exceed 50 percent of the value of the unprocessed gas, residue gas, or gas plant product determined pursuant to § 206.152 or § 206.153, as appropriate. This is the same limitation which exists under current MMS onshore procedures. By way of illustration, a lessee sells unprocessed gas with a delivery point remote from the lease. The lessee's gross proceeds under an arm's-length sales contract is $2.00 per mcf, and the lessee pays a third party $1.25 per mcf to transport the gas. Proposed § 206.156(b) would limit the transportation allowance to $1.00 per mcf. Therefore, the lessee would be required to pay royalty based on a value of $1.00 per mcf.

Under the proposed rules, the Director of MMS could approve an allowance greater than the 50 percent limit for transportation costs if the lessee demonstrates that a higher allowance is in the best interests of the lessor. The lessee must provide data to support its request to the Director. Under no circumstances could the Director approve an allowance that would result in zero royalty payments during any given reporting period. As an alternative to approving allowances greater than the 50 percent limit for transportation costs, MMS solicits comments on whether it should allow lessees to roll forward to subsequent months any costs that cannot be deducted by the lessee as a result of the limitation on transportation allowances. MMS particularly solicits comments on what circumstances would justify rolling forward the costs in excess of 50 percent of the value of the product which is the proposed limitation on transportation allowances.

Proposed § 206.156(c) would require that transportation costs be allocated among all the products produced from a lease and transported. Specific regulations on this allocation, and the limitations on the allowance, are discussed in more detail in proposed § 206.157.

Proposed § 206.156(d) would provide that if, after a review and/or audit, MMS determines that the lessee improperly determined a transportation allowance, then the lessee would be required to pay any additional royalties, plus interest, or would be entitled to a credit without any interest.

Proposed § 206.157, Determination of transportation allowances, would provide the procedure for determining the transportation allowance. The allowance would be substantially different depending upon whether the lessee has an arm's-length contract with a third party to provide transportation services, or whether the lessee has a non-arm's-length contract or no contract, such as those situations where the lessee has an interest in the pipeline or other transportation system.

Paragraph (a) would apply to arm's-length transportation contract situations. It would provide that the transportation allowance will be the reasonable, actual costs for transportation incurred by the lessee under that contract. Prior MMS approval would not be required before the lessee could deduct the allowance in computing its royalty payments. However, the contract is subject to monitoring, review, and/or audit. MMS may direct a lessee to use a different allowance if it determines that the lessee has improperly applied the regulations. Before taking an allowance, the lessee would, unless MMS specified a different procedure, be required to submit to MMS a completed page one of Form MMS–4295 the same month the allowance first is reported on Form MMS–2014, Report of Sales and Royalty Remittance. This would be a one-time

filing applicable to all months in the reporting period. The allowance would be denied for any production month for which a Form MMS–4295 is not received by the due date for the Form MMS–2014. Therefore, if a lessee begins incurring transportation costs for January gas production pursuant to an arm's-length contract, and if it did not submit a Form MMS–4295 until April 15, it would be entitled to an allowance only for March and subsequent months' production in the reporting period. No allowance would be permitted for January and February, and the lessee would be required to refund, with interest, any allowance which was taken.

Proposed section 206.157(a)(2) would provide that a transportation allowance determined pursuant to an arm's-length contract would remain effective for a reporting period of 12 months, or until the contract is modified or terminates, whichever is earlier. At that time, the lessee must submit a new page one of Form MMS–4295 in accordance with § 206.157(c).

An arm's-length transportation contract may include more than one gaseous product and may not allocate the costs among the gaseous products. In such an instance, § 206.157(a)(3) would require the lessee to allocate the costs to each gaseous product in the same proportion as the ratio of the volume of each gaseous product to the volume of all gaseous products. Proposed § 206.157(a)(3) would consider all gas transported in determining transportation costs. However, a transportation allowance would not be allowed for lease production which is not royalty-bearing.

Proposed § 206.157(a)(4) would cover those situations where both gaseous and liquid products are transported in the same transportation facility and the costs attributable to each cannot be determined from the arm's-length contract. This section would require that the lessee propose an allocation procedure to MMS. MMS approval of the cost allocation would be required because a volumetric-based allocation method may not be as appropriate as for transportation systems transporting only gaseous products. The lessee would use the gas transportation allowance determined in accordance with its proposed allocation procedure until MMS issues a determination on the transportation allowance. Proposed § 206.157(a)(4) also would provide for the submission of the lessee's proposed allocation within a prescribed time.

In some instances an arm's-length contract for transportation will not require a cash payment by the lessee. Instead, the transporter will be entitled, for example, to retain a percentage of the product. In such an event, § 206.157(a)(5) would require the lessee to determine the dollar value equivalent of those volumes to compute its allowance. Pursuant to § 206.157(a)(6), MMS could require lessees to submit copies of arm's-length transportation contracts and related documents within the time prescribed by MMS.

Proposed § 206.157(b)(1) provides that if the lessee does not have an arm's-length contract for transporting lease products, but has a non-arm's-length contract or no contract because it has an interest in the pipeline or the transportation facility, then the allowance would be based upon the lessee's reasonable, actual costs of transportation.

Paragraph (b)(2) proposes a procedure similar to that previously discussed for allowances for arm's-length situations. The allowance approval for non-arm's-length or no-contract situations is also a two-step process, consisting of a submittal of an estimated transportation allowance for the current 12-month period and a submittal of the actual transportation allowance within 90 days after the end of the 12-month period containing the actual costs incurred during the previous 12-month period. Prior MMS approval is not required before commencing transportation deductions for non-arm's-length or no-contract situations. However, unless MMS specifies differently, a completed page one of Form MMS–4295 with an estimated allowance must be received in the same month the lessee first reports its allowance on Form MMS–2014, Report of Sales and Royalty Remittance, or the allowance will be denied until Form MMS–4295 is filed. This filing would be effective for the entire reporting period. Within 90 days following the end of the 12-month period, the lessee would submit page one of Form MMS–4295 with its actual costs incurred during the previous 12-month period and its estimate for the succeeding reporting period.

Proposed § 206.157(b)(3) would expressly state that a lessee may deduct its transportation allowance without prior MMS approval, subject to monitoring, review, and/or audit by MMS. When necessary or appropriate, MMS could direct a lessee to modify its estimated or actual allowance deduction.

Proposed § 206.157(b)(4) provides that an estimated allowance may be used by lessees for facilities that are in a start-up period.

Proposed § 206.157(b)(5) would specify the types and nature of costs which MMS considers acceptable in determining a transportation allowance for non-arm's-length or no-contract situations. The categories of expenses are operating and maintenance expenses, overhead, depreciation, and a return on undepreciated capital investment or, alternately, a return on the initial capital investment with no allowance for depreciation (see discussion below). Paragraphs (b)(5) (i) and (ii) provide a list of operating and maintenance expense categories which MMS considers typical operating or maintenance expenses. Paragraph (b)(5)(iii) would provide for overhead to be included as a transportation cost, providing that the overhead is directly attributable or allocable to the operation or maintenance of the transportation system.

MMS is proposing two alternatives regarding return on capital investment. Under alternative 1, paragraph (b)(5)(iv) would provide for two financial depreciation methods: straight-line depreciation and unit of production depreciation. Accordingly, depreciation would be based on the useful life of the equipment or the life of the reserves the transportation facility services. Also, salvage value must be observed and equipment could not be depreciated below a reasonable salvage value.

The MMS is also proposing that the establishment of a transportation system depreciation schedule would not be altered because of a recapitalization or a change in ownership. A lessee would not be able to depreciate a transportation system using a schedule based on replacement costs or any other basis other than actual costs. Similarly, a change in ownership cannot be a basis for a change in the depreciation schedule for allowance purposes. If, for example, a transportation system has a depreciation schedule of 20 years and has been depreciated for 10 years by the first owner and then sold, the new second owner would be entitled to the remaining 10 years' depreciation based on the original capitalized cost. MMS specifically would like comments on whether or not this no-recapitalization provision should be adopted if alternative 1 is adopted.

As alternative 2, MMS is proposing in subsection (b)(5)(iv) to disallow any cost deduction for depreciation. Instead, each year MMS would allow an amount equal to the initial capital investment in the transportation system multiplied by a floating rate of return, as discussed below. Alternative 2, if adopted, would be supplemental to alternative 1 and is proposed to apply only to new transportation systems or newly acquired transportation systems. MMS

would like commenters to address the feasibility of alternative 2.

Paragraph (b)(5)(v) would establish the rate of return to be applied to either the undepreciated capital investment under alternative 1, discussed above, or the initial capital investment under alternative 2, also discussed above. The rate of return is proposed to be determined by the Moody Aaa corporate bond rate as published by Moody's Investors Services, Inc. in *Moody's Bond Record* the first business day of the reporting period for which the allowance becomes applicable. At the beginning of each subsequent 12-month period that follows, the rate would be redetermined.

MMS would like commenters to address whether a specific rate of return for each lessee should be used and how such a rate of return would be calculated.

Proposed § 206.157(b)(6) would set forth the requirement that the lessee allocate the transportation costs to each of the lease products transported where more than one lease product is transported through the same pipeline or transportation system. In such instances, § 206.157(b)(6) would require the lessee to allocate the costs to each lease product in the gaseous phase in the same proportion as the ratio of the volume of each lease product in the gaseous phase to the volume of all lease products in the gaseous phase. All gas would be treated the same in determining transportation costs, but a transportation allowance would not be allowed for lease products that are not royalty-bearing.

Proposed § 206.157(b)(7) would cover those non-arm's-length and no-contract situations where both gaseous and liquid products are transported in the same transportation system. Proposed § 206.157(b)(7) would require that the lessee propose an allocation procedure to MMS. MMS approval of the cost allocation would be required because, again, a volumetric-based allocation may not be as appropriate as for transportation systems transporting only gaseous products. The lessee would use the transportation allowance determined in accordance with its proposed allocation procedure until MMS issues a determination on the transportation allowance. Proposed § 206.157(b)(7) also would provide for the submission of the lessee's proposal within a prescribed time.

Proposed § 206.157(b)(8) would authorize MMS to require supporting data for any transportation allowance reported on Form MMS–4295.

Paragraph (c) would set forth the reporting requirements subsequent to the initial reporting period. Paragraph (c)(1) would require page one of Form MMS–4295 to be submitted within 90 days after the end of the previous reporting period for arm's-length contracts, unless MMS approves a longer period. For non-arm's-length or no-contract situations, a completed page one of Form MMS–4295 would be required to be submitted within 90 days following the end of the reporting period, unless MMS approves a longer period. Regardless of whether or not transportation is conducted under arm's-length contract, non-arm's-length contract, or no-contract conditions, if Form MMS–4295 is not timely received, then the new allowance for the succeeding reporting period will not be effective until the first day of the month a proper Form MMS–4295 is received by MMS and will be applicable to any Form MMS–2014 received after that date.

Section 206.157(c)(2) would require that transportation allowances under either arm's-length, non-arm's-length, or no-contract situations be reported on a separate line on Form MMS–2014, Report of Sales and Royalty Remittance. Unless otherwise directed by MMS, lessees are not to report values that are net of transportation allowances.

Proposed § 206.157(c)(3) would authorize MMS to establish reporting requirements different from those specified in the rules. This may be necessary for workload allocation or other reasons.

If the actual costs are different from the estimated costs used to determine the allowance for transportation, proposed § 206.157(d) would set forth the procedure for reporting the adjustments to royalty payments to MMS. The procedure would be different for onshore than for offshore because of the refund procedures of Section 10 of the OCS Lands Act (43 U.S.C. 1801 et seq.). If actual allowances differ from estimated allowances, the lessee would be required to pay additional royalty, with interest, or would be entitled to a credit, without interest.

Proposed § 206.157(e) would provide that, notwithstanding any other provision, no costs that result from payments for actual or theoretical losses would be allowed for gas transportation. Thus, if an arm's-length transportation agreement requires the lessee to pay the transporter for actual or theoretical line losses (either in value or in volume), such costs would be disallowed by MMS. Similarly, even if a transporter's tariff includes a component for actual or theoretical losses, such costs would be disallowed. The valuation regulations for gas in this Part would disallow such actual or theoretical losses in determining royalty volumes and values. The MMS also would disallow any such costs in non-arm's-length contract or no-contract situations.

Paragraph (f) is proposed to allow application of the same administrative or computation procedures contained in § 206.157 to determine other transportation costs when valuing unprocessed gas, residue gas, or gas plant products under a net-back procedure or other valuation procedure contained in Subpart C of Part 206.

It is the intention of MMS to terminate all existing transportation allowances with the issuance of final rulemaking. This termination would require all lessees to follow the new reporting requirements to be eligible for the deduction of transportation costs for production months subsequent to the effective date of the final rules. Procedures for claiming actual allowances for periods prior to the effective date of the final rules will be provided at the time of final rulemaking.

Proposed § 206.158, Processing allowances—general, would include the general requirements for the determination of a processing allowance. Paragraph (a) would allow a deduction for the reasonable actual costs of processing gas where the value for gas is determined pursuant to § 206.153.

Proposed § 206.158(b) would require that processing costs be allocated among all gas plant products, and a processing allowance determined for each gas plant product. A separate allowance would be required to be determined for each gas plant product and processing plant relationship. This provision would not allow the costs of processing a portion of a gas stream in one plant to be deductible from the values of gas plant products not produced by that particular plant. Natural gas liquids (NGL) would be treated as one gas plant product.

Proposed § 206.158(c) would limit the processing allowance to 66⅔ percent of the value of each gas plant product determined pursuant to § 206.153, less any applicable transportation allowances determined pursuant to §§ 206.156 and 206.157. This provision would, in effect, provide for the application of the processing allowance against the value of each gas plant product at the tailgate of the plant. The MMS Director could approve a greater allowance if the lessee demonstrates that the greater allowance is in the best interests of the lessor. As an alternative to approving allowances greater than the 66⅔ percent limit for processing costs, MMS solicits comments on

whether it should allow lessees to roll forward to subsequent months any costs that cannot be deducted by the lessee as a result of the limitation on processing allowances. MMS particularly solicits comments on what circumstances would justify rolling forward the costs in excess of 66⅔ percent of the value of the gas plant products which is the proposed limitation on processing allowances. This section would provide that the processing allowance could not be applied against the value of the residue gas. It further provides that, if there is no residue gas, the lessee would propose, for MMS's approval, a gas plant product against which no allowance could be taken.

Paragraph (d) would set forth the long-established principle that no processing cost deduction would be allowed for the costs of placing lease products in marketable condition. For example, if hydrogen. sulfide is removed from a gas stream and flared, no processing cost deduction would be allowed. However, if hydrogen sulfide is removed from gas and then further processed to obtain sulfur which is then sold, royalty is due on the value of the sulfur, but an allowance for the processing costs would be allowed in determining the value of the sulfur.

Paragraph (e) would provide that if a lessee improperly determines a processing allowance, the lessee would be liable for any additional royalties, plus interest, or would be entitled to a credit, without interest.

Proposed § 206.159, Determination of processing allowances, would provide the procedure for determining the processing allowance, which is substantially different depending upon whether the lessee has an arm's length contract with a plant operator for its processing, or whether the lessee has a non-arm's-length contract or no-contract situation, such as those situations where the lessee has an interest in the gas plant.

Paragraph (a)(1) would apply to arm's-length situations. It would provide that the processing allowance would be the actual costs for processing incurred by the lessee under that contract. The MMS's approval would not be required before the lessee could deduct the allowance in computing its royalty payments. However, the contract is subject to later monitoring, review, and/or audit. MMS may direct a lessee to use a different allowance if it determines that the lessee has improperly applied the regulations. The proposed rule would further require that before any deduction could be taken, the lessee must submit to MMS a completed page one of Form MMS–4109 the same month the processing allowance first is reported on Form MMS–2014, Report of Sales and Remittance. The deduction would be denied for any production month for which a Form MMS–4109 is not received prior to, or at the same time as, the Form MMS–2014 for that month. Therefore, if a lessee begins incurring processing costs for January gas production pursuant to an arm's-length contract, and if it did not submit a Form MMS–4109 until April 15, it would be entitled to an allowance only for March and subsequent months production in the reporting period. No allowance would be permitted for January and February, and the lessee would be required to refund, with interest, any allowance that was taken.

Paragraph (a)(2) would provide that any allowances determined pursuant to an arm's-length contract would be effective for a reporting period beginning the month that the lessee first is authorized to deduct a processing allowance and would continue for 12 months, or until the applicable contract or rate terminates or is modified or amended, whichever is earlier. At the end of the reporting period, the lessee must resubmit page one of Form MMS–4109.

An arm's-length processing contract may include more than one gas plant product and may allocate the costs among the gas plant products. In such an instance, § 206.159(a)(3) would accept the allocation of the costs to each gas plant product in accordance with the contract. A processing allowance for lease products which are not royalty-bearing would not be allowed.

Proposed § 206.159(a)(4) would cover those situations where more than one gas plant product is produced at a plant and the costs attributable to each cannot be determined from the arm's-length contract. This section would require that the lessee propose an allocation procedure to MMS. The lessee would use the processing allowance determined in accordance with its proposed allocation procedure until MMS issues a determination on the processing allowance. Proposed § 206.159(a)(4) also would provide for the submission of the lessee's proposal within a prescribed time. If the approved allowance differs from the proposal, the lessee must correct its reports. The lessee would be required to pay additional royalties, with interest, or would get a credit, without interest.

In some instances, an arm's-length contract for processing will not require a cash payment by the lessee. Instead, the processing plant owner will be entitled, for example, to retain a percentage of the gas plant products. In such an event, § 206.159(a)(5) would require the lessee to determine the dollar value equivalent of those volumes to compute its allowance. Pursuant to § 206.159(a)(6), MMS could require lessees to submit copies of arm's-length processing contracts and related documents within the time prescribed by MMS.

Proposed § 206.159(b)(1) would provide that if the lessee does not have an arm's-length contract for processing gas, but has a non-arm's-length contract or no-contract situation because it has an interest in the processing plant, then the allowance would be based upon the lessee's reasonable, actual costs of processing the gas. This paragraph also provides that allowances are subject to monitoring review, and/or audit, and that for non-arm's-length or no-contract situations, MMS approval is not required.

Paragraph (b)(2) proposes a procedure similar to that previously discussed for allowances for arm's-length situations. The allowance approval for non-arm's-length or no-contract situations is also a twostep process, consisting of a submittal of an estimated processing allowance for the current 12-month period and a submittal of the actual processing allowance within 90 days after the end of the 12-month period, containing the actual costs incurred during the previous 12-month period. The MMS approval is not required prior to commencing processing allowance deductions for non-arm's-length or no-contract situations. The MMS must receive a completed Form MMS–4109 with an estimated allowance in the same month the lessee first reports its allowance on Form MMS–2014, Report of Sales and Royalty Remittance, or the allowance will be denied until Form MMS–4109, completed in its entirety with accompanying schedules, is filed. This is a one-time filing effective for the entire reporting period. Within 90 days following the end of the 12-month period, the lessee would submit Form MMS–4109 with its actual costs incurred during the previous 12-month period and its estimate for the succeeding reporting period.

Proposed § 206.159(b)(3) would provide that an estimated allowance may be used by lessees for processing plants systems that are in a start-up period.

Proposed § 206.159(b)(4) would specify the types and nature of costs which MMS considers acceptable in determining a processing allowance for non-arm's-length or no contract situations. The categories of expenses are operating and maintenance expenses, overhead, depreciation, and a

return on undepreciated capital investment or, alternatively, a return on the initial capital investment with no allowance for depreciation—see discussion below. Paragraph (b)(4) (i) and (ii) provide a list of operating and maintenance expense categories which MMS considers typical operating or maintenance expenses. Paragraphs (b)(4)(iii) would provide for overhead to be included as a processing cost, providing the overhead is directly attributable or allocable to the operation or maintenance of the processing plant.

MMS is proposing two alternatives regarding return on capital investment. Under alternative 1, paragraph (b)(4)(iv) would provide for two financial depreciation methods: Straight-line depreciation and unit of production depreciation. Accordingly, depreciation would be based on the useful life of the equipment or the life of the reserves the processing plant services. Also, salvage value must be observed and equipment could not be depreciated below a reasonable salvage value.

The MMS is also proposing that the establishment of a processing plant depreciation schedule would not be altered because of a recapitalization or a change in ownership. A lessee would not be able to depreciate a processing plant using a schedule based on replacement costs or any other basis other than actual costs. Similarly, a change in ownership cannot be a basis for a change in the depreciation schedule for allowance purposes. If, for example, a processing plant has a depreciation schedule of 20 years and has been depreciated for 10 years by the first owner and then sold, the new second owner would be entitled to the remaining 10 years' depreciation based on the original capitalized cost. MMS specifically would like comments on whether or not this no-recapitalization provision should be adopted if alternative 1 is adopted.

As alternative 2, MMS is proposing in subsection (b)(4)(iv) to disallow any cost deduction for depreciation. Instead, each year MMS would allow an amount equal to the initial capital investment in the processing plant multiplied by a floating rate of return, as discussed below. Alternative 2, if adopted, would be supplemental to alternative 1 and is proposed to apply prospectively only to new plants or newly acquired plants. MMS would like commenters to address the feasibility of alternative 2.

Paragraph (b)(4)(v) would establish the rate of return to be applied to either the undepreciated capital investment under alternative 1, discussed above, or the initial capital investment under alternative 2, also discussed above. The rate of return is proposed to be determined by the Moody Aaa corporate bond rate as published by Moody's Investors Services, Inc. in *Moody's Bond Record* the first business day of the reporting period for which the allowance becomes applicable. At the beginning of each subsequent 12-month period that follows, the rate would be redetermined.

MMS would like commenters to address whether or not a specific rate of return for each lessee should be used and how such a rate of return would be calculated.

Proposed § 206.159(b)(5) would set forth the requirement that the lessee allocate the processing costs to each gas plant product. In such instances, § 206.159(b)(5) would require the lessee to allocate the processing costs to each gas plant product based upon generally accepted oil and gas accounting principles.

Paragraph (c) would set forth the reporting requirements subsequent to the initial reporting period. Paragraph (c)(1) would require that page one of Form MMS–4109 be submitted within 90 days after the end of the previous reporting period for arm's-length contracts, unless MMS approves a longer period. For non-arm's-length or no-contract situations, a Form MMS–4109, completed in its entirety with accompanying schedules, would be required to be submitted within 90 days following the end of the reporting period, unless MMS approves a longer period. Regardless of whether gas processing is conducted under arm's-length contract, non-arm's-length contract, or no-contract conditions, if Form MMS–4109 is not timely received, then the new allowance for the succeeding reporting period will not be effective until the first day of the month a proper Form MMS–4109 is received by MMS and would be applicable to any Form MMS–2014 received after that date. The lessee would be required to refund, with interest, any unauthorized allowance that was taken.

Section 206.159(c)(2) would require that processing allowances under either arm's-length, non-arm's-length or no-contract situations be reported on a separate line on Form MMS–2014, Report of Sales and Royalty Remittance. Unless otherwise directed and approved by MMS, lessees are not to report values that are net of processing allowances.

Proposed § 206.159(c)(3) would authorize MMS to establish reporting requirements different from those specified in the rules. This may be necessary for workload allocation or other reasons.

If the actual costs are different from the estimated costs used to determine the processing allowance, proposed § 206.159(d) would set forth the procedure for reporting the adjustments to royalty payments to the MMS. The procedure would be different for onshore than for offshore because of the refund procedures of Section 10 of the OCS Lands Act (43 U.S.C. 1801 et seq.). If actual allowances differ from estimated allowances, the lessee would be required to pay additional royalty, with interest, or would be entitled to a credit, without interest.

Paragraph (e) would apply the same administrative or computation procedures contained in § 206.159 to determine other gas processing costs when valuing gas under a net-back procedure or other valuation procedure contained in Subpart C of Part 206.

As with transportation allowances, it is the intention of MMS to terminate all existing processing allowances with the issuance of final rulemaking. Again, lessees would be required to follow the new reporting requirements to be eligible to deduct processing costs for product months subsequent to the effective date of the final rulemaking.

The MMS is aware of the extraordinary costs inherent in some offshore operations and also of the extensive facilities needed to process the deep sour gas that is being produced from some leases today. MMS requests comment on whether or not the final regulations should provide that unusual or unconventional post-production costs be allowed as a deduction in determining royalty values regardless of whether those costs are incurred on or off the lease.

The proposed oil valuation regulations (52 FR 1858, January 15, 1987) include proposed revisions to 30 CFR Part 207, governing such matters as contract retention. These provisions would be applicable also to unprocessed gas, residue gas, and gas plant products.

IV. Procedural Matters

Executive Order 12291

The Department of the Interior (DOI) has determined that this document is not a major rule and does not require a regulatory analysis under Executive Order 12291. This proposed rulemaking is to consolidate Federal and Indian gas royalty valuation regulations; to clarify DOI gas royalty valuation policy; and to provide for consistent royalty valuation policy among all leasable minerals.

Regulatory Flexibility Act

Because this rule primarily consolidates and streamlines existing regulations for consistent application,

there are no significant additional requirements or burdens placed upon small business entities as a result of implementation of this proposed rule. Therefore, the DOI has determined that this rulemaking will not have a significant economic effect on a substantial number of small entities and does not require a regulatory flexibility analysis under the Regulatory Flexibility Act (5 U.S.C. 610 et seq.).

Paperwork Reduction Act

The information collection and recordkeeping requirements located at §§ 206.157 and 206.159 of this rule has been submitted to the Office of Management and Budget (OMB) for approval under 44 U.S.C. 3501 et seq. The collection of this information will not be required until it has been approved by OMB.

Lessee reporting requirements will be reduced. All gas sales contracts, transportation agreements and gas processing contracts, as well as any other agreements affecting value, will be required to be retained by the lessee, but will only be required to be submitted upon request rather than routinely, as under the existing regulations.

National Environmental Policy Act of 1969

It is hereby determined that this rulemaking does not constitute a major Federal action significantly affecting the quality of the human environment and a detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is not required.

Public Comment Procedures

A. Written Comments

The public is invited to participate in this proceeding by submitting data, views, or arguments with respect to this notice. All comments should be submitted by 4:30 p.m., m.s.t., of the day specified in the "**DATES**" section to the appropriate address indicated in the "**ADDRESSES**" section of this preamble and should be identified on the outside envelope and on documents submitted with the designation "Revision of Gas Royalty Valuation Regulations and Related Topics." All comments received by the MMS will be available for public inspection in Room E104, Building 85, Denver Federal Center, Lakewood, Colorado, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday.

Any information or data submitted which is considered to be confidential must be so identified and submitted in writing, one copy only. The MMS reserves the right to determine the confidential status of the information or data and to treat it according to its independent determination.

B. Public Hearing

(1) *Procedure for requests to make oral presentations:* The time and place for the hearing are indicated in the "**DATES**" and "**ADDRESSES**" sections of the preamble.

Written requests for an opportunity to make an oral presentation should contain a business telephone number and also a telephone number where the presenter may be contacted during the day prior to the hearing. Those selected to be heard at the hearing will be notified. Presenters will be required to submit 50 copies of their statement to MMS at the address indicated in the "**ADDRESS**" section above.

(2) *Conduct of the hearing:* MMS reserves the right to select the persons to be heard at the hearing (in the event there are more requests to be heard than time allows), to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based upon the number of persons requesting to be heard.

A Department of the Interior official will be designated to preside at the hearing. This will not be a judicial-type hearing. Questions may be asked only by those conducting the hearing. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Anyone wishing to ask a question at the hearing may submit the question, in writing, to the presiding officer. The presiding officer will determine whether the question is relevant, and whether time limitations permit it to be presented for answer at the hearing.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer at the opening of the hearing.

A transcript of the hearing will be made. The entire record of the hearing, including the transcript, will be retained by the MMS and made available for inspection in Room E104, Building 85, Denver Federal Center, Lakewood, Colorado, between the hours 8:00 a.m. and 4:00 p.m., Monday through Friday. A copy of the transcript may be purchased from the reporter.

List of Subjects

30 CFR Part 202

Continental shelf, Government contracts, Mineral royalties, Oil and gas exploration, Public lands-mineral resources, Reporting and recordkeeping requirements.

30 CFR Part 206

Continental shelf, Geothermal energy, Government contracts, Mineral royalties, Oil and gas exploration, Public lands-Mineral resources.

Dated: January 6, 1987.

J. Steven Griles,

Assistant Secretary, Land and Minerals Management.

SUBCHAPTER A—ROYALTY MANAGEMENT

For the reasons set out in the preamble, the following amendments are proposed to be made to 30 CFR Parts 202 and 206.

PART 202—[AMENDED]

30 CFR Part 202 is amended as follows:

1. The authority citation for Part 202 is revised to read as follows:

Authority: 25 U.S.C. 396 et seq.; 25 U.S.C. 396a et seq.; 25 U.S.C. 2101 et seq.; 30 U.S.C. 181 et seq.; 30 U.S.C. 351 et seq.; 30 U.S.C. 1001 et seq.; 30 U.S.C. 1701 et seq.; 43 U.S.C. 1301 et seq.; 43 U.S.C. 1331 et seq.; and 43 U.S.C. 1801 et seq.

2. The table of contents for Subpart D is revised to read as follows:

Subpart D—Federal and Indian Gas

Sec.

3. The heading for Subpart D is revised to read as follows:

Subpart D—Federal and Indian Gas

4. Sections 202.150 and 202.151 of Subpart D are revised to read as follows:

§ 202.150 Royalty on gas.

(a) The royalty on gas, except helium produced from Federal leases, shall be at the rate established by the terms of the lease. Royalty shall be paid in value unless MMS requires payment in-kind.

(b)(1) All gas (except gas unavoidably lost or used on, or for the benefit of, the lease, including that gas used off-lease for the benefit of the lease when such off-lease use is permitted by the appropriate agency) produced from a Federal or Indian lease subject to this Part is subject to royalty.

(2) For a lease which is part of a unitized or communitized area, the volume of royalty free gas used off-lease for the benefit of the lease shall be limited to the volume which is equal to the ratio of lease production to total unitized or communitized area production multiplied by the total volume of gas used off-lease for the benefit of the unitized or communitized area.

(3) Where the terms of any lease are inconsistent with this section, the lease terms shall govern to the extent of that inconsistency.

(c) In those instances where the lessee of any lease committed to a Federally approved unitization or communitization agreement does not actually take the proportionate share of the agreement production attributable to its lease in accordance with the terms of the agreement, that production is subject to the royalty payment and reporting requirements of this Title. The value for royalty purposes of that production will be determined in accordance with Part 206. In applying the requirements of Part 206, the circumstances involved in the actual disposition of the production shall be considered as controlling in arriving at the value for royalty purposes as if the person actually selling or disposing of the production were the lessee of the Federal or Indian lease.

§ 202.151 Royalty on processed gas.

(a) A royalty as provided in the lease shall be paid on the value of the residue gas and all gas plant products resulting from processing the gas produced from a lease subject to this Part. The MMS shall authorize a processing allowance for the reasonable, actual costs of processing the gas produced from Federal and Indian leases. Processing allowances shall be determined in accordance with Subpart D of Part 206 of this Title.

(b) A reasonable amount of residue gas shall be allowed royalty free for operation of the processing plant, but no allowance shall be made for boosting residue gas or other expenses incidental to marketing.

(c) No royalty is due on residue gas or any gas plant product resulting from processing gas which is reinjected into a reservoir within the same lease, unit area, or communitized area, when the reinjection is included in a plan of development or operations and the plan has received BLM or MMS approval for onshore or offshore operations, respectively, until such time as they are finally produced from the reservoir for sale or use off-lease.

5. Section 202.152 is revised to read as follows:

§ 202.152 Standards for reporting and paying royalties on gas.

(a)(1) Gas volumes and Btu heating values, if applicable, shall be determined under the same degree of water saturation. Gas volumes shall be reported in units of one thousand cubic feet (mcf), and Btu heating value shall be reported at a rate of Btu's per cubic foot, at a standard pressure base of 14.73 pounds per square inch absolute (psia) and a standard temperature base of 60 °F; provided, however, that for OCS leases in the Gulf of Mexico, gas volumes and Btu heating values shall be reported at a standard pressure base of 15.025 psia and a standard temperature base of 60 °F. Gas volumes and Btu heating values shall be reported, for royalty purposes, on the same water vapor saturated or unsaturated basis prescribed by Federal Energy Regulatory Commission (FERC) regulation, or on the basis prescribed in the lessee's gas sales contract if the sales are not subject to FERC regulation, or the prescribed basis does not result in a conflict with FERC regulation.

(2) The frequency and method of Btu measurement as set forth in the lessee's contract shall be used for reporting purposes. However, the Btu value shall be measured at least semiannually by recognized standard industry testing methods.

(b)(1) Residue gas and gas plant product volumes shall be reported as specified herein.

(2) Carbon dioxide (CO_2), nitrogen (N_2), helium (He), and residue gas shall be reported using the same standards specified in paragraph (a).

(3) Natural gas liquids (NGL) volumes shall be reported in standard U.S. gallons (231 cubic inches) at 60 °F.

(4) Sulfur (S) volumes shall be reported in long tons (2,240 pounds).

PART 206—[AMENDED]

30 CFR Part 206 is amended as follows:

1. The authority citation for Part 206 is revised to read as follows:

Authority: 25 U.S.C. 396 et seq.; 25 U.S.C. 396a et seq.; 25 U.S.C. 2101 et seq.; 30 U.S.C. 181 et seq.; 30 U.S.C. 351 et seq.; 30 U.S.C. 1001 et seq.; 30 U.S.C. 1701 et seq.; 43 U.S.C. 1301 et seq.; 43 U.S.C. 1331 et seq.; and 43 U.S.C. 1801 et seq.

2. The table of contents for Subpart D is revised to read as follows:

Subpart D—Federal and Indian Gas

3. The heading for Subpart D is revised to read as follows:

Subpart D—Federal and Indian Gas

4. Sections 206.150, 206.151, and 206.152 are revised to read as follows:

§ 206.150 Purpose and scope.

(a) This subpart is applicable to all gas produced from Federal and Indian (Tribal and allotted) oil and gas leases (except leases on the Osage Indian Reservation).

(b) If the specific provisions of any statute or treaty, or any oil and gas lease subject to the requirements of this part, are inconsistent with any regulation in this part, then the lease, statute, or treaty provision shall govern to the extent of that inconsistency.

(c) All royalty payments made to MMS are subject to later audit and adjustment.

(d) If BLM determines that gas was avoidably lost or wasted from an onshore lease, or gas was drained from an onshore lease upon which compensatory royalty is due, or MMS determines that gas was avoidably lost or wasted from an offshore lease, then the value of the gas shall be determined in accordance with this part.

(e) If a lessee receives compensation through insurance coverage or other arrangements for gas unavoidably lost, royalties at the rate specified in the lease are to be paid on the amount of compensation received.

§ 206.151 Definitions.

(a) *Alaska Native Corporation* means any of the twelve Alaska Native Regional Corporations formed pursuant to the Alaska Native Claims Settlement Act (ANCSA), 43 U.S.C. 1606, and which, by virtue of the acquisition of land pursuant to ANCSA, as amended and supplemented, owns all or part of the lessor's interest in a lease or is entitled to distribution of a portion of the revenues derived from a lease.

(b) *Allowance* means an authorized or an MMS-accepted or -approved deduction in determining value for royalty purposes. "Processing allowance" means an allowance for the

reasonable, actual costs incurred by the lessee for processing gas, or an MMS-accepted or -approved deduction for costs of such processing.

"Transportation allowance" means an allowance for the reasonable, actual costs incurred by the lessee for moving unprocessed gas, residue gas, or gas plant products to a point of sale or point of delivery remote from the lease, unit area, communitized area, or processing plant or an MMS-accepted or -approved deduction for costs of such transportation, determined pursuant to this subpart.

(c) *Area* means a geographic region at least as large as the defined limits of an oil and/or gas field, in which oil and/or gas lease products have similar quality and economic characteristics.

(d) *Arm's-length contract* means a contract or agreement between independent, nonaffiliated persons. For purposes of this subpart, two persons are affiliated if one person controls, is controlled by, or is under common control with another person, or if one person owns an interest (regardless of how small), either directly or indirectly, in another person.

(e) *Audit* means a review, conducted in accord with generally accepted accounting and auditing standards, of royalty payment compliance activities of lessees or other interest holders who pay royalties, rents, or bonuses on Federal and Indian leases. The term audit includes, but is not limited to, audit activities related to Federal leases located within the boundaries of any State which has entered into a cooperative agreement with MMS under the provisions of sections 202 or 205 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1732 or 1735), audit activities related to leases located on Indian lands, and the review and resolution of exceptions processed by the official royalty and production accounting systems maintained by the MMS. Audits may also be conducted in response to irregularities identified by BLM or MMS, BIA, or a State or Indian Tribe in the performance of production verification.

(f) *BIA* means the Bureau of Indian Affairs of the Department of the Interior.

(g) *BLM* means the Bureau of Land Management of the Department of the Interior.

(h) *Compression* means the process of raising the pressure of gas.

(i) *Contract* means any oral or written agreement, including amendments or revisions thereto, between two or more persons and enforceable by law that with due consideration creates an obligation.

(j) *Field* means a geographic region situated over one or more subsurface gas and/or oil reservoirs encompassing at least the outermost boundaries of all gas and/or oil accumulations known to be within those reservoirs vertically projected to the land surface. Onshore fields are usually given names and their official boundaries are often designated by oil and gas regulatory agencies in the respective States in which the fields are located. Outer Continental Shelf (OCS) fields are named and their boundaries are designated by MMS.

(k) *Gas* means any fluid, either combustible or noncombustible, hydrocarbon or nonhydrocarbon, which is extracted from a reservoir and which has neither independent shape nor volume, but tends to expand indefinitely. It is a substance that exists in a gaseous or rarefied state under standard temperature and pressure conditions.

(l) *Gas plant products* means separate marketable elements, compounds or mixtures, whether in liquid, gaseous, or solid form, resulting from processing gas, excluding residue gas.

(m) *Gross proceeds* (for royalty payment purposes) means the total monies and other consideration paid to an oil and gas lessee, or monies and other consideration to which such lessee is entitled for the disposition of unprocessed gas, residue gas, or gas plant products. Gross proceeds includes, but is not limited to, payments to the lessee for certain services such as compression, dehydration, measurement, and/or field gathering to the extent that the lessee is obligated to perform them at no cost to the Federal Government or Indian lessor, and payments for gas processing rights. Gross proceeds, as applied to gas also includes: Payments or credits for advanced prepaid reserve payments subject to recoupment through reduced prices in later sales; advanced exploration or development costs that are subject to recoupment through reduced prices in later sales; take-or-pay payments; reimbursements for severance taxes; and other reimbursements. Tax reimbursements are part of the gross proceeds accruing to a lessee even though the Federal or Indian royalty interest may be exempt from taxation.

(n) *Indian allottee* means any Indian for whom land or an interest in land is held in trust by the United States or who holds title subject to Federal restriction against alienation.

(o) *Indian Tribe* means any Indian Tribe, band, nation, pueblo, community, rancheria, colony, or other group of Indians for which any land or interest in land is held by the United States in trust or which is subject to Federal restriction against alienation.

(p) *Lease* means any contract, profit-share arrangement, joint venture, or other agreement issued or approved by the United States under a mineral leasing law that authorizes exploration for, development or extraction of, or removal of lease products—or the land area covered by that authorization, whichever is required by the context.

(q) *Lease products* means any minerals attributable to, originating from, or allocated to Outer Continental Shelf or onshore Federal or Indian leases.

(r) *Lessee* means any person to whom the United States, an Indian Tribe, or an Indian allottee issues a lease, and any person who has assumed an obligation to make royalty or other payments required by the lease. This includes all persons who have an interest in a lease as well as an operator or payor who has no interest in the lease but who has assumed the royalty payment responsibility.

(s) *Like-quality lease products* means lease products which have similar chemical, physical, and legal characteristics.

(t) *Marketable condition* means lease products which are sufficiently free from impurities and otherwise in a condition that they will be accepted by a purchaser under a sales contract typical for the field or area.

(u) *Minimum royalty* means that minimum amount of annual royalty that the lessee must pay as specified in the lease or in applicable leasing regulations.

(v) *Net-back method* means a procedure for valuing unprocessed gas, residue gas, or gas products at the lease, unit area, communitized area, or processing plant when the first sale, transfer, or use has taken place downstream from the lease, unit area, communitized area, or processing plant. The procedure involves working back from the initial sales point, or first alternate point which can be used for value determination, to arrive at the value at the point of settlement for royalty purposes or the processing plant, as applicable.

(w) *Net output* means the quantity of residue gas and each gas plant product that a processing plant produces.

(x) *Net profit share* (for applicable Federal and Indian lessees) means the specified share of the net profit from production of oil and gas as provided in the agreement.

(y) *Outer Continental Shelf (OCS)* means all submerged lands lying

seaward and outside of the area of land beneath navigable waters as defined in section 2 of the Submerged Lands Act (43 U.S.C. 1301) and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

(z) *Person* means any individual, firm, corporation, association, partnership, consortium, or joint venture.

(aa) *Posted price* means the price in the field, net of all deductions, as specified in a publicly available posted price bulletin, that a buyer is willing to pay for quantities of unprocessed gas, residue gas, or gas plant products of marketable quality, free of contaminants not normally associated with such gas or gas plant products.

(bb) *Processing* means any process designed to remove elements or compounds (hydrocarbon and nonhydrocarbon) from gas, including absorption, adsorption, or refrigeration. Field processes which normally take place on or near the lease, such as natural pressure reduction, mechanical separation, heating, cooling, dehydration, and compression, are not considered processing. The changing of pressures and/or temperatures in a reservoir are not considered processing.

(cc) *Residue gas* means that hydrocarbon gas consisting principally of methane resulting from processing gas.

(dd) *Selling arrangement* means a unique level of subaccounting required by MMS's Auditing and Financial System (AFS).

(ee) *Spot sales agreement* means a contract wherein a seller agrees to sell to a buyer a specified amount of unprocessed gas, residue gas, or gas plant products at a specified price over a fixed period, usually of short duration, which does not require a cancellation notice to terminate, and which does not contain an obligation, nor imply an intent, to continue in subsequent periods.

(ff) *Take-or-pay payment* means any payment received by the lessee under a "take-or-pay" clause in its sales contracts. Such clauses normally require the purchaser to take or, failing to take, to pay for a minimum contracted volume or other measure of lease products. Under such a clause, the purchaser usually has the right to take lease products paid for (but undelivered) in succeeding years.

(gg) *Warranty contract* means a contract for the sale of gas wherein the producer agrees to sell a specific amount of gas and the gas delivered in satisfaction of this obligation may come from fields or sources outside of the designated fields. *Shell Oil Co.* v. *Federal Power Commission* 531 F.2d 1324 at note 6 (5th Cir. 1976).

§ 206.152 Valuation standards—unprocessed gas.

(a)(1) This section applies to the valuation of gas that is not processed and all gas that is processed but is sold or otherwise disposed of by the lessee pursuant to an arm's-length contract prior to processing. Where the lessee's contract includes a reservation of the right to process the gas and the lessee exercises that right, or where the lessee's contract for the sale of gas prior to processing provides for the value to be determined based upon a percentage of the purchaser's proceeds resulting from processing the gas, § 206.153 shall apply instead of this section.

(2) The value, for royalty purposes, of gas subject to this section shall be the value of gas determined pursuant to this section less applicable transportation allowances determined pursuant to this subpart.

(b)(1) The value of gas which is sold pursuant to an arm's-length contract shall be the gross proceeds accruing, or which could accrue, to the lessee. Prior MMS approval of this value is not required, although it is subject to monitoring, review, and/or audit. MMS may direct a lessee to pay royalty upon a different value if it determines that the lessee's reported value is inconsistent with the requirements of these regulations.

(2) Notwithstanding the provisions of paragraph (b)(1) of this section, the value of gas sold pursuant to a warranty contract shall be determined by MMS and due consideration will be given to all valuation criteria specified in this section.

(c) The value of gas subject to this section which is not sold pursuant to an arm's-length contract shall be the reasonable value determined in accordance with the first applicable of the following subsections:

(1) The gross proceeds accruing, or which could accrue, to the lessee pursuant to a sale under its non-arm's-length contract (or other disposition other than by an arm's-length contract), provided that those gross proceeds are equivalent to the lessee's gross proceeds derived from, or paid under, comparable arm's-length contracts for purchases, sales, or other dispositions of like-quality gas in the same field or area. In evaluating the comparability of arm's-length contracts for the purposes of these regulations, the following factors shall be considered: Price, time of execution, duration, market or markets served, terms, quality of gas, volume, and such other factors as may be appropriate to reflect the value of the gas;

(2) The gross proceeds accruing, or which could accrue, to the lessee pursuant to a sale under its non-arm's-length contract (or other disposition other than by an arm's-length contract) provided that those gross proceeds are equivalent to the gross proceeds under comparable arm's-length contracts between other persons for purchases, sales, or other dispositions of like-quality gas in the same field or area. Comparability shall be determined using the same criteria as specified in paragraph (c)(1) of this section;

(3) A value determined by consideration of other information relevant in valuing like-quality gas, including gross proceeds under arm's-length contracts for like-quality gas in other fields or areas, posted prices for gas, prices received in spot sales of gas, other reliable public sources of price or market information, and other information as to the particular lease operation or affecting the saleability of the gas; or

(4) A net-back method or any other reasonable method to determine value.

(d) Notwithstanding any other provisions of this section, except paragraph (h) of this section, if the maximum price permitted by Federal law at which gas may be sold is less than the value determined pursuant to this section, then the MMS shall accept such maximum price as the value. This limitation shall not apply to gas sold pursuant to a warranty contract and valued pursuant to paragraph (b)(2) of this section.

(e)(1) Where the value is determined pursuant to paragraph (c) of this section, that value does not require prior approval by MMS. However, the lessee shall retain all available data to support its determination of value. Such data shall be subject to monitoring, review, and/or audit by MMS. MMS may direct a lessee to pay royalty at a different value if it determines, upon review or audit, that the reported value is inconsistent with the requirements of the regulations.

(e)(2) A lessee shall notify MMS if it has determined value pursuant to paragraph (c)(3) or (c)(4) of this section. The notification shall be by letter to the Associate Director for Royalty Management or his designee. The letter shall identify which valuation method is being used and contain a brief description of the procedure being used.

(f) If MMS determines that a lessee has not properly determined value, the lessee shall be liable for the difference, if any, between royalty payments made

based upon the value it has used and the royalty payments that are due based upon the value established by MMS. The lessee shall also be liable for interest computed pursuant to 30 CFR 218.54. If the lessee is entitled to a credit, MMS will provide instructions for the taking of that credit.

(g) The lessee may request a value determination from MMS. In that event, the lessee shall propose to MMS what the value should be, and the lessee may use that value for royalty purposes until MMS issues a value determination. The lessee shall submit available data to support its proposal. The MMS shall expeditiously determine the value based upon the lessee's proposal and any additional information MMS deems necessary. That determination shall remain effective for the period stated therein. After MMS issues its determination, the lessee shall make the adjustments in accordance with paragraph (f) of this section.

(h) Notwithstanding any other provision of this section, under no circumstances shall the value, for royalty purposes, be less than the gross proceeds accruing, or which could accrue, to the lessee for gas removed or sold from the lease, less applicable allowances determined pursuant to this subpart.

(i) The lessee is required to place gas in marketable condition at no cost to the Federal Government or Indian lessor. Where the value established pursuant to this section is determined by a lessee's gross proceeds, that value shall be increased to the extent that the gross proceeds have been reduced because the purchaser, or any other person, is providing certain services the cost of which ordinarily is the responsibility of the lessee to place the gas in marketable condition.

(j) Value shall be based on the highest price a prudent operator can receive under its contract. Absent contract revision or amendment, if the lessee fails to take proper or timely action to receive prices or benefits to which it is entitled, it must pay royalty at a value based upon that obtainable price or benefit. Contract revisions or amendments shall be in writing and signed by all parties to an arm's-length contract, and may be retroactive. If the lessee makes timely application for a price increase allowed under its contract but the purchaser refuses, and the lessee takes reasonable measures, which are documented, to force purchaser compliance, the lessee will owe no additional royalties until monies or consideration resulting from the price increase are received. This paragraph applies to price increments only and shall not be construed to permit a lessee to avoid its royalty payment obligation in situations where a purchaser fails to pay, in whole or in part, for a quantity of gas removed or sold from a lease.

(k) Certain information submitted to MMS to support valuation proposals, including transportation and/or processing allowances, is exempted from disclosure by the Freedom of Information Act, 5 U.S.C. 522. Any data specified by the Act to be privileged, confidential, or otherwise exempt, will be maintained in a confidential manner in accordance with applicable law and regulations. All requests for information about determinations made under this part are to be submitted in accordance with the Freedom of Information Act regulation of the Department of the Interior, 43 CFR Part 2.

5. Sections 206.153 through 206.159 are added to read as follows:

§ 206.153 Valuation standards—processed gas.

(a)(1) This section applies to the valuation of all gas that is processed by the lessee and any other gas not subject to the valuation provisions of § 206.152. This section applies where the lessee's contract includes a reservation of the right to process the gas and the lessee exercises that right, and where the lessee's contract for the sale of gas prior to processing provides for the value to be determined based upon a percentage of the purchaser's proceeds resulting from processing the gas.

(2) The value, for royalty purposes, of gas subject to this section shall be the combined value of the residue gas and all gas plant products determined pursuant to this section, less applicable transportation and processing allowances determined pursuant to this subpart.

(b)(1) The value of the residue gas or any gas plant product which is sold pursuant to an arm's-length contract shall be the gross proceeds accruing, or which could accrue, to the lessee. Prior MMS approval of this value is not required, although it is subject to monitoring, review, and/or audit. MMS may direct a lessee to pay royalty upon a different value if it determines that the lessee's reported value is inconsistent with the requirements of these regulations.

(2) Notwithstanding the provisions of paragraph (b)(1) of this section, the value of residue gas sold pursuant to a warranty contract shall be determined by MMS and due consideration will be given to all valuation criteria specified in this section.

(c) The value of residue gas or of any gas plant product which is not sold pursuant to an arm's-length contract shall be the reasonable value determined in accordance with the first applicable of the following subsections:

(1) The gross proceeds accruing, or which could accrue, to the lessee pursuant to a sale under its non-arm's-length contract (or other disposition other than by an arm's-length contract), provided that those gross proceeds are equivalent to the lessee's gross proceeds derived from, or paid under, comparable arm's-length contracts for purchases, sales, or other dispositions of like-quality residue gas or gas plant products from the same processing plant. In evaluating the comparability of arm's-length contracts for the purposes of these regulations, the following factors shall be considered: price, time of execution, duration, market or markets served, terms, quality of residue gas or gas plant product, volume, and such other factors as may be appropriate to reflect the value of the residue gas or gas plant product;

(2) The gross proceeds accruing, or which could accrue, to the lessee pursuant to a sale under its non-arm's-length contract (or other disposition other than by an arm's-length contract), provided that those gross proceeds are equivalent to the gross proceeds under comparable arm's-length contracts between other persons for purchases, sales, or other dispositions of like-quality residue gas or gas plant products from the same processing plant. Comparability shall be determined using the same criteria as specified in paragraph (c)(1) of this section;

(3) A value determined by consideration of other information relevant in valuing like-quality residue gas or gas plant products, including gross proceeds under arm's-length contracts for like-quality residue gas or gas plant products from other nearby processing plants, posted prices for residue gas or gas plant products, prices received in spot sales of residue gas or gas plant products, other reliable public sources of price or market information, and other information as to the particular lease operation or affecting the saleability of such residue gas or gas plant products; or

(4) The use of a net-back method or any other reasonable method to determine value.

(d) Notwithstanding any other provisions of this section, if the maximum price permitted by Federal law at which any residue gas or gas plant products may be sold is less than the value determined pursuant to this section, then MMS shall accept such maximum price as the value. This

limitation shall not apply to residue gas sold pursuant to a warranty contract and valued pursuant to paragraph (b)(2) of this section.

(e)(1) Where the value is determined pursuant to paragraph (c) of this section, that value does not require approval by MMS. However, the lessee shall retain all available data to support its determination of value. Such data shall be subject to review and/or audit by MMS. MMS may direct a lessee to pay royalty at a different value if it determines upon review or audit that the reported value is inconsistent with the requirements of these regulations.

(2) A lessee shall notify MMS if it has determined any value pursuant to paragraph (c)(3) or (c)(4) of this section. The notification shall be by letter to the Associate Director for Royalty Management or his designee. The letter shall identify which valuation method is being used and contain a brief description of the procedure being used.

(f) If MMS determines that a lessee has not properly determined value, the lessee shall be liable for the difference, if any, between royalty payments made based upon the value it has used and the royalty payments that are due based upon the value established by MMS. The lessee shall also be liable for interest computed pursuant to 30 CFR 218.54. If the lessee is entitled to a credit, MMS will provide instructions for the taking of that credit.

(g) The lessee may request a value determination from MMS. In that event, the lessee shall propose to MMS what the value should be, and the lessee may use that value for royalty purposes until MMS issues its determination. The lessee shall submit available data to support its proposal. The MMS shall expeditiously determine the value based upon the lessee's proposal and any additional information MMS deems necessary. That determination shall remain effective for the period stated therein. After MMS issues its determination, the lessee shall make the adjustments in accordance with paragraph (f) of this section.

(h) Notwithstanding any other provision of this section, under no circumstances shall the value, for royalty purposes, be less than the gross proceeds accruing, or which could accrue, to the lessee for residue gas and/or any gas plant products, less applicable transportation and processing allowances determined pursuant to this subpart.

(i) The lessee is required to place residue gas and gas plant products in marketable condition at no cost to the Federal Government or Indian lessor. Where the value established pursuant to this section is determined by a lessee's gross proceeds, that value shall be increased to the extent that the gross proceeds have been reduced because the purchaser, or any other person, is providing certain services the cost of which ordinarily is the responsibility of the lessee to place the residue gas or gas plant product in marketable condition.

(j) Value shall be based on the highest price a prudent operator can receive under its contract. Absent contract revision or amendment, if the lessee fails to take proper or timely action to receive prices or benefits to which it is entitled, it must pay royalty at a value based upon that obtainable price or benefit. Contract revisions or amendments shall be in writing and signed by all parties to an arm's-length contract, and may be retroactive. If the lessee makes timely application for a price increase allowed under its contract but the purchaser refuses, and the lessee takes reasonable measures, which are documented, to force purchaser compliance, the lessee will owe no additional royalties until monies or consideration resulting from the price increase are received. This paragraph applies to price increments only and shall not be construed to permit a lessee to avoid its royalty payment obligation in situations where a purchaser fails to pay, in whole or in part, for a quantity of residue gas or gas plant product.

(k) Certain information submitted to MMS to support valuation proposals, including transportation and/or processing allowances, is exempted from disclosure by the Freedom of Information Act, 5 U.S.C. 522. Any data specified by the Act to be privileged, confidential, or otherwise exempt, will be maintained in a confidential manner in accordance with applicable law and regulations. All requests for information about determinations made under this part are to be submitted in accordance with the Freedom of Information Act regulation of the Department of the Interior, 43 CFR Part 2.

§ 206.154 Determination of quantities and qualities for computing royalties.

(a)(1) Royalties shall be computed on the basis of the quantity and quality of unprocessed gas in marketable condition at the point of royalty settlement approved by BLM or MMS for onshore and offshore leases, respectively.

(2) If the value of gas determined pursuant to § 206.152 is based upon a quantity and/or quality that is different from the quantity and/or quality at the point of royalty settlement, as approved by BLM or MMS, that value shall be adjusted for the differences in quantity and/or quality.

(b)(1) For residue gas and gas plant products, the quantity basis for computing royalties due is the monthly net output of the plant even though residue gas and/or gas plant products may be in temporary storage.

(2) If the value of residue gas and/or gas plant products determined pursuant to § 206.153 is based upon a quantity and/or quality of residue gas and/or gas plant products that is different from that which is attributable to a lease determined in accordance with this section, that value shall be adjusted for the differences in quantity and/or quality.

(c) The quantity of the residue gas and gas plant products attributable to a lease shall be determined according to the following procedure:

(1) When the net output of the processing plant is derived from gas obtained from only one lease, the quantity of the residue gas and gas plant products on which computations of royalty are based is net output of the plant.

(2) When the net output of a processing plant is derived from gas obtained from more than one lease, the quantity of residue gas and gas plant products allocable to each lease shall be determined by the lessee in accordance with a generally accepted lease allocation method.

(d)(1) No deductions may be made from the royalty volume or royalty value for actual or theoretical losses. Any actual loss of unprocessed gas that may be sustained prior to the point of royalty settlement approved by BLM or MMS will not be subject to royalty provided that such loss is determined to have been unavoidable by BLM or MMS, as appropriate.

(2) Royalties are due on 100 percent of the volume determined in accordance with paragraphs (a) through (c) of this section. There can be no reduction in that determined volume for actual losses after the quantity basis has been determined or for theoretical losses that are claimed to have taken place. Royalties are due on 100 percent of the value of the unprocessed gas, residue gas and/or gas plant products as provided in this Part, less applicable allowances. There can be no deduction from the value of the unprocessed gas, residue gas, and/or gas plant products to compensate for actual losses after the quantity basis has been determined or for theoretical losses that are claimed to have taken place.

§ 206.155 Accounting for comparison.

(a) Where the lessee, or a person to whom the lessee has transferred gas pursuant to a non-arm's-length contract or no-contract situation, processes the lessee's gas (including where the lessee's arm's-length contract includes a reservation of the right to process the gas), and after processing the gas the residue gas is not sold pursuant to an arm's-length contract, the value, for royalty purposes, shall be the greater of—

(1) The value of the residue gas and gas plant products resulting from processing the gas determined pursuant to § 206.153 (adjusted for any approved processing and/or transportation allowances), plus the value of any condensate recovered downstream of the point of royalty settlement without resorting to processing, or

(2) The value of the gas prior to processing, determined pursuant to § 206.152.

(b) Notwithstanding the provisions of paragraph (a) of this section, the requirement for accounting for comparison contained in the terms of leases, particularly Indian leases, will govern as provided in § 206.150(b).

§ 206.156 Transportation allowances—general.

(a) Where the value of gas has been determined pursuant to § 206.152 or § 206.153 at a point remote from the lease, MMS shall allow a deduction for the reasonable actual costs incurred to transport unprocessed gas, residue gas, and gas plant products from a lease to a sales point remote from the lease including, if appropriate, transportation from the lease to a gas processing plant remote from the lease and from the plant to a sales point remote from the plant.

(b)(1) The transportation allowance shall not exceed 50 percent of the value of the unprocessed gas, residue gas, or gas plant product as determined pursuant to § 206.152 or § 206.153 and shall be determined on a selling arrangement basis.

(2) The MMS Director may approve an allowance in excess of the limitation contained in paragraph (b)(1) of this section if the lessee demonstrates that a higher allowance is in the best interests of the lessor. An application for exception shall contain all relevant and supporting data necessary for the Director to make a determination. Under no circumstances shall the Director allow the royalty payment under any selling arrangement to be reduced to zero.

(c) Transportation costs must be allocated among all lease products produced and transported. However, no transportation deduction shall be allowed for lease products that are not royalty-bearing.

(d) If after a review and/or audit it is determined a lessee has improperly determined a transportation allowance authorized by this subpart, then the lessee shall be liable for any additional royalties, plus interest, determined in accordance with 30 CFR § 218.54, or shall be entitled to a credit, without interest.

§ 206.157 Determination of transportation allowances.

(a)(1) Arm's-length contracts. For transportation costs incurred by a lessee pursuant to an arm's-length contract, the transportation allowance shall be the reasonable, actual costs incurred by the lessee for transporting the unprocessed gas, residue gas and/or gas plant product under that contract, subject to monitoring, review, audit, and/or adjustment. Such allowances shall be subject to the provisions of paragraph (e) of this section. The MMS's approval is not required before a lessee may deduct costs incurred under an arm's-length contract. However, before any deduction may be taken, the lessee must submit a completed page one of the Form MMS–4295 the same month the transportation allowance first is reported on Form MMS–2014, Report of Sales and Royalty Remittance. This is a one-time filing effective for the entire annual reporting period. The allowance will be denied for any production month for which a Form MMS–4295 is not received prior to, or at the same time as, the Form MMS–2014 for that month.

(2) The transportation allowance determined pursuant to an arm's-length contract shall be effective for a reporting period beginning the month that the lessee is first authorized to deduct a transportation allowance pursuant to paragraph (a)(1) of this section and shall continue for 12 months, or until the applicable contract or rate terminates or is modified or amended, whichever is earlier. At that time, the lessee must resubmit page one of Form MMS–4295 in accordance with paragraph (c) of this section.

(3) If an arm's-length transportation contract includes more than one lease product in a gaseous phase and the transportation costs attributable to each product cannot be determined from the contract, then the total transportation costs shall be allocated in a consistent and equitable manner to each of those transported lease products in the same proportion as the ratio of the volume of each product (including water vapor) to the volume of all lease products in the gaseous phase. The MMS will not give an allowance for transporting any lease product which is not royalty-bearing.

(4) If an arm's-length transportation contract includes lease products in both gaseous and liquid phases, and the transportation costs attributable to each cannot be determined from the contract, the lessee shall propose an allocation procedure to MMS. The lessee may use its proposed allocation procedure until MMS issues its determination on the acceptability of the cost allocation. The lessee shall submit all available data to support its proposal. The initial proposal must be submitted by *[insert 60 days after effective date of final rule]* or within 60 days after the lessee begins the transportation, whichever is later (unless MMS approves a longer period). The MMS shall then determine the transportation allowance based upon the lessee's proposal and any additional information MMS deems necessary. The lessee shall be required to adjust its royalty reports to the extent the approved allowance is different from the proposal. The lessee shall be required either to pay additional royalties, plus interest, or shall be entitled to a credit without interest.

(5) Where the lessee's payments for transportation under an arm's-length contract are not based on a dollar basis, the lessee shall convert whatever consideration is paid to a dollar value equivalent.

(6) MMS may require that a lessee submit arm's-length transportation contracts and related documents. Documents shall be submitted within a reasonable time, as determined by MMS.

(b)(1) Non-arm's-length contract or no contract. If a lessee has a non-arm's-length contract or has no contract, including those situations where the lessee performs transportation services for itself, the transportation allowance will be based upon the lessee's reasonable, actual costs as determined by this subpart. All transportation allowances deducted under a non-arm's-length or no-contract situation are subject to future monitoring, review, and/or audit. For non-arm's-length contract or no-contract situations, prior MMS approval of transportation allowances is not required. The MMS will monitor, review, and/or audit the allowance deductions to ensure that deductions are reasonable and allowable. The MMS may direct a lessee to adjust its allowance when necessary or appropriate.

(2) A transportation allowance for unprocessed gas, residue gas, or gas plant products determined pursuant to a non-arm's-length contract or a no-

contract situation shall be effective for a reporting period beginning the month that the lessee first is authorized to deduct a transportation allowance and shall continue for 12 months, or until the non-arm's-length contract terminates or the no-contract transportation terminates, whichever is earlier. The lessee shall submit a completed page one of Form MMS–4295 the same month the transportation allowance first is reported on Form MMS–2014, Report of Sales and Royalty Remittance. This is a one-time filing effective for the entire annual reporting period. The allowance will be denied for any production month for which a Form MMS–4295 is not received prior to, or at the same time as, the Form MMS–2014 for that month. As provided in § 206.157(c), at the end of the 12-month period, or after the non-arm's-length contract or no-contract transportation terminates, the lessee shall submit a completed page one of Form MMS–4295 containing the actual costs for the previous reporting period. If unprocessed gas, residue gas, or gas plant product transportation is continuing, the lessee shall include on page one of Form MMS–4295 its estimated costs for the next reporting period.

(3) For unprocessed gas, residue gas or gas plant product transportation allowances authorized by this paragraph, a lessee may deduct the transportation allowance that it has determined, subject to review and audit by MMS.

(4) For new transportation facilities, the lessee's initial page one of Form MMS–4295 shall include estimates of the allowable costs for the applicable period. Cost estimates shall be based upon the most recently available operations data for the transportation facility or, if such data are not available, the lessee shall use estimates based upon industry data for similar transportation systems.

(5) The transportation allowance for non-arm's-length or no-contract situations shall be based upon the lessee's actual costs for transportation, including operating and maintenance expenses, overhead, [depreciation], and a return on [undepreciated] capital investment. The transportation allowance shall be based upon actual costs incurred during the 12-month reporting period.

(i) Allowable operating expenses include: Operations supervision and engineering; operations labor; fuel; utilities; materials; ad valorem property taxes; rent; supplies; and any other directly allocable and attributable operating expense which the lessee can document.

(ii) Allowable maintenance expenses include: Maintenance of the transportation system; maintenance of equipment; maintenance labor; and other directly allocable and attributable maintenance expenses which the lessee can document.

(iii) Overhead directly attributable and allocable to the operation and maintenance of the transportation system is an allowable expense. State and Federal income taxes and severance taxes and other fees, including royalties, are not allowable expenses.

Alternative 1

(iv) To compute depreciation, the lessee may elect to use either a straight-line depreciation method or a unit of production method based on the life of equipment or the life of the reserves which the transportation system services. After an election is made, the lessee may not change methods without MMS approval. A change in ownership of a transportation system shall not alter the depreciation schedule established by the original transporter/lessee for purposes of the allowance calculation. With or without a change in ownership a transportation system shall be depreciated only once. Equipment shall not be depreciated below a reasonable salvage value.

Alternative 2

(iv) MMS shall allow as a cost an amount equal to the initial capital investment in the transportation system multiplied by a rate of return determined pursuant to paragraph (b)(5)(v) of this section. No allowance shall be provided for depreciation.

(v) The rate of return on [undepreciated] capital investment shall be the Moody Aaa corporate bond rate as published by Moody's Investors Service, Inc. in *Moody's Bond Record* on the first business day of the reporting period for which the allowance is applicable. This rate will be effective during the entire reporting period. The rate shall be redetermined at the beginning of each subsequent reporting period.

(6) The deduction for transportation costs shall be determined based upon the lessee's cost of transporting each lease product through each transportation system. Where more than one lease product in a gaseous phase is transported, then the total transportation costs shall be allocated in a consistent and equitable manner to each of those lease products in the same proportion as the ratio of the volume of each product (including water vapor) to the volume of all lease products in the gaseous phase. The MMS will not give an allowance for transporting a lease product which is not royalty-bearing.

(7) Where both gaseous and liquid products are transported through the same transportation system, the lessee shall propose a cost allocation procedure to MMS. The lessee may use the transportation allowance determined in accordance with its proposed allocation procedure until MMS issues its determination on the acceptability of the cost allocation. The lessee shall submit all available data to support its proposal. The initial proposal must be submitted within [*insert 60 days after effective date of final rule*] or within 60 days after the lessee begins the transportation, whichever is later (unless MMS approves a longer period). The MMS shall then determine the transportation allowance based upon the lessee's proposal and any additional information MMS deems necessary. If the allowance determined by MMS is different from the proposed allowance, the lessee shall be required to pay any additional royalty, plus interest, or shall be entitled to a credit, without interest.

(8) Upon request by MMS, the lessee shall submit all data used by the lessee to prepare its Form MMS–4295, including estimates and actuals. The data shall be provided within a reasonable period of time, as determined by MMS.

(c)(1) Reporting requirements. After the initial reporting period, for succeeding reporting periods, lessees shall submit page one of Form MMS–4295 on an annual basis. Form MMS–4295 must be received by MMS within 90 days after the end of the previous reporting period unless MMS approves a longer period. If page one of Form MMS–4295 is not received timely, then the allowance requested will not be effective until the first day of the month in which the Form MMS–4295 is received, and will be applicable only to any Form MMS–2014, Report of Sales and Royalty Remittance, received after that date. The lessee will be required to refund, with interest, any unauthorized allowance which it has taken.

(2) Each individual transportation allowance must be reported as a separate line on the Report of Sales and Royalty Remittance, Form MMS–2014.

(3) MMS may establish reporting dates for individual leases different from those specified in this subpart in order to provide more effective administration. Lessees will be notified of any change in their reporting period.

(d)(1) Adjustments. If the actual transportation allowance is less than the amount the lessee has estimated and

taken during the reporting period, the lessee shall be required to pay additional royalties due plus interest computed pursuant to 30 CFR 218.54, retroactive to the first month the lessee is authorized to deduct a transportation allowance. If the actual transportation allowance is greater than the amount the lessee has estimated and taken during the reporting period, the lessee shall be entitled to a credit without interest.

(2) For lessees transporting production from onshore Federal and Indian leases, the lessee must submit a corrected Form MMS–2014, together with any payment, in accordance with instructions by MMS to reflect actual costs.

(3) For lessees transporting production from leases on the OCS, if the lessee's estimated costs were more than the actual costs, the lessee must submit a corrected Form MMS–2014, together with its payment, in accordance with instructions provided by MMS to reflect actual costs. If the lessee's estimated costs were less than its actual costs, the lessee must submit a written request for refund in accordance with section 10 of the Outer Continental Shelf Lands Act, as amended, 43 U.S.C. 1339(a).

(e) Notwithstanding any other provisions of this subpart, no cost shall be allowed for unprocessed gas, residue gas or gas plant product transportation which results from payments for actual or theoretical losses.

(f) Other transportation cost determinations. The provisions of this section shall apply to determine transportation costs when establishing value using a net back valuation procedure or any other procedure that requires deduction of transportation costs.

§ 206.158 Processing allowances—general.

(a) When the value of gas is determined pursuant to § 206.153, a deduction shall be allowed for the reasonable actual costs of processing.

(b) Processing costs must be allocated among the gas plant products. A separate processing allowance must be determined for each gas plant product and processing plant relationship. NGL's shall be considered as one product.

(c)(1) The processing allowance shall not exceed 66⅔ percent of the value of each of the gas plant products as determined pursuant to § 206.153, less any applicable transportation allowances determined pursuant to §§ 206.156 and 206.157. Where there are multiple selling arrangements for any individual gas plant product, the transportation allowance reduced values (values at the tailgate of the plant) for each selling arrangement shall be summed for the purposes of applying the 66⅔ percent processing allowance limitation. The processing allowance shall not be applied against the value of the residue gas. Where there is no residue gas, the lessee shall propose, for MMS approval, an appropriate gas plant product against which no allowance may be applied.

(2) The MMS Director may approve an allowance in excess of the limitation contained in paragraph (c)(1) of this section if the lessee demonstrates that a higher allowance is in the best interests of the lessor. An application for exception shall contain all relevant and supporting data necessary for the Director to make a determination. Under no circumstances shall the Director permit the processing allowance for any gas plant product to exceed the value of such product determined pursuant to § 206.153, less any applicable transportation allowance determined pursuant to §§ 206.156 and 206.157.

(d) No processing cost deduction shall be allowed for the costs of placing lease products in marketable condition, including dehydration, separation, compression, or storage, even if those functions are performed off the lease or at a processing plant. Where gas is processed for the removal of acid gases, commonly referred to as "sweetening," no processing cost deduction shall be allowed for such costs unless the acid gases removed are further processed into a gas plant product and ultimately sold. In such event, the lessee shall be eligible for a processing allowance as determined in accordance with this subpart.

(e) If MMS determines that a lessee has improperly determined a processing allowance authorized by this subpart, then the lessee shall be liable for any additional royalties, plus interest, determined in accordance with 30 CFR 218.54, or shall be entitled to a credit, without interest.

§ 206.159 Determination of processing allowances.

(a)(1) *Arm's-Length contracts.* For processing costs incurred by a lessee pursuant to an arm's-length contract, the processing allowance shall be the reasonable actual costs incurred by the lessee for processing the gas under that contract, subject to monitoring, review, and/or audit and adjustment. Prior MMS approval is not required before a lessee may deduct costs incurred under an arm's-length contract. However, before any deduction may be taken, the lessee must submit a completed page one of Form MMS–4109 the same month the processing allowance first is reported on Form MMS–2014, Report of Sales and Royalty Remittance. This is a one-time filing effective for the entire reporting period. The allowance will be denied for any production month for which a form MMS–4109 is not received prior to, or at the same time as, the Form MMS–2014 for that month.

(2) The processing allowance determined pursuant to an arm's-length contract shall be effective for a reporting period beginning the month that the lessee is first authorized to deduct a processing allowance pursuant to paragraph (a)(1) of this section and shall continue for 12 months, or until the applicable contract terminates or is modified or amended, whichever is earlier. At that time, the lessee must resubmit page one of Form MMS–4109 in accordance with paragraph (c) of this section.

(3) If an arm's-length processing contract includes more than one gas plant product, and if the processing costs attributable to each product can be determined from the contract, then the processing costs for each gas plant product shall be determined in accordance with the contract. The MMS will not grant an allowance for processing lease products which are not royalty-bearing.

(4) If an arm's-length processing contract includes more than one gas plant product and the processing costs attributable to each product cannot be determined from the contract, the lessee shall propose an allocation procedure to MMS. The lessee may use its proposed allocation procedure until MMS issues its determination. The lessee shall submit all available data to support its proposal. The initial proposal must be submitted by [*insert 60 days after effective date of final rule*] or within 60 days after the lessee begins the processing, whichever is later (unless MMS approves a longer period). The MMS shall then determine the processing allowance based upon the lessee's proposal and any additional information MMS deems necessary. The lessee shall be required to adjust its royalty reports to the extent the approved allowance differs from the proposal. The lessee shall be required to pay any additional royalties, plus interest, or shall be entitled to a refund, without interest.

(5) Where the lessee's payments for processing under an arm's-length contract are not based on a dollar basis, the lessee shall convert whatever consideration is received to a dollar value equivalent.

(6) MMS may require that a lessee submit arm's-length processing contracts and related documents. Documents shall be submitted within a reasonable time, as specified by MMS.

(b)(1) *Non-arm's-length or no contract.* If a lessee has a non-arm's- length contract or has no contract, including those situations where the lessee performs processing for itself, the processing allowance will be based upon the lessee's reasonable, actual costs. For all processing allowances deducted under non-arm's-length or no-contract situations, MMS approval of processing allowances is not required. All processing allowances deducted under a non-arm's-length or no-contract situation are subject to future review and audit. The MMS will review and/or audit the allowance deductions to ensure that deductions are reasonable and allowable. The MMS may direct a lessee to adjust its allowance when necessary or appropriate.

(2) A gas processing allowance determined pursuant to a non-arm's-length contract or a no-contract situation shall be effective for a reporting period beginning the month that the lessee first is authorized to deduct a processing allowance and shall continue for 12 months, or until the non-arm's-length contract or the no-contract processing terminates, whichever is earlier. The lessee shall submit a completed Form MMS–4109 the same month the processing allowance first is reported on Form MMS–2014. This is a one-time filing, effective for the entire reporting period. The allowance will be denied for any production month for which a Form MMS–4109 is not received prior to, or at the same time as, the Form MMS–2014 for that month. As provided in § 206.159(c), at the end of the 12-month period, or after the non-arm's-length contract or no-contract processing terminates, the lessee shall submit a Form MMS–4109 completed in its entirety with accompanying schedules containing the actual costs for the previous reporting period. If gas processing is continuing, the lessee shall include on Form MMS–4109 its estimated costs for the next reporting period.

(3) For new processing plants, the lessee's initial Form MMS–4109 shall include estimates of the allowable processing costs for the applicable period. Cost estimates shall be based upon the most recently available operations data for the processing plant, or if such data are not available, the lessee shall use estimates based upon industry data for similar processing plants.

(4) The processing allowance for non-arm's-length or no-contract situations shall be based upon the lessee's actual costs for processing, including operating and maintenance expenses, overhead, [depreciation], and a return on [undepreciated] capital investment. The processing allowance shall be based upon actual costs incurred during the 12-month reporting period.

(i) Allowable operating expenses include: Operations supervision and engineering; operations labor; fuel; utilities; materials; ad valorem property taxes; rent; supplies; and any other directly allocable and attributable operating expense which the lessee can document.

(ii) Allowable maintenance expenses include: Maintenance of the processing plant; maintenance of equipment; maintenance labor; and other directly allocable and attributable maintenance expenses which the lessee can document.

(iii) Overhead directly attributable and allocable to the operation and maintenance of the processing plant is an allowable expense. State and Federal income taxes and severance taxes, including royalties, are not allowable expenses.

Alternative 1

(iv) To compute depreciation, the lessee may elect to use either a straight-line depreciation method or a unit of production method based on the life of equipment or the life of the reserves which the processing plant services. After an election is made, the lessee may not change methods without MMS approval. A change in ownership of a processing plant shall not alter the depreciation schedule established by the original processor/lessee for purposes of the allowance calculation. With or without a change in ownership, a processing plant shall be depreciated only once. Equipment shall not be depreciated below a reasonable salvage value.

Alternative 2

(iv) MMS shall allow as a cost an amount equal to the initial capital investment in the processing plant multiplied by a rate of return determined pursuant to paragraph (b)(4)(v) of this section. No allowance shall be provided for depreciation.

(v) The rate of return on [undepreciated] capital investment shall be the Moody Aaa corporate bond rate as published by Moody's Investors Service, Inc. in *Moody's Bond Record* on the first business day of the reporting period for which the allowance is applicable. This rate shall be effective during the reporting period. The rate shall be redetermined at the beginning of each subsequent reporting period.

(5) The processing allowance for each gas plant product shall be determined based on the lessee's reasonable and actual cost of processing the gas. Allocation of costs to each gas plant product shall be based upon generally accepted accounting principles.

(c)(1) *Reporting requirements.* After the initial reporting period, for succeeding reporting periods, lessees shall submit Form MMS–4109 completed in its entirety with accompanying schedules (or page one of Form MMS–4109 for arm's-length contracts) on an annual basis. Form MMS–4109 must be received by MMS within 90 days after the end of the previous reporting period, unless MMS approves a longer period. If the Form MMS–4109 is not received timely, then the processing allowance requested will not be effective until the first day of the month in which the Form MMS–4109 is received, and will be applicable only to any Form MMS–2014 received after that date. The lessee will be required to refund, with interest, any unauthorized allowance which it has taken.

(2) Each individual processing allowance must be reported as a separate line on the Report of Sales and Royalty Remittance, Form MMS 2014.

(3) MMS may establish reporting dates for individual leases different from those specified in this subpart in order to provide more effective administration. Lessees will be notified of any change in their reporting period.

(d) *Adjustments.* (1) If the actual processing allowance is less than the amount the lessee has estimated and taken during the reporting period, the lessee shall be required to pay additional royalties due, plus interest, computed pursuant to 30 CFR 218.54, retroactive to the first month the lessee is authorized to deduct a processing allowance. If the actual processing allowance is greater than the amount the lessee has estimated and taken during the reporting period, the lessee shall be entitled to a credit without interest.

(2) For lessees processing production from onshore Federal and Indian leases, the lessee must submit a corrected Form MMS–2014, together with any payment, in accordance with instructions provided by MMS, to reflect actual costs.

(3) For lessees processing production from OCS leases, if the lessee's estimated costs were more than the actual costs, the lessee must submit a corrected Form MMS–2014, together

with its payment, in accordance with instructions provided by MMS, to reflect actual costs. If the lessee's estimated costs were less than its actual costs, the lessee must submit a written request for refund in accordance with section 10 of the Outer Continental Shelf Lands Act, as amended, 43 U.S.C. 1339(a).

(e) *Other processing cost deductions.* The provision of this section shall apply to determine processing costs when establishing value using a net-back procedure or any other procedure that requires deduction of processing costs.

[FR Doc. 87-3089 Filed 2-12-87; 8:45 am]

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Friday
February 13, 1987

Part VI

Department of Housing and Urban Development

Office of the Secretary

Intergovernmental Review of the Department of Housing and Urban Development Programs and Activities

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-87-1615; FR-2119]

Intergovernmental Review of the Department of Housing and Urban Development Programs and Activities

AGENCY: Department of Housing and Urban Development, Office of the Secretary.

ACTION: Notice identifying programs subject to 24 CFR Part 52, Intergovernmental Review of the Department of Housing and Urban Development Programs and Activities.

SUMMARY: This notice contains a list of all HUD programs by Catalog of Federal Domestic Assistance (CFDA) Number and indicates whether or not the program is subject to the intergovernmental review process under 24 CFR Part 52. It also indicates, for certain programs, the specific activities that are subject to the intergovernmental review process. This notice proposes one additional change in program coverage, namely, CFDA No. 14.852 Comprehensive Improvement Assistance Program (CIAP) is proposed to be partially excluded from coverage under Part 52.

DATE: *Comment due dates:* Comments concerning the proposed partial exclusion of CIAP are due: April 14, 1987. *Effective date:* February 13, 1987.

ADDRESS: Interested persons should submit comments to the Office of General Counsel, Rules Docket Clerk, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Communications should refer to the above docket number and title. A copy of each communication submitted will be available for inspection and copying at the above address during regular business hours.

FOR FURTHER INFORMATION CONTACT: Dr. Drew Allbritten, Executive Assistant to the Deputy Under Secretary for Intergovernmental Relations, Room 10184, Department of Housing and Urban Development, Washington, DC 20410. Telephone (202) 755-6732. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: On June 13, 1986, the Department published at 51 FR 21570, a notice of proposed changes in the list of programs subject to the Intergovernmental review procedures in 24 CFR Part 52. This notice was published in accordance with 24 CFR 52.3. It identified each HUD program where HUD proposed either a change in whether the program was covered by Part 52 or a change in the reason why the program was excluded from the Part 52 procedures. The notice sought public comment on these proposed changes.

A. Response to Public Comment

The Department received fourteen public comments in response to the June 13, 1986, notice. Each comment was from a State Single Point of Contact (SPOC). In general, the commenters approved of the proposed changes. Eleven of the comments expressly supported the proposed elimination of the unit thresholds that applied to the multifamily mortgage insurance programs and to the assisted housing programs. The following discusses specific concerns raised in the comments and the Department's response.

Applicants Under Covered Multifamily Mortgage Insurance and Assisted Housing Programs to Contact SPOCs Directly

The Department, in conjunction with removing the unit thresholds, and out of concern for the increased volume of applications under these programs that would be subject to review, proposed to have each applicant directly contact its respective SPOC and certify to HUD that it had so contacted the SPOC.

Five commenters expressly supported having the applicant contact the SPOC directly. Three of these commenters, however, were concerned about the adequacy of the applicant's certification to HUD that it had contacted the SPOC. They believed that HUD might begin the time period provided in § 52.8 for intergovernmental review even though the applicant did not make an adequate submission to the State. Two of these commenters recommended that HUD require the applicant to include a copy of the SPOC's acknowledgement of receipt of the submission when it transmits its application to HUD. One of these commenters noted that all it expects from an applicant was a properly completed standard form 424. This commenter indicated that on the day it received this form, it would send the applicant a postcard acknowledgement with a State Application Identifier.

The Department is aware of the legitimate concern of States that applications be properly submitted. On the other hand, the Department must also pay attention to the applicant's expectation of prompt handling of its application by HUD. This latter concern is best addressed, as provided in the June 13, 1986, notice, by permitting simultaneous submission to HUD and to the SPOC. The Department believes that the large majority of applicants will comply with applicable State intergovernmental submission requirements without HUD delaying an applicant's right to submit an application to HUD until it has received written acknowledgement from the SPOC. To reduce the risk of submission of inadequate information to the SPOC, the Department will require the applicant, in addition to certifying as to the date it contacted the SPOC, to include a copy of the Standard Form 424 that it sent to the SPOC when it submits its application to HUD.

Limitation on Substantial Rehabilitation Projects Covered by Part 52

The Department also proposed to make any application (under the covered multifamily mortgage insurance and assisted housing programs) that involves substantial rehabilitation subject to the Part 52 procedures only if the rehabilitation involves: (a) A change in the use of the land; (b) an increase in project density; or (c) a change from rental to cooperative or condominium housing.

Three commenters expressed concern with the proposed limitations on including projects involving substantial rehabilitation. One commenter asserted, without indicating a reason, that substantial rehabilitation projects falling outside the three criteria discussed above often can directly affect State and local governments. The Department disagrees with this assertion. The typical substantial rehabilitation that would fall outside of these criteria would be a restoration of a project to its original use and occupancy without changing unit density. Such an activity should not involve the types of infrastructure issues contemplated by the intergovernmental review process. Reoccupying a vacant building should have only local impacts, which can be considered by the locality through its procedures for issuing building permits. Another commenter recommended that decreases, as well as increases, in unit density should trigger the intergovernmental review process. The Department disagrees because decreases in unit density should not trigger the infrastructure issues that the intergovernmental review process is intended to address. The notice does not change the criteria for projects involving substantial rehabilitation.

Health-Related Programs

The June 13, 1986, notice justified the exclusion of those health-related

mortgage insurance programs that are subject to a certificate of need requirement on the ground that the certificate of need process includes consultation procedures that provide for State involvenemt. Four commenters argued that these programs should be included under intergovernmental review. They claimed that certificate of need review is limited to issues of medical need and cost and does not consider matters relating to land use, water supply, sewage disposal, traffic and parking, among other matters, that are considered under the intergovernmental review process. One commenter indicated that it knew of no State certificate of need process that was as comprehensive or as thorough as the intergovernmental review process with respect to infrastructure capacity. The Department believes that these comments are well taken and has included CFDA Nos. 14.128-Mortgage Insurance—Hospitals and 14.129—Mortgage Insurance—Nursing Homes, Intermediate Care Facilities and Board and Care Facilities as programs subject to the Part 52 intergovernmental review procedures. These programs are subject to the same substantial rehabilitation criteria as are the other multifamily mortgage insurance programs. Applicants also will notify the appropriate SPOC directly and will submit a certification that they have notified the SPOC Under CFDA No. 14.128—Mortgage Insurance—Hospitals, an application for mortgage insurance is only considered in connection with a hospital proposal that has been approved by the Secretary of Health and Human Services. (See 24 CFR § 242.3.) Applicants under CFDA No. 14.128—Mortgage Insurance—Hospitals will submit their certificates to the appropriate Health and Human Services Office with their hospital proposals.

Other Comments

One commenter asserted that the potential impact of the activity, and not the type of recipient, should determine whether an activity is included or excluded. Solely on the basis of this assertion, the commenter urged that the following programs should be included: Single-family programs—CFDA Nos. 14.117, 14.122, 14.133 and 14.165; health-related programs—CFDA Nos. 14.128 and 14.129; and six other programs-CFDA Nos. 14.141, 14.149, 14.164, 14.169, 14.230, and 14.550. This commenter did not attempt to explain how HUD's justification for not including any of these programs was in conflict with the commenter's assertion.

The Department in the June 13, 1986, notice has not justified any existing exclusion or proposed any new exclusion based on the type of recipient involved in the program. The original OMB criteria permitted excluding a program from the intergovernmental procedures if the Federal assistance was provided to nongovernmental entities. Type of recipient is one of the criteria that has been rescinded by OMB. It was this rescission of criteria for excluding programs from the intergovernmental review process which led HUD to review its program exlusions in view of the nine criteria for exclusion that remain in effect. (See the June 13, 1986, notice at 51 FR 21571.) Of the programs referred to by the commenter above, the Department in the June 13, 1986 notice proposed to exclude the single-family programs, CFDA Nos. 14.117, 14.122, 14.133, and 14.169 and CFDA Nos. 14.141, 14.149, and 14.169 not because they involve nongovernmental entities, but rather because they have no direct effect on State and local governments. The Department believes this conclusion is correct. These programs are excluded from intergovernmental review under this notice.

As noted above, the Department has reconsidered its position with respect to the health-related programs referred to by this commenter. CFDA Nos. 14.128 and 14.129 are made subject to the intergovernmental review process by this notice.

The two remaining programs referred to by this commenter, CFDA Nos. 14.230—Rental Rehabilitation Program and 14.550—Solar Energy and Energy Conservation Bank, are excluded from the intergovernmental review process under the OMB criterion that permits exclusion of programs involving financial transfers for which Federal agencies have no funding discretion or direct authority to approve specific sites of projects.

One commenter suggested that CFDA 14.141, Nonprofit Sponsor Assistance Program, should be included because intergovernmental review of these applications could disclose other sources of assistance that may be available to the sponsor through State or community agencies who participate in the review process. While disclosure of other sources of assistance may be a benefit to certain nonprofit sponsors, such an incidental benefit clearly does not control the question of whether the program should be subject to the intergovernmental review process. Whether a nonprofit sponsor of a project for the elderly or handicapped should receive Federal financial assistance to cover a portion of its expenses for planning a Section 202 project is an issue that does not directly affect State and local governments. This program, therefore, is properly excluded from the Part 52 procedures.

A commenter asked that HUD make sure that the latest list of covered programs are included in the Catalog of Federal Domestic Assistance, Appendix I, Programs Requiring Circular Coordination. The Department is revising its Catalog of Federal Domestic Assistance entries to conform to this notice.

Another commenter asked HUD to reconsider its decision to limit intergovernmental review for the Urban Development Action Grant (UDAG) Program to 30 days rather than the 60 days provided for most other HUD programs. (See 24 CFR 52.8.) This comment falls outside of the scope of the request for public comment in the June 13, 1986, notice, which dealt only with the question of which HUD programs should be subject to the intergovernmental review under 24 CFR Part 52. This comment is a request for rulemaking to revise § 52.8(a)(1), which provides a 30-day review period for UDAG and certain other programs, in order to provide a 60-day review period for UDAG. This issue was addressed by the Department in the preamble to the final rule that added 24 CFR Part 52, 48 FR 29206, at 29210 (June 24, 1983). The proposed rule would have provided a 45-day review period for all covered programs. In response to public comment, the Department in the final rule provided a 60-day intergovernmental review period for most programs and a 30-day period for specified programs, including UDAG, noting with respect to UDAG that there were eight funding rounds a year in UDAG and that the selection process cannot exceed 60 days. There are now six funding rounds a year in UDAG (see 24 CFR 570.460(a)). The selection process, however, still must be completed within 60 days. The Department, therefore, does not intend to propose any change to § 52.8.

The original list of HUD Programs Subject to 24 CFR Part 52, Intergovernmental Review of HUD Programs (48 FR 29222, June 24, 1983), through a typographical error, identified the Urban Development Action Grant Program (CFDA No. 14.221) as being subject to the Demonstration Cities and Metropolitan Development Grant Act of 1966. UDAG is not subject to this Act. This notice makes this correction.

B. Proposed Limitation on Applications under the Comprehensive Improvement Assistance Program That Are Subject to Part 52

The Department is proposing one additional change in programs subject to Part 52 and is seeking public comment on this proposed change. CFDA No. 14.852, Comprehensive Improvement Assistance Program (CIAP), provides funds for Public Housing Agencies (PHAs) and Indian Housing Authorities (IHAs) to undertake four different types of modernization programs, namely: (1) Comprehensive Modernization, which involves all required physical and management improvements for a project; (2) Homeownership Modernization, which involves limited physical improvements for a project under the Turnkey III Homeownership Opportunities Program or the Mutual-Help Homeownership Opportunities Program; (3) Emergency Modernization, which involves physical work, items of an emergency nature, affecting the life, health and safety of tenants or related fire safety; and (4) Special Purpose Modernization, which is limited to cost-effective energy conservation work items that will not be adversely affected by any subsequent Comprehensive Modernization.

Currently, CIAP is subject to the intergovernmental review procedures under Part 52 without any express limitations on coverage. Much of the work performed under the various modernization programs under CIAP clearly does not directly affect State and local governments. The Department believes that limiting the applicability of the Part 52 procedures on conditions similar to those that apply to the other assisted housing programs would provide for the more efficient administration of CIAP while ensuring that the CIAP applications that have a direct effect on State and local governments are subject to intergovernmental review. Accordingly, HUD proposes that a CIAP application be subject to the Part 52 procedures only if it involves substantial rehabilitation and involves: (1) A change in the use of land; (2) an increase in project density; or (3) a change from rental to homeownership.

C. Description of Tables of Programs

To aid the reader, this notice contains all HUD programs currently listed in the Catalog of Federal Domestic Assistance. Table I contains a list of all HUD programs that are subject, in whole or in part, to Part 52. Related programs are listed together and limitations on program coverage are identified. Table II contains a list of all HUD programs that are completely excluded from Part 52 intergovernmental procedures. The programs are listed by Catalog of Federal Domestic Assistance Number.

Please note that the fact that a program is listed in Table I does not necessarily mean that a particular State has selected the program to be covered by the State's intergovernmental review process. Interested parties should contact the appropriate State Point of Contact (SPOC) to determine whether a program listed in Table I has been selected by that State for intergovernmental review.

D. Finding

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, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection and copying during regular business hours in the Office of the Rules Docket Clerk, Room 10276, 451 Seventh Street, SW., Washington, DC 20410.

Authority: Executive Order 12372 (July 14, 1982; 47 FR 30959); sec. 401(b), Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4231(b)); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: February 6, 1987.

Samuel R. Pierce, Jr.,

Secretary.

Intergovernmental Review of HUD Program Under 24 CFR Part 52

TABLE I.—HUD PROGRAMS SUBJECT TO 24 CFR PART 52

[Programs marked with an asterisk (*) are subject to section 204 of the Demonstration Cities and Metropolitan Development Act of 1966. Any program, even though otherwise subject to 24 CFR Part 52, is excluded to the extent it involves a federally recognized Indian tribe]

CFDA No.	24 CFR Part	Program name	Comments
Housing—Federal Housing Commissioner			
14.112	234	Mortgage Insurance—Construction or Substantial Rehabilitation of Condominium Projects.	1
14.115	213	Mortgage Insurance—Development of Sales Type Cooperative Projects.	1
14.116	244	Mortgage Insurance—Group Practice Facilities.	
14.123	207	Mortgage Insurance—Housing in Older, Declining Areas.	1, 3
14.124	213	Mortgage Insurance—Investor Sponsored Cooperative Housing.	1
14.125	205	Mortgage Insurance—Land Development.	
14.126	213	Mortgage Insurance—Management Type Cooperative Projects.	
14.127	207	Mortgage Insurance—Manufactured (Mobile) Home Parks.	1
14.128	242	Mortgage Insurance—Hospitals.	1
14.129	232	Mortgage Insurance—Nursing Homes, Intermediate Care Facilities and Board and Care Homes.	1
14.134	207	Mortgage Insurance—Rental Housing.	1
14.135	221	Mortgage Insurance—Rental Housing for Moderate Income Families.	1
14.137	221	Mortgage Insurance—Rental and Cooperative Housing for Low and Moderate Income Families, Market Interest Rate.	1
14.138	231	Mortgage Insurance—Rental Housing for the Elderly.	1
14.139	220	Mortgage Insurance—Rental Housing in Urban Renewal Areas.	1
14.151	241	Supplemental Loan Insurance—Multifamily Rental Housing.	1
14.156	880, 881, 883, 884, and 886.	Lower Income Housing Assistance Program.	2
14.157	885	Housing for the Elderly or Handicapped.	2
14.174	850	Housing Development Grants.	2
14.176	251	Mortgage Insurance—Section 221(d) Coinsurance for the Construction or Substantial Rehabilitation of Multifamily Housing Projects.	1

1. An application under these multifamily mortgage insurance programs is subject to 24 CFR Part 52 if it involves insurance of advances: (A) For the construction of a project; or (B) substantial rehabilitation of a project, but only if the project being substantially rehabilitated involves: (i) a change in use of the land, (ii) an increase in project density, or (iii) a change from rental to cooperative or condominium housing.

2. An application under these assisted housing programs is subject to 24 CFR Part 52, if it involves construction or substantial rehabilitation, but only if the project being substantially rehabilitated involves: (a) A change in use of the land, (b) an increase in project density, or (c) a change from rental to cooperative or condominium housing. Applications under the Section 8 Certificate Program the Section 8 Moderate Rehabilitation Program, and the Section 8 Voucher Program, which are all included under CFDA No. 14.156 and 24 CFR Part 882, are not subject to 24 CFR Part 52.

3. A single family (one-to-four units) application under CFDA No. 14.123 is not subject to 24 CFR Part 52.

CFDA No.	24 CFR Part	Program name	Comments
Community Planning and Development			
14.218	570	Community Development Block Grants/Entitlement*.	4
14.221	570	Urban Development Action Grants.	

4. Only those portions of final statements under CFDA 14.218 that consist of planning or construction of a water or sewage facility in a metropolitan area are subject to Part 52 procedures. HUD may be unable to accommodate state process recommendations concerning particular activities since HUD has only limited authority to refuse to fund an eligible activity.

CFDA No.	24 CFR Part	Program name	Comments
Fair Housing and Equal Opportunity			
14.401	111	Fair Housing Assistance Plan.	5

5. An appliction under CFDA No. 14.401 is subject to Part 52 procedures if it is for type II—competitive funding.

CFDA No.	24 CFR Part	Program name	Comments
Policy Development and Research			
14.508		Mortgage Insurance—Experimental Projects Other Than Housing.	6
14.509	233	Mortgage Insurance—Experimental Rental Housing.	7

6. An application, under CFDA No. 14.508, that must meet the requirements for Title X, Land Development and New Communities (see CFDA No. 14.125) is subject to 24 CFR Part 52. An application that must meet requirements for Title XI Group Practice Facilities (see CFDA 14.116) is also subject to 24 CFR Part 52; except, such an application that involves substantial rehabilitation is subject to 24 CFR Part 52 only of it involves: (a) A change in use of the land; or (b) an increase in project density.

7. An application, under CDFA No. 14.509, that involves substantial rehabilitation is subject to 24 CFR Part 52 only if the project involves: (a) A change in use of the land; (b) an increase in project density; or (c) a change from rental to cooperative or condominium housing.

CFDA No.	24 CFR Part	Program name	Comments
Public and Indian Housing			
14.580	941	Public and Indian Housing	8, 9
14.851	904	Low Income Housing—Homeownership Opportunities for Low/Income Famlies.	8, 9
14.852	968	Public and Indian Housing—Comprehensive Improvement Assistance Program.	9

8. An application, under CFDA No. 14.850 or 851 is subject to 24 CFR Part 52, if it involves construction or substantial rehabilitation, but only if the project being substantially rehabilitated involves: (a) A change in use of land; (b) an increase in project density; or (c) a change from rental to homeownership.

9. An application, under these programs, that involves Indian housing is not subject to 24 CFR Part 52.

TABLE II.—HUD PROGRAMS NOT SUBJECT TO 24 CFR PART 52

CFDA No.	24 CFR Part	Program name
Housing—Federal Housing Commissioner		
14.103	236	Interest Reduction Payments—Rental and Cooperative Housing for Lower Income Families.
14.108	203	Rehabilitation Mortgage Insurance.
14.110	201	Manufactured (Mobile) Home Insurance—Financial Purchase of Manufactured Homes as Principal Residences of Borrowers.
14.117	203	Mortgage Insurance—Homes.
14.119	203	Mortgage Insurance—Homes for Disaster Victims.
14.120	221	Mortgage Insurance—Homes for Low and Moderate Income Families.
14.121	203	Mortgage Insurance—Homes in Outlaying Areas.
14.122	220	Mortgage Insurance—Homes in Urban Renewal Area.
14.130	240	Mortgage Insurance—Purchase by Homeowners of Fee Simple Title From Lessors.
143.132	213	Mortgage Insurance—Purchase of Sales-Type Cooperative Housing Units.
14.133	234	Mortgage Insurance—Purchase of Units in Condominiums.
14.140	237	Mortgage Insurance—Special Credit Risks.
14.141	271	Nonprofit Sponsor Assistance Program.
14.142	201	Property Improvement Loan Insurance for Imrproving All Existing Structures and Building of New Nonresidential Structures.
14.149	215	Rent Supplements—Housing and Lower Income Families.
24.155	207	Mortgage Insurance for the Purchase or Refinancing of Existing Multifamily Housing Projects.
14.159	203	Section 245 Graduated Payment Mortgage Program.
14.161	204	Single-Family Home Mortgage Coinsurance.
14.162	201	Mortgage Insurance—Combination and Manufactured (Mobile) Home Lot Loans.
14.163	203	Mortgage Insurance—Cooperative Financing.
14.164	219	Operating Assistance for Troubled Multifamily Housing Projects.
14.165	203	Mortgage Insurance—Homes—Military Impacted Areas.
14.166	222	Mortgage Insurance—Homes for Members of the Armed Services.
14.167	207	Mortgage Insurance—Two Year Operating Loss Loans, Section 223(d).
14.168	1700 to 1730	Land Sales—Parcels of Subdivided Land.
14.169		Housing Counseling Assistance Program.
14.170		Congregate Housing Services Program.
14.171	3280 to 3283	Manufactured Housing Construction and Safety Standards.
14.172	203	Mortgage Insurance—Growing Equity Mortgages.
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[FR Doc. 87-3135 Filed 2-12-87; 8:45 am]

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Federal Register

Friday
February 13, 1987

Part VII

Securities and Exchange Commission

Seemala Partners, L.P., Acceleration of Notice of Withdrawal From Registration as Broker-Dealer

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-24089; File No. 8-35858]

Seemala Partners, L.P., Seeks Acceleration of Notice of Withdrawal From Registration as Broker-Dealer

The Commission today announces that Seemala Partners, L.P., ("Seemala") has filed a notice of withdrawal from registration as a broker-dealer on Form BDW. The notice will become effective on the 60th day after the filing unless the Commission accelerates the withdrawal date or institutes a proceeding to impose terms and conditions upon such withdrawal. Seemala has requested that the Commission permit it to withdraw from registration no later than March 12, 1987.

Immediately after the notice of its withdrawal of registration becomes effective, Seemala intends to repay its subordinated debt of $660 million plus accrued interest to the lender, Ivan F. Boesky & Company, L.P. ("Partnership") which in turn will cause certain noteholders to be repaid. This action will require the amendment of the subordinated loan agreements to authorize repayment within one year after the loans were made.[1]

More specifically, pursuant to a Payment Agreement, the Partnership will then repay at par $200 million of the $220 million in Senior Participating Notes and $440 million of Subordinated Participating Notes of Hudson Funding Corporation held by certain noteholders, plus interest at 9% per annum from January 1, 1987. Twenty million dollars in other Senior Participating Notes will be repaid in light of claims that may be asserted by the Partnership against that noteholder. In consideration of the repayment, the Noteholders have agreed to forgo claims for prepayment penalties and certain additional interest amounting to in excess of $100 million.

After the Noteholders are repaid, upon request of holders of a majority in amount of limited partnership interests in the Partnership, a Liquidating Partner will be appointed as designated by such majority. Boesky does not intend to manage Seemala's securities portfolio thereafter.

Consistent with the Payment Agreement, Seemala requests that its withdrawal of registration becomes effective on or prior to February 11, 1987, or, if the February 11 effective date is impracticable, that the Commission indicate by that date that it expects to be able to act on the application prior to March 12, 1987 (which is the outside date to which the Payment Agreement by its terms may be extended).[2] If broker-dealer withdrawal is permitted, Seemala will promptly amend the subordinated loan agreements and repay the Partnership in an amount sufficient to allow the Partnership to make the payments required by the Payment Agreement.

Rationale of Boesky Supporting Payment Agreement

Seemala states that the Payment Agreement benefits the participating Noteholders because they will receive repayment of the principal on their Notes. The Payment Agreement benefits the limited partners of the Partnership by protecting the remaining equity from the participating Noteholders' claims for accrued interest (approximately $20.8 million), penalty interest at 16% or 18% from the date of acceleration, and repayment premium (approximately $96 million).

Seemala further states that it is obviously impossible to predict what claims will ultimately be filed against the Partnership and Seemala, how those claims will ultimately be resolved, what defendants will be held liable, or what relative priority individual claimants may achieve.

Unless the Payment Agreement is implemented, Seemala says the Noteholders will press their collective claim for $96 million in default premium, $20.8 million in accrued interest, ordinary interest at the rate of $6.9 million per month, and default interest at the rate of approximately $2.3 million to $3.7 million per month, as well as any fraud, securities law, or other claims they may have against Seemala and the Partnership. Seemala asserts that, if successful, those contractual claims alone (exclusive of any fraud, securities law or other claims) threaten to exhaust the aggregate assets of Seemala and the Partnership before other claimants and potential claimants, if any, could establish their claims.[3]

Seemala asserts that implementation of the Payment Agreement, on the other hand, leaves a pool of approximately $278 million (plus interest on that amount) free of all the Noteholder claims to satisfy other claimants and potential claimants, if any, who are able to reduce their claims to judgment. That amount is in addition to the funds placed in escrow pursuant to court orders obtained by the Commission against Dennis Levine (approximately $11.4 million) and Boesky ($50 million), similar escrow funds that may be obtained as a result of future related enforcement actions, and whatever additional assets other defendants or potential defendants may have.

Thus, Seemala argues, potential judgment creditors could be injured by implementation of the Payment Agreement only to the extent that (1) they are able to reduce the judgment claims significantly in excess of $278 million, (2) they are unable to satisfy such claims from any source other than Seemala and the Partnership, and (3) they establish that such judgment claims are entitled to share at least equally with the fixed contractual claims of the Noteholders.

Seemala argues that the Commission has neither the facts nor the jurisdiction to determine what claims will ultimately be valid or in what relative priority. The Commission does, however, have the jurisdiction to make a determination—after such public notice as the Commission deems appropriate—that it is in the public interest to permit Seemala's withdrawal as a broker-dealer to enable the Noteholders (many of which are savings and loan institutions or insurance companies) and the other holders of interest in the Partnership to settle existing contractual claims against the Partnership in a manner that preserves significant Partnership assets.

* * * * *

The Commission has determined to act on the request to accelerate by March 12, 1987.

By the Commission.

Jonathan G. Katz,

Secretary.

February 12, 1987.

[FR Doc. 87-3305 Filed 2-12-87; 1:53 pm]

BILLING CODE 8010-01-M

[1] These subordinated loans were approved by the New York Stock Exchange Inc., in accordance with Appendix D to Net Capital Rule which required that the loans could not be prepaid within a period of less than one year.

[2] Counsel for a majority of the Noteholders also urge the Commission to accelerate withdrawal of Seemala's registration.

[3] Seemala states that the Partnership and Seemala have approximately $944 million in assets, which after full liquidation could safely earn interest at approximately 7% or $5.5 million per month. The Noteholders have present claims for $776 million plus interest at the rate of 16 or 18% or at least $9 million per month. Without compounding the interest or considering litigation expenses, the assets of Seemala and the Partnership would be exhausted by these Noteholder claims in three years.

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H.J. Res. 131/Pub. L. 100-5

Congratulating Dennis Conner and the crew of Stars and Stripes for their achievement in winning the America's cup. (Feb. 11, 1987; 101 Stat. 91; 1 page) Price: $1.00