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Guide to Record Retention Requirements in the CFR

A Supplement to the Guide, revised as of January 1, 1987, is published as Part II of this issue.

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WHAT IT IS AND HOW TO USE IT

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

WHO: The Office of the Federal Register.

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

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

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

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:

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ATLANTA, GA

WHEN: March 26; at 9 am.
WHERE: L.D. Strom Auditorium, Richard B. Russell Federal Building, 75 Spring Street, SW., Atlanta, GA.
RESERVATIONS: Call the Atlanta Federal Information Center, 404–331–2170.

WASHINGTON, DC

WHEN: March 31; at 9 am.
WHERE: Office of the Federal Register, First Floor Conference Room, 1100 L Street NW., Washington, DC.
RESERVATIONS: Beverly Fayson, 202–523–3517

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Separate Parts In This Issue

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

CFR PARTS AFFECTED IN THIS ISSUE

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

Rules and Regulations

Federal Register
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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 845

Federal Employees Retirement System—Debt Collection

AGENCY: Office of Personnel Management.

ACTION: Interim rule with request for comments.

SUMMARY: The Office of Personnel Management (OPM) is issuing interim rules and requesting comment on the rules to provide for recovery of debts due the United States from benefits payable under the Federal Employees Retirement System (FERS) Act of 1986. These rules provide the procedures that OPM must follow in collecting debts from FERS benefits and the standards for waiver of overpayments made under FERS.

DATES: Interim rules effective March 30, 1987. Comments must be received on or before April 28, 1987.

ADDRESSES: Send comments to Frank D. Titus; Director, FERS Implementation Task Force; Retirement and Insurance Group; Office of Personnel Management; P.O. Box 884; Washington, DC 20044; or deliver to OPM, Room 3311, 1900 E Street NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Harold L. Siegelman, (202) 632–5560.

SUPPLEMENTARY INFORMATION: OPM has developed procedures for collection of debts due the United States from FERS basic benefits and standards for waiver of overpayments made in connection with these benefits. These procedures comply with the Debt Collection Act of 1982, Pub. L. 97–365, the revised Federal Claims Collection Standards, 4 CFR 101.1 *et seq.*, 49 FR 8889, March 9, 1984, and related Federal court decisions. These rules state the procedures for collection and the standards for waiver as they apply to basic benefits payable under the FERS Act of 1986, Pub. L. 99–335, which created a new retirement system for some Federal employees.

Under section 553(b)(3)(B) of title 5, United States Code, I find that good cause exists for waiving the general notice of proposed rulemaking. Because parallel rules were developed with full opportunity for public participation as applied to the Civil Service Retirement System administered by OPM, further opportunity for public participation before these rules are effective would be unnecessary. Moreover, the need to establish temporary procedures as soon as possible after the statutory effective date of FERS (January 1, 1987) to provide for proper functioning of the new retirement system makes the general notice of proposed rulemaking impracticable.

E.O. 12291, Federal Regulation

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

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the regulation will only affect Federal agencies and retirement payments to retired Government employees.

List of Subjects in 5 CFR Part 845

Administrative practice and procedure, Claims, Disability benefits, Firefighters, Government employees, Income taxes, Intergovernmental relations, Law enforcement officers, Pensions, Retirement.

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

Accordingly, OPM is amending Title 5, Code of Federal Regulations, to add Part 845 to read as follows:

PART 845—FEDERAL EMPLOYEES RETIREMENT SYSTEM—DEBT COLLECTION

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Subpart A—General Provisions

Authority: 5 U.S.C. 8461.

§ 845.101 Purpose.

(a) This part regulates—

(1) The recovery of overpayments of FERS basic benefits;

(2) The standards for waiver of recovery of overpayments of FERS basic benefits; and

(3) The use of FERS basic benefits to recover debts due the United States.

(b) This subpart states the rules of general applicability to this part.

§ 845.102 Definitions.

In this subpart—

"FERS" means the Federal Employees Retirement System as described in chapter 84 of title 5, United States Code.

"FERS basic benefits" means any benefits payable under Subchapter II, IV, or V of Chapter 84 of Title 5, United States Code.

"Fund" means the Civil Service Retirement Fund.

§ 845.103 Prohibition against collection of debts.

(a) Debts may be collected from FERS basic benefits only to the extent expressly authorized by Federal statute.

(b) When collection of a debt from FERS basic benefits is authorized under paragraph (a) of this section, the collection will be made in accordance with this part.

§ 845.104 Status of debts.

A payment by OPM to a debtor because of an OPM error or the failure of the creditor agency to properly and/or timely submit a debt claim under Subpart D of this part, does not erase the debt or affect the validity of the claim by the creditor agency.

§ 845.105 Termination and suspension of collection actions.

The termination or suspension of a collection action, other than waiver of an overpayment under Subparts B and C of this part, are controlled exclusively by the Federal Claims Collection Standards, Chapter II of Title 4, Code of Federal Regulations.

Subpart B—Collection of Overpayment Debts

Authority: 5 U.S.C. 8461.

§ 845.201 Purpose.

This subpart prescribes procedures to be followed by the Office of Personnel Management (OPM), which are consistent with the Federal Claims Collection Standards (FCCS) (Chapter II of Title 4, Code of Federal Regulations), in the collection of debts owed to the Fund.

§ 845.202 Scope.

This subpart covers the collection of debts due the Fund, with the exception of the collection of court-imposed judgments, amounts referred to the Department of Justice because of fraud, and amounts collected from back pay awards in accordance with § 550.805(e)(2) of this chapter.

§ 845.203 Definitions.

In this subpart—

"Additional charges" means interest, penalties, and/or administrative costs owed on a debt.

"Annuitant" means a retired employee or Member of Congress, former spouse, spouse, widow(er), or child receiving recurring benefits under the provisions of chapter 84 of title 5, United States Code.

"Compromise" is an adjustment of the total amount of the debt to be collected based upon the considerations established by the FCCS (4 CFR Part 103).

"Consumer reporting agency" has the same meaning provided in 31 U.S.C. 3701(a)(3).

"Debt" means a payment of benefits to an individual in the absence of entitlement or in excess of the amount to which an individual is properly entitled.

"Delinquent" has the same meaning provided in 4 CFR 101.2(b).

"FCCS" means the Federal Claims Collection Standards (Chapter II of Title 4, Code of Federal Regulations).

"Offset" means to withhold the amount of a debt, or a portion of that amount, from one or more payments due the debtor. Offset also means the amount withheld in this manner.

"Reconsideration" means the process of reexamining an individual's liability for a debt based on—

(a) Proper application of law and regulation; and

(b) Correctness of the mathematical computation.

"Repayment schedule" means the amount of each payment and the number of payments to be made to liquidate the debt as determined by OPM.

"Retirement fund" means the Civil Service Retirement Fund.

"Voluntary repayment agreement" means an alternative to offset that is agreed to by OPM and includes a repayment schedule.

"Waiver" is a decision not to recover a debt under authority of 5 U.S.C. 8470(b).

§ 845.204 Processing.

(a) *Notice.* Except as provided in § 845.205, OPM will, before starting collection, tell the debtor in writing—

(1) The reason for and the amount of the debt;

(2) The date on which the full payment is due;

(3) OPM's policy on interest, penalties, and administrative charges;

(4) That offset is available, the types of payment(s) to be offset, the repayment schedule, the right to request an adjustment in the repayment schedule and the right to request a voluntary repayment agreement in lieu of offset;

(5) The individual's right to inspect and/or receive a copy of the Government's records relating to the debt;

(6) The method and time period (30 calendar days) for requesting reconsideration, waiver, and/or compromise and, in the case of offset, an adjustment to the repayment schedule;

(7) The standards used by OPM for determining entitlement to waiver and compromise;

(8) The right to a hearing by the Merit Systems Protection Board on a waiver request (if OPM's waiver decision finds the individual liable) in accordance with paragraph (c)(2) of this section; and

(9) The fact that a timely filing of a request for reconsideration, waiver and/or compromise, or a later timely appeal of a reconsideration or waiver denial to the Merit Systems Protection Board, will stop collection proceedings, unless (i) failure to take the offset would substantially prejudice the Government's ability to collect the debt; and (ii) the time before the payment is to be made does not reasonably permit the completion of these procedures.

(b) *Requests for reconsideration, waiver, and/or compromise.* (1) If a request for reconsideration, waiver, and/or compromise is returned to OPM by mail, it must be postmarked within 30 calendar days of the date of the notice detailed in paragraph (a) of this section. If a request for reconsideration, waiver, and/or compromise is hand delivered, it must be received within 30 calendar days of the date of the notice detailed in paragraph (a) of this section. OPM may extend the 30-day time limit for filing when individuals can prove that they—

(i) Were not notified of the time limit and were not otherwise aware of it; or

(ii) Were prevented by circumstances beyond their control from making the request within the time limit.

(2) When a request for reconsideration, waiver, and/or compromise covered by this paragraph is properly filed before the death of the debtor, it will be processed to completion unless the relief sought is nullified by the debtor's death.

(3) Individuals requesting reconsideration, waiver, and/or compromise will be given a full opportunity to present any pertinent information and documentation supporting their position.

(4) An individual's request for waiver will be evaluated on the basis of the standards set forth in Subpart C of this part. An individual's request for compromise will be evaluated on the basis of standards set forth in the FCCS (4 CFR Part 103).

(c) *Reconsideration, waiver, and/or compromise decisions.* (1) OPM's decision will be based upon the individual's written submissions, evidence of record, and other pertinent available information.

(2) After consideration of all pertinent information, OPM will issue a written decision. The decision will state the

extent of the individual's liability, and, for waiver and compromise requests, whether the debt will be waived or compromised. If the individual is determined to be liable for all or a portion of the debt, the decision will reaffirm or modify the conditions for the collection previously proposed under paragraph (a) of this section. The decision will state the individual's right to appeal to the Merit Systems Protection Board as provided by § 1201.3 of this title, and, in the case of a denial of waiver or reconsideration request that a timely appeal will stop collection of the debt.

§ 845.205 Collection of debts.

(a) *Means of collection.* Collection of a debt may be made by means of offset under § 845.206, or under any statutory provision providing for offset of money due the debtor from the Federal Government, or by referral to the Justice Department for litigation, as provided in § 845.206. Referral may also be made to a collection agency under the provisions of the FCCS.

(b) *Additional charges.* Interest, penalties, and administrative costs will be assessed on the debt in accordance with standards established in the FCCS at 4 CFR 102.13. Additional charges will be waived when required by the FCCS. In addition, such charges may be waived when OPM determines—

(1) Collection would be against equity and good conscience under the standards prescribed in §§ 845.303 through 845.305; or

(2) Waiver would be in the best interest of the United States.

(c) *Collection in installments.* (1) Whenever feasible, debts will be collected in one lump sum.

(2) However, installments payments may be effected when—

(i) The debtor establishes that he or she is financially unable to pay in one lump sum; or

(ii)(A) The benefit payable is insufficient to make collection in one lump sum;

(B) The debtor fails to respond to a demand for full payment; and

(C) Offset is available.

(3) The amount of the installment payments will be set in accordance with the criteria in 4 CFR 102.11.

(d) *Commencement of collection.* (1) Except as provided in paragraph (d)(2) of this section, collection will begin after the time limits for requesting further rights stated in § 845.204(a)(6) expire or OPM has issued decisions on all timely requests for those rights and the Merit Systems Protection Board has acted on any timely appeal of a waiver denial, unless failure to make an offset would substantially prejudice the Government's ability to collect the debt; and the time before the payment is to be made does not reasonably permit the completion of the proceedings in § 845.204 or litigation. When offset begins without completion of the administrative review process, these procedures will be completed promptly, and amounts recovered by offset but later found not owed will be refunded promptly.

(2) The procedures identified in § 845.204 will not be applied when the debt is caused by a retroactive adjustment in the periodic rate of annuity or any deduction taken from annuity when the adjustment is a result of the annuitant's election of different entitlements under law, if the adjustment is made within 120 days of the effective date of the election; or interim estimated payments made before the formal determination of entitlement to annuity, if the amount is recouped from the total annuity payable on the first day of the month following the last advance payment or the date the formal determination is made, whichever is later.

§ 845.206 Collection by administrative offset.

(a) *Offset from retirement payments.* A debt may be collected in whole or in part from any lump-sum retirement payment or recurring annuity payments.

(b) *Offset from other payments—(1) Administrative offset.* (i) A debt may be offset from other payments due the debtor from other agencies in accordance with 4 CFR 102.3 except that offset from back pay awarded under the provisions of 5 U.S.C. 5596 (and 5 CFR 550.801 et seq.) will be made in accordance with § 550.805(e)(2) of this chapter.

(ii) In determining whether to collect claims by means of administrative offset after the expiration of the 6-year limitation provided in 5 U.S.C. 2415, the Director or his or her designee will determine the cost effectiveness of leaving a claim unresolved for more than 6 years. This decision will be based on such factors as the amount of the debt, the cost of collection, and the likelihood of recovering the debt.

(2) *Salary offset.* When the debtor is an employee, or a member of the Armed Forces, OPM may effect collection action by offset of the debtor's pay in accordance with 5 U.S.C. 5514 and 5 CFR 550.1101 *et seq.* Due process described in § 845.204 will apply. The questions of fact and liability, and entitlements to waiver or compromise determined through that process are deemed correct and will not be amended under salary offset procedures. When the debtor did not receive a hearing on the amount of the offset under § 845.204 and requests such a hearing, one will be conducted in accordance with Subpart K of Part 550 of this chapter.

§ 845.207 Use of consumer reporting agencies.

(a) *Notice.* If a debtor's response to the notice described in § 845.204(a) does not result in payment in full, payment by offset, or payment in accordance with a voluntary repayment agreement or other repayment schedule acceptable to OPM, and the debtor's rights under § 845.204 have been exhausted, OPM may report the debtor to a consumer reporting agency. In addition, a debtor's failure to make subsequent payments in accordance with a repayment schedule may result in a report to a consumer reporting agency. Before making a report to a consumer reporting agency, OPM will notify the debtor in writing that—

(1) The payment is overdue;

(2) OPM intends, after 60 days, to make a report as described in paragraph (b) of this section to a consumer reporting agency;

(3) The debtor's right to dispute the liability has been exhausted under § 845.204; and

(4) The debtor may suspend OPM action on referral by paying the debt in one lump sum or making payments current under a repayment schedule.

(b) *Report.* When a debtor's response to the notice described in paragraph (a) of this section fails to comply with paragraph (a)(4) of this section or the debtor does not respond, and 60 days have elapsed since the notice was mailed, OPM may report to a consumer reporting agency that an individual is responsible for an unpaid debt and provide the following information:

(1) The individual's name, address, taxpayer identification number, and any other information necessary to establish the identity of the individual;

(2) The amount, status, and history of the debt; and

(3) The fact that the debt arose in connection with the administration of FERS or CSRS.

(c) *Subsequent reports.* OPM will update its report to the consumer reporting agency whenever it has knowledge of events that substantially change the status or the amount of the liability.

§ 845.208 Referral to a collection agency.

(a) OPM retains the responsibility for resolving disputes, compromising claims, referring the debt for litigation,

or suspending or terminating collection action.

(b) OPM may refer certain debts to commercial collection agencies under the following conditions:

(1) All processing required by § 845.204 has been completed before the debt is released; and

(2) A contract for collection services has been negotiated.

§ 845.209 Referral for litigation.

From time to time and in a manner consistent with the General Accounting Office's and the Justice Department's instructions, OPM will refer certain overpayments to the Justice Department for litigation. Referral for litigation will suspend processing under this subpart.

Subpart C—Standards for Waiver of Overpayments

Authority: 5 U.S.C. 8461.

§ 845.301 Conditions for waiver.

Recovery of an overpayment from the Fund may be waived pursuant to section 8470(b), of title 5, United States Code, when (a) the annuitant is without fault and (b) recovery would be against equity and good conscience. When it has been determined that the recipient of an overpayment is ineligible for waiver, the individual is nevertheless entitled to an adjustment in the recovery schedule if he or she shows that it would cause him or her financial hardship to make payment at the rate scheduled.

§ 845.302 Fault.

A recipient of an overpayment is without fault if he or she performed no act of commission or omission that resulted in the overpayment. The fact that the Office of Personnel Management (OPM) or another agency may have been at fault in initiating an overpayment will not necessarily relieve the individual from liability.

(a) *Considerations.* Pertinent considerations in finding fault are—

(1) Whether payment resulted from the individual's incorrect but not necessarily fraudulent statement, which he or she should have known to be incorrect;

(2) Whether payment resulted from the individual's failure to disclose material facts in his or her possession, which he or she should have known to be material; or

(3) Whether he or she accepted a payment that he or she knew or should have known to be erroneous.

(b) *Mitigation factors.* The individual's age, physical and mental condition or the nature of the information supplied to him or her by OPM or a Federal agency may mitigate against finding fault if one or more of these factors contributed to his or her submission of an incorrect statement, a statement that did not disclose material facts in his or her possession, or his or her acceptance of an erroneous overpayment.

§ 845.303 Equity and good conscience.

Recovery is against equity and good conscience when—

(a) It would cause financial hardship to the person from whom it is sought;

(b) The recipient of the overpayment can show (regardless of his or her financial circumstances) that due to the notice that such payment would be made or because of the incorrect payment he or she either has relinquished a valuable right or has changed positions for the worse; or

(c) Recovery would be unconscionable under the circumstances.

§ 845.304 Financial hardship.

Financial hardship may be deemed to exist in, but not limited to, those situations when the annuitant from whom collection is sought needs substantially all of his or her current income and liquid assets to meet current ordinary and necessary living expenses and liabilities.

(a) *Considerations.* Some pertinent considerations in determining whether recovery would cause financial hardship are as follows:

(1) The individual's financial ability to pay at the time collection is scheduled to be made.

(2) Income to other family member(s), if such member's ordinary and necessary living expenses are included in expenses reported by the annuitant.

(b) *Exemptions.* Assets exempt from execution under State law should not be considered in determining an individual's ability to repay the indebtedness. Rather primary emphasis will be placed upon the annuitant's liquid assets and current income in making such determinations.

§ 845.305 Ordinary and necessary living expenses.

An individual's ordinary and necessary living expenses include rent, mortgage payments, utilities, maintenance, transportation, food, clothing, insurance (life, health, and accident), taxes, installment payments, medical expenses, support expenses for which the annuitant is legally responsible, and other miscellaneous expenses that the individual can establish as being ordinary and necessary.

§ 845.306 Waiver precluded.

Waiver of an overpayment cannot be granted when—

(a) The overpayment was obtained by fraud; or

(b) The overpayment was made to an estate.

§ 845.307 Burdens of proof.

(a) *Burden of OPM.* The Associate Director must establish by the preponderance of the evidence that an overpayment occurred.

(b) *Burden of annuitant.* The recipient of an overpayment must establish by substantial evidence that he or she is eligible for waiver or an adjustment.

Subpart D—Agency Requests to OPM for Recovery of a Debt From the Civil Service Retirement Fund

Authority: 5 U.S.C. 8461.

§ 845.401 Purpose.

This subpart prescribes the procedures to be followed by a Federal agency when it requests the Office of Personnel Management (OPM) to recover a debt owed to the United States by administrative offset against money due and payable to the debtor from the Fund. This subpart also prescribes the procedures that OPM must follow to make these administrative offsets.

§ 845.402 Scope.

This subpart applies to agencies and debtors, as defined by § 845.403.

§ 845.403 Definitions.

In this subpart—

"Act" means the Federal Claims Collection Act of 1966 as amended by the Debt Collection Act of 1982 and implemented by 4 CFR 101.1 *et seq.*, the Federal Claims Collection Standards (FCCS).

"Administrative offset" means withholding money payable from the Fund to satisfy a debt to the United States under 31 U.S.C. 3716.

"Agency" means—

(a) An Executive agency as defined in § 105 of title 5, United States Code, including the U.S. Postal Service and the U.S. Postal Rate Commission;

(b) A military department, as defined in § 102 of title 5, United States Code;

(c) An agency or court in the judicial branch, including a court as defined in § 610 of title 28, United States Code, the District Court for the Northern Mariana Islands, and the Judicial Panel on Multidistrict Litigation;

(d) An agency of the legislative branch, including the U.S. Senate and the U.S. House of Representatives; and

(e) Other independent establishments that are entities of the Federal Government.

"Annuitant" means an annuitant as defined in § 8401(2) of title 5, United States Code, or a survivor as defined in § 8401(28) of title 5, United States Code.

"Annuity" means the monthly benefit of indefinite duration payable to an annuitant or survivor annuitant.

"Compromise" has the same meaning as in 4 CFR Part 103.

"Consent" means the debtor has agreed in writing to administrative offset after receiving notice of all rights under 31 U.S.C. 3716 and this subpart.

"Creditor agency" means the agency to which the debt is owed.

"Debt" means an amount owed to the United States on account of loans insured or guaranteed by the United States, and other amounts due the United States from fees, duties, leases, rents, royalties, services, sales of real or personal property, overpayments, fines, penalties, damages, interest, taxes, forfeitures, etc.

"Debt claim" means an agency request for recovery of a debt in a form approved by OPM.

"Debtor" means a person who owes a debt, including an employee, former employee, Member, former Member, or the survivor of one of these individuals.

"Employee" has the same meaning as in section 8401(11) of title 5, United States Code, and includes reemployed annuitants and employees of the U.S. Postal Service.

"Fraud claim" means any debt designated by the Attorney General (or designee) as involving an indication of fraud, the presentation of a false claim, or misrepresentation on the part of the debtor or any other party having an interest in the claim.

"Individual Retirement Record" means the record of retirement contributions that must be maintained under § 841.504 of this chapter.

"Lump-sum credit" has the same meaning as in section 8401(19) of title 5, United States Code.

"Member" has the same meaning as in section 8401(20) of title 5, United States Code.

"Net annuity" means annuity after excluding amounts required by law to be deducted.

"Paying agency" means the agency that employs the debtor and authorizes the disbursement of his or her current pay account.

"Refund" means the payment of a lump-sum credit to an individual who meets all requirements for payment and files application for it.

§ 845.404 Conditions for requesting an offset.

An agency may request that money payable from the Fund be offset to recover any valid debt due the United States when all of the following conditions are met:

(a) The debtor failed to pay all of the debt on demand, or the creditor agency has collected as much as possible from payments due the debtor from the paying agency; and

(b) The creditor agency sends a debt claim to OPM (under § 845.405(b) (1), (2), (3) or (4), as appropriate) after doing one of the following:

(1) Obtaining a court judgment for the amount of the debt;

(2) Following the procedures required by 31 U.S.C. 3716 and 4 CFR 102.4;

(3) Following the procedures required by 5 U.S.C. 5514 and Subpart K of Part 550 of this chapter; or

(4) Following the procedures agreed upon by the creditor agency and OPM, if it is excepted by § 845.405(b)(4) from the completion of procedures prescribed by § 845.405(b)(3).

§ 845.405 Creditor agency processing for non-fraud claims.

(a) *Where to submit the debt claim, judgment or notice of debt*—(1) *Creditor agencies that are not the debtor's paying agency.* (i) If the creditor agency knows that the debtor is employed by the Federal Government, it should send the debt claim to the debtor's paying agency for collection.

(ii) If some of the debt is unpaid after the debtor separates from the paying agency, the creditor agency should send the debt claim to OPM as described in paragraph (b) of this section.

(2) *Creditor agencies that are the debtor's paying agency.* Ordinarily, debts owed the paying agency should be offset under 31 U.S.C. 3716 from any final payments (salary, accrued annual leave, etc.) due the debtor. If a balance is due after offsetting the final payments or the debt is discovered after the debtor has been paid, the paying agency may send the debt claim to OPM as described in paragraph (b) of this section.

(b) *Procedures for submitting debt claim, judgment or notice of debt to OPM*—(1) *Debt claims for which the agency has a court judgment.* If the creditor agency has a court judgment against the debtor specifying the amount of the debt to be recovered, the agency should send the debt claim and two certified copies of the judgment to OPM.

(2) *Debt claims previously processed under 5 U.S.C. 5514.* If the creditor agency previously processed the debt claim under 5 U.S.C. 5514, it should—

(i) Notify the debtor that the claim is being sent to OPM to complete collection from the Fund; and

(ii) Send the debt claim to OPM with two copies of the paying agency's certification of the amount collected and one copy of the notice to the debtor that the claim was sent to OPM.

(3) *Debt claims not processed under 5 U.S.C. 5514, reduced to court judgment, or excepted by paragraph (b)(4) of this section.* (i) If the debt claim was not processed under 5 U.S.C. 5514, reduced to court judgment or excepted by paragraph (b)(4) of this section, the creditor agency must—

(A) Comply with the procedures required by 4 CFR 102.4 by issuing written notice to the debtor of the nature and amount of the debt, the agency's intention to collect by offset, the opportunity to obtain review within the agency of the determination of indebtedness, and the opportunity to enter into a written agreement with the agency to repay the debt; and

(B) Complete the appropriate debt claim.

(ii) If the debtor does not respond to the creditor agency's notice within the allotted time and there is no reason to believe that he or she did not receive the notice, the creditor agency may submit the debt claim to OPM after certifying that notice was issued and the debtor failed to reply.

(iii) If the debtor responds to the notice by requesting a review (or hearing if one is available), the review (or hearing) must be completed before the creditor agency submits the debt claim.

(iv) If the debtor receives the notice and responds by consenting to the collection, the creditor agency must send (to OPM) a copy of the debtor's consent along with the debt claim.

(4) *Debt claims excepted from procedures described in paragraph (b)(3) of this section.* Creditor agencies must follow specific procedures approved by OPM, rather than those described in paragraph (b)(3) of this section, for the collection of—

(i) Debts due because of the individual's failure to pay health benefits premiums while he or she was in nonpay status or while his or her salary was not sufficient to cover the cost of premiums;

(ii) Unpaid Federal taxes to be collected by Internal Revenue Service levy;

(iii) Premiums due because of the annuitant's election of Part B, Medicare coverage (retroactive collection limited to 6 months of premiums); or

(iv) Overpaid military retired pay an annuitant elects in writing to have withheld from his or her annuity.

(5) *General certification requirements for debt claims.* Creditor agencies submitting debt claims must certify—

(i) That the debt is owed to the United States;

(ii) The amount and reason for the debt and whether additional interest accrues;

(iii) The date the Government's right to collect the debt first accrued;

(iv) That the agency has complied with the applicable statutes, regulations, and OPM procedures;

(v) That if a competent administrative or judicial authority issues an order directing OPM to pay a debtor an amount previously paid to the agency (regardless of the reasons behind the order), the agency will reimburse OPM or pay the debtor directly within 15 days of the date of the order.

Note.—OPM may, at its discretion, decline to collect other debt claims sent by an agency that does not abide by this certification.

(vi) If the collection will be in installments, the amount or percentage of net annuity in each installment; and

(vii) If the debtor does not (in writing) consent to the offset, or does not (in writing) acknowledge receipt of the required notices and procedures, or the creditor agency does not document a judgment offset or a previous salary offset, identify the action(s) taken to comply with 4 CFR 102.3, including any required hearing or review, and give the date(s) the action(s) was taken.

(6) *Notice of debt.* When a creditor agency cannot send a complete debt claim, it should notify OPM of the existence of the debt so that the lump-sum will not be paid before the debt claim arrives.

(i) The notice to OPM must include a statement that the debt is owed to the United States, the date the debt first accrued, and the basis for and amount of the debt, if known. If the amount of the debt is not known, the agency must establish the amount and notify OPM in writing as soon as possible after submitting the notice.

(ii) The creditor agency may either notify OPM by making a notation in column 8 [Remarks] under "Fiscal Record" on the Individual Retirement Record, if the Individual Retirement Record is in its possession, or if not, by submitting a separate document identifying the debtor by name, giving his or her date of birth, social security number, and date of separation, if known.

(c) *Time limits for sending records and debt claims to OPM*—(1) *Time limits for submitting debt claims.* Unless there is an application for refund pending, there is no specific time for submitting a debt claim or notice of debt to OPM. Generally, however, agencies must file a debt claim before the statute of limitations expires (4 CFR 102.4(c)) or before a refund is paid. Time limits are imposed (see § 845.406(a)) when the debtor is eligible for a refund and OPM receives his or her application requesting payment. In this situation, creditor agencies must file a complete debt claim within 120 days (or 180 days if the agency requests an extension of time before the refund is paid) of the date OPM requests a complete debt claim.

(2) *Time limit for submitting retirement records to OPM.* A paying agency must send the Individual Retirement Record to OPM no later than 60 days after the separation, termination, or entrance on duty in a position in which the employee is not covered by FERS.

§ 845.406 OPM processing for non-fraud claims.

(a) *Refunds—incomplete debt claims.* (1) If a creditor agency sends OPM a notice of debt claim against a refund OPM is processing for payment, OPM will withhold the amount of the debt but will not make any payment to the creditor agency. OPM will notify the creditor agency that the procedures in this subpart and 4 CFR 102.4 must be completed; and a debt claim must be completed and returned to OPM within 120 days of the date of OPM's notice to the creditor agency. Upon request, OPM will grant the creditor agency one extension of up to 60 days if the request for extension is received before the lump-sum payment has been made. The extension will commence on the day after the 120-day period expires so that the total time OPM holds payment of the refund will not exceed 180 days.

(2) During the period allotted the creditor agency for sending OPM a complete debt claim, OPM will handle the debtor's application for refund under section 8424 of title 5, United States Code, in one of two ways:

(i) If the amount of the debt is known, OPM will notify the debtor of the debt claim against his or her lump-sum credit, withhold the amount of the debt, and pay the balance to the debtor, if any.

(ii) If the amount of the debt is not known, OPM will not pay any amount to the debtor until the creditor agency certifies the amount of the debt, submits a complete debt claim, or the time limit for submission of the debt claim expires, whichever comes first.

(b) *Refunds—complete debt claims*—(1) *OPM receives an application from the debtor prior to or at the same time as the agency's debt claim.* (i) If a refund has been paid, OPM will notify the creditor agency there are no funds available for offset. Except in the case of debts due because of the employee's failure to pay health benefits premiums while he or she is in nonpay status or while his or her salary was not sufficient to cover the cost of premiums, creditor agencies should refer to the instructions in the FCCS for other measures to recover the outstanding debt; however, OPM will retain the debt claim on file in the event the debtor is once again employed in a position subject to retirement deductions.

(ii) If a refund is payable and the creditor agency submits a complete debt claim in accordance with § 845.405(b)(1), (2), (3), or (4), the debt will be collected from the refund and any balance paid to the debtor. OPM will send the debtor a copy of the debt claim, judgment, consent, or other document, and notify him or her that the creditor agency was paid.

(2) *If OPM has not received an application from the debtor when the agency's debt claim is received.* If a debtor has not filed application for a refund, OPM will retain the debt claim for future recovery. OPM will make the collection whenever an application is received, provided the creditor agency initiated the administrative offset before the statute of limitations expired. (See 4 CFR 102.3(b)(3) and 102.4(c).) OPM will notify the creditor agency that it does not have an application from the debtor so that the agency may take other action to recover the debt.

Note.—If the recovery action is successful, the creditor agency must notify OPM so it can void the debt claim.

(3) *Future recovery.* (i) If OPM receives an application for refund within 1 year of the date the agency's debt claim was received and the creditor agency does not indicate that interest is accruing on the debt, the debt will be processed as stated in paragraph (b)(1)(ii) of this section.

(ii) If OPM receives an application for refund within 1 year of the date the agency's debt claim was received and the creditor agency indicates that interest accrues on the debt, when necessary, OPM will contact the creditor agency to confirm that the debt is outstanding and request submission in writing, of the total additional accrued interest. OPM will not make interest computations for creditor agencies.

(iii) When OPM receives an application for refund more than 1 year after the creditor agency's debt claim was received, whether interest accrues or not, OPM will contact the creditor agency to see if the debt is still outstanding and, when necessary, request an update of the interest charges. If the debt is still due, the creditor agency must give the debtor an opportunity to establish that his or her changed financial circumstances, if any, would make the offset unjust. (See 4 CFR 102.4(c).) If the creditor agency determines that offset as requested in the debt claim would be unjust because of the debtor's changed financial circumstances, the agency should permit the debtor to offer a satisfactory repayment plan in lieu of offset. If the agency decides to pursue the offset, it must submit to OPM the requested information and any new instructions within 60 days of the date of OPM's request or the claim may be voided and the balance paid to the individual.

(c) *Annuities—incomplete debt claims.* (1) If a creditor agency sends OPM notice of a debt or an incomplete debt claim against a debtor who is receiving an annuity, OPM will not offset the annuity. OPM will notify the creditor agency that—

(i) The procedures in this subpart and 4 CFR 102.4 must be completed; and

(ii) A debt claim must be completed and sent to OPM.

(2) No time limit will be given for the submission of a debt claim against an annuity; however, a debt claim must be received within 10 years of the date the Government's right to collect first accrued (4 CFR 102.3(b)(3)).

(d) *Annuities—complete debt claims*—(1) *General*—(i) *Notice.* When OPM receives a complete debt claim and an application for annuity, OPM will offset the annuity, pay the creditor agency, and mail the debtor a copy of the debt claim along with notice of the payment to the creditor agency.

(ii) *Beginning deductions.* If OPM already established the debtor's annuity payment, deductions will begin with the next available annuity payment. If OPM is in the process of establishing the annuity payments, deductions will not be taken from advance annuity payments, but will begin with the annuity payable on the first day of the month following the last advance payment.

(iii) *Updating accrued interest.* Once OPM has completed a collection, if there are additional accrued interest charges, the creditor agency must contact OPM regarding any additional amount due within 90 days of the date of the final payment.

(2) *Claims held for future recovery.* (i) If OPM receives an application for annuity within 1 year of the date the agency's debt claim was received, the debt will be processed as stated in paragraph (c)(1) of this section.

(ii) If OPM receives an application for annuity more than 1 year after the agency's debt claim was submitted, OPM will contact the creditor agency to see if the debt is still outstanding. If the debt is still due, the creditor agency should permit the debtor to offer a satisfactory repayment plan in lieu of offset if the debtor establishes that his or her changed financial circumstances would make the offset unjust. (See 4 CFR § 102.4(c).) If the agency decides to pursue the offset, it must submit the requested information and any new instructions about the collection to OPM.

(e) *Limitations on OPM review.* In no case will OPM review—

(1) The merits of a creditor agency's decision regarding reconsideration, compromise, or waiver; or

(2) The creditor agency's decision that a hearing was not required in any particular proceeding.

§ 845.407 Installment withholdings.

(a) When possible, OPM will collect a creditor agency's full claim in one payment from the debtor's refund or annuity.

(b) If collection must be made from an annuity and the debt is large, the creditor must generally accept payment in installments. The responsibility for establishing and notifying the debtor of the amount of the installments belongs to the creditor agency (see § 845.405(b)(5)). However, OPM will not make an installment deduction for more than 50 percent of net annuity, unless a higher percentage is needed to satisfy a judgment against a debtor within 3 years or the annuitant has consented to the higher amount in writing. All correspondence concerning installment deductions received by OPM will be referred to the creditor agency for consideration.

§ 845.408 Special processing for fraud claims.

When an agency sends a claim indicating fraud, presentation of a false claim, misrepresentation by the debtor or any other party interested in the claim, or any claim based in whole or part on conduct violating the antitrust laws, to the Department of Justice (Justice) for possible treatment as a fraud claim (4 CFR 101.3), the following special procedures apply.

(a) *Agency processing.* If the debtor is separated or separates while Justice is reviewing the claim, the paying agency must send the Individual Retirement Record to OPM, as required by § 845.405(c)(2). The agency where the claim arose must send OPM notice that a claim is pending with Justice. (See § 845.405(b)(6) for instructions on giving OPM a notice of debt.)

(b) *Department of Justice processing.* (1) The Attorney General or a designee will decide whether a debt claim sent in by an agency will be reserved for collection by Justice as a fraud claim. Upon receiving a possible fraud claim to be collected by offset from the Fund, the Attorney General or a designee must notify OPM. The notice to OPM must contain the following:

(i) The name, date of birth, and social security number of the debtor;

(ii) The amount of the possible fraud claim, if known;

(iii) The basis of the possible fraud claim; and

(iv) A statement that the claim is being considered as a possible fraud claim, the collection of which is reserved to Justice.

(2) When there is a pending refund application, the Attorney General or designee must file a complaint seeking a judgment on the claim and send a copy of the complaint to OPM; or as provided in 4 CFR 101.3, refer the claim to the agency where the claim arose and submit a copy of the referral to OPM within 180 days of the date of either notice from the agency that a claim is pending with Justice (paragraph (a) of this section) or notice from Justice that it has received a possible fraud claim (paragraph (b)(1) of this section) whichever is earlier. When the claim is referred to the agency where it arose, the agency must begin administrative collection action under 4 CFR 102.4 and send a complete debt claim to OPM as required in § 845.405.

(c) *OPM processing against refunds.* (1) Upon receipt of a notice under paragraph (a) or (b)(1) of this section, whichever is earlier, OPM will withhold the amount of the debt claim, if known; notify the debtor that the amount of the debt will be withheld from the refund for at least 180 days from the date of the notice that initiated OPM processing; and pay the balance to the debtor. If the amount of the debt claim is not known, OPM will notify the debtor that a debt claim may be offset against his or her refund and that OPM will not pay any amount until either the amount of the debt claim is established, or the time limit for filing a complaint in court or submitting the debt claim expires, whichever comes first.

(2) If the Attorney General files a complaint and notifies OPM within the applicable 180-day period, OPM will continue to withhold payment of the lump-sum credit until there is a final judgment.

(3) If the Attorney General refers the claim to the agency where the claim arose (creditor agency) and notifies OPM within the applicable 180-day period, OPM will notify the creditor agency that (i) the procedures in this subpart and 4 CFR 102.4 must be completed; and (ii) a debt claim must be sent to OPM within 120 days of the date of OPM's notice to the creditor agency. At the request of the creditor agency, one extension of time of not more than 60 days will be granted, as provided by § 845.406(a).

(4) If OPM is not notified that a complaint has been filed or that the claim has been referred to the creditor agency within the applicable 180-day period, OPM will pay the balance of the refund to the debtor.

(d) *OPM processing against annuities.* If the debtor has filed an annuity claim, OPM will not take action against the annuity. OPM will continue to pay the annuity unless and until there is a final judgment for the United States or submission of a complete debt claim.

(e) *OPM collection and payment of the debt.* (1) If the United States obtains a judgment against the debtor for the amount of the debt or the creditor agency submits a complete debt claim, OPM will collect and pay the debt to the creditor agency as provided in §§ 845.406 and 845.407.

(2) If the suit or the administrative proceeding results in a judgment for the debtor without establishing a debt to the United States, OPM will pay the balance of the refund to the debtor upon receipt of a certified copy of the judgment or administrative decision.

[FR Doc. 87–4044 Filed 2–26–87; 8:45 am]
BILLING CODE 6325–01–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 649]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 649 establishes the quantity of California-Arizona navel oranges that may be shipped to market during the period February 27, 1987, through March 5, 1987. Such action is needed to balance the supply of fresh navel oranges with the demand for such period, due to the marketing situation confronting the orange industry.

DATE: Regulation 649 (§ 907.949) is effective for the period February 27, 1987, through March 5, 1987.

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

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

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

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

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

This action is consistent with the marketing policy for 1986–87 adopted by the Navel Orange Administrative Committee. The committee met publicly on February 24, 1987, in Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended unanimously a quantity of navel oranges deemed advisable to be handled during the specified week. The committee reports that the market for navel oranges is steady.

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

List of Subjects in 7 CFR Part 907

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

PART 907—[AMENDED]

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

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

2. Section 907.949 Navel Orange Regulation 649 is added to read as follows:

§ 907.949 Navel Orange Regulation 649.

The quantities of navel oranges grown in California and Arizona which may be handled during the period February 27, 1987, through March 5, 1987, are established as follows:

(a) District 1: 1,605,635 cartons;

(b) District 2: Unlimited cartons;

(c) District 3: Unlimited cartons;

(d) District 4: Unlimited cartons;

Dated: February 25, 1987.

Joseph A. Gribbin,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 87–4318 Filed 2–26–87; 8:45 am]
BILLING CODE 3410–02–M

7 CFR Part 910

[Lemon Reg. 550]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 550 establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 305,000 cartons during the period March 1–7, 1987. Such action is needed to balance the supply of fresh lemons with market demand for the period specified,

due to the marketing situation confronting the lemon industry.

DATES: Regulation 550 (§ 910.850) is effective for the period March 1–7, 1987.

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

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

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

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

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

This regulation is consistent with the marketing policy for 1986–87. The committee met publicly on February 24, 1987, in Los Angeles, California, to consider the current and prospective conditions of supply and demand and unanimously recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports that the market is improving.

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

List of Subjects in 7 CFR Part 910

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

PART 910—[AMENDED]

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

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

2. Section 910.850 added to read as follows:

§ 910.850 Lemon Regulation 550.

The quantity of lemons grown in California and Arizona which may be handled during the period March 1 through March 7, 1987, is established at 305,000 cartons.

Dated: February 25, 1987.

Joseph A. Gribbin,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 87–4319 Filed 2–26–87; 8:45 am]

BILLING CODE 3410–02–M

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. 86–119]

Brucellosis in Cattle; State and Area Classification

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 governing the interstate movement of cattle because of brucellosis by changing the classification of Puerto Rico from Class A to Class Free. This rule is necessary because it has been determined that Puerto Rico meets the standards for Class Free status. The effect of this action is to relieve certain restrictions on the interstate movement of cattle from Puerto Rico.

EFFECTIVE DATE: February 27, 1987.

FOR FURTHER INFORMATION CONTACT: Dr. Jan D. Huber, Domestic Program Support Staff, VS, USDA, Room 812, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782; (202) 436–5965.

SUPPLEMENTARY INFORMATION:

Background

The interim rule published October 2, 1986 (51 FR 35205–35206), was effective on the date of publication in the **Federal Register**, and comments were solicited for 60 days ending December 1, 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, 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 effect on competition, employment, investment, productively, 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 the 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 Puerto Rico reduces certain requirements on the interstate movements of these cattle. Cattle from Certified Brucellosis-Free Herds moving interstate are not affected by the change in status. It has been determined that the changes in brucellosis status made by this document will not affect 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 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 CFR Part 3015, Subpart V).

List of Subject in 9 CFR Part 78

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

PART 78—BRUCELLOSIS

Accordingly, we are adopting as a final rule the interim rule that amended 9 CFR Part 78 that was published at 51 FR 35205–35206 on October 2, 1986.

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).

Done in Washington, D.C., this 24th of February, 1987.

B.G. Johnson,

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

[FR Doc. 87–4092 Filed 2–26–87; 8:45 am]

BILLING CODE 3410–34–M

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9 CFR Part 92

[Docket No. 87–001]

Requirement for Branding of Cattle From Mexico

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations on importation of cattle to require branding of steers imported into the United States from Mexico. This action is necessary to improve surveillance for bovine tuberculosis in cattle by providing a permanent means of identifying steers of Mexican origin.

EFFECTIVE DATE: March 30, 1987.

FOR FURTHER INFORMATION CONTACT: Dr. M. A. Essey, Program Planning Staff, VS, APHIS, USDA, Room 844, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–5961.

SUPPLEMENTARY INFORMATION: Title 9 Part 92 of the Code of Federal Regulations (9 CFR Part 92; and referred to below as the regulations) regulates the importation into the United States of specified animals and animal products to prevent the introduction into the United States of various diseases.

A document published in the **Federal Register** on November 13, 1986 (51 FR 41109–41110) proposed to amend § 92.35(c) of the regulations, which contains provisions restricting the importation of certain Mexican cattle to prevent the introduction of bovine tuberculosis into the United States. We proposed to add a new paragraph (c)(2) to § 92.35 to require steers imported into the United States from Mexico be branded with the letter "M" on each steer's right jaw, which would provide a permanent, highly visible means of identifying steers of Mexican origin. The jaw area is recognized and used by animal health officials around the world as a location for branding for international livestock disease eradication purposes. It is necessary to be able to determine the origin of a steer in order to trace the movements of an infected animal, for disease eradication purposes.

We solicited comments on the proposal for 60 days, ending on January 12, 1987, and received 40 comments. Commenters included State departments of agriculture, cattle producers, a veterinary medical association and private citizens. All but one commenter were in favor of the proposal. We have carefully considered the comments submitted in response to the proposal, and discuss below the issue raised by the comment opposed to the proposal. Based on the rationale set forth in the proposal and in this document, we are adopting the provisions of the proposal without change, in a final rule.

The one comment opposed to the proposal argued that branding cattle with an "M" on the right jaw would be of little value in identifying the origin of cattle at slaughter, because at the time of postmortem examination for tuberculosis, the hide will have been separated from the affected carcass. The comment indicated that such branding would be useful for purposes of identification only while the animal was still alive.

We disagree with the comment and believe that an "M" brand is an essential step in determining the Mexican origin of an animal, and that such identification can be maintained during the slaughtering process. Despite the usual separation of the hide from the carcass, at the time tuberculosis is detected, hide and carcass matching and identity can be performed throughout slaughter by utilizing variations of identification procedures already in existence in most slaughtering establishments.

Miscellaneous

This document also makes certain nonsubstantive changes in the regulations for purposes of clarity.

Executive Order 12291 and Regulatory Flexibility Act

This rule has been reviewed in conformance with Executive Order 12291 and has been determined to be not a "major rule." The Department has determined that this 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.

This final rule requiring that certain Mexican steers be branded prior to their arrival at United States ports of entry should not increase or decrease the number of Mexican steers imported into the United States. Branding will involve a small additional cost for Mexican ranchers and exporters, but this expenditure will not be significant—even for small entities—when measured against overall production and transportation costs. The Department also believes that the branding requirement will not affect cattle or meal prices at either the wholesale or retail levels.

Under the circumstances explained above, 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.

Paperwork Reduction Act

This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Executive Order 12372

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

List of Subjects in 9 CFR Part 92

Animal diseases, Canada, Imports, Livestock and livestock products, Mexico, Poultry and poultry products, Quarantine, Transportation, Wildlife.

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Accordingly, 9 CFR Part 92 is amended as follows:

1. The authority citation for Part 92 continues to read as follows:

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 134a, 134b, 134c, 134d, 134f, and 135; 7 CFR 2.17, 2.51, and 371.2(d).

§ 92.1 [Amended]

2. The definitions in § 92.1 are placed in alphabetical order, and the paragraph designations are removed.

3. Section 92.1 is amended by adding, in alphabetical order, the following new definition:

§ 92.1 Definitions.

* * * * *

United States. All of the States of the United States, the District of Columbia, Guam, Northern Mariana Islands, Puerto Rico, the Virgin Islands of the United States, and all other Territories and Possessions of the United States.

* * * * *

§ 92.35 [Amended]

4. In § 92.35, current paragraphs (c)(2) and (c)(3) are redesignated as (c)(3) and (c)(4), respectively.

5. In § 92.35 a new paragraph (c)(2) is added to read as follows:

§ 92.35 Cattle from Mexico.

* * * * *

(c) * * *

(2) Each steer imported into the United States from Mexico shall be branded with the letter "M," prior to arrival at a port of entry, unless the steer is imported for slaughter in accordance with § 92.40 of this part. The "M" brand shall be not less than 2 inches, nor more than 3 inches high, and shall be applied to each steer's right jaw with a hot iron.

* * * * *

Done in Washington, D.C., this 24th day of February 1987.

B.G. Johnson,

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

[FR Doc. 87–4091 Filed 2–26–87; 8:45 am]

BILLING CODE 3410–34–M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 5

[Docket No. 87–3]

Rules, Policies and Procedures for Corporate Activities; Corporate Activities Processing and Delegations

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: The Office of the Comptroller of the Currency ("Office") is amending 12 CFR 5.3 to update official titles; add to the chain of command by designating another official to act in the absence of the Senior Deputy Comptroller for Corporate and Economic Programs; make provisions for subdelegations to various Office organizational segments; and eliminate the list of specific matters delegated to the District Administrators, Deputy Comptrollers (Districts) and the Deputy Comptroller for Multinational Banking. These administrative changes are intended to enable the Office to adopt new processing procedures or to amend existing delegations in a more timely manner, and to simplify published delegations by eliminating nonessential information. Internal delegation orders are available to the public upon written request from the Communications, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, SW., Washington, DC 20219. Minor technical changes are made to 12 CFR 5.1.

EFFECTIVE DATE: February 27, 1987.

ADDRESS: Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, SW., Washington, DC 20219.

FOR FURTHER INFORMATION CONTACT: Sheila G. Ogilvie, National Bank Examiner/Licensing Policy and Systems Analyst at (202) 447–1184, Bank Organization and Structure.

SUPPLEMENTARY INFORMATION:

Background

This final rule is part of the Office's Corporate Activities Review and Evaluation (CARE) Program. That program is described in the **Federal Register** (45 FR 68586), dated October 15, 1980, and involves a comprehensive review of the Office rules, policies, procedures, and forms governing filings for corporate expansion and structure changes for national banks. The goals of the CARE program are to minimize the costs and burdens on applicants, the agency and the public; to provide a better understanding of policies; to modify or eliminate rules, policies, procedures, and forms which are unnecessary or lead to inefficiencies; and to remove barriers to competition.

Purpose

The Office is amending 12 CFR 5.3 to update official titles; add to the chain of command by designating another official to act in the absence of the Senior Deputy Comptroller for Corporate and Economic Programs; make provisions for subdelegations to various Office organizational segments; and to eliminate the list of specific matters delegated to the Deputy Comptrollers (Districts), District Administrators, and the Deputy Comptroller for Multinational Banking.

At the same time, the Office is modifying its internal delegation orders, which are available to the public upon written request, to expand the authority of the Deputy Comptrollers (Districts), the Deputy Comptroller for Bank Organization and Structure and the Deputy Comptroller for Multinational Banking. The new delegation order will also permit the Deputy Comptrollers (Districts) and the District Administrators to subdelegate certain functions to the field offices under their supervision. In § 5.1 a few minor technical changes are made for clarity.

These changes will allow the Office to realign corporate activities processing and delegations to enable the district offices to decide most corporate activity filings from banks under district supervisory authority.

This final rule benefits national banks and the Office as costs and burdens are reduced by streamlining the decision process to eliminate unnecessary reviews.

Administrative Procedure Act

The Office has determined that notice and comment are not required under 5 U.S.C. 553(b)(A) because this rulemaking pertains to rules of agency organization, procedure and practice. Moreover, because this rulemaking is nonsubstantive and will benefit the public, it is found unnecessary, pursuant to 5 U.S.C. 553(d)(3), to provide for a delayed effective date.

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required by the Administrative Procedure Act or any other statute, the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601–612) are not applicable.

Executive Order 12291

Because this rule concerns agency organization and management, it is not subject to Executive Order 12291.

List of Terms

National Banks, District Offices, Administrative Practices and Procedures, Delegations, Corporate Activities.

PART 5—RULES, POLICIES, AND PROCEDURES FOR CORPORATE ACTIVITIES

Authority and Issuance

For the reasons set forth in the preamble, 12 CFR Part 5 is amended as follows:

1. The authority citation for 12 CFR Part 5 continues to read as follows:

Authority: 12 U.S.C. 1 *et seq.*

2. Section 5.1(a) is revised to read as follows:

§ 5.1 Scope of part.

(a) This part establishes rules, policies and procedures of the Office of the Comptroller of the Currency ("Office") for national bank corporate activities ("corporate activities"). The Office renders decisions on requests for approval of corporate activities and on filings for proposed changes in bank control. Information on where and how to file, requirements and policies applicable to each type of filing, procedures which will be followed, and other rules of general and specific applicability are included.

* * * * *

3. Section 5.3 is revised to read as follows:

§ 5.3 Corporate activities processing and delegations of authority.

(a) *General.* The Comptroller of the Currency delegates certain functions of the Office as described in this section. In any case in which a delegate deems it appropriate, the delegate may submit the matter to an authorized official or to the Comptroller. The Comptroller or an authorized official may reserve the right to render a decision on any specific filing in a category previously delegated.

(b) *Headquarters ("Washington Office").* (1) The Senior Deputy Comptroller for Corporate and Economic Programs, or in his or her absence, the Senior Deputy Comptroller for Administration, is authorized to act on any corporate application or filing described in this part. In the absence of both the Senior Deputy Comptroller for Corporate and Economic Programs and the Senior Deputy Comptroller for Administration, the Senior Deputy Comptroller for Bank Supervision—Policy is authorized to act. In the absence of the Senior Deputy Comptroller for Bank Supervision—Policy, the Senior Deputy Comptroller for Bank Supervision—Operations is authorized to act.

(2) The Senior Deputy Comptroller for Corporate and Economic Programs may delegate authority described in this part to the Deputy Comptrollers (Districts), District Administrators, the Deputy Comptroller for Bank Organization and Structure, or the Deputy Comptroller for Multinational Banking. Exercise of delegated authority is subject to any limitations the Comptroller or the Senior Deputy Comptroller for Corporate and Economic Programs defines.

(3) The Senior Deputy Comptroller for Corporate and Economic Programs may authorize the Deputy Comptrollers (Districts), District Administrators, the Deputy Comptroller for Bank Organization and Structure, or the Deputy Comptroller for Multinational Banking to further delegate the authority delegated to them subject to any limitations the Comptroller or Senior Deputy Comptroller for Corporate and Economic Programs defines.

(c) *Availability of Internal Delegation Orders.* Copies of internal Office delegation orders are available by written request to Communications, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, SW., Washington, DC 20219.

Dated: December 18, 1986.

Robert L. Clarke,

Comptroller of the Currency.

[FR Doc. 87-4090 Filed 2-26-87; 8:45 am]

BILLING CODE 4810-33-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 500

Public-Use Forms

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board ("Board") is amending 12 CFR 500.31 to update the list of public-use forms of the Board and the Federal Savings and Loan Insurance Corporation.

EFFECTIVE DATE: February 27, 1987.

FOR FURTHER INFORMATION CONTACT: Colleen Devine, Chief, Management Analysis Staff, Administration Office (202-377-6025), Federal Home Loan Bank Board, 1700 G Street, NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION: The Board has determined that observance of the notice and comment procedures of 5 U.S.C. 552(b) and 12 CFR 508.11 and the delay of effective date pursuant to 5 U.S.C. 552(d) and 12 CFR 508.11 is unnecessary, because the amendment is of a minor, technical nature in that it merely updates the list of forms.

List of Subjects in 12 CFR Part 500

Federal Home Loan Bank Board, organization and channelling of functions.

Accordingly, The Board hereby amends Part 500, Subchapter A, Chapter V, Title 12, *Code of Federal Regulations,* as set forth below.

SUBCHAPTER A—GENERAL

PART 500—ORGANIZATION AND CHANNELLING OF FUNCTIONS

1. The authority citation for Part 500 continues to read as follows:

Authority: Sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1437); sec. 402, 48 Stat. 1256, as amended (12 U.S.C. 1725); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR , 1943-48 Comp., p. 1071; Reorg. Plan No. 6 of 1961, reprinted in 12 U.S.C.A. 1437 App. (West Supp. 1986).

2. Revise § 500.31 to read as follows:

§ 500.31 Forms.

(a) The following forms, which are available at the offices of agents of the Board and the Federal Savings and Loan Insurance Corporation at the Federal Home Loan Banks, shall be used for the purpose indicated.

(1) Forms with permanent numbers, excepting Savings and Loan Holding Company forms in the H series:

Form:

107—Monthly Report of Selected Financial Data (Insured institutions) [1]

107a—Supplement to Monthly Report (Sample of Insured Associations) [1]

138—Outline of Information to be Submitted in Support of an Application for Permission to Organize a Federal Savings and Loan Association

138a—Application for Permission to Organize a Federal Mutual Savings and Loan Association

138b—Application for Permission to Organize a Federal Mutual Savings Bank

138c—Application for Permission to Organize a Federal Stock Savings and Loan Association

138d—Application for Permission to Organize a Federal Stock Savings Bank

139—Biographical and Financial Report (Certain applications)

140—Outline of Information to be Submitted in Support of an Application for Insurance of Accounts or a Request for a Commitment to Insure Accounts

140a—Application for Insurance of Accounts

[1] Applicable through December 31, 1986.

140b—Request for a Commitment to Insure Accounts (State-Chartered institutions)
159a—Application for Conversion from a State-Chartered Mutual Institution into a Mutual Savings and Loan Association
159b—Application for Conversion from a State-Chartered Mutual Institution into a Federal Mutual Savings Bank
159c—Application for Conversion from a State-Chartered Stock Institution into a Federal Stock Savings and Loan Association
159d—Application for Conversion from a State-Chartered Stock Institution into a Federal Stock Savings Bank
248—Annual Report: Deposits and Savings at Branch Offices (Insured Associations)
303—Statement of Condition (Federal Savings and Loan Associations)
366—Criminal Referral
443—Report of Liquidity Deficiency (Bank member)
450—Application for Membership and Subscription to Stock in Federal Home Loan Bank
603—Pledge and Escrow Agreement (Insurance of Accounts)
647—Lender's Schedule of Housing Opportunity Allowance Programs (Bank member)
660—Confidential Biographical and Financial Report (Holding Company)
700—Application for Permission to Establish a Branch Office (Federal Savings and Loan Associations)
710—Application for Merger or Increase in Accounts of an Insurable Type
850—Application for Permission to Change Location of an Office (Federal Savings and Loan Associations)
877a—Rates and Terms on Conventional 1-Family Nonfarm Mortgage Loans: Loans Closed (monthly sample of insured associations and mortgage companies)
877b—Rates and Terms on Conventional 1-Family Nonfarm Mortgage Loans: Policy on Interest Rates and Fees (monthly sample of insured associations and mortgage companies)
893—Determination of Compliance with Insurance Regulation § 563.13
1013—Federal Home Loan Bank Board Membership Change of Status Report
1015—Financial Report for Wholly-Owned Service Corporations
1154o—Loan Application Register—Mortgage Loans
1154p—Loan Application Register—Home Improvement and/or Equipping Loans
1154q—Loan Application Register—Mobile Home Loans
1173—Notice in Change of Control of an Insured Institution or Savings and Loan Holding Company
1183—A Confidential Biographical and Financial Report
1192o—Data Submission Report—Mortgage Loans
1192p—Data Submission Report—Home Improvement Loans
1192q—Data Submission Report—Mobile Home Loans
1194—List of Decision Centers for Loan Application Register System
1240—Application for Trust Department
1286—Net Worth Certificate Act—Application for Capital Assistance and Computation Worksheet
1312a—Monthly Financial Survey: Selected Deposits and Accounts [2]
1312b—Monthly Financial Survey: Balance Sheet and Activity [2]
1312c—Monthly Financial Survey: Quarterly Supplement of Cash, Deposits and Investment Securities (Monthly sample of insured associations)
1313—Thrift Financial Report (Sections A through I, and K)
1314—Application for Purchase of Branch Office(s) and/or Transfer of Savings Accounts
1337—Monthly Financial Report [2]
1344—Application for the Issuance of Subordinated Debt Securities
Form:
AC—Application for Preliminary Approval for Conversion from Mutual to Stock Form (insured institutions)
PS—Proxy Statement in Connection with Conversion from Mutual to Stock Form (insured institutions)
OC—Offering Circular in Connection with Conversion from Mutual to Stock Form and Securities Offerings by Insured Institutions
Form:
H-(b)3—Registration Statement (Corporation as Trustee)
H-(b)4—Registration Statement (Creditor as savings and loan holding company)
H-(b)5—Registration Statement (Voting Trust)
H-(b)10—Registration Statement
H-(b)11—Annual Report

(2) Savings and Loan Holding Company forms (Corporations as Trustee) in § 584.10 of this chapter):

H-(b)12—Current Report
H-(c)1—Notice Filing (Pursuant to § 584.2-1)
H-(d)2—Application under § 584.4
H-(e)1—Application under § 584.4
H-(e)2—Application under § 584.4
H-(e)3—Application under § 584.4
H-(e)4—Application under § 584.4
H-(f)—Divided Notification
H-(g)—Application under § 584.4

(b) The following forms, which are available at the Office of the Federal Savings and Loan Insurance Corporation, Federal Home Loan Bank Board Building, 1700 G Street, NW., Washington, DC 20552, are prescribed for use by members of the public:

Form:
681—Affidavit as to Ownership Interest in Non-qualifying Joint Accounts
683—Agreement to Indemnify (Payment of Claim for Insurance)
844—Affidavit for Lost Passbook or Certification Claim for Insurance and Assignment of Insured Account
927—Certificate of Claim in Liquidation
927a—Assignment of Certificate

By the Federal Home Loan Bank Board.

Jeff Sconyers,

Secretary.

[FR Doc. 87-3972 Filed 2-26-87; 8:45 am]

BILLING CODE 6720-01-M

[2] Applicable through December 31, 1986.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 86-NM-161-AD; Amdt. 39-5570]

Airworthiness Directives; Lockheed-California Company Model L-1011 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that requires inspections and replacement of the pylon attach fitting-to-skate-angle bolts on Lockheed L-1011 airplanes. This action is necessary to detect broken H-11 bolts that have failed due to stress-corrosion. Failure of two or more bolts, in combination with maximum limit load conditions, could lead to engine separation from the wing.

DATE: Effective April 2, 1987.

Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from Lockheed-California Company, P. O. Box 551, Burbank, California 91520, Attention: Commercial Order Administration, Dept. 65-33, U-33, B-1. This information may be examined at

the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at 4344 Donald Douglas Drive, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Mr. Kyle L. Olsen, Aerospace Engineer, Airframe Branch, ANM-121L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808; telephone (213) 514-6319.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive to require inspection for broken bolts and replacement of the pylon attach fitting-to-skate-angle H-11 bolts on Lockheed Model L-1011 series airplanes, was published in the **Federal Register** on September 2, 1986 (51 FR 31137). The comment period for the proposal closed on October 20, 1986.

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

Comments received from the manufacturer, the Air Transport Association (ATA) of America on behalf of its members, and several other commenters, suggested that the FAA had underestimated the cost impact of the AD on U.S. operators. Upon reconsideration, the FAA concurs that the cost impact was underestimated; however, the cost of the replacement bolt reflected in the economic impact analysis was based upon information provided to the FAA at the time the NPRM was being prepared. The cost estimate in this document has been revised to reflect the revised cost estimates of the MP-35N bolt and revised manhour estimates.

Several commenters requested that the date to replace the H-11 bolts with MP-35N bolts, January 15, 1989, be extended, or that the H-11 bolts be allowed to remain in service as long as they are inspected. As a part of their justification, the commenters cited the cost burden and delivery lead times for the MP-35N bolts. Also, they stated that actual conditions have shown that failed bolts do not necessarily back out or fail at the shear joint. The FAA has reconsidered the proposed required replacement date and concurs that it may be unduly restrictive. The FAA has determined that the required replacement date may be extended to January 15, 1991, without significantly affecting safety, provided the repetitive inspections are performed. However, the FAA does not concur that the H-11 bolts can remain in service indefinitely, in this application, because of unsatisfactory service history.

Several commenters, including the manufacturer, requested that the repetitive inspection interval be revised from "3,000 hours time-in-service" to "3,000 hours time-in-service or 15 months, whichever is later." Since stress corrosion is time-dependent, the FAA agrees, and the final rule has been revised accordingly.

After the NPRM was issued, the referenced Lockheed service bulletin was revised to clarify the engine support requirements and to correct or add material callouts and part numbers. The final rule has been revised to refer to this latest revision of the applicable service bulletin. This is an editorial change and does not represent any change in the scope of this AD. The FAA has determined that this change will not increase the financial burden on any operator.

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

It is estimated that 120 airplanes of U. S. registry will be affected by this AD, that it will take approximately 70 manhours per airplane to accomplish the required actions, plus approximately $8,000 for new parts per airplane; and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $2,928,000.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities because few, if any, Model L-1011-385 series airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

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

Lockheed-California Company: Applies to Lockheed Model L-1011-385 series airplanes, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent engine separation due to broken pylon attach fittings-to-skate-angle bolts, which are cracking because of stress-corrosion, accomplish the following:

A. Before accumulating a total of 15,000 hours time-in-service or within the next 3,000 hours time-in-service after the effective date of the AD, whichever occurs later, and thereafter at intervals not to exceed 3,000 hours time-in-service or 15 months, whichever occurs later, accomplish the following:

1. Inspect the pylon attach fittings-to-skate-angle bolts in accordance with the Accomplishment Instructions in Lockheed Service Bulletin 093-54-049, Revision 1, dated September 25, 1986, or later FAA approved revision.

2. If broken bolts are found, before further flight, replace each broken bolt with a new bolt in accordance with the Accomplishment Instructions in Lockheed Service Bulletin 093-54-049, Revision 1, dated September 25, 1986, or later FAA-approved revision.

B. Before accumulating a total of 15,000 hours time-in-service or before January 15, 1991, whichever is later, replace all of the pylon attach fittings-to-skate-angle H-11 steel bolts with stress-corrosion resistant MP-35N bolts in accordance with the Accomplishment Instructions in Lockheed Service Bulletin 093-54-049, Revision 1, dated September 25, 1986, or later FAA-approved revision. The inspections required by paragraph A. may be discontinued after paragraph B. has been accomplished.

C. Alternate means of compliance which provide an acceptable level of safety may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Order Administration, Dept. 65-33, U-33, B-1. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway

South, Seattle, Washington, or the Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California.

This amendment becomes effective April 2, 1987.

Issued in Seattle, Washington, on February 18, 1987.

Wayne J. Barlow,

Director, Northwest Mountain Region.

[FR Doc. 87-4052 Filed 2-26-87; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 86-NM-205-AD; Amdt. 39-5569]

Airworthiness Directives; Aerospatiale Model ATR-42 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Aerospatiale Model ATR-42 series airplanes, that requires modification to the pilot's seat back locking mechanism on certain flightcrew seats. This action is prompted by a report of a seat back collapsing in flight. Failure of the seat reduces the pilot's ability to control the airplane.

EFFECTIVE DATE: April 2, 1987.

ADDRESSES: The applicable service information specified in this AD may be obtained from Aerospatiale, 316 Route de Bayonne, 31060 Toulouse Cedex 03, France. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: 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: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive, which requires modification of the crew seat back structure and locking mechanism to prevent inadvertent collapse of the seat back, was published in the **Federal Register** on November 5, 1986 (51 FR 40209).

Interested parties have been afforded an opportunity to participate in the making of this amendment. No comments were received in response to the Notice of Proposed Rulemaking (NPRM).

Since issuance of the NPRM, the manufacturer has issued Revision 1 to Aerospatiale Service Bulletin 42-25-0006, dated September 3, 1986. This revision does not change the modification procedures, parts, or applicability as reflected in the original issue of the service bulletin; it only revises the estimated manhours required for accomplishment of the modification, from 3 to 9 manhours. Accordingly, the final rule has been revised to permit modification in accordance with Revision 1, and the economic impact analysis has been revised to reflect the change in manhours necessary for accomplishment of the required actions. The FAA has determined that this change will not increase the financial burden on any operator, nor does it expand the scope of the AD.

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

It is estimated that 4 airplanes of U.S. registry will be affected by this AD, that it will take approximately 9 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be $1,440.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities because of the minimal cost of compliance per airplane ($360). A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Regulations as follows:

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

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

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

AEROSPATIALE: Applies to Model ATR-42 series airplanes listed in Aerospatiale Service Bulletin ATR 42-25-0006, dated July 21, 1986, fitted with IPECO flight crew seats, certificated in any category. Compliance is required within 30 days after the effective date of this AD, unless already accomplished.

To prevent collapse of the pilot or co-pilot seat backs, accomplish the following:

A. Modify seats, P/N 3A063-0035, 3A063-0036, 3A063-0079, and 3A063-0080, in accordance with Aerospatiale Service Bulletin ATR 42-25-0006, dated July 21, 1986, or Revision 1, dated September 3, 1986 (Reference IPECO Service Bulletin A001-25-22, dated June 5, 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 modifications required by this AD.

All persons affected by this directive who have not already received the appropriate service document from the manufacturer may obtain copies upon request to Aerospatiale, 316 Route de Bayonne, 31060 Toulouse Cedex 03, France. This document may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective April 2, 1987.

Issued in Seattle, Washington, on February 18, 1987.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 87-4050 Filed 2-26-87; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 86-NM-179-AD; Amdt. 39-5571]

Airworthiness Directives; Garrett Turbine Engine Company Model GTCP331 Series Auxiliary Power Units

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revises an existing airworthiness directive (AD), applicable to Garrett Model GTCP331-

200A and -200AC Auxiliary Power Units (APU) installed on Boeing Model 757 and Boeing Model 767 series airplanes, which currently requires modification of the APU cooling fan containment housing. This amendment is necessary to extend the applicability of the AD to all U.S.-registered airplanes equipped with the Garrett GTCP331 series APU's. This action is prompted by the recent U.S. registration of other make/model airplanes equipped with the Garrett GTCP series APU.

EFFECTIVE DATE: April 2, 1987.

ADDRESSES: The applicable service information may be obtained from Garrett Turbine Engine Company, P.O. Box 5217, Phoenix, Arizona 85010. This information may be examined at the Federal Aviation Administration (FAA), Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the Western Aircraft Certification Office, 15000 Aviation Boulevard, Hawthorne, California.

FOR FURTHER INFORMATION CONTACT: Mr. Bill Moring, Aerospace Engineer, Propulsion Section, ANM-174W, FAA, Northwest Mountain Region, Western Aircraft Certification Office, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009-2007; telephone (213) 297-1382.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to revise AD 85-14-02, Amendment 39-5091 (50 FR 27933; July 9, 1985), to require broadening the applicability statement of the AD to include all U.S. registered airplanes with GTCP331 APU installed, was published in the Federal Register on October 1, 1986 (51 FR 34998).

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

The only commenter, the ATA, concurred with the proposal.

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

It is estimated that 12 airplanes of U.S. registry will be affected by this AD, that it will take approximately 0.5 manhour per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Modification parts will be furnished by the manufacturer at no charge. Based on these figures, the total cost impact of the AD on U.S. operators for 12 additional airplanes affected by this AD is estimated to be $240.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities because of the minimal cost of compliance per airplane ($20.). A final evaluation has been prepared for this regulation and has been placed in the Regulatory Docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the 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.

2. By revising AD 85-14-02, Amendment 39-5091 (50 FR 27933; July 9, 1985), by revising the applicability statement and paragraph A. to read as follows:

"**Garrett Turbine Engine Company (GTEC) (formerly the AiResearch Manufacturing Company of Arizona):** Applies to all GTEC Models GTCP331 series Auxiliary Power Units (APU) with fan assembly, Garrett Part Number 3862160-3 or -4, installed. Compliance is required as indicated, unless already accomplished.

To prevent an uncontained APU cooling fan failure, accomplish the following:

A. Upon removal of the cooling fan assembly, Garrett Part No. 3862160-3 or -4, from an affected GTCP331 series Auxiliary Power Unit (APU) for any reason; or within 1,000 airplane hours time-in-service after August 15, 1985, or prior to September 15, 1985, whichever comes first, for the Boeing Model 757 and 767 series airplane; and within 1,000 airplane hours time-in-service after the effective date of this AD, for all other airplanes with GTCP331 series APU installed; incorporate the new fan assembly with the improved fan containment housing as specified in Section 2.A., "Accomplishment Instructions," of GTEC Service Bulletin GTC331-49-5546, dated August 9, 1984, or equivalent approved by the Manager, Western Aircraft Certification Office, FAA, Northwest Mountain Region."

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to the Garrett Turbine Engine Company, Post Office Box 5217, Phoenix, Arizona 85010. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the Western Aircraft Certification Office, 15000 Aviation Boulevard, Hawthorne, California.

This amends Amendment 39-5091.

This amendment becomes effective April 2, 1987.

Issued in Seattle, Washington on February 18, 1987.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 87-4051 Filed 2-26-87; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 86-NM-30-AD; Amdt. 39-5572]

Airworthiness Directives; McDonnell Douglas Model DC-10-10, -10F, -15, -30, -30F, -40, and K-10A (Military) Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires modification of flight compartment crew seat life vest pouches on certain McDonnell Douglas DC-10 and KC-10A (Military) series airplanes. This AD is prompted by reports of holes in the life vest caused by the life vest chafing against a metal plate sewn on the inside forward flap of the storage pouch. This AD is needed to minimize the potential for damage to crew seat life vests that would render the vest useless in an emergency.

EFFECTIVE DATE: Effective April 2, 1987.

Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESS: The applicable service information may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training. C1-L65 (54-60). This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or 4344 Donald Douglas Drive, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Mr. Jerald R. Berube, Aviation Safety Inspector, Manufacturing Inspection Branch, ANM-180L, FAA, Northwest

Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808; telephone (213) 514–6343.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include a new airworthiness directive (AD) which requires modification of certain flight compartment crew seats on McDonnell Douglas DC–10 and KC–10A (Military) series airplanes, was published as a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** on May 1, 1986 (51 FR 16176). The comment period for the proposal closed on June 23, 1986.

Interested person have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to all comments received. A total of 7 comments were received from 4 commenters.

Three commenters requested that an alternate means of compliance be included within the AD. The FAA has provided operators the option of obtaining an alternate means of compliance under paragraph C. of the AD. It is not practical to include all possible alternate means of compliance within the body of the AD.

Two commenters requested that the proposed rule be withdrawn because the intent of the proposed rule had previously been accomplished on their aircraft. FAA does not agree because there is no assurance that all operators have modified the seats. Additionally, the AD is necessary to preclude operators from returning the seats to the original configuration.

Two commenters noted that the proposed rule was in error in stating that, upon modification, the seat is reidentified in accordance with the Aircraft Mechanics, Inc., (AMI) service bulletin. There are no instructions in the service bulletin to reidentify the seats. The FAA agrees and the requirement for reidentification of the seats has been deleted from the final rule.

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

It is estimated that 194 airplanes of U.S. registry will be affected by this AD, that it will take approximately 3 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Based on these figures, the total cost impact of the AD is estimated to be $23,280.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities because few, if any, Model DC–10 or KC–10A airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the 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.

2. By adding the following new airworthiness directive:

McDonnell Douglas: Applies to McDonnell Douglas Model DC–10–10, –10F, –15, –30, –30F, –40, and KC–10A (Military) series airplanes, certificated in any category, equipped with Aircraft Mechanics, Inc., crew seats model numbers 1056, 1057, and 1058, having serial numbers 001 through 907 and 911. Compliance required as indicated, unless previously accomplished.

To preclude the potential of damage to crew seat life vests, accomplish the following:

A. Within 12 months after the effective date of this AD, inspect the life vest. If any signs of chafing are found, replace before further flight with a serviceable unit.

B. Within 12 months after the effective date of this AD, modify the crew seat in accordance with the accomplishment instructions of Aircraft Mechanics, Inc., Service Bulletin 25–DC–10/678–24, dated May 20, 1984, or later revision approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

C. Alternate means of compliance which provide an acceptable level of safety may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1–L65 (54–60). These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington or the Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California.

This amendment becomes effective April 2, 1987.

Issued in Seattle, Washington, on February 18, 1987.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 87–4053 Filed 2–26–87; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 87–AWP–2]

Alteration of VOR Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the descriptions of Federal Airways V–25, V–27, V–299 and V–485 located in the states of California, Oregon and Washington by removing all references which exclude operations within Restricted Area R–2520 because the restricted area is being revoked.

EFFECTIVE DATE: 0901 UTC, April 9, 1987.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, 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) 267–9254.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations amends the descriptions of V–25, V–27, V–299 and V–485 located in the states of California, Oregon and Washington to delete any reference to Restricted Area R–2520, which is being revoked by the FAA. This action removes from the descriptions of V–25, V–27, V–299 and V–485 the exclusion of airspace for R–2520. That exclusion has had no effect on the current configuration of V–25, V–27, V–299 and V–485 since R–2520 is being revoked, and any continuing reference to R–2520 is inappropriate and

misleading. Since this amendment is editorial only and does not alter existing airspace designations, I find that notice and public procedure under 5 U.S.C. 553(b) are unnecessary because this action is a minor technical amendment in which the public would not be particularly interested. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6B dated January 2, 1986.

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

List of Subjects in 14 CFR Part 71

Aviation safety, VOR Federal airways.

Adoption of the Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as amended (51 FR 7, 8, 6102 and 6103) is further amended, 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.

2. Section 71.123 is amended as follows:

V–25 [Amended]

By removing ", R–2520,"

V–27 [Amended]

By removing ", R–2520,"

V–299 [Amended]

By removing ", and the airspace within R–2520 is excluded"

V–485 [Amended]

By removing ", R–2520,"

Issued in Washington, DC, on February 18, 1987.

Harold H. Downey,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 87–4055 Filed 2–26–87; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 97

[Docket No. 25193; Amdt. No. 1341]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The 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, 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 14 CFR Part 97

Approaches, Standard instrument, Incorporation by reference.

Issued in Washington, DC, on February 20, 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: 48 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 and 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

Brewton, AL–Brewton Muni, VOR/DME RWY 30, Amdt. 5
Mobile, AL–Bates Field, RNAV RWY 9, Orig
Mobile, AL–Brookley, RNAV RWY 36, Orig
Monroeville, AL–Monroe County, VOR RWY 3, Amdt. 7
Monroeville, AL–Monroe County, VOR RWY 21, Amdt. 7
Monroeville, AL–Monroe County, VOR/DME RWY 3, Orig CANCELLED
Monroeville, AL–Monroe County, VOR/DME RWY 21, Orig CANCELLED
Middleton Island, AK–Middleton Island, NDB–A, Orig
Middleton Island, AK–Middleton Island, NDB–A, Amdt. 6 CANCELLED
Bridgeport, CT–Igor I. Sikorsky Memorial, VOR RWY 29, Orig.
Lake City, FL–Lake City Muni NDB RWY 28, Orig
Punta Gorda, FL–Charlotte County, VOR RWY 21, Amdt. 2
Punta Gorda, FL–Charlotte County, VOR RWY 33, Amdt. 2
Punta Gorda, FL–Charlotte County, RNAV RWY 27, Amdt. 3
Alma, GA–Bacon County, VOR RWY 33, Amdt. 6
Brunswick, GA–Glynco Jetport, VOR/DME–B Amdt. 5
Brunswick, GA–Glynco Jetport, RNAV RWY 7, Amdt. 5
Brunswick, GA–Glynco Jetport, RNAV RWY 25, Amdt. 5
Brunswick, GA–Malcolm McKinnon, VOR RWY 4, Amdt. 13
Brunswick, GA–Malcolm McKinnon, NDB RWY 4, Amdt. 3
Brunswick, GA–Malcolm McKinnon, NDB RWY 22, Amdt. 3
Brunswick, GA–Malcolm McKinnon, RNAV RWY 22, Amdt. 4
Columbus, GA–Columbus Metropolitan, RADAR–1, Amdt. 8
Flora IL–Flora Muni, NDB RWY 21, Amdt. 3
Peoria, IL–Greater Peoria, VOR or TACAN RWY 13, Amdt. 21
Peoria, IL–Greater Peoria, VOR/DME or TACAN RWY 31, Amdt. 7
Peoria, IL–Greater Peoria, NDB RWY 31, Amdt. 13
Peoria, IL–Greater Peoria, ILS RWY 13, Amdt. 4
Peoria, IL–Greater Peoria, ILS RWY 31, Amdt. 4
Wichita, KS–Wichita Mid–Continent, LOC BC RWY 19L, Amdt. 14
Lincoln, ME–Lincoln Regional, VOR/DME–A, Amdt. 1
Old Town, Me–DeWitt Fld, Old Town Muni, VOR–A, Amdt. 10
Hyannis, MA–Barnstable Muni–Boardman/Polando Field, VOR RWY 6, Orig
Hyannis, MA–Barnstable Muni–Boardman/Polando Field, VOR RWY 6, Amdt. 3 CANCELLED
Nantucket, MA–Nantucket Memorial, ILS RWY 24, Amdt. 12
Stow, MA–Minute Man Airfield, NDB–A, Amdt. 7
Montevideo, MN–Montevideo–Chippewa County, VOR RWY 14, Amdt. 3
Okonlona, MS–Okolona MUNI–Richard Stovall Field, VOR/DME RWY 18, Amdt. 2
Millville, NJ–Millville Muni, ILS RWY 10, Amdt. 1
Sussex, NJ–Sussex, VOR–A, Amdt. 5
Albany, NY–Albany County, VOR RWY 1, Amdt. 17
Albany, NY–Albany County, VOR/DME RWY 1, Amdt. 9
Saratoga Springs, NY–Saratoga County, VOR–A, Amdt. 4
Charlotte, NC–Charlotte/Douglas Intl, VOR RWY 36R, Amdt. 5
Rutherfordton, NC–Rutherford County, VOR RWY 36, Amdt. 2
Rutherfordton, NC–Rutherford County, NDB RWY 36, Amdt. 3
Port Clinton, OH–Carl R. Keller Field, VOR/DME–A, Amdt. 4
Port Clinton, OH–Carl R. Keller Field, NDB RWY 26, Amdt. 7
Tulsa, OK–Tulsa Intl, RNAV RWY 17L, Amdt. 3 CANCELLED
Tulsa, OK–Tulsa Intl, RNAV RWY 35R, Amdt. 2 CANCELLED
Hazleton, PA–Hazleton Muni, LOC RWY 28, Amdt. 4
Pittsburgh, PA–Greater Pittsburgh Intl, ILS RWY 32, Amdt. 7
St. Marys, PA–St. Marys Muni, VOR RWY 28, Amdt. 6
St. Marys, PA–St. Marys Muni, LOC/DME RWY 28, Amdt. 2
St. Marys, PA–St. Marys Muni, RNAV RWY 10, Amdt. 5
St. Marys, PA–St. Marys Muni, RNAV RWY 28, Amdt. 5
Pawtucket, RI–North Central State, VOR–B, Amdt. 3
Barnwell, SC–Barnwell County, NDB–A, Amdt. CANCELLED
Memphis, TN–Memphis Intl, ILS RWY 9, Amdt. 24
Castroville, TX–Castroville Muni, NDB RWY 33, Amdt. 1
Georgetown, TX–Georgetown Muni, NDB RWY 18, Amdt. 3
Wichita Falls, TX–Kickapoo Downtown Airpark, NDB–A Amdt. 5
Chesapeake, VA–Chesapeake Muni, NDB RWY 5, Amdt. 1
Norfolk, VA–Norfolk Intl, ILS RWY 5, Amdt. 22
Suffolk, VA–Suffolk Muni, NDB RWY 7, Amdt. 1
Ephrata, WA–Ephrata Muni, VOR RWY 20, Amdt. 18
Cumberland, WI–Cumberland Muni, NDB RWY 9, Orig

. . . Effective March 12, 1987.

Denver, CO–Stapleton Intl, ILS/DME RWY 36, Orig.
Lake Charles, LA–Lake Charles Muni, LOC BC RWY 33, Amdt. 17

. . . Effective February 12, 1987

Bluefield, WV–Mercer County, ILS RWY 23, Amdt. 11

Parkersburg, WV–Wood County Airport Gill Robb Wilson Fld, ILS RWY 3, Amdt. 9
Green Bay, WI–Austin–Straubel Field, RADAR–1, Amdt. 6

Transmittal Letter 87–5.

February 20, 1987.

[FR Doc. 87–4054 Filed 2–26–87; 8:45 am]

BILLING CODE 4910–3–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 282

[Docket No. RM79–14]

Incremental Pricing Regulations Implementing the Incremental Pricing Provision of the Natural Gas Policy Act of 1978

In the matter of Order of the Director, OPPR of Publication of Incremental Pricing Acquisition Cost Thresholds Under Title II of the NGPA.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order Prescribing Incremental Pricing Thresholds.

SUMMARY: The Director of the Office of Pipeline and Producer Regulation is issuing the incremental pricing acquisition cost thresholds prescribed by Title II of the Natural Gas Policy Act and 18 CFR 282.304. The Act requires the Commission to compute and publish the threshold prices before the beginning of each month for which the figures apply. Any cost of natural gas above the applicable threshold is considered to be an incremental gas cost subject to incremental pricing surcharging.

EFFECTIVE DATE: MARCH 1, 1987.

FOR FURTHER INFORMATION CONTACT: Richard P. O'Neill, Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, D.C. 20426, (202) 357–8500.

SUPPLEMENTARY INFORMATION:

Issued: February 24, 1987.

Section 203 of the NGPA requires that the Commission compute and make available incremental pricing acquisition cost threshold prices prescribed in Title II before the beginning of any month for which such figures apply.

Pursuant to that mandate and pursuant to § 375.307(1) of the Commission's regulations, delegating the publication of such prices to the Director of the Office of Pipeline and Producer Regulation, the incremental pricing acquisition cost threshold prices for the month of March, 1987 are issued by the publication of a price table for the month. The incremental pricing acquisition cost threshold prices for months prior to those reflected on the table are found in § 282.304.

The incremental pricing thresholds for March, 1987 reflect a two-month lag adjustment described in the notice of the March 1, 1986 thresholds.

List of Subjects in 18 CFR Part 282.

Natural gas.

Richard P. O'Neill,

Director, Office of Pipeline and Producer Regulation.

TABLE I.—INCREMENTAL PRICING ACQUISITION COST THRESHOLD PRICES

	January	February	March	April	May	June	July	August	September	October	November	December
Calendar Year 1986												
Incremental pricing threshold	$2.460	$2.467	$2.474	$2.481	$2.487	$2.493	$2.499	$2.504	$2.509	$2.514	$2.522	$2.530
NGPA section 102 threshold	4.166	4.191	4.216	4.241	4.264	4.287	4.310	4.332	4.354	4.376	4.403	4.431
NGPA section 109 threshold	2.539	2.546	2.553	2.560	2.566	2.572	2.578	2.583	2.588	2.593	2.601	2.609
130 percent of No. 2 fuel oil in New York City threshold	7.370	7.930	5.040	5.290	4.680	3.980	3.800	3.190	3.310	4.020	3.320	3.240
Calendar Year 1987												
Incremental pricing threshold	$2.538	$2.541	$2.544									
NGPA Section 102 threshold	4.459	4.478	4.497									
NGPA Section 109 threshold	2.617	2.620	2.623									
130% of No. 2 fuel oil in New York City threshold	4.09	4.660	4.620									

[FR Doc. 87–4176 Filed 2–26–87; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

Delegations of Authority and Organization; Center for Food Safety and Applied Nutrition

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending its regulations for delegations of authority to delegate to the Director and Deputy Director, Center for Food Safety and Applied Nutrition (CFSAN), the authority to approve notices of confirmation of effective dates for color additives. This delegation of authority will expedite the administrative handling of certain routine actions. Also this notice updates the list of delegates to reflect an organizational change within CFSAN.

EFFECTIVE DATE: February 27, 1987.

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

SUPPLEMENTARY INFORMATION: FDA is revising § 5.61 *Food standards, food additives, generally recognized as safe (GRAS) substances, and color additives* (21 CFR 5.61) by amending paragraph (b)(1) to delegate to the Director and Deputy Director of the Center for Food Safety and Applied Nutrition (CFSAN) the authority to approve notices of confirmation of effective date for regulations listing color additives when those regulations do not involve novel or controversial issues. Also, paragraph (d)(3) is being amended to reflect the title change of the Division of Color Technology, Office of Physical Sciences, CFSAN, to the Division of Color and Cosmetics, Office of Physical Sciences, CFSAN. This change in title was made as part of a recent reorganization of the Office of Physical Sciences.

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

List of Subjects in 21 CFR Part 5

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

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

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

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

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

2. In § 5.61 by redesignating paragraph (b)(2) as paragraph (b)(3), by revising paragraphs (b)(1) and (d)(3), and by adding a new paragraph (b)(2) to read as follows:

§ 5.61 Food standards, food additives, generally recognized as safe (GRAS) substances, and color additives.

* * * * *

(b)(1) The Director and Deputy Dirctor, CFSAN, are authorized to perform all of the functions of the Commissioner of Food and Drugs under sections 409 and 706 of the act regarding the approval of the use of food additives under section 409(e) of the act and the listing of color additives other than those on the provisional list, under section 706(d) of the act (including notices of confirmation of effective date), where the listing does not involve novel or controversial issues and does not involve any question about the applicability of the Delaney Anti-Cancer Clause.

(2) The Director and Deputy Director, CFSAN, are authorized to perform all of the functions of the Commissioner of Food and Drugs under section 401 of the act regarding the issuance of notices of temporary permits for foods varying from standards of identity under § 130.17 of this chapter.

* * * * *

(d) * * *

(3) The Director and Deputy Director, Division of Color and Cosmetics, Office of Physical Sciences, CFSAN.

* * * * *

Dated: February 20, 1987.

George R. White,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 87–4065 Filed 2–26–87; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Changes in Administration Controlled Substances Code Numbers

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Final rule.

SUMMARY: The Dangerous Drug Diversion Control Act of 1984, which was part of the Comprehensive Crime Control Act of 1984, amended portions of the Controlled Substances Import and Export Act. Included in these amendments was the establishment of a new limitation which prohibits importers and exporters from importing or exporting any controlled substance not specified in their registration. The mechanism by which a controlled substance is specified in a registration is through the use of its Administration Controlled Substance Code Number. However, although a number of controlled substances appear in more than one schedule, not all of these substances have different code numbers for each schedule. As a result, importers and exporters are unable to specify which schedule of these substances they actually wish to include in their registration. The purpose of this rule is to remedy this situation by assigning additional code numbers so that each substance appearing in more than one schedule will have a different code number for each schedule.

EFFECTIVE DATE: March 30, 1987.

FOR FURTHER INFORMATION CONTACT: Mr. Alfred A. Russell, Chief, Regulatory Support Section, Office of Diversion Control, Drug Enforcement Administration, 1405 I Street NW., Washington, DC 20537, Telephone (202) 633–1570.

SUPPLEMENTARY INFORMATION: The Dangerous Drug Diversion Control Act of 1984, which was Part B of Chapter V of the Comprehensive Crime Control Act of 1984 (Pub. L. 98–473), amended portions of the Controlled Substances Import and Export Act (21 U.S.C. 951–970). Included in these amendments was an expansion of the scope of 21 U.S.C. 958(b) to prohibit importers and exporters from importing or exporting, respectively, any controlled substance not specified in their registration. Previously, this restriction had applied only to substances in Schedules I and II. The mechanism by which a controlled substance is specified in a registration is through the use of its Administration Controlled Substance Code Number which is listed in 21 CFR 1308.11–51.

The purpose of this rule is to modify the list of code numbers which appears in Part 1308 so that all those substances which appear in more than one schedule have a different code number for each schedule. At present, certain substances such as codeine and morphine do have different code numbers for each schedule whereas certain others such as amobarbital and dextropropoxyphene do not. This not only represents an inconsistency in the manner in which code numbers are assigned, it has created a barrier to the full implementation of the new requirements of 21 U.S.C. 958(b). For example, if an exporter registered in Schedules III–V wishes to specify Schedule III codeine preparations in its registration, it can readily do so through use of the appropriate code number. However, an exporter cannot specify Schedule III amobarbital preparations in its registration because the same code number is used for amobarbital products in Schedules II and III. This rule will resolve this difficulty. However, it should be noted that this rule will follow the general policy of not assigning code numbers to substances in Schedule V.

The Administrator hereby certifies that this rule will have no significant impact upon entities whose interests must be considered under the Regulatory Flexibility Act, 5 U.S.C. 601 et. seq. This rule imposes no new regulatory requirements, it merely makes it possible for registrants to comply with an already existing requirement in a more specific manner.

This rule is not a major rule for the purposes of Executive Order (E.O.) 12291 of February 17, 1981. Pursuant to sections 3(c)(3) and 3(e)(2)(C) of E.O. 12291, this final rule has been submitted for review to the Office of Management and Budget.

List of Subjects in 21 CFR Part 1308

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

PART 1308—[AMENDED]

For the reasons set out in the preamble, 21 CFR Part 1308 is amended as follows:

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

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

2. 21 CFR 1308.13 is amended by revising paragraphs (c)(1) (i) through (iii) and (c)(2) (i) through (iii) to read as follows:

§ 1308.13 Schedule III.

* * * * *

(c) * * *

(1) * * *

(i) Amobarbital 2126
(ii) Secobarbital 2316
(iii) Pentobarbital 2271

* * * * *

(2) * * *

(i) Amobarbital 2126
(ii) Secobarbital 2316
(iii) Pentobarbital 2271

* * * * *

3. 21 CFR 1308.14 is amended by revising paragraphs (b)(1) and (b)(2) to read as follows:

§ 1308.14 Schedule IV.

* * * * *

(b) * * *

(1) Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit, 9167

(2) Dextropopoxyphene (alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane), 9278

* * * * *

4. 21 CFR 1308.15 is amended by revising paragraph (c)(6) to read as follows:

§ 1308.15 Schedule V.

* * * * *

(c) * * *

(6) Not more than 0.5 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

Dated: February 18, 1987.

John C. Lawn,

Administrator

[FR Doc. 87-3975 Filed 2-26-87; 8:45 am]

BILLING CODE 4410-09-M

UNITED STATES INFORMATION AGENCY

22 CFR Part 514

[Rulemaking No. 2—Exchange Visitor Boards]

Functions of Exchange Visitor Policy Boards

AGENCY: United States Information Agency.

ACTION: Interim Final Rule.

SUMMARY: United States Information Agency amends Title 22, Code of Federal Regulations, Part 514 to provide for two Exchange Visitor Boards, an "Exchange Visitor Waiver Board" and an "Exchange Visitor Program Designation Suspension and Revocation Board" to perform certain functions and exercise certain responsibilities in connection with: (1) The Agency's statutory function of recommending to the Attorney General (Immigration and Naturalization Service) whether an exchange visitor shall be granted a waiver of the two year home country residence requirement of Title 8 United States Code, section 1182(e); and (2) other functions in the management of the exchange visitor program authorized by the Mutual Educational and Cultural Exchange Act of 1961 ("Fulbright-Hays Act") as amended, Pub. L. No. 87-256, 75 Stat. 527, 22 U.S.C. 2451 *et seq.*, and Subpart "C" of Part 514. By this notice an interim rule is adopted and comments are requested.

The purpose of the Exchange Visitor Waiver Board is to provide a mechanism for thorough and equitable review of waiver applications where there is disagreement between concerned United States government agencies as to whether the waiver should be granted, or which for some other reason are unusually significant, sensitive or controversial. The purpose of the Exchange Visitor Program Designation Suspension and Revocation Board is to provide a forum to consider and decide issues concerning revocation or suspension of designations of exchange visitor programs as provided in §514.17.

DATES: This interim rule will become effective March 27, 1987. Comments on this interm rule will be accepted until May 28, 1987. All written communications received on or before the closing date will be considered by the Agency before taking action on a final rule.

ADDRESS: Interested persons should sumit relevant views or arguments to Richard L. Fruchterman, Assistant General Counsel, United States Information Agency, 301 4th St., SW. Washington, DC 20547 (202) 485-7976.

SUPPLEMENTARY INFORMATION: The Agency has determined that this interim rule is "non-major" under criteria set forth in Executive Order 12291. The rule will not have an anual effect on the economy of $100 million or more; nor will it result in a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions. Furthermore, competition, employment, investment, productivity, innovation, and the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets will not be adversely affected.

Section 514.17 is revised so that the sponsor's program may be suspended for sixty days by the General Counsel or his or her designee for violations of this Subpart, acts of commission or omission which would endanger the health, safety, or welfare of participants in the sponsor's program, failure to submit complete, current and accurate reports as required by this Subpart or requested by the Agency, or conduct on the part of the sponsor which may have the effect of bringing the Exchange Visitor Programs administered by the Agency into notoriety or disrepute. The revised regulation provides that following suspension the Exchange Visitor Program Designation Suspension and Revocation Board may revoke the sponsor's designation. The procedures providing for due process set forth.

List of Subjects in 22 CFR Part 514

Cultural exchange programs. The United States Information Agency amends the Regulations in Chapter V, Part 514 of Title 22, Code of Federal Regulations as set forth below.

1. The authority citation for 22 CFR Part 514 is revised as follows and the authority citations for the sections are hereby removed.

Authority: U.S. Information and Education Exchange Act of 1948, as amended, Pub. L. 80-402, as amended (22 U.S.C. 1431-1442); Mutual Education and Cultural Exchange Act of 1961, as amended, Pub. L. 87-256, as amended, 75 Stat. 527, 534, 535 (8 U.S.C. 1101, 1104, 1182, 1258 and 22 U.S.C. 2451-2460); Pub. L. 97-241, 96 Stat. 291; 66 Stat. 166, 182, 184, 204 (8 U.S.C. 1101(a)(15)(j), 1182(e), 1182(j), 1258); Pub. L. 91-225, 84 Stat. 116, 117 (8 U.S.C. 1101, 1182); Pub. L. 97-116, 95 Stat. 1611, 1612, 1613 (8 U.S.C. 1101, 1182); Reorg. Plan. No. 2 of 1977; E.O. 12048 of March 27, 1978; USIA Delegation Order No. 85-5 (50 F.R. 27393).

2. Section 514.1 is amended by adding in alphabetical order the following:

§ 514.1 Definitions.

* * * * *

"Exchange Visitor Program Designation Suspension and Revocation Board" refers to a Suspension and Revocation Board consisting of the—

(1) Deputy Director of Academic Programs in the Bureau of Educational and Cultural Affairs;

(2) A person designated by the Chief of the Policy and Guidance Staff of the Bureau of Programs; and

(3) A legal member designated on a case-by-case basis by the General

Counsel of the Agency from among the attorneys in the Office of General Counsel.

"Exchange Visitor Waiver Board" refers to a Board consisting of—

(1) The Chief of the Academic Programs Branch covering the geographical area of the applicant in the Bureau of Educational and Cultural Affairs;

(2) The country desk officer from the geographic Area Office covering the geographical area of the applicant;

(3) A legal member designated on a case-by-case basis by the General Counsel of the Agency from among the attorneys in the Office of General Counsel (other than the Supervisory Attorney, Waiver Review Branch).

"Facilitative Services Branch" means the staff within the Office of the General Counsel of the Agency designated by the General Counsel to carry out the functions and responsibilities of the Agency set forth in Subparts "B" and "C" of this part.

* * * * *

"Waiver Review Branch" means a Supervisory Attorney and supporting staff within the Office of the General Counsel of the Agency designated by the General Counsel to carry out the functions and responsibilities set forth in Subpart "D" of this part.

3. Section 514.17 is revised to read as follows:

§ 514.17 Revocation or suspension of designation.

(a) *Reasons.* The Agency may suspend or revoke the designation of a sponsor's program if it has been found that: there has been willful violation by the sponsor of one or more provisions of this part; there has been a negligent disregard of the applicable regulations; there has been a continued failure to comply with the provisions of this part; there has been a failure to submit complete, current and accurate reports as required by this Part or as requested by the Agency; the sponsor has committed an act of commission or omission which has or could have the effect of endangering the health, safety or welfare of participants in the sponsor's program; or there has been conduct on the part of the sponsor which may have the effect of bringing the Exchange-Visitor Programs administered by the Agency into notoriety or disrepute.

(b) *Suspension.* The General Counsel or his or her designee may in his or her discretion, upon not less than ten (10) calendar days written notice to the sponsor specifying the grounds therefor and the effective date thereof, summarily suspend the designation of the sponsor's program for a period not to exceed sixty (60) days. *Provided,* That, before the suspension of the sponsor is effected the General Counsel or his or her designee shall consider and take into account any response, including any documentary evidence or affidavits submitted by the sponsor in response to such notice and shall decide whether or not to effect the suspension. The sponsor may appeal the suspension decision to the Exchange Visitor Program Designation Suspension and Revocation Board which must make a decision within ten (10) working days of receipt of the appeal. The Exchange Visitor Program Designation Suspension and Revocation Board will issue a written decision signed by all three voting members, stating the basis for its action. A decision will be reached by a majority vote, a Board member who disagrees may write a dissenting opinion. Written notice of any suspension shall be given on or before the effective date thereof to the sponsor, to the Immigration and Naturalization Service, to the Bureau of Consular Affairs of the Department of State, and such other agencies, public or private, as the Board shall deem necessary. During the period of such suspension no Forms IAP–66 issued by the sponsor shall be recognized or accepted for the issuance of non-immigrant visas for entry into the United States.

(c) *Revocation.* Revocation must be preceded by Suspension following the procedures outlined in paragraph (b) of this section. Before the institution of formal proceedings for the revocation of designation, the sponsor shall be given notice in writing of the facts or conduct warranting such revocation and shall be given a reasonable opportunity to demonstrate or to achieve compliance with all lawful requirements. In the event that the sponsor does not, after the written notice last above mentioned, demonstrate to the satisfaction of the General Counsel that revocation of its designation is not warranted, then the sponsor shall be given not less than thirty (30) days formal notice in writing of intention to revoke its designation, including a full statement of the facts and reasons to be relied on therefor, and advising the sponsor of its right to formal hearing before the Exchange Visitor Program Designation Suspension and Revocation Board pursuant to Title 5, United States Code, sections 556 and 557, and its right to be represented by counsel, to cross-examine witnesses and to present oral or documentary evidence. If such a hearing is demanded in writing by the sponsor within ten days after receipt of formal notice, the hearing shall be scheduled promptly, after proper notice, and shall be conducted in accordance with section 556. If a hearing is not demanded the Exchange Visitor Program Designation Suspension and Revocation Board shall act on the proposed revocation by majority vote on the basis of available evidence, including any evidence submitted by the sponsor. The Exchange Visitor Program Designation Suspension and Revocation Board will issue a written decision signed by all three voting members, stating the basis for its action. Whenever one of the three Board members disagrees with the majority, the member may write a dissenting opinion.

(d) If the Exchange Visitor Program Designation Suspension and Revocation Board decides that the designation of the sponsor should be revoked, a copy of its decision shall be given to the sponsor, the Immigration and Naturalization Service, the Bureau of Consular Affairs of the Department of State, and to such other agencies, public or private, as the Board shall deem necessary, and thereafter no Forms IAP–66 issued by the sponsor shall be recognized or accepted for the issuance of non-immigrant visas for entry into the United States, *Provided,* That no such revocation shall invalidate any such visas previously issued for Exchange-Visitors enrolled in the sponsor's programs, nor in any way diminish or restrict the sponsor's legal or financial responsibilities toward such visitors.

4. Section 514.18 is revised to read as follows:

§ 514.18 Authority of the Director or of the General Counsel.

Except as to acts herein provided to be done by the Waiver Board or the Suspension and Revocation Board established pursuant to this Part, all acts herein provided to be done by the Agency shall be performed on its behalf by the General Counsel, his or her Deputy, or his or her designee. Nothing in these regulations precludes the exercise of any functions by the Director.

5. Section 514.32 is revised to read as follows:

§ 514.32 Action by the Director on requests for waivers.

(a) Upon receipt of a request for a recommendation of waiver of the two-year home country physical residence requirement of section 212(e) of the Immigration and Nationality Act, as amended, the request shall be forwarded to the Supervisory Attorney of the Waiver Review Branch in the Office of the General Counsel of the Agency, who will review the program,

policy and foreign relations aspects of the case, and shall make a recommendation in the case.

(b) The recommendation of the Supervisory Attorney shall constitute the final recommendation of the Agency and shall be transmitted to the Attorney General or his or her designee for decision except in: cases involving requests of interested United States Government agencies, in which the recommendation of the Supervisory Attorney is unfavorable; cases in which another federal agency has provided the Agency with a written opposition to a waiver in which the recommendation of the Supervisory Attorney is favorable; cases in which a "no objection" letter from the Government of the exchange visitor's country or nationality or last legal residence appears in the file and whose participation in any program is financed by the United States Government in an amount exceeding $2000, and as to which the recommendation of the Supervisory Attorney is unfavorable, except for an exchange visitor who received graduate medical education; cases involving claims of probable persecution on the ground of race, religion, political opinion, nationality, or membership in a particular social group, in which the Department of State has provided the Agency with a written opinion that there is no genuine basis for a claim of probable persecution on the ground alleged, and in which the recommendation of the Supervisory Attorney is favorable; and cases in which for any reason the Supervisory Attorney requests Exchange Visitor Waiver Board review of his or her recommendation. The Agency's complete file in any such case shall be referred to the Exchange Visitor Waiver Board. The Exchange Visitor Waiver Board shall review the program, policy and foreign relations aspects of the case, and shall prepare and transmit to the Attorney General or his or her designee a recommendation which, whether favorable or unfavorable, shall constitute the final recommendation of the Agency. The Exchange Visitor Waiver Board's recommendation shall be signed by its Chairperson. The exchange visitor will be advised of the decision in the case by the Immigration and Naturalization Service.

Dated: February 2, 1987.

C. Normand Poirier,

Acting General Counsel.

[FR Doc. 87-4235 Filed 2-26-87; 8:45 am]

BILLING CODE 8230-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 1, 4, 5, 7, 9, 18, 19, 20, 21, 22, 47, 55, 70, 71, 72, 170, 178, 194, 250, 251, 252, and 285

[T.D. ATF-249]

Technical Amendments

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

ACTION: Final rule, Treasury decision.

SUMMARY: This Treasury decision makes technical amendments and conforming changes to Chapter I of Title 27 Code of Federal Regulations (CFR). It makes nomenclature changes in Parts 1, 70, and 71; changes the address for the ATF Distribution Center, and; makes conforming changes to Part 9. Some of these changes were requested by the CFR Unit of the Office of the Federal Register. All changes are to provide clarity and uniformity throughout Title 27 Code of Federal Regulations.

EFFECTIVE DATE: February 27, 1987.

FOR FURTHER INFORMATION CONTACT: Lori Weins, FAA, Wine and Beer Branch, Ariel Rios Federal Building, 1200 Pennsylvania Avenue NW., Washington, DC 20226 (202) 566-7626.

SUPPLEMENTARY INFORMATION: The Bureau of Alcohol, Tobacco and Firearms administers regulations published in Chapter I of Title 27 Code of Federal Regulations. These regulations are updated April 1 of each year to incorporate new or revised regulations that were published by ATF in the **Federal Register** during the preceding year. Upon reviewing Title 27 for the annual revision ATF and the CFR Unit of the Office of the Federal Register identified several amendments and conforming changes that are needed to provide uniformity in Chapter I of Title 27, Code of Federal Regulations. These amendments and changes do not make any substantive regulations changes and are only intended to improve the clarity of Title 27. Throughout Title 27 the address for the ATF Distribution Center has been changed to reflect the new address wherever it appears. Nomenclature changes have been made in Parts 1, 70, and 71. Part 9 has been amended by only making conforming changes in the map and boundary descriptions to provide uniformity throughout the Part. In Part 71 fees for services provided under the Freedom of Information Act are being increased in accordance with 31 CFR Part 1, and the addresses for the ATF Regional Offices have been updated.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96-511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this final rule because no requirement to collect information is imposed.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to a final regulatory analysis (5 U.S.C. 604) are not applicable to this final rule because the agency was not required to publish a general notice of proposed rulemaking under 5 U.S.C. 553 or any other law.

Executive Order 12291

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

(a) An annual effect on the economy of $100 million or more;

(b) A major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions, or

(c) Significant adverse affect on competiton, employment, investment, productivity, innovation, or on the ability of United States-based enterprises in domestic or export markets. Administrative Procedures Act

Because this final rule merely makes technical amendments and conforming changes to improve the clarity of the regulations, it is unnecessary and impractical to issue this final rule with notice and public procedure under 5 U.S.C. 553(b). Similarly it is unnecessary and impractical to subject this final rule to the effective date limitation of 5 U.S.C. 553(d).

Drafting Information

The principal author of this document is Lori D. Weins, of the FAA, Wine, and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects

27 CFR Part 1

Administrative practice and procedure, Alcohol and alcoholic beverages, Authority delegations, Imports, Warehouses.

27 CFR Part 4

Advertising, Consumer protection, Customs duties and inspection, Imports, Labeling, Packaging and containers. Wine.

27 CFR Part 5

Advertising, Consumer protection, Customs duties and inspection, Imports, Labeling, Liquors, Packaging and containers.

27 CFR Part 7

Advertising, Beer, Consumer protection, Customs duties and inspection, Imports, Labeling.

27 CFR Part 9

Administrative practice and procedure, Consumer protection, Viticultural area, Wine.

27 CFR Part 18

Administrative practice and procedure, Authority delegations, Excise taxes, Exports, Labeling, Reporting and recordkeeping requirements, Security measures, Spices and flavorings, Stills, Surety bonds.

27 CFR Part 19

Administrative practice and procedure, Alcohol and alcoholic beverages, Authority delegations, Claims, Chemicals, Customs duties and inspection, Electronic funds transfers, Excise taxes, Exports, Gasohol, Imports, Labeling, Liquors, Packaging and containers, Puerto Rico, Reporting and recordkeeping requirements, Research, Security measures, Spices and flavorings, Surety bonds, Transportation, Virgin Islands, Warehouses, Wine.

27 CFR Part 20

Administrative practice and procedure, Advertising, Alcohol and alcohol beverages, Authority delegations, Chemicals, Claims, Cosmetics, Excise taxes.

27 CFR Part 21

Alcohol and alcohol beverages, Authority delegations, Chemicals, Gasohol.

27 CFR Part 22

Administrative practice and procedure, Advertising, Alcohol and alcohol beverages, Authority delegations, Claims, Excise taxes, Reporting and recordkeeping requirements, Surety bonds.

27 CFR Part 47

Administrative practice and procedure, Arms control, Arms and Munitions, Authority delegations, Chemicals, Customs Duties and Inspection, Imports, Penalties, Reporting and recordkeeping Requirements, Scientific Equipment, Seizures and forfeitures.

27 CFR Part 55

Administrative practice and procedure, Authority delegations, Customs duties and inspection, Explosives, Exports, Hazardous materials transportation, Imports, Penalties, Reporting and recordkeeping requirements, Safety, Security measures, Seizures and forfeitures, Warehouses.

27 CFR Part 70

Administrative practice and procedure, Authority delegations, Claims, Government employees, Law enforcement, Law enforcement officers.

27 CFR Part 71

Administrative practice and procedure, Authority delegations, Freedom of information, Privacy.

27 CFR Part 72

Administrative practice and procedure, Authority delegations, Seizures and forfeitures, Surety bonds.

27 CFR Part 170

Alcohol and alcoholic beverages, Authority delegations, Claims, Customs duties and inspection, Disaster assistance, Excise taxes, Labeling, Liquors, Penalties, Reporting and recordkeeping requirements, Surety bonds, Wine.

27 CFR Part 178

Administrative practice and procedure, arms and munitions, exports, imports, intergovernmental relations, penalties, reporting and recordkeeping requirements, research seizures and forfeitures.

27 CFR Part 194

Alcohol and alcoholic beverages, Authority delegations, Beer, Claims, Excise taxes, Exports, Labeling, Liquors, Packaging and containers, Penalties, Reporting and recordkeeping requirements, Wine.

27 CFR Part 250

Administrative practice and procedure, Alcohol and alcoholic beverages, Authority delegations, Beer, Customs duties and inspection, Electronic funds transfers, Excise taxes, Liquors, Packaging and containers, Reporting and recordkeeping requirements, Surety bonds, Transportation, U.S. possessions, Wine.

27 CFR Part 251

Administrative practice and procedure, Alcohol and alcoholic beverages, Authority delegations, Beer, Customs duties and inspection, Excise taxes, Imports, Labeling, Liquors, Packaging and containers, Perfume, Reporting and recordkeeping requirements, Transportation, Wine.

27 CFR Part 252

Aircraft, Alcohol and alcoholic beverages, Armed forces, Authority delegations, Beer, Claims, Excise taxes, Exports, Fishing vessels, Foreign trade zones, Liquors, Reporting and recordkeeping requirements, Surety bonds, Vessels, Warehouses, Wine.

27 CFR Part 285

Administrative practice and procedure, Authority delegations, Cigarettes papers and tubes, Claims, Excise taxes, Packaging and containers, Penalties, Seizures and forfeitures, Surety bonds, Reporting and recordkeeping requirements.

Authority and Issuance

Title 27, Code of Federal Regulations is amended as follows:

PART 1—[AMENDED]

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

Authority: 27 U.S.C. 203, 204.

§ 1.25 [Amended]

2. In § 1.25 replace "Director, Alcohol, and Tobacco Tax Division" wherever it appears with "Director, Bureau of Alcohol, Tobacco and Firearms."

§ 1.59 [Amended]

3. In § 1.59(c) replace "Director, Alcohol and Tabacco Tax Division" in the second sentence with "Director, Bureau of Alcohol, Tobacco and Firearms."

PART 4—[AMENDED]

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

Authority: 27 U.S.C. 205.

§ 4.3 [Amended]

5. Section 4.3(c) is revised to read as follows:

* * * * *

(c) Requests for forms should be mailed to the ATF Distribution Center, 7943 Angus Court, Springfield, Virginia 22153.

* * * * *

§ 4.38 [Amended]

6. Section 4.38(f) is amended by removing the phrase "other then the mandatory label information" in the first sentence.

PART 5—[AMENDED]

7. The authority citation for Part 5 continues to read as follows:

Authority: 26 U.S.C. 5301, 7805; 27 U.S.C. 205.

8. Section 5.3(c) is revised to read as follows:

§ 5.3 Forms prescribed.

* * * * *

(c) Requests for forms should be mailed to the ATF Distribution Center, 7943 Angus Court, Springfield, Virginia 22153.

§ 5.38 [Amended]

9. Section 5.38(d) is amended by replacing the word "new" with the word "net".

PART 7—[AMENDED]

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

Authority: 27 U.S.C. 205.

§ 7.3 [Amended]

11. Section 7.3(c) is revised to read as follows:

* * * * *

(c) Requests for forms should be mailed to the ATF Distribution Center, 7943 Angus Court, Springfield, Virginia 22153.

§ 7.24 [Amended]

12. Section 7.24(f)(2) is amended by replacing the word "Klumbacher" with "Kulmbacher" in the second sentence.

PART 9—[AMENDED]

13. The authority citation for Part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

§ 9.27 [Amended]

14. Section 9.27(b) is revised to read as follows:

* * * * *

(b) *Approved Map.* The appropriate map for determining the boundaries of the Lime Kiln Valley Viticultural area is: "Paicines Quadrangle, California," 1968, 7.5 minute series.

* * * * *

§ 9.29 [Amended]

15. Section 9.29(b) is revised to read as follows:

* * * * *

(b) *Approved maps.* The maps showing the boundaries of the Sonoma valley viticultural area are entitled:

(1) "Cuttings Wharf, Calif.", 1949 (photorevised 1968 and photoinspected 1973), 7.5 minute quadrangle;

(2) "Petaluma Point, Calif.", 1959 (photorevised 1968 and photoinspected 1973), 7.5 minute quadrangle;

(3) "Sears Point, Calif.", 1951 (photorevised 1968), 7.5 minute quadrangle;

(4) "Petaluma River, Calif.", 1954 (photorevised 1968 and 1973), 7.5 minute quadrangle;

(5) "Glen Ellen, Calif.", 1954 (photorevised 1968 and photoinspected 1973), 7.5 minute quadrangle;

(6) "Cotati, Calif.", 1954 (photorevised 1968 and 1973), 7.5 minute quadrangle;

(7) "Santa Rosa, Calif.", 1954 (photorevised 1968 and 1973), 7.5 minute quadrangle;

(8) "Kenwood, Calif.", 1954 (photorevised 1968 and photoinspected 1973), 7.5 minute quadrangle; and

(9) Appropriate Sonoma County tax assessor's maps showing the Sonoma County-Napa County line.

* * * * *

§ 9.32 [Amended]

16. Section 9.32(c)(5) and (6) are revised to read as follows:

* * * * *

(c) * * *

(5) Then following that contour line generally northwestward to Carneros Creek (on the Sonoma Quadrangle map).

(6) Then following the same contour line generally southeastward to the range line R. 5 W/R. 4 W (on the Napa Quadrangle map).

* * * * *

§ 9.34 [Amended]

17. Section 9.34(b) and (c) are revised to read as follows:

* * * * *

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Finger Lakes viticultural area are two U.S.G.S. maps scaled 1:250,000. They are entitled:

(1) "Rochester," Location diagram NK 18–1, 1961; and

(2) "Elmira," Location diagram NK 18–4, 1968.

(c) Boundaries. The boundaries of the Finger Lakes viticultural area, based on landmarks and points of reference found on the approved maps, are as follows:

(1) Starting at the most northwest point, the intersection of the Erie Canal and the north/south Conrail line south of the City of Rochester.

(2) Then east along the course of the Erie Canal approximately 56 miles (45 miles due east) to the intersection of New York State Highway 89 (NY–89).

(3) Then south on NY–89 four miles to the intersection of highway US–20.

(4) Then east on US–20 for 36 miles to the intersection of interstate 81 (I–81).

(5) Then south along I–81 for ten miles to NY–281.

(6) Then south along NY–281 for 20 miles around the western city limits of Cortland where NY–281 becomes NY–13.

(7) Then continuing southwest on NY–13 (through the cities of Dryden and Ithaca) approximately 36 miles to the intersection of NY–224.

(8) Then due west one mile to the southern boundary of Schuyler County.

(9) Then continuing west along this county line 20 miles to the community of Meads Creek.

(10) Then north along the Schuyler-Steuben county line four miles to the major east-west power line.

(11) Then west along the power line for eight miles to the intersection of NY–17 (four miles southeast of the community of Bath).

(12) Then northwest on NY–17 approximately nine miles to the intersection of I–390.

(13) Then northwest on I–390 for 21 miles to the intersection of NY–36.

(14) Then north for two miles through the community of Dansville to NY–63.

(15) Then northwest on NY–63 approximately 18 miles to the intersection of NY–39, just south of Genesco.

(16) Then north on NY–39 nine miles to the intersection where the west and north/south Conrail lines meet at the community of Avon.

(17) Then north along the north/south Conrail line for 15 miles to the beginning point at the intersection of the Erie Canal.

§ 9.35 [Amended]

18. Section 9.35(b)(3) is revised to read as follows:

* * * * *

(3) "Pismo Beach Quadrangle, California-San Luis Obispo Co.," 7.5 minute series; and

* * * * *

§ 9.36 [Amended]

19. Section 9.36(c) is revised to read as follows:

* * * * *

(c) *Boundaries.* (1) Beginning at the northwest corner of Section 22 T13N R11W.

(2) Then southerly along the section line between Sections 22 and 21 approximately 1700 feet to the intersection of the section line and the ridge line (highest elevation line) between the McDowell Creek Valley and the Dooley Creek Valley.

(3) Then southeasterly along the ridge line (highest elevation line) to the intersection of the ridge line and the 1000-foot contour line in Section 27.

(4) Then southeasterly and on the McDowell Creek Valley side of the ridge along the 1000-foot contour line to the intersection of the 1000-foot contour line and the south section line of Section 27.

(5) Then easterly along the section line between Sections 27 and 34 and between Sections 26 and 35 to the intersection of the section line and the centerline of Younce Road.

(6) Then southeasterly and then northeasterly along Younce Road to the intersection of Younce Road and the section line between Sections 26 and 35.

(7) Then due north from the section line, across Coleman Creek approximately 1250 feet, to the 1000-foot contour line.

(8) Then westerly and then meandering generally to the north and east along the 1000-foot contour line to the intersection of the 1000-foot contour line and section line between Sections 26 and 25.

(9) Then continuing along the 1000-foot countour line easterly and then northwesterly in Section 25 to the intersection of the 1000-foot contour line and the section line between Sections 26 and 25.

(10) Then northerly along the 1000-foot contour line to the intersection of the 1000-foot contour line and the section line between Sections 23 and 24.

(11) Then northerly along the section line across State Highway 175 approximately 1000 feet to the intersection of the section line and the 1000-foot contour line.

(12) Then generally to the northwest along the 1000-foot contour line through Sections 23 and 14 and into Section 15 to the intersection of the 1000-foot contour line and the flowline of an unnamed creek near the northeast corner of Section 15.

(13) Then southwesterly and down stream along the flowline of said unnamed creek and across Section 15, to the stream's intersection with the section line between Sections 15 and 16.

(14) Then southerly along the section approximately 100 feet to the northwest corner of Section 22 and to the point of beginning.

§ 9.37 [Amended]

20. Section 9.37(c) is revised to read as follows:

* * * * *

(c) *Boundaries.* The Shenandoah Valley viticultural Area is located in portions of Amador and El Dorado Counties of California. The boundaries are as follows:

(1) Beginning at the point where the Consumnes River meets Big Indian Creek.

(2) Then south, following Big Indian Creek, until Big Indian Creek meets the boundary between Sections 1 and 2 of Township 7 North Range 10 East.

(3) Then following this boundary south until it meets the Oleta (Fiddletown) Road.

(4) Then following the Oleta Road east until it meets the boundary between Sections 6 and 5 of Township 7 North Range 11 East.

(5) Then following that boundary north into Township 8 North Range 11 East, and continues north on the boundary between Sections 31 and 32 until this boundary meets Big Indian Creek.

(6) Then following Big Indian Creek in a northeasterly direction until Big Indian Creek meets the boundary between Sections 28 and 27 of Township 8 North Range 11 East.

(7) Then following this boundary north until it reaches the southeast corner of Section 21 of Township 8 North Range 11 East.

(8) The boundary then proceeds east, then north, then west along the boundary of the western half of Section 22 of Township 8 North Range 11 East to the intersection of Sections 16, 15, 21, and 22.

(9) Then proceeding north along the boundary line between Sections 16 and 15 of Township 8 North Range 11 East and continues north along the boundary of Sections 9 and 10 of Township 8 North Range 11 East to the intersection of Sections 9, 10, 3, and 4 of Township 8 North Range 11 East.

(10) Then proceeding west along the boundary of Sections 9 and 4.

(11) Then continuing west along the boundary of Sections 5 and 8 of Township 8 North Range 11 East to the Consumnes River.

(12) Then the boundary proceeds west along the Consumnes River to the point of the beginning.

§ 9.43 [Amended]

21. Section 9.43(c) is revised to read as follows:

* * * * *

(c) *Boundaries.* The Rocky Knob viticultural area is located in Floyd and Patrick Counties in southern Virginia. The boundaries are as follows:

(1) The beginning point is the intersection of Virginia State Route Nos. 776 and 779 at Connors Grove.

(2) Then follow State Route No. 779 south and east to the Blue Ridge Parkway.

(3) Then south on the parkway to its first intersection with State Route No. 758.

(4) Then follow State Route No. 758 east to the intersection of State Route No. 726 at the southern boundary of the Rocky Knob Recreation Area.

(5) Then follow the boundary of the Rocky Knob Recreation Area south then in a northeastern direction to where the boundary first intersects State Route No. 8.

(6) Then from that point at State Route No. 8, proceed northeast in a straight line to State Route No. 719 and Widgeon Creek at a point about 0.7 of a mile west of the intersection of State Route Nos. 719 and 710.

(7) Then proceed northwest in a straight line to the intersection with State Route No. 710 and the Blue Ridge Parkway.

(8) Then follow the Parkway southwest to the intersection with State Route No. 726.

(9) Then turn right on State Route No. 726 and proceed 0.6 of a mile to a roadway at the 3308 elevation point on the map.

(10) Then from that point, proceed west in a straight line back to the starting point at Connors Grove.

§ 9.48 [Amended]

22. Section 9.48 (b) and (c) are revised to read as follows:

* * * * *

(b) *Approved maps.* Approved maps for the Monticello viticultural area are three 1971 U.S.G.S. maps titled:

(1) Charlottesville Quadrangle, Virginia: 1:250,000 minute series;

(2) Roanoke Quadrangle, Virginia: 1:250,000 minute series; and

(3) Washington, DC: 1:250,000 minute series.

(c) *Boundaries.* (1) Beginning at Norwood, Virginia, follow the Tye River west and northwest until it intersects with the eastern boundary of the George Washington National Forest.

(2) Then follow this boundary northeast to Virginia Rt. 664.

(3) Then west following Rt. 664 to its intersection with the Nelson County Line.

(4) Then northeast along the Nelson County line to its intersection with the Albemarle County line at Jarman Gap.

(5) Then from this point continuing northeast along the eastern boundary of the Shenandoah National Park to its intersection with the northern Albemarle County line.

(6) Then following the county line southeast to its intersection with the Orange County line.

(7) Then continuing north on the county line to its intersection with the Rapidan River, which continues as the Orange County line.

(8) Then following the Rapidan River east and northeast to its confluence with the Mountain Run River.

(9) Then following the Mountain Run River southwest to its intersection with Virginia Route 20.

(10) Then continuing southwest along Rt. 20 to the corporate limits of the town of Orange.

(11) Then following the corporate limit line southwest to its intersection with U.S. Route 15.

(12) Then continuing southwest on Rt. 15 to its intersection with Virginia Rt. 231 in the town of Gordonsville.

(13) Then southwest along Rt. 231 to its interesection with Albemarle County line.

(14) Then continuing southwest along the county line to its intersection with the James River.

(15) Then following the James River to its confluence with the Tye River at Norwood, Virginia, the beginning point.

§ 9.49 [Amended]

23. Section 9.49(c)(2)(xv) is revised to read as follows:

* * * * *

(xv) From there in a straight line westward to the 952 ft. summit ;of Musconetcong Mountain (on the Frenchtown Quadrangle map).

* * * * *

§ 9.50 [Amended]

24. Section 9.50(c)(15) is revised to read as follows:

* * * * *

(c) * * *

(15) The boundary follows the Pauba Land Grant boundary northwesterly, then west, then south, then west, to Warren Road (which coincides with the range line dividing Range 1 West from Range 2 West).

* * * * *

§ 9.60 [Amended]

25. Section 9.60(c) is revised to read as follows:

* * * * *

(c) *Boundaries.* The Shenandoah Valley Viticultural area is located in Frederick, Clarke, Warren, Shenandoah, Page, Rockingham, Augusta, Rockbridge, Botetourt, and Amherst Counties in Virginia, and Berkeley and Jefferson Counties in West Virginia. The boundaries are as follows:

(1) The boundary line starts at the point of the intersection of the Potomac River and the Virginia-West Virginia State line approximately eight miles east of Charlestown, West Virginia.

(2) Then the boundary proceeds southwesterly approximately 14.8 miles along the State line, which essentially follows the crest of the Blue Ridge Mountains, to its intersection with the western border line of Clarke County, Virginia.

(3) Then the boundary continues approximately 13.8 miles southwesterly along the county line and the crest of the Blue Ridge to its intersection with the western boundary line of Warren County, Virginia.

(4) Then the boundary continues approximately 15 miles along the Warren County line to its intersection with the Skyline Drive.

(5) Then the boundary continues approximately 71 miles in a southwesterly direction along the Skyline Drive and the Blue Ridge to its intersection with the Blue Ridge Parkway.

(6) Then the boundary continues approximately 53 miles in a southeasterly direction along the Blue Ridge Parkway to its intersection with the James River.

(7) Then the boundary proceeds approximately 44 miles along the James River in a west-northwesterly direction to its intersection with the northwest boundary line of the Jefferson National Forest near Eagle Rock.

(8) Then the boundary proceeds approximately 10.5 miles in a northeasterly direction along the Jefferson National Forest line and along the crest of North Mountain to its intersection with the western boundary line of Rockbridge County.

(9) Then the boundary continues approximately 23 miles along the county line in the same northeasterly direction to its intersection with the Chesapeake and Ohio Railroad.

(10) Then the boundary continues approximately 23 miles along the railroad between the Great North Mountain and the Little North Mountain to its intersection with the southeastern boundary line of the George Washington National Forest at Buffalo Gap.

(11) Then the boundary continues approximately 81 miles northeasterly along the George Washington National Forest Line to the Vertical Control Station, (elevation 1883), on the crest of Little North Mountain approximately 3 miles west of Van Buren Furnace.

(12) Then the boundary line continues approximately 53 miles northeasterly along the crest of Little North Mountain to its intersection with the Potomac River in Fort Frederick State Park.

(13) Then the boundary continues approximately 47.4 miles southeasterly along the Potomac River to the beginning point at that Rivers intersection with the boundary line between West Virginia and Virginia.

§ 9.65 [Amended]

26. Section 9.65(b) and (c) are revised to read as follows:

* * * * *

(b) *Approved maps.* The appropriate maps for determining the boundaries of the North Fork of Roanoke viticultural area are six U.S.G.S. Virginia, 7.5 minute series maps. They are:

(1) McDonalds Mill Quadrangle, 1965;

(2) Glenvar Quadrangle, 1965;

(3) Elliston Quadrangle, 1965;

(4) Ironto Quadrangle, 1965;

(5) Blacksburg Quadrangle, 1965; and

(6) Newport Quadrangle, 1965.

(c) Boundaries. The North Fork of Roanoke viticultural area is located in parts of Roanoke and Montgomery Counties in southern Virginia.

(1) The point of the beginning is in the north at the intersection of State Routes 785 and 697 in Roanoke County.

(2) Then the boundary follows State Route 697 northeast over Crawford Ridge to the intersection at State Route 624.

(3) Then the boundary turns southwest on State Route 624 along the boundary of the Jefferson National Forest and then continues across the Montgomery County line to U.S. 460 (business).

(4) Then the boundary follows U.S. Route 460 (business) south through the town of Blacksburg.

(5) Then the boundary continues on U.S. Route 460 (bypass) to the intersection of U.S. Route 460 East, where it turns east for approximately one mile to the intersection of U.S. Interstate Highway 81 at Interchange 37.

(6) Then the boundary continues northeast on Interstate Highway 81 to its intersection with State Route 603 at interchange 38.

(7) Then the boundary continues northwest on State Route 603 to its intersection with State Route 629.

(8) Then the boundary follows State Route 629 (which later becomes State Route 622 north of Brandshaw Creek) 2 miles across the Roanoke County line to where it intersects the Chesapeake and Potomac Telephone Company right-of-way.

(9) Then the boundary turns northwest along the C & P right-of-way over Pearis Mountain to the point where the right-of-way intersects State Route 785, one quarter mile northeast of the intersections of State Routes 785 and 697.

(10) Then the boundary follows State Route 784 back to the beginning point.

§ 9.66 [Amended]

27. Section 9.66(c) (1), (7), (8), (9), and (13) are revised to read as follows:

* * * * *

(c) * * *

(1) Starting point Healdsburg map-Healdsburg Avenue Bridge over the Russian River at Healdsburg. Proceed south along Russian River to the point where Russian River and Dry Creek converge, from this point proceed west in a straight line to Forman Lane.

* * * * *

(7) Proceed in a westerly direction along California Hwy 116 to Monte Rio where it intersects the Bohemian Hwy.

(8) Proceed southeast along the Bohemian Hwy onto the Camp Meeker Map and then the Valley Ford map to the town of Freestone where it intersects the Bodega Road.

(9) Proceed northeast along the Bodega Road onto the Sebastopol map to the city of Sebastopol where it becomes California Hwy 12 then northeast along California Hwy 12 to its intersection with Wright Road.

* * * * *

(13) Proceed in a northerly direction along Franz Vally Road to the northerly most crossing of Franz Creek.

* * * * *

§ 9.67 [Amended]

28. Section 9.67 is amended by adding a new paragraph (b)(13) to read as follows:

* * * * *

(b) * * *

(13) "Middletown Quadrangle, Maryland," 7.5 minute series, 1953 (photorevised 1979);

* * * * *

§ 9.68 [Amended]

29. Section 9.68(c) is revised to read as follows:

* * * * *

(c) *Boundaries.* The Merritt Island viticultural area is located in Yolo County, California, six miles south of the City of Sacramento. The boundaries of the Merritt Island viticultural area, using landmarks and points of reference found on the appropriate U.S.G.S. maps, are as follows:

(1) Starting at the most southernly point, the intersection of Sutter Slough with the Sacramento River.

(2) Then west along the course of Sutter Slough for 0.54 miles until it intersects Elk Slough.

(3) Then northeast along the course of Elk Slough for 9.58 miles to the community of Clarksburg and the intersection of Sacramento River.

(4) Then southeasterly along the course of the Sacramento River for 7.8 miles to the beginning point.

§ 9.71 [Amended]

30. Section 9.71(c) is revised to read as follows:

* * * * *

(c) *Boundaries.* The Hermann viticultural area is located in central Missouri along and south of the Missouri River, in the northern portions of Gasconade and Franklin Counties. The boundaries of the Hermann viticultural area, using landmarks and points of reference found on the appropriate U.S.G.S. maps, are as follows:

(1) Starting at the intersection of the Gasconade River with the Missouri River.

(2) Then continuing east and northeast approximately 16.5 miles along the Missouri River Pacific Railroad, as it parallels the Missouri River, to the Gasconade/Franklin County line.

(3) Then continuing along the Missouri Pacific Railroad southeast approximately 8.5 miles to the intersection Big Berger Creek.

(4) Then southwest along the winding course of Big Berger Creek for approximately 20 miles (eight miles due southwest) to Township line T.44/45N.

(5) Then west along the T.44/45N. line approximately 15.5 miles to the intersection of First Creek.

(6) Then north and northwest along the course of First Creek approximately 13.7 miles (6.5 miles straight northwest) to the intersection of the Gasconade River.

(7) Then northeast along the course of the Gasconade River approximately 3.8 miles to the beginning point.

§ 9.75 [Amended]

31. Section 9.75(c)(43) is revised to read as follows:

* * * * *

(c) * * *

(43) Then southwest following Washington Highway 126 and U.S. Highway 12 through Marengo, Dayton, and Waitsburg to Dry Creek in Dixie;

§ 9.78 [Amended]

32. Section 9.78(c)(2) is revised to read as follows:

* * * * *

(c) * * *

(2) The boundary follows the Illinois-Indiana State line northerly (across the Belleville map) to Interstate Route 64 (Vincennes map).

* * * * *

§ 9.79 [Amended]

33. Section 9.79(c) is revised to read as follows:

* * * * *

(c) *Boundaries.* The Lake Michigan Shore viticultural area is located in the southwestern corner of the State of Michigan. The boundaries of the Lake Michigan Shore viticultural area, using landmarks and points of reference found on the appropriate U.S.G.S maps, are as follows:

(1) Starting at the most northern point, the intersection the Kalamazoo River with Lake Michigan.

(2) Then southeast along the winding course of the Kalamazoo River for approximately 35 miles until it intersects the Penn Central railroad line just south of the City of Otsego.

(3) Then south along the Penn Central railroad line, through the City of Kalamazoo, approximately 25 miles until it intersects the Grand Trunk Western railroad line at the community of Schoolcraft.

(4) Then southwest along the Grand Trunk Western railroad line approximately 35 miles to the Michigan/Indiana State line.

(5) Then west along the Michigan-Indiana State line approximately 38 miles until it meets Lake Michigan.

(6) Then north along the eastern shore of Lake Michigan approximately 72 miles to the beginning point.

§ 9.80 [Amended]

34. Section 9.80(b) is revised to read as follows:

* * * * *

(b) *Approved map.* The approved map for the York Mountain viticultural area is the U.S.G.S. map entitled "York Mountain Quadrangle," 7.5 minute series (topographic), 1949 (photorevised 1979).

* * * * *

35. Section 9.80(c)(4) is revised to read as follows:

* * * * *

(c) * * *

(4) Then proceed north along Dover Canyon Creek to its intersection with Dover Canyon Road, then following Dover Canyon Road (which becomes Dover Canyon Jeep Trail) back to the point of beginning.

§ 9.81 [Amended]

36. Section 9.81(b) is revised to read as follows:

* * * * *

(b) *Approved maps.* The approved maps for the Fiddletown viticultural area are four U.S.G.S. maps entitled:

(1) Fiddletown, CA, 1949, 7.5 minute series;
(2) Amador City, CA, 1962, 7.5 minute series;
(3) Pine Grove, CA, 1948 (photoinspected 1973), 7.5 minute series;
(4) Aukum, CA, 1952 (photorevised 1973), 7.5 minute series.
* * * * *

§ 9.91 [Amended]

37. Section 9.91(c) is revised to read as follows:
* * * * *

(c) *Boundaries.* The Walla Walla Valley viticultural area, located in the southeast portion of Washington State and the northeast portion of Oregon. The boundaries of the Walla Walla Valley viticultural area, using landmarks and points of reference found on the appropriate U.S.G.S. maps, are as follows:
(1) Beginning at a point just northeast of Dixie, Washington, in T8N/37E, at the intersection of Highway 3 and Mud Creek.
(2) Then southwest along State Highway 3 approximately 4 miles to its intersection with the Northern Pacific Railroad in T7N/R37E.
(3) Then follow the Northern Pacific in a generally westerly direction through Walla Walla, continuing west then northwest along the railroad line, past Pedigo Station approximately 7 miles until it intersects the secondary road in T8N/R34E.
(4) Then southwest in a straight line approximately 12½ miles until it meets the Union Pacific Railroad at the intersection of T7N and R32E/R33E.
(5) Then south along R32E/R33E for 2 miles until it intersects the 1,000 foot contour line.
(6) Then follow the 1,000 foot contour line in a southeast direction until it intersects the Union Pacific Railroad at T5N/R35E.
(7) Then south along said track until it intersects Dry Creek in T4N/R35E.
(8) Then southeast along Dry Creek until it intersects the 2,000 foot contour line.
(9) Then continue in a northeast direction along the 2,000 foot contour line until it intersects Dry Creek in T7N/R38E.
(10) Then north along Dry Creek, approximately 3½ miles, until it intersects the Northern Pacific Railroad at T8N/R37E.
(11) Then continuing in a northeast direction along said track until it intersects Mud Creek.
(12) Then follow Mud Creek in a northwest direction to the beginning point where it intersects State Highway 3.

§ 9.92 [Amended]

38. Section 9.92(c)(2) is revised to read as follows:
* * * * *

(c) * * *
(2) Then north approximately 7 miles following Sunnyside Road and continuing along the section line to the point of intersection of section 16, 17, 20, and 21, T.11S., R 21E.;
* * * * *

§ 9.94 [Amended]

39. Section 9.94(c) is revised to read as follows:
* * * * *

(c) *Boundaries.* The Howell Mountain viticultural area is located in Napa County, California, and is part of the Napa Valley viticultural area. The exact boundaries of the viticultural area, based on landmarks and points of reference found in the approved maps, as follows:
(1) Beginning at the 1,400 foot contour line at the intersection of Sections 15 and 16 in R6W/T9N of the Detert Reservoir Quadrangle U.S.G.S. map.
(2) Then continuing in an east and southeast direction along the 1,400 foot contour line to the southeast corner of Section 23 in R5W/T8N.
(3) Then in a generally northwest direction along the 1,400 foot contour line until it intersects the line between Sections 21 and 22 in R6W/T9N.
(4) Then north along the Section 21/22 boundary line to the starting point at the 1,400 foot contour line.

§ 9.98 [Amended]

40. Section 9.98 is amended by removing paragraph (b)(17); redesignating existing paragraphs (b)(18) through (36) as (b) (17) through (35), and; adding new paragraphs (b) (36) through (38) to read as follows:
* * * * *

(b) * * *
(36) Greenfield, CA, 1956
(37) Salinas, CA, 1947 (photorevised 1975)
(38) Seaside, CA, 1947 (photorevised 1968, photoinspected 1974)
* * * * *

§ 9.98 [Amended]

41. Section 9.98(c) (37) and (72) are revised to read as follows:
* * * * *

(c) * * *
(37) Then north along the line separating Range 8 E. and Range 9 E. along the western boundaries of sections 36, 25, 24, 13, 12, and 1, T. 19S., R. 8 E. to the northeast corner of section 1, T. 19 S., R. 9 E.
* * * * *

(72) Then east to the northwest corner of section 2, T. 17 S., R. 4 E.
* * * * *

§ 9.102 [Amended]

42. Section 9.102(c)(1) is revised to read as follows:
* * * * *

(c) * * *
(1) The beginning point is the northern most point at which the 1600-foot contour line crosses the section line dividing section 22 from section 23, in Township 6 North, Range 7 West.
* * * * *

§ 9.105 [Amended]

43. Section 9.105 is amended by removing paragraph (b)(14); redesignating existing paragraphs (b)(15) through (32) as (b)(14) through (31), and; adding new paragraphs (b)(32) through (b)(40) to read as follows:
* * * * *

(b) * * *
(32) "Mason Dixon Quadrangle", edition of 1943–53 (photorevised 1971).
(33) "Hagerstown Quadrangle", edition of 1943–53 (photorevised 1971, photoinspected 1977).
(34) "Funkstown Quadrangle", edition of 1943–53 (photorevised 1971, photoinspected 1977).
(35) "Plainfield Quadrangle", edition of 1975.
(36) "Shippensburg Quadrangle", edition of 1973.
(37) "Chambersburg Quadrangle", edition of 1973.
(38) "Williamson Quadrangle", edition of 1973.
(39) "Greencastle Quadrangle", edition of 1973.
(40) "Dillsburg Quadrangle", edition of 1973.
* * * * *

PART 18—[AMENDED]

44. The authority citation for Part 18 is revised to read as follows:

Authority: 26 U.S.C. 5001, 5172, 5178, 5179, 5203, 5511, 5552, 6065, 7805; 44 U.S.C. 3504(h).

§ 18.16 [Amended]

45. Section 18.16(c) is revised to read as follows:
* * * * *

(c) Requests for forms should be mailed to the ATF Distribution Center, 7943 Angus Court, Springfield, Virginia 22153.

PART 19—[AMENDED]

46. The authority citation for Part 19 continues to read as follows:

Authority: 19 U.S.C. 81c, 1311; 26 U.S.C. 5001, 5002, 5004–6, 5008, 5041, 5061, 5062, 5066, 5101, 5111–5113, 5221–5223, 5231, 5232, 5235, 5236, 5241–5242, 5271, 5273, 5301, 5311–5313, 5362, 5370, 5373, 5501–5505, 5551–5555, 5559, 5561, 5562, 5601, 5612, 5682, 6001, 6065, 6109, 6302, 6311, 6676, 7510, 7805; 31 U.S.C. 9301, 9303, 9304, 9306.

§ 19.1005 [Amended]

47. Section 19.1005(b) is amended by revising the third sentence to read as follows:

* * * * *

(b) * * * The list may be obtained at no cost upon request from the ATF Distribution Center, 7943 Angus Court, Springfield, Virginia 22153.

* * * * *

PART 20—[AMENDED]

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

Authority: 26 U.S.C. 5001, 5206, 5214, 5271–5275, 5311, 5552, 5555, 5607, 6055, 7805.

§ 20.21 [Amended]

49. Section 20.21(c) is revised to read as follows:

* * * * *

(c) Requests for forms should be mailed to the ATF Distribution Center, 7943 Angus Court, Springfield, Virginia 22153.

§ 20.191 [Amended]

50. Section 20.191 is amended by replacing "3800 South Four Mile Run Drive, Arlington, Virginia 22206." with "7943 Angus Court, Springfield, Virginia 21153."

PART 21—[AMENDED]

51. The authority citation for Part 21 is revised to read as follows:

Authority: 5 U.S.C. 552(a); 26 U.S.C. 5242, 7805.

§ 21.2 [Amended]

52. Section 21.2(c) is revised to read as follows:

* * * * *

(c) Requests for forms should be mailed to the ATF Distribution Center, 7943 Angus Court, Springfield, Virginia 22153.

PART 22—[AMENDED]

53. The authority citation for Part 22 is revised to read as follows:

Authority: 26 U.S.C. 5001, 5121, 5206, 5214, 5271–5275, 5311, 5552, 5555, 6056, 7805; 31 U.S.C. 9304, 9306.

§ 22.21 [Amended]

54. Section 22.21(c) is revised to read as follows:

* * * * *

(c) Requests for forms should be mailed to the ATF Distribution Center, 7943 Angus Court, Springfield, Virginia 22153.

PART 47—[AMENDED]

55. The authority citation for Part 47 is revised to read as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 926; 22 U.S.C. 2778; 44 U.S.C. 3504(h).

§ 47.35 [Amended]

56. Section 47.35(c) is revised to read as follows:

* * * * *

(c) Requests for forms should be mailed to the ATF Distribution Center, 7943 Angus Court, Springfield, Virginia 22153.

PART 55—[AMENDED]

57. The authority citation for Part 55 is revised to read as follows:

Authority: 18 U.S.C. Chapter 40, 847, 926; 44 U.S.C. 3504(h).

§ 55.21 [Amended]

58. Section 55.21(c) is revised to read as follows:

* * * * *

(c) Requests for forms should be mailed to the ATF Distribution Center, 7943 Angus Court, Springfield, Virginia 22153.

PART 70—[AMENDED]

59. The authority citation for Part 70 is revised to read as follows:

Authority: 5 U.S.C. 301; 26 U.S.C. 5146, 5203, 5207, 5275, 5367, 5415, 5504, 5555, 5741, 6301, 7601–7606, 7608, 7622, 7623, 7653, 7805.

§ 70.23 [Amended]

60. In § 70.23(b)(2) replace the words "Criminal Enforcement" with "Law Enforcement" and the words "Office of Inspection" with "Office of Internal Affairs" in the first sentence.

§ 70.41 [Amended]

61. In § 70.41 replace "26 CFR" with "27 CFR" wherever it appears.

§ 70.42 [Amended]

62. In § 70.42 replace "26 CFR" with "27 CFR" wherever it appears.

PART 71—[AMENDED]

63. The authority citation for Part 71 is revised to read as follows:

Authority: 5 U.S.C. 301, 552.

§ 71.23 [Amended]

64. In § 71.23 paragraph (e) is amended by revising the second sentence to read as follows:

* * * * *

(e) * * * Facilities shall be provided whereby a person may inspect the material and obtain copies.

* * * * *

§ 71.24 [Amended]

65. In § 71.24(c)(3) replace "Assistant to the Director (Disclosure)" with "Chief, Disclosure Branch."

66. In § 71.24(g)(1) replace "Assistant to the Director (Disclosure)" with "Chief, Disclosure Branch."

67. In § 71.24(i)(1)(iii) replace "Assistant to the Director (Disclosure)" with "Chief, Disclosure Branch."

§ 71.25 [Amended]

68. § 71.25(g) is amended by revising paragraph (1)(i); by removing paragraphs (1)(iv), (2), and (4); and by revising paragraph (3) and redesignating revised paragraph (c) as new paragraph (2) to read as follows:

* * * * *

(g) * * *

(1) *Duplication.* (i) Photocopies, per page up to 8½" x 14", are provided at $0.15 each.

* * * * *

(2) *Search services.* (i) The fee charged for services of personnel involved in locating records is $10 for each hour or fraction thereof, and for transportation of personnel and records necessary to the search of actual cost.

(ii) Where, because of the nature of the records sought and the manner in which the records are stored, a computer search is required, the fee is $10 for each hour (or fraction thereof) of personnel time associated with the search plus an amount which reflects the actual costs of extracting produced, based on computer time and supplies necessary to comply with the request.

(iii) Searches for computerized records—Actual direct cost of the search. The fee for computer printouts will be actual costs.

(iv) Other costs. When other duplication not specifically identified above are requested and provided, their direct cost to the Bureau shall be charged. Other services and materials which are not covered by this part are chargeable at the actual cost to the Bureau.

* * * * *

§ 71.26 [Amended]

69. In § 71.26(a) replace "Assistant to the Director for Public Affairs" with "Assistant Director (Congressional and Media Affairs)."

70. In § 71.26(d) replace "Chief, Trade and Consumer Affairs Division" with "Chief, Industry Compliance Division."

71. In § 71.26(g) replace "Office of the Assistant to the Director for Public Affairs" with "Disclosure Branch" in the second sentence, and by replacing "Assistant to the Director (Disclosure)" with "Chief, Disclosure Branch" wherever it appears.

Appendix A of Subpart C [Amended]

72. Part 71, Subpart C, Appendix A, paragraph 2, is amended by revising the locations and mailing addresses for Bureau Headquarters, Southeast Region, Southwest Region and Western Region, by amending the North Atlantic Region and Midwest Region to add an additional location and mailing address, and by removing the locations and mailing addresses for the Mid Atlantic Region and Central Region to read as follows:

Bureau Headquarters

Location: Public Reading Room, Room 4406, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington, DC 20226.
Mailing Address: Chief, Disclosure Branch, Room 4406, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226.

North Atlantic Region

Location: * * *
Mailing Address: * * *
Location: Chief, Technical Services, Bureau of Alcohol, Tobacco and Firearms, 841 Chestnut Street, 3rd Floor, Philadelphia, PA 19102.
Mailing Address: Same as location.

Southeast Region

Location: Regional Director (Compliance), Bureau of Alcohol, Tobacco and Firearms, 3835 Northeast Expressway, Atlanta, GA 30340.
Mailing Address: Same as location.

Midwest Region

Location: * * *
Mailing Address: * * *
Location: Chief, Technical Services, Bureau of Alcohol, Tobacco and Firearms, Federal Office Building, 550 Main Street, Cincinnati, OH 45202.
Mailing Address: Same as location.

Southwest Region

Location: Regional Director (Compliance), Bureau of Alcohol, Tobacco and Firearms, 1114 Commerce Street, Room 701, Dallas, TX 75242.
Mailing Address: Same as location.

Western Region

Location: Regional Director (Compliance), Bureau of Alcohol, Tobacco and Firearms, 212 Main Street, 11th Floor, San Francisco, CA 94105.
Mailing Address: Same as location.

73. Part 71, Subpart C, Appendix A, paragraph 3, is amended by replacing "Assistant to the Director (Disclosure)" with "Chief, Disclosure Branch" wherever it appears and by replacing "Federal Building" with "Ariel Rios Federal Building" in the address.

74. Part 71, Subpart C, Appendix A, paragraph 4, is amended by revising the address to read as follows:

* * * * *

4. * * * Director, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington, DC 20226.

* * * * *

75. Part 71, Subpart C, Appendix A, paragraph 5, is amended by replacing "Federal Building" with "Ariel Rios Federal Building" in the introductory text and by revising the address to read: "Director, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington, DC 20226 ATTN: Chief Counsel.

§ 71.41 [Amended]

76. Section 71.41(a)(1) is amended by replacing "Office of Regulations and Procedures Division" with "Office of Compliance Operations" in the fifth sentence.

77. Section 71.41(c) is amended by revising the last sentence to read as follows:

* * * * *

(c) * * * Petitions shall be addressed to the Director, Washington, DC 20226. Attention: Compliance Operations.

* * * * *

§ 71.42 [Amended]

78. Section 71.42(c)(2) is revised to read as follows:

* * * * *

(c) * * *

(2) Requests for forms should be mailed to the ATF Distribution Center, 7943 Angus Court, Springfield, Virginia 22153.

* * * * *

PART 72—[AMENDED]

79. The authority citation for Part 72 is revised to read as follows:

Authority: 18 U.S.C. 921, 1261; 19 U.S.C. 1607, 1610, 1612, 1613, 1618; 26 U.S.C. 7101, 7322–7325, 7326, 7805; 31 U.S.C. 9301, 9303, 9304, 9306; 40 U.S.C. 304(k); 49 U.S.C. 784, 788.

§ 72.2 [Amended]

80. Section 72.2(c) is revised to read as follows:

* * * * *

(c) Requests for forms should be mailed to the ATF Distribution Center, 7943 Angus Court, Springfield, Virginia 22153.

PART 170—[AMENDED]

81. The authority citation for Part 170 is revised to read as follows:

Authority: 26 U.S.C. 5001, 5002, 5064, 5111, 5121, 5171, 5205, 5291, 5301, 5362, 7805; 31 U.S.C. 9304, 9306.

§ 170.22 [Amended]

82. Section 170.22(c) is revised to read as follows:

* * * * *

(c) Requests for forms should be mailed to the ATF Distribution Center, 7943 Angus Court, Springfield, Virginia 22153.

§ 170.302 [Amended]

83. Section 170.302(c) is revised to read as follows:

* * * * *

(c) Requests for forms should be mailed to the ATF Distribution Center, 7943 Angus Court, Springfield, Virginia 22153.

PART 178—[AMENDED]

84. The authority citation for Part 178 is revised to read as follows:

Authority: 5 U.S.C. 552(a); 18 U.S.C. 847, 921–928; 44 U.S.C. 3504(h).

§ 178.21 [Amended]

85. Section 178.21(c) is revised to read as follows:

* * * * *

(c) Requests for forms should be mailed to the ATF Distribution Center, 7943 Angus Court, Springfield, Virginia 22153.

PART 194—[AMENDED]

86. The authority citation for Part 194 is revised to read as follows:

Authority: 26 U.S.C. 5001, 5002, 5025, 5111–5117, 5121–5124, 5142, 5143, 5145, 5146, 5205–5207, 5301, 5352, 5555, 5613, 5681, 5691, 6001, 6011, 6051, 6061, 6065, 6071, 6091, 6109, 6311, 6314, 6402, 6601, 6657, 6657, 6676, 6511, 7011, 7805.

§ 194.41 [Amended]

87. Section 194.41(c) is revised to read as follows:

* * * * *

(c) Requests for forms should be mailed to the ATF Distribution Center, 7943 Angus Court, Springfield, Virginia 22153.

PART 250—[AMENDED]

88. The authority citation for Part 250 is revised to read as follows:

Authority: 5 U.S.C. 552(a); 26 U.S.C. 5001, 5007, 5008, 5041, 5051, 5061, 5111, 5112, 5114, 5121, 5122, 5124, 5146, 5205, 5207, 5232, 5301,

5314, 5555, 6301, 6302, 6804, 7101, 7102, 7651, 7652, 7805; 31 U.S.C. 9301, 9303, 9304, 9306.

§ 250.2 [Amended]

89. Section 250.2(c) is revised to read as follows:

* * * * *

(c) Requests for forms should be mailed to the ATF Distribution Center, 7943, Angus Court, Springfield, Virginia 22153.

PART 251—[AMENDED]

90.The Authority citation for Part 251 is revised to read as follows:

Authority: 5 U.S.C. 552(a); 19 U.S.C. 81c, 1202; 26 U.S.C. 5001, 5007, 5008, 5041, 5054, 5051, 5061, 5111, 5112, 5114, 5121, 5122, 5124, 5201, 5205, 5207, 5232, 5273, 5301, 5313, 5555, 6302, 7805; 27 U.S.C. 203, 205; 44 U.S.C. 3504(h).

§ 251.2 [Amended]

91. Section 251.2(c) is revised to read as follows;

* * * * *

(c) Requests for forms should be mailed to the ATF Distribution Center, 7943 Angus Court, Springfield, Virginia 22153.

PART 252—[AMENDED]

92. The authority citation for Part 252 is revised to read as follows:

Authority: 5 U.S.C. 552(a); 19 U.S.C. 81c, 1309, 1311; 26 U.S.C. 5008, 5051, 5053, 5055, 5056, 5062, 5066, 5114, 5173, 5175–5177, 5204–5207, 5214, 5223, 5301, 5326, 5354, 5362, 5367, 5370, 5371, 5401, 5415, 5551, 5552, 5555, 6065, 7302, 7805; 31 U.S.C. 9301, 9303, 9304, 9306; 44 U.S.C. 3504(h).

§ 252.2 [Amended]

93. Section 252.2(c) is revised to read as follows:

* * * * *

(c) Requests for forms should be mailed to the ATF Distribution Center, 7943 Angus Court, Springfield, Virginia 22153.

PART 285—[AMENDED]

94. The authority citation for Part 285 is revised to read as follows:

Authority: 5 U.S.C. 552(a); 26 U.S.C. 5701, 5703–5705, 5711, 5721–5723, 5741, 5751, 5753, 5761–5763, 6109, 6302, 6402, 6404, 6676, 7212, 7325, 7342, 7606; 31 U.S.C. 9301, 9303, 9304, 9306.

§ 285.2 [Amended]

95. Section 285.2(c) is revised to read as follows:

* * * * *

(c) Requests for forms should be mailed to the ATF Distribution Center, 7943 Angus Court, Springfield, Virginia 22153.

Signed: February 5, 1987.

Stephen E. Higgins,

Director.

Approved: February 12, 1987.

Francis A. Keating, III,

Assistant Secretary (Enforcement)

[FR Doc. 87–4000 Filed 2–26–87; 8:45 am]

BILLING CODE 4810–31–M

VETERANS ADMINISTRATION

38 CFR Part 21

Veterans Education; Education Loans in Default

AGENCY: Veterans Administration.

ACTION: Final regulations

SUMMARY: To be eligible to defer repayment of a Veterans Administration (VA) education loan, a veteran must continue training as at least a half-time student. If a veteran has been granted an education loan which becomes payable by virtue of his or her ceasing to train at the half-time or greater rate for nine months, the VA is required to arrange repayment. If a payment is not forthcoming as scheduled under the agreed repayment plan, the loan is placed in default. For many years the VA has followed a policy that once such a veteran's loan has been placed in default, that default is not set aside even though the veteran subsequently reenrolls in training at the half-time or greater rate. This policy has appeared in internal agency documents, but not in the Code of Federal Regulations. The VA's experience has been that this policy would be easier to administer if it appeared in the Code of Federal Regulations. This regulation does this, and better informs the public as to the VA's policy when a default has occurred on an education loan.

EFFECTIVE DATE: December 11, 1986.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer (225), Assistant Director for Education Policy and Program Administration, vocational Rehabilitation and Education Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue NW, Washington, DC 20420 (202) 233–2092.

SUPPLEMENTARY INFORMATION: On June 23, 1986, a notice was published in the **Federal Register** to amend Part 21 to better state the VA's policy when education loans have been placed in default. Interested people were given 30 days to submit comments, suggestions and objections. The VA received one letter on this subject. The writer urged that the proposal be adopted. Accordingly, the VA is making the proposal final.

The VA has determined that this amended regulation does not contain a major rule as that term is defined by E.O. 12291, entitled Federal Regulation. The regulation will not have a $100 million annual effect on the economy, and will not cause a major increase in costs or prices for anyone. It will have no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Administrator of Veterans Affairs has certified that this amended regulation will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. Pursuant to 5 605(b), the amended regulation, therefore, is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

This certification can be made because the regulation simply makes clear and continues present VA policy, and it concerns only VA loans to individual veterans. No regulatory burdens are imposed on small entities.

The Catalog of Federal Domestic Assistance numbers for the programs affected by this regulation are 64.111 and 64.117.

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs-education, Loan programs-education, Reporting and recordkeeping requirements, Schools, Veterans, Vocational education, vocational rehabilitation.

Approved: December 11, 1986.

Thomas K. Turnage,

Administrotor.

PART 21—[AMENDED]

38 CFR Part 21, vocational Rehabilitation and Education, is amended by revising § 21.4504(d) to read as follows:

§ 21.4504 Promissory note.

* * * * *

(d) *Default.* Whenever the VA determines that a default, in whole or in part, has occurred on any such loan the eligible veteran or other eligible person shall be notified that the amount of the default shall be recovered from the eligible veteran or other eligible person concerned in the same manner as other debt due the United States. Once a

default has occurred, the veteran's or eligible person's subsequent reentrance into training at the half-time or greater rate shall not be the basis for rescinding the default. A default may only be rescinded when the VA has been led to create the default as a result of a mistake of fact of law. (38 U.S.C. 1798(e)(1))

* * * * *

[FR Doc. 87-4149 Filed 2-26-87; 8:45 am]
BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-6-FRL-3149-9]

Approval and Promulgation of Implementation Plan State of New Mexico

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency is conditionally approving a revision to the New Mexico State Implementation Plan (SIP) that provides for State issuance and enforcement of permits to prevent the significant deterioration of air quality (PSD) in certain areas of the State. The regulatory requirement of the SIP is New Mexico Air Quality Control Regulation 707. The proposed approval was published in the **Federal Register** of September 22, 1983, (48 FR 43194), and one comment was received.

New Mexico Regulation 707 does not apply to sources in Bernalillo County, New Mexico, or to sources on Indian governed land. In a letter of May 14, 1985, the Governor agreed that the State would not issued PSD permits to sources which trigger review under the stack height regulations, which he indicated would be adopted by the State after EPA's regulations were promulgated. EPA's regulations were promulgated on July 8, 1985 (50 FR 27892). This approval is conditioned upon adoption by the State of the applicable provisions of those regulations and submittal to EPA as a SIP revision as quickly as possible. It is EPA's understanding that the State has completed action on appropriate stack height regulation, and such a regulation will be submitted by the State in the near future.

EPA proposed to approve the State's PSD regulations provided that the State amends certain requirements which were specified in EPA's comment letters of July 6, 1983, and July 19, 1983. Subsequently, the State made the appropriate amendments to Regulation 707, and the Governor of New Mexico submitted the final regulation to EPA on February 21, 1984.

Today's action notice is published to advise the public that EPA is approving the State's final submittal as amended subject to the conditions and terms specified in this notice. The rationale for this action is contained in this notice, the Evaluation Report, and its supplement.

EFFECTIVE DATE: This action is effective on March 30, 1987.

ADDRESSES: Copies of the State's submittal and EPA's Evaluation Report and its supplement along with other information are available for inspection during normal business hours at the following locations.

Environmental Protection Agency, Region 6, Air, Pesticides, and Toxics Division, Air Programs Branch, 1201 Elm Street, Dallas, Texas 75270

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

New Mexico Environmental Improvement, Division, Health and Environmental Department, Air Quality Bureau, P.O. Box 968, Crown Building, Santa Fe, New Mexico 87503-0968.

FOR FURTHER INFORMATION CONTACT: Mr. J. Behnam, P.E., Air Programs Branch, Environmental Protection Agency, Region 6, 1201 Elm Street, Dallas, Texas 75270, telephone (214) 767-6672.

SUPPLEMENTARY INFORMATION: On December 20, 1980, the State of New Mexico requested delegation of the technical and administrative review portion of the Federal PSD program, including authority for source inspection for compliance and review of compliance test reports. The PSD partial authority was granted on February 16, 1982, subject to certain conditions, and a notice published in the **Federal Register** on March 16, 1982 (47 FR 11318).

On June 27, 1983, the New Mexico Environmental Improvement Division (NMEID) submitted a draft PSD SIP revision to EPA for review. EPA had previously reviewed a draft revision based on the requirements of 40 CFR 51.24 and developed an Evaluation Report. On February 21, 1984, the Governor of New Mexico submitted the final copy of the adopted New Mexico Air Quality Control Regulation 707 (PSD) which incorporated the EPA's comments along with the State's commitment for carrying out enforcement of the PSD program. On May 14, 1985, the Governor submitted another letter containing a statement agreeing to limit the New Mexico PSD SIP in that no PSD permit approval which "triggers the so-called sixty-five meter stack height question" would be issued under Regulation 707 "until final regulations addressing these issues are promulgated and subsequently adopted by the State." EPA understands that the Governor by this letter meant to indicate how the PSD program would be implemented. This letter commits the State not to issue PSD permits to sources which would require review under EPA's stack height regulations because they would have stack heights over sixty five (65) meters or would use any other dispersion technique, as defined at 40 CFR 51.1(hh), until the State has submitted as a part of SIP (and EPA has approved), the provisions now found in the amendments to 40 CFR 51.1(hh)-(kk) and published in the **Federal Register** on July 8, 1985. EPA evaluated this final submission and developed a supplement to the Evaluation Report. This Evaluation Report and its supplement are available for inspection during normal business hours at the EPA Region 6 office and the other addresses listed above.

The draft PSD SIP revision did not meet all the requirements of 40 CFR 51.24. EPA's review noted several requirements which needed to be incorporated in the regulation before it could be approved. A complete review of the requirements and EPA's comments were presented in the proposed approval which was published in the **Federal Register** on September 22, 1983, (48 FR 43194). The State has incorporated all of the required elements of the Federal regulations which were necessary for an approvable SIP.

In the notice of proposed rulemaking (48 FR 43194), EPA specifically solicited comments from the public and one comment was received. The commentor proposed that two modifications be made to the State Regulation 707, before the final approval, requiring the State (1) to adopt a fugitive emissions exemption as proposed in the **Federal Register**, August 25, 1983 (48 FR 38742), and (2) eliminate its visibility monitoring requirements from the State PSD regulations.

In regard to the first comment, the **Federal Register** of August 25, 1983, EPA proposed to delete the requirement for the inclusion of fugitive emissions in the threshold applicability determinations and to exempt from all substantive requirements applicable to major projects any project that would be major only if its fugitive emissions were

included. However, after reviewing the comments on the proposal, EPA has determined that the original interpretation and treatment of the fugitive emissions, as reflected in 40 CFR 51.24 and 40 CFR 52.21, are correct. Therefore, EPA's final ruling in the **Federal Register** of October 26, 1984 (49 FR 43202) reaffirmed EPA's original position. The commentor had based his assertion on the proposed ruling of August 25, 1983, which did not represent EPA's final determination. Since the EPA has retained the original regulation in the October 26, 1984, **Federal Register** action and the State has complied with these Federal regulations, EPA has no reason to disapprove the New Mexico regulation on the basis of fugitive emissions exemption.

In regard to the second comment, the monitoring requirements of Regulation 707, section I(5), apply only to the areas which are designated as Class I areas. The commentor failed to acknowledge this fact. The Federal PSD regulations, 40 CFR 51.24(p) and 40 CFR 52.21(p), clearly include consideration and analysis of the new source impacts on the visibility of the Class I areas. This requirement is based on the Federal Clean Air Act sections 165(d)(2)(B) and 165(d)(2)(C). In addition, certain requirements of the visibility regulations (40 CFR 51.307) which are directly related to new source review processes and affecting the Class I areas may be included in the PSD regulations. In satisfying the visibility requirements, the State had options to determine the appropriate means by which the visibility protection of the Class I areas would be administered and enforced. The procedures and options that New Mexico has chosen are consistent with 40 CFR 51.24, 40 CFR 52.21, 40 CFR 51.307, and the promulgated visibility requirements specified in the **Federal Register** of July 12, 1985 (50 FR 28544). The inclusion of the Class I areas visibility monitoring requirement in the PSD regulation is legitimate and it does not add extra burden on the sources impacting the Class I areas. Thus, EPA has no justification to disapprove the New Mexico PSD SIP on the basis of the commentor's discussion. The commentor also contended that adequate public notice and hearing had not been carried out. EPA does not agree with the commentor and the State submission indicated that the public participation process has been conducted adequately by the NMEID.

On October 12, 1983, EPA asked the NMEID for a description of its jurisdiction over lands controlled by Indian governing bodies, especially with respect to PSD, permits, and enforcement. In a letter dated February 21, 1984, the NMEID provided its response. EPA has reviewed the NMEID's analysis on the basis of recent Federal court decisions, the Clean Air Act, and general administration policies in treating Indian tribes' sovereignty. As a result, EPA believes that the State's analysis did not provide an adequate legal basis for EPA to find that the NMEID has jurisdiction over the Indian governed lands. At this time, the provisions of 40 CFR 52.21 remain the effective PSD requirements on Indian governed lands in New Mexico. Therefore, EPA retains authority to review PSD applications, and issue and enforce the PSD permits in Indian governed lands in conjunction with the appropriate Indian governing authority.

Under the New Mexico Air Quality Act, the NMEID also lacks jurisdiction in certain "A Class" counties and municipalities in A Class counties which establish their own air pollution control programs which meet the requirements of the Air Quality Act. Bernalillo County and Albuquerque have pre-empted the NMEID under that provision, although they have not yet prepared a PSD SIP. EPA retains authority for and will continue to implement the PSD program under 40 CFR 52.21 for the Bernalillo County area until such time as the Albuquerque-Bernalillo County Air Quality Control Board adopts and submits an adequate PSD SIP.

The State's PSD SIP contains a very short section, section J, which addresses Stack Height Credit. While that provision is not inconsistent with EPA's July 8 regulations, it does not necessarily require the same results as the July 8 regulations. In anticipation of this problem, the Governor added to his letter of May 14, 1985, a sentence which indicated that permits would not be issued to sources with stack height issues. EPA understands the Governor to have made a commitment that the State, therefore, will not issue PSD permits to sources which propose to have a stack height greater than 65 meters (213 feet) nor to sources which propose to use a dispersion technique as defined at 40 CFR 51.1(hh). The provisions of 40 CFR 52.21, administered by EPA, continue to apply to such sources.

In summary, today EPA is conditionally approving a SIP revision which—

1. Allows the NMEID, in areas outside Indian governed lands and Bernalillo County, to continue to administer, review, and evaluate the PSD applications.

2. Gives the NMEID the authority, in areas outside Indian governed lands and Bernalillo County, to issue PSD permits for sources submitting applications after the effective date of this approval [except for sources which propose to have a stack height greater than 65 meters or which propose to use a dispersion technique as defined at 40 CFR 51.1(hh)], and

3. Gives the NMEID the authority, in areas outside Indian governed lands and Bernalillo County, to enforce both State-issued and EPA-issued PSD permits.

Effective today, sources seeking PSD permits, in areas outside Indian governed lands or Bernalillo County, should apply to the NMEID. Sources located or seeking PSD permits on Indian governed lands of Bernalillo County, should apply to the EPA Region 6 Office at the address given in this notice.

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 Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 28, 1987. This action may not be challenged later in proceedings to enforce its requirements [See 307(b)(2)].

Incorporation by reference of the SIP for the State of New Mexico was approved by the Director of the **Federal Register** on July 1, 1982.

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 27, 1987.

Lee M. Thomas,

Administrator.

PART 52—[AMENDED]

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

Subpart GG—New Mexico

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

Authority: 42 U.S.C. 7401–7642.

2. Section 52.1620 is amended by adding paragraph (c)(37) as follows:

§ 52.1620 Identification of plan.

* * * * *

(c) * * *

(37) On February 21, 1984, the Governor of New Mexico submitted Air Quality Control Regulation 707—

Permits, Prevention of Significant Deterioration (PSD), as adopted by the New Mexico Environmental Improvement Board on January 13, 1984. Regulation 707 provides authority for the State to implement the PSD program in certain areas of the State. On May 14, 1985, the Governor of New Mexico submitted a letter in which he committed the State not to issue PSD permits under Regulation 707 to sources which would require review under EPA's stack height regulations because thay would have stack heights over sixty five (65) meters or would use any other dispersion techniques, as defined at 40 CFR 51.1(hh).

(i) Incorporation by reference.

(A) Letter from the Governor of New Mexico dated February 21, 1984 to EPA, and New Mexico Air Quality Control Regulation No. 707—Permits, Prevention of Significant Deterioration of Air Quality, except for sources that locate (or are located) on lands under control of Indian Governing Bodies, or sources that locate (or are located) in Bernalillo County, or sources that require review under EPA's stack height regulations because they have stack heights over sixty five (65) meters or use any other dispersion techniques, as defined at 40 CFR 51.1(hh), adopted on January 13, 1984.

(B) A letter from the Governor of New Mexico dated May 14, 1985, in which he committed the State not to issue PSD permits under Regulation 707 to source which would require review under EPA's stack height regulations because they would have stack heights over sixty five (65) meters or would use any other dispersion techniques, as defined at 40 CFR 51.1(hh).

(ii) Additional material.

(A) A narrative explantion entitled "Revision to the New Mexico State Implementation Plan—Prevention of Significant Deterioration of Air Quality."

3. Section 52.1634 is revised to read as follows:

§ 52.1634 Significant deterioration of air quality.

(a) *Regulation for preventing significant deterioration of air quality.* The plan submitted by the State of New Mexico for preventing significant deterioration of air quality does not apply in certain areas in the State. Therefore, the provisions of § 52.21(b) through (w) are made a part of the applicable implemenation plan and are applicable to sources located on land under the control of Indian governing bodies and to sources located within the boundaries of Bernalillo County (including Albuquerque) and to sources which would require review under EPA's stack height regulations because they would have stack heights over sixty five (65) meters or would use any other dispersion techniques, as defined at 40 CFR 51.5(hh).

(b) *Conditional approval.* Regulation 707 is conditionally approved on the basis that

(1) The State will not issue permits to sources which would require review under EPA's stack height regulations because they would have stack heights over sixty five (65) meters or would use any other dispersion techniques, as defined at 40 CFR 51.1(hh).

(2) The State will adopt and submit as a plan revision a regulation which is equivalent to the regulations in 40 CFR Part 51 promulgated to implement Section 123 of the Clean Air Act.

[FR Doc. 87-2077 Filed 2-26-87; 8:45 am]
BILLING CODE 6560-50-M

[OW-FRL-3159-5]

40 CFR Part 228

Ocean Dumping; Cancellation of Site Designations

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA today cancels the designation of ten ocean dumping sites which are currently designated on an interim basis. This action is being taken because there is no projected future need for these sites. These sites will be removed from the list of "Approved Interim and Final Ocean Dumping Sites."

DATE: These cancellations shall become effective on March 30, 1987.

ADDRESSES: Ms. Sally Turner, Environmental Protection Agency, Region IV, Water Management Division, Marine Protection Section, 345 Courtland Street, NE, Atlanta, Georgia 30365.

The file supporting these cancellations and the letters of comment are available for public inspection at the following locations:

EPA Public Information Reference Unit (PIRU), Room 2904 (rear), 401 M Street Southwest, Washington, DC 20460

EPA Region IV, 345 Courtland Street, NE., Atlanta, GA 30365

FOR FURTHER INFORMATION CONTACT: Ms. Sally Turner at 404/347-2126.

SUPPLEMENTARY INFORMATION: EPA published revised Ocean Dumping Regulations on January 11, 1977, (42 FR 2462 *et seq.*). Section 228.12 contains a list of "Approved Interim and Final Ocean Dumping Sites." This list was amended on December 9, 1980, (45 FR 81042 *et seq.*) to extend the interim designation of some ocean dumping sites and cancel the designation of six industrial sites and one dredged material site. At that time EPA stated its intention to identify additional ocean dumping sites for which there is no projected future need.

Ten such sites have now been identified, and EPA is cancelling the interim designation of these sites based upon recommendations from the Corps of Engineers.

Response to Comments

On Friday August 22, 1986, EPA proposed cancellation of these sites in the **Federal Register** [51 FR 30081 *et seq.*]. The proposed rulemaking contained information regarding the sites and the circumstances surrounding the recommendation for cancellation. The comment period on this proposed rulemaking closed on October 6, 1986. EPA received one response for this request for comments. This comment came from the State of Florida and indicated their approval of the cancellation of these sites. These sites with their identifying coordinates are listed below:

St. Augustine Harbor, FL—29°55'04"N., 81°17'04"W.; 29°55'13"N., 81°16'11"N.; 29°54'30"N., 81°15'58"W.; 29°54'19"N., 81°16'51"W.

St. Lucie Inlet, FL—27°09'58"N., 80°09'30"W.; 27°09'58"N., 80°08'42"W.; 27°09'52"N., 80°08'42"W.; 27°09'52"N., 80°09'30"W.

Ponce de Leon Inlet, FL—29°04'46"N., 80°53'40"W.; 29°04'36"N., 80°53'40"W.; 29°04'36"N., 80°54'26"W.; 29°04'46"N., 80°54'26"W.

Largo Sound, FL—25°06'06"N., 80°24'42"W.; 25°05'58"N., 80°24'05"W.; 25°05'50"N., 80°24'10"W.; 25°05'58"N., 80°24'47"W.

Anclote, FL—

The coordinates printed in the Proposed Rule for the Anclote, FL site were in error. Those coordinates appeared incorrectly as:

28°09'00"N., 82°53'48"W.; 28°09'00"N., 82°52'48"W.; 28°08'30"N., 82°52'48"W.; 28°08'30"N., 82°53'40"W.

The correct coordinates for the Anclote, FL site are as follows:

28°09'00"N., 83°51'48"W.; 28°09'00"N., 83°50'54"W.; 28°08'30"N., 83°50'54"W.; 28°08'30"N., 83°51'48"W.

Pithlachascotee, FL—

The coordinates printed in the Proposed Rule for the Pithlachascotee,

FL site were in error. Those coordinates appeared incorrectly as:
28°17'02"N., 82°46'21"W.; 28°17'02"N., 82°45'12"W.; 28°16'25"N., 82°45'00"W.; 28°16'42"N., 82°45'00"W.

The correct coordinates for the Pithlachascotee, FL site are as follows:
28°17'02"N., 82°46'21"W.; 28°17'02"N., 82°45'12"W.; 28°16'25"N., 82°45'00"W.; 28°16'42"N., 82°45'00"W.; 28°16'42"N., 82°46'21"W.

Withlacoochee, FL—28°59'08"N., 82°48'48"W.; 28°59'32"N., 82°47'40"W.; 28°59'18"N., 82°47'32"W.; 28°58'54"N., 82°48'40"W.

Cedar Keys, FL—29°08'43"N., 83°07'53"W.; 29°08'43"N., 83°07'03"W.; 29°08'33"N., 83°07'03"W.; 29°08'33"N., 83°07'03"W.

Cedar Keys, FL—

The coordinates printed in the Proposed Rule for the second Cedar Keys, FL site were in error. Those coordinates appeared incorrectly as:
29°04'08"N., 83°04'06"W.; 29°04'01"N., 83°03'54"W.; 29°03'28"N., 83°04'12"W.; 29°03'28"N., 83°04'24"W.

The correct coordinates for the second Cedar Keys, FL site are as follows:
29°04'08"N., 83°04'06"W.; 29°04'01"N., 83°03'54"W.; 29°03'28"N., 83°04'12"W.; 29°03'35"N., 83°04'24"W.

Horseshoe Cove, FL—29°25'58"N., 83°17'32"W.; 29°25'53"N., 83°17'22"W.; 29°25'44"N., 83°17'28"W.; 29°25'49"N., 83°17'38"W.

Apart from the errors noted above in the Proposed Rule's listing of site coordinates, an error also appears in the current Code of Federal Regulations (CFR) in the listing for the site designated off Anclote, FL. The southeast corner of this site is shown in the CFR as 28°08'48"N., 83°50'54"W., whereas the correct coordinates for this point, as stated above, are 28°08'30"N., 83°50'54"W. To avoid any confusion which this discrepancy might cause, the rule amendment being finalized today cancels the Anclote, FL designation as both correctly and incorrectly described.

Action: The cancellation of these ten sites as EPA interim approved ocean dumping sites is being published as final rulemaking.

Regulatory Assessments: Under the Regulatory Flexibility Act, EPA is required to perform a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of small entities. Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis.

EPA has determined that this rule will not have a significant impact on small entities. No small entities are using or, as far as EPA is aware, are planning to use these sites in the near future. Furthermore, the cancellation of these site designations will have no effect on the economy or cause any of the other effects which could result in its being qualified as a "major" action. Consequently, this rule does not necessitate the preparation of a Regulatory Flexibility Analysis or Regulatory Impact Analysis.

This rule does not contain any information collection requirements subject to Office of Management and Budget review under the Paperwork Reduction Act of 1980, 44 U.S.C. et seq.

List of Subjects in 40 CFR Part 228

Water pollution control.

Dated: February 13, 1987.

Approved by:

Jack E. Ravan,

Regional Administrator for Region IV.

PART 228—[AMENDED]

In consideration of the foreign, Subchapter H of Chapter I of Title 40 is amended as set forth below.

1. The authority citation for Part 228 continues to read as follows:

Authority: 33 U.S.C. sections 1412 and 1418.

§ 228.12 [Amended]

Amend § 228.12(a)(3) is amended by removing from the list of dredged material sites the following ten ocean dumping sites:

St. Augustine Harbor, FL—29°55'04"N., 81°17'04"W.; 29°55'13"N., 81°16'11"N.; 29°54'30"N., 81°15'58"W.; 29°54'19"N., 81°16'51"W.

St. Lucie Inlet, FL—27°09'58"N., 80°09'30"W.; 27°09'58"N., 80°08'42"W.; 27°09'52"N., 80°08'42"W.; 27°09'52"N., 80°09'30"W.

Ponce de Leon Inlet, FL—29°04'46"N., 80°53'40"W.; 29°04'36"N., 80°53'40"W.; 29°04'36"N., 80°54'26"W.; 29°04'40"N., 80°54'26"W.

Largo Sound, FL—25°06'06"N., 80°24'42"W.; 25°05'58"N., 80°24'05"W.; 25°05'50"N., 80°24'10"W.; 25°05'58"N., 80°24'47"W.

Anclote, FL—28°09'00"N., 83°51'48"W.; 28°09'00"N., 83°50'54"W.; 28°08'48"N., 83°50'54"W.; 28°08'30"N., 83°51'48"W.

Pithlachascotee, FL—28°17'02"N., 82°46'21"W.; 28°17'02"N., 82°45'12"W.; 28°16'25"N., 82°45'00"W.; 28°16'42"N., 82°45'00"W.; 28°16'42"M., 82°46'21"W.

Withlacoochee, FL—28°59'08"N., 82°48'48"W.; 28°59'32"N., 82°47'40"W.; 28°59'18"N., 82°47'32"W.; 28°58'54"N., 82°48'40"W.

Cedar Keys, FL—29°08'43"N., 83°07'53"W.; 29°08'43"N., 83°07'03"W.; 29°08'33"N., 83°07'03"W.; 29°08'33"N., 83°07'53"W.

Cedar Keys, FL—29°04'08"N., 83°04'06"W.; 29°04'01"N., 83°03'54"W.; 29°03'28"N., 83°04'12"W.; 29°03'35"N., 83°04'24"W.

Horseshoe Cove, FL—29°25'58"N., 83°17'32"W.; 29°25'53"N., 83°17'22"W.; 29°25'44"N., 83°17'28"W.; 29°25'49"N., 83°17'38"W.

[FR Doc. 87-3718 Filed 2-26-87; 8:45 am]
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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 431, 433, and 435

[BPO-052-F]

Medicaid Program; Identification of Third Party Liability Resources for Medical Assistance

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

ACTION: Final rule.

SUMMARY: This final rule revises regulations governing a Medicaid State agency's responsibility to take reasonable measures to determine the legal liability of third parties to pay for services under the plan. The final regulations require that the agency at a minimum: (1) Obtain certain health insurance information for Medicaid applicants or recipients during the initial application and redetermination processes; (2) conduct, or in some cases attempt to secure agreements to conduct, certain types of data exchanges with specific State and Federal agencies, or in some cases alternate sources, to identify legally liable third parties; (3) conduct diagnosis and trauma code edits to identify third party resources; and (4) follow other specified procedures regarding frequency of conducting the above activities, follow up, safeguarding information obtained and exchanged, and reporting and reimbursement requirements.

The objectives of these requirements are to impove State agency performance in the identification of third party resources and to assure the timely incorporation of this resource information into the third party claims payment processing system.

This regulation also makes minor technical revisions to the Income and

Eligibility Verification System final rule published in the **Federal Register** on February 28, 1986.

EFFECTIVE DATE: These regulations are effective May 28, 1987.

FOR FURTHER INFORMATION CONTACT: Al Czerski (301) 597–0463.

SUPPLEMENTARY INFORMATION:

I. Background

A. General

A "third party" is any individual, entity or program that is or may be liable to pay all or part of the expenditures for medical assistance furnished under a State plan. Examples of liable third parties include commercial insurance companies, through employment-related or privately purchased health insurance or through casualty coverage resulting from an accidental injury; an individual who has either voluntarily accepted or been assigned legal responsibility for the health care of one or more Medicaid recipients; fraternal groups; unions; or State Workers' Compensation commissions. Other examples of a third party would include an absent parent or other entities providing medical support or services.

B. Statute-General

Section 1902(a)(25) of the Social Security Act (the Act), requires that State or local Medicaid agencies take all reasonable measures to ascertain the legal liability of third parties to pay for care and services furnished to Medicaid recipients. This section requires the agency to seek reimbursement from a third party to the extent that the party is legally liable for Medicaid covered services.

Section 1903(o) of the Act prohibits Federal matching of State Medicaid payments if a private insurer would have been liable to pay for the medical care, except that the insurance contract limits or excludes liability when the individual is eligible for Medicaid. Section 1903(d)(2) of the Act provides for consideration of the Federalshare of any amounts already recovered by a State from a third party for medical assistance as an overpayment to the State, and for appropriate adjustment of the quarterly Medicaid payments made by the Federal government to the State.

C. Deficit Reduction Act (DEFRA) of 1984

The Deficit Reduction Act of 1984 (Pub. L. 98–369, July 18, 1984) made several changes to the statute that affect requirements related to third party liability.

Section 2367 of DEFRA added a new section 1902(a)(45) to the Act to provide, as a Medicaid State plan requirement, for mandatory assignment of rights to payments for medical support and other medical care owed to recipients in accordance with section 1912 of the Act. Section 2367 also amended section 1912 of the Act to require (rather than allow as an option) that the State Medicaid plan provide that (1) as a condition of eligibility for medical assistance, individuals assign to the State their rights to any medical support or other payments for medical care and that they cooperate with the State in establishing paternity and in obtaining third party payments; and (2) States enter into certain cooperative agreements for the enforcement of rights to and collection of third party benefits. These agreements may be with State child support enforcement (title IV–D) agencies, any other appropriate agency of a State, and appropriate courts and law enforcement officials. In addition, section 2651 of DEFRA added a new section 1137 to the Act. This section, in part, requires State agencies that administer the Unemployment Compensation program, the Food Stamp program, the Aid to Families with Dependent Children (AFDC) program (title IV–A), the adult assistance programs (Titles I, X, XIV, and XVI (AABD) of the Act) and the Medicaid program to have in effect an Income and Eligibility Verification System (IEVS) under which certain income and other relevant information would be exchanged and utilized among the above agencies for the purpose of verifying eligibility and benefit amounts under the programs administered by those agencies (section 1137(a)(2) of the Act). Section 2651 also provides that such information be targeted to uses most likely to identify and prevent erroneous eligibility determinations and incorrect payments. (Section 1137(a)(4)(C) of the Act).

We interpret the language of section 1137 of the Act to mean that State Medicaid agencies must use relevant information available under that section to the extent it is useful, as determined by the Secretary in the identification and pursuit of legally liable third party payers of medical expenses, since this affects the correct amount of payment made under Medicaid.

D. Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985

Section 9503 of COBRA, in part, amended section 1902(a)(25) of the Act by adding a new provision under section 1902(a)(25)(A)(i) to specify that the Medicaid State plan must provide for the collection of sufficient information to enable the State to pursue claims against third parties, with such information being collected at the time of any application or redetermination process with regard to eligibility for medical assistance.

E. Current Third Party Regulations

Regulations containing third party liability requirements are located at 42 CFR Part 433, Subpart D. For purposes of the provisions set forth in this document, the relevant regulations sections to be considered are §§ 433.138 through 433.140. Section 433.138 requires the State agency to take reasonable measures to determine the legal liability of third parties to pay for services covered under the State's Medicaid State plan. Section 433.139 (as amended under final regulations published on November 12, 1985 (50 FR 46652) sets forth provisions for payment of claims involving probable third party liability. Under § 433.140, one of therequirements for Federal financial participation in Medicaid payments is that the State agency has fulfilled the requirements of §§ 433.138 and 433.139.

In an effort to improve the administration of the Medicaid program and implement certain sections of DEFRA and COBRA with respect to third party liability, on May 28, 1986, we published in the **Federal Register** a proposed rule (51 FR 19227). The major provisions of that rule, the comments received, our responses, and the changes we made in response to those comments are discussed below.

II. Provisions of the Proposed Rule

The May 28 proposed rule provided that the State Medicaid agency take reasonable measures to determine the legal liability of third parties to pay for services under the plan, at a minimum, providing for the following:

A. Obtaining Health Insurance Information: Initial Application and Redetermination Processes

1. Collection by the Social Security Administration (SSA)

Under section 1634 of the Act, SSA is authorized to enter into agreements with interested State Medicaid agencies to determine Medicaid eligibility for individuals who receive Supplemental Security Income (SSI) benefits under title XVI. The proposed rule would require States to enter into an agreement with HCFA (or prior to February 1, 1985, have executed a modified section 1634 agreement with SSA that is still in effect) to—

a. Provide for collection, from the SSI applicant or recipient during the initial and each redetermination process of health insurance information in the form and manner specified by the Secretary; and

b. Transmit the information to the Medicaid agency.

2. Collection by State Agencies Other Than the Medicaid Agency

Under § 431.10(d) of current regulations, the State plan must provide for written agreements between the Medicaid agency and other State agencies that determine Medicaid eligibility; for example, the State agency administering the AFDC program. We proposed that the Medicaid agency must modify its agreement to provide for the collection, during the initial application and each redetermination process for eligibility, of health insurance information useful in identifying legally liable third party resources. This information would be forwarded to the Medicaid agency.

3. Collection by State Medicaid Agency

If the State Medicaid agency determines Medicaid eligibility, our proposal would require the agency itself to collect the health information described above during the initial application and each redetermination process.

4. Followup Procedures

With respect to the health insurance information obtained by agencies, we would require that within 30 days the Medicaid agency must followup on such information (if appropriate) in order to identify legally liable third party resources and incorporate such information into the eligibility case file and into its third party data base and third party recovery unit so the agency can process claims under the third party liability payment procedures. We would require the State to describe in their State plan the methods the agency would use to meet these requirements.

B. Data Exchanges With State Wage Information Collection Agencies (SWICAs), the SSA Wage and Earnings Files and State Title IV–A Agencies.

1. General

We also proposed changes to § 433.138 of the regulations that would require use of information obtained from certain data exchanges which each State is now required to have under the final IEVS regulations published in the **Federal Register** February 28, 1986 (51 FR 7178). That final rule implements section 1137 of the Act, described earlier in this document, by requiring Federally-funded State administered programs such as Medicaid, AFDC, food stamps, etc., to have in effect an Income and Eligibility Verification System (IEVS) under which certain wage and other relevant information must be exchanged and utilized among those program agencies for purposes of verifying eligibility and benefit amounts under those programs.

2. Social Security Numbers (SSNs) of Absent or Custodial Parents

The agency would be required to incorporate into the Medicaid eligibility case file the names and SSNs (to the extent available) of absent or custodial parents of recipients for the purpose of conducting data matches with SWICAs, the SSA wage and earnings files and the Workers' Compensation or Industrial Accident Commissions. As set forth in the IEVS final rule, a SWICA is the State agency administering the State unemployment compensation law, a separate agency administering a quarterly wage reporting system, or a State agency administering an acceptable alternative system. A SWICA that does not use reported wages for unemployment insurance benefit calculations or that is an alternative system approved by the Secretary of Labor is required (and other SWICAs are strongly encouraged) to maintain and exchange wage information that identifies the SSN, full name, wages earned, and an identifier of the employer (for example, name and address). The SSA wage and earnings files are nationwide files of wages, including those paid by Federal government, earnings from self-employment and pension benefits.

3. Data Exchanges With SWICAs and SSA Wage and Earnings Files

Under our proposal the agency would be required (for purposes of identifying third parties) as part of the SWICA and SSA wage and earnings files data exchange requirements, to use the information that identifies those Medicaid recipients that are employed and their employer(s), and the agency must also (assuming that it has obtained the names and SSNs of absent or custodial parents of Medicaid recipients) obtain information that identifies those absent or custodial parents of recipients that are employed and their employer(s), unless the agency can demonstrate to HCFA that it has an alternate source of information that can be obtained as timely and is as complete and useful for identifying third parties as SWICA and SSA information.

4. Data Exchanges with State Title IV–A (Aid to Families With Dependent Children) Agencies

The proposed rule provides that the Medicaid agency must, as required under the final IEVS regulations, request from the State title IV–A agency income information obtained from the title IV–A agency SWICAs and SSA wage and earnings files data exchanges to identify those Medicaid recipients that are employed and their employer(s).

5. Followup Procedures

With respect to the information obtained from the data exchanges with the SWICAs, the SSA wage and earnings files and title IV–A agencies, followup requirements would be the same as for obtaining health insurance information.

6. Frequency of Exchanges

The frequency of the Medicaid agency's data exchanges with regard to SWICAs and SSA wage and earnings files have already been set under the final IEVS regulations. The frequency of title IV–A agency data exchanges with SWICAs and SSA wage and earnings files under the IEVS regulations are located at 45 CFR 205.55(a)(1) and (a)(3). With regard to the Medicaid agency obtaining information from the State title IV–A agency, our proposal provides that the information be obtained from the title IV–A agency on a timely basis that is consistent with the intervals specified in § 205.55(a)(1) and (a)(3).

C. Other Data Exchanges

We proposed to require that State Medicaid agencies attempt to secure agreements with the following two agencies (to the extent permitted by State law) to conduct data exchanges as discussed below.

1. State Worker's Compensation or Industrial Accident Commission Files

Assuming that an agreement can be reached, and such exchanges comply with applicable State and Federal law, data exchanges would entail matching identifying information (for example, name, SSN) for Medicaid recipients and (assuming names and SSNs have been obtained) absent or custodial parents of Medicaid recipients with Workers' Compensation or Industrial Accident files to identify those individuals with employment-related injuries or illnesses.

2. State Motor Vehicle Accident Report Files

Required data exchanges would involve matching identifying information for Medicaid recipients with State Motor

Vehicle Accident Report Files to identify those recipients injured in motor vehicle accidents, whether injured as pedestrians, drivers or passengers in motor vehicles, or as bicyclists.

3. Securing Agreements

The proposed rule would require the Medicaid agency to attempt to secure agreements with the above two agencies. If unable to secure agreements, the agency would have to submit documentation to the regional office that demonstrates that the agency made a reasonable attempt to secure them. If HCFA determines that a reasonable attempt was made, the requirements concerning data exchanges with these two agencies would be deemed to be met.

4. Frequency of Exchange

If agreements have been secured, States would be required to conduct data exchanges with the above two agencies on a routine and timely basis. The State Medicaid agency would have the flexibility to develop a plan (as part of its State plan) defining the frequency of the exchanges.

5. Followup Procedures

a. *State Workers' Compensation or Industrial Accident Commission Files.* Followup requirements would be the same as for obtaining and acting on health insurance information. States would have flexibility in developing a plan for followup.

b. *State Motor Vehicle Accident Report Files.* With respect to the information obtained from the State Motor Vehicle Accident Report Files, our proposal provides that the agency develop and submit a plan (as part of its State plan) that describes its methods for following up on this information in order to identify legally liable third party resources so the agency can process claims under the third party liability payment procedures. Also, after followup, the agency would be required to incorporate that information into the eligibility case file and into its third party data base and third party recovery unit within timeframes specified in the State plan.

D. Diagnosis and Trauma Code Edits

1. General

We proposed to amend regulations to include a requirement regarding diagnosis and trauma code edits. State claims data that are generated periodically include a listing of claims paid, the amount of the claim and the diagnosis code under which the claim was submitted. These diagnosis codes can be found in the International Classification of Disease, 9th Revision, Clinical Modification, Volume 1 (ICD–9–CM). We proposed to require that State agencies take action to identify those paid claims that contain diagnosis or trauma codes 800–999, inclusive, and follow up on that information for purposes of identifying liable third parties.

2. Frequency of Trauma Edits and Followup

We would require agencies to conduct these edits on a routine and timely basis and develop and specify in the plan the frequency of the edits performed and the methods used to follow up. As part of the followup procedures, we also proposed that States periodically take action to identify those trauma codes which have yielded the highest third party collections. Based on these findings, future followup procedures would give higher priority to those codes likely to be the most productive. After followup, the agency must incorporate all information identifying legally liable third parties so the agency can process claims under the third party liability payment procedures into the eligibility case file and its third party data base and recovery unit within timeframes specified in the plan.

E. Safeguarding of Information

1. General Safeguards

Our proposal provided that the agency have criteria that govern the safeguarding of third party liability data received under the proposed rule and also provided that the agency must safeguard information obtained under this proposed rule in accordance with regulations at Part 431, Subpart F.

2. Data Exchanges

The proposal provided that the State Medicaid agency have a written agreement before requesting information from, or releasing information to, other agencies to identify legally liable third party resources under the data exchange requirements of the proposed regulations. The written agreement requirements would parallel the requirements contained in the final IEVS regulations.

F. Reimbursement and Reports

We proposed to provide for reimbursement to agencies for furnishing information and for reports with respect to certain activities.

1. Reimbursement

We would require State Medicaid agencies to reimburse other agencies, upon request, for reasonable costs incurred in furnishing information to the Medicaid agency. Also, in connection with reimbursement, we would require each State Medicaid agency to specify, when entering into an agreement with another agency to obtain data, how it would reimburse reasonable costs for those activities.

2. Reports

Finally, we would require State Medicaid agencies to provide such reports as the Secretary prescribes for purposes of determining compliance with requirements in § 433.138, and evaluating the effectiveness of the third party liability identification system.

II. Public Comments

We received suggestions on the proposed rule from eight Medicaid State agencies and State technical advisory groups. The main comments and our responses to those comments are as follows:

A. Followup

Comment: Several commenters objected to the 30 day timeframe for following up on information in order to identify liable third party resources, and for incorporating such information into the eligibility case file and third party data base. They contend this is not adequate time to verify and process the information. One commenter pointed out that the 30 day requirement is in conflict with System Performance Review (SPR) requirements. The SPR allows for 30 days after verification of third party data for the information to be placed into the third party data base. Two commenters requested clarification of the 30 day requirement. One of the commenters questioned whether the timeframe begins at intake and ends when the request for verification is made or whether it begins upon receipt of verified information and ends when the data is entered into the third party data base. Another commenter asked if the data from IV–A and the data matches must be followed up on within 30 days of receipt of third party data or entered into the eligibility file and the third party data base within 30 days or both.

Response: We are revising the followup timeframes from 30 to 60 days for followup on health insurance information obtained from applicants and recipients and workers' compensation data exchanges. The 60 day period encompasses the following required followup activities:

(1) Verification that third party resources exist, and (2) incorporation of identifying information into the

eligibility case file and into the State's third party data base and third party recovery unit. We believe the additional 30 days will provide State agencies with sufficient time to complete all activities necessary to verifying third party resources including those situations in which, for example, followup with several agencies would be necessary to verify information.

The followup procedures for identifying legally liable third party resources for the SWICA, SSA wage and earnings files, and title IV–A data exchanges were set forth in final IEVS regulations published February 28, 1986 (§ 435.952(d)). The followup timeframe for verifying information under these exchanges and entering information into the case file is 30 days. An exception applies when the agency does not receive requested verification within the timeframe. However, action on no more than twenty percent of the information items may be delayed beyond 30 days. Therefore, to be consistent with the requirements under the IEVS regulations, we are amending § 433.138(g)(i) of the proposed rule to allow the same exception criteria to the 30 day timeframe for followup that is contained in § 435.952(d).

We are making no changes in followup timeframes with respect to the State Motor Vehicle Accident Report File data exchanges and diagnosis and trauma code edits since the proposed rule does not include a 30 day followup requirement. States have flexibility in describing in their State plans the methods the agency will use for following up on potential third party resource information.

B. Obtaining Health Insurance Information-SSA

Comment: One commenter expressed concern about the proposed requirement that all section 1634 States must contract with the Social Security Administration (SSA) to collect and transmit health insurance information obtained from SSI clients at application and redetermination. Inasmuch as SSA will not verify the TPL information obtained at intake, the commenter objects to being required to pay for information that is not verified.

Response: The current agreement between SSA and HCFA does not require SSA to verify TPL information obtained during initial application and redetermination processes. This remains the responsibility of the State Medicaid Agency. However, the cost to States under the agreement between HCFA and SSA for the TPL data is based on the collection and transmission of TPL information to the State Medicaid agency only. It would be much more costly to the States if SSA was required to verify the data.

C. Data Matches

1. SSNs

Comment: One commenter pointed out that experience has indicated that data matches on recipients with unverified SSNs has resulted in mismatches and discrepancy problems. The commenter is concerned that performing matches using absent parents' SSNs will result in an even greater number of mismatches and discrepancies since these SSNs are not verified by the State Medicaid agency. The State would have to expend a great deal of time and money to research and disregard the data from such mismatches.

Response: We are aware that there could be mismatches based on the use of unverified SSNs of custodial parents or SSNs of absent parents furnished by recipients. However, as a result of changes made under section 2367 of DEFRA, applicants (usually custodial parents) are required to provide their SSNs as a condition of Medicaid eligibility. (Previously, SSNs were required as a condition of AFDC eligibility.) In addition, under the medical support regulations published by the Office of Child Support Enforcement (OCSE) on October 16, 1985, the IV–D agency is now required to provide the SSN of the absent parent to the Medicaid Agency (45 CFR 306.50(a)). With the advent of these new requirements we believe the number of mismatches will decrease. Also, based on the experience of States reporting in *A Guide to Successful State Agency Practices-TPL in the Medicaid Program*, the data matches using absent and custodial parents SSN's have proven to be cost effective.

2. Accident Report Files

Comment: One commenter objected to the requirement that States conduct data exchanges with the State Motor Vehicle Accident Report Files. The commenter stated that since States do not require SSNs to be included on the accident reports, it would not be cost-effective to require States with a large Medicaid population to conduct a match manually by name. The commenter also pointed out that the same information could be obtained from the diagnosis and trauma code edits.

Response: We recognize that a manual match of Medicaid recipients by name with the State Motor Vehicle Accident Report Files is labor intensive. However, experience indicates that due to the severity of motor vehicle accident related injuries, extended medical care is usually required which results in substantial Medicaid program expenditures. In addition, with respect to the last comment, Motor Vehicle Accident Report Files may provide more comprehensive information regarding the identity of the insurer of parties involved in the accident, witnesses, and responsible parties (information that the recipient cannot always provide).

In considering the suggestion of the commenter regarding cost effectiveness, if HCFA receives substantial complaints from State Medicaid agencies regarding the cost effectiveness of the State Workers' Compensation, Motor Vehicle Accident Report File data matches and diagnosis and trauma code edits we will reevaluate these requirements.

D. Diagnosis and Trauma Code Edits

Comment: Several commenters objected to following up on all claims that contain diagnosis or trauma codes 800–999. Certain codes (e.g., 994.6, motion sickness) are nonproductive for identifying third party resources.

They asked if States have flexibility to eliminate some diagnosis codes from the initial identification of claims process based on their experience. One commenter asked whether a State that can successfully followup on all trauma related claims is required to prioritize claims for followup.

Response: The specific diagnosis codes in the 800 to 999 series inclusive, contained in the International Classification of Diseases, 9th Revision, Clinical Modification (1CD–9–CM) are codes that could denote a possible trauma related injury. The use of diagnosis code edits to identify third party resources has produced significant third party recoveries. We agree with the commenter, however, that the likelihood of code 994.6, Motion Sickness, being productive is remote. Therefore, we are amending regulations at § 433.138(e) to remove from the 800–999 series for edits the code 994.6. Also, as we discussed in our response to the previous comment, if we receive substantial complaints regarding diagnosis and trauma code edits, we will reevaluate the code requirements regarding this activity.

With respect to followup requirements, in our proposed rule we proposed to require that States periodically take action to identify those trauma codes which have yielded the highest third party collections and give higher priority to following up on those codes which are likely to be the most

productive. We believe the identification of the most productive codes, with revisions based on periodic analysis will ensure a more cost-effective program and, therefore, do not believe that a State should be permitted to avoid this prioritization process because it has the resources to fully follow up on all trauma related claims.

E. Eligibility File and Data Base

Comment: Two commenters objected to including information on resources belonging to someone other than the recipient in the eligibility case file and third party data base. They claim that in the case of an automobile accident, updating the files with the other party's policy information would result in claims being incorrectly edited.

Response: We believe that all identifying third party information should be included in the Medicaid eligibility case file since that file is intended to contain all pertinent information involving the recipient. With respect to entry of information into the third party data base, we would expect that once Medicaid has been reimbursed, the information should remain in the third party data base for a reasonable period in case there is a recurring need for additional medical care by the recipient. The information including the automobile accident data and the diagnosis and trauma code edits is not required to be place in the third party data base on a permanent basis.

F. Definitions

1. Custodial parent

Comment: One commenter contends that the reference to "custodial parent" used in § 433.138(c) of the proposed regulations is inappropriate unless the regulation means to identify parents having the legal status of custodial parent. They suggested use of the phrase "parent living with child and providing parental care and guidance."

Response: We believe the use of the term "custodial parent" is appropriate since "custodial parent" is used extensively in Medicaid regulations and other program regulations (for example, OCSE regulations). Any revision to this phrase (for example, making a distinction between a parent that has a legal status of a custodial parent and one that does not) may result in confusion and a conclusion that we are setting up a new category of parent.

2. Eligibility Case File

Comment: Two commenters requested that we define "eligibility case file." They questioned whether it was an automated file or a hard copy file and also whether it was the master eligibility file maintained by the Medicaid agency or the eligibility file of the certifying agency when it is separate from the Medicaid agency.

Response: The Medicaid eligibility file is the hard copy or automated eligibility case record containing the required current and past data necessary to establish eligibility and evaluate the efficiency and effectiveness of State eligibility, claims processing and third party liability operations. In some States it may be a county office hard copy file while in others it may be an automated record.

The Medicaid eligibility file is the file maintained by the certifying agency (if separate from the Medicaid agency). For example, the IV–A agency file would be the eligibility file in States where IV–A is responsible for the eligibility determination.

G. General

1. Clarification

Comment: One commenter requested that the language contained in § 433.138(d)(1)(ii) be clarified. They contend that it is not clear whether we mean employed absent or custodial parents of recipients or whether we mean absent or custodial parents of employed recipients.

Response: We concur with the commenter and are revising § 433.138(d)(1)(ii) to read ". . . identifies employed absent or custodial parents of recipients and their employer(s)."

Comment: One commenter pointed out that in sections II.B.5 and II.C.5 of the preamble to the proposed rule, reference is made to section II.A.5 which is not included in the proposed regulations.

Response: The commenter is correct. The reference should have been II.A.4.

2. Reasonable Measures

Comment: A commenter recommended States be given an opportunity to determine reasonable measures based on appropriate cost-effective needs.

Response: States have been provided with sufficient opportunity to determine and take all reasonable measures to ascertain the legal liability of third parties to pay for care and services available under the State plan. While some States have taken appropriate measures to do so, others have not. In its report to the Congress dated February 12, 1985, the General Accounting Office (GAO) indicates that States are not taking adequate measures to identify and collect from available third party resources. A Maximus study completed in 1981 concluded that between 1.0 and 2.5 percent of annual Medicaid expenditures could be eliminated through better use of third party information collection and utilization. The regulation is intended to assist States in improving the effectiveness of third party liability programs.

H. Confidentiality

Comment: One commenter was concerned that contacting the employer of an absent parent would violate the parent's rights to confidentiality (since the absent parent is not a member of the applying household). The commenter questioned whether the State has the right to contact an absent parent's employer.

Response: Under § 306.50 of the final OCSE regulations published on October 16, 1985, the State IV–D agency is now required to: gather medical support enforcement information, submit the information to the Medicaid agency for use in its third party liability activities, and to petition the court to include employment related group health insurance coverage for dependent children in new or modified court orders. The IV–D agency's authority for obtaining this information is vested under title IV–D of the Act and applies to all IV–D cases, including those which are not AFDC recipients. Included in the information obtained by the IV–D agency is the name and address of the absent parent's place of employment, whether the absent parent has a health insurance policy and, if so, the policy number. The IV–D agency is also required to take steps to enforce court or administrative orders and provide the information to the Medicaid agency when a support order requires that the absent parent obtain health insurance coverage for a dependent child. As a result of the OCSE regulation, the need for the Medicaid agency to contact an absent parent's employer should not be necessary in situations where the Medicaid case involves a family receiving IV–D services. However, since a recipient must assign all rights to available third party benefits Medicaid is authorized to make such contacts as necessary to establish the existence of available third party benefits.

Comment: One commenter requested that we clarify the phrase contained in the preamble to the proposed rule (section II.B.4.) regarding written agreements to make Medicaid eligibility determinations.

Response: When we made reference in the preamble under section II.B.4. to written agreements, we stated that these written agreements had been mentioned earlier in the preamble. We refer the

commenter to section II.A.2. of the preamble to the proposed rule, which discusses such agreements.

I. Reporting Requirements

Comment: One commenter objected to the requirement in proposed § 433.138(j) that State Medicaid agencies provide such reports as the Secretary prescribes for purposes of determining compliance with requirements in § 433.138. The commenter asserted that specific reporting requirements must be prescribed and that States be given opportunity to comment on such requirements.

Response. We have not included the specific reporting in the regulation since the requirements have not been determined at this time. The reporting requirements will involve the States furnishing necessary information required to evaluate the implementation and effectiveness of these regulations. When the reporting requirements have been determined we will solicit State comments throught the State Medicaid Directors Third Party Liability Technical Advisory Group prior to the issuance of the Medicaid Manual instructions.

J. Implementation-Timeframes

Comment: Three commenters expressed concern that sufficient time be given for States to implement the proposed changes to the regulations. They believe it will take over a year for some States to negotiate necessary contracts, to redesign systems, and to establish and implement procedures. One of these commenters recommended being given one full year to implement certain provisions of COBRA and recommended that System Performance Review (SPR) penalties not be imposed for the first full year following implementation of the provisions.

Response: We believe that States were given sufficient notice of the implementation requirements for the data exchanges with SWICAs, the SSA Wage and Earnings file, and State Title IV–A agencies since those requirements were published in the IEVS Notice of Proposed Rulemaking on March 14, 1985 and the final rule on February 28, 1986. We considered the implementation time required by States in establishing the effective date for this regulation. With regard to implementation of COBRA, the requirements contained in the proposed rule include only one provision contained under section 9503 of COBRA. That provision amends section 1902(a)(25) of the Act by requiring that the State Plan must provide for the collection of sufficient information to enable States to pursue claims against third parties with the information being collected at application or eligibility redetermination process.

With regard to the SPR penalty mentioned by the commenter, our proposed rule does not include that provision of the COBRA legislation. That provision will be contained in another HCFA proposed rule to be published shortly. We suggest the comment regarding the SPR penalties be submitted in connection with the proposed rule to be published in the **Federal Register.**

K. Paperwork Burden

Comment: Two commenters objected to additional paperwork requirements under these regulations, such as maintaining documentation for audit trails to verify timeliness and accuracy of data updates. These commenters believe that these requirements are unnecessary.

Response: The TPL information must be entered into the Medicaid file and the third party data base on a timely basis in order to provide the information necessary to determine if the requirements of § 433.138 and 433.139 are being met. State and Federal reviewers must have access to current and past third party liability data to evaluate the effectiveness of the eligibility, claims processing and third party liability operations.

III. Technical Revisions

On February 28, 1986, we published in the **Federal Register** a final rule, establishing the Income and Eligibility Verification System (the IEVS), that implements the legislative requirement that Medicaid State agencies exchange information with various agencies to verify income and eligibility of applicants and recipients (51 FR 7178). One section of that rule, 42 CFR 435.960, has proven to be ambiguous in content.

The purpose of § 435.960 is to implement the legislative requirement that State agencies use a standardized format, as prescribed by the Secretary, when releasing or requesting information. Exceptions to this general rule are the formats the Social Security Administration (SSA) and the Internal Revenue Service (IRS) use; State agencies must request data from SSA and IRS as those agencies require. Paragraph (a) of the section as written does not clearly state this policy, but instead appears to emphasize requests for information rather than formats. In addition, the paragraph cross-references only § 435.945(b) for the programs involved. Although § 435.945(b) discusses those agencies to which a Medicaid agency must *furnish* information, § 435.960 dictates the agencies from which the Medicaid agency must *request* information; § 435.948(a) is the section that lists the agencies from which Medicaid State agencies must request information. Since the agencies must use the same format (except as noted) for requesting and furnishing information, we are revising paragraph (a) to emphasize the use of a standardized format for requesting *and* releasing data and to cross-refer to § 435.948(a) as well as § 435.945(b) to assure that all agencies are using the same format.

The current paragraph (b) is deleted. In view of the revision to paragraph (a) (which will be broken down into two paragraphs), paragraph (b) is redundant, except for its requirement that release and receipt of data be "timely". Since this requirement does not fit well in a section on standardized formats, and one cannot require an agency to *receive* information timely, we are moving the requirement to § 435.945(b) to require that "The agency must timely furnish to other agencies . . . information . . .".

IV. Changes to the Regulations

Based on the comments received, we are making the following changes to the proposed rule.

- We are clarifying the language contained in §433.138(d)(1)(ii) to make clear that we are referring to employed absent or custodial parents, not employed recipients.
- We are amending § 433.138(d)(3) to make clear that the Medicaid agency is to request from the State title IV–A agency information that has not been previously reported. This should alleviate the collection of duplicate information which may result in unnecessary workload burden on both agencies.
- We are amending § 433.138(e) to delete from the required 800–999 series for edits, the code 994.6.
- To be consistent with the requirements in the IEVS regulations, § 433.138(g)(i) is amended to allow the same flexibility in the 30 day timeframe for followup that is contained in § 435.952(d).
- We are amending from 30 days to 60 days the timeframe for State Medicaid agencies to followup on health insurance information and on information obtained under the workers' compensation data exchanges.
- We have made minor technical changes to various sections of the regulations to correct typographical errors and to make minor clarifications.

V. Impact Analyses

A. Executive Order 12291

Executive Order 12291 requires us to prepare and publish a regulatory impact analysis for any major rule. A major rule is one that would result in: (1) An annual effect on the economy of $100 million or more; (2) A major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or any geographic regions; or (3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This regulation is likely to result in a significant reduction of Federal Medicaid program expenditures. Additionally, while there may be moderate increases in State administrative costs, such costs would be offset by larger savings to States due to more effective identification of liable third parties.

Implementation of this rule would result in program savings to the extent that liable third parties are identified and payments are made for services that would otherwise be paid for by the Medicaid program under existing TPL identification programs. It is difficult to estimate precisely the overall impact of this rule due to the flexible nature of many of the requirements, a lack of sufficient data on existing State TPL programs, and the overlapping nature of this regulation with other regulations that affect TPL collections.

We have, however, made a rough estimate of the impact based on a study prepared under contract with HCFA by Maximus, Inc. (Contract No. 500–79–0500) titled *Evaluation of the Cost-Effectiveness of the Collection of Third-Party Liability by State Medicaid Agencies*, completed in 1981. Based on the findings of that study, we concluded that between 1.0 and 2.5 percent of annual Federal Medicaid expenditures could be eliminated through better use of TPL information collection and related State agency procedures. We attempted to take into account the impact of related regulations discussed elsewhere in this preamble, and developed low and high approximations, reflecting 1.0 percent and 2.5 percent reductions respectively, of savings that could be achieved if all the TPL-related regulations were implemented. We then apportioned that estimate to each of the regulations under development. Below, we provide our best high and low approximations illustrating the range of potential savings that would result from implementing the provisions of this rule.

FEDERAL SAVINGS PER FISCAL YEAR

[Rounded to nearest $25 million]

	1987	1988	1989	1990	1991
Low	25	75	125	125	150
High	75	200	300	325	350

In total, we estimate that implementation of this rule would result in Federal Medicaid savings of between 500 million and 1.275 billion during the next five-year period. Because potential annual savings would exceed the $100 million threshold under E.O. 12291, this is considered a major rule and a regulatory impact analysis is necessary. While each requirement is discussed previously in this preamble, fulfilling some of the requirements of an impact analysis, we are highlighting below the areas that may produce the greatest impact.

The costs of implementation and operation of a revised TPL identification program will vary from State to State. We recognize that in some States the costs will be high. However, it is these States that we believe will benefit the most from the requirements. The States that already have effective TPL identification and collection procedures will not benefit as much. On the other hand, implementation costs for them will be relatively small.

The main factors that will affect the magnitude of savings achieved by implementation of these regulations are:

- The effectiveness of agencies in obtaining liability information at the time of application or redetermination.
- The intensity of followup actions taken by the State Medicaid agency to bring about actual payments from liable third parties.
- The degree of success in obtaining agreements with other agencies for exchanging relevant data.
- The relative usefulness and frequency of utilizing diagnosis codes related to trauma in identifying liable third parties.

This final rule should have no effect on Medicaid eligibility determinations. It is intended to provide assistance and incentives to States for the identification of alternative sources of payment for health services provided to Medicaid participants. It is further possible that by making Medicaid enrollees more aware of other health insurance coverage available to them, access to care may be enhanced.

B. Regulatory Flexibility Act

Consistent with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 through 612), we prepare and publish a regulatory flexibility analysis for regulations unless the Secretary certifies that the regulation would not have a significant economic impact on a substantial number of small entities.

The primary impact of this rule would fall on State Medicaid agencies and on other, primarily private, insurers. For purposes of the RFA, States are not considered small entities. Further, we do not believe that increased payments on the part of other insurers or payers would represent a significant portion of their total payments. The Department generally uses 3 percent as a threshold in determining whether the impact is significant under the RFA. We estimate that private insurance companies, in calendar year 1984, paid out about $111.8 billion in the form of benefits to enrollees. Thus, even the high estimate of $325 million eventual additional annual payments by other payers is significantly less than the 3 percent criteria. Additionally, the increased payments by third parties would not be a result of revised payment policies. These would be payments for which the third parties are presently liable but ineffectively identified and billed. For these reasons, we have determined, and the Secretary certifies, that this regulation would not have a significant economic impact on a substantial number of small entities. Therefore, a final regulatory flexibility analysis is not required.

VI. Information Collection Requirements

Sections 431.306, 433.138(b)–(h) and (j), 435.945(b), and 435.960(a) of this final rule contain information collection requirements. However, the information collection requirements contained in §§ 435.945(b) and 435.960(a) have been approved under OMB control number 0938–0467. As required by the Paperwork Reduction Act of 1980, we have submitted a copy of the final to the Office of Management and Budget (OMB) for its review of these information collection requirements. Other organizations and individuals desiring to submit comments on the information collection requirements should direct them to the agency official designated for this purpose whose name appears in this preamble, and to the Office of Information and Regulatory Affairs, OMB, New Executive Office Building, Room 3208, Washington, DC 20503, Attn: Allison Herron.

VII. List of Subjects

42 CFR Part 431

Grant programs-health, Health facilities, Medicaid, Reporting and recordkeeping requirements.

42 CFR Part 433

Administrative practice and procedure, Claims, Grant programs-health, Medicaid, Reporting and recordkeeping requirements.

42 CFR Part 435

Aid to families with dependent children, Grant programs-health, Medicaid, Supplemental Security Income (SSI).

42 CFR Chapter IV, Subchapter C is amended as set forth below:

CHAPTER IV—HEALTH CARE FINANCING ADMINISTRATION, DEPARTMENT OF HEALTH AND HUMAN SERVICES

* * * * *

SUBCHAPTER C—MEDICAL ASSISTANCE PROGRAMS

* * * * *

PART 431—STATE ORGANIZATION AND GENERAL ADMINISTRATION

The authority citation for Part 431 continues to read as follows:

Authority: Sec. 1102 of the Social Security Act. (42 U.S.C. 1302), unless otherwise noted.

A. Part 431, Subpart F is amended as set forth below:

1. In § 431.305, the introductory text to paragraph (b) is republished and a new paragraph (b)(7) is added to read as follows:

§ 431.305 Types of information to be safeguarded.

* * * * *

(b) This information must include at least—

* * * * *

(7) Any information received in connection with the identification of legally liable third party resources under § 433.138 of this chapter.

2. In § 431.306, a new paragraph (h) is added to read as follows:

§ 431.306 Release of information

* * * * *

(h) Before requesting information from, or releasing information to, other agencies to identify legally liable third party resources under § 433.138(d) of this chapter, the agency must execute data exchanges agreements, as specified in § 433.138(h)(2) of this chapter.

PART 433—STATE FISCAL ADMINISTRATION

B. Part 433 is amended as set forth below:

1. The authority citation for Part 433 is revised to read as follows:

Authority: Secs. 1102, 1137, 1902(a)(4), 1902(a)(25), 1902(a)(45), 1903(a)(3), 1903(d)(2), 1903(d)(5), 1903(o), 1903(p), 1903(r), and 1912 of the Social Security Act; 42 U.S.C. 1302, 1320b–7, 1396a(a)(4), 1396a(a)(25), 1396a(a)(45), 1396b(a)(3), 1396b(d)(2), 1396b(d)(5), 1396b(o), 1396b(p), 1396b(r) and 1396k, unless otherwise noted.

2. In Part 433, Subpart D, § 433.138 is revised to read as follows:

§ 433.138 Determining liability of third parties.

(a) *Basic provisions.* The agency must take reasonable measures to determine the legal liability of third parties to pay for services furnished under the plan. At a minimum, such measures must include the requirements specified in paragraphs (b) through (j) of this section.

(b) *Obtaining health insurance information: Initial application and redetermination processes for Medicaid eligibility.* (1) If the Medicaid agency determines eligibility for Medicaid, it must, during the initial application and each redetermination process, obtain from the applicant or recipient such health insurance information as would be useful in identifying legally liable third party resources so that the agency may process claims under the third party liability payment procedures specified in § 433.139 (b) through (f). Health insurance information may include, but is not limited to, the name of the policy holder, his or her relationship to the applicant or recipient, the social security number (SSN) of the policy holder, and the name and address of insurance company and policy number.

(2) If Medicaid eligibility is determined by the Federal agency administering the supplemental security income program under title XVI in accordance with a written agreement under section 1634 of the Act, the Medicaid agency must take the following action. It must enter into an agreement with HCFA or must have, prior to February 1, 1985, executed a modified section 1634 agreement that is still in effect to provide for—

(i) Collection, from the applicant or recipient during the initial application and each redetermination process, of health insurance information in the form and manner specified by the Secretary; and

(ii) Transmittal of the information to the Medicaid agency.

(3) If Medicaid eligibility is determined by any other agency in accordance with a written agreement, the Medicaid agency must modify the agreement to provide for—

(i) Collection, from the applicant or recipient during the initial application and each redetermination process, of such health insurance information as would be useful in identifying legally liable third party resources so that the Medicaid agency may process claims under the third party liability payment procedures specified in § 433.139(b) through (f). Health insurance information may include, but is not limited to, those elements described in paragraph (b)(1) of this section; and

(ii) Transmittal of the information to the Medicaid agency.

(c) *Obtaining other information.* The agency must, for purposes of implementing the requirements in paragraph (d)(1)(ii) and (d)(4)(i) of this section, incorporate into the eligibility case file the names and SSNs of absent or custodial parents of Medicaid recipients to the extent such information is available.

(d) *Exchange of data.* To obtain and use information for the purpose of determining the legal liability of third parties so that the agency may process claims under the third party liability payment procedures specified in § 433.139 (b) through (f), the agency must take the following actions:

(1) Except as specified in paragraph (d)(2) of this section, as part of the data exchange requirements under § 435.945 of this chapter, from the State wage information collection agency (SWICA) defined in § 435.4 of this chapter and from the SSA wage and earnings files data as specified in § 435.948(a)(2) of this chapter, the agency must—

(i) Use the information that identifies Medicaid recipients that are employed and their employer(s); and

(ii) Obtain and use, if their names and SSNs are available to the agency under paragraph (c) of this section, information that identifies employed absent or custodial parents of recipients and their employer(s).

(2) If the agency can demonstrate to HCFA that it has an alternate source of information that furnishes information as timely, complete and useful as the SWICA and SSA wage and earnings files in determining the legal liability of third parties, the requirements of paragraph (d)(1) of this section are deemed to be met.

(3) The agency must request, as required under § 435.948(a)(6)(i), from the State title IV–A agency, information not previously reported that identifies

those Medicaid recipients that are employed and their employer(s).

(4) Except as specified in paragraph (d)(5) of this section, the agency must attempt to secure agreements (to the extent permitted by State law) to provide for obtaining—

(i) From State Workers' Compensation or Industrial Accident Commission files, information that identifies Medicaid recipients and, (if their names and SSNs were available to the agency under paragraph (c) of this section) absent or custodial parents of Medicaid recipients with employment-related injuries or illnesses; and

(ii) From State Motor Vehicle accident report files, information that identifies those Medicaid recipients injured in motor vehicle accidents, whether injured as pedestrians, drivers, passengers, or bicyclists.

(5) If unable to secure agreements as specified in paragraph (d)(4) of this section, the agency must submit documentation to the regional office that demonstrates the agency made a reasonable attempt to secure these agreements. If HCFA determines that a reasonable attempt was made, the requirements of paragraph (d)(4) of this section are deemed to be met.

(e) *Diagnosis and trauma code edits.* With the exception of code 994.6, the agency must take action to identify those paid claims for Medicaid recipients that contain diagnosis codes 800 through 999 (ICDCM) International Classification of Disease. 9th Revision, Clinical Modification, Volume 1) inclusive, for the purpose of determining the legal liability of third parties so that the agency may process claims under the third party liability payment procedures specified in § 433.139 (b) through (f).

(f) *Data exchanges and trauma code edits: Frequency.* The agency must coduct the data exchange required in paragraph (d)(1) of this section in accordance with the intervals specified in § 435.948 of this chapter, the data exchanges required in paragraph (d)(3) of this section on a timely basis that is consistent with the intervals specified in 45 CFR 205.55 (a)(1) and (a)(3); and must conduct the data exchanges and diagnosis and trauma edits required in paragraphs (d)(4) and (e) of this section on a routine and timely basis. The State plan must specify the frequency of these activities.

(g) *Followup procedures for identifying legally liable third party resources.*—(1) *SWICA, SSA wage and earnings files, and title IV–A data exchanges.* With respect to information obtained under paragraphs (d)(1) through (d)(3) of this section—

(i) Except as specified in § 435.952(d) of this chapter, within 30 days, the agency must followup (if appropriate) on such information in order to identify legally liable third party resources and incorporate such information into the eligibility case file and into its third party data base and third party recovery unit so the agency may process claims under the third party liability payment procedures specified in § 433.139 (b) through (f); and

(ii) The State plan must describe the methods the agency uses for meeting the requirements of paragraph (g)(1)(i) of this section.

(2) *Health insurance information and workers' compensation data exchanges.* With respect to information obtained under paragraphs (b) and (d)(4)(i) of this section—

(i) Within 60 days, the agency must followup on such information (if appropriate) in order to identify legally liable third party resources and incorporate such information into the eligibility case file and into its third party data base and third party recovery unit so the agency may process claims under the third party liability payment procedures specified in § 433.139 (b) through (f); and

(ii) The State plan must describe the methods the agency uses for meeting the requirements of paragraph (g)(2)(i) of this section.

(3) *State motor vehicle accident report file data exchanges.* With respect to information obtained under paragraph (d)(4)(ii) of this section—

(i) The State plan must describe the methods the agency uses for following up on such information in order to identify legally liable third party resources so the agency may process claims under the third party liability payment procedures specified in § 433.139 (b) through (f);

(ii) After followup, the agency must incorporate all information that identifies legally liable third party resources into the eligibility case file and into its third party data base and third party recovery unit; and

(iii) The State plan must specify timeframes for incorporation of the information.

(4) *Diagnosis and trauma code edits.* With respect to the paid claims identified under paragraph (e) of this section—

(i) The State plan must describe the methods the agency uses to follow up on such claims in order to identify legally liable third party resources so the agency may process claims under the third party liability payment procedures specified in § 433.139 (b) through (f) (Methods must include a procedure for periodically identifying those trauma codes that yield the highest third party collections and giving priority to following up on those codes.);

(ii) After followup, the agency must incorporate all information that identifies legally liable third party resources into the eligibility case file and into its third party data base and third party recovery unit; and

(iii) The State plan must specify the timeframes for incorporation of the information.

(h) *Obtaining other information and data exchanges: Safeguarding information.* (1) The agency must safeguard information obtained from and exchanged under this section with other agencies in accordance with the requirements set forth in Part 431, Subpart F of this chapter.

(2) Before requesting information from, or releasing information to other agencies to identify legally liable third party resources under paragraph (d) of this section the agency must execute data exchange agreements with those agencies. The agreements, at a minimum, must specify—

(i) The information to be exchanged;

(ii) The titles of all agency officials with the authority to request third party information;

(iii) The methods, including the formats to be used, and the timing for requesting and providing the information;

(iv) The safeguards limiting the use and disclosure of the information as required by Federal or State law or regulations; and

(v) The method the agency will use to reimburse reasonable costs of furnishing the information if payment is requested.

(i) *Reimbursement.* The agency must, upon request, reimburse an agency for the reasonable costs incurred in furnishing information under this section to the Medicaid agency.

(j) *Reports.* The agency must provide such reports with respect to the data exchanges and trauma code edits set forth in paragraphs (d)(1) through (d)(4) and paragraph (e) of this section, respectively, as the Secretary prescribes for the purpose of determining compliance under § 433.138 of the regulations and evaluating the effectiveness of the third party liability identification system.

PART 435—ELIGIBILITY IN THE STATES, DISTRICT OF COLUMBIA AND THE NORTHERN MARIANA ISLANDS

C. Part 435 is amended as set forth below:

1. The authority citation for Part 435 continues to read as follows:

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302)

2. In § 435.945, paragraph (b) is revised to read as follows:

§ 435.945 General requirements.

* * * * *

(b) The agency must furnish timely to other agencies in the State and in other States and to Federal programs income, eligibility and medical assistance payment information for verifying eligibility or benefit amounts for the programs listed in § 435.948(a)(6) of this subpart. In addition, the agency must furnish income and eligibility information to—

(1) The child support enforcement program under part D of title IV of the Act; and

(2) SSA for old age, survivors and disability benefits under title II and for SSI benefits under title XVI of the Act.

* * * * *

3. Section 435.960 is revised to read as follows:

§ 435.960 Standardized formats for furnishing and obtaining information to verify income and eligibility.

(a) The agency must maintain for all applicants and recipients within an agency file the SSN, surname and other data elements in a format that at a minimum allows the agency to furnish and to obtain eligibility and income information from the agencies or programs referenced in § 435.945(b) and § 435.948(a).

(b) The format to be used will be prescribed by—

(1) HCFA when the agency furnishes information to, or requests information from, any Federal or State agency, except SSA and the Internal Revenue Service as specified in paragraphs (b) (2) and (3), respectively;

(2) The Commissioner of Social Security when the agency requests information from SSA; and

(3) The Commissioner of Internal Revenue when the agency requests information from the Internal Revenue Service.

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

Dated: October 6, 1986.

William L. Roper,

Administrator, Health Care Financing Administration.

Approved: January 29, 1987.

Otis R. Bowen,

Secretary.

[FR Doc. 87–4005 Filed 2–26–87; 8:45 am]

BILLING CODE 4120–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 61

National Flood Insurance Program; Insurance Rates

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION. Final rule.

SUMMARY: This final rule increases the National Flood Insurance Program (NFIP) chargeable (subsidized) rates, which apply to all structures located in communities participating in the Emergency Program of the NFIP and to certain structures in communities in the Regular Program of the NFIP.

EFFECTIVE DATE: June 1, 1987.

FOR FURTHER INFORMATION CONTACT: Charles M. Plaxico, Federal Emergency Management Agency, Federal Insurance Administration, Room 429, 500 "C" Street, SW., Washington, DC 20472; telephone number (202) 646–3422.

SUPPLEMENTARY INFORMATION: On April 10, 1986, FEMA published for comment in the **Federal Register** (Vol. 51, Page 12348) a proposed rule to increase the National Flood Insurance Program (NFIP) chargeable (subsidized) rates. The proposed increase was intended to help the NFIP satisfy the premium requirements for the historical average loss year and to reduce the general taxpayer's burden with a more equitable sharing of the costs of flood losses between the general taxpayers and the insureds. In addition to rate increases, other measures, such as coverage changes, optional deductibles, rating system changes, and measures to reduce flood losses are part of the ongoing effort to achieve these goals.

The chargeable (subsidized) rates, for which an increase was proposed, are the rates applicable to structures located in communities participating in the Emergency Program of the NFIP and to certain structures in communities in the Regular Program. They are countrywide rates for two broad building type classifications which, when applied to the amount of insurance purchased and added to the expense constant, continue to produce a premium income somewhat less than necessary to cover the expense and loss payments incurred on the flood insurance policies issued on that basis. The funds needed to supplement the inadequate premium income are provided by the National Flood Insurance Fund. The subsidized rates are promulgated by the Federal Insurance Administrator for use under the Emergency Program (added to the NFIP by the Congress in section 408 of the Housing and Urban Development Act of 1969) and for the use in the Regular Program on construction or substantial improvement started before December 31, 1974 (this additional grandfathering was added to the NFIP by Congress in Section 103 of the Flood Disaster Protection Act of 1973) or the effective date of the initial Flood Insurance Rate Map (FIRM), whichever is later.

FEMA proposed to increase the chargeable or subsidized rates as follows:

Type of Structure	Rates per year per $100 coverage on	
	Structure	Contents
(1) Residential	$0.55	$0.65
(2) All other (including hotels and motels with normal occupancy of less than 6 months in duration)	.65	1.30

For comparison, the current subsidized rates are as follows:

Type of Structure	Rates per year per $100 coverage on	
	Structure	Contents
(1) Residential	$0.45	$0.55
(2) All other (including hotels and motels with normal occupancy of less than 6 months in duration)	.55	1.10

Subsequent to the publication of the proposed rule on April 10, 1986, the House Appropriations Committee in its Report (dated July 31, 1986) accompanying H.R. 5313 directed that NFIP premium rates not be increased "during the period beginning on the date of enactment of this bill and ending on September 30, 1987, by more than a prorated annual rate of 10 percent." Also, the Senate Appropriations Committee in its Report (dated September 25, 1986) accompanying H.R. 5313 stated that it was "in agreement with the House Appropriations Committee and both authorizing committees that premium rate changes for flood insurance during fiscal year 1987 may not be increased by more than 10 percent."

To comply with this Congressional limit, the increase in the chargeable or subsidized rates made by this final rule are not as great as proposed. This final rule increases the chargeable or subsidized rates to the following amounts:

Type of structure	Rates per year per $100 coverage on	
	Structure	Contents
(1) Residential	$0.50	$0.60
(2) All other (including hotels and motels with normal occupancy of less than 6 months in duration)	.60	1.20

Of the 23 comments received on the proposed rule, one supported the proposed increase in chargeable premium rates, three urged a larger rate increase, and the remainder were critical of the rate increase. A number of the comments expressed the view that the NFIP rate revision program was inconsistent with the intent of Congress in establishing the NFIP, which they believed was to provide very long term subsidies until the building stock was replaced, with premiums being required to be affordable in the meantime. A number of the comments also were concerned about possible large reductions in the number of NFIP policies as a result of rate increases. Some of these comments also were concerned about the impact on disaster relief programs if there were large reductions in the number of NFIP policies. Two comments referred to the NFIP making a profit in Fiscal Year 1985. Comments also raised the possibility of higher rates resulting in communities dropping out of the NFIP, as well as the possibility of requests being made for the repeal of the mandatory purchase requirement. Several comments suggested that the administrative costs of the NFIP were high compared to private insurance companies and should be reduced. A number of comments suggested various measures to reduce flood damage as an alternative to rate increases. Among the measures suggested were technical assistance to local communities in developing sound flood plain management practices, a community rating system, encouraging retrofitting of existing buildings, correcting misrated policies by better monitoring and enforcement, expanding the policy base, and increasing the waiting period for coverage to become effective. Two environmental groups urged an even greater rate increase as a disincentive to development in flood prone areas. One of the environmental groups also urged FEMA to consider the cost of loss of wild-life habitat and recreational opportunities as a result of building in flood prone areas and contended that doing that would justify a larger rate increase.

FEMA has responded in the past to a number of these concerns and welcomes this opportunity to explain its rate revision program. First, in explaining the self-supporting goal, it would be appropriate to provide the full statement of the goal as expressed in the Federal Insurance Administration's (FIA) planning documents:

Implement a self-supporting nationwide flood insurance program by 1988 which minimizes the general taxpayer burden through an equitable sharing of the costs of flood losses; fulfills the financial need in risk transfer for the average loss year and has mechanisms in place to develop reserves or otherwise meet the needs of catastrophic loss years; results in rates which are not excessive, inadequate, unfairly discriminatory or otherwise unreasonable; responds to competitive market conditions; improves the availability and reliability of flood insurance; and does not violate public policy. Study the feasibility of proposing legislative initiatives to permit a systematic phase out of program subsidies. In addition to rating and coverage changes, this goal will be achieved through appropriate support of and commitment to Write-Your-Own and loss reduction activities.

A key term in the statement of the goal is "average loss year," which in this case refers to the historical average loss year. Over the NFIP's history, the Program has not been subjected to the truly catastrophic flood event, with more than a billion dollars in flood insurance claims. Thus, the historical average is substantially less than could be expected over the long term when the influence of the extremely infrequent, truly catastrophic flood would result in a significant increase in the average year's losses.

Because the estimated amount of flood losses in any future one-year period is so uncertain, it can only be provided for by having available large loss reserves. Those reserves should be replenished by accumulating funds in low loss years to offset the drain on the reserves during heavy loss years. However, on an earned premium and incurred loss and expense basis, the NFIP has operated at a deficit since its inception. Thus, the general taxpayer has subsidized the beneficiaries of the Program through appropriations to repay borrowing authorized by statute from the U.S. Treasury to cover the losses and expenses exceeding premium income.

This has occurred even during a period where the average year's losses have been less than can be expected over the long term. Additionally, the deficit operation has prevented any accumulation of reserves.

The National Flood Insurance Act of 1968 (Section 1302(d)(2)) has the requirement of "distributing burdens equitably among those who will be protected by flood insurance and the general public." FEMA has concluded that an equitable sharing of the burdens can be achieved through rating and coverage changes that will provide adequate premium income to meet losses and expenses of a "normal" year (the average year experienced to date as opposed to the average resulting from a time period including a truly catastrophe reserves during lower loss years). The realization of the 1988 goal will not eliminate the subsidy of the NFIP, but it will allow the NFIP to operate during lower loss years with an underwriting profit which can be used to pre-fund some of the reserves needed for high loss years.

The key elements of FEMA's plan for achieving the goal of a self-supporting Program for the historical average loss year by 1988 include:

1. Regularly scheduled review of experience and revision of rates and coverage. The NFIP is a relatively young insurance program dealing with a risk about which very little was known at the time of the Program's inception. Because initially the rate structure was necessarily based to a large degree on professional judgement, it is important, now that there is credible experience available, to translate that experience into action. Some coverage has proven to be very expensive to provide. Such was the case with finished basements where coverage is now provided for structural elements and items necessary to the habitability of the building such as washers, dryers, water heaters, furnaces, air conditioners, but not for items such as carpeting and wet bars. Experience has shown that it is very expensive to provide first dollar, all inclusive coverage and that flood insurance must be oriented more toward coverage that maintains a building's habitability and prevents the truly large loss that could be someone's personal financial disaster. Therefore, FEMA has introduced a program of optional increased deductibles.

2. Increased market penetration and broader spread of risk. One of the goals of the Write-Your-Own (WYO) Program, which has re-involved the insurance industry in the NFIP by providing for the issuance of the Standard Flood Insurance Policy by private sector insurers who enter into an arrangement with the Federal Insurance Administrator to do so, is to make use of the industry's existing marketing apparatus to increase the policy base and broaden the geographic spread of business. So far about 28% of WYO policies are new to the NFIP.

3. Loss reduction efforts and incentives for good flood plain management at the local level. In addition to both the technical assistance offered by FEMA and to the NFIP regulations covering the construction of new buildings so as to reduce the risk of flood damage, a guidance manual on retrofitting techniques to reduce damage to existing buildings was published in 1986. The rating of a local community's efforts in flood plain management is being explored for a possible system of community-wide rate adjustments

recognizing meaningful efforts to reduce losses.

In response to the view that the rating and coverage changes proposed by FEMA are moving the NFIP away from its purposes as stated in the National Flood Insurance Act of 1968, FEMA believes that, on the contrary, its actions legitimately further the purposes of the 1968 Act. The equitable distribution of burdens has already been discussed. An additional purpose is the encouragement of sound flood plain management measures to minimize exposure of property to flood losses. Inexpensive, highly subsidized flood insurance with broad indemnification provisions encourages owners of existing flood prone properties to increase their capital investment in those risky properties. Through the use of increased insurance rates and leaner coverage so that the property owner still bears some risk, this threat of expansion of flood risk can be managed and still protect these individuals from severe financial losses. To ignore economic leverage as a flood plain management tool, particularly with respect to existing construction, where Federal regulations have little effect, would be a mistake.

With respect to legislative intent and legislative authority for FEMA to raise chargeable rates and thereby reduce or eliminate the subsidy, the General Accounting Office (GAO) in its 1983 report, "National Flood Insurance Program-Major Changes Needed If It Is To Operate Without a Federal Subsidy," reviewed in depth the FEMA ratemaking procedures and the Federal Insurance Administrator's (the Administrator) goal to make the Program self-sustaining. The GAO concluded that "The act currently allows FEMA considerable freedom in establishing chargeable rates."

There was no finding that indicated that the FEMA goal to obtain a self-sustaining program violated either legislative intent or authority. The GAO report states: "In establishing the flood insurance program the Congress gave FEMA very general guidance on the level and duration of the subsidy in the program's chargeable rates. These rates have been set based on what FIA's Administrators believed people could afford. In setting these rates the Administrators sought to encourage wide participation. While not ignoring the desirability of wide participation, the current Administrator has emphasized making the program self-sustaining and actuarially sound by fiscal year 1988. To achieve this goal some as yet undetermined rate increases and/or coverage reductions will be necessary." In commenting on FEMA ratemaking activities, the GAO encouraged FEMA to continue to give more credence to its recent loss experience, estimate and establish a catastrophe reserve, correct data and methodological weaknesses and avoid unnecessary complexity in the rating of risks. The GAO was informed of the Administrator's policy to reduce or suspend future rate increases and reevaluate the time frame for achieving a self-sustaining, actuarially sound program if rate increases were having a negative impact on the National Flood Insurance Program.

In response to the view that the administrative costs of the NFIP are too high in comparison with those of the private insurance industry and should be reduced, recognition must be given to the statutory requirements that the NFIP make extensive flood risk studies, flood loss reduction studies and implement flood plain management programs that go beyond the comparable risk studies and risk management programs currently needed by the private insurance for normal property insurance lines of business. The NFIP expenses for these activities are subsidized by the federal government and therefore, not included in the ratemaking procedures. The normal administrative expenses of the NFIP compare favorably with those of the private insurance industry. The latest two year average expense ratio of .34 is the same as the latest two year average expense ratio of the private insurance industry for property insurance. FEMA continues to explore means available to reduce all administrative costs.

Increasing the waiting period required for a policy to be in force before a disaster strikes as a way of reducing claims has been suggested in the past but the need to attain a proper balance between the waiting period, the NFIP objective to write more insurance policies, and previous public comment on this matter have led to the current five day waiting period. However, FEMA intends to review the experience to determine whether or not the five day waiting period is resulting in a costly adverse selection and will reevaluate the waiting period rule if warranted.

In response to the view that the rate revision be postponed until several NFIP enhancements recently implemented or proposed are studied to determine their effect on rates, FEMA believes that, in abiding by the limitation of 10%, it has taken into consideration the NFIP objectives and the expectation that the program enhancements may reduce losses.

Regarding the suggestion that the NFIP include the cost of the loss of wildlife habitat and recreational opportunities as a result of building in the flood plain in the evaluation of insurance rates, FEMA does not believe that these elements are on appropriate part of a consideration of the risk in the NFIP ratemaking process. Further, considering such elements would be inconsistent with standard industry principles of insurance ratemaking.

It has been mentioned already that the NFIP's legislation considers the equitable distribution of cost for flood insurance among policyholders and the general public. The 1968 Act additionally mentions "making flood insurance coverage available on reasonable terms and conditions" (Section 1302(a)). Also, the FEMA goal states that rates should be established "which are not excessive, inadequate, unfairly discriminatory or otherwise unreasonable." (In the case of chargeable (subsidized) rates, inadequacy is accepted.) The question remains as to what rates, terms and conditions are "reasonable". Some have equated "reasonable" with "affordable". Although reasonableness may include consideration of affordability, it is not equivalent to affordability and it must take into account other concerns. As stated before, FEMA has concluded that it is reasonable for flood insurance to be provided on terms and conditions such that losses and expenses in the historical average loss year, which is significantly less than the long-term average, can be adequately funded from premium income without the necessity of borrowing from the U.S. Treasury. Additionally, it is reasonable, even for a subsidized Program, to experience years where premium income exceeds losses and expenses so that reserves are accumulated for use in higher loss years.

The projected average annual premium for subsidized policies using the revised chargeable rates is $267. This represents 80% of the premium needed to fund the normal loss year currently projected at 1987 cost levels.

The revised chargeable rates are considered by FEMA to be reasonable. During the study of the feasibility of a flood insurance program conducted at the direction of Congress, by the Department of Housing and Urban Development in 1966, projections were made of the realistic limit of flood insurance rates at which it would still be economically justified to continue using residentially developed land while paying those rates for flood insurance. It was estimated this limit would be around $1.00 per $100 of insurance

purchased to cover building and contents. The revised rates are well within this limit. Additionally, the 1966 feasibility study anticipated that only buildings within the 50-year flood plain would be subsidized. The revised chargeable rates represent a rate level that provides a subsidy to many buildings outside the 50-year flood plain and therefore actually represent a more generous subsidy.

Concerns have been raised regarding the effects of rating and coverage changes on the policyholder base and how losses to that base of the better risks will possibly worsen the chances for the Program to eventually be actuarially sound and will possibly increase disaster relief expenditures. FEMA established a monitoring system to evaluate whether or not rate increases were having a negative affect on the NFIP. FEMA and GAO jointly did an initial evaluation of the pre-1983 rate revision on the NFIP. This evaluation established that several factors other than rate increases were negatively affecting insurance policy sales, and that no community had left the Program because of the rate increase. Further, FEMA has seen no indication that the rate increases would cause policyholders to request a repeal of the mandatory purchase requirement. FEMA has continued to monitor the number of flood insurance policies in force on a monthly basis. This includes monthly statistical reports, monthly State and regional analyses by NFIP regional offices and monthly policy meetings with the Administrator. The monthly technical analyses show that current renewal rates for FY 1983, 1984, 1985 and 1986 generally exceed those of 1981 and 1982.

The following table of renewal percentage illustrates this point:

FY RENEWAL PERCENTAGE

1981	1982	1983	1984	1985	1986
78	80	84	80	82	81

The sale of new flood insurance policies appears to be influenced by several factors in addition to cost, namely mortgage activity, the local economy, insurance purchased as a result of post-flood disaster public awareness campaigns, and insurance purchased as a condition to obtain Federal disaster relief. The study that FEMA performed in conjunction with the GAO report referred to above showed that most of the fluctuations in the numbers of new policies could be attributed to housing market activity and flood disaster occurrences.

In spite of a relatively low frequency of major flood disasters since 1982, the insurance in force has shown some growth. The policies in force at the end of FY 1982, 1983, 1984 and 1985 were 1,866,801, 1,911,316, 1,865,076 and 1,904,052, respectively. The number of policies in force as of the end of FY 1986 is estimated to be 2,075,496. It is quite evident from the information that FEMA reviews that the past rate increases have had no negative impact on the NFIP. FEMA believes that the rate increases are consistent with the use of a premium subsidy to help existing property owners maintain their properties and temporarily save capital, as well as to help these individuals salvage some of their investment in the property, as suggested in the premium payment and risk compensation discussion in the 1966 feasibility study. Further, the rate increases are consistent with the legislative purpose in section 1302(d)(2) of the 1968 Act to "provide flexibility in the program so that such flood insurance may be based on workable methods of pooling risks, minimizing costs, and distributing burdens equitably among those who will be protected by flood insurance and the general public."

FEMA has determined, based upon an Environmental Assessment, that this proposed rule does not have a significant impact upon the quality of the human environment. A finding of no significant impact is included in the formal docket file and is available for public inspection and copying at the Rules Docket Clerk, Office of General Counsel, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472.

These regulations do not have a significant economic impact on a substantial number of small entities and have not undergone regulatory flexibility analysis.

The rule is not a "major rule" as defined in Executive Order 12291, dated February 17, 1981, and, hence, no regulatory analysis has been prepared.

FEMA has determined that the proposed rule does not contain a collection of information requirement as defined in section 3502 of the Paperwork Reduction Act.

List of Subjects in 44 CFR Part 61

Flood insurance.

Accordingly, Subchapter B of Chapter 1 of Title 44 is proposed to be amended as follows:

PART 61—INSURANCE COVERAGE AND RATES

1. The authority citation for Part 61 continues to read as follows:

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

2. Section 61.9 is revised to read as follows:

§ 61.9 Establishment of charageable rates.

(a) Pursuant to section 1308 of the Act, chargeable rates per year per $100 of flood insurance are established as follows for all areas designated by the Administrator under Part 64 of this subchapter for the offering of flood insurance.

RATES FOR NEW AND RENEWAL POLICIES

Type of structure	Rates per year per $100 coverage on—	
	Structure	Contents
(1) Residential	$0.50	$0.60
(2) All other (including hotels and motels with normal occupancy of less than 6 months in duration)	.60	1.20

(b) The contents rate shall be based upon the use of the individual premises for which contents coverage is purchased.

Harold T. Duryee,

Federal Insurance Administrator.

[FR Doc. 87-4086 Filed 2-26-87; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6709]

Final Flood Elevation Determination; Buchanan County, VA; Rescission

AGENCY: Federal Emergency Management Agency.

ACTION: Rescission of final rule.

SUMMARY: The Federal Emergency Management Agency published the final flood elevation determination for Buchanan County, Virginia. This notice will serve to rescind that publication. Following an engineering analysis and review, a new notice of final flood elevation determination will be made.

EFFECTIVE DATE: February 27, 1987.

FOR FURTHER INFORMATION CONTACT: John L. Matticks, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2767.

SUPPLEMENTARY INFORMATION: As a result of recent data developed by the

Army Corps of Engineers, Huntington District, the Federal Emergency Management Agency gives notice of rescission of the final flood elevation determination for Buchanan County, Virginia, published at 51 FR 37287 on October 21, 1986, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR Part 67.

Issued: February 18, 1987.

Harold T. Duryee,

Administrator, Federal Insurance Administration.

[FR Doc. 87–4085 Filed 2–26–87; 8:45 am]

BILLING CODE 6718–03–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 86–92; RM–5226, 5315, and 5453]

Radio Broadcasting Services; Bar Harbor and Milbridge, ME

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allocates FM Channels 256B1 and 299B to Bar Harbor, Maine, and Channel 229B to Milbridge, Maine. Bar Harbor will receive its first and second service and Milbridge, its first service. This action is taken in response to petitions filed by Pierless Broadcasting Company (Ch. 256B1), Sound Innovations, Inc. (Ch. 299B) and a counterproposal filed by Gordon Kelley (229B at Milbridge). Canadian concurrence has been obtained for the allotment of the above channels. With this action this proceeding is terminated.

DATES: Effective April 6, 1987; the window period for filing applications will open on April 7, 1987, and close on May 6, 1987.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 86–92, adopted January 30, 1987 and released February 19, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. § 73.202(b), the Table of FM Allotments is amended, under Maine, by adding Channel 256B1 and Channel 299B to Bar Harbor, and by adding Channel 229B to Milbridge, Maine.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Mass Media Bureau.

[FR Doc. 87–4134 Filed 2–26–87; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 86–375; RM–5511]

Radio Broadcasting Services; Hyannis, MA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allocates FM Channel 275A to Hyannis, Massachusetts, and modifies the permit of Station WPXC(FM), Channel 276A, to specify Channel 275A. This action is taken in response to a petition filed by Radio Hyannis, Inc. permittee of Channel 276A. The substitution of channels will provide a greater area in which the transmitter site can be located. Comments were filed by the petitioner. No other comments were received. With this action, this proceeding is terminated.

EFFECTIVE DATE: April 6, 1987.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 86–375, adopted December 24, 1986 and released February 19, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. In § 73.202(b), the Table of FM Allotments is amended by revising the entry of Hyannis, Massachusetts, to delete Channel 276A and add Channel 275A.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Mass Media Bureau.

[FR Doc. 87–4135 Filed 2–26–87; 8:45 am]

BILLING CODE 6712–01–M

GENERAL SERVICES ADMINISTRATION

48 CFR Part 503

[APD 2800.12 CHGE 39]

General Services Administration Acquisition Regulation; Procedures for Voiding and Rescinding Contracts

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Final rule.

SUMMARY: The General Services Administration Acquisition Regulation (GSAR), Chapter 5, is amended to add Subpart 503.7 which implements Subpart 3.7 of the Federal Acquisition Regulation (FAR) by providing agency procedures for voiding and rescinding contracts. The intended effect is to improve the regulatory coverage and provide uniform procedures for contracting under the regulatory system.

EFFECTIVE DATE: February 9, 1987.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Loeb, Office of GSA Acquisition Policy and Regulations, (VP) (202) 535–7791.

SUPPLEMENTARY INFORMATION:

Background

This rule was published in the **Federal Register** for public comment on October 28, 1986 (51 FR 39404). No public comments were received. Comments from various GSA offices have been

considered and incorporated in the final rule when considered appropriate.

Impact

The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempted certain procurement regulations from Executive Order 12291. The exemption applies to this rule. The GSA certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). The rule implements higher level regulations which provide for voiding and rescinding of contracts based upon a conviction where there is fraud in the inducement. The rule does not contain information collection requirements which require the approval of OMB under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

List of Subjects in 48 CFR Part 503

Government procurement.

1. The authority citation for 48 CFR Part 503 continues to read as follows:

Authority: 40 U.S.C. 486(c)

PART 503—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

2. The table of contents for Part 503 is amended by revising the title of Subpart 503.3 and by adding Subpart 503.7 and related sections, to read as follows:

Subpart 503.3 Report of Suspected Antitrust Violations

Subpart 503.7 Voiding and Rescinding Contracts

Sec.

503.700 Scope of subpart.
503.702 Definitions.
503.703 Authority.
503.705 Procedures.

3. Subpart 503.3 is amended by revising the title to read "Subpart 503.3—Report of Suspected Antitrust Violations".

4. Subpart 503.7 is added to read as follows:

Subpart 503.7 Voiding and Rescinding Contracts

503.700 Scope of subpart.

This subpart implements and supplements FAR Subpart 3.7 with respect to the voiding and rescinding of a contract where there has been a final conviction of the contractor for bribery, conflict of interest, or similar misconduct directly related to the award of the contract. The remedy available herein is in addition to the common law right of avoidance, rescission, or cancellation.

503.702 Definitions.

"Voiding and rescinding official" means the Associate Administrator for Acquisition Policy or a designee.

"Notice" means a written communication sent by certified mail, return receipt requested, to the last known address of a party, its identified counsel, or agent for service of process. In the case of a business, such notice may be sent to any partner, principal officer, director, owner or co-owner, or joint venturer. If no return receipt is received within 10 calendar days of mailing, receipt will then be presumed.

"Fact-finding official" means the Chairman of the General Services Administration Board of Contract Appeals or a designee.

503.703 Authority.

Where a contract has been awarded as a result of fraud, bribery, conflict of interest, or similar misconduct, the contracting officer should consult with counsel to determine if the Government has a common law remedy such as avoidance, rescission, or cancellation. As an alternative, the matter may be referred to the voiding and rescinding official, after consultation with counsel, for processing under the procedures set forth in FAR Subpart 3.7 and Subpart 503.7 where there has been a final conviction of a contractor for any violation of 18 U.S.C. 201–224.

503.705 Procedures.

(a) *Reporting.* (1) As an alternative to exercising the Government's common law right of avoidance, rescission, or cancellation of contracts awarded as a result of bribery, conflict of interest, or similar misconduct, the contracting officer may elect to postpone a decision to void, rescind, or cancel a contract pending a final conviction of the contractor for the particular offense. Upon conviction, the contracting officer may exercise the Government's common law rights, if appropriate, or refer the matter to the voiding and rescinding official through appropriate channels with a recommendation that the contract be declared void and rescinded.

(2) The referral should include the same information provided for in 509.406–3(a)(2) (i) through (vi). Additionally, the referral should include the information required to prepare the notice of proposed action in accordance with FAR 3.705(d).

(3) Since a final conviction for any violation of 18 U.S.C. 201 is a cause for debarment under FAR 9.406–2(a)(1) and/or (3), the Office of Inspector General (OIG) may be preparing a debarment referral. Therefore, in order to minimize duplication of effort, the contracting officer is encouraged to coordinate its referral with the OIG and ascertain if a debarment referral is contemplated.

(b) *Notice of proposal to declare void and rescind contracts pursuant to FAR Subpart 3.7 and GSAR 503.7.* (1) The voiding and rescinding official shall review the adequacy of the referral and coordinate the matter with assigned legal counsel and the respective contracting activity.

(2) Where a determination is made to declare void and rescind a contract and to recover the amounts expended and the property transferred, written notice by the voiding and rescinding official must be given to the contractor in accordance with FAR 3.705(c). The notice must include the information in FAR 3.705(d).

(3) A copy of the notice will be given to the contracting activity affected.

(c) *Decision-making process.* Where notice of the proposed action to declare void and rescind a contract is issued under FAR Subpart 3.7 and Subpart 503.7, the process to be followed by the voiding and rescinding official and the rights afforded to the contractor are virtually the same as those provided for in 509.406–3(c) except for the following changes:

(1) Where the term "debarring" is used, substitute "action to declare void and rescind a contract."

(2) Where the phrase "debarment notice" is used, substitute "notice of the proposed action to declare void and rescind a contract."

(3) Where the phrase "debarring official" is used, substitute "voiding and rescinding official."

(4) The first sentence in 509.406–3(c)(3) is not applicable and the following sentence is substituted: "Where the contractor disputes facts relating to the proposed action, other than the validity of the conviction, it may request, a formal fact-finding hearing before the agency fact-finding official."

(5) In 509.406–3(c)(4), only (i) and (ii) are applicable.

(6) In 509.406–3(c)(5), substitute the phrase, "FAR Subpart 3.7 and Subpart 503.7" for the phrase, "FAR Subpart 9.4 and GSAR 509.4."

(d) *Voiding and rescinding official's final decision.* (1) The voiding and rescinding official's final decision must be made, in writing, and notice of the decision given in accordance with the requirements of FAR 3.705(e). The final decision shall be coordinated with the respective contracting activity.

(2) A copy of the final decision will be given to the contracting activity affected.

Dated: February 9, 1987.

Patricia A. Szervo,

Associate Administrator for Acquisition Policy.

[FR Doc. 87-4109 Filed 2-26-87; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 685

[Docket No. 60964-7028]

Foreign Fishing: Pelagic Fisheries of the Western Pacific Region

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final rule.

SUMMARY: NOAA issues a final rule to implement the Fishery Management Plan for the Pelagic Fisheries of the Western Pacific Region (FMP). The FMP will (1) Establish a triggering mechanism to institute new area closures for foreign longline vessels in the exclusive economic zone (EEZ) if they are found by the Regional Director, Southwest Region, to be warranted; (2) eliminate existing quotas on foreign longline catch in the EEZ; (3) require catch data and reporting of fishery interaction with protected species in the EEZ; (4) prohibit the use of drift gill nets in the EEZ; (5) establish a process to obtain data on the incidental catch of pelagic fishes in the EEZ by tuna pole-and-line and purse seine vessels, and with respect to the domestic fishery for pelagic fishes, the FMP will prohibit the use of drift gill nets in the EEZ except where authorized by an experimental fishing permit. The intended effect of the final rule is to maintain the abundance of pelagic resources within the EEZ to support commercial and recreational fisheries.

EFFECTIVE DATE: March 23, 1987.

ADDRESSES: Copies of the FMP are available by writing to Kitty Simonds, Executive Director, Western Pacific Fishery Management Council, 1164 Bishop Street, Suite 1608, Honolulu, Hawaii 96813.

FOR FURTHER INFORMATION CONTACT: Doyle E. Gates (Administrator, Western Pacific Program Office, Southwest Region, NMFS, Honolulu, Hawaii), 808/955-8831; or Svein Fougner (Chief, Fisheries Management and Analysis Branch, Southwest Region, NMFS, Terminal Island, California), 213/514-6660.

SUPPLEMENTARY INFORMATION:

Background

The FMP was prepared by the Western Pacific Fishery Management Council (Council) under the authorization of the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801 et seq. (Magnuson Act). Proposed regulations were published in the **Federal Register** on September 16, 1986 (51 FR 32808) and comments were invited until October 24, 1986. The FMP was scheduled to be approved on November 13, 1986; however, in view of the comments received on the size of the proposed area closures, the Council on November 9, 1986, voted unanimously to amend the FMP to limit the size of the areas closed to foreign longline vessels until certain criteria are satisfied. The FMP was resubmitted and an amended proposed rule was published in the **Federal Register** on December 17, 1986 (51 FR 45141). The public comment period ended on January 23, 1987.

Comments and Responses

When the FMP was resubmitted and a new proposed rule published in the **Federal Register** on December 17, 1986, responses to the comments that had been received by that date were discussed in the publication. The subjects covered were drift gill netting, need for the FMP, area closures, reporting requirements, observer requirements and recordkeeping. These comments and responses are not repeated here.

The only comments received since the December 1986 publication were from the Japan Tuna Association (JTA). The JTA repeated its argument against the area closures, reporting requirements and the need for the FMP, all of which have been discussed.

The JTA also commented on the proposed triggering mechanism that will change non-retention zones to some type of area closure, based upon the adverse effects of foreign fishing. The basic criticism is of the factors considered when estimating the effect of foreign longlining in the EEZ. The factors are viewed by the JTA as very general, requiring no quantification to convert non-retention zones to closed areas.

The factors that are to be considered by the Regional Director are general because they are designed to cover all situations that may arise; however, they do not eliminate any requirements of the Magnuson Act or circumvent the national standards. Quantification of the effects of foreign fishing is required before action can be taken. A decision to implement a specific closed area cannot be arbitrary and unsubstantiated. In addition, determinations are required to be published in the **Federal Register** as a proposed action, and the information upon which the action is based will be available for public inspection.

Changes From Proposed Regulations of December 17, 1986

In § 611.81(j), Table 1 and Table 2 were confusing and have been revised. The new tables show clearly the closed areas, the non-retention zones, and the retention zones that will be in effect.

Classification

The Administrator of NOAA determined that this FMP is necessary for the conservation and management of the pelagic resources of the western Pacific region and that it is consistent with the Magnuson Act and other applicable law.

The Council prepared an environmental assessment (EA) for this FMP and concluded that there will be no significant impact on the environment as a result of this rule. A copy of the EA may be obtained at the above address.

The Administrator of NOAA determined that this rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. A summary of his determination appears in the proposed rule.

The General Counsel of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule will not have a significant economic impact on a substantial number of small businesses. A summary of this determination appears in the proposed rule.

This rule contains a collection of information requirement subject to the Paperwork Reduction Act (PRA). The collection of the information has been approved by the Office of Management and Budget, OMB Control Number 0648-0097. Other reporting requirements contained in the rulemaking are approved under OMB Control Numbers 0648-0075 and -0089.

The Council has determined, and the appropriate State and territorial government offices have found, that the measures established in the FMP are consistent to the maximum extent practicable with the approved coastal zone management programs of Hawaii and the territories of American Samoa and Guam. Since the FMP was resubmitted for public review, the state of Hawaii and the territories of American Samoa and Guam will be asked to confirm their consistency determination.

The Council requested a consultation and biological opinion on the FMP under section 7 of the Endangered Species Act (ESA). The National Marine Fisheries Service (NMFS) issued a biological opinion on September 17, 1985, which concluded that the FMP is not likely to jeopardize any threatened or endangered species within the FMPs geographical scope. The biological opinion recommended that the FMP provide authority for NMFS to require the submission of reports on fishery interactions with protected species. Reporting requirements to this effect are contained in the final rule.

List of Subjects

50 CFR Part 611

Fisheries, Foreign relations, Reporting and recordkeeping requirements.

50 CFR Part 685

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: February 20, 1987.

James E. Douglas, Jr.,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, Chapter VI of 50 CFR is amended as follows:

PART 611—[AMENDED]

1. The authority citation for 50 CFR Part 611 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*, 16 U.S.C. 971 *et seq.*, 22 U.S.C. 1971 *et seq.*, and 16 U.S.C. 1361 *et seq.*

2. Section 611.81 is revised to read as follows:

§ 611.81 Pacific billfish, oceanic sharks, wahoo, and mahimahi fishery.

(a) *Purpose.* (1) This section regulates all foreign fishing conducted under a Governing International Fishery Agreement which involves the catching of any species of billfish, oceanic shark, wahoo, or mahimahi (dolphin) in the exclusive economic zone (EEZ) of the United States in the Pacific Ocean, excluding the portion of the EEZ seaward of Alaska.

(b) *Definitions.* For the purposes of this section, these terms have the following meanings:

Billfish means broadbill swordfish (*Xiphias gladius*), blue marlin (*Makaira nigricans*), black marlin (*Makaira indica*), striped marlin (*Tetrapturus audax*), sailfish (*Istiophorus platypterus*), and shortbill spearfish (*Tetrapturus angustirostris*).

Closed area means that area of the EEZ in which foreign longline vessels subject to this section are prohibited from fishing.

Drift gill net means a floating rectangular net with one or more layers of mesh which is set vertifically in the water.

Exclusive economic zone means the zone established by Presidental Proclamation 5030, dated March 10, 1983 and is that area adjacent to the United States which, except where modified to accommodate international boundaries, encompasses all waters from the seaward boundary of each of the coastal States to a line on which each point is 200 nautical miles from the baseline from which the territorial sea of the United States is measured.

Mahimahi means "dolphin fish" (*Coryphaena hippurus* and *Coryphaena equisetis*).

Non-retention zone means that area of the EEZ in which all billfish, oceanic sharks, wahoo, mahimahi, and other fish caught by foreign longline vessels in the course of fishing under this section must be returned to the sea in accordance with the requirements of paragraph (k)(5) of this section.

Oceanic sharks means sharks of the families Carcharhinidae, Alopiidae, Sphyrnidae, and Lamnidae.

Regional Director means the Director of the Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731, telephone number: 213–514–6196; or a designee.

Retention zone means that area of the EEZ in which foreign longline vessels subject to this section may retain billfish, oceanic sharks, wahoo, and mahimahi to the extent that retention is authorized by this section.

Wahoo means fish of the species *Acanthocybium solanderi*.

(c) *Permits.* All foreign longline vessels which intend to fish must have a permit issued under § 611.3.

(d) *Vessel and gear identification.* All permitted vessels subject to this section must comply with the vessel and gear identification requirements of § 611.5.

(e) *Observers.* Permitted vessels subject to this section must comply with the observer requirements of § 611.8.

(f) *Prohibited species.* The owner or operator of each foreign vessel must minimize its catch or recipt of prohibited species and must report the vessel's activities as prescribed in § 611.11 of the Foreign Fishing Regulations.

(g) *Vessel reporting.* The operator of each foreign fishing vessel must report the vessel's activities as prescribed in § 611.4 and in the formats specified in Appendix B to Subpart A of the Foreign Fishing Regulations.

(h) *Collection and reporting of data.* Permitted vessels subject to this section must comply with the recordkeeping requirements of § 611.9, in addition to the following.

(1) The daily fishing log contents found at § 611.9(e) must contain the following additional information:

(i) The number of each species caught and retained;

(ii) The number of each species caught and released;

(iii) The number of each species released alive; and

(iv) The number of hooks set by type of bait.

(2) Daily fishing logs must be mailed to the Regional Director not later than 30 days following the completion of fishing or must be hand delivered to the NMFS observer aboard the vessel upon his request.

(3) *Report of marine mammal and sea turtle incidental catch.* Each foreign nation whose permitted vessels fish under this section must submit, through the designated representative, a report of marine mammal and sea turtle incidental catch in the manner prescribed by § 611.4(f)(4) within 60 days of leaving the EEZ in lieu of weekly reports. (Permits issued under this section do not authorize the take and retention of marine mammals and sea turtles in the EEZ).

(4) *Reporting of incidental catch by non-permitted tuna harvesting vessels.* [Reserved].

(i) *Management area groups.* For the purposes of this section, the EEZ of the Pacific Ocean (excluding the EEZ seaward of Alaska) is divided into two management area groups as follows:

(1) *FMP management area group.* The areas of the EEZ off the coasts of the Hawaiian and Midway Islands, Guam, American Samoa, and U.S. possessions are governed by the provisions of the Fishery Management Plan for the Pelagic Fisheries of the Western Pacific Region (FMP) and are designated the FMP Management Area Group.

(2) *PMP management area group.* The areas of the EEZ off the U.S. west coast and the coasts of the Commonwealth of the Northern Mariana Islands are governed by the provisions of the Preliminary Fishery Management Plan for Billfish, Oceanic Sharks, Wahoo, and Mahimahi (PMP) in the Pacific Ocean and are designated the PMP Management Area Group.

(j) *Authorized fishery—FMP Management Area Group*—(1) *General* Foreign vessels subject to this section are authorized to fish in the EEZ of the Hawaiian and Midway Islands, Guam,

American Samoa, and the U.S. possessions subject to the requirements of this section.

(2) *Zones.* The FMP Management Area Group comprises the following closed-areas, non-retention zones and retention zones (each of which is measured from the baseline used to measure the U.S. territorial sea) described in Table 1:

TABLE 1

Management area	Closed area	Non-retention zone	Retention zone
Hawaiian Islands	Within 12 nautical miles of all islands in the Hawaiian Islands chain.	(1) Between 12 and 100 miles from the islands of Hawaii, Kahoolawe, Kauai, Lanai, Maui, Molokai, Niihau, and Oahu of the State of Hawaii. (2) Between 12 and 50 nautical miles from the remaining islands of the State of Hawaii.	(1) Beyond 100 nautical miles from the islands of Hawaii, Kahoolawe, Kauai, Lanai, Maui, Molokai, Niihau, and Oahu of the State of Hawaii. (2) Beyond 50 nautical miles from the remaining islands of the State of Hawaii.
Guam	Within 12 nautical miles of Guam	Between 12 and 50 nautical miles from Guam.	Beyond 50 nautical miles from Guam.
American Samoa	(1) Within a rectangle around the Tutuila and Manua islands of American Samoa bounded by 14° and 15° S. latitude and 168° to 171° W. longitude; and 2) Within a one degree (1°) square surrounding Swain's Island bounded by 10°33' to 11°33' S. latitude and 170°34' to 171°34' W. longitude.	None	(1) Areas of the EEZ outsides the rectangle bounded by 14° to 15° S. latitude to 170° W. longitude; and 168° to 171° W. longitude; and (2) Areas of the EEZ outside the one-degree (1°) square surrounding Swain's Island.
U.S. possessions	Within 12 nautical miles of shore	None	Beyond 12 mautical miles from shore.

(3) *Effort plans.* Foreign longline vessels which desire to fish in the FMP Management Area Group are required to file effort plans two (2) months prior to entering the retention zones of the EEZ for fishing purposes. Effort plans must indicate the dates when fishing is expected to begin and cease and must specify the areas of the EEZ where the vessels intend to operate. Effort plans must be submitted to the Administrator, Western Pacific Program Office, MNFS, 2570 Dole Street, Honolulu, HI 96822, telephone number: 808–955–8831.

(4) *Catch and effort.* There will be no limit on the amount of fishing effort or the catch of billfish, oceanic sharks, mahimahi, and wahoo made by foreign longline vessels in the retention zones described in Table 1 of paragraph (j) of this section.

TABLE 2

Management area	Maximum closed areas
Hawaiian Islands	(1) Within 150 nautical miles of the Main Hawaiian Islands (islands east of 161° W. longitude); and (2) Within 100 nautical miles of the Northwestern Hawaiian Islands including Midway (islands west of 161° W. longitude).
Guam [1]	Within 150 nautical miles of Guam.
American Samoa	(1) Within a rectangle around the Tutuila and Mahua islands of American Samoa bounded by 14° to 15° S. latitude and 168° to 171° W. longitude; and (2) Within a one-degree (1°) square surrounding Swain's Island bounded by 10°33' to 11°33' S. latitude and 170°34' to 171°35' W. longitude.
U.S. possessions	Within 12 nautical miles of shore.

[1] The northern boundary of the EEZ off the coast of Guam extends to those points which are equidistant between Guam and the island of Rota in the Commonwealth of the Northern Mariana Islands.

(5) *Determinations.* The Regional Director will determine by the following criteria within 30 days after a request by the Council, whether the non-retention zones presented in Table 1 of this section should be converted to closed areas or expanded up to the maximum closed areas presented in Table 2 of this section. All or portions of the area closures will be implemented as appropriate when the Regional Director has determined that foreign fishing has resulted in or is likely to result in—

(i) Adverse impacts on the catch, effort, gear, or economic performance of domestic vessels fishing in the area(s) for management unit species;

(ii) Excessive waste of management unit species in the affected area(s) of the EEZ;

(iii) Excessive costs to monitor foreign fishing and enforce the provisions of the EMP if the area(s) remains open; or

(iv) Adverse effects on one or more management unit species.

(6) *Factors considered.* Factors that will be considered by the Regional Director in making any determination described in paragraph 5 of this section will include the following:

(i) The current and projected level of domestic fishing and associated catch and landed value of catch in the affected area(s) in the absence of foreign fishing;

(ii) The importance of the area(s) to domestic vessels in terms of catch, effort, catch rates, and landed value of the catch of management unit species;

(iii) The level of foreign fishing likely to occur if the area(s) were to remain open to foreign fishing;

(iv) The likelihood of gear conflicts or waste of management unit species if foreign fishing were to be permitted; and

(v) Such other factors as the Regional Director determines to be important in making the determination as to area closures.

(7) *Notice of determination.* (i) The Secretary will publish a notice of any proposed determination described in paragraph (j)(5) of this section in the **Federal Register** for public comment, unless the Secretary finds good cause that such notice and public review are impracticable or contrary to the public interest. During the public comment period, the aggregate data upon which the proposed determination is based will be available for public inspection at the Regional Office during business hours.

(ii) If the Secretary determines, for good cause, that a determination described in paragraph (j)(5) of this section must be issued without affording a prior opportunity for public comment, public comments on the notice will be received by the Secretary for a period of 15 days after the effective date of the notice. During any such 15-day period, the aggregate data upon which the notice was based will be available for public inspection in the office of the Regional Director during business hours.

(iii) Any notice issued under this section will not be effective until 30 days after the publication in the **Federal Register**, unless the Secretary finds and publishes with the notice good cause for an earlier effective date.

(iv) Notices issued under this section will remain in effect until the expiration data stated in the published notice or until rescinded, modified, or superseded.

(v) Nothing contained in this section limits the authority of the Secretary to issue emergency regulations under section 305(e) of the Magnuson Act.

(8) *Drift gill nets.* The use of drift gill nets in the FMP Management Area Group is prohibited.

(k) *Authorized fishery—PMP Management Area Group.*—(1) *General.* Foreign longline vessels subject to this section are authorized to fish in the EEZ of the Northern Mariana Islands and the U.S. west coast beyond 12 miles from the baseline used to measure the U.S.

territorial sea, subject to the requirements of this section. Only foreign longline vessels are eligible for permits to fish in the PMP Management Area Group.

(2) *Zones.* The PMP Management Area Group comprises the following closed areas, non-retention and retention zones (each of which is measured from the baseline used to measure the U.S. territorial sea) described in Table 3:

TABLE 3

Management area	Non-retention zone	Retention zone
West Coast	Between 12 and 100 nautical miles offshore.	Beyond 100 nautical miles.
Northern Mariana Islands,[1] Rota, Tinian, Aguijan and Saipan.	Between 12 and 50 nautical miles from Tinian, Aguijan, Rota, and Saipan.	Beyond 50 nautical miles of Rota, Tinian, Aguijan, and Saipan. Beyond 12 nautical miles of the remaining islands of the Northern Mariana Islands.

Closed areas: Foreign longline vessels subject to paragraph (j) of this section are prohibited from fishing within 12 nautical miles of the U.S. west coast and the Northern Mariana Islands.

[1] The southern boundary of the EEZ off the coast of the Northern Mariana Islands extends to those points which are equidistant between Guam and the island of Rota.

(3) *Total allowable level of foreign fishing (TALFF), joint venture processing (JVP), national allocations, and reserves.*

(i) *TALFF, reserve, and JVP amounts.* The TALFFs, amounts of fish held in reserve, and amounts of JVP are published in the **Federal Register**. Current TALFFs, reserves, and JVPs are also available from the Regional Director.

(ii) *TALFF and national allocations.* (A) The total amount of each species of billfish, oceanic sharks, wahoo, and mahimahi which may be caught and retained in each area of the PMP Management Area Group by foreign vessels subject to paragraph (k) of this section is limited to the TALFF for each applicable area and to the amount of the applicable national allocation.

(B) No foreign vessels subject to paragraph (k) of this section may catch and retain billfish, oceanic sharks, wahoo, and mahimahi within the non-retention zones set out in the table at paragraph (k)(2) of this section.

(iii) *Determination.* (A) As soon as practicable after September 1 of each year, and upon receipt of a written request from a foreign nation, the Regional Director, Southwest Region, will determine, for each species for which a reserve has been established, the amount of fish which has been harvested to date by U.S. vessels in each applicable area.

(B) If the Regional Director determines that the amount of fish of a species harvested by vessels of the United States in an area is less than 80 percent of the expected domestic harvest for that species in that area, the Regional Director will apportion to TALFF the entire amount of the reserve for the applicable species in the applicable area. No reserve amounts will be apportioned to TALFF if domestic vessels have harvested 80 percent or more of the expected domestic harvest for that species in the applicable area by the date of this determination.

(iv) *Notice.* The Assistant Administrator for Fisheries, NOAA, will publish in the **Federal Register** a notice of each determination made under paragraph (k)(3)(iii) of this section.

(4) Cancellation of authority to retain.

(i) The authority of a foreign longline vessel to retain an applicable species is canceled:

(A) When the national allocation for the applicable species is reached; or

(B) At the date and time specified in the notification issued by the Assistant Administrator under paragraph (k)(4)(ii) of this section.

(ii) The Assistant Administrator will determine, on the basis of the information specified in § 611.13, when the TALFF or optimum yield (OY) of a billfish species, oceanic sharks, wahoo, or mahimahi in an area of the PMP Management Area Group will be reached. At least forty-eight hours before the applicable TALFF or OY will be reached, the Assistant Administrator will notify both the affected foreign nation(s) and the designated representative for any affected fishing vessel that authority to retain the applicable species is canceled.

(iii) Any cancellation under paragraph (k)(4) of this section will remain in effect until a new or increased allocation becomes available.

(iv) The closure provisions of § 611.13 do not apply to foreign longline vessels fishing subject to paragraph (k) of this section.

(5) Prohibited species.

(i) *General.* The following are prohibited species under paragraph (k) of this section.

(A) All species of fish over which the United States exercises exclusive fishery management authority and for which there is no national allocation;

(B) All billfish, oceanic sharks, wahoo, and mahimahi caught in excess of an applicable OY, TALFF, or national allocation; and

(C) All billfish, oceanic sharks, wahoo, and mahimahi caught in a non-retention zone. (See Table 3 at paragraph (k)(2) of this section.)

(ii) *Treatment.* All prohibited species will be treated in accordance with § 611.11.

(iii) *Additional requirements for billfish and oceanic sharks.* Unless otherwise specifically instructed by a U.S. observer or authorized officer, all prohibited billfish and oceanic sharks must be released by cutting the line (or by other appropriate means) without removing the fish from the water.

(iv) *Rebuttal of presumption.* Foreign vessels fishing subject to paragraph (k) of this section may rebut the presumption of § 611.11(d) by

(A) Storing all prohibited species caught outside the EEZ in a separate part of the vessel's hold which can be sealed, and arranging inspection and sealing of the vessel's hold by U.S. authorities before commencing fishing in the EEZ or in non-retention zones; or

(B) Other reasonable means which may be authorized by the Regional Director if, in consultation with the U.S. Coast Guard, the Regional Director determines that special circumstances warrant alternative arrangements.

(v) *Procedures for hold sealing.*

(A) Inspection and sealing of a foreign vessel's hold may be arranged by contacting the Southwest Region Office, National Marine Fisheries Service, 2570 Dole Street, Honolulu, HI 96822, telephone number: 808–955–8831, at least 48 hours in advance of the date for which inspection is requested.

(B) Ports at which such inspections may be made are Honolulu and Kahului, Hawaii, Agana, Guam; and San Diego, California.

(C) Additional ports for hold inspections may be arranged with the Regional Director.

(vi) *Other requirements.* The designation of ports for hold inspection and sealing does not modify any port entry arrangements or requirements (if any) of Governing International Fishery Agreements or the notification requirements of any other laws or regulations of the United States.

1. A new Part 685 is added to Chapter VI to read as follows:

PART 685—PELAGIC FISHERIES OF THE WESTERN PACIFIC REGION

Subpart A—General Provisions

Subpart B—Management Measures

Authority: 16 U.S.C. 1801 *et seq.*

Subpart A—General Provisions

§ 685.1 Purpose and scope.

(a) The regulations in this part govern fishing for billfish and associated species by fishing vessels of the United States in the exclusive economic zone (EEZ) off the coasts of Hawaii, American Samoa, Guam, and the U.S. possessions.

(b) Regulations governing fishing for billfish and associated species by fishing vessels other than vessels of the United States are published at 50 CFR Part 611.

(c) These regulations implement the Fishery Management Plan for Pelagic Fisheries of the Western Pacific Region (FMP) developed by the Western Pacific Regional Fishery Management Council (Council) under the Magnuson Fishery Conservation and Management Act (Magnuson Act).

§ 685.2 Definitions.

In addition to the definitions in the Magnuson Act, the terms used in this part have the following meanings (some definitions in the Magnuson Act have been repeated here to aid understanding of the regulations):

Administrator means the Administrator of the National Oceanic and Atmospheric Administration (NOAA), or a designee.

Associated species refers to the following species managed by the FMP:

(a) *Mahimahi* means "dolphin fish" (*Coryphaena hippurus* and *Coryphaena equisetis*);

(b) *Oceanic sharks* means sharks of the families Carcharhinidae, Alopiidae, Sphyrnidae, and Lamnidae; and

(c) *Wahoo* means fish of the species *Acanthocybium solanderi*.

Authorized officer means:

(a) Any commissioned, warrant, or petty officer of the U.S. Coast Guard.

(b) Any special agent of the National Marine Fisheries Service.

(c) Any officer designated by the head of any Federal or State agency which has entered into an agreement with the Secretary of Commerce and the Commandant of the U.S. Coast Guard to enforce the provisions of the Magnuson Act; or

(d) Any U.S. Coast Guard personnel accompanying and acting under the direction of any person described in paragraph (a) of this definition.

Billfish means broadbill swordfish (*Xiphias gladius*), blue marlin (*Makaira nigricans*), black marlin (*Makaira indica*), striped marlin (*Tetrapturus audax*), sailfish (*Istiphorus platypterus*), and shortbill spearfish (*Tetrapturus angustirostris*).

Drift gill net means a floating rectangular net with one or more layers of mesh which is set vertically in the water.

Exclusive economic zone (EEZ) means the zone established by Presidential Proclamation 5030, dated March 19, 1983 and is that area adjacent to the United States which, except where modified to accommodate international boundaries, encompasses all waters from the seaward boundary of each of the coastal states to a line each point of which is 200 nautical miles from the baseline from which the territorial sea of the United States is measured.

Fishery management area means the fishery conservation zone off the coasts of Hawaii, American Samoa, Guam, and U.S. possessions in the western Pacific. The outer boundary of the fishery management area north of Guam extends to those points which are equidistant between Guam and the island of Rota in the Commonwealth of the Northern Mariana Islands. This definition does not include the EEZ off the coasts of the Commonwealth of the Northern Mariana Islands.

Fishing means

(a) The catching, taking, or harvesting of fish;

(b) The attempted catching, taking or harvesting of fish;

(c) Any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish; or

(d) Any operations at sea in support of, or in preparation for, any activity described above.

(e) This term does not include any scientific research activity which is conducted by a scientific research vessel.

Fishing vessel means any vessel, boat, ship, or other craft which is used for, equipped to be used for, or of a type which is normally used for

(a) Fishing; or

(b) Aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation, or processing.

Land or *landing* means to begin offloading any fish, to arrive in port with the intention of offloading any fish, or to cause any fish to be offloaded.

Magnuson Act means the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.*, as amended.

Maximum sustainable yield (MSY) means an average over a reasonable length of time of the largest catch which can be taken continuously from a stock.

Official number means the documentation number issued by the U.S. Coast Guard or the certificate number issued by a State or by the U.S. Coast Guard for undocumented vessels.

Operator, with respect to any vessel, means the master or other individual on board and in charge of that vessel.

Owner, with respect to any vessel, means

(a) Any person who owns that vessel in whole or in part;

(b) Any chartered of the vessel, whether bareboat, time, or voyage;

(c) Any person who acts in the capacity of a charterer including but not limited to parties to a management agreement, operating agreement, or any similar agreement that bestows control over the destination, function, or operation of the vessel; or

(d) Any agent designated as such by a person decribed in paragraph (a), (b), or (c) of this definition.

Person means any individual (whether or not a citizen or national of the United States), any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local or foreign government or any entity of any such government.

Regional Director means the Southwest Regional Director, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731, or a designee.

Secretary means the Secretary of Commerce or a designee.

State means the State of Hawaii, the Territory of American Samoa, and the Territory of Guam.

Vessel of the United States means

(a) Any vessel documented under chapter 121 of title 46, United States Code;

(b) Any vessel numbered under chapter 123 of title 46, United States Code, and measuring less than 5 net tons;

(c) Any vessel numbered under chapter 123 of title 46, United States

Code, and used exclusively for pleasure; and

(d) Any vessel not equipped with propulsion machinery of any kind and not used exclusively for pleasure.

§ 685.3 Relation to State laws.

This part recognizes that any State law which pertains to vessels registered under the laws of that State while in the fishery management area, and which is consistent with the FMP including any State landing law, will continue in effect with respect to fishing activities regulated under this part.

§ 685.4 Reporting requirements.

This part recognizes that catch and effort date necessary for implementing the FMP are collected by the State of Hawaii, American Samoa, and Guam under existing State data collection programs. No additional Federal reports are required of fishermen or processors as long as the data collection and reporting systems operated by the State agencies continue to provide the Secretary with statistical information adequate for management.

§ 685.5 Prohibitions.

(a) It is unlawful for any person to do any of the following:

(1) Possess, have custody or control of, ship or transport, offer for sale, sell, purchase, import or export any billfish or associated species taken, retained, or landed in violation of the Magnuson Act, this part, or any other regulation promulgated under the Magnuson Act;

(2) Refuse to allow an authorized officer to board a fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of the Magnuson Act, this part, or any other regulation promulgated under the Magnuson Act;

(3) Forcibly assault, resist, oppose, impede, intimidate, or interfere with any authorized officer in the conduct of any inspection or search described in paragraph (a)(2) of this section;

(4) Resist a lawful arrest for any act prohibited by this part;

(5) Interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, with the knowledge that such other person has committed any act prohibited by this part;

(6) Interfere with, obstruct, delay, or prevent by any means a lawful investigation or search conducted in the process of enforcing the Magnuson Act;

(7) Transfer, or attempt to transfer, directly or indirectly, any U.S.-harvested billfish or associated species to any foreign fishing vessel within the EEZ, unless the foreign vessel has been issued a permit which authorizes the receipt of U.S.-harvested fish of the species being transferred;

(8) Fail to comply immediately with enforcement and boarding procedures specified in § 685.6;

(9) Fish for billfish or associated species in violation of any terms or conditions attached to an experimental fishing permit (EFP) issued under § 685.8; or

(10) Fish for billfish or associated species using gear prohibited under § 685.21 or not permitted by an EFP issued under § 685.8.

(b) It is unlawful to violate any other provision of this part, the Magnuson Act, or any other regulation or permit promulgated under the Magnuson Act.

§ 685.6 Facilitation of enforcement.

(a) *General.* The operator of, or any other person aboard, any fishing vessel subject to this part must immediately comply with instructions and signals issued by an authorized officer to stop the vessel and with instructions to facilitate safe boarding and inspection of the vessel, its gear, equipment, fishing record (where applicable), and catch for purposes of enforcing the Magnuson Act and this part.

(b) *Communications.* (1) Upon being approached by a U.S. Coast Guard vessel or aircraft, or other vessel or aircraft with an authorized officer aboard, the operator of a fishing vessel must be alert for communications conveying enforcement instructions.

(2) If the size of the vessel and the wind, sea, and visibility conditions allow, loudhailer is the preferred method for communicating between vessels. If use of a loudhailer is not practicable, and for communications with an aircraft, VHF–FM or high frequency radiotelephone will be employed. Hand signals, placards, or voice may be employed by an authorized officer and message blocks may be dropped from an aircraft.

(3) If other communications are not practicable, visual signals may be transmitted by a flashing light directed at the vessel signaled. Coast Guard units will normally use the flashing light signal "L" as the signal to stop.

(4) Failure of a vessel's operator to stop his vessel when directed to do so by an authorized officer using loudhailer, radiotelephone, flashing light signal, or other means constitutes *prima facie* evidence of the offense of refusal to permit an authorized officer to board.

(5) The operator of a vessel who does not understand a signal from an enforcement until and who is unable to obtain clarification by loudhailer or radiotelephone must consider the signal to be a command to stop the vessel instantly.

(c) *Boarding.* The operator of a vessel directed to stop must

(1) Guard Channel 16, VHF–FM if so equipped;

(2) Stop immediately and lay to or maneuver in such a way as to allow the authorized officer and his party to come aboard;

(3) Except for those vessels with a freeboard of four feet or less, provide a safe ladder, if needed, for the authorized officer and his party to come aboard;

(4) When necessary to facilitate the boarding or when requested by an authorized officer, provide a manrope or safety line, and illumination for the ladder; and

(5) Take such other actions as necessary to facilitate boarding and to ensure the safety of the authorized officer and the boarding party.

(d) *Signals.* The following signals, extracted from the International Code of Signals, may be sent by flashing light by an enforcement unit when conditions do not allow communications by loudhailer or radiotelephone. Knowledge of these signals by vessel operators is not required. However, knowledge of these signals and appropriate action by a vessel operator may preclude the necessity of sending the signal "L" and the necessity for the vessel to stop instantly.

(1) "AA" repeated (. — . —) [1] is the call to an unknown station. The operator of the signaled vessel should respond by identifying the vessel by radiotelephone or by illuminating the vessel's identification.

(2) "RY–CY" (. — . — . — — . — . — . —) means "you should proceed at slow speed, a boat is coming to you." This signal is normally employed when conditions allow an enforcement boarding without the necessity of the vessel being boarded coming to a complete stop, or, in some cases, without retrieval of fishing gear which may be in the water.

(3) "SQ3" (. . . — . — . . . —) means "You should stop or heave to; I am going to board you."

(4) "L" (. — . .) means "You should stop your vessel instantly."

§ 685.7 Penalties.

Any person or fishing vessel committing or used in the commission of a violation of this part is subject to the civil and criminal penalty provisions and civil forfeiture provisions prescribed

[1] Period (.) means a short flash of light and dash (—) means a long flash of light.

in the Magnuson Act, and to 15 CFR Part 904 (Civil Procedures), and any other applicable law.

§ 685.8 Experimental fishing permits (EFPS).

(a) *General.* The Secretary may authorize, for limited experimental purposes, the direct or incidental harvest of billfish or associated species managed by the FMP which would otherwise be prohibited by this part. No experimental fishing may be conducted unless authorized by an EFP issued by the Secretary in accordance with the criteria and procedures specified in this section. EFPs will be issued without charge.

(b) *Applicotion.* An applicant for an EFP must submit to the Regional Director at least 60 days before the desired effective date of the EFP a written application including, but not limited to, the following information:

(1) The date of the application;

(2) The applicant's name, mailing address, and telephone number;

(3) A statement of the purposes and goals of the experiment for which an EFP is needed, including a general description of the arrangements for disposition of all species harvested under the EFP;

(4) A statement of whether the proposed experimental fishing has broader significance than the applicant's individual goals;

(5) For each vessel to be covered by the EFP:

(i) Vessel name;

(ii) Name, address, and telephone number of owner and master;

(iii) U.S. Coast Guard documentation, State license, or registration number;

(iv) Home port;

(v) Length of vessel;

(vi) Net tonnage; and

(vii) Gross tonnage.

(6) A description of the species (directed and incidental) to be harvested under the EFP and the amounts of such harvest necessary to conduct the experiment;

(7) For each vessel covered by the EFP, the approximate times and places fishing will take place, and the type, size, and amount of gear to be used; and

(8) The signature of the applicant.

(c) The Secretary may request from an applicant additional information necessary to make the determinations required under this section. An applicant will be notified of an incomplete application within 10 working days of receipt of the application. An incomplete application will not be considered until corrected in writing.

(d) *Issuance.* (1) If an application contains all of the required information, the Secretary will publish a notice of receipt of the application in the **Federal Register** with a brief descripton of the proposal, and will give interested persons an opportunity to comment. The Secretary will also forward copies of the application to the Western Pacific Fishery Management Council, the U.S. Coast Guard, and the fishery management agency of the affected State, accompanied by the following information:

(i) The current utilization of domestic annual harvesting and processing capacity (including existing experimental harvesting, if any) of the directed and incidental species for which an EFP is being requested.

(ii) A citation of the regulation or regulations which, without the EFP, would prohibit the proposed activity; and

(iii) Biological information relevant to the proposal.

(2) At a Western Pacific Fishery Management Council meeting following receipt of a complete application, the Secretary will consult with the Council and the Director of the affected State fishery management agency concerning the permit application. The applicant will be notified in advance of the meeting at which the application will be considered, and invited to appear in support of the application if the applicant desires.

(3) Within 5 working days after the consultation in paragraph (d)(2) of this section, or as soon as practicable thereafter, the Secretary will notify the applicant in writing of the decision to grant or deny the EFP, and, if denied, the reasons for the denial. Grounds for denial of an EFP include, but are not limited to, the following:

(i) The applicant has failed to disclose material information required, or has made false statements as to any material fact, in connection with his or her application;

(ii) According to the best scientific information available, the harvest to be conducted under the permit would detrimentally affect any species of fish in a significant way;

(iii) Issuance of the EFP would inequitably allocate fishing privileges among domestic fishermen or would have economic allocation as its sole purpose;

(iv) Activities to be conducted under th EFP would be inconsistent with the intent of this section or the management objectives of the FMP;

(v) The applicant has failed to demonstrate a valid justification for the permit; or

(vi) The activity proposed under the EFP would create a significant enforcement problem.

(4) The decision of the Secretary to grant or deny an EFP is final and unappealable. If the permit is granted, the Secretary will publish a notice in the **Federal Register** describing the experimental fishing to be conducted under the EFP. The Secretary may attach terms and conditions to the EFP consistent with the purpose of the experiment including, but not limited to

(i) The maximum amount of each species which can be harvested and landed during the term of the EFP, including trip limits, where appropriate;

(ii) The number, sizes, names, and identification numbers of the vessels authorized to conduct fishing activities under the EFP;

(iii) The times and places where experimental fishing may be conducted;

(iv) The type, size, and amount of gear which may be used by each vessel operated under the EFP;

(v) The condition that observers be carried aboard vessels operating under an EFP;

(vi) Data reporting requirements; and

(vii) Such other conditions as may be necessary to assure compliance with the purposes of the EFP consistent with the objectives of the FMP.

(e) *Duration.* Unless otherwise specified in the EFP or a superseding notice or regulation, an EFP is effective for no longer than one year unless revoked, suspended, or modified. EFPs may be renewed following the application procedures in this section.

(f) *Alteration.* Any permit that has been altered, erased, or mutilated is invalid.

(g) *Transfer.* EFPs issued under this part are not transferable or assignable. An EFP is valid only for the vessel(s) for which it is issued.

(h) *Inspection.* Any EFP issued under this part must be carried aboard the vessel(s) for which it was issued. The EFP must be presented for inspection upon request of any authorized officer.

(i) *Sanctions.* Failure of the holder of an EFP to comply with the terms and conditions of an EFP, the provisions of Subpart B of this part, any other applicable provision of this part, the Magnuson Act, or any other regulation promulgated thereunder, is grounds for revocation, suspension, or modification of the EFP with respect to all persons and vessels conducting activities under the EFP. Any action taken to revoke, suspend, or modify an EFP will be governed by 15 CFR Part 904 Subpart D. Other sanctions available under the statute will be applicable.

(j) *Protected Species.* Vessels fishing under an EFP are required to report any incidental take or fisheries interaction with protected species on a form provided for that purpose. Reports must be submitted to the Regional Director within 3 days of arriving in port.

Subpart B—Management Measures

§ 685.21 Prohibition on drift gill netting.

Fishing with drift gill nets in the fishery management area is prohibited, except where authorized by an experimental fishing permit issued under § 685.8 of this part.

§ 685.22 Annual report.

By June 30 of each year, a plan monitoring team appointed by the Council will prepare an annual report on the domestic and foreign fisheries for billfish and associated species in the management area.

§ 685.23 Five-year review.

Within five years of the effective date of this FMP, the Council, in cooperation with the NMFS and State and Territorial agencies, will conduct a full review of the FMP. The review will assess the effectiveness of the FMP in meeting with the Council's objectives and the need for changes in any management measures, including adjustments in area closure to foreign longline fishing and adding data collection or reporting requirements for the domestic fisheries which take billfish and associated species.

[FR Doc. 87-4119 Filed 2-24-87; 2:57 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 52, No. 39
Friday, February 27, 1987

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

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Part 319

[Docket No. 85-022P]

Cured Pork Products; Added Substances and Labeling

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposal would revise provisions of the Federal meat inspection regulations that were adopted in the final rule titled "Control of Added Substances and Labeling Requirements for Cured Pork Products; Updating of Provisions". This proposal provides an additional option for the size of qualifying statements for the names of cured pork products containing added substances, deletes the requirement for marking the full length of the product label with a qualifying statement, and deletes the limitation on the use of sweeteners, such as corn syrup, in "Chopped Ham". The Proposed changes would provide the processor of cured pork products with greater flexibility while continuing to assure properly labeled products, and would delete a compositional requirement that is believed to be unnecessary.

DATE: Comments must be received on or before April 28, 1987.

ADDRESS: Written comments to: Policy Office, ATTN: Linda Carey, FSIS Hearing Clerk, Room 3168, South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250. (See also "Comments" under Supplementary Information.)

FOR FURTHER INFORMATION CONTACT: Mr. C. R. Brewington, Chief, Labeling Policy and Approval Branch, Standards and Labeling Division, Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-5388.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Agency has determined that this proposed rule is not a "major rule" under Executive Order 12291. This proposed rule would not result in an annual effect on the economy of $100 million or more; or a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographical regions; or have significant adverse effects on competition, employment, investment, productivty, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This proposed rule would essentially make minor revisions to regulations promulgated as part of a final rule that was reviewed under Executive Order 12291 and determined not to be a "major rule". This proposal would offer flexibility to the affected industry by modifying certain labeling requirements and would delete a regulatory restriction on product composition.

Effects on Entities

Under the circumstances mentioned above, the Administrator, Food Safety and Inspection Service, has detemined that this proposed rule will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601), because the proposed rule would only make minor revisions to the regulations which recognized nontraditional products and provided increased flexibility to produce a variety of cured pork products.

Comments

Interested parties are invited to submit comments concerning this proposal. Written comments should be sent in duplicate to the Policy Office. The comments should reference the docket number which appears in the heading of this document. All comments submitted pursuant to the notice will be available for public inspection in the Policy Office between 9:00 a.m. and 4:00 p.m., Monday through Friday.

Background

On April 13, 1984, FSIS published a final rule (49 FR 14856-14887), effective April 15, 1985, that modernized the regulatory program to assure that cured pork products are accurately labeled at all stages of commerce. Standards limiting the amount of added water and other substances were replaced with standards specifying a minimum meat protein content on a fat free basis (PFF) in the various finished cured pork products. In addition, the rule eliminated certain unnecessary restrictions on optional ingredients in the standard for "Chopped Ham".

The standards define cured pork products in terms of minimum meat PFF percentages (9 CFR 319.104 and 319.105). This controls the use of added substances by associating the meat protein in the nonfat portion of a cured product with product identification. As the level of added substances increases, the PFF content decreases. At specified PFF percentages, the type of product changes, as reflected in qualifying statements on the label. For example, the common and usual name "Cooked ham" is specified for a product containing a minimum meat PFF percentage of 20.5. If a product contains a minimum meat PFF percentage of 18.5, it is labeled "(Common and usual) with natural juices." At a minimum meat PFF content of 17, a product is labeled "(Common and usual) water added". Lastly, if a product contains a meat PFF of less than 17, it is labeled "(Common and usual) and water product—X% of weight is added ingredients".

During implementation of the revised cured pork product regulations, it became apparent that certain requirements should be reconsidered. Three changes are proposed to eliminate or modify requirements that appear to be unnecessary or impractical as initially adopted. These changes are intended to provide the processor with flexibility while continuing to assure properly labeled cured pork products and to provide consistency with labeling requirements of other products.

One change would amend the standard for "Chopped Ham" in § 319.105(d) of the Federal meat inspection regulations (9 CFR 319.105(d)) by deleting the provision which limits the amount of sweetneres that may be added to 2 percent on a dry basis.

Maintaining this requirement was an oversight since the revised standard indirectly controls the use of all added substances. Thus, specific restrictions on the use of these added substances is unnecessary, and the Agency proposes to rescind § 319.105(d) of the regulations.

A second change would amend § 319.104(b) of the regulations (9 CFR 319.104(b)). Under the present regulations, cured pork products for which a qualifying statement is required (e.g., "water added" or "with natural juices") must bear that statement in lettering at least ⅜ inch in height. The Administrator, however, may approve smaller lettering for labels of packages of 1 pound or less, provided the lettering is at least one-third the size and of the same color and style as the product name.

The meat processing industry has advised FSIS that processors are experiencing problems in printing labels to comply with the ⅜-inch type size requirement for qualifying statements. This requirement appears impractical, in some cases, because of the length of some of the qualifying statements required under § 319.104(a) of the regulations (9 CFR 319.104(a)). Additionally, some product packages cannot easily accommodate labeling statements of the size now required. Thus, it appears appropriate to provide an alternative to the ⅜-inch lettering required for qualifying statements. It is proposed that qualifying statements may be in lettering not less than one-third the size of the largest letter in the product name if they are in the same color and style of print and on the same color background as the product name. This option would assure that the qualifying statements are sufficiently prominent and conspicuous to clearly indicate the nature of products. The approach being proposed is consistent with the size of many qualifying statements found presently on labels and reflects general Agency policy as set forth in Policy Memo 087A for words within a product name.[1]

Another problem encountered by industry is the requirement that cured pork products be labeled the full length of the product. Cured pork products not placed in consumer-size packages must be marked repeatedly with any qualifying statement on the full length of the product. This requirement was imposed to assure continued identification of product at the retail level when the product is subdivided. However, the usefulness of this requirement is questionable. Often, these products do not remain in their original, fully labeled packages when offered for sale. Some products are sliced and repackaged while others are placed in delicatessen cases with no packaging. Additionally, other similar delicatessen products (e.g., cured beef products with additional moisture) are not subject to the requirement of repeating the qualifying statement the full length of the product. By deleting the full length requirement, cured pork products would remain accurately labeled and their marking would be comparable to that of other products. The third proposed change would delete the requirement that qualifying statements be marked the full length of the product in § 319.104(b) of the regulations (9 CFR 319.104(b)).

[1] This policy memo is available for public inspection in the office of the FSIS Hearing Clerk. Copies of the memo may be obtained free upon request from the Standards and Labeling Division, Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250.

Proposed Rule

List of Subjects in 9 CFR Part 319

Meat and meat food products, Standards of identity, Food labeling.

1. The authority citation for Part 319 continues to read as follows:

Authority: 34 Stat. 1260, 81 Stat. 584, as amended (21 U.S.C. 601 *et seq.*); 72 Stat. 862, 92 Stat. 1069, as amended (7 U.S.C. 1901 *et seq.*); 76 Stat. 663 (7 U.S.C. 450 *et seq.*), unless otherwise noted.

2. Section 319.104 (9 CFR 319.104) would be amended by revising paragraph (b) to read as follows:

§ 319.104 Cured pork products.

* * * * *

(b) Cured pork products for which there is a qualifying statement required in paragraph (a) of this section shall bear that statement as part of the product name in lettering not less than ⅜ inch in height, or in lettering not less than one-third the size of the largest letter in the product name if it is in the same color and style of print and on the same color background as the product name. However, the Administrator may approve smaller lettering for labeling of packages of 1 pounnd or less, provided such lettering is at least one-third the size and of the same color and style as the product name.

* * * * *

§ 319.105 [Amended]

3. Section 319.105 (9 CFR 319.105) would be amended by removing paragraph (d) and redesignating paragraph (e) as (d).

Done at Washington DC., on: February 24, 1987.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 87–4185 Filed 2–26–87; 8:45 am]

BILLING CODE 3410-DM-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 60

Definition of "High-Level Radioactive Waste"

AGENCY: Nuclear Regulatory Commission.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Commission has previously adopted regulations for disposal of high-level radioactive wastes (HLW) in geologic repositories (10 CFR Part 60). The Commission intends to modify the definition of HLW in those regulations so as to follow more closely the statutory definition in the Nuclear Waste Policy Act of 1982 (NWPA). In this advance notice of proposed rulemaking (notice), the Commission identifies legal and technical considerations that are pertinent to the definition of HLW and solicits public comment on alternative approaches for developing a revised definition.

DATES: Comment period expires April 29, 1987. Comments received after this date will be considered if it is practical to do so, but assurance of consideration can be given only for comments received on or before this date.

ADDRESSES: Send comments or suggestions to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch. Copies of comments received and of documents referenced in this notice may be examined at the NRC Public Document Room, 1717 H Street NW., Washington, DC. Copies of NUREG documents may be purchased through the U.S. Government Printing Office by calling (202) 275–2060 or by writing to the U.S. Government Printing Office, P.O. Box 37082, Washington, DC 20013–7082. Copies of NUREG and DOE documents may also be purchased from the National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161.

FOR FURTHER INFORMATION CONTACT: W. Clark Prichard, Division of Engineering Safety, Office of Nuclear Regulatory

Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 443–7668.

SUPPLEMENTARY INFORMATION:

I. Introduction and Background

Radioactive wastes contain a wide variety of radionuclides, each with its own half-life and other radiological characteristics. These radionuclides are present in concentrations varying from extremely high to barely detectable. One type of waste, generated by reprocessing spent nuclear fuel, contains both long-lived radionuclides which pose a long-term hazard to human health and other, shorter-lived nuclides which produce intense levels of radiation. This combination of highly-concentrated, short-lived nuclides together with other very long-lived nuclides has historically been described by the term "high-level radioactive wastes" (HLW). There has long been a recognition that such waste materials require long-term isolation from man's biological environment and that, in view of public health and safety considerations, disposal of such wastes should be accomplished by the Federal government on Federally owned land. This policy was codified by the Atomic Energy Commission (AEC) in 1970 in Appendix F to 10 CFR Part 50.

A. *Previous use of the term "HLW."* In Appendix F, HLW was defined in terms of the source of the material rather than its hazardous characteristics. Specifically, HLW was defined as "those aqueous wastes resulting from the operation of the first cycle solvent extraction system, or equivalent, and the concentrated wastes from subsequent extraction cycles, or equivalent, in a facility for reprocessing irradiated reactor fuels." As used in Appendix F, "high-level waste" thus refers to the highly concentrated (and hazardous) waste containing virtually all the fission product and transuranic elements (except plutonium) present in irradiated reactor fuel. The term does not include incidental wastes resulting from reprocessing plant operations such as ion exchange beds, sludges, and contaminated laboratory items, clothing, tools, and equipment. Neither are radioactive hulls and other irradiated and contaminated fuel structural hardware within the Appendix F definition.[1]

The first statutory use of the term "high-level radioactive waste" occurs in the Marine Protection, Research, and Sanctuaries Act of 1972 (Marine Sanctuaries Act). Congress adopted the Appendix F definition, but broadened it to include unreprocessed spent fuel as well.[2] Two years later, the AEC was abolished and its functions were divided between the Energy Research and Development Administration (ERDA, now the Department of Energy, DOE) and the Nuclear Regulatory Commission (NRC or Commission) by the Energy Reorganization Act of 1974, Pub. L. 93–438, 42 U.S.C. 5811. Under this legislation, certain activities of ERDA were to be subject to the Commission's licensing and regulatory authority. Specifically, NRC was to exercise licensing authority as to certain nuclear reactors and the following waste facilities:

(1) Facilities used primarily for the receipt and storage of high-level radioactive wastes resulting from activities licensed under the [Atomic Energy] Act.

(2) Retrievable Surface Storage Facilities and other facilities authorized for the express purpose of subsequent long-term storage of high-level radioactive waste generated by the Administration [now DOE], which are not used for, or are part of, research and development activities.[3]

Although neither the statute nor the legislative history defines the term "high-level radioactive waste," earlier usage of the term in Appendix F and the Marine Sanctuaries Act is indicative of the meaning. The Commission so construed the statute when it declared spent nuclear fuel to be a form of HLW and, by the same token, when it found transuranic-contaminated wastes not to be HLW.[4]

A different statutory formula appears in the West Valley Demonstration Project Act (West Valley Act), enacted in 1980. This legislation authorizes the Department of Energy (DOE) to carry out a high-level radioactive waste management demonstration project for the purpose of demonstrating solidification techniques which can be used for preparing HLW for disposal. It includes the following definition:

> The term "high level radioactive waste" means the high level radioactive waste which was produced by the reprocessing at the Center of spent nuclear fuel. Such term includes both liquid wastes which are produced directly in reprocessing, dry solid material derived from such liquid waste and such other material as the Commission designates as high level radioactive waste for purposes of protecting the public health and safety.[5]

The Commission has not yet designated any "other material" as HLW under the West Valley Act. Rather, it has construed the term in a manner equivalent to the 10 CFR 50, Appendix F definition. That is, it is the liquid wastes in storage at West Valley and the dry solid material derived from solidification activities that are regarded as HLW, and it is DOE's plans with respect to such wastes that are subject to the Commission's review.

B. *Current NRC regulations.* The Commission has adopted regulations that govern the licensing of DOE activities at geologic repositories for the disposal of HLW. The regulations define HLW in the jurisdictional sense. That is, if the facility is for the "storage" of "HLW" as contemplated by the Energy Reorganization Act, the prescribed procedures and criteria would apply.[6] The appropriate definition for this purpose draws upon the understanding in 1974, as reflected in Appendix F and the Marine Sanctuaries Act, rather than the words of the West Valley Act of more limited purpose and scope.

It should be emphasized that NRC's existing regulations in Part 60 do not require that any radioactive materials, whether HLW or not, be stored or disposed of in a geologic repository.[7]

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[1] See 34 FR 8712, June 3, 1969 (notice of proposed rulemaking), 35 FR 17530 at 17532, November 14, 1970 (final rule). Incidental wastes generated in further treatment of HLW (e.g., decontaminated salt with residual activities on the order of 1,500 nCi/g Cs–137, 30 nCi/g Sr–90, 2 nCi/g Pu, as described in the Department of Energy's FEIS on long-term management of defense HLW at the Savannah River Plant, DOE/EIS–0023, 1979) would also, under the same reasoning, be outside the Appendix F definition.

[2] Sec. 3, Pub. L. 92–532, as amended by Pub. L. 93–254 (1974), 33 U.S.C. 1402.

[3] Sec. 202, Pub. L. 93–438, 42 U.S.C. 5842. Nuclear waste management responsibilities were subsequently transferred to the Department of Energy. Secs. 203(a)(8), 301(a), Pub. L. 95–91, 42 U.S.C. 7133(a)(8), 7151(a).

[4] Proposed General Statement of Policy, "Licensing Procedures for Geologic Repositories for High-Level Radioactive Wastes," 43 FR 53869, 53870, November 17, 1978; Report to Congress, "Regulation of Federal Radioactive Waste Activities," NUREG–0527 (1979), 2–1, 2–2, Appendix C.

[5] Sec. 6(4), Pub. L. 96–368, 42 U.S.C. 2021a note.

[6] NRC regulations are codified in 10 CFR Part 60 (Part 60). DOE is required to have a license to receive source, special nuclear or byproduct material at a geologic repository operations area. § 60.3. A geologic repository operations area is defined to refer to a "HLW facility" which in turn is defined as a facility subject to NRC licensing authority under the Energy Reorganization Act of 1974, note 3, *supra*. § 60.2 The Part 60 definition of HLW, *ibid.*, is as follows:

"High-level radioactive waste" or "HLW" means: (1) Irradiated reactor fuel, (2) liquid wastes resulting from the operation of the first cycle solvent extraction system, or equivalent, and the concentrated wastes from subsequent extraction cycles, or equivalent, in a facility for reprocessing irradiated reactor fuel, and (3) solids into which such liquid wastes have been converted.

[7] In the event that commercial reprocessing of irradiated reactor fuel is pursued, Appendix F of 10 CFR Part 50 would require that the resulting reprocessing wastes be transferred to a Federal repository.

Nor do they provide that radioactive materials must be HLW in order to be eligible for disposal in a geologic repository. Part 60 expressly provides for NRC review and licensing with respect to any radioactive materials that may be emplaced in a geologic repository authorized for disposal of HLW. The term "high-level radioactive waste" in Part 60 identifies the class of facilities subject to NRC jurisdiction.

The Commission has also adopted regulations related to land disposal of low-level radioactive wastes (10 CFR Part 61). Based on analyses of potential human health hazards, these regulations identify three classes of low-level radioactive wastes which are routinely acceptable for near-surface disposal, with "Class C" denoting the highest radionuclide concentrations of the three. Class C does not, however, denote a maximum concentration limit for low-level wastes. The low-level waste category includes all wastes not otherwise classified, while HLW is currently defined by source (rather than concentration or hazard) and is limited to reprocessing wastes and spent fuel. Thus, there is no regulatory limit on the concentrations of LLW, and some LLW (exceeding Class C concentrations) may have concentrations approaching those of HLW. These are the wastes which the Commission wishes to evaluate for possible classification as HLW. The Appendix to this notice presents information on the volumes and characteristics of wastes with radionuclide concentrations exceeding the Class C concentration limits. (This Appendix was prepared in 1985. DOE is currently carrying out a study of "above Class C" wastes which will update the information presented here.)

C. *Nuclear Waste Policy Act of 1982.* The Nuclear Waste Policy Act of 1982 (NWPA), Pub. L. 97–425, provides for the development of repositories for the disposal of high-level radioactive waste and establishes a program of research, development, and demonstration regarding the disposal of high-level radioactive waste.[8] The NWPA follows, with some modification, the text of the West Valley Act. For purposes of the NWPA, the term "high-level radioactive waste" means:

(A) The highly radioactive material resulting from the reprocessing of spent nuclear fuel, including liquid waste produced directly in reprocessing and any solid material derived from such liquid waste that contains fission products in sufficient concentrations; and

(B) Other highly radioactive material that the Commission, consistent with existing law, determines by rule requires permanent isolation.[9]

It should be noted that the NWPA does not require that materials regarded as HLW pursuant to this definition be disposed of in a geologic repository. Indeed, the NWPA directs the Secretary (of DOE) to continue and accelerate a program of research, development and investigation of alternative means and technologies for the permanent disposal of HLW.[10] Part 60 and the changes discussed in this notice would allow for consideration of such alternatives by the Commission. Nevertheless, the NWPA does not specifically authorize DOE to construct or operate facilities for disposal by alternative means, and new legislative authorization might be needed in order to dispose of HLW by means other than emplacement in a deep geologic repository.

II. Considerations for Defining "High-Level Radioactive Waste"

Wastes which have historically been referred to as HLW (i.e., reprocessing wastes) are initially both intensely radioactive and long-lived. These wastes contain a wide variety of radionuclides. Some (principally Sr–90 and Cs–137) are relatively short-lived and represent a large fraction of the radioactivity for the first few centuries after the wastes are produced. These nuclides produce significant amounts of heat and radiation, both of which are of concern when disposing of such wastes. Other nuclides, including C–14, Tc–99, I–129 and transuranic nuclides, have very long half-lives and thus constitute the longer-term hazard of the wastes. Some of these nuclides pose a hazard for sufficiently long periods of time that the term "permanent isolation" is used to describe the type of disposal required to isolate them from man's environment. The Commission considers that these two characteristics, intense radioactivity for a few centuries followed by a long-term hazard requiring permanent isolation, are key features which can be used to distinguish high-level wastes from other waste categories.

The NWPA identifies two sources of HLW, each of which is discussed separately in the following sections.

A. Clause (A)

Clause (A) of the NWPA definition of HLW refers to wastes produced by reprocessing spent nuclear fuel and thus is essentially identical to the Commission's current HLW definition in 10 CFR Part 60. Clause (A) is, however, different in one respect. The NWPA wording would clasify solidified reprocessing waste as HLW only if such waste "contains fission products in sufficient concentrations"—a phrase that may reflect the possibility that liquid reprocessing wastes may be partitioned or otherwise treated so that some of the solidified products will contain substantially reduced concentrations of radionuclides.

The question, then, is whether Commission should (1) numerically specify the concentrations of fission products which it would consider "sufficient" to distinguish HLW from non-HLW under Clause (A); or (2) define HLW so as to equate the Clause (A) wastes with those which have traditionally been regarded as HLW.

1. Numerically Specifying Concentrations of Fission Products

The first option considered is to numerically define "sufficient concentrations" of fission products. Liquid reprocessing wastes may contain significant amounts of non-radioactive salts, and removal of these salts prior to waste solidification may be desirable for both economic and public health and safety reasons. Removal of salts in this way would result in a smaller volume of highly radioactive wastes, which might reduce the cost and radiological impacts associated with transportation and occupational handling of those wastes. Nevertheless, any salts removed from liquid HLW would retain residual amounts of radioactive contaminants. By establishing numerical limits on the concentrations of fission products, the Commission would be identifying those wastes from reprocessing that require disposal in a deep geologic repository or its equivalent. The proper classification of the salts discussed above would then be made on the basis of the numerical limits on radionuclide concentrations and the salts would be disposed of accordingly. In other cases, certain radionuclides may be removed from the bulk liquid reprocessing waste (as has been done in removing cesium and strontium from wastes at Hanford), raising similar questions about the classification of the remaining waste and acceptable methods of disposal. For these reasons, there would be merit in numerically specifying the

[8] For purposes of the NWPA, "spent nuclear fuel" is distinguished from "high-level radioactive waste," but the provisions of the statute dealing with such spent nuclear fuel are not of present concern.

[9] Sec. 2(12), Pub. L. 97–425, 42 U.S.C. 10101(12). Sec. 2(16) also authorizes the Commission to classify certain radioactive material as low-level radioactive waste.

[10] Sec. 222, Pub. L. 97–425, 42 U.S.C. 10202.

concentrations of radionuclides in solidified reprocessing wastes which would distinguish HLW from non-HLW.

(Clause (A) refers to solidified waste "that contains fission products in sufficient concentrations." No mention is made of the long-lived transuranic radionuclides which are also present in liquid reprocessing wastes but, since the transuranics constitute the predominant long-term hazard of reprocessing wastes, such nuclides must be considered as well in defining reprocessing wastes that should be regarded as HLW. With this view, a numerical classification of solidified wastes under Clause (A) could be derived in the same manner, and contain the same concentration limits, as the numerical definitions developed under Clause (B). Derivation of concentration limits under Clause (B) is discussed in the following section of this notice.)

2. Traditional Definition

The alternate approach is to define HLW so as to equate the category of Clause (A) wastes with those wastes which have traditionally been regarded as HLW under Appendix F to 10 CFR Part 50 and the Energy Reorganization Act. The advantage of this option is that the term HLW retains its utility in defining the facilities that are subject to NRC licensing. That is, all materials that have traditionally been considered HLW for purposes of the Energy Reorganization Act would also be regarded as HLW under the Nuclear Waste Policy Act. The disadvantage is that some materials might continue to fall within the HLW classification even though they do not require the degree of isolation afforded by a repository. They would be called "HLW" even though the technical community might not so regard them.

3. Other Considerations Regarding Clause (A) Options

The Commission would add two observations regarding the options discussed above.

a. Development of a definition under Clause (A), as suggested by the first option, would not alter the Commission's existing authority to license DOE waste facilities, including defense wastes facilities, under the Energy Reorganization Act of 1974 (ERA). Any classification of wastes as non-HLW on the basis that they do not contain "sufficient concentrations" of fission products would be irrelevant in determining whether such wastes must be disposed of in licensed disposal facilities. For example, if DOE were to pursue its proposal for in-place stabilization of the Hanford "tank" wastes (see DOE/EIS–0113, March, 1986), most or all of the disposal "facilities" for those wastes would need to be licensed by the NRC.

b. Retaining the traditional definition for purposes of Clause (A) does not limit the Commission's ability to establish at some later date criteria to define wastes that require the isolation afforded by a deep geologic repository or its equivalent. That is, wastes requiring such isolation could be identified by terms other than "high-level".

B. Clause (B)

Clause (B) of the NWPA authorizes the Commission to classify "other highly radioactive material" (other than reprocessing wastes) as HLW if that material "requires permanent isolation." The Commission considers that both characteristics (highly radioactive and requiring permanent isolation) must be present simultaneously in order to classify a material as HLW.[11] Each of these characteristics is discussed in turn in the following sections.

1. Highly Radioactive

The Commission proposes [12] to consider a material "highly radioactive" if it contains concentrations of short-lived radionuclides in excess of the Class C limits of Table 2 of 10 CFR Part 61. Such concentrations are sufficient to produce significant radiation levels and to generate substantial amounts of heat. Moreover, the Class C concentration limits for short-lived nuclides approximate the actual concentrations of those nuclides present in some existing reprocessing wastes (see NUREG–0946, Table 4).

2. Permanent Isolation

The phrase "permanent isolation" in NWPA is much less subjective than is "highly radioactive." Within the context of NWPA, "permanent isolation" clearly implies the degree of isolation afforded by a deep geologic repository.[13] Thus, a waste "requires permanent isolation" if it cannot be safely disposed of in a facility less secure than a repository. The Commission will determine which wastes require permanent isolation by evaluating the disposal capabilities of alternative, less secure, disposal facilities.[14] Any wastes which cannot be safely disposed of in such facilities will be deemed to require permanent isolation and, if also highly radioactive, would be classified as high-level wastes.

The approach which the Commission proposes to pursue to determine which wastes requires permanent isolation will be an extension of the 10 CFR Part 61 waste classification analyses and will consist of the following steps.

a. *Establish acceptance criteria.* 10 CFR Part 61 currently contains performance objectives for disposal of radioactive wastes in a land disposal facility. These performance objectives will serve as acceptance criteria for waste classification analyses, but might need to be supplemented for specific types of facilities or wastes. The Part 61 performance objectives may also need to be supplemented to accommodate any environmental standards for non-HLW which may be promulgated by the U.S. Environmental Protection Agency pursuant to its authority under the Atomic Energy Act of 1954, as amended.

b. *Define disposal facility.* The hazard which a radioactive waste poses to public health depends, in part, on the nature of the facility used for its disposal. Thus, a reference disposal facility, less secure than a repository, needs to be defined in terms of the characteristics which contribute to isolation of wastes from the environment. For land disposal facilities, such characteristics might include depth of disposal, use of engineered barriers, and the geologic, hydrologic and geochemical features of a disposal site.

c. *Characterize wastes.* Wastes will be characterized in terms of the factors which determine their hazard and behavior after disposal, including

[11] The Commission would not find tenable the argument that a material requires permanent isolation *because* it is highly radioactive. The need for permanent isolation correlates with the length of time a material will remain hazardous. Long half-lives, in turn, correlate with low rather than high levels of radioactivity.

[12] All references to "proposals" by the Commission refer only to its tentative views. No formal proposals will be developed until comments are received in response to this notice.

[13] The NWPA includes the following definitions:

The term "disposal" means the emplacement in a repository of high-level radioactive waste, spent nuclear fuel, or other highly radioactive material with no foreseeable intent of recovery, whether or not such emplacement permits the recovery of such waste.

The term "repository" means any system licensed by the Commission that is intended to be used for, or may be used for, the permanent deep geologic disposal of high-level radioactive waste and spent nuclear fuel, whether or not such system is designed to permit the recovery, for a limited period during initial operation, of any materials placed in such system. Such term includes both surface and subsurface areas at which high-level radioactive waste and spent nuclear fuel handling activities are conducted.

[14] These facilities might make use of intermediate depth burial or various engineering measures, such as intruder barriers, to accommodate wastes with radionuclide concentrations unsuitable for disposal by shallow land burial.

physical and chemical forms of the waste, the radionuclide concentrations and associated radiological characteristics, the waste volumes, and the heat generation rates. The wide range of types and characteristics of wastes arising from industrial, biomedical and nuclear fuel cycle sources makes this a particularly critical step in the waste classification process—especially for wastes to be generated in the future (e.g., decommissioning wastes).

d. *Develop assessment methodology.* Analytical methods (including mathematical models and computer codes) for projecting disposal system performance will be acquired or developed. For land disposal facilities, such methods include models of groundwater flow and contaminant transport. An assessment methodology also includes descriptions of the natural and human-initiated disruptive events or processes which could significantly affect disposal system performance as well as the analytical means for evaluating the impacts of such events or processes.

e. *Evaluate disposal system performance.* The performance of the alternative disposal facility will be evaluated to estimate the public health hazards from disposal of various types and concentrations of wastes. Hazards below the acceptance criteria of item (a) above indicate an acceptable match of waste type and disposal option. Wastes which cannot be safely disposed of in the alternative facility will be classified as requiring permanent isolation.

A practical difficulty with classifying wastes as described here is that alternative disposal facilities are currently unavailable. Thus, classification of wastes in this manner requires many assumptions about the performance of nonexistent disposal facilities. Such analyses will inevitably involve substantial uncertainties.

It is also possible that no alternative disposal facility will ever be needed for commercially-generated "above Class C" wastes. (Disposal of such wastes is a Federal, rather than State, responsibility.) Because of the overhead costs of developing and licensing new facilities, the relatively small volumes of such wastes, and the low heat generation rates of some of these wastes, it might prove most economical to dispose of all such wastes in a repository. Nevertheless, the Commission recognizes a "chicken-and-egg" problem here. Until wastes are classified as HLW or non-HLW, it may be difficult for the DOE to make decisions regarding appropriate types of disposal facilities. Therefore, despite the uncertainties involved, the Commission proposes to select a hypothetical alternative disposal facility which will serve as the basis for carrying out waste classification analyses.

Previous analyses by the NRC (NUREG–0782, draft EIS for 10 CFR Part 61) suggest that disposal facilities with characteristics intermediate between shallow land burial and geologic repository disposal may be most effective in protecting against short-term radiological impacts associated with inadvertent intrusion into a disposal facility. These "intermediate" facilities may be much less effective in providing enhanced long-term isolation of very long-lived radionuclides. If this preliminary view is supported by subsequent analyses, wastes with concentrations above the Commission's current Class C limits for long-lived nuclides (Table 1 of 10 CFR Part 61) would require permanent isolation. In the following sections, the Commission will assume, for the sake of illustration, that Table 1 is an appropriate interpretation of the term "requires permanent isolation."

3. Conceptual Definition of "High-Level Waste

The Commission proposes to Classify wastes as HLW under Clause (B) of the NWPA definition only if they are both highly radioactive and in need of permanent isolation. As discussed above, the Commission considers that wastes should be considered to be highly radioactive if they contain concentrations of short-lived radionuclides which exceed the Class C limits of Table 2 of 10 CFR Part 61. The Commission also assumes, for illustrative purposes, that the radionuclide concentrations of Table 1 of Part 61 are appropriate for identifying the concentrations of long-lived radionuclides requiring permanent isolation. Solidified reprocessing wastes would similarly be classified as HLW only if they contain both short- and long-lived radionuclides in concentrations exceeding Tables 2 and 1, respectively.

It is assumed that a revised definition of HLW would appear in the definitions section of Part 60, and that the materials encompassed by the definition would be subject to the containment requirements of that regulation. It would also serve incidentally to define the materials covered by DOE's waste disposal contracts. This definition would apply only to wastes disposed of in a facility licensed under Part 60. As discussed elsewhere in this notice, there would be no alteration of the Commission's authority to license disposal of HLW under provisions of the Energy Reorganization Act. Some technical amendments would be needed to preserve the jurisdictional provisions of existing Part 60—i.e., to indicate that Part 60 applies to the DOE facilities described in sections 202(3) and (4) of the Energy Reorganization Act, and for that purpose the proposed definition of HLW would not be controlling.

A conceptual, revised definition of HLW could be stated as follows:

"High-level radioactive waste" or "HLW" means: (1) Irradiated reactor fuel, (2) liquid wastes resulting from the operation of the first cycle solvent extraction system, or equivalent, and the concentrated wastes from subsequent extraction cycles, or equivalent, in a facility for reprocessing irradiated reactor fuel, (3) solids into which such liquid wastes have been converted, and solid radioactive wastes from other sources, provided such solid materials contain both long-lived radionuclides in concentrations exceeding the values of Table 1 and short-lived radionuclides with concentrations exceeding the values of Table 2.

TABLE 1

Radionuclide	Concentration[1] (Ci/m³)
C-14	8
C-14 in act. metal	80
Ni-59 in act. metal	220
Nb-94 in act. metal	0.2
Tc-99	3
I-129	0.08
Alpha emitting TRU, $t_{1/2} > 5$ yr	[2]100
Pu-241	[2]3,500
Cm-242	[2]20,000

[1] If a mixture of radionuclides is present, a sum of the fractions rule is to be applied for each table. The concentration of each nuclide is to be divided by its limit, and the resulting fractions are to be summed. If the sum exceeds one for both tables, the waste is classified as HLW.

[2] Units are nanocuries per gram.

TABLE 2

Radionuclide	Concentration[1] (Ci/m³)
Ni-63	700
Ni-63 in act. metal	7,000
Sr-90	7,000
Cs-137	4,600

[1] If a mixture of radionuclides is present, a sum of the fractions rule is to be applied for each table. The concentration of each nuclide is to be divided by its limit, and the resulting fractions are to be summed. If the sum exceeds one for both tables, the waste is classified as HLW

4. Status of wastes not classified as HLW

The NWPA, the Low-Level Radioactive Waste Policy Act, and the Commission's regulations in 10 CFR Part 61 currently classify wastes as "low-level" if they are not otherwise classified as high-level wastes or certain other types of materials (e.g., uranium mill tailings). Classification of certain wastes as HLW, under Clause (B) of the NWPA definition, would reduce the amount of waste classified (by default) as LLW and, more importantly, would establish a distinct, concentration-based boundary between the two classes of waste.

If this conceptual definition of Clause (B) were adopted, certain wastes with radionuclide concentrations above the Class C limits of 10 CFR Part 61 would not be classified as HLW because they do not contain the requisite combination of short- and long-lived nuclides. These wastes would continue to be classified as special types of low-level wastes analogous to DOE's "transuranic" waste category. Any such wastes generated by defense programs would continue to fall under DOE's responsibility for disposal, and no NRC licensing of facilities intended solely for their disposal, such as the Waste Isolation Pilot Plant (WIPP), would be authorized.

As provided by the amendments to the Low-Level Radioactive Waste Policy Act,[15] the Federal government is responsible for disposal of all commercially-generated "above Class C" wastes; it is contemplated, under the amendments, that the NRC would be responsible for licensing the facilities for their disposal. The Commission would continue to permit disposal of wastes containing naturally-occurring or accelerator-produced materials in licensed facilities provided there was no unreasonable risk to public health and safety.

III. Legal Considerations Related to the Nuclear Waste Policy Act

The exercise of NWPA Clause (B) authority may give rise to a number of legal questions which are discussed below.

A. *Disposal of waste generated by materials licensees.* The NWPA established a Nuclear Waste Fund composed of payments made by the generators and owners of "high-level radioactive waste" (including spent fuel) that will ensure that the costs of disposal will be borne by the persons responsible for generating such waste. The Nuclear Waste Fund is to be funded with moneys obtained pursuant to contracts entered into between the Secretary of Energy and persons who generate or hold title to high-level radioactive waste.

The statute addresses the particulars of contracts with respect to spent nuclear fuel and solidified high-level radioactive waste derived from spent nuclear fuel used to generate electricity in a civilian nuclear power reactor. It further limits the authority of the Commission to issue or renew licenses for utilization and production facilities—i.e., for present purposes, nuclear reactors and reprocessing plants—unless the persons using such facilities have entered into contracts with the Secretary of Energy.

The absence of any reference to materials licensees (e.g., fuel fabricators, some research laboratories) suggests that the Nuclear Waste Fund was not intended to apply to their activities. As as result, there could be a question if the Commission were to define materials licensees' waste as high-level waste, because the waste might thereby become ineligible for disposal in a repository. The reason is that the law prohibits disposal of HLW in a repository unless such waste was covered by a contract entered into by June 30, 1983 (or the date the generator or owner commences generation of or takes title to the waste, if later). Few contracts have been entered into with materials licensees except those who are also facility licensees. Thus, it can be argued that the Commission should refrain from designating as HLW, under Clause (B),[16] materials generated by materials licensees.

The Commission is not persuaded by such an argument. The statutory language dealing with the Commission's classification of materials as HLW refers solely to considerations relating to the nature of the wastes, and the character of the licensee generating or owning the waste is simply not relevant. If there are good reasons to treat that waste from materials licensees as HLW, the Commission regards it as likely that any statutory impediment to the acceptance of such waste at a geologic repository could be modified.

B. *Confidence regarding disposal capacity for power reactors.* The availability of waste disposal facilities for wastes generated at commercial power reactors has been the subject of controversy and litigation. The NWPA addresses these concerns by establishing a Federal responsibility to provide for the construction and operation of a geologic repository, leaving undefined (i.e., to the discretion of the Commission) the classes of materials that require permanent isolation in such a facility. Whatever materials they may be, however, they must be transferred to DOE for disposal; and the presons responsible for generating the waste must enter into contracts with DOE which provide for payment of fees sufficient to offset DOE's costs of disposal. Existing facility licensees were required to enter into such contracts by June 30, 1983.

The Commission believes that the purpose of the NWPA can best be accomplished if all the highly radioactive wastes generated by facility licensees (reactors and reprocessing plants) which require permanent isolation are covered by waste disposal contracts with DOE. This would assure that DOE can and will accept possession of such wastes when necessary. Further, in the absence of such assurance, the basis for Commission confidence that these wastes will be safely stored and disposed of would be subject to question even if concerns about the disposal of the licensees' spent nuclear fuel had been laid to rest. Accordingly, if there are any highly radioactive materials (other than those previously regarded as HLW) that are generated by facility licensees and that require permanent isolation, the Commission believes that, for purposes of the NWPA, they should be regarded as "high-level waste." The Commission has reviewed the terms of DOE's standard waste disposal contract and believes that classifying such additional materials as HLW would require no changes to the contract terms.

C. *Implications with respect to disposal methods.* Under the Atomic Energy Act of 1954, the Commission is authorized to establish such standards to govern the possession of licensed nuclear materials as it may deem necessary or desirable to protect health.[17] Under this authority, the Commission may classify materials according to their hazards and may prescribe requirements for the long-term management or disposal thereof. It is not necessary to label materials as HLW under the NWPA in order to require their disposal in a geologic repository or other suitably permanent facility.

The Commission exercised this authority with respect to concentrated

[15] Low-Level Radioactive Waste Policy Amendments Act of 1985, Pub. L. 99-240, Sec. 3, 42 U.S.C. 2021c.

[16] The Nuclear Waste Fund is governed by Sec. 302, Pub. L. 97-425, 42 U.S.C. 10222. The prohibition of disposal of HLW not covered by timely contracts is set out in sec. 302(b)(2).

[17] Sec. 161b., Pub. L. 83-703, 42 U.S.C 2201(b).

reprocessing wastes by specifying, in Appendix F to 10 CFR Part 50, that any such wastes generated at licensed facilities are to be transferred to a Federal repository for disposal. More recently, the Commission classified certain low-level wastes as being generally acceptable for near-surface disposal (10 CFR Part 61). On the basis of further consideration, the Commission could specify appropriate disposal means for wastes exhibiting radionuclide concentrations greater that those defined in Part 61. Thus, the Commission need not exercise NWPA Clause (B) authority in order to assure that radioactive wastes from licensed activities are disposed of properly. Moreover, the identification of material as HLW under Clause (B) would not by itself mandate that such material must be disposed of in a geologic repository. Since the NWPA authorizes only a single method of permanently isolating HLW—geologic repositories—classification of materials as HLW may effectively preclude disposal of such wastes by other means. Nevertheless, the Commission's regulations will continue to leave open the prospect of disposal by other means if Congress should so authorize.

D. *Relationship to State role.* Section 3 of the Low-level Radioactive Waste Policy Act (LLRWPA), Pub. L. 96–573, 42 U.S.C. 2021b., enacted in 1980, defines a State responsibility to provide, pursuant to regional compacts, for the disposal of "low-level radioactive waste" (LLW).[18] Such waste is defined to mean "radioactive waste not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel, or by-product material as defined in section 11.e.(2) of the Atomic Energy Act of 1954."

The Low-Level Radioactive Waste Policy Amendments Act of 1985, Pub. L. 99–240, 42 U.S.C. 2021c., limited the range of LLW for which the States must provide disposal capacity. Specifically, the States are not responsible for wastes with radionuclide concentrations in excess of the Class C limits of 10 CFR Part 61. Instead, the Federal government now assumes responsibility for providing disposal capacity for such wastes. Thus, classification of "above Class C" wastes as HLW or non-HLW will have no impact on State government responsibilities.

E. *Impact on existing technical criteria.* NRC's regulations in Part 60 include technical criteria to be applied in licensing DOE's receipt and possession of source, special nuclear, and byproduct material at a geological repository. The regulations would accommodate the disposal of any radioactive materials, including spent fuel, reprocessing wastes, or any other materials which could be disposed of in accordance with the specified performance objectives.

Materials categorized as high-level waste are subject to a containment requirement (§ 60.113(a)(1)(i)(A)) and to specified waste package design criteria and waste form criteria (§ 60.135 (a–c)). These criteria apply to wastes characterized by the presence of fission products generating substantial amounts of heat at the time of emplacement, but with much reduced heat generation after decades or a few centuries.[19] The rule also explicitly provides that design criteria for waste types other than HLW will be addressed on an individual basis if and when they are proposed for disposal in a geologic repository (§ 60.135(d)).

If additional materials were to be designated as high-level waste, the Commission would need to consider whether the existing repository design criteria are appropriate with respect to such materials.

F. *Applicability of HLW definition to naturally-occurring and accelerator-produced radioactive materials.* Clause (B) of the NWPA provides that the Commission may extend the definition of the term "high-level radioactive waste" to include material requiring permanent isolation only where this is "consistent with existing law." The applicable existing law is the Atomic Energy Act of 1954, under which the Commission has authority to regulate the possession and use of "source material," "special nuclear material," and "byproduct material." There are other radioactive materials, however: naturally-occurring radionuclides, such as radium, and accelerator-produced radionuclides. These are not covered by the Atomic Energy Act and hence there would be no statutory basis, consistent with existing law, for the Commission to require that they be disposed of at facilities licensed by the Commission or otherwise to regulate their possession or use. Accordingly, no legal basis exists for the Commission to classify such materials as HLW or non-HLW.

Nevertheless, as already noted, 10 CFR Part 60 contemplates that "other radioactive materials other than HLW" may be received for emplacement in a geologic repository. This provision of Part 60 would not be altered by expanding the definition of HLW. Part 60 provides that waste package requirements for such wastes will be determined on a case-by-case basis when these wastes are proposed for disposal. Thus, it might be determined, on the basis of technical considerations, that certain naturally-occurring or accelerator-produced radioactive waste materials present hazards similar to licensed materials that are defined as high-level waste and that such material should be disposed of in a geologic repository developed under NWPA. If so, plans for such disposal can be reviewed under Part 60 and the Commission could impose such packaging or other requirements as appropriate to protect public health and safety.

IV. Issues on Which Public Comments are Particularly Sought.

The Commission invites comments on all the issues identified in this notice and any other issues that might be identified. However, comments (with supportive rationale) in response to the following would be particularly helpful.

1. Two options are presented for defining reprocessing wastes under Clause (A) of NWPA. The first option proposes to define the "sufficiency" of fission product concentrations in solidified reprocessing wastes in a manner analogous to its treatment of "highly radioactive" and "requires permanent isolation" under Clause (B) (i.e., by examining the hazards posed by wastes if disposed of in facilities other than a repository). The second option interprets Clause (A) as encompassing all those wastes which have heretofore been considered high-level waste under Appendix F to 10 CFR Part 50 and the Energy Reorganization Act. Which of these two approaches is preferable?

2. The Commission proposes that the current Class C concentration limits of 10 CFR Part 61 serve to identify radionuclide concentrations which are "highly radioactive" for purposes of Clause (B) of the NWPA definition. Would an alternative set of concentration limits be preferable? If so, how should such limits be derived?

3. The Commission proposes to equate the "requires permanent isolation' wording of the NWPA definition with a level of long-term radiological hazard requiring disposal in a geologic repository. Are the Commission's

[18] States are not responsible for disposal of LLW from atomic energy defense activities or Federal research and development activities.

[19] The Commission's expectation that HLW would generate significant amounts of heat is reflected in the discussion of transuranic waste in the notice of proposed rulemaking on the Part 60 technical criteria. 46 FR 35284, July 8, 1981. Reduction of the heat load, for example by removal of cesium-137 and strontium-90, could result in different containment requirements. 48 FR 28196, June 21, 1983 (final rule).

proposed analyses appropriate for identification of concentrations requiring permanent isolation?

4. Although, under section 121 of NWPA, no environmental review is required with respect to the definition of HLW, the Commission would welcome identification of any environmental consequences associated with the matters discussed in this notice.

5. Some waste materials, such as certain laboratory wastes or some sealed sources, may be highly concentrated, yet contain only relatively small total quantities of radioactive materials. Is there a need for a special provision (e.g., a minimum total quantity of activity) before a waste should be classified as HLW?

6. What difficulties (legal, administrative, financial, or other) would an expanded definition of HLW cause in implementing the provisions of the NWPA?

7. The Commission's regulations do not generally require that any particular type of waste be disposed of in any specified type of facility. Would such a requirement be appropriate?

8. As discussed in this notice, the Commission has no legal authority to classify naturally-occurring or accelerator-produced radioactive materials (NARM) as HLW or non-HLW. Nevertheless, such materials may be presented for disposal at facilities licensed by the Commission. When the Commission carries out its proposed analyses to identify "other highly radioactive material that . . . requires permanent isolation," should NARM be included in the analyses?

9. Are there issues other than those identified in this notice which the Commission should consider in developing approaches to implement its authority?

Separate Views of Commissioner Asselstine

Commissioner Asselstine is concerned about the potential for creating a confusing situation if the Commission were to adopt the first option under Clause (A). The first option is to numerically specify concentrations of fission products in defining high-level wastes. Under this approach, it is conceivable that material considered high-level waste for the purposes of licensing under the Energy Reorganization Act of 1974 will also be considered low-level waste for the purposes of the Nuclear Waste Policy Act (NWPA) of 1982. Wastes presently being stored at the Hanford waste tanks, which have traditionally been classified as high-level wastes, would likely be reclassified as above Class C low-level waste under the first option. Commissioner Asselstine requests public comment on how this reclassification would affect the NRC's licensing authority over the long-term storage or *in situ* disposal of the Hanford waste tanks. Commissioner Asselstine also requests comments on whether there are alternative approaches to achieving the stated purpose of this advanced notice of proposed rulemaking of identifying wastes subject to the provisions of the NWPA without altering the traditional definition of high-level waste and thus creating this potential for confusion.

List of Subjects in 10 CFR Part 60

High-level waste, Nuclear power plants and reactors, Nuclear materials, Penalty, Reporting requirements, Waste treatment and disposal.

Authority: The authority citation for this document is Sec. 161, Pub. L. 83-703, 68 Stat. 948, as amended (42 U.S.C. 2201).

Dated at Washington, DC, this 20th day of February 1987.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

Appendix—Volumes and Characteristics of Wastes Exceeding Class C Concentration Limits

For a number of years NRC has had an ongoing program to develop regulations and criteria for disposal of low-level radioactive waste. At the time this program was initiated, there was a well-documented need for comprehensive national standards and technical criteria for the disposal of low-level waste. The absence of sufficient technical standards and criteria was seen to be a major deterrent to the siting of new disposal facilities by states and compacts.

A significant milestone in this program was the promulgation of the regulation 10 CFR Part 61 ("Licensing Requirements for Land Disposal of Radioactive Waste") on December 27, 1982 (47 FR 57446). This regulation establishes procedural requirements, institutional and financial requirements, and overall performance objectives for land disposal of radioactive waste, where land disposal may include a number of possible disposal methods such as mined cavities, engineered bunkers, or shallow land burial. This regulation also contains technical criteria (on site suitability, design, operation, closure, and waste form) which are applicable to near-surface disposal, which is a subset of the broader range of land disposal methods. Near-surface disposal is defined as disposal in or within the upper 30 meters of the earth's surface, and may include a range of possible techniques such as concrete bunkers or shallow land burial. The Part 61 regulation is intended to be performance-oriented rather than prescriptive, with the result that the Part 61 technical criteria are written in relatively general terms, allowing applicants to demonstrate how their proposals meet these criteria for various specific near-surface disposal methods.

A waste classification system was also instituted in the regulation which establishes three classes of waste suitable for near-surface disposal: Class A, Class B, and Class C. Limiting concentrations for particular radionuclides were established for each waste class, with the highest limits being for Class C. The concentration limits were established based on NRC's understanding (at the time of the rulemaking) of the characteristics and volumes of low-level waste that would be reasonably expected to the year 2000, as well as potential disposal methods.

The Class C concentration limits are applicable to all potential near-surface disposal systems; however, the calculations performed to establish the limits are based on postulated use of one near-surface disposal method: shallow land burial. The Class C limits are therefore conservative since there may be other near-surface disposal methods that have greater confinement capability (and higher costs) than shallow land burial.

The regulation states that waste exceeding Class C concentration limits is considered to be "not generally acceptable for near-surface disposal," where this is defined in § 61.55(a) as "waste for which waste form and disposal methods must be different, and in general more stringent, than those specified for Class C waste." Thus, waste exceeding Part 61 concentrations generally has been excluded from near-surface disposal and is being held in storage by licensees. (This amounts to less than 1% of the approximately 3,000,000 ft^3 of commercial low-level waste annually being generated.) Given the current absence of prescriptive requirements for disposal of waste exceeding Class C concentration limits, the regulation allows for evaluation of specific proposals for disposal of such waste on a case-by-case basis. The general criteria to be used in evaluating specific proposals are the Part 61 performance objectives contained in Subpart C of the regulation.

Current NRC activities include analyses of low-level waste that exceeds Class C concentration limits to determine the extent to which alternative near-surface disposal systems (e.g, concrete bunkers, augered holes, deeper disposal) may be suitable for safe disposal of such waste. These analyses include a more detailed characterization of physical, chemical, and radiological characteristics of wastes that may be close to or exceed Class C concentration limits as well as development of improved methods for modeling the radiological and economic impact of disposal of these wastes. A related activity is development of more specific guidance for design and operation of alternative near-surface and other land disposal systems. These activities represent a continuation of the Part 61 rulemaking process as discussed in the December 27, 1982 notice of the final Part 61 regulation (47 FR 57446).

Wastes exceeding Class C concentrations are projected to be generated by nuclear power reactors and other supporting nuclear fuel cycle facilities, and also generated by

radioisotope product manufacturers and other facilities and licensees outside of the nuclear fuel cycle. Such wastes can be grouped as follows:

—Plutonium-contaminated nuclear fuel cycle wastes
—Activated metals
—Sealed sources
—Radioisotope product manufacturing wastes
—Other waste

Plutonium-contaminated nuclear fuel cycle wastes. These wastes are being generated from two principal sources. One source of waste arises from operations supporting the nuclear fuel cycle—i.e., post-irradiation radiochemical and other performance analyses of spent fuel rods from nuclear reactors (e.g., "burnup" studies). These operations generate about 200 ft^3 of plutonium-contaminated waste per year, much of which is believed to exceed Class C concentration limits. This waste consists of solidified liquids and other solid material such as scrap, trash, and contaminated equipment. Eventual decommissioning of the three facilities currently performing these analyses is expected to generate additional waste volumes, a portion of which is expected to exceed Class C concentration limits.

The second source of waste arises from fuel cycle licensees who have previously been authorized to use plutonium in research and development of advanced reactor fuels. None of these licensees is using plutonium now, and there is no prospect in the foreseeable future for such activities. In fact, each of the licensees in this category has either decommissioned, or is in the process of decommissioning, its facility. Some of the licensees have made contractual arrangements to transfer their decommissioning waste to DOE for retrievable storage. Approximately 5,000 to 10,000 ft^3 of waste, however, is projected to be generated on a one-time basis that will not be covered by contract.

Activated metals. Activated metals are typically generated as a result of long-term neutron bombardment of metals forming the structure or internal components of a nuclear reactor used for power production, radioisotope production, or other purpose (e.g., education, testing, research). Activated metal wastes are unlike most other wastes being generated in that the radionuclides form part of the actual metal matrix rather than being mixed with large volumes of other, nonradioactive material such as paper, cloth or resins. Radionuclide release is principally governed by the material corrosion rate, and for most reactor metals of concern (e.g., stainless steel), the corrosion rate is quite low.

To date, only a small fraction (about 200 ft^3/yr) of the activated metal waste currently being generated by nuclear power reactors has been identified as exceeding Class C concentration limits. Such waste appears to primarily consist of in-core instrumentation which is no longer serviceable. An example of this waste is a reactor flux wire which is physically small but may be high in activity. (A flux wire is a wire that is inserted into a tube running the length of the reactor core and used to make neutron flux measurements.)

Large quantities of activated metal wastes are projected to be generated in the future as a part of reactor decommissioning. Studies by NRC (NUREG/CR-0130, addendum 3 and NUREG/CR-0672, addendum 2) indicate that over 99% of the waste volume that is projected to result from nucler power reactor decommissioning will not exceed class C concentration limits and the 1% that is projected to exceed these limits will be almost all activated metals from core structure. Conservative estimates presented in these studies indicate that packaged quantities of decommissioning wastes exceeding Class C concentration limits will total about 4700 ft^3 for a large (1175 MWe) pressurized water reactor (PWR) and about 1660 ft^3 for a large (1155 MWe) boiling water reactor (BWR). Much smaller quantities of wastes exceeding Class C concentration limits may also be generated from future decommissioning of test, research, and education reactors.

Another source of activated metal waste is expected to arise as part of consolidation of spent fuel assemblies for storage and/or disposal. Spent fuel assemblies now being periodically discharged from nuclear power reactors are stored in on-site fuel storage pools. Each assembly is composed of a large number of fuel rods arranged in a rectangular array, and held in place by spacer grids, tie rods, metal end fittings, and other miscellaneous hardware. One option under consideration, for long-term waste storage and eventual disposal is to remove this hardware form the fuel rods. This allows the fuel rods, which contain the fission products which are of primary interest in terms of geologic repository disposal, to be consolidated into a smaller volume. This enables more economical storage and easier handling for transport and disposal. The hardware, which is composed of various types of corrosion-resistant metal such as Inconel or zircalloy, becomes a second waste stream which could potentially be safely disposed by a less expensive method than a geologic repository.

Based on information from DOE (DOE/RW-0006, September, 1984) about 12 kg of waste hardware would be generated per BWR fuel assembly, and about 26 kg per PWR fuel assembly. Assuming 200 fuel asemblies are replaced per year per large 1000 NWe) BWR, roughly 2400 kg of activated metal hardware would be generated per year per large BWR, and about 1700 kg per PWR. An approximate compacted volume is on the order of 50 ft^3/yr per large reactor, or about 4,000 ft^3/yr over the entire industry. Depending upon parameters such as the fuel irradiation history and the hardware elemental composition, particular pieces of separated hardware may or may not exceed Class C concentration limits.

Other than perhaps a few isolated cases, all of the spent fuel assemblies are being stored by licensees with the hardware still attached. Under the provisions of the NWPA, operators of nuclear power plants have entered into contracts with DOE for acceptance by DOE of the spent fuel for storage and eventual disposal. (See 48 FR 16590, April 18, 1983 for the terms of the contract.) Acceptance of the spent fuel by DOE implies acceptance of the activated hardware along with the fuel rods, with the result that disposal of the hardware would intrinsically be a Federal rather than a State responsibility. Disposal responsibility becomes less clear if licensees, seeking more efficient onsite storage, consolidated fuel themselves.

Sealed sources. A number of discrete sealed sources have been fabricated for a variety of medical and industrial applications, including irradiation devices, moisture and density gauges, and well-logging gauges. Each source contains only one or a limted number of radioisotopes. Sealed sources can range in activity from a few millionths of a curie for sources used in home smoke detectors to several thousand curies for sources used in radiotherapy irradiators. Sealed sources are produced in several physical forms, including metal foils, metal spheres, and metal cylinders clamped onto cables. The larger activity sealed sources typically consist of granules of radioactive materials encapsulated in a metal such as stainless steel.

Sealed sources are generally quite small physically. Even sources containing several curies of activity have physical dimensions which are normally less than an inch or two in diameter and 6 inches in length. These dimensions are such that, like activated metals, sealed sources may be considered to be a unique form of low-level waste. Characterizing sealed sources in terms of radionuclide concentration certainly appears to be of less utility than characterizing sealed sources in terms of source activity.

Depending upon the application, sealed sources may be manufactured using a variety of different radioisotopes. A review of the NRC sealed source registry was conducted to identify those source designs which may contain radioisotopes in quantities that might exceed Class C concentration limits. The principal possibilities appear to be those containing cesium-137, plutonium-238, plutonium-239, and americium-241. Large cesium-137 sources are generally used in irradiators, and while some large sources can range up to a few thousand curies, most which are sold appear to contain in the neighborhood of 500 curies. Cesium-137 is a beta/gamma emitter having a half-life of 30 years, which suggests that special packaging and disposal techniques can be readily developed for safe near-surface disposal of sources containing this isotope.

The remaining three isotopes are alpha emitters and are longer lived. Sources manufactured using these isotopes can range up to a few tens of curies, although most that have been sold appear to be much less than one curie in strength. Plutonium-239 sources are not commonly manufactured. Plutonium-238 sources have been manufactured for use as nuclear batteries for applications such as heart pacemakers. Plutonium-238 has also been used in neutron sources, although neutron sources currently being manufactured generally contain americium-241. Americium-241 is also used in a wide

variety of other industrial applications such as fill level gauges.

Neutron sources produce neutrons for applications such as reactor startup, well logging, mineral exploration, and clinical calcium measurements. These sources contain alpha-emitting radionuclides such as americium-241 plus a target material (generally beryllium) which generates neutrons when bombarded by alpha particles. Neutron sources can contain up to approximately 20 curies of activity.

It is difficult to project potential waste sealed source quantities and activities, since sealed sources as wastes are not routinely generated as part of licensed operations. In addition, sealed sources only become waste when a decision is made by a licensee to treat them as such. In many instances sources held by licensees may be recycled back to the manufacturer when they are no longer usable, and the radioactive material recovered and fabricated into new sources. Finally, source manufacturers are licensed by the NRC and NRC Agreement States to manufacture a particular source design up to a specified radioisotope curie limit. Most actual sources, however, contain activities considerably less than the design limit.

NRC staff estimates that licensees currently possess approximately 10,000 encapsulated sources having activities above a few thousandths of a curie and containing americium-241 or plutonium-238. Given the hypothetical case that all these sources were candidates for disposal, the total consolidated source volume would be only about 35 ft ^{3}. After packaging for shipment, however, the total disposed waste volume would be significantly increased. The total activity contained in the sources is estimated to be approximately 70,000 curies.

Radioisotope product manufacturing wastes. Wastes exceeding Class C concentration limits are occasionally generated as part of manufacture of sealed sources, radiopharmaceutical products, and other materials used for industrial, educational, and medical applications. Volumes and characteristics of such wastes are difficult to project. However, it is believed that the largest volume of this waste consists of sealed sources which cannot be recycled, plutonium-238 and americium-241 source manufacturing scrap, and waste contaminated with carbon-14.

Sealed sources as a waste form are discussed above. Manufacture of large plutonium-238 and americium-241 sources is concentrated in only a few facilities, from which the generation of waste exceeding Class C concentration limits is believed to total only a few hundred ft ^{3} per year. Approximately 10 ft ^{3} per year of carbon-14 waste is generated as a result of radiopharmaceutical manufacturing.

Other wastes. Although the above discussed wastes are believed to be the principal wastes that are expected to exceed Class C concentration limits, other wastes may occasionally also be generated. For example, relatively small quantities of such wastes are currently being generated as part of decontamination of the Three Mile Island, Unit 2, nuclear power plant. However, these wastes are being generated as a result of an accident, are therefore considered abnormal, and are being transferred to DOE under a memorandum of understanding with NRC. Wastes exceeding Class C concentration limits and generated as part of the West Valley Demonstration Project are also being transferred to DOE for storage pending disposal.

Sealed sources and other waste containing discrete quantities of radium-226 may also exceed Class C concentration limits. Products containing radium-226 have been manufactured in the past for a variety of industrial and medical applications. Such wastes are not regulated by NRC but occasionally have been disposed at licensed low-level waste disposal facilities. NRC is currently investigating the impacts of disposal of such waste in order to provide guidance to States and other interested parties on safe disposal methods and any concentration limitations.

[FR Doc. 87-4129 Filed 2-26-87; 8:45 am]
BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 86-CE-10-AD]

Airworthiness Directives; Cessna Model T303 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This Notice proposes to amend Airworthiness Directive (AD) 86-01-01R1, Amendment 39-5316, published in the **Federal Register** on May 21, 1986 (51 FR 18573), applicable to Cessna Model T303 airplanes. The AD removed approval for flight into known icing conditions for those Model T303 airplanes with flight is known icing approval. The manufacturer has developed a modification for the airplane which eliminates the unsafe condition when operating in icing conditions. This proposed amendment restores approval for flight in known icing conditions for those airplanes which install the modification.

DATE: Comments must be received on or before April 15, 1987.

ADDRESS: Cessna Service Bulletins MEB86-17, dated October 1, 1986, and MEB86-18, dated October 1, 1986, applicable to this AD may be obtained from Cessna Aircraft Company, Customer Services, P.O. Box 1521, Wichita, Kansas 67201; or may be examined in the Rules Docket at the address below. Send comments on the proposal in duplicate to Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 86-CE-10-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

FOR FURTHER INFORMATION CONTACT: Mr. Bennett L. Sorensen, Aerospace Engineer, Wichita Aircraft Certification Office, ACE-160W, FAA Central Region, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas; Telephone (316) 946-4433.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Director before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. Comments are specifically invited on the overall regulatory, economic, environmental and energy aspects of the proposed rule. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 86-CE-10-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Discussion

AD 86-01-01R1, Amendment 39-5316, was published in the **Federal Register** (51 FR 18573) on May 21, 1986. The AD removed approval for flight into known icing conditions for Cessna Model T303 airplanes. The AD was written because there were several reported occurrences of rudder/rudder pedal oscillations, pitch oscillations and uncommanded nose down pitch changes when conducting flight in icing conditions. AD 86-01-01 and AD 86-01-01R1 were sent

to all known registered owners by priority mail on January 2, 1986, and January 17, 1986, respectively.

Cessna Aircraft Company has developed a modification and POH/AFM revisions (referenced in Service Bulletins MEB86-17 and MEB86-18, both dated October 1, 1986) for these airplanes which eliminates the oscillations and uncommanded nose down pitch changes when operating in icing conditions. This proposed amendment would restore approval for flight in known icing conditions for those Model T303 airplanes which (1) install the modification and make the associated POH/AFM revisions, and (2) are otherwise approved for flight in known icing conditions.

The FAA has determined there are approximately 169 airplanes affected by the proposed amendment to the AD. The cost of modifying these airplanes is estimated to be $990 per airplane. The total cost is estimated to be $167,310. However, since Cessna Aircraft Company is furnishing and installing the kits at their expense, this action will not impose an adverse economic impact on the owners.

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) if promulgated, 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.

The Proposed 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 follow:

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

Authority: 49 U.S.C. 135(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 revising and reissuing AD 86-01-01R1, Amendment 39-5315, as follows:

(1) Redesignate paragraph (e) as paragraph (f).

(2) Add a new paragraph (e) to read as follows:

"(e) The requirements of paragraph (a) of this AD do not apply to airplanes which have installed Cessna Part Number (P/N) SK303-39A (called out as SK303-39 in Cessna Service Bulletin MEB86-18, dated October 1, 1986), and associated POH/AFM revisions—either Cessna P/N D1596R7-13PH for S/Ns T300001 through T30300175, Cessna P/N D1602R3-13PH for S/Ns T30300176 through T30300247, or Cessna P/N D1607R2-13PH for S/Ns T30300258 through T30300315 (called out in Cessna Service Bulletin MEB86-17, dated October 1, 1986).

Issued in Kansas City, Missouri, on February 13, 1987.

Jerold M. Chavkin,

Acting Director, Central Region.

[FR Doc. 87-4056 Filed 2-26-87; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 87-AGL-3]

Proposed Establishment of Transition Area—Peru, IL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish the Peru, Illinois, transition area to accommodate a new NDB Runway 18 Standard Instrument Approach Procedure (SIAP) to Illinois Valley Regional—Walter A. Duncan Field. This action also cancels Airspace Docket Number 86-AGL-13, Peru, Illinois.

The intended effect of this action is to ensure segregation of the aircraft using approach procedures in instrument conditions from other aircraft operating under visual weather conditions in controlled airspace.

DATES: Comments must be received on or before March 31, 1987.

ADDRESS: Send comments on the proposal in triplicate to: Federal Aviation Administration, Regional Counsel, AGL-7, Attn: Rules Docket No. 87-GL-3, 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 INFORMATION: Airspace Docket Number 86-AGL-13 was published in the **Federal Register** on May 27, 1986, and proposed to establish a transition area to accommodate a new NDB Runway 36 Standard Instrument Approach Procedure (SIAP) to Illinois Valley Regional—Walter A. Duncan Field. Prior to finalization of docket action it was disclosed that lower approach minimums could be achieved by developing an NDB Runway 18 SIAP in lieu of the initial NDB Runway 36 SIAP, which in turn would cause the transition arrival extension to be located to the northwest of Illinois Valley Airport rather than from the southwest as described in Docket 86-AGL-13. Consequently Docket 86-AGL-13 is cancelled and superseded by this action.

The development of a new NDB Runway 18 SIAP requires that the FAA designate airspace to ensure that the procedure will be contained within controlled airspace.

The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace.

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-3." 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 § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a transition area airspace near Peru, Illinois.

Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6B dated January 2, 1986.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

The Proposed Amendment

PART 71—[AMENDED]

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.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Peru, Illinois [New]

That airspace extending upward from 700 feet above the surface within a 5 mile radius of Illinois Valley Regional—Walter A. Duncan Field (lat. 41°20'58"N., long. 89°09'14"W.); and within 3 miles either side of the Valley NDB (VYS) 332° bearing extending from the 5 mile radius area to 8.5 miles northwest of the Valley NDB.

Issued in Des Plaines, Illinois on February 13, 1987.

Teddy W. Burcham,

Manager, Air Traffic Division.

[FR Doc. 87-4057 Filed 2-26-87; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. C-1851]

Holiday Universal, Inc.; Prohibited Trade Practices, and Required Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Notice of 30 day period for public comments on petition by Holiday Universal, Inc., to reopen and modify the order in Docket No. C-1851.

SUMMARY: Holiday Universal, Inc., in the order in Docket No. C-1851, filed a petition on February 6, 1987, requesting that the Commission reopen and modify the order.

DATE: The deadline for filing comments in this matter is March 30, 1987.

ADDRESS: Comments should be sent to the Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, DC 20580. Requests for copies of the petition should be sent to Public Reference Branch, Room 130.

FOR FURTHER INFORMATION CONTACT: Joseph J. Koman, Enforcement Division, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580, (202) 326-3014.

SUPPLEMENTARY INFORMATION: The petitioner, Holiday Universal, Inc., operates a chain of "Holiday Spas" in the Washington-Baltimore area. The order modification requested by petitioner would relax prohibitions regarding the benefits derived from its health plan program and delete certain prohibitions concerning deceptive sales practices. The petition was placed on the public record on February 27, 1987.

List of Subjects in 16 CFR Part 13

Health spas, Advertising, Trade practices.

Emily H. Rock,

Secretary.

[FR Doc. 87-3820 Filed 2-26-87; 8:45 am]

BILLING CODE 6750-01-M

16 CFR Part 13

[Docket No. 9193]

AMERCO, et al.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: In settlement of alleged violations of Federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would prohibit, among other things, Phoenix, Ariz.-based respondent U-Haul International, Inc., the nation's largest renter of trucks and trailers, and its Las Vegas, Nev.-based parent company, AMERCO, from initiating or participating in any judicial or administrative proceeding in which their main purpose would be to harass or injure any competitor or potential competitor. Additionally, respondents would be required for ten years: (1) To give the FTC prior notice before participating in any bankruptcy proceeding of a competitor; (2) to obtain FTC approval before filing a plan of reorganization to acquire a competitor in bankruptcy; (3) to provide the FTC with a copy of any lawsuit filed against a competitor; and (4) to obtain FTC approval before acquiring any competitor worth $5 million or more.

DATE: Comments must be received on or before April 28, 1987.

ADDRESS: Comments should be addressed to: FTC/Office of the Secretary, Room 136, 6th St. and Pa. Ave., NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: FTC/A–3302, Ronald B. Rowe, Washington, DC 20580 (202) 326–2610.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and section 3.25(f) of the Commission's Rules of Practice (16 CFR 3.25(f)), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with section 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

List of Subjects in 16 CFR Part 13

Truck and trailer rental, Trade practices.

In the Matter of AMERCO, a corporation, and U-HAUL INTERNATIONAL, INC., a corporation; Docket No. 9193.

AGREEMENT CONTAINING CONSENT ORDER TO CEASE AND DESIST

The agreement herein, by and between AMERCO, a corporation, and U-Haul International, Inc., a corporation, hereinafter referred to as "Respondents," by their duly authorized officers and their attorneys, and counsel for the Federal Trade Commission, is entered into in accordance with the Commission's Rules governing consent order procedures. In accordance therewith the parties hereby agree:

1. Respondent AMERCO is a corporation organized, existing and doing business under and by virtue of the laws of the State of Nevada, with its principal place of business at 3111 Bel Air, Las Vegas, Nevada 89109.

Respondent U-Haul International, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Oregon, with its principal place of business located at 2727 North Central Avenue, P.O. Box 21502, Phoenix, Arizona 85036.

2. Respondents have been served with the Complaint issued by the Federal Trade Commission charging them with violation of section 5 of the Federal Trade Commission Act, and have filed answers to said Complaint denying said charges.

3. Respondents admit all the jurisdictional facts set forth in the Commission's Complaint in this proceeding, and agree not to contest the jurisdiction of the Commission to enforce the Order entered pursuant to this Agreement.

4. Respondents waive:

a. any further procedural steps,

b. the requirement that the Commission's decision contain a statement of findings of fact and conclusions of law,

c. all rights to seek judicial review or otherwise to challenge or contest the validity of the Order entered pursuant to this Agreement,

d. any claim under the Equal Access To Justice Act.

5. This Agreement shall not become a part of the public record of the proceeding unless and until it is accepted by the Commission. If this Agreement is accepted by the Commission, it will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this Agreement and so notify the Respondents, in which event it will take such action as it may consider appropriate, or issue and serve its decision in disposition of the proceeding.

6. This Agreement is for settlement purposes only and does not constitute evidence or an admission by Respondents that the law has been violated as alleged in said Complaint issued by the Commission.

7. This Agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 3.25(f) of the Commission's Rules, the Commission may, without further notice to Respondents, (a) issue its decision containing the following Order to Cease and Desist in disposition of the proceeding, and (b) make information public in respect thereto. When so entered, the Order to Cease and Desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The Order shall become final upon service. Delivery by the U.S. Postal Service of the decision containing the agreed-to Order to Respondents' addresses as stated in this Agreement shall constitute service. Respondents waive any right they might have to any other manner of service. The Complaint may be used in construing the terms of the Order, and no agreement, understanding, representation or interpretation not contained in the Order or in the Agreement may be used to vary or to contradict the terms of the Order.

8. Respondents have read the Complaint and the Order contemplated hereby. Respondents understand that once the Order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the Order. Respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the Order after it becomes final.

Order

A. For the purpose of this Order, the following definitions shall apply:

1. "Person" is any natural person, corporate entity (including subsidiaries thereof), partnership, joint venture, trust or legal entity;

2. "Competitor" is any person or association of persons that offers one-way rentals of moving equipment, directly through a network of store locations and/or indirectly through a network of dealer locations, but does not refer to a dealer or a franchisee or licensee of such a person or association of persons;

3. "Potential competitor" is any person or association of persons that either Respondents knows or has reason to believe is planning or preparing to offer one-way rentals of moving equipment, directly through a network of store locations and/or indirectly through a network of dealer locations, but does not refer to a dealer or a franchisee or licensee of such a person or association of persons.

B. It is ordered that each Respondent, including each of its successors and assigns, directly or indirectly or through any subsidiary, affiliate, division, director, officer, employee, agent, representative, corporation or other device, in connection with the conduct of business in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, forthwith cease and desist from initiating or participating in any judicial or administrative proceeding where such Respondent's primary purpose is to harass or injure any competitor or potential competitor.

C. It is further ordered that each Respondent, including each of its successors and assigns, directly or indirectly or through any subsidiary, affiliate, division, director, officer, employee, agent, representative, corporation or other device, in connection with the conduct of business in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, during the period of ten (10) years from

date of service of this Order, forthwith cease and desist from:

1. Participating in any proceeding initiated by a competitor under the Bankruptcy Code, without (a) first giving twenty (20) days written notice to the Fedral Trade Commission (or, if fewer than twenty (20) days, written notice shall be given to the Federal Trade Commission as soon as is reasonably practicable under the circumstances), and (b) serving a copy of each pleading filed by either Respondent in the proceeding on the Federal Trade Commission by first-class mail at the same time that the pleading is filed:

2. Filing or seeking to file in any proceeding initiated by a competitor under the Bankruptcy Code, without the prior approval of the Federal Trade Commission, a plan of reorganization by which either or both Respondents would acquire the whole or any part of the stock, share capital, assets or equity interest of such competitor;

3. Initiating or participating in any judicial or administrative proceeding against any competitor without providing the Federal Trade Commission (a) within ten (10) days of filing the complaint, petition, or pleading in question, a copy of that complaint, petition, or pleading that each Respondent filed to initiate to to initiate participation in such a proceeding, and (b) within twenty (20) days of receiving a request from the Federal Trade Commission for such a statement, a statement of the factual and legal bases underlying each Respondent's reasons for the initiation of or initial participation in such a proceeding; provided, however, that this subparagraph C.3 shall not apply to any insurance subrogation claim for personal injury or for damage to property.

D. It is further ordered that each Respondent, including each of its successors and assigns, directly or indirectly, during the period of ten (10) years from the date of service of this Order:

1. Shall not acquire from any person any claim or right under any claim such person has against a competitor, other than by means of insurance subrogation to any claim for personal injury or for damage to property;

2. Shall not acquire, without the prior approval of the Federal Trade Commission, the whole or any part of the stock, share capital, assets, or equity interest in any competitor; provided, however, that nothing in this subparagraph D.2 shall prohibit Respondents from:

a. Acquiring any assets the total value of which in any single acquisition is less than five million dollars ($5,000,000), or

b. Entering into any transaction with any subsidiary or affiliate of either Respondent, with any company wholly developed by either Respondent, or with any noncompetitor, where such transaction involves the conduct of business, including mergers, consolidations, joint ventures, or other reorganizations, solely with or among these entities.

E. It is further ordered that for a period of ten (10) years form the date of servide of this Order, Respondents, including their successors and assigns, shall distribute a copy of the Federal Trade Commission's Complaint and Order to: (1) Respondents' directors and officers and their successors, (2) Respondents' in-house counsel and their successors, (3) Respondents' auditor and its successors, (4) AMERCO District Vice Presidents and their successors, and (5) Respondents' outside counsel in any judicial or administrative proceeding involving a competitor, other than a proceeding based on an insurance subrogation claim for personal injury of for damage to property. Respondents shall make their initial distribution under this paragraph E within thirty (30) days of date of service of this Order.

F. It is further ordered that Respondents, including their successors and assigns, shall:

1. file with the Federal Trade Commission within ninety (90) days of date of service of this Order a report in writing setting forth in detail the manner and form in which Respondents have compiled and are complying with this Order;

2. Notify the Federal Trade Commission at least thirty (30) days prior to any proposed change in either Respondents, such as dissolution, assignment or sale resulting in the emergence of a successor corporation or any other proposed change in the corporation which may affect compliance obligations arising out of this Order.

In the Matter of AMERCO and U-Haul International, Inc.; Docket No. 9193

Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from AMERCO and U-Haul International, Inc. The proposed consent order has been placed on the public record for sixty days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

Description of the Complaint

The Commission issued a complaint against AMERCO and U-Haul International, Inc. ("UHI") on June 24, 1985, charging both corporations with unlawfully using sham litigation in an attempt to monopolize the national one-way moving equipment rental market by preventing a competitor, Jartran, Inc., from competing in that market in violation of section 5 of the Federal Trade Commission Act.

AMERCO owns 100 percent of a large number of corporations, including UHI, that collectively engage in the rental of moving equipment (trucks, trailers, and accessories) under the name of "U-Haul." UHI provides accounting, technical, and advisory services to U-Haul. U-Haul has been dominant in the national one-way moving equipment rental market for at least 10 years; it had a 59.2 percent market share in 1984. According to the complaint, Jartran entered the market in 1979, and by 1980 had a 10 percent market share, obtained largely by taking business away from U-Haul.

U-Haul sued Jartran in federal district court in June 1980, for false and misleading advertising and sought approximately $375 million in damages. On December 31, 1981, Frank B. Hall & Company acquired Jartran, and Jartran filed in bankruptcy court to reorganize its operations under Chapter 11 of the Bankruptcy Code. The next month U-Haul filed a creditor's claim in the Chapter 11 proceeding, based on damages it was seeking in the false advertising suit.

The complaint charged that U-Haul's actions during Jartran's Chapter 11 proceeding were "a deliberate course of action to abuse the judicial process in order to injure a competitor." These actions, the complaint charged, were a sham because they were "inconsistent with U-Haul's legitimate interests as a creditor" and were "intended primarily to delay or prevent Jartran's reorganization as a competitor."

The complaint listed several alleged U-Haul actions that disrupted Jartran's efforts to reorganize. For example, U-Haul attempted to propose reorganization plans under which it would acquire Jartran's assets, even though it knew or had reason to believe that such an acquisition would be

illegal." In addition, the complaint stated that U-Haul opposed a settlement between Jartran and certain other creditors, even though the settlement would have increased the amount of money distributed to U-Haul. Such actions "could only delay Jartran's reorganization."

According to the complaint, U-Haul's actions violated the antitrust laws because they were an attempt by a dominant firm to monopolize the one-way moving equipment rental market by eliminating a competitor.

The Proposed Consent Order

The consent order is designed to remedy the violations charged in the Commission's complaint, and to prevent AMERCO and UHI from engaging in similar acts and practices in the future. Paragraph B of the proposed order requires AMERCO and UHI to cease and desist from initiating or participating in any judicial or administrative proceeding in which either corporation's primary purpose is to harass or injure any competitor or potential competitor. A primary purpose to harass or injure violates this paragraph of the proposed order, regardless of whether a secondary purpose exists for initiating or participating in such proceeding.

A "competitor" is defined in the proposed order as "any person or association of persons that offers one-way rentals of moving equipment." A "potential competitor" is defined as "any person or association of persons that either [AMERCO or UHI] knows or has reason to believe is planning or preparing to offer one-way rentals of moving equipment." The definitions of competitor and potential competitor exclude dealers.

There are three parts to paragraph C. C.1 prohibits AMERCO and UHI from participating in any bankruptcy proceeding initiated by a competitor without first giving written notice to the Commission and providing the Commission with a copy of every pleading either corporation files in the proceeding. C.2 requires that in any bankruptcy proceeding initiated by a competitor, AMERCO and UHI receive prior approval of the Commission before filing a plan of reorganization to acquire that competitor.

C.3 requires AMERCO and UHI to provide the Commission with a copy of any pleading initiating litigation against a competitor, and if requested by the Commission, a statement of the factual and legal bases underlying the reasons for initiating such proceeding. Lawsuits based on insurance subrogation claims for personal injury or damage to property are exempt from this reporting requirement because they arise in the ordinary course of business from accidents involving U-Haul's vehicles. Paragraphs C.1, C.2 and C.3 are designed to deter future wrongful conduct by prohibiting certain actions by AMERCO and UHI and by keeping the Commission fully apprised of their actions in litigation against a competitor.

There are two parts to paragraph D. D.1 prohibits AMERCO and UHI from acquiring from any person any claims such person may have against a competitor of UHI or AMERCO. Claim for personal injury or for damage to property obtained through insurance subrogation are not covered by this provision. D.1 is designed to prevent AMERCO and UHI from shopping for claims against competitors. D.2 prohibits AMERCO and UHI from acquiring, without the prior approval of the Commission, any competitor worth $5 million or more. D.2 allows the Commission to prevent any undue increase in U-Haul's market power through the acquisition of a competitor.

Paragraph E requires AMERCO and UHI to distribute a copy of the Commission's complaint and order to both corporations' directors, officers, in-house counsel, auditors, and the successors of all the above-mentioned persons. In addition, AMERCO and UHI are required to distribute a copy of the Commission's complaint an dorder to outside counsel in any judicial or administrative proceeding involving a competitor.

Paragraph F requires AMERCO and UHI to file written compliance reports and to provide the Commission with notice of any major proposed changes in corporate organization.

AMERCO and UHI are required to comply with paragraphs C through E for a period of ten years from the date of service of the order. There are no time limits on AMERCO's and UHI's compliance with paragraphs B and F.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order to modify in any way its terms.

Emily H. Rock,

Secretary.

[FR Doc. 87-4096 Filed 2-26-87; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 72, 178, and 179

[Notice No. 624; Re: Notice No. 609 and 618]

Commerce in Firearms and Ammunition

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

ACTION: Extension of comment period for notice of proposed rulemaking.

SUMMARY: Public Laws 99-308 and 99-360 made major revisions in the Gun Control Act of 1968 and the National Firearms Act. Temporary rule, T.D. ATF-241, was published in the Federal Register on October 29, 1986, to implement the new law revisions. In the same Federal Register ATF published Notice No. 609 (51 FR 39635) to allow a 90 day review and comment period on the Temporary rule. ATF received a number of requests for additional time to review and comment on the regulations. The comment period was extended an additional 30 days to allow more time for public review and comment. ATF has once again received requests for additional time to review and comment on the regulations, and is, therefore, extending the comment period an additional 30 days.

DATE: Written comments must be received by March 30, 1987.

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

Any written comments received will be available for public inspection during normal business hours at: ATF Reading Room, Room 4406, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Daniel E. Crowley, ATF Specialist, Firearms and Explosives Operations Branch, Bureau of Alcohol, Tobacco and Firearms, (202) 566-7591.

Approved: February 25, 1987.

Stephen E. Higgins,

Director.

[FR Doc. 87-4272 Filed 2-25-87; 3:11 pm]

BILLING CODE 4810-31-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL-3162-4]

Approval and Promulgation of Implementation Plans; Wisconsin

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Proposed rulemaking.

SUMMARY: USEPA proposes to approve a site-specific revision to the Wisconsin State Implementation Plan (SIP) for Volatile Organic Compounds (VOC). The revision, if approved, would provide for a compliance date extension from December 31, 1985, until December 31, 1987, for Union Camp Corporation's (Union Camp) Tomah facility, which is located in Monroe County, Wisconsin. This SIP revision would allow Union Camp additional time to reformulate to low solvent inks for use on flexible packaging materials. Under this SIP revision, the Tomah facility must comply with the emission limits contained in section NR 154.13(4)(1) by December 31, 1987. This action is taken in response to an April 7, 1986, request from the Wisconsin Department of Natural Resources (WDNR).

USEPA is proposing to approve this revision because (1) the Tomah facility is located in an attainment area for ozone; and (2) approval of the extension will not affect the maintenance of the ozone standards.

DATE: Comments on this revision and on the proposed USEPA action must be received by March 30, 1987.

ADDRESSES: Copies of the SIP revision are available at the following addresses for review: (It is recommended that you telephone Uylaine E. McMahan, at (312) 886-6031, before visiting the Region V office.)

U.S. Environmental Protection Agency, Region V, Air and Radiation Branch, 230 South Dearborn Street, Chicago, Illinois 60604

Wisconsin Department of Natural Resources, Bureau of Air Management, 101 South Webster, Madison, Wisconsin 53707

Comments on this proposed rule should be addressed to: (Please submit an original and three copies, if possible.) Gary Gulezian, Chief, Regulatory Analysis Section, Air and Radiation Branch (5AR-26), U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Uylaine E. McMahan, (312) 886-6031.

SUPPLEMENTARY INFORMATION: On April 7, 1986, the WDNR submitted a proposed site-specific SIP revision to its ozone SIP for VOC emissions from Union Camp's four flexograph.c printing presses at the Tomah facility, located in Monroe County, Wisconsin. This revision consists of a compliance date extension from December 31, 1985, to December 31, 1987, for meeting the VOC emission limits contained in Wisconsin SIP regulation, NR 154.13(4)(1). USEPA has reviewed Wisconsin's request with respect to whether the compliance date extension, if approved, would affect the attainment and maintenance of the ozone National Ambient Air Quality Standards [1] (NAAQS) in Monroe County, Wisconsin.

Union Camp is a diversified extruder and converter of flexible packaging materials. Numerous grades of polyethylene are extruded, printed, and converted for packaging such items as ice, produce, baby formula, and a wide variety of industrial applications. In addition, a variety of purchased laminated and co-extruded films are printed and converted. These include various combinations of foil, paper, cellophane, polyester, polypropylene and polyethylene.

Under the existing federally-approved SIP, each flexographic printing press is subject to the control requirements contained in section NR 154.13(4)(1) of the Wisconsin Administrative Code. Section NR 154.13(4)(1) limits the VOC content of any ink, as applied, to 25 percent or less by volume of the volatile content or to 40 percent or less by volume of the total content. USEPA approved this statewide rule as meeting the reasonably available control technology (RACT) requirements under Part D of the Clean Air Act (Act) for nonattainment areas on June 21, 1982 (47 FR 26622).

Union Camp is located in Monroe County, an area designated attainment for ozone (40 CFR 81.350) under Section 107 of the Act. Since approval of this proposed SIP revision should not lead to any change in actual emissions, maintenance of the NAAQS will not be affected by the compliance date extension. USEPA is, therefore, proposing to approve this SIP revision extending the compliance schedule.[2]

The present VOC emissions from Union Camp's flexographic printing operations do not indicate a RACT-level of control, nor has Union Camp demonstrated to USEPA's satisfaction that development of complying coatings has progressed as expeditiously as practicable. This rulemaking relaxes a stationary source RACT emission limitation in an area that has always been designated as attainment/unclassifiable for ozone. Originally, this RACT limitation was imposed, by the State, not to satisfy an ozone nonattainment SIP planning requirement, but rather to allow the State to have an accommodative SIP. The original principal of this accommodative ozone SIP for areas classified as attainment/unclassifiable was to require RACT-level controls on existing sources in lieu of requiring new major sources of VOC to do preconstruction monitoring. This monitoring would normally be required of new major sources in attainment/unclassifiable areas under USEPA's prevention of significant deterioration regulations. The rationale behind this tradeoff is that the "extra" emission reductions obtained from these additional RACT controls would be able to accommodate new source growth in these attainment/unclassifiable areas. Therefore, this action, when promulgated, will cancel the accommodative SIP for Monore County. This means that all new major VOC sources and major modifications in this county must comply with all the PSD monitoring requirements. Because this portion of the State's accommodative SIP never had any effect relative to any designated ozone nonattainment area SIP, the RACT relaxation in this notice will also have no effect on nonattainment areas—all sources wishing to locate in nonattainment areas must comply with the State's federally approved Part D new source review program.

USEPA is providing a 30-day comment period on this notice of proposed rulemaking. Public comments received on or before March 30, 1987, will be considered in USEPA's final rulemaking. All comments will be available for inspection during normal business hours at the Region V office listed at the front of this notice.

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

The Office of Management and Budget has exempted this rule from the

[1] The NAAQS were established to protect public health and welfare under Section 109 of tne Clean Air Act.

[2] Since Monroe County is designated attainment for ozone, today's proposal is being evaluated primarily with respect to the Clean Air Act's requirement under Section 110 that a revision must assure the attainment and maintenance of the NAAQS.

requirements of section 3 of Executive Order 12291.

Authority: U.S.C. 7401–7642.

Dated: September 30, 1986.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 87–4147 Filed 2–26–87; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Federal Insurance Administration

44 CFR Part 67

[Docket No. FEMA–6906]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations and proposed modified base flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: John L. Matticks, Acting Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2767.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations and modified base flood elevations for selected locations in the nation, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

The authority citation for Part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.0. 12127.

The proposed base (100-year) flood elevations for selected locations are:

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
CALIFORNIA	
Loomis (town), Placer County	
Secret Ravine:	
Most downstream location within town limits	*321
Immediately upstream of Brace Road	*341
Immediately upstream of Horseshoe Ravine	*354
Confluence with Secret Ravine Tributary	*355
Most upstream location within corporate limits	*363

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Secret Ravine Tributary:	
Confluence with Secret Ravine	*355
Immediately upstream of U.S. Route 80	*368
640 feet upstream of U.S. Route 80	*376
Upstream limit of detailed study (approximately 390 feet upstream of Kings Road)	*397
Antelope Creek:	
Most downstream location within corporate limits	*285
Immediately upstream of Delmar Avenue	*296
200 feet upstream of Sierra College Boulevard	*313
Confluence with Antelope Creek Tributary	*340
Most upstream location within corporate limits	*353
Antelope Creek Tributary:	
Confluence with Antelope Creek	*340
Immediately upstream of confluence with Antelope Creek	*342
860 feet above confluence with Antelope Creek	*347
640 feet downstream of corporate limit	*353
Most upstream location within corporate limits	*359
Maps are available for inspection at Loomis Town Hall, 6140 Horseshoe Bar Road, Loomis, California.	
Send comments to Mayor D. Paul Buckley, P.O. Box 1327, Loomis, California 95650.	
COLORADO	
Larkspur (town), Douglas County	
East Plum Creek: At center of Perry Park Avenue	*6,662
Maps are available for review at the Town Clerk's Office, Town Hall, Larkspur, Colorado.	
Send comments to The Honorable Ann Trueblood, Mayor, Town of Larkspur, Box 53, Larkspur, Colorado 80118.	
Parker (town), Douglas County	
Cherry Creek: 50 feet downstream of centerline of West Parker Road	*5,811
Sulphur Gulch: 150 feet upstream of centerline of Pikes Peak Drive	*5,857
Tallman Gulch: 50 feet upstream of centerline of Seibert Circle	*5,925
Maps are available for review at the Town Hall, Town of Parker, 19319 East Main Street, Parker, Colorado.	
Send comments to The Honorable Dean Salisbury, Mayor, Town of Parker, P.O. Box 667, Parker, Colorado 80134.	
Teller County (unincorporated areas)	
Fountain Creek: The intersection of the stream and the center of Woodland Avenue	*8,125
East Fork Fountain Creek: Center of Midland Avenue 700 feet southeast along the street from its intersection with Sheridan Avenue	*8,330
Loy Gulch: The intersection of the stream and the center of State Highway 67	*8,286
Lovell Gulch: Center of Lovell Gulch Road, 200 feet west along the road from its intersection with Ridge Drive	*8,460
Paint Pony: Intersection of the stream and the center of Navajo Trail	*8,345
East Fork Paint Pony: Intersection of the stream and the center of Navajo Trail	*8,453
Trout Creek: 40 feet downstream from the center of County Road 75	*8,162
Maps are available for review at the Teller County Planners Office, Woodland Park, Colorado.	
Send comments to The Honorable June Fuhrodt, Chairperson, Teller County Commissioners, P.O. Box 959, Cripple Creek, Colorado, 80813.	
Woodland Park (town), Teller County	
Fountain Creek: Center of the intersection of Fairview Street and Chester Avenue	*8,393
East Fork Fountain Creek: Center of the intersection of Baldwin Street and Pikes Peak Avenue	*8,420

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Loy Gulch: Center of the intersection of Chippewa Trail and Valley View Drive	*8,321
Paint Pony: East side of Chippewa Trail 220 feet south along the street from it intersection with Valley View Drive	*8,325
East Fork Paint Pony: Center of Valley View Court at the end of the street 370 feet south of its intersection with Valley View Drive	*8,334
Maps are available for review at the Office of Kathy Lofink, Town Planner, Woodland Park, Colorado.	
Send comments to The Honorable John D. Carr, Mayor, P.O. Box G, Woodland Park, Colorado.	
IOWA	
Sabula (city), Jackson County	
Mississippi River: Within community	*595
Maps available for inspection at City Hall, P.O. Box 331, Sabula, Iowa.	
Send comments to The Honorable Donald Meyers, Mayor, City of Sabula, City Hall, P.O. Box 331, Sabula, Iowa 52070.	
KENTUCKY	
Perryville (city), Boyle County	
Chaplin River:	
About 0.5 mile downstream of Second Street	*845
About 0.5 mile upstream of Third Street	*857
Maps available for inspection at the City Hall, Perryville, Kentucky.	
Send comments to The Honorable Rick Lee, Mayor, City of Perryville, City Hall, Perryville, Kentucky 40468.	
LOUISIANA	
Clarence (village), Natchitoches Parish	
Bourbeaux Bayou: Intersection of Lee Street and Greenville Street	*118
Maps available for inspection at the Town Hall, Clarence, Louisiana.	
Send comments to The Honorable Charles Brayton, Mayor of the Village of Clarence, Natchitoches Parish, P.O. Box 309, Clarence, Louisiana 71417.	
Natchez (village), Natchitoches Parish	
Bayou Natchez:	
At downstream corporate limits	*107
At upstream corporate limits	*107
Maps available for inspection at the Village Hall, Natchez, Louisiana.	
Send comments to The Honorable Roosevelt Toussaint, Mayor of the Village of Natchez, Natchitoches Parish, P.O. Box 164, Natchez, Louisiana 71456.	
Natchitoches (city), Natchitoches Parish	
Bayou Ile Aux Vaches:	
Approximately 300 feet downstream of Flora Street Bridge	*103
Upstream corporate limits	*113
Bayou Julien Tributary:	
At confluence with Bayou Julien 109	*108
Approximately 2,100 feet downstream of Field Road	*109
Approximately 1,400 feet downstream of Field Road	*111
Downstream side of Field Road	*112
Approximately 1,850 feet upstream of Field Road	*113
Old River:	
Downstream corporate limits	*110
Approximately 100 feet downstream of State Route 1	*110
Maps available for inspection at the City Hall, Natchitoches, Louisiana.	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Send comments to The Honorable Joe Sampite, Mayor of the City of Natchitoches, Natchitoches Parish, P.O. Box 37, Natchitoches Louisiana 71451.	
Natchitoches Parish	
Cane River-Old River-Bayou Natchez:	
Approximately 1.8 miles downstream of State Route 1	*105
At upstream side of State Route 119	*106
At upstream side of State Route 102	*107
Approximately 7.1 miles above most upstream corporate limits of the Village of Natchez	*110
Bayou Derbonne:	
At confluence with Cane River	*106
At upstream side of Interstate Route 49	*107
Approximately 4.2 miles upstream of State Route 493	*107
Bayou Kisatchie:	
At confluence with Old River	*107
Approximately 1.7 miles upstream of Interstate Route 49	*107
Bourbeaux Bayou:	
Approximately .7 mile downstream of Clark Road	*117
Approximately 0.77 mile upstream of Clark Road	*118
Bayou Fausse:	
Approximately 100 feet above Red River Levee	*112
Approximately 125 feet upstream of Parish Route 1225	*112
Maps available for inspection at the Natchitoches Parish Police Jury Secretary's Office, Natchitoches, Louisiana.	
Send comments to The Honorable Betty Hilton, President of the Natchitoches Parish Police Jury, P.O. Box 799, Natchitoches Parish Courthouse, Natchitoches, Louisiana 71457.	
MAINE	
Lincoln (town), Penobscot County	
Penobscot River:	
Approximately 1.0 mile downstream of the confluence of Mattamiscontis Stream	*175
Downstream side of Interstate Route 95 access bridge	*179
At confluence of Medunkeunk Stream	*181
Southern end of Hersey Island	*184
Approximately 0.95 mile upstream of Lincoln-Chester Bridge	*188
Mattanawcook Pond: Entire shoreline	*217
Upper Cold Stream Pond: Entire shoreline within community	*353
Center Pond: Entire shoreline within community	*269
Mill Pond: Entire shoreline within community	*200
Maps available for inspection at the Planning Board Vault, Lincoln, Maine.	
Send comments to The Honorable William Gudson, Manager of the Town of Lincoln, Penobscot County, Town Offices, 75 Main Street, Lincoln, Maine 04457.	
Medway (town), Penobscot County	
Penobscot River:	
Downstream corporate limits	*240
Downstream side of I-95	*244
Approximately .4 mile upstream of Interstate Route 95	*247
East Branch Penobscot River:	
Confluence with Penobscot River	*248
Upstream side of State Routes 157/11	*249
Downstream side of Hathaway Road (extended)	*252
Upstream corporate limits	*261
West Branch Penobscot River:	
Confluence with Penobscot River	*248
500 feet upstream of State Route 116	*250
Upstream corporate limits	*262
Maps available for inspection at the Town Office Vault, Medway, Maine.	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Send comments to The Honorable Steven Stanley, Chairman of the Town of Medway Board of Selectmen, Penobscot County, P.O. Box 320, Town Offices, Medway, Maine 04460.	
Oakland (town), Kennebec County	
Messalonskee Lake: Entire shoreline within community	*238
Salmon Lake: Entire shoreline within community	*279
Maps available for inspection at the Town Offices, Oakland, Maine.	
Send comments to The Honorable Robert Nutting, Chairman of the Town of Oakland Council, Kennebec County, P.O. Box 187, Oakland, Maine 04963.	
Topsham (town), Sagadahoc County	
Androscoggin River:	
At the Brunswick-Bath corporate limits extended	*10
Downstream side of Main Central Railroad (second crossing)	*51
At upstream corporate limits	*84
Cathance River:	
Approximately 1.0 mile downstream of Interstate 95	*96
Approximately 50 feet downstream of Interstate 95	*100
Maps available for inspection at the Planning Board, 22 Elm Street, Topsham, Maine.	
Send comments to The Honorable Lionel Bourque, Chairman of the Board of Selectmen for the Town of Topsham, Sagadahoc County, 22 Elm Street, Topsham, Maine 04086.	
Winslow (town), Kennebec County	
Kennebec River:	
At downstream corporate limits	*54
Downstream side of Bridge Street	*60
Upstream side of Two-Penny Bridge	*66
Approximately 875 feet downstream of Scott Paper Company Dam	*75
Upstream side of Scott Paper Company Dam	*88
At upstream corporate limits	*92
Sebasticook River: Entire length within community	*59
Maps available for inspection at the Department of Public Works, 16 Burton Avenue, Winslow, Maine.	
Send comments to The Honorable Edward Gagnon, Manager of the Town of Winslow, Kennebec County, 16 Burton Avenue, Winslow, Maine 04901.	
MISSISSIPPI	
Southaven (city), DeSoto County	
Southaven Creek:	
About 2,300 feet downstream of Illinois Central Gulf Railroad	*254
About 1,000 feet upstream of Whitworth Road	*296
Rocky Creek:	
At mouth	*269
About 500 feet upstream of Swinnea Road	*315
Horn Lake Creek:	
About 2.0 miles downstream of Horn Lake Road	*234
At confluence of Rocky Creek	*269
Lateral A:	
At mouth	*244
About 1,000 feet upstream of Horn Lake Road	*247
Lateral E:	
About 800 feet downstream of Swinnea Road	*300
Just upstream of Swinnea Road	*301
Maps available for inspection at the City Hall, P.O. Box 425, Southaven, Mississippi.	
Send comments to The Honorable J.A. Cates, Mayor, Town of Southaven, City Hall, P.O. Box 425, Southaven, Mississippi 38671.	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
MISSOURI	
Cape Girardeau County	
Mississippi River:	
Downstream County boundary	*352
Upstream side of State Route 146	*356
Upstream County boundary	*370
Apple Creek:	
Approximately 2.7 miles downstream of U.S. Route 61	*388
Downstream corporate limits of Town of Appleton	*399
Upstream corporate limits of Town of Appleton	*403
Approximately 1.7 miles upstream of U.S. Route 61	*410
Byrd Creek:	
Approximately 1.5 miles downstream of State Route 72	*399
Upstream side of State Route 72	*406
Approximately 1,000 feet upstream of County Route 468	*418
Cape La Croix Creek:	
Approximately 0.5 mile downstream of State Route W	*391
Most upstream corporate limits of City of Jackson	*417
Approximately 0.4 mile upstream of most upstream corporate limits of City of Jackson	*426
Hubble Creek:	
Approximately 0.2 mile upstream of State Route Z	*379
Upstream side of County Route 324	*395
Confluence of Goose Creek	*401
Upstream side of Missouri Pacific Railroad bridge	*404
Approximately 0.4 mile upstream of confluence of Rocky Branch	*411
Goose Creek:	
Confluence with Hubble Creek	*401
Approximately 1.0 mile upstream of confluence with Hubble Creek	*416
Rocky Branch:	
Confluence with Hubble Creek	*405
Upstream side of State Route PP	*410
Downstream corporate limits of City of Jackson	*412
Williams Creek:	
Approximately 800 feet downstream of State Route K	*383
Upstream side of County Route 316	*398
Approximately 300 feet upstream of U.S. Route 61	*422
Approximately 300 feet upstream of Interstate Route 55	*443
Approximately 200 feet upstream of County Route 616	*490
Maps available for inspection at the County Planning and Zoning Office, Cape Girardeau County Courthouse, Jackson, Missouri.	
Send comments to The Honorable Gene Huckstep, Presiding Commissioner of the Cape Girardeau County Commission, Cape Girardeau County Courthouse, Jackson, Missouri 63755.	
NEW HAMPSHIRE	
Canaan (town), Grafton County	
Mascoma River:	
At downstream corporate limits	*806
Intersection of South Road and U.S. Route 4	*810
Downstream side of Boston and Maine Railroad (2nd upstream crossing)	*811
At Boston and Maine Railroad (3rd upstream crossing)	*826
At Boston and Maine Railroad (4th upstream crossing)	*843
At U.S. Route 4 (3rd upstream crossing)	*871
Approximately 0.8 mile upstream from U.S. Route 4 (3rd upstream crossing)	*873
Appleblossom Road extended to river bank	*876
Approximately 0.5 mile south on Switch Road from intersection of Switch Road and Canaan Center Hill Road	*881
Downstream side of Grafton Turnpike Road	*923
Downstream side of River Road	*961
Approximately 0.4 mile upstream of Lashua Road	*977
Indian River:	
At confluence with Mascoma River	*870
Upstream side of Gristmill Hill Road	*935
Upstream side of U.S. Route 4 (3rd upstream crossing)	*947
Upstream side of Orange Road	*954
Approximately 1 mile upstream of Orange Road	*956
At upstream side of Lary Road	*984
Approximately 1,450 feet downstream of State Route 118 (3rd upstream crossing)	*1,090
Upstream side of State Route 118 (3rd upstream crossing)	*1,110
At upstream corporate limits	*1,124
Goose Pond Brook:	
At confluence with Mascoma River	*808
Approximately 170 feet upstream of 2nd upstream crossing of Goose Pond Road	*811
Orange Brook:	
At confluence with Indian River	*948
Approximately 0.8 mile upstream of confluence with Indian River	*980
Maps available for inspection at the Selectmens' Office, Canaan, New Hampshire.	
Send comments to The Honorable Mary Hathorn, Chairlady of the Town of Canaan Board of Selectpeople, Grafton County, P.O. Box 38, Canaan, New Hampshire 03741.	
NEW YORK	
Lansing (village), Tompkins County	
Cayuga Lake: Entire shoreline within community	*386
Maps available for inspection at the Village Offices, 2405 North Triphammer Road, Ithaca, New York.	
Send comments to The Honorable Anne Furry, Mayor of the Village of Lansing, Tompkins County, Village Offices, 2405 North Triphammer Road, Ithaca, New York 14850.	
Sidney (town), Delaware County	
Susquehanna River:	
Approximately 140 feet downstream of the downstream corporate limits	*991
Approximately 200 feet upstream of Bridge Street	*1,014
Upstream side of Wells Bridge	*1,048
At upstream corporate limits	*1,053
Oulcout Creek:	
At confluence with Susquehanna River	*1,020
Upstream side of East Sidney Cemeterey Bridge	*1,076
Approximately 120 feet downstream of East Sidney Lake Dam	*1,103
At upstream corporate limits	*1,199
Maps available for inspection at the Town of Sidney Civic Center, Sidney, New York.	
Send comments to The Honorable Walter Johnson, Supervisor of the Town of Sidney, Delaware County, Civic Center, P.O. Box 296, Sidney, New York 13838.	
Sidney (village), Delaware County	
Susquehanna River:	
Downstream corporate limits	*986
Upstream corporate limits	*991
Maps available for inspection at the Civic Center, Sidney, New York.	
Send comments to The Honorable Elwood F. Davis, Mayor of the Village of Sidney, Delaware County, Civic Center, P.O. Box 60, Sidney, New York 13838.	
Unadilla (town), Otsego County	
Susquehanna River:	
Downstream corporate limits	*986
Upstream side of Main Street	*989
Downstream side of Railroad Bridge	*993
Approximately 50 feet upstream of Village of Unadilla downstream corporate limits	*1,009
Village of Unadilla upstream corporate limits	*1,020
At confluence of Sand Hill Creek	*1,040
Upstream corporate limits	*1,049
Unadilla River:	
At confluence with Susquehanna River	*986
At confluence of Rogers Hollow	*992
Downstream side of Batterson Road	*1,016
Approximately 125 feet upstream of upstream corporate limits	*1,020
Maps available for inspection at the Town Hall, 44 Main Street, Unadilla, New York.	
Send comments to The Honorable James S. Westcott, Supervisor of the Town of Unadilla, Otsego County, Town Hall, 44 Main Street, Unadilla, New York 13849.	
Unadilla (village), Otsego County	
Susquehanna River:	
Downstream corporate limits	*1,009
Upstream side of Bridge Street	*1,014
Upstream corporate limits	*1,020
Maps available for inspection at the Unadilla Village Hall, Clerk's Office, 70 Main Street, Unadilla, New York.	
Send comments to The Honorable Robert Conley, Supervisor of the Village of Unadilla, Otsego County, Village Hall, 70 Main Street, Unadilla, New York 13489.	
NORTH CAROLINA	
Onslow County (Unincorporated Areas)	
Bachelor's Delight Swamp/Tributary:	
About 0.52 mile downstream of State Road 1308	*11
Just downstream of State Road 1388	*31
Blue Creek:	
About 1.3 miles downstream of State Road 24	*7
About 1.14 miles upstream of State Road 1213	*19
Brinson Creek:	
About 1,150 feet downstream of Norfolk Southern Railway	*5
About 2,000 feet upstream of U.S. Route 17	*11
Cowford Branch:	
About 85 feet downstream of State Road 24	*45
Just downstream of State Road 24	*46
About 460 feet upstream of State Road 24	*51
Half Moon Creek:	
Just downstream of State Road 1308	*12
About 2,600 feet upstream of State Road 1308	*14
Half Moon Creek Tributary:	
About 1,250 feet downstream of State Road 1324	*13
Just upstream of State Road 1324	*15
Jenkins Swamp:	
About 3,600 feet downstream of State Road 1308	*26
Just downstream of State Road 1003	*55
Mill Swamp:	
About 3,000 feet downstream of State Road 1308	*26
About 900 feet upstream of State Road 1301	*61
Mott Creek:	
At mouth	*3
About 1.7 miles upstream of mouth	18
New River:	
About 1.4 miles downstream of confluence with Jenkins Swamp	*26
About 0.5 mile upstream of State Road 1235	*72
New River Tributary:	
At mouth	*51
Just downstream of State Road 1235	*75
North Branch at Lauradale Subdivision:	
About 3,500 feet upstream of mouth	*10
Just upstream of Ramsey Drive	*31
Northeast Creek/Wolf Swamp:	
About 1.5 miles downstream of confluence of Wolf Swamp	*14

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Just upstream of Seaboard Coast Line Railroad	*23
Rocky Run:	
About 1,600 feet downstream of State Road 1413	*14
Just upstream of State Road 1413	*16
Scales Creek:	
Just upstream of Florence Road	*4
About 1.3 miles upstream of Florence Road	*8
South Branch at Lauradale Subdivision:	
About 760 feet above mouth	*12
About 1,440 feet above mouth	*14
Atlantic Ocean:	
South of intersection of State Road 210 and Intracoastal Waterway	*7
Along shoreline at Bogue Inlet	*17
Atlantic Ocean/Stump Sound:	
Along western shore of Permuda Island	*7
At shoreline south of Thomas Log Road	*9
Atlantic Ocean/New River:	
At confluence of Goose Creek and New River	*3
At mouth of New River	*16
Atlantic Ocean/Bogue Sound:	
At south end of State Road 1511	*10
Bogue Inlet mouth at Atlantic Ocean	*17
Atlantic Ocean/White Oak River:	
North end of State Road 1448 at White Oak River	*8
At east end of Town of Swansboro	*10

Maps available for inspection at the County Planning Office, 25 Pallman Street, Jacksonville, North Carolina.

Send comments to The Honorable R.G. Leary, County Manager, Onslow County, 109 Old Bridge Street, Jacksonville, North Carolina 28540.

NORTH DAKOTA

Reiles Acres (city), Cass County

Sheyenne River:	
North of County Route 20	*894
Within corporate limits	*895

Maps are available for inspection at City Auditor's Office, Fargo, North Dakota.

Send comments to Mayor Harold Mertz, Rural Route 2, Box 236, Fargo, North Dakota 58108.

Watford City (city), McKenzie County

Cherry Creek:	
At the upstream side of bridge at S 7/18 R98W, T150N	*2,046
Upstream side of Highway 23 Bridge	*2,054
Upstream side of Highway 23 Bypass	*2,058
At the upstream extraterritorial limit	*2,062

Maps are available for inspection at Watford City Hall, 213 N.E. Second Street, Watford City, North Dakota.

Send comments to Mayor Don Hoffman, P.O. Box 494, Watford City, North Dakota.

OHIO

Tuscarawas County (unincorporated areas)

Broad Run:	
At mouth	*901
Just downstream of State Route 516	*928

Maps available for inspection at the Regional Planning Commission, County Office Building, New Philadelphia, Ohio.

Send comments to The Honorable William Winters, President, County Commissioners, Tuscarawas County, County Office Building, 172 North Broadway, New Philadelphia, Ohio 44663.

OKLAHOMA

Chandler (city), Lincoln County

Bell Cow Creek:	
Approximately 1,600 feet downstream of U.S. Route 66	*834
At Park Road	*841
Approximately 0.8 mile upstream of Park Road	*846
Chigger Creek:	
At confluence with Bell Cow Creek	*840
At 1st Street	*852
Approximately 160 feet upstream of Chigger Road	*868
Indian Creek:	
At Iowa Avenue	*849
Approximately 860 feet upstream of 8th Street	*898
Chuckaho Creek:	
Approximately 120 feet downstream of Section Road	*902
Approximately 0.9 mile upstream of Farm Pond Dam	*935

Maps available for inspection at 1001 Steel Avenue, Chandler, Oklahoma.

Send comments to The Honorable Eulah May Cross, Mayor of the City of Chandler, Lincoln County, 1001 Steel Avenue, Chandler, Oklahoma 74834.

McLoud (town), Pottawatomie County

North Canadian River:	
Approximately .9 mile downstream of downstream corporate limits	*1,044
Downstream corporate limits	*1,045
Approximately 200 feet downstream of State Route 102	*1,051
Upstream side of State Route 102	*1,055
At upstream corporate limits	*1,058
Wynnewood Creek:	
At confluence with North Canadian Road	*1,046
Approximately 140 feet downstream of State Route 102	*1,051
Downstream side of Chicago Rock Island and Pacific Railroad	*1,055
Downstream side of Hinkley Avenue	*1,067
Upstream side of U.S. Route 270	*1,077

Maps available for inspection at the Town Hall, McLoud, Oklahoma.

Send comments to The Honorable Charlie Williams, Mayor of the Town of McLoud, Pottawatomie County, P.O. Box 280, McLoud, Oklahoma 74851.

Wyandotte (town), Ottawa County

Wyandotte Ditch:	
At Pine Street	#1
At 3rd Street	#1

Maps available for inspection at the Town Hall, Wyandotte, Oklahoma.

Send comments to The Honorable Thomas Derwin, Mayor of the Town of Wyandotte, Ottawa County, P.O. Box 251, Wyandotte, Oklahoma 74370.

OREGON

Canyon City (city), Grant County

Canyon Creek:	
Approximately 920 feet downstream of the Inland Street Bridge	*3,139
Immediately upstream of the Inland Street Bridge	*3,145
Immediately upstream of the Nugget Street Bridge	*3,157
Immediately upstream of Main Street Bridge	*3,188
Approximately 240 feet upstream of the South Humboldt Bridge	*3,222

Maps are available for inspection at City Hall, 123 South Washington Street, Canyon City, Oregon.

Send comments to Mayor Reed Patterson, P.O. Box 81, Canyon City, Oregon.

Fairview (city), Multnomah County

Fairview Creek: 40 feet upstream from center of Matney Street Bridge	*140
Multnomah Drainage District No. 1 (Ponding): At Fairview Lake	*14

Maps are available for review at the Fairview City Hall, 300 Harrison Street, Fairview, Oregon 97024.

Send comments to the Honorable Marvin V. Woidyla, Mayor, City of Fairview, P.O. Box 337, Fairview, Oregon 97024.

Mount Vernon (city), Grant County

John Day River:	
Approximately 790 feet downstream of the confluence with Beech Creek	*2,834
Immediately upstream of the Ingle Creek Road Bridge	*2,840
Approximately 1,400 feet upstream of the Ingle Creek Road Bridge	*2,845
Beech Creek:	
Approximately 150 feet upstream of the confluence with John Day River	*2,837
Approximately 100 feet upstream of the John Day Highway Bridge	*2,860
Approximately 100 feet downstream of the upstream corporate limits	*2,894

Maps are available for inspection at Mt. Vernon Firehouse, Mt. Vernon, Oregon.

Send comments to Mayor Keith Bradley, P.O. Box 97, Mt. Vernon, Oregon 97865.

PENNSYLVANIA

Avondale (borough), Chester County

East Branch White Clay Creek:	
Downstream corporate limits	*268
Upstream side CONRAIL tracks	*275
Upstream corporate limits	*280
Trout Run:	
Confluence with East Branch White Clay Creek	*269
Upstream side of Filicot Avenue	*276
Upstream corporate limits	*282
Indian Run:	
Confluence with East Branch of White Clay Creek	*270
Upstream side of West State Street	*273
Approximately .3 mile upstream of West State Street	*275

Maps available for inspection at the Avondale Borough Building, Pomeroy Avenue, Avondale, Pennsylvania.

Send comments to The Honorable Betty Hallman, Secretary of the Borough of Avondale, Chester County, P.O. Box 247, Avondale, Pennsylvania 19311.

Canaan (township), Wayne County

Van Auken Creek:	
At downstream corporate limits	*1,159
Downstream side of Township Route 460	*1,202
Downstream side of Township Route 458	*1,218
Downstream side of Township Route 450	*1,248
Approximately 650 feet upstream of Township Route 450	*1,252

Maps are available for inspection at the Township Secretary's house, R.D. 2, Box 48, Waymart, Pennsylvania.

Send comments to The Honorable Lewis C. Henshaw, Chairman of the Township of Canaan Board of Supervisors, Wayne County, Waymart, Pennsylvania 18472.

Ceres (township), McKean County

Oswayo Creek:	
At downstream corporate limits	*1,437
Upstream side of State Route 44	*1,445
At upstream corporate limits	*1,471
Bell Run:	
At confluence with Oswayo Creek	*1,458
Approximately 250 feet upstream of State Route 44	*1,469
At upstream corporate limits	*1,523
Kings Run:	
At confluence with Oswayo Creek	*1,442

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Downstream side of Legislative Route 42029 (Barden Brook Road)	*1,468
Approximately 250 feet upstream of T-433 (Champlin Hollow Road)	*1,519
Maps available for inspection at the Ceres Township Building, Shinglehouse, Pennsylvania.	
Send comments to The Honorable Kenneth Herzog, Jr., Chairman of the Township of Ceres Board of Supervisors, McKean County, R.D. 2, Box 5340, Shinglehouse, Pennsylvania 16748.	
Cooper (township), Montour County	
Susquehanna River:	
At the downstream corporate limits	*464
At the upstream corporate limits	*470
Maps available for inspection at the Township Secretary's house, R.D. 4, Box 270, Danville, Pennsylvania.	
Send comments to The Honorable Harold M. Shultz, Chairman of the Township of Cooper Board of Supervisors, Montour County, Box 64, R.D. 5, Danville, Pennsylvania 17821.	
Dyberry (township), Wayne County	
Dyberry Creek:	
At downstream corporate limits	*969
At downstream side of General Edgar Jadwin Dam	*981
Maps available for inspection at the Township Secretary's house, R.D. 1, Box 1264, Honesdale, Pennsylvania.	
Send comments to The Honorable Rowland Bates, Chairman of the Township of Dyberry Board of Supervisors, Wayne County, R.D. 3, Box 1290, Honesdale, Pennsylvania 18431.	
Foxburg (borough), Clarion County	
Allegheny River:	
At downstream corporate limits	*873
Upstream side of State Route 58	*874
Upstream corporate limits	*876
Maps available for inspection with Sherri Gardner, Palmer Avenue, Foxburg, Pennsylvania.	
Send comments to The Hononrable James Page, Mayor of the Borough of Foxburg, Clarion County, Box 97, Foxburg, Pennsylvania 16036.	
Hamilton (township), Monroe County	
McMichael Creek:	
At downstream corporate limits	*458
At upstream side of first downstream crossing of Manor Drive	*473
At upstream side U.S. Route 209	*509
At upstream side Bush Lane	*515
At upstream side of first downstream crossing of Township Route 221	*567
At downstream side Legislative Route 45085	*620
Appenzell Creek:	
At confluence with McMichael Creek	*484
At Business Route 209	*538
Lake Creek:	
At confluence with McMichael Creek	*550
At Meadow Lake Road	*558
Kettle Creek:	
At confluence with Appenzell Creek	*493
Approximately 0.5 mile upstream of Legislative Route 164	*533
Maps available for inspection at the Hamilton Township Building, Sciota, Pennsylvania.	
Send comments to The Honorable Warren Kreske, Chairman of the Township of Hamilton Board of Supervisors, Monroe County, P.O. Box 285, Sciota, Pennsylvania 18354.	
Lewis (township), Union County	
Penns Creek:	
At downstream corporate limits	*543

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Approximately .9 mile upstream of downstream corporate limit	*551
Approximately 100 feet downstream of Mill Dam	*562
At upstream corporate limits	*571
Maps available for inspection at the home of Kalen L. Walters, Secretary of the Township of Lewis, R.D. 1, Box 3804, Mifflinburg, Pennsylvania.	
Send comments to The Honorable Kenneth T. Shuck, Chairman of the Board of Supervisors for the Township of Lewis, Union County, R.D. 1, Mifflinburg, Pennsylvania 17844.	
Lynn (township), Lehigh County	
Ontelaunee Creek:	
Approximately 210 feet downstream of downstream corporate limits	*424
Upstream side of State Route 863	*465
Upstream side of Ulrich Road	*495
Approximately 0.2 mile upstream of Mosserville Road	*542
School Creek:	
At confluence with Ontelaunee Creek	*525
Approximately 280 feet upstream of second crossing of State Route 143	*565
Maps available for inspection at the Zoning Office, 32 Madison Street, New Tripoli, Pennsylvania.	
Send comments to The Honorable Harold Rex, Chairman of the Township of Lynn Board of Supervisors, Lehigh County, R.D. 1, Box 93A, New Tripoli, Pennsylvania 18066.	
Madison (township), Clarion County	
Allegheny River:	
At confluence of Redbank Creek	*836
At confluence of Catfish Run	*848
At upstream corporate limits	*854
Maps available for inspection at Township Supervisor's home, R.D. 2, Rimersburg, Pennsylvania.	
Send comments to The Honorable Richard McNaughton, Supervisor of the Township of Madison, Clarion County, R.D. 2, Rimersburg, Pennsylvania 16248.	
Mayberry (township), Montour County	
Susquehanna River:	
At downstream corporate limits	*464
At upstream corporate limits	*467
Roaring Creek:	
At confluence with Susquehanna River	*467
Upstream side of Old Concrete Dam	*481
Approximately .57 mile upstream of Old Concrete Dam	*496
Approximately .83 mile downstream of upstream corporate limits	*511
At upstream corporate limits	*525
Approximately 200 feet upstream of corporate limits	*526
Maps available for inspection at the the home of Norma A. Bird, Secretary for the Township of Mayberry, Montour County, R.D. 5, Box 281, Danville, Pennsylvania.	
Send comments to The Honorable David E. Bird, Chairman of the Board of Supervisors for the Township of Mayberry, Montour County, R.D. 2, Box 305, Catawissa, Pennsylvania 17820.	
Modena (borough), Chester County	
West Branch Brandywine Creek:	
Approximately 90 feet downstream of downstream corporate limits	*270
Upstream side of Union Street	*277
Approximately 150 feet upstream of upstream corporate limits	*284

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at the Borough Secretary's Office, Baker Street, Modena, Pennsylvania.	
Send comments to The Honorable Clayton Ayres, President of the Borough of Modena Council, Chester County, Baker Street, P.O. Box 145, Modena, Pennsylvania 19358.	
Monroe (township), Juniata County	
Stony Run:	
Downstream corporate limits	*585
Approximately 615 feet upstream of Legislative Route 34011	*628
West Branch Mahantango Creek:	
Approximately 1.0 mile downstream of Legislative Route 34017	*540
Approximately 90 feet upstream of Legislative Route 34017	*559
Approximately 240 feet downstream of Legislative Route 34010	*618
Approximately 1,150 feet upstream of Church Road	*646
Approximately 280 feet upstream of Township Route 306	*665
Maps available for inspection at the Township Secretary's Office, Star Route, Richfield, Pennsylvania.	
Send comments to The Honorable David Leister, Chairman of the Township of Monroe Board of Supervisors, Juniata County, HC7-63, Richfield, Pennsylvania 17086.	
Parker City (city), Armstrong County	
Allegheny River:	
At downstream corporate limits	*866
Approximately 2,250 feet upstream of downstream corporate limits	*867
Approximately 2,600 feet downstream of State Route 368	*868
At upstream corporate limits	*869
Maps available for inspection at the Parker City Secretary's home, Division Avenue, R.D. 2, Parker, Pennsylvania.	
Send comments to The Honorable Dean K. Shakley, Mayor of the City of Parker City, Armstrong County, P.O. Box 185, Parker, Pennsylvania 16049.	
Pillow (borough), Dauphin County	
Mahantango Creek:	
Downstream corporate limits	*471
Upstream corporate limits	*486
Maps available for inspection at Ted Keck's Residence, Borough Secretary, Mill Street, Pillow, Pennsylvania.	
Send comments to The Honorable Joe Reed, Council President of the Borough of Pillow, Dauphin County, Pillow, Pennsylvania 17080.	
Polk (township), Monroe County	
Pohopoco Creek:	
At downstream corporate limits	*651
Approximately 100 feet upstream of Whitey Road	*654
At downstream side of U.S. Route 209	*672
At upstream side of Silver Spring Boulevard	*680
At downstream side of Green Hill Road	*685
Approximately .9 mile downstream of Mill Pond Road	*690
At upstream corporate limits	*704
Dotters Creek:	
At confluence with Pohopoco Creek	*676
At confluence with Middle Creek	*708
Approximately .4 mile upstream of State Route 534	*743
Approximately 200 feet upstream of Mertz Road	*846
At downstream side of Smith Road	*890
At upstream side of Hell Hollow Road	*937

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Approximately .3 mile upstream of Hell Hollow Road	*957
Middle Creek:	
At confluence with Dotters Creek	*708
At upstream side of Whispering Pine Road	*759
At upstream side of Evergreen Road	*789
Approximately .5 mile upstream of Middle Creek Road	*820
Approximately 500 feet upstream of Dorshimer Road	*868
Weir Creek:	
At confluence with Pohopoco Creek	*693
At downstream side of Weir Mountain Road	*695
At upstream corporate limits	*696

Maps available for inspection at the Polk Township Building, Kreskeville, Pennsylvania.

Send comments to The Honorable Clifford A. Woodringer, Chairman of the Township of Polk Board of Supervisors, Monroe County, R.D. Robin Hood Lakes, Kunkletown, Pennsylvania 18058.

Rainelle (town), Greenbrier County

Sewell Creek/Little Sewell Creek:	
At downstream of downstream corporate limits	*2,393
Upstream side of U.S. Route 60/State Route 20	*2,395
At upstream of upstream corporate limits	*2,396

Maps available for inspection at the Town Hall, Rainelle, West Virginia.

Send comments to The Honorable John A. Hill, Mayor of the Town of Rainelle, Greenbrier County, P.O. Box 648, Rainelle, West Virginia 25962.

Standing Stone (township), Bradford County

Susquehanna River:	
Approximately 3,300 feet upstream of confluence of King Creek	*701
Approximately 400 feet upstream of corporate limits	*708

Maps available for inspection at the Township Secretary's Home, R.D. # 3, Waytusing, Pennsylvania.

Send comments to The Honorable Rexford Schoonover, Chairman of the Township of Standing Stone Board of Supervisors, Bradford County, R.D. 2, Wysox, Pennsylvania 18854.

St. Clair (township), Westmoreland County

Tubmill Creek:	
At the downstream corporate limits	*1,121
Approximately 1,150 feet upstream of State Route 711	*1,140
Approximately 1.6 mile upstream of State Route 711	*1,205
Approximately 0.43 mile downstream of Tubmill Dam	*1,255
Downstream side of Tubmill Dam	*1,295
Conemaugh River:	
At the downstream corporate limits	*1,061
At the confluence of Shannon Run	*1,064
At the confluence of Baldwin Creek	*1,076
At Penelec Dam	*1,096
Approximately 2.2 miles upstream of State Routes 711 and 56	*1,120
At the upstream corporate limits	*1,137
Shannon Run:	
At confluence with Conemaugh River	*1,064
Approximately 1,190 feet upstream of State Route 711	*1,115
Approximately 0.9 mile upstream of State Route 711	*1,176
Baldwin Creek:	
At the confluence with Conemaugh River	*1,076
Approximately 0.50 mile upstream of State Route 711	*1,117
At the upstream side of Town Route 899	*1,199
Approximately 0.36 mile upstream of Town Route 899	*1,198
Approximately 0.21 mile upstream of Town Route 962	*1,256

Maps available for inspection at the Township Building, Seward, Pennsylvania.

The Honorable David R. Heming, Chairman of the Township of St. Clair Board of Supervisors, Westmoreland County, R.D. 1, New Florence, Pennsylvania 15944.

Texas (township), Wayne County

Lackawaxen River:	
At downstream corporate limits	*927
Approximately 1.5 miles upstream of downstream corporate limits	*937
At confluence of Indian Orchard Brook	*939
Approximately .7 mile upstream of confluence with Holbert Creek	*947
At downstream Honesdale corporate limits	*952
At upstream Honesdale corporate limits	*983
Approximately .5 mile downstream of dam	*995
Approximately 100 feet upstream of dam	*1,034
At upstream side of Bear Swamp Road	*1,048
At upstream corporate limits	*1,076
Indian Orchard Brook:	
At confluence with Lackawaxen River	*939
At downstream side of U.S. Route 6	*956
At downstream side of State Route 652	*969
At upstream corporate limits	*981

Maps available for inspection at the Township Building, Willow Avenue, Honesdale, Pennsylvania.

Send comments to The Honorable John McDonald, Chairman of the Township of Texas Board of Supervisors, Wayne County, Sellyville Star Route, Honesdale, Pennsylvania 18431.

Ulster (township), Bradford County

Susquehanna River:	
Downstream corporate limits	*729
Downstream side of L.R. 08073	*737
Upstream corporate limits	*750

Maps available for inspection at the Township Building, Ulster, Pennsylvania.

Send comments to The Honorable Edward Lenox, Chairman of the Township of Ulster Board of Supervisors, Bradford County, R.D. 2, Ulster, Pennsylvania 18850.

Washington (township), Dauphin County

Wiconisco Creek:	
At downstream corporate limits	*469
Approximately 375 feet upstream of U.S. Route 209	*474
Approximately 873 feet downstream of State Route 225	*514
Approximately 1,640 feet upstream of State Route 225	*520
Approximately 160 feet downstream of Motter Road	*554
Approximately 240 feet upstream of Legislative Route 22035	*577

Maps available for inspection at the Township Building, Manors Road, Washington, Pennsylvania.

Send comments to The Honorable Ken Rose, Chairman of the Township of Washington Board of Supervisors, Dauphin County, P.O. Box 131, Elizabethville, Pennsylvania 17023.

West Buffalo (township), Union County

Buffalo Creek:	
At downstream corporate limits	*528
Upstream side of LR 59017	*538
At upstream corporate limits	*541
North, Branch Buffalo Creek:	
At confluence with Buffalo Creek	*538
Downstream side of T-357	*570
Approximately 225 feet upstream of T-359	*599

Maps available for inspection at the home of Robert E. Valentine, Township Secretary, R.D. 3, Mifflinburg, Pennsylvania.

Send comments to The Honorable Gregory J. Youtz, Chairman of the Board of Supervisors for the Township of West Buffalo, Union County, R.D. #1, Mifflinburg, Pennsylvania 17844.

West Vincent (township), Chester County

Birch Run:	
Approximately 700 feet downstream of Birchrunville Road	*291
Downstream side of Birch Run Road	*312
Upstream side of upstream dam	*335
500 feet upstream of upstream dam	*341
French Creek:	
Downstream corporate limits	*149
150 feet downstream of French Creek Road	*176
Downstream side of Hollow Road	*209
Approximately 100 feet downstream of Saw Mill Road	*229
At upstream corporate limits	*249

Maps available for inspection at the Township Building, School House Lane, Chester Springs, Pennsylvania.

Send comments to The Honorable Lenore Richards, Supervisor for the Township of West Vincent, R.D. 2, Chester County, Chester Springs, Pennsylvania 19425.

TENNESSEE

Lauderdale County (unincorporated areas), (FEMA Docket No. 6719)

Hyde Creek:	
At mouth	*317
Just downstream of Dam #19	*341
Just upstream of Dam #19	*354
Just downstream of Willie Paris Road	*365
Cane Creek:	
About 1.1 miles downstream of State Route 371	*254
Just downstream of U.S. Route 51	*323
Just upstream of U.S. Route 51	*331
Just downstream of Dam #15	*350
Just upstream of Dam #15	*360
Just downstream of State Route 19	*367
North Creek:	
Just downstream of Gum Flat Road	*272
Just downstream of Illinois Central Gulf Railroad	*294
Sumrow Creek:	
Just upstream of County Route 8216	*238
Just downstream of Smith Road	*324
Tisdale Creek:	
Just upstream of County Route 8216	*268
Just downstream of Heathcock Road	*325
Henning Creek:	
About 0.4 mile downstream of Lovelace Crossing Road	*257
Just downstream of State Route 209	*296
Mississippi River:	
About 0.5 mile downstream of confluence of Hatchie River	*249
About 1.0 mile upstream of confluence of Obion River	*269

Maps available for inspection at the County Courthouse, Ripley, Tennessee. Send comments to The Honorable William Tucker, County Executive, Lauderdale County, County Courthouse, Ripley, Tennessee 38063.

TEXAS

Cross Roads (town), Denton County

Lewisville Lake: Upstream and downstream corporate limits	*537

Maps available for inspection at Jim Cundall's Violin Shop, Mosley Road, Aubrey, Texas.

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Send comments to The Honorable Mark Coats, Mayor of the Town of Cross Roads, Denton County, Route 3, Box 453, Aubrey, Texas 76227.	
Dayton (city), Liberty County	
Trinity River:	
Southeast corner of community	*28
Northeast corner of community	*29
Maps available for inspection at the City Hall, 111 North Church Street, Dayton, Texas.	
Send comments to The Honorable William Moreau, Mayor of the City of Dayton, 111 North Church Street, Dayton, Texas 77535.	
First Colony Levee Improvement District, Fort Bend County	
Brazos River:	
On West side of levee along Steep Bank Creek	*69
Oyster Creek:	
At downstream corporate limits	*67
Approximately 950 feet upstream of Blair Road	*69
Maps available for inspection at VanSickle, Mickelson, and Klein, Inc., 7500 San Felipe, Suite 700, Houston, Texas.	
Send comments to Mr. Melvin Pomikal, Administrative Officer for First Colony Levee Improvement District, Fort Bend County, VanSickle, Mickelson, and Klein, Inc., 7500 San Felipe, Suite 700, Houston, Texas 77063.	
Fort Worth (city), Tarrant County	
Benbrook Lake: Entire shoreline within community	*715
Eagle Mountain Lake: Entire shoreline within community	*657
Lake Worth: Entire shoreline within community	*600
Marine Creek Lake: Entire shoreline within community	*698
Cement Creek Reservoir:	
Downstream of Interstate 820 (Jim Wright Freeway)	*685
Upstream of Interstate 820 (Jim Wright Freeway)	*691
Lake Arlington: Entire shoreline within community	*564
Big Fossil Creek:	
At confluence with West Fork Tributary River	*500
Approximately 400 feet upstream of Midway Road	*505
At confluence of Stream BFC-1	*578
Approximately 150 feet upstream of Watauga-Saginaw Road	*606
Approximately 0.77 mile downstream of confluence of Stream BFC-3	*621
Approximately 1.15 miles upstream of confluence of Stream BFC-3	*660
Approximately 200 feet upstream of Walnut Lake Dam	*697
Approximately 0.4 mile upstream of Channel Dam	*711
Approximately 1.14 miles upstream of Channel Dam	*730
Stream BFC-1:	
At confluence with Big Fossil Creek	*578
Upstream side of Wautauga Road	*599
Approximately 500 feet upstream of second corporate limits crossing	*600
At upstream side of Basswood Boulevard	*617
Approximately 0.42 mile upstream of Basswood Boulevard	*626
Stream BFC-2:	
At confluence with Big Fossil Creek	*585
Approximately 200 feet upstream of Watauga-Saginaw Road	*597
Approximately 800 feet downstream of Old Denton Road	*610
Approximately 100 feet downstream of Old Denton Road	*614
Approximately 0.53 mile upstream of Interstate Route 35	*660
Approximately 700 feet upstream of U.S. Route 287	*677

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Stream BFC-2A:	
At confluence with Stream BFC-2	*633
Approximately 300 feet upstream of upstream corporate limits	*658
Stream BFC-3:	
At confluence with Big Fossil Creek	*636
Approximately 1.0 mile upstream of confluence with Big Fossil Creek	*660
Approximately 620 feet upstream of Harmon Road	*692
Stream BFC-4:	
At confluence with Big Fossil Creek	*667
Approximately 260 feet upstream of Hicks Road	*733
Approximately 400 feet upstream of Interstate Route 287	*736
Stream BFC-4A:	
At confluence with Stream BFC-4	*685
Upstream side of most upstream crossing of FM 156	*703
Approximately 400 feet downstream of Interstate 287	*717
Approximately 350 feet upstream of Interstate 287	*726
Little Fossil Creek:	
At confluence with Big Fossil Creek	*503
At upstream side of Beach Street	*560
Upstream side of Sylvania Avenue	*592
Upstream side of North Frontage Road Interstate 820	*629
Approximately 1,850 feet upstream of Cantrell-Sansom Road	*652
Stream LFC-2:	
At confluence with Little Fossil Creek	*589
Approximately 0.5 mile upstream of Leamside Drive	*611
Approximately 75 feet downstream of Jim Wright Freeway	*620
Whites Branch:	
At most downstream corporate limits	*583
Approximately 50 feet upstream of most upstream corporate limits	*667
Stream WB-1:	
At confluence with Whites Branch	*649
Approximately 50 feet upstream of upstream corporate limits	*666
Clear Fork Trinity River:	
At confluence with West Fork Trinity River	*537
At downstream side of Old Vickery Street	*550
Approximately 200 feet upstream of Bryant-Irvin Road	*590
At confluence of Stream CF-6	*617
Approximately 1.3 miles upstream of the confluence of Stream CF-6	*621
Stream CF-2:	
At confluence with Clear Fork Trinity River	*570
At upstream side of second crossing of Southern Pacific Railroad	*580
Approximately 0.8 mile upstream of Vickery Boulevard	*613
Stream CF-3:	
Approximately 100 feet downstream of South Boulevard	*577
At upstream side of Overton Park Drive East	*622
Approximately 300 feet upstream of Trail Lake Drive	*667
Stream CF-3A:	
At confluence with Stream CF-3	*607
Approximately 0.2 mile upstream of Overton Road	*619
Approximately 0.5 mile upstream of Overton Road	*640
Stream CF-3B:	
At confluence with Stream CF-3	*617
Approximately 80 feet upstream of Bilgrade Road	*666
Stream CF-5:	
At confluence with Clear Fork Trinity River	*594
At upstream side of Bryant-Irvin Road	*607
At upstream side of second crossing of Interstate Route 20	*643
Approximately 1.8 miles upstream of second crossing of Interstate Route 20	*705
Stream CF-6:	
At confluence with Clear Fork Trinity River	*618

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Approximately 1.8 miles above confluence with Clear Fork Trinity River	*663
Howards Branch:	
At confluence with Clear Fork Trinity River	*562
At upstream side of Mockingbird Lane	*567
Approximately 0.4 mile above Lynncrest Court	*569
Stream HB-1:	
At confluence with Howards Branch	*564
At upstream side of Colonial Parkway	*577
Approximately 100 feet upstream of North Bellaire Drive	*606
Marine Creek:	
At confluence with West Fork Trinity River	*529
At confluence of Cement Creek	*579
At downstream face of Marine Creek Lake Dam	*642
At upstream corporate limits	*698
Marine Creek Split Flow:	
At confluence with Marine Creek	*533
At origin of Split Flow into Commerce Street	*545
Stream MC-1:	
At confluence with Marine Creek	*530
Upstream side of Northeast 29th Street	*585
Approximately 1,800 feet upstream of Northeast 33rd Street	*625
Stream MC-2:	
At confluence with Marine Creek Lake	*698
Approximately 1.1 miles upstream of confluence with Marine Creek Lake	*705
Cement Creek:	
At confluence with Marine Creek	*579
Downstream side of Cement Creek Reservoir Dam	*645
At upstream corporate limits	*691
Marys Creek:	
At confluence with Clear Fork Trinity River	*607
Upstream side of Old Benbook Road	*634
At confluence of Stream MSC-2	*679
At confluence of South Marys Creek	*710
Approximately 300 feet upstream of upstream corporate limits	*739
Stream MSC-1:	
Upstream side of Interstate Highway 820	*682
Approximately 100 feet upstream of Almeda Street	*721
Stream MSC-2:	
At confluence with Marys Creek	*679
Approximately 1,100 feet upstream of Chapin School Road	*723
Stream MSC-3:	
At confluence with Marys Creek	*725
At upstream corporate limits	*738
South Marys Creek:	
Approximately 100 feet downstream of downstream corporate limits	*739
At upstream corporate limits	*773
Walnut Creek:	
At confluence with Marys Creek	*634
Upstream side of Aledo Road	*685
Approximately 2.6 miles upstream of Aledo Road	*759
Sycamore Creek:	
At confluence with West Fork Trinity River	*514
At confluence of Stream SC-3	*561
Upstream side of Texas and Pacific Railroad	*620
At confluence of Edgecliff Branch	*652
Upstream side of Missouri Pacific Railroad	*716
At most upstream corporate limits	*773
Stream SC-1:	
At confluence with Sycamore Creek	*527
Upstream side of Conner Road	*547
Approximately 950 feet upstream of Collard Street	*603
Stream SC-2:	
At confluence with Sycamore Creek	*528
Approximately 1,000 feet downstream of Vickery Boulevard	*544
Approximately 100 feet upstream of Texas and Pacific Railroad	*579
Stream SC-3:	
At confluence with Sycamore Creek	*561
Approximately 300 feet upstream of Glen Gardens Drive	*602
Stream SC-5:	
At confluence with Sycamore Creek	*584

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Upstream side of Missouri Pacific Railroad	*616
Approximately 1,350 feet upstream of Drew Street	*631
Stream SC-6:	
At confluence with Sycamore Creek	*649
Upstream side of Edgecliff Road	*668
Approximately 130 feet upstream of Gravel Road	*692
Stream SC-7:	
At confluence with Sycamore Creek	*699
Approximately 1,000 feet upstream of Cunningham Avenue (South Worth Road)	*762
Approximately 0.9 mile upstream of the most upstream corporate limits	*787
Edgecliff Branch:	
At confluence with Sycamore Creek	*652
Upstream side of Alta Mesa Boulevard Westbound	*734
Approximately 0.4 mile upstream of Woodway Drive	*779
West Fork Trinity River:	
At most downstream corporate limits	*454
Approximately 1,350 feet upstream of State Route 360	*462
Approximately 7.5 miles upstream of State Route 360	*476
At Precinct Line Road	*483
Approximately 500 feet upstream of Handley Ederville Road	*500
Upstream side of East 1st Street	*511
Approximately 800 feet downstream of St. Louis Southwestern Railroad	*539
Approximately 300 feet upstream of Meandering Road	*561
Approximately .8 mile upstream of State Route 199	*600
At downstream face of Eagle Mountain Dam	*657
Stream WF-1:	
At confluence with West Fork Trinity River	*488
At upstream side of most downstream crossing of Randol Mill Road	*508
At confluence of Stream WF-1A	*538
Stream WF-1A:	
At confluence with Stream WF-1	*538
Approximately 1,400 feet upstream of confluence with WF-1	*543
Stream WF-1B:	
At confluence with Stream WF-1	*538
Approximately 0.76 mile upstream of confluence	*570
Stream WF-2:	
At confluence with West Fork Trinity River	*504
At downstream side of Interstate Route 30	*521
Approximately 1.3 miles upstream of Interstate 30	*581
Stream WF-3:	
At confluence with West Fork Trinity River	*506
Approximately 120 feet downstream of Randol Mill Road	*518
At upstream side of White Lake Dam	*557
At upstream side of Interstate Route 30	*578
Approximately 1,000 feet upstream of Fossil Lake Dam	*601
Stream WF-4:	
At confluence with West Fork Trinity River	*527
At upstream side of Dewey Street	*565
At upstream side of Long Avenue	*610
At upstream side of Deridder Road	*657
Stream WF-5:	
At confluence with West Fork Trinity River	*543
At upstream side of Ohio Garden Road	*546
Approximately 700 feet upstream of Long Avenue	*594
Stream WF-7:	
At confluence with West Fork Trinity River	*602
At upstream side of Shoreline Road	*603
Approximately 1,900 feet upstream of Shoreline Road	*612
Approximately 1,340 feet downstream of Nine Mile Azle Road	*624
Approximately 500 feet upstream of Nine Mile Azle Road	*634
Stream WF-7A:	
At confluence with Stream WF-7	*603
At upstream corporate limits	*629

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Stream WF-9:	
At confluence with West Fork Trinity River	*492
At upstream side of Interstate Route 820	*505
Approximately 1,600 feet upstream of Interstate 820	*514
Stream WF-10:	
At confluence with West Fork Trinity River	*551
Approximately 470 feet upstream of Burton Hill Road	*558
At upstream side of Roaring Springs Road	*599
Boyd Branch:	
At downstream corporate limits	*486
At upstream side of Pipeline Road	*515
Calloway Branch:	
At confluence with Walker Branch	*507
Approximately 130 feet upstream of abandoned railroad	*512
Dry Branch:	
At confluence with West Fork Trinity River	*509
At upstream side of State Route 121	*549
At upstream side of Aster Avenue	*575
Approximately 0.31 mile upstream of Hollis Street	*593
Farmers Branch:	
At downstream corporate limits	*719
At upstream side of Academy Boulevard	*751
Approximately 0.31 mile upstream of Little Fox Lane	*789
Hurricane Creek:	
At downstream corporate limits	*479
Approximately 100 feet upstream of South Pipeline Road	*501
Kings Branch:	
At downstream corporate limits	*595
At upstream side of Green Oaks Road	*622
Approximately 0.45 mile upstream of Ridgmar Meadow Road	*651
Live Oak Creek:	
At confluence with Lake Worth	*600
At downstream side of Silver Creek Road	*607
Approximately 200 feet upstream of corporate limits	*655
Lorean Branch:	
At confluence with Walker Branch	*485
Approximately 0.41 mile upstream of Trinity Boulevard	*503
Silver Creek:	
At confluence with Lake Worth	*600
Approximately 90 feet upstream of Silver Creek Road	*613
Sulphur Branch:	
At confluence with Walker Branch	*478
At upstream corporate limits	*482
Valley View Branch:	
At confluence with Walker Branch	*483
At upstream side of Trinity Boulevard	*490
At upstream corporate limits	*502
Walker Branch:	
At downstream corporate limits	*478
At upstream side of downstream crossing of Trinity Boulevard	*479
At upstream side of Norwood Drive	*487
At upstream side of Precinct Line Road	*505
At upstream corporate limits	*512
Village Creek:	
At confluence with West Fork Trinity River	*479
Approximately 500 feet upstream of Interstate Route 30	*484
Approximately 1,400 feet upstream of confluence of Rush Creek	*492
At confluence of South Creek	*578
Approximately 1.1 miles downstream of most upstream corporate limits	*659
At most upstream corporate limits	*670
Stream VC-1:	
At confluence with Lake Arlington	*564
Approximately 2,000 feet downstream of Carey Road	*582
Approximately 70 feet upstream of Freshfield Road	*606
Stream VC-2:	
At confluence with Lake Arlington	*564
Approximately 120 feet upstream of Mansfield Highway	*643

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Stream VC-5:	
At downstream corporate limits	*655
Approximately 1,100 feet upstream of Oak Grove Road	*689
Stream VC-6:	
Approximately 860 feet downstream of Oak Grove East Road	*647
Approximately 100 feet upstream of Stone Road	*689
Stream VC-7:	
At downstream corporate limits	*649
Approximately 150 feet upstream of most upstream dam	*680
Chambers Creek:	
At confluence with Village Creek	*580
Upstream side of Anglin Drive	*594
Approximately 920 feet upstream of third upstream corporate limits crossing	*611
Downstream side of Rendon Drive	*626
Cottonwood Creek:	
At confluence with Village Creek	*479
Upstream side of Bentley Village Parkway	*494
Upstream side of Brentwood Stair Road	*518
Upstream side of Sandy Lane	*569
Approximately 870 feet upstream of Milam Street	*600
Deer Creek:	
Approximately 1,740 feet downstream of Forest Hill-Everman Road	*637
Approximately 0.5 mile upstream of Missouri, Kansas and Texas Railroad	*690
Elm Branch:	
Approximately 100 feet downstream of Rendon-New Hope Road	*668
Approximately 1,500 feet upstream of Rendon-New Hope Road	*671
North Fork Chambers Creek:	
At downstream corporate limits	*655
Approximately 70 feet upstream of Oak Grove Road	*683
South Creek:	
At confluence with Village Creek	*578
Approximately 0.7 mile upstream of confluence with Village Creek	*587
South Fork Chambers Creek:	
Approximately 650 feet downstream of Christopher Street	*661
Approximately 1,170 feet upstream of Oak Grove Road	*685
Wildcat Branch:	
At confluence with Lake Arlington	*564
Upstream side of Dillard Street	*598
Approximately 0.5 mile upstream of Village Creek Road	*620
Stream WC-1:	
At confluence with Wildcat Branch	*564
Approximately 650 feet upstream of Ramey Avenue	*603
Bear Creek:	
Approximately 710 feet downstream of Alta Vista Road	*722
Approximately 300 feet upstream of Golden Triangle Spur	*772

Maps available for inspection at the City Hall, Development Activities Division, 1000 Throckmorton, Fort Worth, Texas.

Send comments to Mr. Gary Santerre, Director of Transportation and Public Works for the City of Fort Worth, 1000 Throckmorton, Fort Worth, Texas 76102.

Haskell (city), Haskell County

Rice Springs Branch:	
Downstream corporate limits	*1,559
Downstream side of Avenue H	*1,580
Upstream corporate limits	*1,593
Stream RS-1:	
Confluence with Rice Springs Branch	*1,562
Upstream side of North 2nd Street	*1,580

Maps available for inspection at City Hall, 307 North 1st Street, Haskell, Texas.

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Send comments to The Honorable Robert Baker, Haskell City Manager, Haskell County, 307 North 1st Street, Haskell, Texas 79521.	
Liberty (city), Liberty County	
Trinity River:	
At downstream corporate limits	*25
Downstream side of U.S. Route 90	*28
Approximately 4.0 miles upstream of upstream corporate limits	*33
Maps available for inspection at the City Hall, 1829 Sam Houston Street, Liberty, Texas 77575.	
Send comments to The Honorable Scott Parker, Mayor of the City of Liberty, Liberty County, City Hall, 1829 Sam Houston Street, Liberty, Texas 77575.	
Liberty County	
Marsh Branch:	
At confluence with Tarkington Bayou	*114
At State Routes 105 and 321	*127
At downstream crossing of Pelican Road	*131
At upstream side of FM 787	*149
Approximately 1.4 miles upstream of Atchison, Topeka & Santa Fe Railway	*159
Marsh Branch Tributary No. 1:	
At confluence with Marsh Branch	*146
At downstream side of Atchison, Topeka & Santa Fe Railway	*153
Approximately 1.1 miles upstream of Atchison, Topeka & Santa Fe Railway	*158
Menard Creek:	
At confluence with Trinity River	*78
At access road approximately 2.3 miles downstream of State Route 146	*86
At State Route 146	*96
At access road approximately 1.9 miles upstream of State Route 146	*102
At upstream County boundary	*119
Reese Bayou:	
At confluence with Tarkington Bayou	*142
At upstream side of FM 787	*150
At downstream side of Lilley Avenue	*156
At downtream side of southbound U.S. Route 59	*159
At upstream County boundary	*168
Tarkington Bayou:	
At confluence with Luce Bayou	*92
At access road approximately 4.4 miles upstream of confluence with Luce Bayou	*98
At confluence of Marsh Branch	*114
At downstream side of Gulf Road	*120
At upstream side of State Routes 321 and 105	*134
At confluence of Reese Bayou	*142
At upstream side of Atchison, Topeka & Santa Fe Railway	*149
At upstream County boundary	*160
Trinity River:	
At downstream County boundary	*15
At upstream side of Missouri Pacific Railroad	*35
At upstream side of State Route 105	*54
Approximately 500 feet upstream of confluence of Menard Creek	*78
Turtle Bayou:	
Approximately 0.6 mile downstream of Old Railroad Embankment	*30
At access road approximately 3.7 miles upstream of Old Railroad Embankment	*41
Approximately 4.6 miles upstream of Old Railroad Embankment	*44
Twin Ditches:	
Approximately 0.7 mile downstream of Atascocita Road	*61
Approximately 1.2 miles upstream of Atascocita Road	*66
Uppper East-Twin Ditch:	
At confluence with Twin Ditches	*66
Approximately 85 feet upstream of access road	*73
East-West Dayton Ditch:	
Approximately 100 feet upstream of FM 1960	*78
Approximately 1.4 miles upstream of FM 1960	*82
West-West Dayton Ditch:	
Approximately 100 feet upstream of FM 1960	*77
Approximately 1.4 miles upstream of FM 1960	*82
Whiskey Branch:	
At confluence with East Fork San Jacinto River	*126
At upstream side of State Route 105	*133
At upstream side of access road approximately 0.3 mile downstream of County boundary	*149
At upstream County boundary	*151
Willow Creek:	
Approximately 2.4 miles downstream of Hogpen Road	*44
At Hogpen Road	*48
Approximately 2.3 miles upstream of confluence of Bull Tongue Creek	*54
Batiste Creek:	
At confluence with Willow Creek	*49
Approximately 1.8 miles upstream of confluence with Willow Creek	*54
Bull Tongue Creek:	
At confluence with Willow Creek	*50
Approximately 0.9 mile upstream of confluence with Willow Creek	*50
Cedar Bayou:	
At southernmost County boundary	*37
Downstream side of Southern Pacific Railroad	*56
At County boundary approximately 0.4 mile upstream of Crosby-Eastgate Road	*64
Approximately 900 feet upstream of Huffman Road	*71
Approximately 0.8 mile upstream of access road approximately 5.5 miles of Huffman Road	*82
Cow Branch:	
At confluence with East Fork San Jacinto River	*100
Approximately 300 feet downstream of upstream County boundary	*111
East Fork San Jacinto River:	
Approximately 0.8 mile downstream of first downstream County boundary	*84
At County boundary approximately 1.4 miles downstream of FM 2090	*93
At confluence of Cow Branch	*100
Downstream side of Southern Pacific Railroad	*121
Downstream side of State Route 105	*132
At upstream County boundary	*142
Hickory Island Gully:	
Approximately 100 feet upstream of County boundary	*36
Approximately 4.2 miles upstream of Hatcherville Road	*53
Luce Bayou:	
At County boundary	*67
Approximately 4.6 miles upstream of County boundary	*80
At confluence with Tarkington Bayou	*92
Approximately 3.2 miles upstream of State Route 321	*103
Downstream side of FM 1008	*114
Maps available for inspection at 2103 Cos, Liberty, Texas.	
Send comments to The Honorable Dempsie Henley, Liberty County Judge, 1923 Sam Houston Street, Liberty, Texas 77575.	
Little Elm (town), Denton County	
Lewisville Lake. Entire shoreline affecting community	*537
Maps available for inspection at City Hall, Little Elm, Texas.	
Send comments to The Honorable Charles Boatright, Mayor of the Town of Little Elm, Denton County, P.O. Box 129, Little Elm, Texas 75068.	
Victoria County	
Guadalupe River:	
Approximately 890 feet downstream of the confluence of Coleto Creek	*42
Approximately 600 feet upstream of State Route 175	*48
Upstream side of U.S. Route 59	*60
Approximately 1,100 feet upstream of the confluence of Wright Creek	*78
Approximately 400 feet upstream of FM 447	*103
Coleto Creek:	
At the confluence with the Guadalupe River	*42
Upstream side of FM 446	*66
Approximately 1.0 mile upstream of U.S. Route 59	*90
Crescent Valley Creek:	
At the confluence with Spring Bayou	*42
Approximately 950 feet upstream of the Missouri-Pacific Railroad	*43
Dry Creek:	
At the confluence with the Guadalupe River	*43
Approximately 400 feet upstream of U.S. Route 77	*57
Approximately 600 feet upstream of Old Goliad Road	*74
At Coletoville Road	*121
Jim Branch Outfall:	
At the confluence with Cypress Bayou	*51
At the downstream county boundary	*51
Spring Creek:	
Approximately 0.8 mile downstream of the downstream county boundary	*89
Approximately 300 feet upstream of U.S. Route 87	*122
Approximately 1,900 feet upstream of the Southern-Pacific Railroad	*131
Whispering Creek:	
Approximately 0.4 mile downstream of the county boundary	*113
Approximately 500 feet downstream of Salem Road (extended)	*119
Lone Tree Creek:	
Approximately 100 feet downstream of FM 1686	*62
Upstream side of Wood Hi Road	*76
At the county boundary	*87
Garcitas Creek:	
Approximately 1,400 feet downstream of FM 444	*27
At the confluence of Casa Blanca Creek	*44
Downstream side of U.S. Route 59	*60
Approximately 300 feet upstream of Benson Road	*76
Maps available for inspection at the Victoria County Courthouse, Victoria, Texas.	
Send comments to The Honorable Norman Jones, Judge of Victoria County, Victoria County Courthouse, Victoria, Texas 77901.	
Waller County	
Bessies Creek:	
At County boundary	*115
Upstream side of Missouri-Kansas-Texas Railroad	*122
Upstream side of FM 1458	*131
Maps available for inspection at the Floodplain Administration Office, 2036 Nineth Street, Hempstead, Texas.	
Send comments to The Honorable A. M. McCaig, Waller County Judge, 836 Austin Street, Hempstead, Texas 77445.	
VIRGINIA	
Colonial Beach (town), Westmoreland County	
Potomac River:	
At Bluff Point	*10
State Route 205 at western corporate limits	*7
At White Point	*11
Shoreline of Monroe Bay at Winkedoodle Point	*7
Maps available for inspection at the Town Hall, Corner of Hawthorn and Irving Avenues, Colonial Beach, Virginia.	
Send comments to The Honorable Wayne Kohlwes, Town Manager of Colonial Beach, P.O. Box 36, Colonial Beach, Virginia 22443.	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Westmoreland County	
Potomac River:	
Shoreline of Goldman Creek approximately 1,000 feet south of State Route 205	*7
Confluence of Rozier Creek and Goldman Creek	*10
Shoreline of Monroe Bay at Stratter Point	*8
Shoreline of Potomac River approximately 1,500 feet south of Stratter Point	*11
Shoreline of northwest Yeocomico River at Crow Bar	*6
Shoreline of Yeocomico River at Parker Island	*9
Rappahannock River:	
Shoreline of Rappahannock River at Blind Point	*7
Shoreline of Rappahannock River at Smith Mount Landing	*7
Maps available for inspection at the County Administration Building, Route 622, Montross, Virginia.	
Send comments to The Honorable Eston E. Burge, Westmoreland County Administrator, P.O. Box 467, Montross, Virginia 22520.	
WEST VIRGINIA	
Cabell County	
Ohio River:	
At confluence of Paddy Creek	*555
At confluence of Ninemile Creek	*557
At confluence of Guyan Creek	*561
Mud River:	
At County Road 19	*555
Upstream side of Richard Road	*579
At confluence of Charlie Creek	*602
At upstream County boundary	*614
Guyandotte River:	
At Russell Creek Road	*555
Upstream side of County Routes 31 and 6	*559
At upstream County boundary	*578
Fourpole Creek:	
Downstream County boundary	*567
Approximately 1,920 feet upstream of downstream County boundary	*569
Hisey Fork:	
Approximately .53 mile downstream of Interstate Route 64 (west access ram)	*556
Upstream of U.S. Route 52	*591
Approximately 90 feet upstream of Miller Road	*661
Maps available for inspection at the County Clerk's Office, Cabell County Courthouse, Huntington, West Virginia.	
Send comments to The Honorable Claude Legg, Cabell County Administrator, Cabell County Courthouse, Huntington, West Virginia 25071.	
Greenbrier County	
Howard Creek:	
Approximately 400 feet upstream of confluence with Greenbrier River	*1,688
Approximately 0.16 mile upstream of Interstate Route 64	*1,755
Downstream side of dam	*1,823
Approximately 0.4 mile upstream of upstream County boundary	*1,888
Meadow River:	
At Chessie System	*2,392
Approximately 1.5 miles upstream of CONRAIL crossing	*2,409
Wades Creek:	
At downstream County boundary	*1,899
Upstream side of County Route 60-25	*1,933
Downstream side of Eastbound Interstate 64	*1,998

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Sewell-Little Sewell Creek:	
Confluence with the Meadow River	*2,393
Approximately 0.5 mile upstream of County Route 60-32	*2,402
Dry Creek:	
At the downstream County boundary	*1,888
Approximately 0.7 mile upstream of County boundary	*1,920
Approximatley 1.2 miles upstream of County boundary	*1,942
Maps available for inspection at the County Courthouse, 200 North Court Street, Lewisburg, West Virginia.	
Send comments to The Honorable W. W. McClung, President of the Greenbrier County Commission, Lewisburg, West Virginia 24901.	
Lincoln County	
Mud River:	
At downstream county boundary	*614
Approximately 740 feet upstream side of confluence of Buffalo Creek	*622
At downstream side of State Route 3 bridge	*636
Approximately 1,000 feet downstream of County Highway 48	*684
At County Highway 46	*703
Porter Fork:	
At confluence with Straight Fork	*690
Approximately 2.6 miles upstream of State Route 3 bridge	*691
Guyandotte River:	
At downstream county boundary	*576
At upstream county boundary with Town of west Hamlin	*580
At County Route 36-1 bridge at Branchland	*588
Approximately 740 feet downstream of County Highway 48 bridge at Midkiff	*592
Approximately 200 feet downstream of County Highway 10-2 bridge at Ranger	*599
Approximately 0.3 mile upstream of State Route 10 bridge at Harts	*620
At most upstream county boundary	*628
Middle Fork Mud River:	
At confluence with Mud River	*636
At County Route 22	*650
At confluence of Straight Fork and Sugartree Fork	*667
Straight Fork:	
At confluence with Sugartree Fork	*667
At confluence of Valley Fork	*670
Approximately 0.9 mile upstream of confluence of Porter Fork	*691
Maps available for inspection at the Tax Assessor's Office, Lincoln County Courthouse, Hamlin, West Virginia.	
Send comments to The Honorable A. J. Stowers, President of Lincoln County Commission, P.O. Box 373, Hamlin, West Virginia 25523.	
Milton (town), Cabell County	
Mud River:	
At downstream corporate limits	*586
At upstream corporate limits	*588
Maps available for inspection at the Town Hall, 1139 Smith Street, Milton, West Virginia.	
Send comments to The Honorable Jarrell Sargent, Mayor of the Town of Milton, Cabell County, 1139 Smith Street, Milton, West Virginia 25541.	
Wayne (town), Wayne County	
Twelvepole Creek:	
0.6 mile downstream of downstream corporate limits	596

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
At upstream corporate limits	*605
Maps available for inspection at the Town Hall, 440 Cleveland Street, Wayne, West Virginia.	
Send comments to The Honorable James Ramey, Jr., III, Mayor of the Town of Wayne, Wayne County, P.O. Box 186, Wayne, West Virginia 25570.	
Wayne County	
Big Sandy River:	
At downstream county boundary	*549
At confluence of Gragston Creek	*558
At confluence of Hurricane Creek	*566
At Lock and Dam No. 3	*575
Tug Fork:	
Upstream side of State Route 37	*576
At confluence of Campbell Run	*584
At confluence of Drag Creek	*602
At confluence of Bull Creek	*612
At upstream county boundary	*626
Twelvepole Creek:	
At confluence of Walker Brook	*551
Upstream side of first crossing of State Route 152	*571
At fourth crossing of State Route 152	*590
At confluence of West Fork and East Fork Twelvepole Creek	*605
West Fork Twelvepole Creek:	
At confluence with Twelvepole Creek	*605
Upstream side of State Route 152	*626
Downstream side of Flat Branch Road	*643
Upstream side of second crossing of County Route 52-56	*660
Downstream side of Dullon Hill Road	*695
At second crossing of State Route 152	*708
Upstream side of Wiley Branch Road	*716
Mill Creek:	
At confluence with Tug Fork	*576
At second crossing of U.S. Route 52	*577
At third crossing of U.S. Route 52	*592
Marrowbone Creek:	
At confluence with Tug Fork	*626
At upstream county boundary	*626
Jennie Creek:	
At confluence with Tug Fork	*620
At most upstream crossing of Access Road	*638
Approximately 0.6 mile downstream of county boundary	*660
At upstream county boundary	*677
Buffalo Creek:	
Upstream side of Norfolk and Western Railway bridge	*552
Approximately 0.7 mile upstream of Indian Branch Road	*565
Downstream side of Buffalo Creek Road	*577
Approximately 0.4 mile upstream of Buffalo Creek Road	*585
Maps available for inspection at the Wayne County Courthouse, Room 105, Wayne, West Virginia.	
Send comments to The Honorable Jack Leonard, Wayne County Administrator, P.O. Box 248, Wayne, West Virginia 25570.	

The proposed modified base (100-year) flood elevations for selected locations are:

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	# Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
Alaska	Municipality of Anchorage	Fish Creek	100 feet upstream of the Alaska Railroad	*30	*27
			At downstream face of McRae Rd	*43	*43
			70 feet downstream of Minnesota Dr	*78	*76
			130 feet upstream of New Seward Highway	*115	*115
			At upstream face of Tudor Rd	*132	*132
			280 feet downstream of Providence Ave	*137	*137
		South Fork Chester Creek	20 feet upstream of Northern Lights Blvd	*112	*111
			200 feet upstream of Providence Ave	*140	*136
			At confluence with South Branch of South Fork Chester Creek.	*180	*180
		South Branch of South Fork Chester Creek.	At confluence with South Fork Chester Creek	*180	180
			325 feet downstream of intersection of Muldoon Rd. & Debarr Ave.	*245	*246
			3,000 feet upstream of Muldoon Rd	None	*281
		Middle Branch of South Fork Chester Creek.	At upstream face of Muldoon Rd	*251	*250
			950 feet upstream of Muldoon Rd	*251	*252
			800 feet upstream of Valley St	*263	*263
		Little Campbell Creek	At confluence with Campbell Creek	*78	*78
			At upstream face of Nathan Dr	*81	*82
			At confluence with North Fork Little Campbell Creek	*89	*89
		North Fork Little Campbell Creek	At confluence with Little Campbell Creek	*89	*89
			At upstream face of New Seward Highway	113	*116
			At confluence with North Branch of North Fork Little Campbell Creek.	133	*136
		North Branch of North Fork Little Campbell Creek.	At confluence with North Fork Little Campbell Creek	133	*136
			At upstream face of Lake Otis Parkway	*142	*147
			At upstream face of Spruce Street	None	*167
		South Branch of North Fork Little Campbell Creek.	At Confluence with North Fork Little Campbell Creek	*133	*136
			At downstream face of Spruce Rd	*186	*186
			At downstream face of Abbott Loop Rd	*210	*208
		South Fork Little Campbell Creek	At confluence with Little Campbell Creek	*89	*89
			At upstream face of New Seward Highway	*116	*121
			50 feet downstream of Abbott Rd	None	*232
		South Fork Little Campbell Creek Split Flow 2.	At confluence with South Fork Little Campbell Creek	None	*121
			At confluence with North Fork Little Campbell Creek Split Flow 2.	None	*134
			170 feet upstream of Diamond Drive Extended	None	*173
		South Fork Little Campbell Creek Split Flow 2.	At confluence with South Fork Little Campbell Creek Split Flow 1.	None	*134
			580 feet upstream of confluence with South Fork Little Campbell Creek Split Flow 1.	None	*138

Maps are available for review at the Community Planning Department, Anchorage, Alaska.

Send comments to The Honorable Mayor Tony Knowles, P.O. Box 1966650, Anchorage, Alaska 99519-6650.

Arizona	Town of Cottonwood Yavapai County.	Railroad Wash	Approximately 300 feet downstream of Main Street	None	*3,304
			Just upstream of Cochise Street	None	*3,333
			Approximately 225 feet downstream of 6th Street	None	*3,390
			Approximately 50 feet downstream of Beech Street	None	*3,435
			Approximately 375 feet upstream of U.S. 89A—State 279.	None	*3,475
		Silver Springs Gulch	At the eastern corporate limits (just upstream of Verde River).	*3,291	*3,291
			Approximately 760 feet upstream of S. Main Street	*3,352	*3,360
			Approximately 360 feet downstream of State Hwy. 279	*3,407	*3,420
			Approximately 900 feet upstream of South 6th Street	*3,494	*3,500
			Just downstream of the western corporate limits	*3,600	*3,605

Maps are available for inspection at the Town Hall, Planning Department, 827 North Main Street, Cottonwood, Arizona.

Send comments to Mayor Charles D. Garrison, Town Hall, 827 North Main Street, Cottonwood, Arizona 86326.

Arizona	Mohave County (Unincorporated Areas).	Colorado River	Main Channel, downstream limit of detailed study (River Mile 242.4).	None	*474
			Main Channel, 2650 feet downstream of Needles Bridge (River Mile 245.65).	None	*479
			Main Channel, 16300 feet upstream of Needles Bridge (River Mile 249.2).	None	*483
			Main Channel, upstream limit of detailed study (River Mile 252.4).	None	*486
			East Overbank Area, center of Section 7, T17N, R21W.	None	*467
			East Overbank Area, northwest corner of Section 1, T17N, R22W.	None	*471
			East Overbank Area, southeast corner of Section 23, T18N, R22W.	None	*475
			East Overbank Area, northeast corner of Section 14, T18N, R22W.	None	*479
		Topock Marsh	Entire area	None	*460

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
Maps are available for inspection at the Mohave County Courthouse, 401 Spring Street, Kingman, Arizona.					
Send comments to Mr. Jerry Holt, Chairman, Mohave County Board of Supervisors, Mohave County Courthouse, P.O. Box 390, kingman, Arizona 86401.					
California	Colton (city), San Bernardino County.	Warm Creek	City of Colton Corporate Limits	None	#960
			Upstream of San Bernardino Freeway	None	#960
			Downstream of San Bernardino Freeway	None	#957
			Southern Pacific Railroad	None	#957
		Reche Canyon Channel	City of Colton Corporate Limits (most upstream limit of study).	*1,304	*1,304
			Mobile Home Road	*1,244	*1,244
			Barton Road	*1,041	*1,041
			Confluence with San Timoteo Wash A Baseline	*930	*930
			Confluence with Santa Ana River	*925	*925
		San Timoteo Wash A	Hunts Lane	None	*934
			Confluence with San Timoteo Wash B Baseline	None	*966
			Interstate 15	None	*962
			Mt. Vernon Avenue	None	*939
			Confluence with Reche Canyon Channel	None	*939
		San Timoteo Wash B	Confluence with San Timoteo Wash A	None	*966
			Interstate 15	None	*962
			Limit of Study	None	*952
Maps are available for inspection at City Hall, 650 N. La Cadena Drive, Colton, California.					
Send Comments to Mayor Robert Huntoon, 650 N. La Cadena Drive, Colton, California 92324.					
California	Imperial Beach (city), San Diego County.	Pacific Ocean	Center of Boulevard Avenue, 700 feet west along the street from its intersection with 10th street.	None	*6
Maps are available for review at the Planning and Community Development Office, 825 Imperial Beach Boulevard, Imperial Beach, California.					
Send comments to The Honorable William S. Russell, Mayor, City of Imperial Beach, 825 Imperial Beach Boulevard, Imperial Beach, California 92032.					
Colorado	Castle Rock (town), Douglas County.	Cherry Creek	Approximately 3,200 feet downstream of County Road	None	*6,022
			Approximately 1,200 feet upstream of County Road, at corporate limits.	None	*6,030
		East Plum Creek (Downstream of Confluence With Hangmans Gulch).	At center of County Road	None	*6,039
			100 feet downstream from confluence with Haskins Gulch.	None	*5,952
			At confluence with Tributary D	None	*6,014
			Approximately 2,150 feet upstream of unnamed road in Section 34, Township 7 South.	None	*6,076
		East Plum Creek (Upstream of U.S. Highway 85).	30 feet upstream of U.S. Highway 85	None	*6,214
			Approximately 1,650 feet west from a point on Plum Creek Boulevard 150 feet north of intersection with Mount Royal Drive.	None	*6,250
			Approximately 1,700 feet upstream from point approximately 1,650 feet west of intersection of Mount Royal Drive and Plum Creek Boulevard.	None	*6,266
			Approximately 1,500 feet downstream of Douglas Lane	None	*6,281
			Approximately 700 feet downstream of Douglas Lane	None	*6,289
			Approximately 350 feet downstream of Douglas Lane	None	*6,292
Maps are available for review at the Planning Department, 318 4th Street, Castle Rock, Colorado.					
Send comments to the Honorable George Kennedy, Mayor, 318 4th Street, Castle Rock, Colorado 80104.					
Colorado	Douglas County (unincorporated areas).	East Plum Creek (Downstream of Confluence With Hangmans Gulch).	Approximately 3,700 feet upstream of State Highway 67.	*5,805	*5,805
			At Confluence with 6400 Tributary	None	*5,893
			Approximately 1,300 feet upstream of confluence with Tributary A.	None	*5,984
			Approximately 550 feet upstream of unnamed road in Section 34, Township 7 South.	None	*6,063
			Approximately 850 feet downstream of confluence with Hangmans Gulch.	None	*6,093
			At confluence with Hangmans Gulch	*6,100	*6,100
		East Plum Creek (Upstream of U.S. Highway 85).	Approximately 1,80 feet west from a point on Plum Creek Boulevard approximately 620 feet north of intersection with Mount Royal Drive.	None	*6,246
			Approximately 1,300 feet downstream of Douglas Lane	None	6,276
			Approximately 1,675 feet downstream of Douglas Lane	None	*6,280
			Approximately 350 feet downstream of Douglas Lane	None	*6,292
			Approximately 100 feet downstream of confluence with Section 34 Tributary.	None	*6,350
			Approximately 4,800 feet downstream of Interestate Highway.	*6,567	*6,567
		Sellers Gulch (South of Castle Rock).	At dirt road in Range 67 West, section 13	*6,317	*6,317
			Approximately 400 feet downstream of unnamed road in Range 66 West, Section 19.	None	*6,411
			Approximately 50 feet upstream of unnamed road in Range 66 West, Section 19.	None	*6,417

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
Maps are available for review at the Planning Office, 301 Wilcox, Castle Rock, Colorado.					
Send comments to the Honorable Donald A. Klemme, Chairman, Douglas County Commissioners, 301 Wilcox, Castle Rock, Colorado 80104.					
Delaware	Elsmere, Town, New Castle County.	Little Mill Creek	Approximately 760 feet downstream of Old Dupont Road.	*36	*44
			Upstream side of Old Dupont Road	*60	*63
			At confluence of Chestnut Run	*78	*77
		Silverbrook Run	At confluence with Little Mill Creek	*36	*44
			Downstream side of New Road	*85	*88
			At upstream corporate limits	*94	*98
		Chestnut Run	At confluence with Little Mill Creek	*78	*77
			Upstream side of Jefferson Avenue	*88	*90
			At upstream corporate limits	*90	*92
		Derrickson Run	At confluence with Little Mill Creek	*63	*65
			Upstream side of State Route 2 (Wilmington Avenue)	*75	*80
			Approximately 1,225 feet upstream of Junction Street	*95	*102
Maps available for inspection at the Town Office, 11 Poplar Avenue, Elsmere, Pennsylvania.					
Send comments to the Honorable Edward Doyle, Jr., Mayor of the Town of Elsmere, New Castle County, 11 Popular Avenue, Elsmere, Delaware 19805.					
Florida	Unincorporated Areas of Dade County.	Atlantic Ocean	About 1200 feet east of intersection of Harbour Way and Park Drive.	*11	*7
			About 3000 feet northeast of intersection of East Drive and Caribbean Road.	*11	*7
			About 4000 feet northwest of Sands Cut	*14	*9
			About 400 feet east of intersection of State Road 826 and State Road A1A.	*11	*10
			About 1100 feet east of intersection of Collins Avenue and 34th Street.	*14	*11
			About 2000 feet north of Sands Cut	*20	*12
		Intracoastal Waterway	About 1.5 miles northwest of U.S. Route 1 bridge over Glades Canal.	*11	*2
			At intersection of Arthur Vining Davis Parkway and Southwest 122nd Avenue.	*12	*3
			At intersection of Oleta Drive and Northeast 182nd Drive.	*6	*6
			About 1450 feet south of intersection of Tiger Tail Avenue and Ematilla Street.	*16	*16
			About 2250 feet south of intersection of Southwest 147th Street and Southwest 63rd Street.	*19	*18
			About 0.95 mile east of intersection of Southwest 97th Avenue and Southwest 264th Street.	*20	*18
Maps available for inspection at the Department of Environmental Resources, Miami, Florida.					
Send comments to the Honorable Sergio Pereira, County Manager, Dade County, 111 N.W. 1st Street, Miami, Florida 33128.					
Iowa	City of Des Moines, Polk County	Des Moines River	About 3.6 miles downstream of Chicago, Rock Island and Pacific Railroad.	None	*785
			About 3,500 feet upstream of Euclid Avenue	*806	*804
		Raccoon River	At mouth	None	*795
			Just downstream of Southwest 63rd Street	*813	*813
		Frink Creek	At mouth	*807	*806
			About 850 feet upstream of Chicago and North Western Railroad.	None	*822
		Walnut Creek	At mouth	*807	*807
			Just upstream of Chicago, Rock Island and Pacific Railroad.	*812	*807
			Just downstream of North Valley Drive	*812	*812
			About 2,600 feet upstream Southwest 63rd Street	*824	*824
Maps available for inspection at the City Engineer's Office, City Hall, East 1st & Locus Street, Des Moines, Iowa. Send comments to The Honorable Pete Crivaro, Mayor, City of Des Moines, City Hall, East 1st & Locus Street, Des Moines, Iowa 50307.					
Massachusetts	Bedford, Town, Middlesex County.	Shawsheen River	Downstream side of Middlesex Turnpike	*98	*99
			Upstream side of U.S. Route 3 (southbound)	*100	*101
			Upstream side of Burlington Road (State Route 62)	*107	*108
		Vine Brook	At confluence with Shawsheen River	None	*101
			Approximately 50 feet downstream of Burlington Road (State Route 62).	None	*103
			Upstream side of Old Burlington Road	None	*122
			At upstream corporate limits	None	*124
Maps available for inspection at the Town Planner's Office, Bedford, Massachusetts.					
The Honorable Betsy Anderson, Chairman of the Town of Bedford, Middlesex County, Town Office, 15 South Road, Bedford, Massachusetts 11730.					
Massachusetts	Concord, Town, Middlesex County.	Mill Brook	Upstream side of Main Street	*129	*128
			Upstream side of Cambridge	None	*132
		Tributary No. 1	Approximately 190 feet downstream of Main Street	*124	*125
Maps Available for inspection at the Town Planner's Office, Concord, Massachusetts.					
Send comments to The Honorable Nancy Beecher, Chairman of the Town of Concord, Middlesex County, P.O. Box 535, Concord, Massachusetts 01742.					
Massachusetts	Walpole, Town Norfolk County	Neponset River	Upstream side of Plimpton Street	*121	*123
			Upstream side of Main Stream (downstream crossing)	*126	*127
			Upstream side of West Street and dam	*145	*144
			Upstream side of Lewis Avenue	*150	*148
			Upstream side of powerline Access Road	*184	*185
			Downstream side of dam of Washington Street	*231	*227

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
			Upstream corporate limits	*234	*235
		Stop River	Upstream side of Winter Street	*150	*151
		Cobb's Brook	Confluence with Neponset River	*123	*124
			Upstream side of Gould Street	*149	*147
			Downstream side of North Street	*156	*151
			Approximately 75 feet upstream of North Street	None	*153
		Diamond Brook	Confluence with Neponset River	*134	*135
			Upstream side of Memorial Pond Dam	*142	*141
			Upstream side of New Diamond Road	*155	*154
			Upstream side of CONRAIL bridge	*155	*159
			Upstream side of Stone Street	*178	*177
			Downstream side of Washington Street	*178	*181
			Approximately 40 feet upstream of Washington Street	None	*182
		Mine Brook	Confluence with Neponset	*136	*135
		Traphole Brook	Upstream side of U.S. Route 1	*141	*139
		Pickeral Brook	Confluence with Traphole Brook	*102	*101
			Approximately 150 feet downstream of Union Street	*105	*106
			Approximately 150 feet downstream of Wolcott Avenue.	*120	*119
			Upstream side of most upstream footbridge	None	*127
			Approximately 500 feet upstream of most upstream footbridge.	*122	*131
		School Meadow Brook	Upstream side of Washington Street	*187	*188

Maps available for inspection at the Town Engineer's Office, Town Hall, Walpole, Massachusetts.

Send comments to The Honorable Gene Cavaliero, Jr., Chairman of the Town of Walpole Board of Selectmen, Norfolk County, Town, Hall, School Street, Walpole, Massachusetts 02081.

New York	Pamelia, Town Jefferson County	Kelsey Creek	Approximately 150' downstream of CONRAIL bridge	None	*395
			Downstream side of State Route 37	None	*402
			Downstream side of U.S. Route 11	None	*415

Maps available for inspection at the Pamelia Town Hall, Jenkins Road, Pamelia, New York.

Send comments to The Honorable Donald Jewett, Supervisor of the Town of Pamelia, Jefferson County, R.D. 4 Watertown, Watertown, New York 13601.

New York	Watertown, Town Jefferson County.	Cold Creek	Confluence with Black River	None	*496
			Downstream side of most upstream Gifford Street crossing.	None	*531

Maps available for inspection at the Town Municipal Building, 6873 Brookside Drive, Watertown, New York.

Send comments to The Honorable Ralph R Dickenson, Supervisor of the Town of Watertown, 898 South Massey Street Road, Watertown, New York 13601.

Pennsylvania	Schuylkill Haven, Borough Schuylkill County.	Schuylkill River	Downstream corporate limits	*508	*506
			Upstream side of first downstream CONRAIL crossing	*516	*515
			Upstream corporate limits	*527	*525
		Long Run Creek	Upstream side of South Berne Street	*510	*509
			Upstream corporate limits	*515	*514
		Berger Creek	Approximately 40 feet upstream of Dock Street	*521	*520
			Approximately 940 feet upstream of Haven Avenue	*546	*544
		Willow Creek	Downstream side of Coal Street Culvert	*521	*520
			Approximately 100 feet upstream of Willow Street	*530	*529
			Approximately 700 feet upstream of Koch Street	*568	*566
			At upstream corporate limits	None	*585

Maps available for inspection at the Borough Building, 39 Dock Street, Schuylkill Haven, Pennsylvania.

Send comments to The Honorable Nancy Montz, President of the Borough Council of Schuylkill Haven, Schuylkill County, 39 Dock Street, Schiylkill Haven, Pennslyvania 17072.

Vermont	Jamaica (town), Windham County.	West River	At downstream corporate limits	*539	*536
			At the confluence of Turkey Mountain Brook	*561	*560
			Approximately 60 feet upstream of French Bridge	584	*588
			Approximately 1.14 miles upstream of French Bridge	*635	*630
			Approximately 275 feet upstream of the confluence of Ball Mountain Brook.	*658	*659
		West River Auxiliary Channel	At the confluence with West River	None	*598
			At the divergence from West River	None	*654
		Windhall River	At the most downstream corporate limits	*1,052	*1,051
			At the confluence of Mill Brook	*1,115	*1,116
			Approximately 100 feet upstream of the downstream crossing of Vermont Route 30.	*1,173	*1,174
			At the most upstream corporate limits	*1,251	*1,250
		Wardsboro Brook	At the confluence with West River	*548	*547
			Approximately 0.6 mile upstream of the confluence with West River.	*600	*607
			Upstream side of the downstream crossing of Vermont Route 100.	*679	*681
			Approximately 0.88 mile downstream of the upstream crossing of Vermont Route 100.	*804	*817
			At the upstream corporate limits	*921	*923
		Ball Mountain Brook	At the confluence with West River	*657	*658
			Approximately 120 feet upstream of the crossing of Vermont Routes 30 and 100.	*730	*731
			At the upstream side of the most downstream crossing of State Aid Highway 1 (Pikes Falls Road).	*834	*835
			At the upstream side of the most upstream crossing of State Aid Highway 1 (Pikes Falls Road).	*969	*1,044
			0.93 mile upstream of most upstream crossing of State Aid Highway 1 (Pikes Falls Road).	None	*1,131

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
			Approximately 0.51 mile downstream of Sage Hill Road.	None	*1,210
			Approximately 0.77 mile upstream of Sage Hill Road	None	*1,381
			Upstream side of the most downstream crossing of Town Highway 30.	None	*1,502
			Approximately 520 feet upstream of the most upstream crossing of Town Highway 30.	None	*1,548
Maps available for inspection at the Town Clerk's Office, Town Office, Jamaica, Vermont.					
Send comments to The Honorable Robert Brown, Chairman of the Town of Jamaica Board of Selectmen, Windham County, Town Office, P.O. Box 173, Jamaica, Vermont 05343.					
Wyoming	Rock Springs (city), Sweetwater County.	Bitter Creek	At downstream corporate limit	None	*6,215
			At intersection of M St. and Pilot Butte Ave	*6,256	*6,254
			At upstream corporate limit	*6,269	*6,270
			1,000 feet north of a point 6,500 feet west along the Union Pacific Railroad from its crossing with Sweetwater Creek.	None	*6,223
		Sweetwater Creek	At downstream face of the Railroad Access Road	*6,235	*6,233
			At upstream face of Blairtown Flamingo Gorge Rd. (West 2nd Street).	*6,245	*6,246
			At upstream corporate limit	*6,247	*6,253
		Deadhorse Canyon Creek	660 feet downstream of the Union Pacific Railroad crossing.	*6,258	*6,256
			At upstream corporate limit	None	*6,388
			700 feet west of the intersection of Blair Ave. and Hickory St.	None	*6,242
			At upstream corporate limit	None	#1
			At intersection of Elk St. and 2nd St	None	#2
		Tributary No. 1	At upstream face of Dewar Dr. at its intersection with Foothills Blvd.	None	*6,235
			At downstream face of Dewar Dr. at its intersection with Foothills Blvd.	*6,233	*6,235
			At downstream face of Sunset Dr	*6,223	*6,223
			At upstream face of Interstate 80 (U.S. Highway 30)	*6,227	*6,229
			300 feet south of a point 1,500 feet southwest along Foothills Blvd. from its intersection with Ankeny Way.	None	*6,230
			At intersection of Sierra Rd. and Sandy Rd	None	#2
			At southwesternmost intersection of Commercial Way and Foothills Blvd.	None	#1
		Tributary No. 2	At confluence with Dead Horse Canyon Creek, 228 feet upstream along Dead Horse Canyon Creek from the State Hwy 430 bridge.	None	*6,362
			400 feet upstream from the bridge crossing at the intersection of Donalyn Dr. and Country Club Dr.	None	*6,407
			50 feet downstream from the bridge crossing at the intersection of Donalyn and Country Club Dr.	None	*6,397
		Killpecker Creek	600 feet south along Rugby Ave. from its intersection with Elk St.	*6,248	*6,248
			At upstream face of the Interstate Highway 80 bridge where it crosses Springs Dr.	*6,279	*6,276
			At upstream corporate limit	None	*6,303
Maps are available for review at the Department of Public Works, 212 D Street, Rock Springs, Wyoming 82901.					
Send comments to The Honorable C. Keith West, City of Rock Springs, 212 D Street, Rock Springs, Wyoming 82901.					

Issued: February 18, 1987.

Harold T. Duryee,

Administrator, Federal Insurance Administration.

[FR Doc. 87-4084 Filed 2-26-87; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 22, and 94

[PR Docket No. 87-5]

Multiple Address System Operations

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; correction.

SUMMARY: On February 10, 1987, the Commission published a Notice of Proposed Rule Making in this proceeding concerning Multiple Address System Operations (52 FR 4161). Inadvertently, the text of the proposed rules changes was omitted. It is included here.

DATES: For the purpose of convenience to the reader, the comment/reply comment dates for the proposed rule are March 24, 1987 and April 8, 1987, respectively.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Parts 2, 22, and 94 of the Commission's rules are proposed to be amended as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

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

Authority: 47 U.S.C. 154, 303, unless otherwise noted.

2. Section 2.106 is amended by revising footnote NG120 to read as follows:

§ 2.106 Table of frequency allocations.

* * * * *

Non-Government (NG) Footnotes

* * * * *

NG120 Frequencies in the 928–929 and 952–960 MHz bands may be assigned for multiple address systems as specified in Part 94. Frequencies in the 956 MHz band available under Section 94.65(a) may be used for mobile operations.

* * * * *

PART 22—PUBLIC MOBILE SERVICE

1. The authority citation for Part 22 continues to read as follows:

Authority: Secs. 4, 303, 48 STAT., as amended, 47 U.S.C. 154, 303, unless otherwise noted.

2. Section 22.501 is amended by revising paragraph (g)(2).

§ 22.501 Frequencies.

* * * * *

(g)(1) * * *

(2) After January 1, 1987, upon an affirmative showing that the frequencies shown in § 22.501(g)(1) are not available, frequencies listed in Tables 1 and 2 of § 94.65(a)(1) (Private Operational-Fixed Microwave Service) may be authorized for assignment to paging operations functioning in conjunction with the Public Mobile Service on a shared basis with fixed and mobile stations in the Private Operational-Fixed Microwave Service. Applications for these frequencies shall be subject to the requirements of § 94.63(a).

* * * * *

PART 94—PRIVATE OPERATIONAL-FIXED MICROWAVE SERVICE

1. The authority citation for Part 94 continues to read as follows:

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

2. Section 94.63 is amended by revising paragraphs (d)(4)(i) and (d)(5) to read as follows:

§ 94.63 Interference protection criteria for operational fixed stations.

* * * * *

(d) * * *

(4) * * *

(i) In the 952–690 MHz band, a statement that all existing co-channel licensees are at least 176 km (110 Miles) from any proposed master station site. For mobile operation, the mileage is measured from the center of the geographical area to be served.

* * * * *

(5) Frequencies in the 956 MHz band may be assigned for mobile operation on a primary basis. Frequencies in the 952 MHz band may be assigned for use by mobile master stations on a case-by-case basis, upon a showing that the mobile requirement cannot be met on existing mobile allocations and upon a showing of no interference to fixed systems. Mobile operation in the 952 MHz band shall be on secondary basis to fixed operations.

3. Section 94.65 is amended by revising paragraph (a)(1); inserting a new introductory heading (a)(2); and renumbering current paragraphs (a)(2), (a)(3), and (a)(4) to read (a)(2)(i), (a)(2)(ii), and (a)(2)(iii), respectively, and changing the heading in each.

§94.65 Frequencies.

* * * * *

(a) 928–929 and 952–960 MHz.

(1) Multiple Address System frequencies: Multiple address system (MAS) frequencies are available for the point-to-multipoint transmission of a licensee's products or services, excluding video entertainment material, to a licensee's customers. The paired frequencies listed in this section shall be used for two-way interrogate/response communications between a master station and remote stations. Each master station operating on one of the paired channels is required to serve a minimum of four separate active remote stations. One-way communications on paired frequencies are permitted on a secondary basis to two-way exchanges. Communications between interrelated co-channel master stations are permitted on a secondary basis. Except for frequencies listed in Table 3 of this section, the normal bandwidth assigned will be 12.5 kHz. Upon adequate justification, however, additional contiguous channels may be authorized to provide up to a 50 kHz bandwidth. Table 2 lists frequencies with 25 kHz bandwidth and are available upon proper justification. When licensed for a larger bandwidth, the system still is required to use equipment which meets the ±.00015 percent tolerance requirement. (see § 94.67(a)). Existing systems operating on 25 kHz channels will be grandfathered indefinitely.

(i) Frequencies listed in this paragraph are available to all persons eligible under Part 94 for use in multiple address radio systems. The frequencies are also available for shared use by Part 22 Public Land Mobile Service users after January 1, 1987, if the frequencies listed in § 22.501(g)(1) are exhausted in a particular area.

Table 1 (12.5 kHz bandwidth)

[Paired Frequencies (MHz)]

Remote transmit	Master transmit
928.00625	952.00625
.01875	.01875
.03125	.03125
.04375	.04375
.05625	.05625
.06875	.06875
.08125	.08125
.09375	.09375
.10625	.10625
.11875	.11875
.13125	.13125
.14375	.14375
.15625	.15625
.16875	.16875
.18125	.18125
.19375	.19375
.20625	.20625
.21875	.21875
.23125	.23125
.24375	.24375
.25625	.25625
.26875	.26875
.28125	.28125
.29375	.29375
.30625	.30625
.31875	.31875
.33125	.33125
.34375	.34375
.35625	.35625
.36875	.36875
.38125	.38125
.39375	.39375
.40625	.40625
.41875	.41875
.43125	.43125
.44375	.44375
.45625	.45625
.46875	.46875
.48125	.48125
.49375	.49375
.50625	.50625
.51875	.51875
.53125	.53125
.54375	.54375
.55625	.55625
.56875	.56875
.58125	.58125
.59375	.59375
.60625	.60625
.61875	.61875
.63125	.63125
.64375	.64375
.65625	.65625
.66875	.66875
.68125	.68125
.69375	.69375
.70625	.70625
.71875	.71875
.73125	.73125
.74375	.74375
.75625	.75625
.76875	.76875
.78125	.78125
.79375	.79375
.80625	.80625
.81875	.81875
.83125	.83125
928.84375	952.84375

Unpaired Frequencies (MHz) (12.5 kHz bandwidth)

956.25625	956.33125	956.40625
956.26875	956.34375	956.41875
956.28125	956.35625	956.43125
956.29375	956.36875	956.44375
956.30625	956.38125	
956.31875	956.39375	

Table 2 (25 KHZ Bandwidth)

[Paired frequencies (MHz)]

Remote transmit	Master transmit
928.0125	952.0125
.0375	.0375
.0625	.0625
.0875	.0875
.1125	.1125
.1375	.1375
.1625	.1625
.1875	.1875
.2125	.2125
.2375	.2375
.2625	.2625
.2875	.2875
.3125	.3125
.3375	.3375
.3625	.3625
.3875	.3875
.4125	.4125
.4375	.4375
.4625	.4625
.4875	.4875
.5125	.5125
.5375	.5375
.5625	.5625
.5875	.5875
.6125	.6125
.6375	.6375
.6625	.6625
.6875	.6875
.7125	.7125
.7375	.7375
.7625	.7625
.7875	.7875
.8125	.8125
928.8375	952.8375

Unpaired Frequencies (MHz)

956.2625	956.3375	956.4125
956.2875	956.3625	956.4375
956.3125	956.3875	

(11) Frequencies listed in this paragraph are available for Part 22 Public Land Mobile Service users. They are available for shared use by Part 94 users for multiple address operations after January 1, 1987, only if frequencies listed in paragraph (1) of this section are exhausted in a particular geographic area. The frequencies in this pool may be assigned for paired or unpaired operation. If paired, the lower frequency shall be for the remote unit use. Applications for these frequencies shall be subject to the conditions outlined in § 22.27 of this chapter.

Table 3—Public Mobile Service Category Frequencies (MHz)

[12.5 kHz bandwidth]

928.85625	959.85625
.86875	.86875
.88125	.88125
.89375	89375
.90625	.90625
.91875	.91875
.93125	.93125
.94375	.94375
.95625	.95625
.96875	.96875
.98125	.98125
928.99375	959.99375
25 kHz bandwidth	
928.8625	959.8625
928.8875	959.8875
928.9125	959.9125
928.9375	959.9375
928.9625	959.9625
928.9875	959.9875

(iii) Equivalent power and antenna heights for multiple address master stations.

Antenna height (AAT) in feet	Maximum effective radiated power	
	Watts	dBW
Above 1,000	35	15
901–1,000	35	15
801–900	45	16
701–800	55	17
601–700	80	19
501–600	125	21
401–500	200	23
301–400	250	24
Up to 300	400	26

* * * * *

(2) Fixed point-to-point frequencies.

(i) Table 4 50 kHz bandwidth.

* * * * *

(ii) Table 5 100 kHz bandwidth.

* * * * *

(iii) Table 6 200 kHz bandwidth.

* * * * *

4. Section 94.71 is amended by revising the table and footnotes 6 and 7 in paragraph (b) to read as follows:

§ 94.71 Emission and bandwidth limitations.

(a) * * *

(b) * * *

Frequency band (MHz)	Maximum authorized bandwidth
928–929	12.5 kHz [1, 7]
952–960	12.5, 50, 100, or 200 kHz [1, 6, 7]

* * * * *

[6] 12.5 kHz applies only to the frequencies listed in §§ 94.65(a)(1) (i) and (ii).

[7] For frequencies listed in §§ 94.65(a)(1)(i), consideration will be given on a case-by-case basis to authorizing bandwidths of up to 50 kHz.

5. Section 94.73 is amended by revising footnotes 1 and 3 in paragraph (a)(2).

§ 94.73 Power limitations.

(a) * * *

(1) * * *

(2) * * *

[1] For multiple address operations see Section 94.65(a)(1)(iii).

(2) * * *

[3] For multiple address operations in the 952–960 MHz band see § 94.65(a)(1)(iii). When an omnidirectional transmitting antenna is authorized in the 2150–2160 MHz band the maximum power shall be 60 dBm.

* * * * *

[FR Doc. 87–4136 Filed 2–26–87; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Parts 2, 90, and 97

[General Docket 87–14; FCC 87–45]

Proposed Allocations for the 216–225 MHz Band

AGENCY: Federal Communications Commission.

SUMMARY: This action proposes allocations for the 216–225 MHz band. It proposes a new primary allocation of 2 MHz for the land mobile service, an allocation of 3 MHz on an exclusive basis for the amateur service and no new allocation for the fixed service. This action is necessary to resolve an outstanding issue of the proceeding that implemented the results of the 1979 World Administrative Radio Conference.

DATES: Comments are due April 6, 1987; reply comments are due April 21, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Fred Thomas, telephone (202) 653–8112.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making in General Docket 87–14, FCC 87–45, adopted

February 2, 1987, and Released February 12, 1987.

The full text of this Commission decision is available for inspection and copying during the normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, N.W., Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Summary of the Notice of Proposed Rule Making

1. In this rule making, the Commission proposes allocations for the 216–225 MHz band, which has been used to meet government radiolocation requirements. It addresses an outstanding allocation issue of General Docket 80–739, Implementation of the 1979, World Administrative Radio Conference, as well as three petitions requesting allocation changes in this band. The petitions were submitted by Land Mobile Communications Council, Sideband Technology, Inc. and LAOAD Radio and Microwave Communications Consultants.

2. We are proposing to allocate the 216–225 MHz band as follows: (1) maintain the primary maritime mobile allocation in the 216–220 MHz band; (2) maintain the secondary aeronautical mobile, fixed and land mobile allocations in the 216–220 MHz band for telemetry operations only; (3) reallocate the 220–222 MHz band on a primary basis to the land mobile service for both government and non-government operations and delete the existing primary allocations to the amateur, fixed and mobile serivces; and (4) maintain the primary amateur allocation in the 222–225 MHz band and delete the existing primary allocation to the fixed and mobile services. The primary allocation to the radiolocation service for government operations in the 216–225 MHz band would be maintained until 1990, when radiolocation would become secondary except for one Navy radar system. Specific operating rules for the land mobile service at 220–222 MHz would be developed in a further proceeding.

3. This is a non-restricted notice and comment rule making proceeding. *See* § 1.1231 of the Commission's Rules, 47 CFR 1.1231, for rules governing permissible *ex parte* contacts.

4. This proceeding suggests a proposal which may significantly impact on small entities. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 603, public comment is requested on the initial regulatory flexibility analysis set out in the Commission's complete decision.

5. The proposals contained herein have been analyzed with respect to the Paperwork Reduction Act of 1980 and found to propose no new or modified information collection requirements on the public.

6. Pursuant to applicable procedures set forth in § 1.415 and 1.419 of the Commission's Rules, 47 CFR § 1.415 and 1.419, interested parties may file comments on or before April 6, 1987 and reply comments on or before April 21, 1987. All relevant and timely comments will be considered by the Commission before final action is taken in the proceeding.

Ordering Clause

7. This action is taken pursuant to 47 U.S.C. 154(i), 303(c), 303(f), 303(g), 303(r) and 332.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87–4143 Filed 2–26–87; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 86–517, RM–5391]

Radio Broadcasting Services; Midland, MI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by JOSI Broadcasting Corporation proposing the substitution of Channel 227C2 for 228A at Midland, Michigan, and modification of the Class A license for Station WKQZ(FM). The allocation could provide Midland with its second wide area coverage channel. Concurrence of the Canadian government is required for the allocation of Channel 227C2 at Midland.

DATES: Comments must be filed on or before April 13, 1987, and reply comments on or before April 28, 1987.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Robert W. Healy, Gordon & Healy, 1821 Jefferson Place NW., Washington, DC 20036, (Counsel for the petitioner).

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 86–517, adopted December 24, 1986 and released February 19, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission Consideration or court review, all ex parte contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible ex parte contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division.

[FR Doc. 87–4137 Filed 2–26–87; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 86–516, RM–5515]

Radio Broadcasting Services; Marshall, MN

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by KMHL Broadcasting Company, proposing the substitution of FM Class C1 Channel 259 for Channel 261A at Marshall, Minnesota, and modification of the license for Station KKCK(FM) at Marshall to specify operation on the higher class of channel. There is a site restriction 15.4 kilometers (9.6 miles) west of the community. This proposal could provide a first wide coverage area station to Marshall.

DATES: Comments must be filed on or before April 13, 1987, and reply comments on or before April 28, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: M. Scott Johnson, Lynn M. Clancy, Gardner, Carton and Douglas, 1875 Eye Street, NW., Suite 1050, Washington, DC 20006–5472.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 86–516 adopted December 24, 1986 and released February 19, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all ex parte contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible ex parte contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch Mass Media Bureau.

[FR Doc. 87–4138 Filed 2–26–87; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 86–20, RM–5544]

Radio Broadcasting Services; Caldwell, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by BCB Communications proposing the allotment of Channel 297A to Caldwell, Texas, as that community's first local FM service.

DATES: Comments must be filed on or before April 13, 1987, and reply comments on or before April 28, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Harry C. Martin, Esquire, Reddy, Begley & Martin, 2033 M Street, NW., Suite 500, Washington, DC 20036 (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87–20 adopted Jan. 30, 1987, and released February 19, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission Consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Mass Media Bureau.

[FR Doc. 87–4139 Filed 2–26–87; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

Ocean Salmon Fisheries Off the Coasts of Washington, Oregon, and California

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of availability of reports; notice of public meetings; tentative hearing dates.

SUMMARY: The Pacific Fishery Management Council (Council) has begun its annual management process for the 1987 ocean salmon fishery as specified under the final salmon management framework amendment. The Council's Salmon Plan Development Team (SPDT) and staff economist are currently drafting two reports which will be available to the public about the first week in March. The first report, "Review of 1986 Ocean Salmon Fisheries," provides a summary of last year's ocean salmon fisheries and assesses how well the Council's management objectives were met in 1986. The second report is entitled "Stock Abundance Analysis for 1987 Ocean Salmon Fisheries" and provides information on expected allowable harvests for 1987. Both reports will be reviewed by the Council at its March meeting in Portland, Oregon, and will help guide the development of management options for 1987.

DATES: Written comments will be accepted until April 10, 1987. Council reports which summarize the 1986 salmon season and project the expected salmon stock abundance for 1987 will be available from the Council office March 4, 1987. See **"SUPPLEMENTARY INFORMATION"** for the dates and times for the scheduled meetings. Public hearings for review of the options are tentatively scheduled as follows: March 31, 1987, in Sacramento, California, and Coos Bay, Oregon; April 1, 1987, in Astoria, Oregon, and Eureka California; and April 6, 1987, in Seattle, Washington.

ADDRESSES: Send written comments to Joseph C. Greenley, Executive Director, Pacific Fishery Management Council, Metro Center, Suite 420, 200 SW. First Avenue, Portland, Oregon 97201. See. **"SUPPLEMENTARY INFORMATION"** for the addresses of the meetings.

FOR FURTHER INFORMATION CONTACT: Joseph C. Greenley, 503–221–6352.

SUPPLEMENTARY INFORMATION: An impact analysis of the Council's final proposed management options will be developed by the SPDT and be available to the public shortly after the March meeting. After the Council meets in April to consider the input from the public hearings and hear additional comments from its advisors and the public it will then develop its final recommendations for the 1987 ocean salmon fishing season regulations for submission to the Secretary of Commerce. The SPDT will prepare a final impact analysis report of the Council's recommendations. Further details of each meeting will be available in the Council's news releases and the **Federal Register** or by contacting the Council office directly. Except for designated executive sessions, all Council and Council-sponsored meetings are open to the public.

The Council's schedule for development of ocean salmon fishery management recommendations for 1987 follows:

March 9, 1987—The Council's Salmon Advisory Subpanel (SAS) meets at the Red Lion Inn-Columbia River, 1401 North Hayden Island Drive, Portland, Oregon, to develop preliminary 1987 management options for the Council's review at 9:00 a.m.

March 11–13—The Council meets at the Red Lion Inn-Columbia River, Portland Oregon, to adopt proposed management options for public review at 9:00 a.m.

(On March 11, the Council will review the recommendations of its advisors and the public before adopting preliminary management options for the SPDT to analyze. On March 12–13, after reviewing the analysis, advisors' comments, and public recommendations, the Council will adopt management options for public review)

March 24, 1987—The SPDT's analysis of the Council's management options which are proposed for public review are available to the public from the Council office.

March 31–April 6—Public hearings are held to review the proposed management options adopted by the Council at the March meeting.

April 6, 1987—The Council's SAS meets at the Hilton Airport Hotel, Seattle, Washington, to develop final regulatory recommendations for the Council's review at 7:00 p.m.

April 7–10—The Council meets at the Hilton Airport Hotel, Seattle, Washington, to adopt final 1987 regulatory recommendations, tentatively set to begin at 9:00 a.m.

Dated: February 20, 1987.

Richard B. Roe,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 87–4012 Filed 2–26–87; 8:45 am]

BILLING CODE 3510–22–M

Notices

Federal Register
Vol. 52, No. 39
Friday, February 27, 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.

ACTION

VISTA Literacy Corps Guidelines

AGENCY: Action.

ACTION: Final notice of VISTA literacy corps guidelines.

SUMMARY: This notice sets forth the guidelines under which the new VISTA Literacy Corps will operate. Certain modifications have been made to the proposed guidelines in response to comments and recommendations from program sponsors, a member of Congress, Agency staff and the general public. These final guidelines, drafted specifically for the VISTA Literacy Corps, will supplement the current guidelines for the VISTA program as published in the July 31, 1985 **Federal Register**. Applications for sponsorship of Literacy Corps projects will be reviewed in accordance with these criteria.

DATE: The VISTA Literacy Corps guidelines shall take effect on April 13, 1987.

FOR FURTHER INFORMATION CONTACT: Schelly Reid, Special Assistant to the Director of VISTA for Literacy, ACTION, 806 Connecticut Avenue, NW., Washington, DC, 202–634–9445.

SUPPLEMENTARY INFORMATION: These guidelines are issued pursuant to the authority contained in the Domestic Volunteer Service Act Amendments of 1986 (Pub. L. 99–551). This legislation established a new literacy component within VISTA by amending Title I Part A of Pub. L. 93–113 (42 U.S.C. 4951, *et seq.*) and adding a new section 109A.

Section 420 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5060) defines the term "regulation" and details the procedures to be followed in prescribing regulations. Through its broad definition of a regulation, the section requires that "any rule, regulation, guideline, interpretation, order or requirement of general applicability" issued by the Director of ACTION must be published with a 30 day comment period. These guidelines, although not regulations under the Administrative Procedure Act (5 U.S.C. 551, *et seq.*), may, in whole or in part, be required by our Act to be published in proposed form for comments.

The VISTA Literacy Corps Guidelines were published in proposed form in the **Federal Register** for comment on January 14, 1987 (55 FR, 1501–1502).

ACTION has determined that the Literacy Corps Guidelines are not major rules as defined in E.O. 12291. This determination is based on the proposed grants' or projects' size and purpose, none of which will result in the economic impact of a major rule.

Discussion of Comments and Response

A total of eight written comments were received in response to the proposed guidelines for the VISTA Literacy Corps. Each recommendation has been reviewed and duly considered. The following text represents the Agency response to the substantive comments as well as any subsequent modifications and individual word changes.

Generally the comments revealed a need for further clarification of both the nature and scope of the guidelines. Particular concern were raised relative to the anti-poverty aspects of the guidelines; one-on-one literacy instruction; the role of statewide affiliates of national literacy organizations; private sector involvement in the mobilization of resources; and the purpose statement for the VISTA Literacy Corps. These issues were addressed in specific revisions to the guidelines as originally proposed.

I. Purpose

In response to a comment regarding the need to re-emphasize that VISTA Literacy Corps Volunteers will be utilzied in the generation of "local, State, Federal and private sector" resources, the purpose paragraph has been amended to restate verbatim the statutory language.

II. Programmatic Goals and Direction

The programmatic goals were included to generate some interest among potential program sponsors in literacy activities that remain relatively unexplored and merit further examination. However, service delivery to those low-income individuals most in need of assistance is the number one priority of the VISTA Literacy Corps.

The Agency recognizes the proven and unique success of VISTA Volunteers in their traditional catalytic roles as fundraisers, program developers, tutor trainers, and recruiters. The Agency plans to accelerate the achievement of the priorities and criteria set forth in the statute.

The Agency is encouraging innovative approaches in the recruitment, training and retention of individuals most in need of tutoring; in the recruitment and training of community tutors; and in the development of multifaceted strategies for ameliorating illiteracy. VISTA Literacy Corps Volunteers will play an integral role in facilitating these efforts.

The programmatic goals serve as guidance to potential program sponsors and should not be construed as requirements for VISTA Literacy Corps Volunteers to provide direct services.

One respondent asserted that two of the goals were redundant. Dual remedial instruction of parents with their children is recognized as an effective preventive measure in stemming the intergenerational transfer of illiteracy. However, it is the opinion of the Agency that reliance on this methodology alone cannot mitigate this pattern. Program flexibility is an essential element in accommodating the diverse learning needs of children who may be educationally at risk, as well as adult learners. Consequently, the Agency will retain these two provisions as separate goals.

In addition, some comments expressed concern regarding the goal that would "increase significantly the reliance on private sector resources". Literacy networks have benefitted greatly through the contributions and participation of sponsoring organizations, such as, libraries and Adult Basic Education programs which are financed primarily through public sector sources. Therefore, the Agency has rewritten this provision as follows: "to increase significantly the development of financial and volunteer resources through public/private sector cooperation to ensure the permanence and eventual self-sufficiency of effective literacy efforts".

III. Priority Considerations

The Agency received several comments that the guidelines understated the anti-poverty criteria and focus of the VISTA Literacy Corps. Specific references in the Literacy Corps guidelines to serving disadvantaged persons are explicit in the VISTA authorizing statute (Pub. L. 93–113) and accordingly, the VISTA Literacy Corps guidelines have been amended to reflect the anti-poverty focus.

IV. One-On-One Tutoring

The Domestic Volunteer Service Act Amendments of 1986 (Pub. L. 99–551) authorized one-on-one literacy instruction of low-income individuals by Literacy Corps Volunteers (section 109(d)). However, no funds were appropriated by the Congress for this component of the Literacy Corps during FY 87. Based on a comment received, the guidelines have been changed to reflect the statutory language.

V. Statewide Affiliates

The proposed guidelines precluded the use of VISTA Literacy Corps Volunteers in the creation of a statewide affiliate of a national organization. Several respondents commented on the effectiveness of VISTA Volunteers in establishing a permanent foundation and network of state and local literacy providers from which to expand and augment existing literacy services. This original prohibition has been removed from the final guidelines.

Accordingly, the guidelines are published in final form to read as follows:

Purpose:

VISTA is charged with the responsibility of strengthening and supplementing efforts to alleviate and eliminate poverty and poverty-related problems in the United States by using community, public, private sector and volunteer resources to achieve this commitment. In keeping with this mission, the VISTA Literacy Corps will encourage partnerships; promote voluntarism; enhance state and local literacy activities; mobilize resources; increase the capacity of the low-income community to address their literacy needs; and develop a comprehensive approach for combatting illiteracy. As in the case with other VISTA projects, potential program sponsors should include in their plan provisions for the eventual absorption and assumption of VISTA literacy volunteers' activities and contributions upon discontinuation of this federal support.

The purpose of the VISTA Literacy Corps is to use VISTA Volunteers in developing, strengthening, supplementing and expanding the literacy efforts of both public and private nonprofit organizations at the local, State, and Federal levels to mobilize local, State, Federal, and private sector financial and volunteer resources to address the problem of illiteracy throughout the United States.

Criteria and Priority Considerations For The Selection of VISTA Literacy Corps Projects

VISTA Literacy Corps Volunteers will be assigned in a manner consistent with the VISTA equitable distribution requirement of section 414 of Pub. L. 93–113 and based upon current national poverty levels and literacy statistics. In accordance with section 109(f), all VISTA Volunteers serving in literacy projects as of October 1, 1986, became part of the Literacy Corps. New VISTA Literacy Corps Volunteers will be recruited to supplement and not supplant ongoing VISTA literacy activities.

VISTA Literacy Corps Volunteers will be assigned to programs and projects that meet the requisite anti-poverty criteria under Part A and that provide assistance to illiterate and functionally illiterate individuals who are either unserved or underserved by literacy education programs. The legislation places a "special emphasis on targeting disadvantaged individuals with the highest risk of illiteracy, and individuals having the lowest reading abilities and educational level of competence."

Organizations to which Literacy Corps Volunteers may be assigned include public or private nonprofit agencies and organizations; local, State and national literacy councils and organizations; community-based nonprofit organizations; local and State education agencies; local and State agencies administering adult basic education programs; educational institutions; libraries; anti-poverty organizations; local, municipal, and State governmental entities; and administrative entities designated to administer job training plans under the Job Training Partnership Act.

Priority consideration in the assignment of volunteers will be given to the following literacy programs and projects:

(a) Those that assist illiterate individuals in greatest need of literacy training who reside in unserved or underserved areas with the highest concentration of illiteracy and of low-income individual and families;

(b) Those that serve individuals reading at the zero to fourth grade levels;

(c) Those that focus on providing services to high risk populations, e.g., school dropouts and minority youth;

(d) Those that operate in areas with the highest concentration of individuals and families living at or below the poverty level;

(e) Those providing literacy services to parents of disadvantaged children between the ages of two and eight who may be educationally at risk; and

(f) Statewide programs and projects that support the creation of new literacy efforts, encourage the coordination of intrastate literacy efforts and provide technical assistance to local literacy efforts.

One-On-One Tutoring

Section 109(d) authorizes the assignment of volunteers to projects and programs that primarily use volunteers for one-on-one tutoring of low-income individuals. However, no funds have been appropriated for this component of the Literacy Corps.

Programmatic Goals and Direction

In addition to the aforementioned criteria, the Agency will encourage potential VISTA Literacy Corps sponsors in developing programs that will include efforts to:

- Assistant in the eradication of illiteracy and to curb the trend toward its intergenerational transfer;
- Bolster ongoing literacy efforts through public and private sector partnerships, interagency agreements and other cooperative arrangements;
- Increase significantly the development of financial and volunteer resources through public/private sector cooperation to ensure the permanence and eventual self-sufficiency of effective literacy efforts;
- Heighten public awareness of how individuals, organizations, and communities can contribute toward literacy efforts and further generate local support;
- Lower barriers to employment by improving the basic reading skills of those who are unemployed or marginally employed;
- Ensure that volunteers working in the literacy field are provided with appropriate training, adequate supervision, and periodic interim instruction;
- Screen potential tutors and pre-test students to discern more accurately their capabilities as well as their special needs;

- Increase the effectiveness and ensure accountability of literacy programs through the measurement of student performance, attrition and retention data;
- Institute the use of learner advocates or other pesonal support systems in guiding literacy students through the learning process as they graduate on to the next level of achievement; and
- Provide dual remedial instruction of adults with their children.

Signed at Washington, DC this 24th day of February, 1987.

Donna M. Alvarado,

Director.

[FR Doc. 87-4236 Filed 2-26-87; 8:45 am]

BILLING CODE 6050-28-M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

[Doc. No. 3824S]

Privacy Act; System of Records

AGENCY: Office of the Secretary, USDA.

ACTION: Notice of revision of Privacy Act system of records.

SUMMARY: Notice is hereby given that the United States Department of Agriculture (USDA) is amending one of its Systems of Records maintained by the Federal Crop Insurance Corporation (FCIC), titled "USDA/FCIC-8—List of Ineligible Producers USDA/FCIC." This action is necessary to add the category of individuals, those who are ineligible due to non-payment of premium, and to add three new routine uses. The first is to report individuals who have been determined to be ineligible for Federal Crop Insurance on a specific crop(s) due to excessive losses, questionable farming practices, or non-payment of premium, or who have contracts voided due to suspected or apparent fraud. The second and third uses allow information which is relevant and necessary to litigation to be disclosed, in certain limited circumstances, to the Department of Justice and in proceedings before a court or adjudicative body.

The first intended effect of this notice is to add a routine use of the system to enable FCIC to exchange information with private insurance companies under an Agency Sales and Service Contract or a Reinsurance Agreement regarding persons determined by FCIC to be ineligible for crop insurance or whose contract is determined to be ineligible for reinsurance. The second intended effect is to provide for limited release of information in connection with litigation.

DATE: This notice will be adopted without further publication in the **Federal Register** on March 30, 1987, unless modified by a subsequent notice to incorporate comments received from the public. Comments must be received by the contact person listed below on or before March 30, 1987, to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Ralph F. Satterfield, Federal Crop Insurance Corporation, Room 4606, South Building, U.S. Department of Agriculture, Washington, DC, 20250, telephone (202) 382-9714.

SUPPLEMENTARY INFORMATION: USDA hereby amends its system of records, USDA/FCIC-8, published in the **Federal Register** at 51 FR 10036, March 24, 1986, by amending the "Categories of Individuals Covered by the System" and the "Routine use of records maintained in its system, including categories of users and the purposes of such uses." These amendments will permit referral of information regarding policyholder ineligibility to private insurance companies under an Agency Sales and Service Contract with respect to those individuals who have been determined by FCIC to be ineligible for crop insurance, and to private insurance companies under a Reinsurance Agreement with FCIC with respect to individuals whose crop insurance policies are reinsured by FCIC.

By this action FCIC will (1) maintain a list of those policyholders determined by FCIC to be ineligible for Federal Crop Insurance or whose contract is determined to be ineligible for reinsurance on a specific crop(s) due to excessive losses, questionable farming practices, or non-payment of premium, or who have contracts voided due to suspected or apparent fraud; and (2) exchange information on the ineligibility of producers between private insurance companies holding either an Agency Sales and Service Contract or a Reinsurance Agreement with FCIC.

In addition, new routine uses concerning the release of records to the Department of Justice and in proceedings before a court or adjudicative body have been added to USDA/FCIC-8. These new uses are being promulgated to address concerns expressed by the district court in *Krohn* v. *Department of Justice*, Civil No. 78-1536 (D.D.C. March 19, 1984). In *Krohn*, an FBI routine use providing for disclosure "during appropriate legal proceedings" was held to be "vague and capable of being construed so broadly as to encompass all legal proceedings * * * (and) would make disclosure the rule rather than the exception and thus subvert the purposes of the (Privacy) Act." The new routine uses are designed to restrict the amount of information released during litigation.

Accordingly, notice is hereby given that USDA amends its System of Records maintained by the Federal Crop Insurance Corporation (FCIC) titled "USDA/FCIC-8—List of Ineligible Producers USDA/FCIC", to read as set forth below.

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

Richard E. Lyng,

Secretary of Agriculture.

USDA/FCIC-8

SYSTEM NAME:

List of Ineligible Producers, USDA/FCIC.

SYSTEM LOCATION:

Kansas City Operations Office, Federal Crop Insurance Corporation, 9435 Holmes, Kansas City, Missouri 64131; Field Actuarial Offices, offices of Field Operations Office Directors; and, each service office of the Federal Crop Insurance Corporation. Addresses of each such field office may be obtained from the Director, Field Operations Division, FCIC, Washington, DC 20250.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been determined as not eligible for Federal Crop Insurance on a specific crop(s) due to excessive losses, questionable farming practices, or non-payment of premium, or who have contracts voided due to suspected or apparent fraud.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record contains only lists of names of producers and prior policy numbers, if any, for a specific state and county.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

7 U.S.C. 1501-1520; 7 CFR 2.73.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

(1) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and

whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto.

(2) Referral to the Department of Justice when (a) the agency, or any component thereof; or (b) any employee of the agency in his or her official capacity; or (c) any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee; or (d) the United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by the agency to be relevant and necessary to the litigation, provided, however, that in each case, the agency determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

(3) Disclosure in a proceeding before a court or adjudicative body before which the agency is authorized to appear, when (a) the agency, or any component thereof; or (b) any employee of the agency in his or her official capacity; or (c) any employee of the agency in his or her individual capacity where the agency has agreed to represent the employee; or (d) the United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the agency determines that use of such records is relevant and necessary to the litigation, provided, however, that in each case, the agency determines that disclosure of the records to the court is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

(4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

(5) Referral of information regarding policyholder ineligibility to private insurance companies under an Agency Sales and Service Contract with respect to those policyholders determined by FCIC to be ineligible for Federal Crop Insurance on a specific crop(s) due to excessive losses, questionable farming practices, or non-payment of premium, or who have contracts voided due to suspected or apparent fraud.

(6) Referral of information regarding policyholder ineligibility to private insurance companies under a Reinsurance Agreement with FCIC with respect to individuals whose crop insurance policies are reinsured by FCIC, and whose policies are determined by FCIC to be ineligible for reinsurance on a specific crop(s) due to excessive losses, questionable farming practices, or non-payment of premium, or who have contracts voided due to suspected or apparent fraud.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders by county, and on magnetic tape.

RETRIEVABILITY:

Records are indexed by State, county, and name of individual.

SAFEGUARDS:

Records are accessible only to authorized personnel and are maintained in offices which are locked during non-working hours.

RETENTION AND DISPOSAL:

Records are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Manager, Federal Crop Insurance Corporation, USDA, Washington, DC 20250.

NOTIFICATION PROCEDURE:

An individual may request information regarding this system of records or information as to whether the system contains records pertaining to such individual from the Director, Field Operations Division, FCIC, Washington, DC 20250. Addresses of locations where records are maintained may also be obtained from the above office.

A request for information pertaining to an individual should contain (1) Individual's name and address, (2) State(s) and county(ies) where such individual farms, and (3) the individual policy number(s), if known.

RECORD ACCESS PROCEDURES:

An individual may obtain information as to the procedures for gaining access to a record in the system which pertains to such individual by submitting a written request to the appropriate official referred to in the preceding paragraph.

CONTESTING RECORD PROCEDURES:

Same as access procedure.

RECORD SOURCE CATEGORIES:

Information in this system comes from reports of inspections made by FCIC personnel of producer's operations and from records of previous insuring experience.

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BILLING CODE 3410-01-M

[Docket No. 86-408]

Privacy Act of 1974, System of Records

AGENCY: Office of the Secretary, USDA.

ACTION: Notice of revision of Privacy Act System of Records.

SUMMARY: Notice is hereby given that the United States Department of Agriculture (USDA) is revising five of its Privacy Act Systems of Records; is deleting one of its systems of records; and is adding two systems of records to the systems of records maintained by the Animal and Plant Health Inspection Service (APHIS).

DATE: This action is effective as of April 28, 1987. Comments must be received by the contact person listed below on or before April 28, 1987.

ADDRESSES: Interested persons may submit written comments to Stasia Hutchison, Public Affairs Specialist, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, 6505 Belcrest Road, Room 732-Federal Building, Hyattsville, Maryland 20782; telephone (301) 436-7776, (FTS) 436-7776.

FOR FURTHER INFORMATION CONTACT: Stasia Hutchison, Public Affairs Specialist, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, 6505 Belcrest Road, Room 732-Federal Building, Hyattsville, Maryland 20782; telephone (301) 436-7776, (FTS) 436-7776.

SUPPLEMENTARY INFORMATION: Pursuant to the Privacy Act, 5 U.S.C. 552a, USDA hereby takes the following action: I. Five systems of records maintained by APHIS are revised for the following reasons:

(1) USDA/APHIS-1, "Plant Protection and Quarantine—Regulatory Actions." The purpose of this revision to the system of records is to identify changes in record system location; indicate the addition of "complaints, consent decisions, and decisions and orders in relation to civil penalties assessed by [USDA]" to the categories of records; and indicate that records will be retrieved by case number.

(2) USDA/APHIS-2, "Veterinary Services—Records of Accredited Veterinarians." The purpose of this revision to the system of records is to identify changes in record system location; indicate the addition of "social

security number, mailing address, phone number, type of practice" to the categories of records; indicate that records will be maintained electronically and will be electronically retrieved by case number; to indicate changes in procedures for safeguarding records; and changes in retention and disposal of records.

(3) USDA/APHIS–3, "Veterinary Services—Animal Quarantine Regulatory Actions." The purpose of this revision to the system of records is to identify changes in record system location and changes in retention and disposal of records.

(4) USDA/APHIS–4, "Veterinary Services—Animal Welfare and Horse Protection Regulatory Actions." The purpose of this revision to the system of records is to identify changes in record system location and changes in retention and disposal of records.

(5) USDA/APHIS–6, "Veterinary Services—Brucellosis Information System." The purpose of this revision to the system of records is to identify changes in retention and disposal of records.

II. USDA/APHIS–5, "Veterinary Services—Candidates for Animal Disease Control Positions in Foreign Countries" is hereby deleted because these records are no longer maintained by USDA.

III. Two new systems of records are added as follows:

(1) A new system of records, USDA/APHIS–7, "Animal Damage Control Non-Federal Personnel Records" is being added. The addition is prompted by Congress's transfer of the Animal Damage Control program (ADC) to USDA in the Agriculture, Rural Development, and Related Agencies Appropriations Act of 1986, as enacted on December 19, 1985, Pub. L. No. 99–190. The ADC was established by the Act of March 2, 1931. The statute authorizes programs for research and operational control of depredating animals injurious to agriculture, horticulture, forestry, animal husbandry, wild game animals, fur bearing animals and birds, and for the protection of stock and other domestic animals through the suppression of animal diseases in predatory and other wild animals. From 1931 until 1939, the ADC was administered by USDA through the then Bureau of Biological Survey. From 1939 to December 19, 1985, the program was administered by the Fish and Wildlife Service of the United States Department of the Interior (USDI), on the basis that the authority to administer the Act of March 2, 1931, along with the Bureau of Biological Survey, had been transferred to USDI by Reorganization Plan No. II of 1939. The Secretary of Agriculture has delegated to the Assistant Secretary for Marketing and Inspection Services and the Administrator, APHIS, the responsibility and the authority for administering the Animal Damage Control Act of 1931 (7 U.S.C. 426, 426b). Maintenance of this system of records is a necessary part of administering the ADC program.

(2) A new system of records, USDA/APHIS–8, "Veterinary Services—Animal Welfare" is being added. The purpose of this system of records is to ensure the maintenance of records essential for the implementation and enforcement of the Animal Welfare Act (AWA). Maintaining this system will help increase efficiency in complying with the regulations and standards of the AWA.

In addition, new routine uses concerning the release of records to the Department of Justice and in proceedings before a court or adjudicative body have been added to USDA/APHIS–1,2,3,4, and 6, and included in USDA/APHIS–7 and USDA/APHIS–8. These new uses are being promulgated to address concerns expressed by the district court in *Krohn v. Department of Justice*, Civil No. 78–1536 (D.D.C. March 19, 1984). In *Krohn*, an FBI routine use providing for disclosure "during appropriate legal proceedings" was held to be "vague and capable of being construed so broadly as to encompass all legal proceedings * * * (and) would make disclosure as a 'routine use' the rule rather than the exception and thus subvert the purposes of the (Privacy) Act." The new routine uses are designed to restrict the amount of information released during litigation.

A "Report on New System" for each system of records, required by 5 U.S.C. 552a(o), as implemented by the OMB Circular A–130, was sent to the President of the Senate, the Speaker of the House of Representatives, and the Office of Management and Budget on February 20, 1987.

Signed at Washington, DC on February 20, 1987.

Richard E. Lyng,

Secretary.

USDA/APHIS—1

SYSTEM NAME:

Plant Protection and Quarantine—Regulatory Actions, USDA/APHIS.

SYSTEM LOCATION:

Plant Protection and Quarantine Program, USDA/APHIS, Room 643 Federal Building, Hyattsville, MD 20782.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Violators and alleged violators of plant protection and quarantine laws and regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system consists of case files on violators and alleged violators and contains copies of violation report forms, compliance agreements, employee or other witness statements, warning notices, Office of the General Counsel (OGC) recommendations to the Department of Justice and court disposition documents. Complaints, consent decisions, and decisions and orders in relation to civil penalties assessed by the U.S. Department of Agriculture.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

7 U.S.C. 150gg, 163.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto. (2) Disclosure to the Department of Justice for use in litigation when the agency, or any component thereof, or any employee of the agency in his or her official capacity, or any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee, or the United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by the agency to be relevant and necessary to the litigation; provided, however, that in each case, the agency determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected. (3) Disclosure in a proceeding before a court or adjudicative body before which the agency is authorized to appear, when the agency, or any component thereof, or any employee of

the agency in his or her official capacity, or any employee of the agency in his or her individual capacity where the agency has agreed to represent the employee, or the United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the agency determines that use of such records is relevant and necessary to the litigation; provided, however that in each case, the agency determines that disclosure of the records to the court is a use of the information contained in the records that is compatible with the purpose for which the records were collected. (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders in metal file cabinets.

RETRIEVABILITY:

Records are manually retrieved by case numbers assigned to individual violators and alleged violators.

SAFEGUARDS:

Records are maintained in locked files with APHIS employees in attendance during working hours.

RETENTION AND DISPOSAL:

Records are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Administrator, Plant Protection and Quarantine, USDA/APHIS, 14th & Independence Avenue, S.W., Washington, D.C. 20250.

NOTIFICATION PROCEDURE:

All inquiries should be addressed to: APHIS Privacy Act Coordinator, Office of the Administrator, USDA/APHIS, Room 732 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

RECORD ACCESS PROCEDURES:

All inquiries should be addressed to the APHIS Privacy Act Coordinator.

CONTESTING RECORD PROCEDURES:

All inquiries should be addressed to the APHIS Privacy Act Coordinator.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f). See 7 CFR 1.23. Individual access to these records would impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action to escape prosecution. Any individual who feels, however, that he has been denied any right, privilege or benefit for which he would otherwise be eligible as a result of the maintenance of such material may request access to the material. Such requests should be addressed to:

APHIS Privacy Act Coordinator, Office of the Administrator, USDA/APHIS, Room 732 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

USDA/APHIS—2

SYSTEM NAME:

Veterinary Services—Records of Accredited Veterinarians, USDA/APHIS.

SYSTEM LOCATION:

Veterinary Services Program, USDA/APHIS, Room 828AA Federal Building, Hyattsville, MD 20782.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Private veterinary practitioners who are accredited by the Federal and State governments to issue health certificates for the interstate and international movement of livestock and participate in cooperative State/Federal animal health programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Record includes name of accredited veterinarian, social security number, mailing address, phone number, type of practice, State in which accredited State license number, college and date of graduation, and score on accreditation examination. (2) Record also includes material pertaining to alleged violations of accreditation standards. If allegations are proven true the record includes the disposition of the case which may be revocation of accreditation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

21 U.S.C. 105, 111–114a–1, 116, 125, 134b, 134f.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Referral to State Animal Health officials to certify that a particular individual is indeed accredited. (2) Referral to State veterinary examining boards to certify that a particular individual is indeed accredited. (3) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto. (4) Disclosure to the Department of Justice for use in litigation when the agency, or any component thereof, or any employee of the agency in his or her official capacity, or any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee, or the United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by the agency to be relevant and necessary to the litigation; provided, however, that in each case, the agency determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected. (5) Disclosure in a proceeding before a court or adjudicative body before which the agency is authorized to appear, when the agency, or any component thereof, or any employee of the agency in his or her official capacity, or any employee of the agency in his or her individual capacity where the agency has agreed to represent the employee, or the United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the agency determines that use of such records is relevant and necessary to the litigation; provided, however, that in each case, the agency determines that disclosure of the records to the court is a use of the information contained in the records that is compatible with the purpose for which the records were collected. (6) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are electronically stored at the Washington Computer Center.

RETRIEVABILITY:

Records are electronically retrieved by alphabetized names and social security numbers.

SAFEGUARDS:

The computer files and tapes are kept in a safeguarded environment with access only by authorized personnel.

RETENTION AND DISPOSAL:

Records are maintained for the individual's lifetime or until no longer licensed.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Administrator, Veterinary Services, USDA/APHIS, 14th & Independence Avenue, SW., Washington, DC 20250.

NOTIFICATION PROCEDURE:

All inquiries should be addressed to: APHIS Privacy Act Coordinator, Office of the Administrator, USDA/APHIS, Room 732 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

RECORD ACCESS PROCEDURES:

All inquiries should be addressed to the APHIS Privacy Act Coordinator.

CONTESTING RECORD PROCEDURES:

All inquiries should be addressed to the APHIS Privacy Act Coordinator.

RECORD SOURCE CATEGORIES:

Material is transcribed from documents submitted by the individual. Material is verified by State and Area Animal Health Officials which sometimes results in additional source material submitted by such officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The portions of this system which consist of investigatory material compiled for law enforcement purposes have been exempted pursuant to 5 U.S.C. 552a(k)(2) from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). See 7 CFR 1.23. Individual access to these records would impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action to escape prosecution. Any individual who feels, however, that he has been denied any right, privilege or benefit for which he would otherwise be eligible as a result of the maintenance of such material may request access to the material. Such requests should be addressed to: APHIS Privacy Act Coordinator, Office of the Administrator, USDA/APHIS, Room 732 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

USDA/APHIS—3

SYSTEM NAME:

Veterinary Services—Animal Quarantine Regulatory Actions, USDA/APHIS.

SYSTEM LOCATION:

Veterinary Services Program, USDA/APHIS, Room 821 Federal Building, Hyattsville, MD 20782.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Veterinarians; Livestock Market Operators; Livestock Haulers; Livestock Dealers, Buyers, and Brokers; Livestock Owners and Producers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Investigatory and case files of alleged violations of quarantine laws contain the alleged violator's name and address, type of infraction, and documentation of the alleged infraction. The file includes closed cases as well as the current status of those cases remaining unresolved.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

21 U.S.C. 101–105, 111–134.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto. (2) Disclosure to the Department of Justice for use in litigation when the agency, or any component thereof, or any employee of the agency in his or her official capacity, or any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee, or the United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by the agency to be relevant and necessary to the litigation; provided, however, that in each case, the agency determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected. (3) Disclosure in a proceeding before a court or adjudicative body before which the agency is authorized to appear, when the agency, or any component thereof, or any employee of the agency in his or her official capacity, or any employee of the agency in his or her individual capacity where the agency has agreed to represent the employee, or the United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the agency determines that use of such records is relevant and necessary to the litigation; provided, however, that in each case, the agency determines that disclosure of the records to the court is a use of the information contained in the records that is compatible with the purpose for which the records were collected. (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders in metal file cabinets.

RETRIEVABILITY:

Numbered cases are cross-indexed by alphabetized names. Files are manually retrieved.

SAFEGUARDS:

Records are maintained in locked files with APHIS employees in attendance during working hours.

RETENTION AND DISPOSAL:

Precedent setting cases are destroyed 7 years after the case is closed. Routine cases are destroyed 5 years after the case is closed. Investigations not resulting in violations are destroyed 1 year after they are closed.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Administrator, Veterinary Services, USDA/APHIS, 14th & Independence Avenue, SW., Washington, D.C. 20250.

NOTIFICATION PROCEDURE:

All inquiries should be addressed to: APHIS Privacy Act Coordinator, Office of the Administrator, USDA/APHIS, Room 732 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

RECORD ACCESS PROCEDURES:

All inquiries should be addressed to the APHIS Privacy Act Coordinator.

CONTESTING RECORD PROCEDURES:

All inquiries should be addressed to the APHIS Privacy Act Coordinator.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f). See 7 CFR 1.23. Individual access to these records would impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action to escape prosecution. Any individual who feels, however, that he has been denied any right, privilege or benefit for which he would otherwise be eligible as a result of the maintenance of such material may request access to the material. Such requests should be addressed to: APHIS Privacy Act Coordinator, Office of the Administrator, USDA/APHIS, Room 732 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

USDA/APHIS—4

SYSTEM NAME:

Veterinary Services—Animal Welfare and Horse Protection Regulatory Actions, USDA/APHIS.

SYSTEM LOCATION:

Veterinary Services Program, USDA/APHIS, Room 821 Federal Building, Hyattsville, MD 20782.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Dealers, exhibitors, and other individuals required to be licensed or registered under the Federal Laboratory Animal Welfare Act of 1966, as amended. Operators of research facilities and other individuals required to be registered under the Federal Laboratory Animal Welfare Act of 1966, as amended. Horse trainers, owners, exhibitors, and other individuals subject to the Horse Protection Act of 1970.

CATEGORIES OF RECORDS IN THE SYSTEM:

Investigatory and case files contain the alleged violator's name and address, type of infraction, and documentation of the alleged infraction. The files include closed cases as well as the current status of those cases remaining unresolved.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

7 U.S.C. 2131 et seq.; 15 U.S.C. 1821 et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto. (2) Disclosure to the Department of Justice for use in litigation when the agency, or any component thereof, or any employee of the agency in his or her official capacity, or any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee, or the United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by the agency to be relevant and necessary to the litigation; provided, however, that in each case, the agency determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected. (3) Disclosure in a proceeding before a court or adjudicative body before which the agency is authorized to appear, when the agency, or any component thereof, or any employee of the agency in his or her official capacity, or any employee of the agency in his or her individual capacity where the agency has agreed to represent the employee, or the United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the agency determines that use of such records is relevant and necessary to the litigation; provided, however, that in each case, the agency determines that disclosure of the records to the court is a use of the information contained in the records that is compatible with the purpose for which the records were collected. (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on index cards and in file folders in metal file cabinets.

RETRIEVABILITY:

Numbered cases are cross-indexed by alphabetized names. Files are manually retrieved.

SAFEGUARDS:

Records are maintained in locked files with APHIS employees in attendance during working hours.

RETENTION AND DISPOSAL:

Precedent setting cases are destroyed 7 years after the case is closed. Routine cases are destroyed 5 years after the case is closed. Investigations not resulting in violations are destroyed 1 year after they are closed.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Administrator, Veterinary Services, USDA/APHIS, 14th & Independence Avenue, SW., Washington, D.C. 20250.

NOTIFICATION PROCEDURE:

All inquiries should be addressed to: APHIS Privacy Act Coordinator, Office of the Administrator, USDA/APHIS, Room 732 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

RECORD ACCESS PROCEDURES:

All inquiries should be addressed to the APHIS Privacy Act Coordinator.

CONTESTING RECORD PROCEDURES:

All inquiries should be addressed to the APHIS Privacy Act Coordinator.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f). See 7 CFR 1.23. Individual access to these records would impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action to escape prosecution. Any individual who feels, however, that he has been denied any right, privilege or benefit for which

he would otherwise be eligible as a result of the maintenance of such material may request access to the material. Such requests should be addressed to: APHIS Privacy Act Coordinator, Office of the Administrator, USDA/APHIS, Room 732 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

USDA/APHIS—6

SYSTEM NAME:

Veterinary Services—Brucellosis Information System, USDA/APHIS.

SYSTEM LOCATION:

U.S. Department of Agriculture, Fort Collins Computer Center, Colorado, and each of the various States.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Herd owners whose animals or herds are tested, studied, or restricted because of brucellosis; livestock markets, slaughter establishments; and livestock dealers (including agents and brokers) handling livestock covered by the program; milk processing plants receiving milk or cream from dairy farms; laboratories conducting brucellosis program tests or procedures; State, Federal, and contractual personnel engaged in program activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information on herds and individual animals tested, studied, or restricted under the brucellosis program; epidemiologic studies; animals, specimens, or premises sampled, identified, inspected, tested, handled, or restricted under the brucellosis program by State, Federal or contractual personnel; animal identification, health and movement data of animals covered under program activities for traceback of disease from livestock markets, slaughter plants, and livestock dealers or livestock brokers or commission firms; milk and cream samples and related identification data for brucellosis testing from milk processing plants receiving fresh farm milk; and brucellosis test data from laboratories approved to do brucellosis program testing.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

21 U.S.C. 111, 112, 114, 114a–1, 115, 120, 121, 125, 134a–134f and Title 9, Code of Federal Regulations, Part 51 and Part 78.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records maintained in the computer system will be routinely used by the Federal and State government personnel for: (1) Detecting the foci of infection to reduce the rate of spread of infection to new herds; (2) evaluating brucellosis program activities of State, Federal, and contractual personnel; (3) preparing mailing labels and preaddressed forms to enhance field activities; (4) evaluating program effectiveness; (5) detecting factors of epidemiologic importance in containing or eliminating foci of infected herds; (6) assuring that brucellosis indemnities are promptly and properly paid; (7) notification of livestock owners with the animals at high risk of exposure to brucellosis because of livestock movements or an outbreak of disease or presence of quarantined premises in a community; (8) referral to the appropriate agency, whether Federal, State, local, or foreign, charged with responsibility of investigating or prosecuting a violation of law concerning animal disease control and eradication, or of enforcing or implementing a statute, rule, regulation, or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law concerning animal disease control and eradication, whether civil, criminal, or regulatory in nature, and either arising by general statute or particular program statute, or by rule, regulation, or court order issued pursuant thereto; (9) Disclosure to the Department of Justice for use in litigation when the agency, or any component thereof, or any employee of the agency in his or her official capacity, or any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee, or the United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by the agency to be relevant and necessary to the litigation; provided, however, that in each case, the agency determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected. (10) Disclosure in a proceeding before a court or adjudicative body before which the agency is authorized to appear, when the agency, or any component thereof, or any employee of the agency in his or her official capacity, or any employee of the agency in his or her individual capacity where the agency has agreed to represent the employee, or the United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the agency determines that use of such records is relevant and necessary to the litigation; provided, however, that in each case, the agency determines that disclosure of the records to the court is a use of the information contained in the records that is compatible with the purpose for which the records were collected. (11) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records will be maintained on two mediums depending on how current they are. These are: (1) On-line disk storage and (2) Magnetic Tape.

RETRIEVABILITY:

Under this system, it will be possible to retrieve and organize data by any of the categories which have been recorded. This will greatly improve the ability to retrieve existing records and to serve the livestock industry in the eradication of brucellosis.

SAFEGUARDS:

The only individuals with access to this system are Federal and State government employees with a need to know. The data base is secured on a State-by-State basis. The brucellosis national planning staff has access to all information in the computerized system without restrictions. The computer files and tapes are kept in a safeguarded environment with access only by authorized personnel.

RETENTION AND DISPOSAL:

(1) Herd records are maintained in the data base as follows: (a) Infected herds not depopulated or sold out are always on-line. (b) Depopulated or sold out herds are archived. (c) Tested herds but not infected are kept on-line for 6 months after testing, and then archived on a fiscal year basis. Archived data is kept for 15 years. (2) Records pertaining to animals, specimens or premises sampled, identified, inspected, tested, handled, or restricted by State, Federal, or contractual personnel are kept on-line as long as the individual is working in brucellosis programs. Once employment or accreditation is terminated, the information is archived by fiscal year for 15 years. (3) Livestock market, slaughter establishments, livestock

dealer, milk processing plant and laboratory records pertaining to animal or herd information are retained as described under (1) above.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Administrator, Veterinary Services, USDA/APHIS, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

NOTIFICATION PROCEDURE:

All inquiries should be addressed to: APHIS Privacy Act Coordinator, Office of the Administrator, USDA/APHIS, Room 732 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

RECORD ACCESS PROCEDURES:

All inquiries should be addressed to the APHIS Privacy Act Coordinator.

CONTESTING RECORD PROCEDURES:

All inquiries should be addressed to the APHIS Privacy Act Coordinator.

RECORD SOURCE CATEGORIES:

(1) Epidemiologic information for herds and animals is obtained from documents and reports completed by Federal and State employees or contractual personnel as a part of testing a herd or animal(s) or as a part of investigating the source and spread of brucellosis within the livestock population. (2) Information for work related activities is made available by the appropriate State or Federal office for personnel and contractual employees paid from their funds. (3) Livestock market, slaughter establishment, livestock dealer, milk processing plant, and laboratory information is acquired in the course of obtaining other program activity information such as where samples were collected, where animal identification was applied, where samples were tested, and how the samples or animals were handled or processed prior to or following collection of testing.

USDA/APHIS—7

SYSTEM NAME:

Animal Damage Control Non-Federal Personnel Records—USDA/APHIS.

SYSTEM LOCATION:

Animal Damage Control State Area Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Animal Damage Control Program Cooperative Employees; i.e., State and other.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Non-Federal Employees-recruitment forms, medical forms, security records, life and health insurance forms, military service records, motor vehicle exam records, education and skills records, training records, disciplinary and suspension records, letters of commendation; (2) Payroll Records—Time and attendance records, State retirement records, social security records, workman's compensation insurance records, leave records, salary and expense cost records; (3) Travel Expense and Mileage Report; (4) Animal Damage Control Records—hunter and trapper (district field assistant) records on animals taken weekly, itinerary and report of activity of trappers and hunters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

7 U.S.C. 426–426(b); 7 U.S.C. 136–136w; 16 U.S.C. 703–711; and Section 101, Pub. L. No. 99–190.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

The primary uses of the records are to (a) serve as a tool for the State supervlsors in the financial and manpower management of Animal Damage Control programs (b) form the legal basis for the disbursement of funds and (c) form the basis for preparation of statistical reports. Disclosures outside the Department of Agriculture may be made: (1) for administrative uses by cooperating Federal, State, county, and local government units, and cooperating private organizations and associations; (2) to the Department of Justice for use in litigation when the agency, or any component thereof, or any employee of the agency in his or her official capacity, or any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee, or the United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by the agency to be relevant and necessary to the litigation; provided, however, that in each case, the agency determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected; (3) in a proceeding before a court or adjudicative body before which the agency is authorized to appear, when the agency, or any component thereof, or any employee of the agency in his or her official capacity, or any employee of the agency in his or her individual capacity where the agency has agreed to represent the employee, or the United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the agency determines that use of such records is relevant and necessary to the litigation; provided, however, that in each case, the agency determines that disclosure of the records to the court is a use of the information contained in the records that is compatible with the purpose for which the records were collected; (4) of information indicating a violation or potential violation of a statute, regulation rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (5) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (6) to other Federal agencies to effect salary and administrative offsets; and (7) to provide addresses obtained from the Internal Revenue Service to debt collection agencies for purposes of locating a debtor to collect or compromise a Federal claim against the debtor, or to consumer reporting agencies to prepare a commercial credit report for use by the Department.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made to consumer reporting agencies as defined in the Fair Credit Reporting Act [15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are manually retrieved by employee name.

SAFEGUARDS:

Records and forms are maintained in a standard office filing cabinet and office is locked when authorized personnel are not present.

RETENTION AND DISPOSAL:

Non-record administrative material

disposed 30 days after employment terminates or in compliance with State regulations on disposal of payroll records subject to audit.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Administrator, Animal Damage Control, USDA/APHIS, 14th & Independence Avenue, SW., Washington, DC 20250.

NOTIFICATION PROCEDURE:

All inquiries should be addressed to: APHIS Privacy Act Coordinator, Office of the Administrator, USDA/APHIS, Room 732 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

RECORD ACCESS PROCEDURES:

All inquiries should be addressed to the APHIS Privacy Act Coordinator.

CONTESTING RECORD PROCEDURES:

All inquiries should be addressed to the APHIS Privacy Act Coordinator.

RECORD SOURCE CATEGORIES:

Material is obtained from documents submitted by the individuals and from records completed by Federal employees or contractual personnel.

USDA/APHIS—8

SYSTEM NAME:

Veterinary Services—Animal Welfare, USDA/APHIS.

SYSTEM LOCATION:

Veterinary Services Program, USDA/APHIS, Room 754 Federal Building, Hyattsville, MD 20782, and the Area Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Dealers, exhibitors, and other individuals required to be licensed under the Federal Laboratory Act of 1966, as amended. Operators of research facilities, intermediate handlers, carriers, and other individuals required to be registered under the Federal Laboratory Animal Welfare Act of 1966, as amended.

CATEGORIES OF RECORDS IN THE SYSTEM:

The general files contain the name and address of the licensee or registrant and the registration or licensing number. The records maintained in the files include the application for license or annual report, application for registration, annual report of research facility, program of veterinary care, inspection of carriers/intermediate handler, inspection of animal facilities, and request for approval of holding facility.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

7 U.S.C. 2131 et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Records maintained under the proviso of this authority form an integral support network essential for the implementation and enforcement of the Animal Welfare Act, including licensing and registration of individuals, businesses, and research facilities, compliance with regulations and standards applicable under the Act, and annual reporting requirements of summary data as required by law. (2) Referral to the appropriate agency whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto. (3) Disclosure to the Department of Justice for use in litigation when the agency, or any component thereof, or any employee of the agency in his or her official capacity, or any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee, or the United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by the agency to be relevant and necessary to the litigation; provided, however, that in each case, the agency determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected. (4) Disclosure in a proceeding before a court or adjudicative body before which the agency is authorized to appear, when the agency, or any component thereof, of any employee of the agency in his or her official capacity, or any employee of the agency in his or her individual capacity where the agency has agreed to represent the employee, or the United States, where the agency determines that litigation is likely to affect agency or any of its components, is a party to litigation or has an interest in such litigation, and the agency determines that use of such records is relevant and necessary to the litigation; provided, however, that in each case, the agency determines that disclosure of the records to the court is a use of the information contained in the records that is compatible with the purpose for which the records were collected. (5) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders in locked metal file cabinets.

RETRIEVABILITY:

Records are retrieved by the name of the licensee or registrant or by the license or registration number.

SAFEGUARDS:

Records are maintained in locked files with APHIS employees in attendance during working hours.

RETENTION AND DISPOSAL:

Licensees applications are destroyed 3 years after cancellation. Registrants applications are maintained permanently. Routine records are destroyed after 3 years.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Administrator, Veterinary Services, USDA/APHIS, 14th & Independence Avenue, SW., Washington, DC 20250.

NOTIFICATION PROCEDURE:

All inquiries should be addressed to: APHIS Privacy Act Coordinator, Office of the Administrator, USDA/APHIS, Room 732 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

RECORD ACCESS PROCEDURES:

All inquiries should be addressed to the APHIS Privacy Act Coordinator.

CONTESTING RECORD PROCEDURES:

All inquiries should be addressed to the APHIS Privacy Act Coordinator.

RECORD SOURCE CATEGORIES:

Material is obtained from documents submitted by the registrant or licensee and from records completed by Federal employees.

[FR Doc. 87-4186 Filed 2-26-87; 8:45 am]

BILLING CODE 3410-34-M

Animal and Plant Health Inspection Service

[Docket No. 86-127]

Horse Protection; Certified Designated Qualified Person (DQP) Programs and Licensed DQP's

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of currently certified DQP (Designated Qualified Person) programs and licensed DQP's.

SUMMARY: This notice advises the general public and the horse industry of the Designated Qualified Person (DQP) programs currently certified by the Department and the currently licensed Designated Qualified Persons (DQP's) under each certified program.

FOR FURTHER INFORMATION CONTACT: Morley H. Cook, Senior Staff Veterinarian, Animal Care Staff, VS, APHIS, USDA, 6505 Belcrest Road, Federal Building Room 756, Hyattsville, MD 20782, telephone (301) 436-7833.

SUPPLEMENTARY INFORMATION: Section 11.7(b) of the "Horse Protection Regulations" (9 CFR 11.7(b)) states in relevant part ". . . A current list of certified DQP programs and licensed DQP's will be published in the **Federal Register** at least once each year, and as may be further required for the purpose of deleting programs and names of DQP's that are no longer certified or licensed, and of adding the names of programs and DQP's that have been certified or licensed subsequent to the publication of the previous list."

This document lists the Designated Qualified Person (DQP) programs which are currently certified and lists the currently licensed DQP's under those programs. This list supersedes all prior lists published in the **Federal Register** pursuant to § 11.7(b) of the regulations.

This document lists the DQP programs which are currently certified and the individuals listed are currently licensed, according to the regulations in 9 CFR Part 11.

The certified DQP programs and the DQP's licensed by each certified program are as follows:

(a) American Fox Trotting Horse Breed Association, Inc., Marshfield, MO 65706.
(1) Licensed DQP:
(i) CALIFORNIA
Judith Clotheir, Sylmar, CA
Steve Herrera, Rowland Heights, CA
Sebastian C. Kolbusz, Acton, CA
Frank Murphy, Sunland, CA
Ray Pridgen, Sun Valley, CA
Ellen Slaton, Santa Rosa, CA
Paul Slaton, Santa Rosa, CA
(ii) MISSOURI
Deryl L. Caswell, Lebanon, MO
Lee Chick, Lebanon, MO
Paul Garton, Marshfield, MO
Billy Kimmons, Springfield, MO
A. B. Quick, Protem, MO
(b) Heart of America Walking Horse Association, Inc., Eolia, MO 63344.
(1) Licensed DQP:
(i) ILLINOIS
Floyd Hampsmire, Barry, IL
(ii) KANSAS
Dick Brown, Olathe, KS
(iii) MISSOURI
Alam Barnes, Columbia, MO
Robert Finley, Eolia, MO
Harold Magers, Moberly, MO
Paul Patterson, Osborn, MO
Elvin Sapp, Columbia, MO
Sonny Scrivner, Strafford, MO
Bobby Dean Wood, Hartville, MO
(c) Missouri Fox Trotting Horse Breed Association, Ava, MO 65608.
(1) Licensed DQP:
(i) MISSOURI
Deryl Caswell, Lebanon, MO
Elwood Lee Frederick, Urbana, MO
Mile Hill, Dora, MO
J. R. Jones, Cole Camp, MO
Ted Nichols, Ozark, MO
Lee Yates, Lebanon, MO
Marshall Yates, Lebanon, MO
(d) National Horse Show Regulatory Committee, Inc., Shelbyville, TN 37160.
(1) Licensed DQP:
(i) ALABAMA
Lex Helms, Glenwood, AL
Jackie Hodge, Elba, AL
E. N. Hooper, Hartselle, AL
Claud E. Johnson, Goshen, AL
Grady Parsons, Bessemer, AL
Barney Porter, Cullman, AL
Dale Smith, Stevenson, AL
(ii) ARKANSAS
Robert C. Allen, Ward, AR
Percy Moss, Jr., El Dorado, AR
(iii) CALIFORNIA
Darrell Brown, Ontario, CA
William A. Hartman, Norco, CA
Sharon E. McCaleb, Fair Oaks, CA
(iv) COLORADO
Kenneth L. Wilis, Denver, CO
(v) GEORGIA
Douglas Brown, Gainesville, GA
Terry Etheridge, Forsyth, GA
W.R. New, Kingston GA.
Glenn Powell, Kennesaw, GA
(vi) IDAHO
John D. Petersen, Priest River, ID
(vii) ILLINOIS
Wendell Simmons, Creal Springs, IL
J. H. Syrcle, Barry, IL
Phillip J. Williams, Barry, IL
(viii) INDIANA
Teresa A. Upchurch, New Castle, IN
(ix) KENTUCKY
Tom Cundiff, Somerset, KY
John Allen Dadisman, Lawrenceberg, KY
B. G. Edwards, Monticello, KY
W. Glenn Edwards, Monticello, KY
Bob Flynn, Winchester, KY
Thomas E. Garland, Mayfield, KY
(x) MARYLAND
Joanie Erwin, Frederick, MD
(xi) MISSISSIPPI
Ed Abernathy, Shannon, MS
Earl Melton, Laurel, MS
Cary C. Myers, Corinth, MS
Gerald Poole, Ellisville, MS
Don Steen, Corinth, MS
Jimmy K. Sullivan, Raymond, MS
Ronnie S. Wheless, Tylertown, MS
(xii) MISSOURI
Don Bills, Ozark, MO
Ronald F. Elkins, Jr., Ozark, MO
Bill Maack, Jr., Goodson, MO
Johnny Pursley, Bolivar, MO
Steve Skopec, Bolivar, MO
(xiii) NEW MEXICO
Larry Townsend, Albuquerque, NM
(xiv) NORATH CAROLINA
David Finger, Waynesville, NC
Tommy H. West, Asheville, NC
(xv) OKLAHOMA
Carol Branstetter, Council Hill, OK
Ann Kuykendall, Muskogee, OK
(xiv) OREGON
Les Hyatt, Grants Pass, OR
(xvii) SOUTH CAROLINA
James A. McKnight, Sumter, SC
Eddie Potts, Fort Mill, SC
Arnold "Sarge" Walker, Easly, SC
(xviii) TENNESSEE
Craig A. Bacon, Rockwood, TN
G. W. (Copper) Bacon, Rockwood, TN
Gail Barron, Sevierville, TN
James E. (Jimmy) Cole, Jackson, TN
Joe L. Cunningham, Sr., Rockwood, TN
Jeff Givens, Murfreesboro, TN
Dana Kyte, Fall Branch, TN
Larry Landreth, Powell, TN
William (Bill) Lones, Niota, TN
Jerry McKechnie, Pikeville, TN
Lonnie Messick, Murfreesboro, TN
Edmond (Ed) O'Neill, Pinson, TN
Jerry Plemons, Tellico Plains, TN
James K. (Kirk) Seaton, Milton, TN
Ronnie Slack, Englewood, TN
Bill Swafford, Spring City, TN
Mike Swafford, Spring City, TN
Charles Thomas, Lynchburg, TN
(xix) TEXAS
Dean Cox, Conroe, TX
Keith R. Pickard, Crosby, TX
(xx) VIRGINIA
James M. (Jim) Bayne, Fairfax Station, VA
Carl Cartwright, Jr., Tazewell, VA
(xxi) WASHINGTON
Skip Bickford, Elma, WA
Rose Bostion, Puyallup, WA
F. M. (Lane) Curry, Maple Valley, WA
Jeff L. Curry, Maple Valley, WA
(xxii) WEST VIRGINIA
Greg Thomason, Princeton, WV
(e) Walking Horse Owners' Association of America, Inc.
(1) Licensed DQP:
(i) GEORGIA
Jim House, Ringgold, GA
A.M. Turner, Social Circle, GA
(ii) KENTUCKY
Lee Arnold, Fairdale, KY
Nolan Benton, Richmond, KY
Harry K. Chaffin, Catlettsburg, KY
James A. Farris, Lexington, KY
Bobby Helton, Florence, KY
Darrell Owens, Brodhead, KY
Harlan Pennington, Lexington, KY
Romie Sanders, Brownsville, KY
Vernon Shearer, Winchester, KY
Charlie Sims, Lexington, KY
Kent A. Waggoner, Richmond, KY
Gary Ware, Waynesboro, KY

Johnnie Zeller, Eubank, KY
(iii) NORTH CAROLINA
G.K. Mease, Marion, NC
(iv(OHIO
Johnny Black, Mt. Orab, OH
Dennis Sissel, Mt. Orab, OH
(v) TENNESSEE
Ray "Tut" Brown, Hohenwald, TN
Jesse Dotson, Thompson Station, TN
Tim Guthrie, Franklin, TN
Mike Hooper, Knoxville, TN
Phil Jones, Franklin, TN
Gary Kimmons, Dickson, TN
Sam Pierce, Seymour, TN
Bud Varnadore, Knoxville, TN
Harold D. White, Franklin, TN
(vi) VIRGINIA
J. A. Fields, Lebanon, VA
(vii) WEST VIRGINIA
E.J. Parsons, Ripley, WV
Jim Singleton, Point Pleasure, WV
(viii) WISCONSIN
Charles Sears, Milwaukee, WI
John Wilson, Helenville, WI
(f) Western International Walking Horse Association, Gig Harbor, WA 98335.
(1) Licensed DQP:
(i) OREGON
Bruce Rumpf, Wilsonville, OR
(ii) WASHINGTON
Janet Brener, McCleary, WA
Dennis Izzi, Puyallup, WA
Irvin Steward, Enumclaw, WA
Dave Viet, Issaquah, WA
Bunny Winders, Enumclaw, WA

Done at Washington, DC, this 24th day of February, 1987.

B.G. Johnson,

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

[FR Doc. 87-4093 Filed 2-26-87; 8:45 am]

BILLING CODE 3410-34-M

Packers and Stockyards Administration

Amendment to Certification of Central Filing System; Arkansas

The certification of the Statewide central filing system of Arkansas is hereby amended at the request of W.J. "Bill" McCuen, Secretary of State, to cover all farm products produced in the State of Arkansas except:

Cattle & Calves
Goats
Horses
Hogs
Mules
Sheep & Lambs

The central filing system was previously certified, pursuant to section 1324 of the Food Security Act of 1985, for all farm products produced in that State (51 FR 46887, December 29, 1986).

This amendment is issued pursuant to authority delegated by the Secretary of Agriculture.

Authority: Sec. 1324(c)(2), Pub. L. 99-198, 99 Stat. 1535, 7 U.S.C. 1631(c)(2); 7 CFR 2.17(e)(3), 2.56(a)(3), 51 FR 22795.

Dated: February 23, 1987.

B.H. (Bill) Jones,

Administrator, Packers and Stockyards Administration.

[FR Doc. 87-4192 Filed 2-26-87; 8:45 am]

BILLING CODE 3410-KD-M

Arctic Research Commission

Meetings

Notice is hereby given that the Arctic Research Commission will meet in Los Angeles, California on 5-6 March 1987. The meetings will be held in the Board Room, Bovard Administration Building, University of Southern California, University Park, Los Angeles, California. On 5 March the Commission meeting will start at 8:30 a.m. Matters to be considered include: (1) Opening Remarks by Chairman (2) Approval of Report of Last Meeting (3) Comments from Interagency Arctic Research Policy Committee (4) State of Alaska Research Policy (5) Consideration of Revised Five Year Arctic Research Plan (6) Federal Budget for Arctic Research for FY-87 and Requested for FY-88 (7) Logistic Requirements to Support Arctic Research (9) Federal/State Cooperation in Arctic Research.

On 6 March the Commission meeting will start at 8:30 a.m. Matters to be considered include: (1) Possible Future Activities of Commission (2) Next Meeting (3) Other Business.

At noon on 6 March the Commission will meet in Executive Session to discuss: (1) Commission Budget for FY-1987 and FY-1988 (2) Future Activities of the Commission (3) Rotation of Membership.

Contact Person for More Information: W. Timothy Hushen, Executive Director, Arctic Research Commission (213) 743-0970.

W. Timothy Hushen,

Executive Director, Arctic Research Commission.

[FR Doc. 87-4113 Filed 2-26-87; 8:45 am]

BILLING CODE 7555-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Petitions by Producing Firms for Determinations of Eligibility to Apply for Trade Adjustment Assistance; Paul's Auto Ignition, Inc., et al.

Petitions have been accepted for filing on the dates indicated from the following firms: (1) Paul's Auto Ignition, Inc., 500 Saw Mill River, Yonkers, New York 10701, producer of stators for automotive alternators (November 7, 1986); (2) V&R Finishing Inc., 2032 Greene Avenue, Ridgewood, New York 11237, producer of women's sweaters skirts and slacks (November 12, 1986); (3) Tri-Molded Plastics, Inc., 59 Spence Street, Bayshore, New York 11706, producer of watch box cases, board games and cosmetic boxes (November 13, 1986); (4) Torr Metal Products, Inc., 3082 West 106th Street, Cleveland, Ohio 44111, producer of electric coffemaker parts and automobile engine parts (November 14, 1986); (5) Schlesinger Brothers, Inc., 117 Jackson Road, Berlin, New Jersey 08009, producer of briefcases, brief bags, attaché cases and portfolios (November 24, 1986); (6) Twin Tower Trading, Inc., 42 Skillman Street, Brooklyn, New York, 11205, producer of women's slacks and tops (December 3, 1986); (7) Jersey Specialty Company, Inc., P.O. Box 248, Wayne, New Jersey 07470, producer of insulated electrical wire and cable (December 4, 1986); (8) Mobern Leather Novelty Company, Inc., 103 North 3rd Street, Brooklyn, New York 11211, producer of children's handbags (December 5, 1986); (9) Fibre Materials Corporation, 40 Dupont Street, Plainview, New York 11803, producer of rubber and plastic washers, gaskets, terminal boards, motor insulators, etc., (December 8, 1986); (10) FX Systems Corporation, 77 Cornell Street, Kingston, New York 12401, producer of electronic instrumentation devices (December 8, 1986); (11) IMS Manufacturing Company, Inc., P.O. Box 8, Lietchfield, Kentucky 42754, producer of men's coats and jackets (December 10, 1986); (12) Clover Wire Forming Company, Inc., 1021 Saw Mill River Road, Yonkers, New York 10710, producer of rings, snaps, loops, pins and hooks of steel wire (December 11, 1986); (13) H.H. Keim Company Limited, P.O. Box 338, Nampa, Idaho 83651-0338, processor of beef (December 15, 1986); (14) Globe Rubber Works, Inc., 254 Beech Street, Rockland, Massachusetts 02370, producer of rubber sheets, film, bars, rods, tubes, gaskets, hoses and tubing, and other rubber products (December 15, 1986); (15) Pratt & Austin Company, 642, South Summer Street, Holyoke, Massachusetts 01040, producer of calendars, planners/organizers and other stationary products (December 19, 1986); (16) Mohawk Furniture, Inc., 314 Main Street, Gardner, Massachusetts 01440, producer of household furniture (December 22, 1986); (17) Jamestown Plywood Corporation, 34 Steele Street, Jamestown, New York 14701, producer of hardwood face veneers & plywood panels (December 23, 1986); (18) F. Bruno Faceting Corporation, 725 Lehigh Avenue, Union, New Jersey 07083, producer of costume

jewelry (December 29, 1986); (19) Bay Area, Inc., 6231 Old Seward Highway, Anchorage, Alaska 99502, producer of dimension lumber, heavy timbers, housing logs and wood chips (December 29, 1986); (20) Hilco Plastic Products Company, Inc., 4172 Danvers Court, S.E., Grand Rapids, Michigan 49508, producer of wing nuts for autos; aerospace equipment and other miscellaneous plastic parts (January 2, 1987) (21) Decorative Firsts, Inc., P.O. Box 270, Huntingburg, Indiana 47542, producer of wood office furniture (January 6, 1987); (22) Nettle Creek Corporation, P.O. Box 9, Richmond, Indiana 47375, producer of bedcoverings and decorative pillows (January 7, 1987); (23) All Packaging Machinery & Supplies Corporation, 90 13th Avenue, Ronkonkoma, New York 11779, producer of baggers, drop sealers and table sealers (January 9, 1987); (24) Antone Dress Manufacturing Company, Inc., 1 Pleasant Avenue, Walden, New York 12586, producer of women's dresses (January 7, 1987); (25) Lakewood Pipe Service, Inc., P.O. Box 700, Bellflower, California 90706, producer of pipes, tubes, couplings and water well component parts (January 7, 1987); (26) Omaha Fixture Manufacturing, Inc., 10320 J. Street, Omaha, Nebraska 68127, producer of displays, brackets, and hardware (January 13, 1987); (27) CB Sports, Inc., 210 South Street, Bennington, Vermont 05201, producer of men's women's and children's jackets, slacks and sweaters (January 15, 1987); (28) Joneil Design, Inc., 7231 Southern Boulevard, West Palm Beach, Florida 33416, producer of fox and mink fur coats, jackets and flings (January 16, 1987); (29) Ocean & Atmospheric Science, Inc., 145 Palisade Street, Dobbs Ferry, New York 10522, producer of computerized, environmental, process control systems (January 21, 1987); (30) Springer-Penquin, Inc., Brookdale Place, Mount Vernon, New York 10550, producer of file cabinets of wood (February 3, 1987); (31) Kingsley Furniture Company, Inc., 102 Park Street, LaPorte, Indiana 46350, producer of upholstered furniture (February 4, 1987); (32) Bilt-Rite Sportswear, Inc., 4077 Park Avenue, Bronx, New York 10457, producer of women's skirts and pants (February 4, 1987); (33) McCurdy Fish Company, P.O. Box 79, Lubec, Maine 04652, producer of smoked and boned herring (February 10, 1987); (34) Sunstate Sportswear, Inc., 900 North Howard Avenue, Tampa, Florida 33606, producer of men's and women's pants and shorts (February 11, 1987); (35) Edsamm Manufacturing Company, 46 North Forklanding Road, Maple Shade, New Jersey 08052, producer of screws, bolts, washers, spacers, standoffs, pins and rivets (February 17, 1987); (36) E.J. Fennell, Inc., 324 East Antietam Street, Hagerstown, Maryland 21740, producer of women's dresses, blazers and warm-up suits (February 17, 1987); and (37) W&F Manufacturing Company, Inc., P.O. Box 126, Buffalo, New York 14240, producer of candles, air freshness, canning wax and wax confections (February 20, 1987).

The petitions were submitted pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93–618), as amended. Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Certification Division, Office of Trade Adjustment Assistance, Room 4015A, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalog of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.309, Trade Adjustment Assistance. Insofar as this notice involves petitions for the determination of eligibility under the Trade Act of 1974, the requirements of Office of Management and Budget Circular No. A–95 regarding review by clearinghouses do not apply.

S. Cassin Muir,

Acting Chief, Certification Division, Office of Trade Adjustment Assistance.

[FR Doc. 87–4126 Filed 2–26–87; 8:45 am]

BILLING CODE 3510-DR-M

National Oceanic and Atmospheric Administration

[Docket No. 70225–7025]

Endangered and Threatened Species; Winter Run Chinook Salmon

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of determination.

SUMMARY: On November 7, 1985, the American Fisheries Society petitioned the NMFS to add the winter run of chinook salmon (*Oncorhynchus tshawytscha*) in the Sacramento River California to the U.S. list of threatened species. The Assistant Administrator for Fisheries, NOAA, determined that substantial information was presented to indicate that the petitioned action might be warranted, and conducted a status review to determine whether a listing was in fact warranted. Based principally on the actions State and Federal agencies have adopted and are implementing, NMFS has determined that a proposed listing of the winter run of chinook salmon in the Sacramento River is not warranted at this time.

FOR FURTHER INFORMATION CONTACT: James H. Lecky (NMFS, Southwest Region, 300 S. Ferry Street, Terminal Island, CA 90731, 213–514–6199) or Patricia Carter (Office of Protected Species and Habitat Conservation, NMFS, Washington DC 20235, 202–673–5351.

SUPPLEMENTARY INFORMATION:

Background

On November 7, 1985, the American Fisheries Society petitioned NMFS to add the winter run of chinook salmon (*Oncorhynchus tshawytscha*) in the Sacramento River California to the U.S. list of threatened species. In accordance with section 4 of the Endangered Species Act of 1973 (ESA) and 50 CFR Part 424, the Assistant Administrator for Fisheries, NOAA, determined that substantial information was presented to indicate that the petitioned action might be warranted. On February 13, 1986, NMFS announced its intention to conduct a status review to determine whether a listing was in fact warranted and solicited information and comments on the petition (51 FR 5391–5392). The results of the status review are presented below. Based principally on the actions State and Federal agencies have adopted and are implementing, NMFS has determined that a proposed listing of the winter run of chinook salmon in the Sacramento River is not warranted at this time.

Status Review

The status review is based on a consideration of available information on the run relative to the five criteria specified in section 4(a) of the ESA and a consideration of the efforts of the State of California and Federal resource management agencies to restore the run. Information was provided by the petitioner, the State, Federal agencies that affect the run or its habitat, and the public. Most of the information provided by the petitioner is contained in a report

by the California Department of Fish and Game (CDFG) on the status of the run (Hallock and Fisher 1985).

Four runs of chinook salmon are extant in the Sacramento River. They are separated by differences in spawning and migration seasons. The distribution and abundance of each run is limited by the availability of suitable habitat during their respective spawning seasons. Essential elements for suitable spawning habitat are the availability of clean gravel which provides a substrate for spawning, adequate flow of oxygenated water through the gravel to aerate the eggs, and water temperatures between 42.5 and 57.5 °F which are optimal for egg development (Combs and Burrows 1957). The amount and location of spawning habitat available in the river varies with seasonal changes in flow patterns. The various runs have evolved life history patterns that are adapted to the environmental conditions that exist when they are in the river. For example, suitable spawning conditions exist throughout much of the Sacramento drainage when the fall run is spawning. Consequently, fall-run chinook are the most numerous and widely distributed run in the drainage. On the other hand, when spring and winter-run salmon are migrating or spawning, river flows are not sufficient to maintain a broad distribution of suitable spawning habitat. Historically, these have been small runs limited by the availability of spawning habitat. The spring run migrates to the head waters of tributary streams and holds over the summer in cool pools where temperatures remain below debilitating levels. They spawn in the fall when water temperatures in the gravel beds fall to below levels lethal to eggs. Juvenile spring-run salmon out migrate after the fall rains begin and there is sufficient water to complete the migration to the sea. Historically, the winter run employed a different strategy for spawning at what might be considered a less than optimal time. It entered the river in December and migrated to the spring-fed head waters of the McCloud River where they spawned from April through June. The spring water provided a consistent source of water at a temperature suitable for egg development and enough water to ensure passage of juvenile fish to the mainstem of the Sacramento in the late summer when the out migration began.

These differences in the timing of the runs and spawning behavior serve to isolate the various runs reproductively. Therefore, assuming that the various runs are separate breeding populations that have evolved distinctive genomes is reasonable. An analysis of genetic variants in polymorphic protein systems has been used to describe the population structure of chinook salmon on the Pacific Coast of North America. Utter (in litt.) has identified eight genetically distinct geographic regions in the spawning range of chinook salmon. The Sacramento drainage is one of these regions. Populations within each region are genetically more similar to one another (though still statistically different) than to those in other regions (Utter in litt.). This supports the hypothesis that the species was established in each river system by an ancestral run which subsequently differentiated distinct genetic stocks in response to varying environmental conditions in the river system. The CDFG has contracted a study to quantify the genetic distinctness of the chinook runs in the Sacramento River (Odemar pers. comm.). NMFS anticipates that the results will demonstrate, as in other river systems, that the various runs in the Sacramento River are genetically distinct and that there is likely sufficient reproductive isolation to maintain the runs as distinct races of chinook salmon. NMFS agrees with the petitioners that considering winter-run chinook as a "species" in the context of the ESA is appropriate.

Winter-run chinook in the Sacramento River have a varied and interesting history. The run was excluded from its historical spawning habitat by the construction of Shasta and Keswick Dams in the early 1940s. Prior to the construction of the dams water temperatures in the vicinity of and down river from the dam sites was above lethal limits for salmon eggs at the time of year that winter-run salmon spawn. Cold hypolimnetic water is released from these dams year round to generate electricity. This release of cold water changed the temperature gradient in the river and created suitable spawning habitat for winter-run chinook in the mainstem of the Sacramento that exceeded what had previously been available in the head waters of the McCloud River (Slater 1963).

Trends in the in-river sport catch and observations of spawning activity at various locations in the upper Sacramento River Drainage indicated that the winter run increased in abundance between the 1940s and mid 1960s (Slater 1963). What had been a small run of probably several hundred fish had increased to over 80,000 fish by the mid 1960s. This increase in population size was attributable to the increase in habitat that resulted from human-induced changes in the flow of the Sacramento River.

In 1966, installation of Red Bluff Diversion Dam (RBDD) was completed approximately 50 miles down river from Keswick Dam. RBDD was designed to be a passable dam. Fish ladders were installed to allow salmon to migrate up river past the dam. The ladders provide a mechanism for counting salmon and estimating the size of salmon runs to the upper Sacramento River (above Red Bluff). Since the late 1960s and early 1970s, the winter run has declined. The estimated number of winter-run chinook salmon migrating past RBDD for the three year period, 1967–69, averaged 83,916 fish annually. During the three year period, 1982–84, the run averaged only 2,056 fish annually.

The reasons for the decline in the winter-run chinook population and a discussion of the factors affecting the population are analyzed below in the context of the five criteria specified in section 4 of the ESA for determining whether or not a species should be listed.

Listing Procedures

Section 4 of the ESA requires the Secretary of the Interior or Commerce, depending upon the species involved, to determine if any species is an endangered or threatened species for any of the following reasons: Present or threatened destruction, modification or curtailment of its habitat or range; overutilization for commercial, recreational, scientific or educational purposes; disease or predation; inadequacy of existing regulatory mechanisms; or other natural or manmade factors affecting its continued existence. The ESA requires such listing determinations to be made solely on the basis of the best scientific and commercial data available after conducting a review of the status of the species and taking into account any efforts being made to protect the species under consideration.

NMFS considered the criteria given above in determining whether or not winter-run chinook salmon in the Sacramento River should be listed as a threatened species. These factors and their relation to the winter-run chinook population are discussed below.

1. The past, present, and threatened destruction, modification, or curtailment of winter-run chinook salmon habitat or range.

The most serious problem affecting the habitat of winter-run chinook is the barrier that the RBDD presents to salmon that are migrating upstream to

their spawning grounds. Hallock et al. (1982) investigated the effect of the RBDD on migrating salmon and found that the RBDD blocked the upstream migration of 37.5% of the salmon they had tagged. The fish that passed the dam were delayed an average of 18 days in their migration by the dam. These problems are likely a ramification of the hydrodynamics of the dam.

The spawning migration of winter-run chinook salmon coincides with periods of peak flows in the river. During high lows the gates in the dam are partially raised. The acceleration of the flow as it passes through the constraints of the partially raised gates creates a great deal of turbulence downstream from the dam. This turbulence obscures the hydrodynamics of the fish ladders to the point that salmon have difficulty finding the entrances.

The blockage and delays experienced by the winter run have an adverse effect on the population. The extra time added to the migration to overcome the barrier created by the dam prolongs the physiological stress of migration and presumably reduces fecundity by some unquantified amount. Blockage has a more severe effect.

Winter-run salmon that are blocked at the RBDD spawn downstream from the dam. During the spawning season for winter-run chinook salmon (April–June) water temperatures below the dam are usually at levels that are lethal to salmon eggs. Hallock and Fisher (1985) reviewed seasonal temperature variations in the river for a period or 18 years (1967–1984) and found that in 14 of those years water temperatures in the river below the dam reached seasonal highs that were lethal for salmon eggs.

Even in years of relatively light flows, the RBDD interferes with the migration of winter-run chinook. In 1985, 27% of the salmon redds (spawning areas) counted in an aerial survey were located downstream from the dam (Fisher, pers. comm.). If this is assumed to be representative of the population, then over a quarter of the run spawned in a section of the river where egg survival would be expected to be near zero.

The RBDD is operated by the U.S. Bureau of Reclamation (USBR). The purpose of the dam is to create a headwater for diversion into the Tehama-Colusa canal which delivers irrigation water to agricultural lands on the west side of the Sacramento Valley. Peak diversion occurs in the summer and early fall, times of the year that are least likely to affect the winter run. The dam is operated in the winter to provide water to west side National Wildlife Refuges and to meet two small contracts for water deliveries during February and March.

NMFS and the CDFG requested the USBR to raise the gates in the dam during the winter to facilitate the passage of adult winter run to suitable spawning habitat. Until recently, the USBR has been reluctant to comply with these requests because of their commitments for water deliveries in the winter. To assist the USBR in complying with the request to open the gates in the RBDD, the U.S. Fish and Wildlife Service identified alternative water sources for their west side refuges. On October 23, 1986, the USBR informed NMFS that alternative sources of water had been identified for meeting their winter obligations for water and that beginning on December 1, 1986, the gates in the dam would be raised for a period ending on March 31, 1987. The USBR further agreed that the gates could be raised during the same period in subsequent years, if monitoring programs during the first year demonstrated that raising the gates is beneficial.

This will remove the barrier to upstream migration of winter-run chinook salmon. With unrestricted access to suitable spawning habitat, the run should begin rebuilding. NMFS has funded a monitoring program to document that the salmon are passing the RBDD and that the stocks are rebuilding. The four year program will encompass one complete life cycle for the run so the benefit of raising the gates can be quantified in terms of increased returns from the 1987 year class. Documentation of increased returns will allow the USBR to implement a long term change in operations so that the gates are raised during subsequent winter-run migrations.

Other passage problems are created by the operation of the Anderson-Cottonwood Irrigation District's (ACID) diversion dam upstream from Red Bluff. The ACID dam is an antiquated structure that was built in 1917. The gates consist of a series of flash boards that are put in place and manipulated manually. Generally, the dam is operational from mid-March to mid-November. Thus, it is only the tail end of the run that is affected by the dam. There is a fish ladder at the dam but it is inadequate to facilitate passage of all the salmon that encounter the dam when it is operational. This excludes some fish from spawning habitat that exists above the dam (USBR 1983a). Blockage at the ACID dam is not as severe a problem as the blockage at the RBDD because suitable spawning habitat exists below the ACID dam. Consequently, the problem has not been fully investigated and the effect of the blockage on the population remains unquantified.

The seasonal operation of the ACID dam creates an additional problem. When salmon migrate past the dam before it is put into operation and spawn immediately upstream of the dam, the small reservoir created by the dam when it is put into operation covers the salmon redds. This reduces the flow of aerated water over the eggs and can reduce the survival of the eggs (T. Richardson, USFWS, pers. comm.). The effect of this problem on the winter-run chinook population also remains unquantified.

A third problem is created by the operational and structural limitations of the ACID dam. The flash boards can be manipulated only in river flows of 6,000 cubic feet per second (cfs) or less, and they can only withstand flows of up to 12,000 cfs. Because of these limitations the ACID dam must be operated in conjunction with Keswick Dam. The ACID and the USBR have an informal agreement to coordinate their operations. Any time the flash boards have to be manipulated at the ACID dam the releases from Keswick are reduced to 6,000 cfs. When releases from Keswick must exceed 12,000 cfs the flash boards at the ACID dam must be raised. This requires that the releases from Keswick be reduced to below 6,000 cfs before they are raised to above 12,000 cfs. Fluctuating flows in the river to coordinate the operation of the dams has an adverse affect on developing salmon eggs. Reduced flows can result in dewatering of redds or inadequate flows through the interstitial spaces of the gravel to keep developing eggs adequately aerated. Since the winter run's spawning season is encompassed by the irrigation season, this problem likely has some effect on the run. The USBR, the ACID, and the CDFG are negotiating a formal agreement to improve coordination of operations and to factor consideration of the winter run needs into making operational decisions. This agreement will mitigate the problem to some extent, recognizing that situations may arise where adverse effects on the winter run are unavoidable.

While the ACID dam may have an effect on the rate of restoration of the winter run, NMFS doubts that the ACID was a significant contributing factor to the decline of the run. The ACID dam was in operation during the time the winter run was being relocated from the McCloud River and expanding in the Sacramento River (1940–1969). Therefore, NMFS thinks that given

remedies to other factors affecting the population, such as the passage problems at the RBDD, the run will recover in spite of the problems at the ACID dam.

Spawning habitat has been degraded by decreases in the rate of replenishment of gravel suitable for spawning. Construction of Shasta and Keswick Dams precluded the recruitment of new gravel from the river and its tributaries above those dams, and gravel mining in the tributary streams below those dams has slowed the recruitment of new gravel into the Sacramento (CDWR 1980). Consequently, the amount of suitable spawning habitat has been shrinking. In 1985, the CDFG began a spawning gravel replenishment program. The CDFG is purchasing gravel and placing it in the river to restore degraded spawning riffles in areas of the river used by the winter run. In addition to replenishing degraded riffles, the CDFG is working with the California Department of Water Resources to modify gravel mining permits to ensure adequate stores of gravel are left in the tributary streams to replenish naturally the spawning areas in the main stem of the river with new gravel.

In September, 1986, the State of California approved the Sacramento River Fisheries Habitat Restoration Act (SB 1086) which sets aside funds for identifying and rectifying factors degrading habitat of salmonid species in the Sacramento River. This bill will provide a source of funding upon which the CDFG can commit to continued efforts to restore the habitat of winter-run chinook in the Sacramento River.

Much of the Sacramento River has been riprapped, leveed, or otherwise channeled to prevent erosion of agricultural lands. Studies of bank protection projects in the upper Sacramento River have demonstrated that juvenile salmon show a marked preference for non-riprapped areas over riprapped areas (Schaffter, et al. 1983; Michny and Hampton 1984). Therefore, bank stabilization may affect the quality of rearing habitat. The effect of this on the productivity of the winter run is unclear, however the run does not appear to be limited by the availability of rearing habitat. NMFS, the USFWS, and the CDFG coordinate with the U.S. Army Corps of Engineers on a project-by-project basis to ensure that bank stabilization projects are adequately mitigated to ensure conservation of suitable rearing habitat.

Pollution also has degraded the spawning habitat of the winter run. Runoff from inactive mining operations, at Iron Mountain Mines in the vicinity of Spring Creek, leaches heavy metals which can reach levels that are lethal to juvenile fish, alevins, and eggs. A debris dam was constructed on Spring Creek in the 1940s to collect debris washed down from the mine sites and to control the release of toxic water into the mainstem of the Sacramento River. Under normal conditions releases from Spring Creek Dam are diluted by releases from Keswick Dam so that concentrations of heavy metals in the Sacramento remain below toxic levels. During years of heavy precipitation spills from Spring Creek Reservoir result in uncontrolled releases of toxic water. Generally, this occurs in the winter when fall-run chinook alevins are hatching and fry are emerging from the gravel. These are the life stages most sensitive to pollution and large kills of these life stages have been attributed to spills of toxic water. Winter-run adults are subjected to these spills. While kills of adult fish have not been reported, sublethal effects such as reduced fecundity are probable. The Environmental Protection Agency has identified Iron Mountain Mines as a location for the expenditure of Superfund monies. The EPA has allocated 70 million dollars to cleaning up the site. They will cap old mines, fill open pits and reroute streams around tailing to reduce rates of leaching.

In addition to cleaning up the major source of pollution affecting the upper Sacramento, the California Water Quality Control Board (CWQCB) has established discharge standards for the release of toxic water from Spring Creek Reservoir. This will reduce further the problems emanating from the Spring Creek Reservoir.

Future threats to winter-run chinook habitat include increasing demands for water from the Sacramento River for agricultural and industrial uses and water development projects. Increased deliveries of water from the Sacramento River are likely to affect the flow regime of the river which, without careful planning, may result in increased water temperatures (USFWS 1984a). NMFS is currently in the process of quantifying the value of water left in the river for maintaining anadromous fishery resources. This information will allow the resource management agencies to compete for water on an equal basis with other users so that adequate flows in the river are maintained.

There are several water development projects proposed for the upper Sacramento River. If they are implemented they will likely result in further destruction, modification, or curtailment of winter-run chinook habitat or range. These proposed projects include the USBR's Enlarged Shasta Dam Project, the U.S. Army Corps of Engineers' Cottonwood Creek Project, and the City of Redding's Lake Redding and Lake Red Bluff hydroelectric projects. The Enlarged Shasta Dam Project would result in an enlarged Keswick Dam downstream from the existing structure which would reduce the winter run's range. The Cottonwood Creek Project would probably result in some warming of the Sacramento River which would adversely impact the winter run spawning downstream of the Sacramento River-Cottonwood Creek confluence. The Lake Redding Project would adversely impact spawning habitat upstream and downstream of the proposed dam. The Lake Red Bluff Project would adversely affect both upstream and downstream winter-run salmon passage at RBDD (USFWS 1984a). NMFS and the USFWS are able to work through laws such as the Fish and Wildlife Coordination Act to protect the habitat from degradation by Federal activities. The State of California has similar mechanisms in place to ensure that habitat is not degraded by State activities.

2. Overutilization for Commercial, Recreational, Scientific or Educational Purposes

The winter-run chinook from the Sacramento River are probably subjected to a harvest rate that is less than that for the other three races of Sacramento River chinook. This generalization is based on two observations. First, winter-run chinook return to the upper Sacramento River at a younger age and smaller size than the other three runs. This indicates that winter-run chinook are available to ocean sport and commercial fisheries for a shorter period of time than the other runs and receive greater protection from the size limits imposed by the Pacific Fishery Management Council (PFMC). Second, the separation in timing of the adult spawning migration from the ocean, between the winter-run and the fall run (the target run for the ocean fishery), is almost complete. Data concerning the relative timing and distribution of winter-run chinook in the ocean is scarce and the data that is available is flawed. Nevertheless, the inference from these data is that a significant separation exists and the ocean fishery has a relatively small impact on the winter run.

According to Hallock and Fisher (1985), winter-run chinook mature almost exclusively as two and three year old fish (25% age-two, 67% age-three, and 8% age-four), whereas fall-run

chinook tend to mature somewhat later. Winter-run chinook are generally smaller at a given age than fall chinook salmon. Juveniles from a given fall chinook brood generally migrate from the upper Sacramento River in February and March, while winter-run juveniles, from the same brood, migrate to the ocean in July and August. Consequently, in the ocean, the fall chinook are half a growing season ahead of the winter run. Ocean fishing regulations call for a minimum size limit of 20 inches for the sport fishery and a 26 inch size limit for the commercial fishery. These facts help explain why the sport catch of winter-run chinook is almost exclusively two-year-old fish, whereas the commercial catch is mostly three-year-old fish. This also explains why the ocean sport fishery is responsible for 71 percent of the ocean harvest of winter-run chinook, while only representing 29 percent of the total ocean harvest. Winter-run chinook are not available to the ocean fisheries for as long as the "target" species (fall chinook) and thus experience a lower harvest rate.

Hallock and Fisher (1985) report hook-scarring percentages for chinook that were released in the ocean fishery. Hook scars occur when fish under legal size limits are released alive. Of the fish examined at the trapping facility at the RBDD, the spring, fall, and late-fall runs experienced 38 percent greater hook-scarring than the winter run. In addition, the scarring rate of the winter run has declined over the past four years. Hook-scarring cannot easily be used to infer harvest rates or even "shaker mortality" (associated with the release of undersized fish), but it does show a reduced interaction between the winter-run chinook and the ocean harvest.

Nearly all data about the time, growth, distribution, and mortality of stocks in the ocean are based upon tagging experiments at hatcheries, using coded wire tags (cwt). Winter-run chinook are exclusively a naturally spawning race and there have been no cwt studies. However, Hallock and Fisher (1985) report a marking study, conducted in 1969–71, in which juveniles from three broods were seined from the Sacramento River, fin-clipped, and released. Recoveries of the adults from these releases were tabulated, and estimates made of age at harvest and harvest rate. Their results confirmed that winter-run chinook mature almost exclusively as two and three year olds and produce an estimated catch to escapement ratio of 0.53:1.0 and an ocean harvest rate of 34.6 percent.

These are likely conservative estimates because during the study a duplicate mark was used unintentionally in other California and Oregon chinook studies. Consequently, the mark returns in the ocean fishery that were attributed to the Sacramento River winter run were too high by some unknown amount. Also, the harvest rate has likely declined since the study was completed. The ocean fishing regulations are currently more restrictive than they were during the early 1970s. The total harvest rate in the ocean fishery and the landings from the ocean sport fishery have declined since 1970 (PFMC 1986). The effect of each of these factors is an over estimation of the ocean harvest of winter-run chinook.

Data on inland sport harvest of adult winter-run chinook are scarce; estimates are available from 1968–73 and 1975. Hallock and Fisher (1985) report data for this period that show Sacramento River sport harvest rates for winter-run chinook averaging 8.5 percent of the in-river run. No data have been collected in the last ten years.

Hallock and Fisher (1985) reported that 85 percent of the total catch of winter-run chinook from the 1969–1971 broods were caught in the ocean and 15 percent in the Sacramento River. The total catch to escapement ratio was 0.58:1.0 and a total harvest rate was 38.0 percent based on this data.

The harvest rate of winter-run chinook is substantially below that managed for any other chinook stock on the Pacific coast. The PFMC reports an index of ocean fishery harvest rates south of Point Arena for California Central Valley chinook. The 16-year average for this index is 64 percent. The CDFG (L. B. Boydstun, personal communication) estimates that the total harvest rate for these stocks (including areas north of Point Arena) is about 30 percent greater than the reported "index," or 82 percent. This represents a catch to escapement ratio greater than 4:1. In Washington State, where, in addition to "conservation" management, the ocean fishery is restricted to achieve court-ordered allocations of chinook to inside Indian fisheries, the ocean catch to escapement ratios are managed between 1:1 and 2:1 (J. Coon/PFMC staff, personal communication).

NMFS believes that any stock (even a marginally healthy one) should be able to maintain stable population levels at the moderate harvest levels to which winter-run chinook are subjected and that harvests have not been instrumental in the decline of winter-run chinook in the Sacramento River. Nevertheless, NMFS is supporting the CDFG's plans to implement additional restrictions on the in-river sport fishery to curtail the harvest of winter-run chinook as they approach their spawning habitat. The CDFG intends to implement these restrictions beginning January 1, 1987.

3. Disease or Predation

There are no data to indicate that winter-run chinook salmon experience unusual levels of disease. The impact of this factor on winter-run salmon is probably negligible.

There is insufficient data available on the life history of winter-run chinook to predict what effect predation has on the population. The reproductive strategy employed by salmon is to produce large numbers of offspring that can sustain high rates of mortality in the young age classes, with only a small percentage of the brood stock surviving to reproduce. Hallock and Fisher (1985) reported that the average fecundity of winter-run females is 3,353 eggs per female. Presumably, the population can grow if 0.1% of these survive to reproduce. This type of reproductive strategy makes it difficult to determine if predation is excessive or is operating to the disadvantage of a population. There are several predator-prey relationships involving winter-run chinook and piscivorous fish that may be unbalanced as a result of human activities in the river. These particular predation problems may be inhibiting the population's ability to grow, especially when combined with the factors affecting spawning success.

The most important in-river predator on winter-run chinook is probably the Sacramento River squawfish (*Ptychocheilus grandis*). Large numbers of squawfish have been observed below the RBDD where they forage on young salmon that are passing under the dam. As the juvenile salmon pass under the dam, they become disoriented by the turbulence and are unable to escape predation for some period of time. Vogel (unpublished data) has observed squawfish foraging below the dam on juvenile fall-run chinook and he has observed large schools of squawfish below the dam in the fall when winter-run chinook are migrating down stream. It is reasonable to expect that squawfish are exploiting the winter run as well.

Striped bass (*Morone saxitalis*) are another predator on juvenile salmon (USBR 1983b) that has been observed in large schools below the dam (Vogel 1982). Presumably they are taking advantage of the situation also.

Another modification to the flow in the river that exposes juvenile salmon to excess predation exists in front of the CDFG fish screens at the Glenn-Colusa

Irrigation District's (GCID) pumping plant. Changes in the river channel in the vicinity of the GCID plant have altered the hydrodynamics of this section of the river. During periods of low flows, juvenile salmon are diverted from the main stem of the river to a position in front of the fish screens where they remain because flows are inadequate to flush them back out into the main stem. Periods of low flows usually occur in the fall when winter-run fry are migrating. Ward (CDFG, Pers. comm.) has observed winter-run fry in front of the fish screens in September. This delay in the downstream migration exposes juvenile salmon to predation by squawfish and striped bass for an undefined but extended period of time. Specific data on the magnitude of this problem are lacking, but it is likely that predation rates near the GCID pumping plant are artificially high.

Other piscine predators on juvenile salmon include rainbow trout (*Salmo giardneri;* J. Hanson, USFWS, pers. comm.), American shad (*Alosa sapidissima;* Vogel, USFWS, in lit.), and large juvenile salmon released from hatcheries (Hallock and Fisher 1985). Few data are available to quantify the magnitude of predation by these species. Therefore, whether they represent a resource problem remains uncertain.

Salmon fry and smolts are also preyed upon by birds (gulls, cormorants, and herons) and older age classes and adults are preyed upon by marine mammals, and larger predatory fish in the ocean. The effects of this mortality are also unquantified.

The squawfish population appears to have the greatest potential for interfering with the growth of the winter-run population. It is the only one of the predator species in the river for which there is little interest among fishermen. Consequently, the population of squawfish is relatively large. The NMFS is developing a management strategy to reduce the size of the squawfish population and therefore the effect of the predation on winter-run chinook.

4. The Inadequacy of Existing Regulatory Mechanisms

Laws relevant to the protection and restoration of the winter run are the Magnuson Fishery Conservation and Management Act (MFCMA), the Fish and Wildlife Coordination Act (FWCA), the Clean Water Act, the National Environmental Policy Act, Anadromous Fisheries Conservation Act, and various State laws administered by the CDFG and the California Department of Water Resources. These laws provide for the conservation of living resources through wise use and management or the consideration and mitigation of adverse impacts from water and land use projects on living resources such as winter-run chinook salmon.

An example of the effectiveness of these mechanisms is the "Fish Passage Action Program for Red Bluff Diversion Dam". This is a multi-agency cooperative effort that was implemented, in part, because of the requirements of the FWCA. This program was designed to identify and develop solutions to fish passage problems. Several actions have already been implemented through the USBR's "Interim Action Measure Program." While these actions have been beneficial primarily for fall-run chinook, they indicate that a viable mechanism exists for dealing more specifically with winter-run problems.

The Federal Energy Regulatory Commission's (FERC) regulations for authorizing water related energy projects contain provisions which allow the resource agencies to intervene in the permitting process. This provides the resource agencies with a clear voice in the decision to issue or deny a specific permit or to apply special conditions to the permit to protect fish resources. NMFS has used this process to intervene in the FERC process for the City of Redding's proposed Lake Redding and Lake Red Bluff hydro-electric projects.

NMFS thinks that the available laws and regulations provide adequate mechanisms for restoring the winter run in the Sacramento River. However, the precipitous decline in the size of the run since the late 1960s indicates that these regulatory mechanisms have not been applied effectively with respect to winter-run chinook. For example, the PFMC has established escapement goals for the major salmon runs and has implemented management measures to achieve those goals. They have not established a goal for the winter run, nor have NMFS or the CDFG used their authority under the MFCMA or State law to investigate the effects of commercial and sport harvests on winter-run chinook.

Most of the management measures implemented by Federal and State agencies under existing authorities have been directed at maintaining a harvestable fall run of chinook salmon. Benefits to other runs have been largely incidental to those management measures. The resource agencies are now applying existing authorities to the specific restoration of winter-run chinook salmon. NMFS, the USFWS, and the CDFG are planning field studies to quantify the benefits of these recent actions.

5. Other Natural or Manmade Factors Affecting the Continued Existence of the Species

Winter-run chinook salmon are particularly sensitive to the effects of drought. As was discussed above, water temperature is a critical factor in the development of salmon eggs. During drought years, the water levels in Lake Shasta are drawn down to the point that releases from Shasta Dam become too warm to support a successful spawn. This happened during the 1976–77 drought. Winter-run chinook from those year classes returned during the 1979 and 1980 runs at a rate of 0.07 fish per parent. Water management practices could be modified to maintain cool temperatures in the river during droughts and mitigate the adverse effects of droughts on winter-run chinook. The USBR has identified several options for maintaining adequate river temperatures during droughts. Among the options are a modification of the intake structure at Shasta Dam so that cold water is pulled from the bottom of the reservoir or plan for increased releases from cool reservoirs on tributary streams. The options identified are expensive in terms of funds expended, lost revenues, or unmet obligations for water. Therefore, whether or not the USBR will implement one of the options remains uncertain.

Very little year class overlap occurs for winter-run salmon (25% 2-year-olds, 67% 3-year-olds, and 8% 4-year-olds). The year class overlap is much less for females because the 2-year-olds are predominantly males. The significance of this is that the near loss of two consecutive year classes (1976 and 77) combined with the winter run's low fecundity (relative to the other runs) will make it difficult for the run to rebound to previous population levels.

The 1978 brood stock was the last remaining strong year class. It returned in 1981 in large numbers indicating a potential for rebuilding the run. The progeny of the 1981 year class were adversely affected in the ocean by the 1982–83 El Nino event. They returned to the river in poor numbers in 1984. Consequently, no strong year class remains in the population.

An additional problem at Keswick Dam affects winter-run chinook. During high winter and spring releases, salmon swim into the stilling basin below the dam. As flows subside in the late spring winter-run chinook become trapped and cannot escape to suitable spawning habitat. Although the USFWS and the CDFG attempt to capture and release these fish, an undocumented amount of

winter-run mortality is associated with the problem.

A final factor contributing to the current status of the winter run is the technical difficulty in developing a hatchery stock of winter-run chinook. Most stocks that suffer a loss in productivity due to loss of habitat affected by water projects are supplemented by hatchery stock to compensate for the lost production. The winter-run chinook are fragile fish, and attempts to propagate them failed due to pre-spawning mortality of the brood stock. This mortality is attributable to inadequate adult winter-run chinook holding facilities which create stressful conditions during the several months the fish must be held until spawning maturation (USFWS 1985). The USFWS received 2.2 million dollars from Congress in 1987 to build holding ponds for winter-run chinook. These ponds should be completed by the 1988 run. The USBR has agreed to provide power to the hatchery for the operation of chillers that will be required to keep water temperatures in the holding ponds below lethal limits. Building a spawning program will take several years, but ultimately it will contribute to the restoration of the run.

Discussion

The winter run of chinook salmon in the Sacramento River has declined substantially from the 1960's level. The decline has been persistent over the last 17 years. The major cause of decline appears to be habitat degradation resulting from the operation of the RBDD and several independent factors that contribute to reduced availability of spawning and rearing habitat. These factors include the operation of other diversion facilities, gravel mining, bank stabilization, and pollution. These problems have been aggravated by severe droughts in 1976 and 1977 and a severe El Nino event in 1982 and 1983.

Allendorf and Ryman (unpublished report) suggest that the minimum population size needed to maintain the genetic integrity of wild stocks raised in hatcheries is 200 salmon, with a sex ratio of 1:1. This is a useful guide for establishing a minimum viable population size for wild runs in the river, but it should be increased by a factor of two to five to compensate for uncertainties in the estimated population size, fluctuating environmental parameters, and the fact that in the wild the effective population size (number successfully spawning) is less than the actual number of adult fish. An irretrievable genetic loss would likely result from a succession of four or five year classes falling below an effective population size of 200 fish (Utter in litt.). The winter run is approaching this level, but remains above it. The actions taken by State and Federal agencies in 1986 will increase the effective population size by allowing more of the population to migrate to suitable spawning habitat.

Raising the gates in the RBDD will provide immediate access to suitable spawning habitat for a larger portion of the population. The CDFG habitat restoration project will provide additional spawning habitat and the CWQCB standards for releases of polluted water to the Sacramento River also will improve the quality of the spawning habitat, and the CDFG's in-river fishing regulations will ensure that salmon that arrive at the spawning grounds are not removed from the population before they spawn. Given the resiliency this population demonstrated subsequent to the construction of the Shasta and Keswick Dams, these actions should allow increased production of winter-run chinook.

Other actions that will benefit the population in subsequent years include the FWS' plans to initiate a winter-run hatchery program at the Coleman National Fish Hatchery, EPA's decision to apply Superfund resources to clean up the pollution problem emanating from the Iron Mountain Mines, and the State's enactment of SB 1086 to restore habitat in the Sacramento River. These are long term commitments that are likely to produce benefits into the 1990s and beyond. For example, SB 1086 provides the basis for the formation of a task force similar to the Klamath River and Trinity River Task Forces. These Task Forces have developed habitat restoration plans that are funded by the Federal government. House Bill 4217 authorizes $42 million to implement the Klamath River Plan and Public Law 98–541 authorizes nearly $60 million for accomplishing the tasks identified in the Trinity River Plan. Completion of a Sacramento River Restoration Plan should lead to comparable funding for implementation, but the actual benefit is not likely to be realized for several years.

Conclusions

The winter run of chinook salmon in the Sacramento River comprises a distinct breeding population and qualifies for consideration as a "species" under the ESA. Although it has declined persistently over the past 17 years, NMFS thinks that State and Federal resource management agencies are addressing the habitat problems that contributed to the decline of the run and that the management actions implemented by those agencies ensure the restoration of the run to levels that will be able to withstand future droughts and other environmental perturbations. These actions, combined with other actions that will not produce measurable benefits for several years, should restore the run to a level approaching that which existed prior to the construction of RBDD.

The most important management action implemented is the USBR's revised operational schedule for the RBDD. Raising the gates in the dam during the winter run's spawning migration eliminates a major factor limiting the run's ability to grow. This action will ensure that salmon get to suitable spawning habitat. NMFS expects this action will be translated into greater spawning success, thereby increasing the potential for population growth. Resolving the fish passage problem at the RBDD will increase the benefits that will be derived from the CDFG habitat restoration project and new prohibitions on sport fishing because more fish will be able to migrate up stream to use the restored habitat. NMFS and the CDFG are initiating monitoring programs to verify these expectations.

Several long term programs have been implemented that ultimately will benefit the run. These include an expanded hatchery program at the Coleman National Fish Hatchery to produce additional winter-run chinook salmon, SB 1086 which will restore spawning habitat in the Sacramento River, and the EPA's plans to direct the Superfund resources toward resolving the pollution problems emanating from the Iron Mountain Mines. These long term programs will provide additional enhancement when they are implemented.

Based on the restoration actions that have been implemented or will be implemented prior to the 1987 run, NMFS concludes that the winter run of chinook salmon is not in danger of becoming extinct throughout all or a significant portion of its range, nor is it likely to become endangered in the foreseeable future throughout all or a significant portion of its range.

Dated: February 20, 1987.

James E. Douglas, Jr.,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

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[FR Doc. 87–4120 Filed 2–26–87; 8:45 am]
BILLING CODE 3510-22-M

[P2S]

Marine Mammals; Application for Permit; Sea World, Inc.

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant: a. Name Sea World, Inc., b. Address 1720 South Shores Road, Mission Bay, San Diego, California 92109.

2. Type of Permit: Public Display.

3. Name and Number of Marine Mammals: White whales (*Delphinapterus leucas*) 8.

4. Type of Take: Capture/Maintain.

5. Location of Activity: Western Hudson Bay, Canada.

6. Period of Activity: 4 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, DC 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are 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., Rm. 805, Washington, DC; Director, Southwest Region, National Marine Fisheries Service, 301 South Ferry Street, Terminal Island, California 93107–7415; and

Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: February 20, 1987.

Nancy Foster,

Director, Protected Species & Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 87–4121 Filed 2–26–87; 8:45 am]
BILLING CODE 3510-22-M

Marine Mammals; Issuance of General Permits

General permits have been issued to the Applicants listed below to take marine mammals incidental to commercial fishing operations pursuant to 50 CFR 216.24.

Catetory 1: Towed or Dragged Gear.

1. Japan Deep Sea Trawlers Association, Tokyo, Japan to take up to 60 pinnipeds in the Bering Sea and Gulf of Alaska and up to 15 cetaceans in the North Atlantic Ocean.

2. Hokuten Trawlers Association, Tokyo, Japan to take up to 40 pinnipeds in the Bering Sea.

3. Embassy of the Polish People's Republic, New York, New York to take up to 10 pinnipeds in the North Pacific Ocean and up to 5 cetaceans in the Bering Sea and Gulf of Alaska.

4. Embassy of the Republic of Korea, Washington, DC to take up to 50 pinnipeds in the North Pacific Ocean and up to 10 cetaceans in the Bering Sea and Gulf of Alaska.

Category 5: Other Gear.

North Pacific Longline-Gillnet Association, Tokyo, Japan to take an unspecified number of cetaceans and pinnipeds by harassment in the Bering Sea and Gulf of Alaska.

These general permits are available for public review in the Office of the Assistant Administrator for Fisheries, National Marine Fisheries Service, 1825 Connecticut Avenue, NW., Washington, DC.

Dated: February 24, 1987.

Nancy Foster,

Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 87–4210 Filed 2–26–87; 8:45 am]
BILLING CODE 3510-22-M

Coastal Zone Management: Exxon Santa Ynez Appeal

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Public comments solicited.

SUMMARY: Public comments may be submitted on certain issues raised by the January 20, 1987, submission of

Exxon Company U.S.A. in its administrative appeal before the Secretary of Commerce.

DATES: Comments must be received by March 30, 1987.

ADDRESSES: Comments must be sent to Office of the General Counsel, NOAA, 1825 Connecticut Avenue, NW., Suite 603, Washington, DC 20235.

FOR FURTHER INFORMATION CONTACT: L. Pittman, Office of the General Counsel, NOAA, at 202/673–5200.

SUPPLEMENTARY INFORMATION: The Secretary of Commerce requests the views of the public on certain items of information submitted by Exxon Company U.S.A. its appeal filed under the Coastal Zone Management Act of 1972, 16 U.S.C. 1451 et seq. and implementing regulations at 15 CFR 930 Subpart H. The appeal is taken from an objection by the California Coastal Commission to Exxon's proposed offshore development plan (Option A) for the Santa Ynez Unit, 19 contiguous oil and gas lease tracts located on the outer continental shelf in the Western Santa Barbara Channel. *See* 51 FR 39778, October 31, 1986.

On January 20, 1987, Exxon filed its final rebuttal brief in this appeal, thus closing the administrative appeal record. After examining the information in the rebuttal brief, finding that certain of that information was not contained in Exxon's earlier submissions, and considering the importance of that information to a final resolution of this appeal, the Secretary has granted a thirty-day public comment period.

Comments must be limited to certain of Exxon's technical appendices to its final brief: Exhibit 13, the AER*X offset search; Exhibit 15, electrification cost support; and Exhibits 17 and 18, costs of project delay. Copies of Exxon's final brief may be obtained from the California Coastal Commission, 631 Howard Street, San Francisco, CA; Exxon's offices at 225 W. Hillcrest Dr., Thousand Oaks, CA; NOAA Office of General Counsel, 1865 Connecticut Ave., NW., Suite 603, Washington, DC.

Interested persons may also comment whether Option B as modified by the County's final development plan and authority to construct permits would require either a new supplemental environmental impact under the California Environmental Quality Act, a new consistency review by the California Coastal Commission, or any other permit or other approval that would be likely to result in significant further delay of Option B.

[Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Administration.]

Timoty R.E. Keeney,

Acting General Counsel.

[FR Doc. 87–3365 Filed 2–26–87; 8:45 am]

BILLING CODE 3510–08–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing Establishment of Guaranteed Access Levels and a Visa and Certification Requirement for Cotton, Wool, and Man-Made Fiber Textile Products From Jamaica

February 19, 1987.

The Committee for the Implementation of Textiles Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, and the President's February 20, 1986 announcement of a Special Access Program for textile products assembled in participating Caribbean Basin beneficiary countries from fabric formed and cut in the United States, and pursuant to the requirements set forth in 51 FR 21208 (June 11, 1986), has issued the directive published below to the Commissioner of Customs, effective March 1, 1987. For further information, contact Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212.

Background

As announced in the **Federal Register** on November 21, 1986 (51 FR 42128), the Governments of the Untied States and Jamaica have exchanged diplomatic notes on a new bilateral agreement concerning trade in cotton, wool, and man-made fiber textile products, produced or manufactured in Jamaica and exported during the period which began on September 1, 1986 and extends through December 31, 1989.

The Governments of the United States and Jamaica also have exchanged letters establishing a visa and certification system, as an administrative arrangement under the terms of the bilateral agreement. Pursuant to the terms of that arrangement, the visa and certification requirement applies to textile and apparel products exported on or after March 1, 1987. Textile products that have been exported from Jamaica before March 1, 1987 shall not be denied entry for lack of a visa or certification. Exports from Jamaica of products qualifying for the Special Access Program for entry under TSUSA 807.0010, exported on or after September 1, 1986 must be accompanied by a properly completed CBI Export Declaration (Form ITA–370P).

In addition to the designated consultation levels previously announced, the bilateral agreement established guaranteed access levels for properly certified textile products assembled in Jamaica from fabric formed and cut in the United States within categories 331/631 (cotton and man-made fiber gloves), 338/339 (cotton knit shirts), 347/348 (cotton trousers), and 349/649 (cotton and man-made fiber brassieres), exported from Jamaica during the first agreement period which began on September 1, 1986 and extends through December 31, 1987.

Pursuant to 51 FR 21208 (June 11, 1986), which established the requirements for participation in the Special Access Program and guaranteed access levels, products qualifying for the Special Access Program and covered by guaranteed access levels may be entered under TSUSA number 807.0010. To be entered under TSUSA 807.0010, shipments must be accompanied by a certification issued by the appropriate Jamaican authorities and a completed CBI Export Declaration (Department of Commerce form ITA–370P, stock number 003–009–00490–0, available from the Government Printing Office, Washington, DC 20402). Each shipment of textile products of Jamaica not accompanied by a property issued certification and a CBI Export Declaration must be accompanied by a properly issued visa.

The certification is a square stamp in blue ink placed on the front of the original Jamaican National Export Corporation document, called a certificate of exemption. This document replaces the commercial invoice. The certification must contain the 9-digit certification number, the date of issuance, the correct whole, merged, or part categories and correct quantities in each shipment in the applicable category units, and the signature of the issuing official. However, if the quantity indicated on the certification is more than that of the shipment, entry shall be permitted.

Orders for the Special Access Program CBI Export Declaration (Form ITA–370P) may be placed with the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (202/783–3238). Request stock number 003–009–00490–0. The form is being sold for $31 per package of 100.

Any shipment for entry under TSUSA 807.0010 which is not accompanied by a valid and correct certification and CBI

Export Declaration in accordance with the foregoing provisions shall be denied entry unless the Government of Jamaica authorizes the entry and any charges to the appropriate designated consultation levels. Any shipment which is declared as TSUSA 807.0010 but found not to qualify for the Special Access Program shall be denied entry into the United States.

Each shipment of textile products of Jamaica not subject to the Special Access Program must be accompanied by a properly issued visa. The visa is a circular stamp in blue ink placed on the front of the original Jamaican National Export Corporation document, called a certificate of origin. This document replaces the commercial invoice.

The visa must contain the 9-digit visa number, the date of issuance, the correct categories and correct whole, merged, or part categories and the correct quantities in each shipment in the applicable category units, and the signature of the issuing official. However, if the quantity indicated on the visa is more than that of the shipment, entry shall be permitted.

Textile products of Jamaica for the personal use of the importer and not for resale do not require a visa or certificate for entry into the United States.

Interested persons are advised to take all necessary steps to ensure that textile products, produced or manufactured in Jamaica, which are to be entered into the United States for consumption, or withdrawn from warehouse for consumption, that are exported on or after March 1, 1987 will meet the stated certification and visa requirements.

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

February 19, 1987

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 Arrangement 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 August 27, 1986, between the Governments of the United States and Jamaica and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, and the Special Access Program, as set forth in 51 FR 21208 (June 11, 1986), you are directed, effective on March 1, 1987, and until further notice, to prohibit entry into the United States for consumption or withdrawal from warehouse for consumption of cotton and man-made fiber textile products, produced or manufactured in Jamaica and exported on or after March 1, 1987 which are not visaed or certified in accordance with the procedures outlined below. Textile products that were assembled in Jamaica from fabric formed and cut in the United States and exported from Jamaica before March 1, 1987 shall not be denied entry for lack of a visa or certification.

Products qualifying for the Special Access Program and covered by guaranteed access levels may be entered under TSUSA number 807.0010. To be entered under TSUSA 807.0010, shipments must be accompanied by a certification issued by the appropriate Jamaican authorities and a completed CBI Export Declaration. Each shipment of textile products of Jamaica not accompanied by a properly issued certification and a CBI Export Declaration shall be accompanied by a properly issued visa.

The certification is a square stamp in blue ink placed on the front of the original Jamaican National Export Corporation document, called a certificate of exemption. This document replaces the commercial invoice. The certification must contain the 9-digit certification number, the date of issuance, the correct whole, merged, or part categories and correct quantities in each shipment in the applicable category units, and the signature of the issuing official. However, if the quantity indicated on the certification is more than that of the shipment, entry shall be permitted.

Any shipment for entry under TSUSA 807.0010 which is not accompanied by a valid and correct certification and CBI Export Declaration in accordance with the foregoing provisions shall be denied entry unless the Government of Jamaica authorizes the entry and any charges to the appropriate designated consultation levels. Any shipment which is declared as TSUSA 807.0010, but found not to qualify for the Special Access Program shall be denied entry into the United States.

The following guaranteed access levels have been established for properly certified textile products assembled in Jamaica from fabric formed and cut in the United States and exported during the period September 1, 1986 through December 31, 1987.

Category	Guaranteed access level
331/631	1,500,000 doz. pair
338/339	190,000 doz.
347/348	840,000 doz.
349/649	2,575,000 doz.

Each shipment of textile products of Jamaica not subject to the Specal Access Program must be accompanied by a properly issued visa. The visa is a circular stamp in blue ink placed on the front of the original Jamaican National Export Corporation document, called a certificate of origin. This document replaces the commercial invoice. The visa must contain the 9-digit visa number, the date of issuance, the correct whole, merged, or part categories and correct quantities in each shipment in the applicable category units, and the signature of the issuing official. However, if the quantity indicated on the visa is more than that of the shipment, entry shall be permitted.

Textile products of Jamaica for the personal use of the importer and not for resale do not require a visa or certification for entry into the United States, regardless of value.

You are directed to permit entry into the United States for consumption and withdrawal from warehouse for consumption of designated shipments of textile and apparel products, produced and manufactured in Jamaica and exported to the United States, when the designated merchandise does not fulfill the aforementioned visa and certification requirements, whenever requested to do so in writing by the Chairman of the Committee for the Implementation of Textile Agreements.

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.

Facsimiles of the visa and certification stamps are enclosed.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

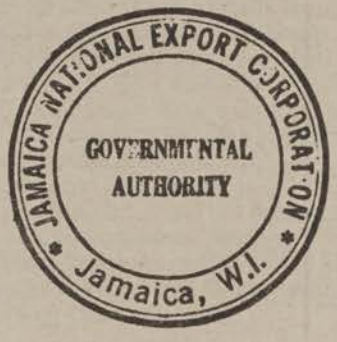
Sincerely,

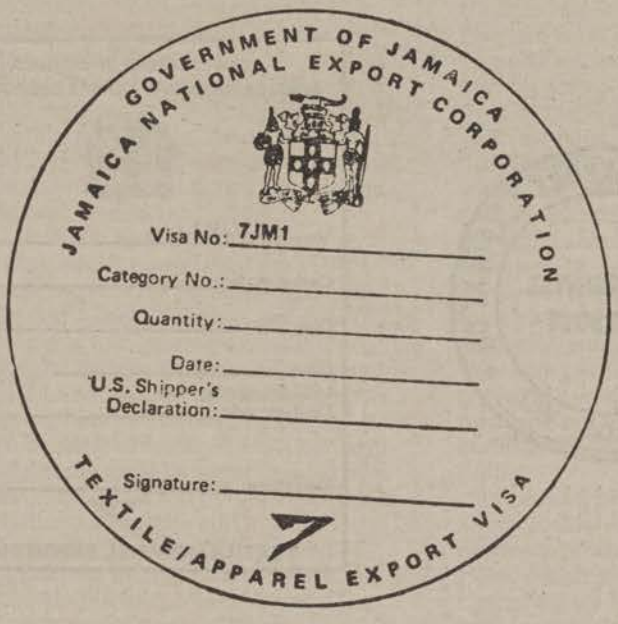
Ronald I. Levin,

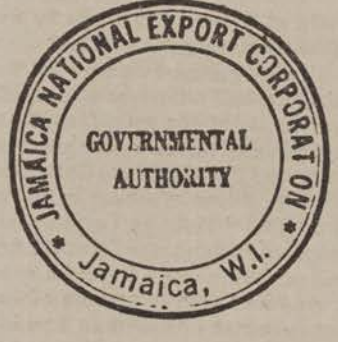
Acting Chairman, Committee for the Implementation of Textile Agreements.

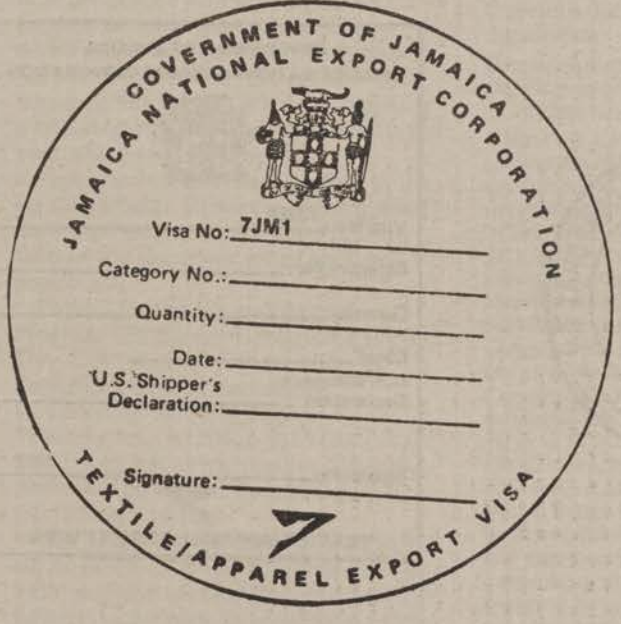
BILLING CODE 3510-DR-M

JAMAICA
NATIONAL
EXPORT
CORPORATION

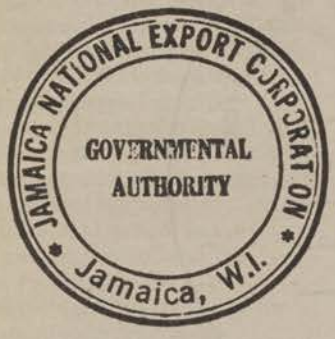








JAMAICA
NATIONAL
EXPORT
CORPORATION



GOVERNMENT OF JAMAICA
JAMAICA NATIONAL EXPORT CORPORATION

Visa No: 7JM2

Category No: _____

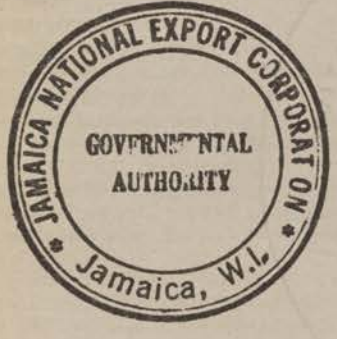
Quantity: _____

Date: _____

U.S. Shipper's
Declaration: _____

Signature: _____

TEXTILE/APPAREL EXPORT VISA



GOVERNMENT OF JAMAICA
JAMAICA NATIONAL EXPORT CORPORATION

Visa No: 7JM2

Category No: _____

Quantity: _____

Date: _____

U.S. Shipper's
Declaration: _____

Signature: _____

TEXTILE/APPAREL EXPORT VISA

[FR Doc. 87-3903 Filed 2-26-87; 8:45 am]
BILLING CODE 3510-DR-C

Announcing Establishment of Guaranteed Access Levels and a New Visa and Certification Requirement for Cotton, Wool, and Man-Made Fiber Textile Products From Haiti

February 19, 1987.

The Committee for the Implementation of Textiles Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, and the President's February 20, 1986 announcement of a Specal Access Program for textile products assembled in participating Caribbean Basin beneficiary countries from fabric formed and cut in the United States, and pursuant to the requirements set forth in 51 FR 21208 (June 11, 1986), has issued the directive published below to the Commissioner of Customs to be effective on March 1, 1987. For further information, contact Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212.

Background

As announced in the **Federal Register** on January 13, 1987 (52 FR 1371), the Governments of the United States and Haiti have exchanged diplomatic notes on a new bilateral agreement concerning trade in cotton, wool, and man-made fiber textile products, produced or manufactured in Haiti and exported during the period which began on January 1, 1987 and extends through December 31, 1989. The Governments of the United States and Haiti also have exchanged letters establishing a new visa and certification system, as an administrative arrangement under the terms of the bilateral agreement. Pursuant to the terms of that arrangement, the visa and certification requirement applies to textile and apparel products exported on or after March 1, 1987. This arrangement will replace the visa arrangement established between the Governments of the United States and Haiti, as announced in the **Federal Register** on March 6, 1980 (45 FR 14617). Exports from Haiti of products qualifying for the Special Access Program for entry under TSUSA 807.0010 in a product category with a guaranteed access level, exported during the January 1, 1987–February 28, 1987 period, shall not be denied entry for lack of a certification. However, entries under TSUSA 807.0010 in a product category with a guaranteed access level, must be accompanied by a properly completed CBI Export Declaration (Form ITA-370P).

In addition to the designated consultation levels previously announced, the bilateral agreement establishes guaranteed access levels for properly certified textile products assembled in Haiti from fabric formed and cut in the United States within categories 331 (cotton gloves), 337/637 (cotton and man-made fiber playsuits), 340/640 (cotton and man-made fiber non-knit shirts), 341/641 (cotton and man-made fiber non-knit blouses), 347/348 (cotton trousers), 349/649 (cotton and man-made fiber brassieres), and 350 (cotton nightgowns), exported from Haiti during the first agreement year which begins on January 1, 1987 and extends through December 31, 1987.

Pursuant to 51 FR 21208 (June 11, 1986), which established the requirements for participation in the Special Access Program and guaranteed access levels, products qualifying for the Special Access Program and covered by guaranteed access levels may be entered under TSUSA number 807.0010. To be entered under TSUSA 807.0010, shipments must be accompanied by a certification issued by the appropriate Haitian authorities and a completed CBI Export Declaration (Department of Commerce form ITA–370P, stock number 003–009–00490–0, available from the Government Printing Office, Washington, DC 20402). Each shipment of textile products of Haiti not accompanied by a properly issued certification and a CBI Export Declaration must be accompanied by a properly issued visa.

The certification is a square stamp in blue ink placed on the front of the original commercial invoice. The certification must contain the 9-digit certification number, the date of issuance, the correct whole, merged, or part categories and correct quantities in each shipment in the applicable category units, and the signature of the issuing official. However, if the quantity indicated on the certification is more than of the shipment, entry shall be permitted.

Orders for the Special Access Program CBI Export Declaration (Form ITA–370P) may be placed with the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (202/783–3238). Request stock number 003–009–00490–0. The form is being sold for $31 per package of 100.

Any shipment for entry under TSUSA 807.0010 which is not accompanied by a valid and correct certification and CBI Export Declaration in accordance with the foregoing provisions shall be denied entry unless the Government of Haiti authorizes the entry and any charges to the appropriate designated consultation level. Any shipment which is declared as TSUSA 807.0010 but found not to qualify for the Speical Access Program shall be denied entry into the United States.

Each shipment of textile products of Haiti not subject to the Special Access Program must be accompanied by a properly issued visa. The visa is a circular stamp in blue ink placed on the front of the original commercial invoice. The visa must contain the 9-digit visa number, the date of issuance, the correct whole, merged or part categories and correct quantities in each shipment in the applicable category units, and the signature of the issuing official. However, if the quantity indicated on the visa is more than that of the shipment, entry shall be permitted.

Textile products of Haiti for the personal use of the importer and not for resale do not require a visa or certification for entry into the United States.

Interested persons are advised to take all necessary steps to ensure that textile products, produced or manufactured in Haiti, which are to be entered into the United States for consumption, or withdrawn from warehouse for consumption, that are exported on or after March 1, 1987 will meet the stated certification and visa requirements.

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

February 19, 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 Arrangement 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 September 26 and 30, 1986, between the Governments of the United States and Haiti and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, and the Special Access Program, as set forth in 51 FR 21208 (June 11, 1986), you are directed, effective on March 1, 1987, and until further notice, to prohibit entry into the United States for consumption or withdrawal from warehouse for consumption of cotton and man-made fiber textile products produced or manufactured in Haiti and exported on or after March 1, 1987 which are not visaed or certified in accordance with the procedures outlined below. Textile products

that were assembled in Haiti from fabric formed and cut in the United States and exported from Haiti during the January 1, 1987–February 28, 1987 period shall not be denied entry for lack of a certification. This directive replaces the directive of March 6, 1980 which established visa requirements for cotton, wool, and man-made fiber textile products from Haiti.

Products qualifying for the Special Access Program and covered by guaranteed access levels may be entered under TSUSA number 807.0010. To be entered under TSUSA 807.0010, shipments must be accompanied by a certification issued by the appropriate Haitian authorities and a completed CBI Export Declaration. Each shipment of textile products of Haiti not accompanied by a properly issued certification and a CBI Export Declaration shall be accompanied by a properly issued visa.

The certification is a square stamp in blue ink placed on the front of the original commercial invoice. The certification must contain the 9-digit certification number, the date of issuance, the correct whole, merged, or part categories and correct quantities in each shipment in the applicable category units, and the signature of the issuing official. However, if the quantity indicated on the certification is more than that of the shipment, entry shall be permitted.

Any shipment for entry under TSUSA 807.0010 which is not accompanied by a valid and correct certification and CBI Export Declaration in accordance with the foregoing provisions shall be denied entry unless the Government of Haiti authorizes the entry and any charges to the appropriate designated consultation levels. Any shipment which is declared as TSUSA 807.0010 but found not to quality for the Special Access Program shall be denied entry into the United States.

The following guaranteed access levels have been established for poperly certified textile products assembled in Haiti from fabric formed and cut in the United States and exported during January 1, 1987 through December 31, 1987:

Category	Guaranteed access level
331	500,000 doz. pair.
337/637	300,000 doz.
340/640	440,000 doz.
341/641	400,000 doz.
347/348	800,000 doz.
349/649	2,500,000 doz.
350	120,000 doz.

Each shipment of textile products of Haiti not subject to the Special Access Program must be accompanied by a properly issued visa. The visa is a circular stamp in blue ink placed on the front of the original commercial invoice. The visa must contain the 9-digit visa number, the date of issuance, the correct whole, merged, or part categories and correct quantities in each shipment in the applicable category units, and the signature of the issuing official. However, if the quantity indicated on the visa is more than that of the shipment, entry shall be permitted.

Textile products of Haiti for the personal use of the importer and not for resale do not require a visa or certification for entry into the United States, regardless of value.

You are directed to permit entry into the United States for consumption and withdrawal from warehouse for consumption of designated shipment of textile and apparel products, produced and manufactured in Haiti and exported to the United States, notwithstanding the designated merchandise does not fulfill the aforementioned visa and certification requirements, whenever requested to do so in writing by the Chairman of the Committee for the Implementation of Textile Agreements.

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.

Facsimiles of the visa and certification stamps and a list of issuing authorities and authorized signatures are enclosed.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553 (a)(1).

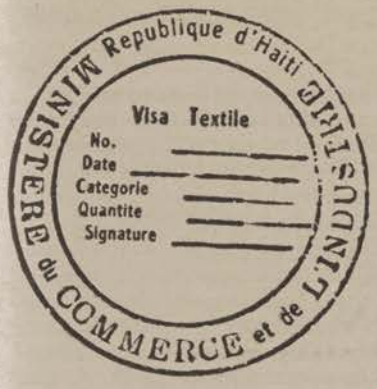
Sincerely,

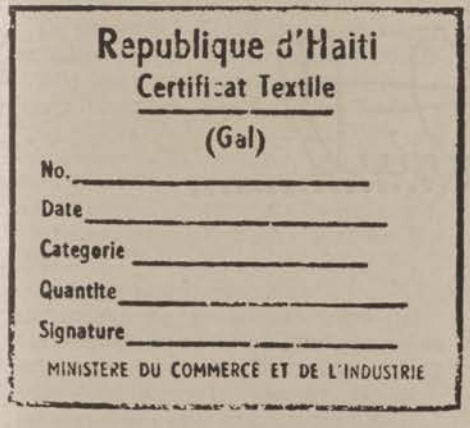
Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

BILLING CODE 3510-DR-M

VISA AND CERTIFICATION STAMPS





AUTHORIZED ISSUING OFFICIALS

GOVERNMENT OF HAITI

NAME	SIGNATURES
Mme. Sanite L. DESIR Direction de l'Administration et de la Réglementation Industrielle. Directeur.	.....
Mr. Jean-Claude DECIME Service de la Sous-Traitance Chef de Service.	.....
Mr. Démesmin DORSAINVILLE Service de la Sous-Traitance Technicien.	.....

[FR Doc. 87-3902 Filed 2-26-87; 8:45 am]
BILLING CODE 3510-DR-C

Import Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in the People's Republic of China

February 24, 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 March 2, 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.

Background

On December 30, 1986, a notice was published in the **Federal Register** (51 FR 47041), announcing import restraint limits for cotton, wool and man-made fiber textile products, produced or manufactured in China and exported to the United States during the twelve-month period which began on January 1, 1987 and extends through December 31, 1987.

During consultations, the Governments of the United States and the People's Republic of China agreed to establish new specific limits for cotton yarn-dyed fabrics in Category 310/318, cotton infants' sets in Category 359–I, cotton pillowcases in Category 360, man-made fiber headwear in category 659–H and man-made fiber infants' sets in Category 659–I; and a designated consultation level for wool suit-type coats in Category 433, produced or manufactured in China and exported during the period which began on January 1, 1987 and extends through December 31, 1987.

The United States Government has decided to control imports of these categories at the agreed limits. Accordingly, in the letter which, follows this notice, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry, or withdrawal from warehouse, for consumption in the Unted States of cotton, wool and man-made fiber textile products in Categories 310/318, 359–I, 433, 659–H and 659–I, in excess of the designated 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 Textile Agreements.

Committee for the Implementation of Textile Agreements

February 24, 1987.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Mr. Commissioner: This directive cancels and supersedes the directives of March 20, 1986 and June 12, 1986, issued to you by the Chairman of the Committee for the Implementation of Textile Agreements, which directed you to prohibit entry for consumption or withdrawal from warehouse for consumption of certain man-made fiber and cotton textile products in Categories 659–I and 310/318.

Effective March 2, 1987, the directive of December 23, 1986 is hereby amended, but not cancelled, to include the following restraint limits for cotton, wool and man-made fiber products, produced or manufactured in the People's Republic of China and exported during the period which began on January 1, 1987 and extends through December 31, 1987:

Category	Twelve-month restraint limit [1]
310/318	6,800,000 square yards.
[2] 359–I	1,900,000 pounds.
360	5,665,000 numbers of which not more than 3,862,500 numbers shall be in 360–P (only TSUSA numbers 363.0108, .0112, .3020, .3025, .3060 and .3065.
433	19,000 dozen.
[3] 659–H	4,472,000 pounds.
[4] 659–I	1,700,000 pounds.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1986.

[2] In Category 359, only TSUSA numbers 384.0439, .0441, .0442, .0444, .0805, .0810, .0815, .0820, .0825, .3451, .3452, .3453, .3454, .5162, .5163, .5167, .5169 and .5172.

[3] In Category 659, only TSUSA numbers 703.0510, .0520, .0530, .0540, .0550, .0560, .1000, .1620, .1630, .1640 and .1650.

[4] In Category 659, only TSUSA numbers 384.2105, .2115, .2120, .2125, .2646, .2647, .2648, .2649, .2652, .8651, .8652, .8653, .8654, .9356, .9357, .9358, .9359 and .9365.

Textile products in Categories 310/318, 359–I, 360, 360–P, 433, 659–H and 659–I which have been exported to the United States prior to January 1, 1987 shall not be subject to this directive. Charges for Categories 310/318 and 659–I will be provided in a subsequent directive.

Textile products in the above categories which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

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 (a)(1).

Sincerely,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87–4059 Filed 2–26–87; 8:45 am]

BILLING CODE 3510-DR-M

Announcing Bilateral Textile Consultations with the Government of the Republic of Indonesia to Review Trade in Categories 350 and 342/642

February 19, 1987.

On November 25, 1986, the Government of the United States requested consultations with the Government of Indonesia with respect to Categories 350 (cotton dressing gowns and robes) and 342/642 (cotton and man-made fiber skirts and culottes). This request was made under the agreement between the Governments of the United States and Indonesia of September 25 and October 3, 1985, as amended, relating to trade in cotton, wool and man-made fiber textile products which permits the United States to request consultations when imports from Indonesia threaten or cause market disruption.

During recent consultations between the two governments, agreement was reached on these categories. The agreed levels will be announced in the **Federal Register** after the exchange of diplomatic notes has taken place.

Summary market statements concerning these categories follow this notice.

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).

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 categories on which consultations have been requested call (202) 377–3740.

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Market Statement

Category 342/642—Cotton and Man-Made Fiber Skirts—Indonesia, November 1986.

Summary and Conclusions

U.S imports of Category 342/642 from Indonesia were 119,066 dozen during the year-ending September 1986, nearly two and one-half times the 49,073 dozen imported a year earlier. During the first nine months of 1986, imports from Indonesia were 106,116 dozen, two and one half times the 41,773 dozen imported during the same period of 1985 and 94 percent above the amount imported during calendar year 1985.

The market for Category 342/642 has been disrupted by imports. The sharp and substantial increase of imports from Indonesia has contributed to this disruption.

U.S. Production and Market Share

U.S production of cotton and man-made fiber skirts declined five percent from 8,233 thousand dozen in 1983 to 7,805 thousand dozen in 1985. The U.S. producer's share of this market fell from 75 percent in 1983 to 67 percent in 1985.

U.S. Imports and Import Penetration

U.S. imports of Category 342/642 grew from 2,798 thousand dozen in 1983 to 3,794 thousand dozen in 1985, a 36 percent increase. Imports continue to grow during 1986. Category 342/642 imports during the first nine months of 1986 reached 4,780 thousand dozen, 69 percent above the 2,834 thousand dozen imported during the same period of 1985 and 26 percent more than the amount imported during calendar year 1985.

Duty Paid Values and U.S. Producers' Price

Approximately 66 percent of Category 342/642 imports from Indonesia during the first nine months of 1986 entered under TSUSA numbers 384.5251—women's cotton woven skirts, excluding culottes and skirts of corduroy, denim and velveteen, not ornamented; 384.5120——women's cotton woven denim skirts, not ornamented; 384.2550—women's girls and infants' man-made fiber woven skirts, ornamented; and 384.8660—women's man-made fiber knit skirts and culottes, not ornamented. These garments entered the U.S. at landed duty-paid values below U.S. producers' prices for comparable garments.

Market Statement

Category 350—Cotton Dressing—Gowns and Robes.

Summary and Conclusions

U.S. imports of Category 350 from Indonesia were 51,030 dozen during the year ending September 1986, four times the 11,790 dozen imported a year earlier. During the first nine months of 1986, imports from Indonesia were 39,682 dozen, three times the 11,752 dozen imported during the same period of 1985 and 72 percent more than the amount imported during calendar year 1985.

The U.S. market for Category 350 has been disrupted by imports. The sharp and substantial increase of imports from Indonesia has contributed to this disruption.

U.S. Production and Market Share

U.S. production of cotton dressing gowns and robes declined 11 percent from 680 thousand dozen in 1983 to 605 thousand dozen in 1985. The U.S. producers' share of the market fell from 60 percent in 1983 to 47 percent in 1985.

U.S. Imports and Import Penetration

U.S. imports of Category 350 grew from 461 thousand dozen in 1983 to 676 thousand dozen in 1985, a 47 percent increase. Imports continue to grow in 1986. Category 350 imports are up 22 percent in the first nine months of 1986. The ratio of imports to domestic production increased from 68 percent in 1983 to 112 percent in 1985.

Duty-Paid Value and U.S. Producer's Price

Approximately 82 percent of Category 350 imports from Indonesia during the first nine months of 1986 entered under TSUSA number 384.4000—women's, girls' and infants' cotton woven dressing gowns and robes, except corduroy, not ornamented. These garments entered the U.S. at duty-paid landed values below the U.S. producer's prices for comparable garments.

[FR Doc. 87–4060 Filed 2–26–87; 8:45 am]

BILLING CODE 3510-DR-M

Announcing New Bilateral Textile Agreement With the Government of Japan on Certain Cotton, Wool and Man-Made Fiber Textile Products

February 20, 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 24, 1987. For further information contact Ross Arnold, International Trade Specialist, Office of Textile and Apparel, U.S. Department of Commerce, Washington, DC, (202) 377–4212.

Background

On July 1, 1986 a notice was published in the **Federal Register** (51 FR 23808), establishing import restraint limits for cotton and man-made fiber textile products in Categories 314, 341/641 and 613, produced or manufactured in Japan and exported during the period which began on April 30, 1986 and extends through April 29, 1987. A further notice was published on September 16, 1986 (51 FR 32819), establishing import restraint limits for cotton textile products in Categories 310/318, 315/320pt., 317pt. and 347/348, produced or manufactured in Japan and exported during the period which began on June 30, 1986 and extends through June 29, 1987.

On February 6, 1987, the Governments of the United States and Japan reached agreement on a new bilateral agreement concerning cotton, wool and man-made fiber textile products exported to the United States. This new agreement establishes annual group limits, and individual limits within the groups, for apparel, non-apparel, and man-made fiber yarn, produced or manufactured in Japan and exported during the period on January 1, 1986 and extending through December 31, 1989.

The limits agreed upon for the second agreement year which began on January 1, 1987 and extends through December 31, 1987 are listed below:

Category	12-Mo. level (Jan. 1, 1987–Dec. 31, 1987)
Group I:	
330–354, 359, 431–448, 459, 630–654, and 659.	132,926,540 square yards equivalent.
331/631	2,224,714 dozen pairs.
333	15,450 dozen.
334	26,007 dozen.
335	175,100 dozen.
337	88,425 dozen.
338	692,431 dozen.
339	1,326,000 dozen.
340	102,989 dozen.
341/641	510,000 dozen.
342/642	335,000 dozen.

Category	12-Mo. level (Jan. 1, 1987–Dec. 31, 1987)
350	20,806 dozen.
347/348	1,545,000 dozen.
435	26,823 dozen.
442	19,755 dozen.
444	17,690 dozen.
448	37,100 dozen.
634	98,828 dozen.
644	23,406 dozen.
645/646	183,164 dozen.
648	494,142 dozen.
659pt.[1]	97,850 pounds.
659pt.[2]	635,510 pounds.
Group II:	
300–320, 360–369, 400–429, 464–469, 600pt.,[3] 603–605, 610–627, and 665–670.	499,000,130 square yards equivalent.
300/301	2,700,000 pounds.
310–320	115,360,000 square yards of which not more than 26,265,000 square shall be in fabrics[4] of yarns of different colors.
313/320pt.[5]	9,366,748 square yards.
314/320pt.[6]	25,935,690 square yards.
315/320pt.[7]	17,351,840 square yards.
317/320pt.[8]	16,356,871 square yards.
317pt.[9]	9,785,000 square yards.
410	10,605,000 square yards.
600pt./604pt.[10] [11]	3,603,250 pounds.
611	18,082,742 square yards.
612pt.[12]	55,550,000 square yards.
612pt.[13]	128,000,000 square yards.
613	18,540,000 square yards.
614–P[14]	18,540,000 square yards.
614–W[15]	8,585,000 square yards.
Group III:	
600–602[16]	146,681,500 square yards equivalent.

[1] In Category 659, coveralls, overalls, etc. in TSUSA numbers 381.3325, 381.9805, 384.2205, 384.2530, 384.8606, 384.8607 and 384.9310.

[2] In Category 659, infant sets in TSUSA numbers 384.2105, 384.2115, 384.2120, 384.2125, 384.2646, 384.2647, 384.2648, 384.2649, 384.2652, 384.8651, 384.8652, 384.8653, 384.8654, 384.9356, 384.9357, 384.9358, 384.9359 and 384.9365.

[3] In Category 600, only TSUSA 310.5015.

[4] Fabrics of yarns of different colors in Category 310/318, and TSUS items 320.—, through 331.—, with statistical suffixes: numbered 16 and 69 in category 314; numbered 51, 85, 87 and 89 in category 317; numbered 4 in category 316; and numbered 12, 43 and 62 in category 319.

[5] Category 313, and, in Category 320, sheeting in TSUS items 320.—, through 331.—, with statistical suffixes 38, 80 and 82.

[6] Category 314, and, in Category 320, poplin & broadcloth in TSUS items 320.—, through 331.—, with statistical suffixes 21, 22, 24, 26, 72, 74 and 76.

[7] Category 315, and in Category 320, printcloth in TSUS items 320.—, through 331.—, with statistical suffix 31.

[8] Category 317, and in Category 320, twills and sateens in TSUS items 320.—, through 331.—, with statistical suffixes 54, 92, 94 and 96.

[9] In Category 317, sateens in TSUS items 320.—, through 331.—, with statistical suffixes 50, 87 and 93.

[10] In Category 600, TSUSA number 310.5015.

[11] In Category 604, TSUSA numbers 310.5049 and 310.6045.

[12] In Category 612, all fabrics other than those in footnote 13.

[13] In Category 612, Lightweight polyester filament fabrics in TSUSA numbers 338.5010, 338.5011, 338.5012, 338.5013, 338.5014, 338.5015, 338.5016, 338.5017, 338.5018, 338.5019, 338.5020 and 338.5021.

[14] In Category 614, spun filament combination fabric in TSUSA numbers 338.5040, 338.5045, 338.5051, 338.5056, 338.5061, 338.5065, 338.5069, 338.5072, 338.5075, 338.5079, 338.5084, 338.5087, 338.5092, 338.5095, and 338.5098.

[15] In Category 614, wool blend fabrics in TSUSA numbers 338.1505, 338.1508, 338.1511, 338.1525, 338.1528, 338.1531, 338.1552, 338.1554, 338.1556, 338.1558, 338.1562, 338.1564, 338.1568 and 338.1572.

[16] In Category 600, excluding TSUSA number 310.5015.

The limits set forth above are subject to adjustment in the future according to the provisions of the bilateral agreement of February 6, 1987 between the Governments of the United States and Japan.

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to cancel the directives of June 26 and September 11, 1986, which established restraint limits for cotton and man-made fiber textile products in Categories 310/318, 314, 315/320pt., 317pt., 341/641, 347/348 and 613.

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).

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textiles Agreements.

Committee for the Implementation of Textile Agreements

February 20, 1987.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Mr. Commissioner: This directive cancels the directives of June 26, 1986 and September 11, 1986, issued to you by the Chairman of the Committee for the Implementation of Textile Agreements, which directed you to prohibit entry for consumption, or withdrawal from warehouse for consumption, of certain cotton and man-made fiber textile products, produced or manufactured in Japan and exported during the twelve-month periods which began, for Categories 314, 341/641 and 613, on April 30, 1986 and extends through April 29, 1987 and for Categories 310/318, 315/320pt.[1], 317pt.[2] and 347/348, on June 30, 1986 and extends through June 29, 1987.

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. 87–4061 Filed 2–26–87; 8:45 am]

BILLING CODE 3510–DR–M

[1] Category 315, and in Category 320, printcloth in TSUS items 320.—, through 331.—, with statistical suffix 31.

[2] In Category 317, sateens in TSUS items 320.—, through 331.—, with statistical suffixes 50, 87 and 93.

Announcing an Import Level for Certain Wool Textile Products Produced or Manufactured in the Republic of Maldives

February 24, 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 March 2, 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

On July 16 and October 20, 1986, the Governments of the United States and the Republic of Maldives exchanged diplomatic notes further extending the Bilateral Wool Textile Agreement from September 29, 1985 through September 28, 1988. The bilateral agreement establishes a specific limit for wool textile products in Category 445/446 (sweaters), produced or manufactured in the Republic of Maldives and exported during the twelve-month period which began on September 29, 1986 and extends through September 28, 1987.

In the letter which follows this notice, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to control imports in Category 445/446 during this twelve-month period at the designated limit.

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).

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 24, 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 September 7 and 19, 1984, as amended and extended, between the Governments of the United States and the Republic of Maldives; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on March 2, 1987, entry into the United States for consumption and withdrawal from warehouse for consumption of wool textile products in Category 445/446, produced or manufactured in the Maldives, and exported during the twelve-month period which began on September 29, 1986 and extends through September 28, 1987 in excess of the following limit [1]:

Category	12-mo. restraint limit
445/446	53,530 dozen.

Textile products in Category 445/446 which have been exported to the United States prior to September 29, 1986 shall not be subject to this directive.

Textile products in Category 445/446 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

Administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of this agreement. Appropriate adjustments will be made to you by letter.

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).

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-4123 Filed 2-26-87; 8:45 am]

BILLING CODE 3510-DR-M

[1] The limit has not been adjusted to account for any imports exported after September 28, 1986. Imports amounted to -0- for the period September 29, 1986 through December 31, 1986.

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Apparel Products Produced or Manufactured in the Philippines

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 March 2, 1987. For further information contact Eve Anderson, 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 or call (202) 535-6735. For information on embargoes and quota re-openings, please call (202) 377-3715.

Background

A CITA directive dated December 20, 1985 (50 FR 52830), as amended, establishes limits for certain specified categories of cotton, wool and man-made fiber textile products, including Categories 335-T, 335-NT, 336-T, 337-T, 337-NT, 636-T and 636-NT, produced or manufactured in the Philippines and exported during the agreement year which began on January 1, 1986 and extended through December 31, 1986. Pursuant to a request from the Government of the Republic of the Philippines and the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of November 24, 1982, as amended, between the Governments of the United States and the Republic of the Philippines, Categories 335-NT, 336-NT and 636-NT are being increased by application of special swing. Category 337-NT is being increased by regular swing.

The 1986 agreement year limits for Categories 335-T, 336-T, 337-T and 636-T are being reduced to account for the increases in the other categories.

Since Categories 335-NT, 336-NT, 337-NT and 636-NT are being increased, charges which have been made to the limits established for 1987 will be deducted and charged back to 1986 limits. The following amounts will be charged to 1986 and deducted from 1987 limits: Category 335-NT, 2,079 dozen; Category 336-NT, 3,169 dozen; Category 337-NT, 3,043 dozen; and Category 636-NT, 7,629 dozen. The application of the above flexibilities will open up embargoes for Categories 336-NT, 337-NT and 636-NT for the limits established for the period January 1—March 31, 1987.

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 the aforementioned categories. The Commissioner of Customs is also directed to deduct charges from the restraint limits established for 1987, charging these same amounts to the limits for 1986.

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).

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

February 24, 1987

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229

Dear Mr. Commissioner: This directive further amends, but does not cancel the directive issued to you on December 20, 1985 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports of cotton, wool and man-made fiber textile products, produced or manufactured in the Philippines and exported during the twelve-month period which began on January 1, 1986 and extended through December 31, 1986.

Effective on March 2, 1987, the directive of December 20, 1985 is hereby further amended to include the following adjusted restraint limits:[1]

[1] The agreement provides, in part, that: (1) Specific limits may be exceeded during the agreement year by designated percentages; (2) specific limits may be adjusted for swing, carryover and carryforward; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

Category	Adjusted 12-mo limit
335-NT	48,311 dozen.
335-T	40,686 dozen.
336-NT	39,946 dozen.
336-T	393,817 dozen.
337-NT	53,754 dozen.
337-T	407,369 dozen.
636-NT	68,141 dozen.
636-T	1,080,334 dozen.

Also effective on March 2, 1987, I request that you deduct the following amounts from charges made to the restraint limits established for the categories indicated for goods produced or manufactured in the Philippines and exported to the United States during the three-month period which began on January 1, 1987 and extends through March 31, 1987. These same amounts should be charged instead to the limits established for these categories during the 1986 agreement year.

Category	Deduct from 1987 and charge to 1986 limits
335-NT	2,079 dozen.
336-NT	3,169 dozen.
337-NT	3,043 dozen.
636-NT	7,629 dozen.

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. 87-4124 Filed 2-26-87; 8:45 am]

BILLING CODE 3510-DR-M

Requesting Public Comment on Bilateral Consultations With the Government of Burma on Category 340/640

February 24, 1987.

On January 30, 1987, the Government of the United States, under Section 204 of the Agricultural Act of 1956, requested the Government of Burma to enter into consultations concerning exports to the United States of certain cotton and man-made fiber textile products in Category 340/640, produced or manufactured in Burma.

The purpose of this notice is to advise that, if no solution is agreed upon in consultations with Burma, the Committee for the Implementation of Textile Agreements may later establish limits for the entry and withdrawal from warehouse for consumption of men's and boys' woven cotton and man-made fiber shirts in Category 340/640, produced or manufactured in Burma and exported to the United States during the twelve-month period which began on January 30, 1987 and extends through January 29, 1988, at a level of 93,876 dozen.

A summary market statement for this category follows this notice.

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).

Anyone wishing to comment or provide data or information regarding the treatment of Category 340/640, or to comment on domestic production or availability of textile products included in the category, 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 the exact 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."

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 categories on which consultations have been requested call (202) 377-3740.

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Burma—Market Statement

Category 340/640—Men's and Boys' Cotton and Man-Made Fiber Woven Shirts

January 1987.

Summary and Conclusions

U.S. imports of Category 340/640 from Burma were 94,936 dozen during the year ending November 1986, three times the 31,119 dozen imported a year earlier. During the first eleven months of 1986, imports from Burma were 89,782 dozen, nearly three times the amount imported during the same period of 1985 and two and one-half times the amount imported during calendar year 1985.

The U.S. market for Category 340/640 has been disrupted by imports. The sharp and substantial increase of imports from Burma has contributed to this disruption.

U.S. Production and Market Share

U.S. production of men's and boys' cotton and man-made fiber woven shirts has been on the decline since 1972. U.S. production declined from 29.9 million dozen in 1972 to 23.8 million dozen in 1977 to 16 million dozen in 1982. Production dropped to 15.8 million dozen in 1985. Comparison of government cuttings [1] data for the first eleven months of 1986 and 1985 indicated that 1986 production will be down slightly, flat at best. The domestic producers' share of this market declined from 73 percent in 1972 to 45 percent in 1982 to 38 percent in 1985. The U.S. market share is expected to remain flat, around 38 percent, in 1986.

U.S. Imports and Import Penetration

Category 340/640 imports have been on the increase since 1972. U.S. imports increased from 11 million dozen in 1972 to 11.8 million dozen in 1977 to 19.5 million dozen in 1982. Imports reached a record level 26.1 million dozen in 1985. Imports through the first 11 months of 1986 are 23.5 million dozen indicating a 1986 level below the 1985 level but the second highest level on record. The import-to-production ratio increased from 37 percent in 1972 to 122 percent in 1982 to 166 percent in 1985. The ratio is expected to remain above 160 in 1986.

Duty Paid Value and U.S. Producers' Price

Approximately 78 percent of Category 340/640 imports from Burma during the first eleven months of 1986 entered under two TSUSA numbers: 381.5650—men's cotton woven sport shirts, except yarn dyed and corduroy, not ornamented; and 381.5665—boys' cotton woven sport shirts, except yarn dyed and corduroy, not ornamented. These shirts entered the U.S. at landed duty-paid values below U.S. producers' prices for comparable garments.

[FR Doc. 87-4125 Filed 2-26-87; 8:45 am]

BILLING CODE 3510-DR-M

[1] Cuttings data are for cotton, wool, and man-made fiber men's woven shirts.

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Federal Acquisition Regulation (FAR); Information Collection Under OMB Review

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection concerning Request for Approval of Equipment.

ADDRESS: Send comments to Mr. Ed Springer, FAR Desk Officer, Room 3235, NEOB, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Mr. C. W. Mathews, Office of Federal Acquisition and Regulatory Policy (202) 523–3856 or Mr. Owen Green, Defense Acquisition Regulatory Council, (703) 697–7268.

SUPPLEMENTARY INFORMATION: a. *Purpose:* Under Federal contracts requiring that equipment (e.g. pumps, fans, generators, chillers, etc.) be installed in a project the Government must determine that the equipment meets the contract requirements. Therefore, the contractor must submit sufficient data on the particular equipment to allow the Government to analyze the item.

b. *Annual reporting burden:* The annual reporting burden is estimated as follows: Respondents, *3,160*; responses per respondent, *1.5;* total annual responses, *4,740*; hours per response, *.25*; and total burden hours, *1,185.*

Obtaining Copies of Proposals

Requesters may obtain copies from General Services Administration, FAR Secretariat (VRS), Room 4041, Washington, DC 20405, telephone (202) 523–4755. Please cite OMB Control No. 9000–0062, Request for Approval of Equipment.

Dated: February 19, 1987.

Margaret A. Willis,

FAR Secretariat.

[FR Doc. 87–4100 Filed 2–26–87; 8:45 am]

BILLING CODE 6820–61–M

Federal Acquisition Regulation (FAR); Information Collection Under OMB Review

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection concerning Schedules for Construction Contracts.

ADDRESS: Send comments to Mr. Ed Springer, FAR Desk Officer, Room 3235, NEOB, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Mr. C.W. Mathews, Office of Federal Acquisition and Regulatory Policy (202) 523–3856 or Mr. Owen Green, Defense Acquisition Regulatory Council, (703) 697–7268.

SUPPLEMENTARY INFORMATION:

a. *Purpose:* Federal construction contractors may be required to submit schedules, in the form of a progress chart, showing the order in which the contractor proposes to perform the work. Actual progress shall be entered on the chart as directed by the contracting officer.

b. *Annual reporting burden:* The annual reporting burden is estimated as follows: Respondents, *2600;* responses per respondent, *2;* total annual responses, *5200;* hours per response, *1;* and total burden hours, *4200.*

Obtaining copies of proposals: Requesters may obtain copies from General Services Administration, FAR Secretariat (VRS), Room 4041, Washington, DC 20405, telephone (202) 523–4755. Please cite OMB Control No. 9000–0058, Schedules for Construction Contracts.

Dated: February 19, 1987.

Margaret A. Willis,

FAR Secretariat.

[FR Doc. 87–4099 Filed 2–26–87; 8:45 am]

BILLING CODE 6820–61–M

Office of the Secretary

Defense Science Board Task Force on Pacific Command Air Defense: Meeting

ACTION: Notice of Advisory Committee Meetings.

SUMMARY: The Defense Science Board Task Force on Pacific Command Air Defense will meet in closed session on April 9, 1987 in the Boeing Corporation, 1700 N. Moore Streeet, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will examine defense capabilities for shore installations in the Pacific Command and assess relevant technology, equipment, and modernization plans.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended (5 U.S.C. App. II, (1982)), it has been determined that this DSB Task Force 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 23, 1987.

FR Doc. 87–9213 Filed 2–26–87; 8:45 am]

BILLING CODE 3810–01–M

Defense Science Board Task Force on Special Systems Subgroup, Pacific Command Air Defense

ACTION: Notices of Advisory Committee Meetings.

SUMMARY: The Defense Science Board Task Force on Pacific Command Air Defense, Special Systems Subgroup will meet in closed session on March 4, 1987 at the Center for Naval Analyses, Alexandria, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will examine systems related to defense capabilities for shore installations in the Pacific Command and assess relevant

technology, equipment, and modernization plans.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended (5 U.S.C. App. II, (1982)), it has been determined that this DSB Task Force 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 23, 1987.

[FR Doc. 87–4212 Filed 2–26–87; 8:45 am]

BILLING CODE 3810–01–M

Department of Defense Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92–463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, March 3, 1987; Tuesday, March 10 1987; Tuesday, March 17, 1987; Tuesday, March 24, 1987; and Tuesday, March 31, 1987; at 10:00 a.m. in Room 1E801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Force Management and Personnel) concerning all matters involved in the development and authorization of wage schedules for federal prevailing rate employees pursuant to Pub. L. 92–392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92–463, meetings may be closed to the public when they are "concerned with matters listed in 5 U.S.C. 552b." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency," (5 U.S.C. 552b.(c)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b.(c)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b.(c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b(c)(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the chairman concerning matters believed to be deserving of the Committee's attention.

Additional information concerning this meeting may be obtained by writing the Chairman, Department of Defense Wage Committee, Room 3D264, The Pentagon, Washington, DC 20301.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

February 23, 1987.

[FR Doc. 87–4214 Filed 2–26–87; 8:45 am]

BILLING CODE 3810–01–M

Department of the Army

Army Science Board; Closed Meeting

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

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

Dates of Meeting: 18–20 March 1987.

Times of Meeting:

0830–1630, 18 March 1987
0830–1500, 19 March 1987
0830–1630, 20 March 1987

Place: Headquarters, LABCOM, Adelphi, Maryland.

Agenda: The Army Science Board 1987 Summer Study on Lightening the Force will meet at Headquarters, US Army Laboratory Command for the purpose of conducting its third meeting on the study. Presentations will be made to the Panel by the Army Materiel Command (AMC) Research, Development and Engineering Centers and Laboratories on US Army technology programs related to the study. This is a continuation of the fact-finding phase of the study. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 2, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695–3039 or 695–7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 87–4047 Filed 2–26–87; 8:45 am]

BILLING CODE 3710–08–M

Department of Army

Notice of Availability of Environmental Impact Statement, Presidio, San Francisco, CA

ACTION: Notice of availability of the Draft Environmental Impact statement, proposal to construct a barracks complex at Presidio, San Francisco, California.

SUMMARY: In compliance with the National Environmental Policy Act of 1969 and the President's Council on Environmental Quality, the Army has prepared a Draft Environmental Impact Statement for construction of three barracks for enlisted persons at the Presidio, San Francisco, California.

Copies of the DEIS have been forwarded to the US Environmental Protection Agency, other federal agencies, state and local agencies, Golden Gate National Recreation Advisory Board, and predetermined interested organizations and individuals.

Copies of the DEIS can be obtained by writing or calling the US Army Corps of Engineers, Sacramento District, 650 Capital Mall, Sacramento, California 95814–4794, Phone (916) 551–2903.

Dated: February 24, 1987.

Lewis D. Walker,

Deputy for Environment, Safety and Occupational Health OSA (I&L).

[FR Doc. 87–4089 Filed 2–26–87; 8:45 am]

BILLING CODE 3710–08–M

Defense Logistics Agency

Privacy Act of 1974; New Ongoing Computer Matching Program Between the Department of Defense and the Veterans Administration

AGENCY: Defense Manpower Data Center (DMDC), Defense Logistics Agency, DoD.

ACTION: This action constitutes notice for any public comment on a report to the Office of Management and Budget (OMB) and Congress on a proposed new ongoing computer matching program between the Department of Defense (DoD) and the Veterans Administration (VA).

SUMMARY: The purpose of this new ongoing matching program is to verify eligibility of active duty military and drilling reservists to VA education benefits so as to determine if the payee of education benefits is receiving the correct amount of such benefits and to detect instances of underpayment or overpayment of education benefits to prevent fraud and abuse.

DATE: The proposed action will be effective, without further notice, March 30, 1987, unless comments are received which would result in a contrary determination.

ADDRESS: Send any comments to Robert J. Brandewie, Deputy Director, Defense Manpower Data Center (DMDC), 550 Camino El Estro, Suite 200, Monterey, CA 93940–3231. Commercial phone number: (408) 375–4131, Autovon: 878–2951

FOR FURTHER INFORMATION CONTACT: Robert J. Brandewie at the above address.

SUPPLEMENTARY INFORMATION: The computer matching will be performed by DoD quarterly upon receipt of an extract of the VA Chapter 34 education file. The match will be accomplished using social security number. Matching records will be returned to the VA who will be responsible for reviewing the information to determine proper benefit level. Set forth below is a matching report containing the information required by paragraph 5.f.(1) of the Revised Supplemental Guidance for Conducting Matching Programs, dated May 11, 1982, issued by the Office of Management and Budget and published in the **Federal Register** at 47 FR 21656, May 19, 1982. A copy of this notice has been provided to both Houses of Congress and the Office of Management and Budget on February 19, 1987, pursuant to Appendix I of OMB Circular No. A–130—"Federal Agency Responsibilities for Maintaining Records About Individuals" dated December 12, 1985.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

February 23, 1987.

Report of a New Ongoing Computer Matching Program Between the Department of Defense and the Veterans Administration on Chapter 34 Education Beneficiaries

a. *Authority:* The legal authority under which the computer match is being conducted is 10 U.S.C. 136, 38 U.S.C. 210(c)(1) and 3006 and OMB Revised Supplemental Guidance for Conducting Matching Program (47 FR 21656, May 19, 1982).

b. *Program Description:* The Defense Manpower Data Center (DMDC) of the Department of Defense (DoD) and the Department of Veterans Benefits of the VA under authority of Title 38, United States Code, section 210(c)(1) and 3006 plan to conduct a series of computer data exchanges to verify eligibility to VA education benefits granted under Title 38, United States Code and to prevent fraud and abuse. The data exchange will compare certain information in the data base of the DMDC of individuals on active duty and drilling reservists with VA education benefit records to determine if the payee of education benefits is receiving the correct amount of such benefits. The goal of the data exchange is to detect instances of underpayment or overpayment of education benefits under Title 38, U.S.C.

If the data exchange discloses that there is a discrepancy in the active duty service dates of an individual on active duty or a drilling reservist in DMDC records and the service dates of the individual in the individual's VA education benefit record, the VA will verify this information of the individual so identified and will make any necessary adjustment to his or her education benefits. For these individuals so identified, the VA will contact the individual and his or her branch of service to resolve the discrepancy. The match will permit this exchange of data and will disclose the identifying information to branches of military service when required to verify and correct, if necessary, the amount of VA education benefits being paid.

The matching program will identify Chapter 34 education benefit recipients who are either not entitled to those benefits or who require a benefit adjustment.

Quarterly, the VA, as the source agency, will submit to DoD, the matching agency, an extract of the VA Chapter 34 education benefit file containing social security number, VA file number, name, date of birth and various data regarding the benefit payment. DoD will match the VA file with records of active duty military members and drilling reservists. The match will key on social security number and will produce a listing of match records where the VA and DoD files show discrepant data. The listing will contain the VA data plus the same data element as shown in the DoD record system. In addition, the members duty address is provided.

The VA is responsible for reviewing the matching records and for notifying the benefit recipient of any action that is needed as a result of the review. If no action is needed, the matching information will not be used for any other purposes.

c. *Records to be Matched*: The systems of records to be matched between the agencies are as follows: (1) The Veterans Administration record system is identified as 58 VA 21/22/28, entitled "Compensation, Pension, Education and Rehabilitation Records—VA," appearing on page 738 of the **Federal Register** publication—Privacy Act Issuances, 1984 Compilation, Vol. V, amended at 50 FR 28875 (June 28, 1985); 50 FR 31453 (August 2, 1985); 51 FR 24781 (July 8, 1986); 51 FR 25142 (July 20, 1986) and 51 FR 28289 (August 6, 1986) of which routine use number 17. authorizes this match. (2) The Department of Defense record system is identified as S332.10 DLA–LZ, entitled "Defense Manpower Data Center Data Base" appearing at 51 FR 30104 (August 22, 1986).

d. *Period of the Match*: The initial match will begin as soon as possible after this public notice becomes effective as set forth under "DATE" in the preamble of this notice. The matching will continue quarterly until Chapter 34 Benefit Program phases out in approximately 1991.

e. *Security Safeguards*: The matching shall be performed according to the written Memorandum of Understanding (MOU) between the agencies. Each agency agrees that the data exchange described is in compliance with the requirements as set forth in the OMB Revised Supplemental Guidelines for Conducting Matching Programs. The extract file will be used and accessed only to match the file(s) previously agreed to; it will not be used to extract information concerning "non-hit" individuals for any purposes; and it will not be duplicated or disseminated within or outside the matching agency unless authorized in writing by the source agency. The agencies involved will use the data supplied in a manner prescribed by law and will maintain proper safeguards to prevent unauthorized release or use of all data supplied. The VA security safeguards include: (1) Access to working spaces and claims folder file storage areas in VA regional offices and centers is restricted to VA employees on a need-to-know basis. Generally, file areas are

locked after normal duty hours and the offices and centers are protected from outside access by the Federal Protection Service or other security personnel. Claims file records of employees and public figures are stored in separate locked files. Strict control measures are enforced to ensure that access to and disclosure from these claims file records are limited to a need-to-know basis. (2) Access to Target data telecommunication terminals is by authorization which is controlled by the site security officer. The security officer is assigned responsibility for privacy-security measures, especially for review of violation logs, information logs, and control of password and badge distribution. (3) Access to data processing centers is generally restricted to center employees, custodial personnel, Federal Protective Service, and other security personnel. Access to computer rooms is restricted to authorized operational personnel through electronic looking devices. All other persons gaining access to computer rooms are escorted. DMDC safeguards include: (1) Tapes are stored at W.R. Church Computer Center in a controlled access area. (2) Tapes can be physically accessed only by computer center personnel and can be mounted for processing only if the appropriate security coded is provided. Automated records are accessible by password and access to the computer center is by key or picture identification. Hard copy records are maintained in Federal Office Buildings in lockable file cabinets and are accessed only by authorized Federal employees.

f. *Retention and Disposition of Records*: Tapes received by the DoD will be returned to the VA upon successful completion of the match. Hard copy match records will be used by the VA to determine continued benefit entitlement level and to contact the benefit recipient if necessary. "Non-hit" records will not be used for any purpose. Records relating to "hits" will be kept so long as the administrative investigation is active and shall be maintained in a Privacy Act system of records and disposed of in accordance with the requirements of the Privacy Act and the Federal Records Schedule. Specific data obtained from "hits" will be entered into the claims file subject to disclosure only under the Privacy Act provisions.

[FR Doc. 87-4215 Filed 2-26-87; 8:45 am]
BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP87-92-000 and CP87-92-001]

Texas Eastern Transmission Corp. and PennEast Gas Service Co.; Intent To Prepare an Environmental Assessment for the Capacity Restoration and Expansion Program and Request for Comments on Environmental Issues

February 24, 1987.

Notice is hereby given that the staff of the Federal Energy Regulatory Commission (FERC) will prepare an environmental assessment on the facilities proposed in the above-referenced docket. The staff is requesting comments on:

(1) The scope of the environmental assessment;

(2) Significant environmental issues;

(3) Alternatives to the proposal;

(4) Measures to mitigate environmental impacts;

(5) Whether the proposal constitutes a major Federal action significantly affecting the quality of the human environment, thereby requiring the preparation of an environmental impact statement.

Written comments, submitted in accordance with the instructions in this notice, should be filed no later than March 30, 1987.

On November 24, 1986, Texas Eastern Transmission Corporation (Texas Eastern) and PennEast Gas Services Company (PennEast) filed a joint application with the FERC in Docket No. CP87-92-000, to construct 315.7 miles of 8-inch through 42-inch diameter pipeline, and 69,000 horsepower of compression in Ohio, West Virginia, Pennsylvania, New Jersey, and New York. Facilities constructed in Phase I, with a proposed in service date of November 1987, would restore 157,745 dekatherms per day (Dtd) of lost certificated daily design capacity. Phase I facilities would also provide an additional 345,245 Dtd capacity to be used by the following projects: (1) Staten Island LNG facility service replacement, Docket No. CP85-859-000, (2) transportation service for Consolidated Gas Transmission, Docket No. CP85-806-000, (3) PennEast Phase I, Docket No. CP87-4-000, and (4) SS-II Phase V service for Consolidated Edison of New York, Inc., Docket No. CP87-28-000. Phase II facilities, with a proposed in service date of November 1988, would provide an additional 245,000 Dtd capacity for PennEast, Docket No. CP87-4-000, and 100,000 Dtd for a new storage service to be filed in the future. The estimated cost is $523,210,000.

On February 9, 1987, Texas Eastern and PennEast filed, in Docket No. CP87-92-001, an amendment to the original application to delete 15.2 miles of pipeline facilities in New Jersey known as the proposed Hanover Loop. Texas Eastern now proposes to provide the equivalent capacity by installing a net increase of 13,800 horsepower at its existing Lambertville, New Jersey Compressor Station. The revised cost estimate is $524,292,000.

The proposed pipeline construction is described in table 1 and its general location is identified in figure 1.[1] Texas Eastern proposes to replace 227.1 miles of pipeline segments in its Big Inch and Little Big Inch pipelines, which were acquired from the War Assets Administration in 1947. Deterioration of these lines and the encroachment of population have required Texas Eastern to operate at reduced pressures, with the resulting loss of 157,745 Dtd certificated design capacity. Texas Eastern proposes to abandon and remove 179.1 miles of its 20-inch-diameter Little Big Inch pipeline, and 48.0 miles of its 24-inch-diameter Big Inch pipeline, and would install a new 36-inch-diameter pipeline in the same trench. No new permanent right-of-way would be created; however, about a 75-foot width of right-of-way would be disturbed during construction. Some of the 75-foot width would extend beyond the edge of the existing permanent right-of-way.

Texas Eastern would also construct eight pipeline loop segments totalling 69.5 miles adjacent to its existing transmission system. The loop segments are described in table 1, and the general location identified in figure 1. The loop segments would require an additional 25-foot-width of permanent right-of-way, with a 75-foot width of right-of-way disturbed during construction. Further, a proposed 4.0-mile crossover line would parallel an existing pipeline for approximately 2.0 miles using the same land requirements as loop segments. The remaining 2.0 miles would use a 50-foot-wide permanent right-of-way and require an additional 25-foot width for construction. Texas Eastern would construct two new compressor stations, and add compressors at six existing sites, as shown in table 2.

The pipeline facilities are proposed for construction between June and November in 1987 and 1988. Construction would begin with the

[1] The map is not being printed in the **Federal Register**, but copies are available from the Commission's Division of Public Reference.

clearing and grading of a right-of-way approximately 75-feet-wide to prepare a relatively level strip to accommodate construction equipment. Rotary wheel ditching machines, backhoes, or rippers, would then excavate a trench sufficiently deep to provide the minimum depth of cover, normally 36 inches, required by the U.S. Department of Transportation. Blasting would be required when areas of consolidated rock are encountered. Topsoil would be removed and conserved in all cropland areas in Ohio, West Virginia, Pennsylvania, and all areas in New Jersey.

After trenching, pipe segments would be strung along the right-of-way, bent to conform to the contours of the trench, welded together, coated, and lowered into the trench. Backfilling of the trench would use previously excavated materials. Topsoil that was conserved would be replaced at its original horizon. The right-of-way would be restored to its original contours as much as practicable, and reseeded, limed, fertilized, and mulched in accordance with Texas Eastern's erosion and sedimentation control plans filed with appropriate state agencies and reviewed by the staff.

Based on a preliminary analysis of the application, and the environmental information provided by the applicant, the staff has identified several issues which will be addressed specifically in the environmental assessment. Comments are solicited on the following issues:

(1) Alternatives, route deviations, and/or special construction techniques in areas where residential development has encroached on the right-of-way of the existing pipeline segments proposed for replacement;

(2) Mitigation, route deviations, and/or compensation in areas where the proposed replacement segments cross orchards; and

(3) Restoration of agricultural lands crossed by the proposed project.

Comments are also solicited on any additional topics of environmental concern to residents and others in the project area.

A copy of this notice and request for comments on environmental issues has been sent to Federal, state, and local environmental agencies, parties in this proceeding, and the public. All counties in the project area, and all local jurisdictions which have experienced residential development adjacent to the pipeline proposed for replacement, have been provided copies of detailed maps which identify the location of the proposed project in their respective areas. Comments on the scope of the environmental assessment should be filed as soon as possible but no later than March 30, 1987. All written comments must reference Docket No. CP87-92-000 and be addressed to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Comments recommending that the FERC staff address specific environmental issues should be supported with a detailed explanation of the need to consider such issues.

The environmental assessment will be based on the staff's independent analysis of the proposal and, together with the comments received, will comprise part of the record to be considered by the Commission in this proceeding. The environmental assessment will be sent to all parties in this proceeding, to those providing comments in response to this notice, to Federal and state agencies, and to interested members of the public. The environmental assessment may be offered as evidentiary material if an evidentiary hearing is held in this proceeding. In the event that an evidentiary hearing is held, anyone not previously a party to this proceeding and wishing to present evidence on environmental or other matters must first file with the Commission a motion to intervene, pursuant to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214).

Additional information about the proposal, including detailed route maps for specific locations, is available from Mr. Chris Zerby, Project Manager, Environmental Evaluation Branch, Office of Pipeline and Producer Regulation, telephone (202) 357-9037.

Kenneth F. Plumb,

Secretary.

TABLE 1.—PROPOSED PIPELINES

Segment	Pipe diameter (inches)	Length (miles)	Right-of-way width (feet)		State	County
			Construction	Permanent		
1987 Construction:						
Station 21A—Replacement	36	58.7	75	0	PA	Fayette, Somerset, Bedford.
Station 22A—Replacement	36	49.4	75	0	PA	Bedford, Fulton, Franklin.
Station 23—Replacement	36	61.4	75	0	PA	Franklin, Adams, York, Lancaster.
Station 24—Replacement	36	48.0	75	0	PA	Lancaster, Chester.
Station 18—Loop	36	5.0	75	25	OH	Perry.
Holbrook—Loop	36	12.5	75	25	PA	Fayette.
Bechtelsville—Loop	36	7.2	75	25	PA	Beckes, Montgomery.
Station 26—Loop	42	5.5	75	25	NJ	Somerset.
Reconnect M&R Nos. 372,	8	[1] 6.0			PA	
005, 013, 105, 054, 007,	6	[1] 2.0	([2])	([2])	WV	([2]).
012, 020, 008, 1275, 010, 056.	4	[1] 4.0				
1988 Construction:						
Station 25—Replacement	36	9.5	75	0	PA	Chester.
Station 18—Loop	36	22.5	75	25	OH	Perry, Muskingum.
Station 19—Loop	20	5.6	75	25	OH	Monroe.
Berne—Loop	36	9.7	75	25	WV	Marshall.
					PA	Green.
Station 20—Loop	8	1.4	75	25	PA	Green.
Station 19 to Berne Crossover.	36	4.0	75	25/50	OH	Noble, Monroe.

[1] Mileage for reconnection segments not included in total mileage listed in text.
[2] Locations of connecting lines are not identified in the application.
Right-of-way information to be provided in response to the FERC staff's data request.

TABLE 2.—ABOVEGROUND FACILITIES

Location	Horsepower	Site (acres)	State	County
1987 Construction: Centre Hall—new	4,000	33	PA	Centre.
1988 Construction:				
Sarahsville—addition	11,000	10	OH	Noble.
Berne—addition	6,000	0	OH	Monroe.
Holbrook—addition	11,000	0	PA	Green.
Waynesburg—new	4,000	10	PA	Green.
Connellsville—addition	22,000	0	PA	Fayette.
Chambersburg—addition	11,000	0	PA	Franklin.
Lambertville—addition	13,800 net	0	NJ	Hunterdon.
Bridgewater M&R—new [1]	Meter	1	NJ	Somerset.

[1] Replacement or additional meter runs would be installed at existing meter and regulating stations in Richmond County, NY, Morris County, NJ and Middlesex County, NJ.

[FR Doc. 87-4175 Filed 2-26-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP87-195-000, et al.]

Consolidated Gas Transmission Corporation, et al.; Natural Gas Certificate Filings

February 20, 1987.

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

1. Consolidated Gas Transmission Corporation

[Docket No. CP87-195-000]

Take notice that on February 6, 1987, Consolidated Gas Transmission Corporation (Consolidated), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP87-195-000 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for authorization to abandon certain existing sales service, render additional and new sales services, and construct and operate related measuring facilities for two of its existing customers, Corning Natural Gas Corporation (Corning) and New York State Electric & Gas (NYSEG) Corporation, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Consolidated proposes as of November 1, 1987, 1) To increase its Rate Schedule RQ sales service to NYSEG to include the Elmira, New York, market area; 2) to abandon its Rate Schedule SCQ sales service to Corning; 3) to render new Rate Schedule RQ sales service to Corning to meet its requirements in the town of Southport in Chemung County, New York, and the city of Corning, town of Addison, and surrounding vicinity in Steuben County, New York.

Additionally, Consolidated proposes to construct and operate two new measuring and regulating stations to serve as new delivery points to Corning, to be known as the Whiskey Creek and Addision Connections, located in the towns of Corning and Tuscarora, respectively, both in Steuben County, New York. Consolidated also proposes to expand its existing Gardner Connection measuring and regulating station, located in the town of Horseheads, in Chemung County, New York, to serve as s delivery point to NYSEG. The proposed construction would cost approximately $1,500,000 and would be financed from funds on hand or to be obtained from Consolidated's parent corporation, Consolidated Natural Gas Company.

Comment date: March 13, 1986, in accordance with Standard Paragraph F at the end of this notice.

2. Mississippi River Transmission Corporation

[Docket No. CP87-204-000]

Take notice that on February 11, 1987, Mississippi River Transmission Corporation (MRT), 9900 Clayton Road, St. Louis, Missouri 63124, filed in Docket No. CP87-204-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to add a delivery point and abandon a delivery point under the blanket certificate issued in Docket No. CP82-489-000 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.

MRT proposes to abandon a direct sale delivery point at Illinois Power Company's (IPC) Wood River power station which it is currently serving under certificate authority issued at Docket No. G-863 and to add that delivery point under its certificate authority issued at Docket No. CP70-158 by which it is authorized to sell IPC up to 100,000 Mcf per day under MRT's CD-1 rate schedule.

MRT states that its FERC Gas Tariff does not prohibit the addition of new delivery points and that it has sufficient capacity to accomplish the deliveries proposed herein without detriment or disadvantage to its other customers. Because MRT would serve IPC at the proposed delivery point without an increase in the volumes it currently delivers under its contract with IPC, MRT states that there would be no impact on peak day and annual deliveries. MRT asserts that no construction is necessary to make this change.

Comment date: April 6, 1987, in accordance with Standard Paragraph G at the end of this notice.

3. National Helium Corporation Panhandle Eastern Pipe Line Company

[Docket No. CP87-176-000]

Take notice that on January 27, 1987, Panhandle Eastern Pipe Line Company (Panhandle) and National Helium Corporation (National), filed in Docket No. CP87-176-000 an application pursuant to section 7(c) of the Natural Gas Act and the Regulations thereunder for a certificate to Panhandle, a limited certificate to National authorizing the exchange of natural gas and waiver of certain reporting requirements as to National and amendment to Panhandle's certificate of public convenience and necessity, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Panhandle requests a certificate of public convenience and necessity authorizing it to exchange gas with National in interstate commerce and amend its certificate of public convenience and necessity granted by Commission order dated December 8, 1966 in Docket No. CP63-159, to include an option allowing National to reimburse Panhandle for shrinkage gas with thermally equivalent volumes of natural gas. National seeks a limited jurisdictional certificate authorizing it to exchange gas with Panhandle in interstate commerce. The limited jurisdictional certificate sought by National attempts to confine the authorization to the proposed exchange with Panhandle and seeks exemption of National's other operations from Commission jurisdiction. National also seeks a waiver of the Commission's regulations and reporting requirements, including those concerning the other operations from Commission jurisdiction. National also seeks a waiver of the Commission's regulations and reporting requirements, including those concerning the Commission's Uniform System of Accounts. Panhandle and National have entered into an Amendment to their existing 1961 agreement which grants National the option of either replacing all or a portion of the shrinkage gas in kind on a Btu basis or to continue to pay Panhandle the contract price for such shrinkage used in its Seward County, Kansas facilities.

Since National performs a vital function of extracting liquefiable hydrocarbons for Panhandle, a decision by National to cease operations would be detrimental to the safe and reliable operation of Panhandle's system. National advised Panhandle that due to increased operating costs and the lower prices of extracted products that its continued operations were in doubt. Panhandle agreed to amend its 1961 agreement with National authorizing an exchange in an effort to assist National in improving the economics of its operation and to avoid having to procure an alternate extraction process which would require additional expenditures.

Panhandle and National have also entered into an exchange agreement authorizing National to deliver to Panhandle at an existing point of connection at National's facilities replacement Btu's up to the amount of shrinkage taken from Panhandle's gas

stream at National's facilities. All replacement Btu's will be from sources not subject to Commission jurisdiction under the Natural Gas Act and no Panhandle facilities will be used to transport the replacement Btu's. No charge will be made by either party to effect this exchange.

Comment date: March 13, 1987, in accordance with Standard Paragraph F at the end of this notice.

4. Texas Eastern Transmission Corporation

[Docket No. CP87-185-000]

Take notice that on January 29, 1987, Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77252, filed in Docket No. CP87-185-000 an application pursuant to section 7(b) of the Natural Gas Act for authorization to abandon sales service for North Alabama Gas District (North Alabama) under Rate Schedule DCQ, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Texas Eastern proposes to abandon effective December 31, 1986, sales service to North Alabama in Colbert, County, Alabama, under Texas Eastern's FERC Gas Rate Schedule DCQ. The DCQ service agreement (agreement) dated January 5, 1973, between Texas Eastern and North Alabama, provides for a maximum daily quantity (MDQ) of 14,800 Mcf of natural gas and an annual contract quantity (ACQ) of 5,402,000 Mcf of natural gas.

Texas Eastern states that authorization to abandon this sale is being sought because North Alabama's customer, LaRoche Industries, Inc. (LaRoche) has terminated its contract with North Alabama under which North Alabama supplied it with natural gas for use in its Cherokee Plant located in Colbert County, Alabama. Texas Eastern explains that inasmuch as the natural gas which Texas Eastern sold to North Alabama under Rate Schedule DCQ was used exclusively by North Alabama for resale to LaRoche, a market no longer exists for this gas.

Texas Eastern further states that the sale of natural gas for which it seeks abandonment authorization was authorized by Commission order issued December 17, 1962, in Docket No. CP61-203 (28 FPC 1035). Texas Eastern explains that the December 17, 1962, order authorized Texas Eastern to sell natural gas to Petersville Gas Company (a predecessor to North Alabama) for subsequent resale to Armour and Company (a predecessor to LaRoche) for use in the manufacture of ammonia and ammonia derivatives in its Cherokee Plant.

Texas Eastern further explains that by letter dated December 17, 1985, USS Agri-Chemicals (another predecessor to LaRoche) gave 12-months notice to North Alabama that it was cancelling its contract. Texas Eastern states that North Alabama notified it by letter dated December 23, 1985, of cancellation of its contract with Texas Eastern. According to Texas Eastern the cancellation of the contract between LaRoche and North Alabama was reaffirmed establishing December 31, 1986 as the effective date of cancellation by a letter dated December 29, 1986, from LaRoche to North Alabama. It is explained that North Alabama reaffirmed its desire to terminate its contract with Texas Eastern by letter dated December 29, 1986. Texas Eastern further states that by letter agreement dated December 30, 1986, it and North Alabama formally terminated, as of December 31, 1986, the DCQ service agreement dated January 5, 1973.

According to Texas Eastern, the only facilities involved in the sale are minor measuring and regulating facilities. Texas Eastern further states that it does not propose to abandon the minor facilities related to this sale, but would retain them in place in the event they may later be used for sales, transportation, or exchange arrangements with North Alabama or other parties.

Texas Eastern states that it entered into a precedent agreement with North Alabama dated February 21, 1986, which provides for the execution, upon satisfaction of conditions precedent, of new service agreements under new rate schedules for which Texas Eastern is seeking authorization in Docket No. CP86-378-000. Upon execution, Texas Eastern states that these new service agreements would supersede the January 5, 1973 service agreement which governs Texas Eastern's sale of natural gas to North Alabama for which Texas Eastern is seeking abandonment authorization herein. Texas Eastern concludes that since North Alabama has lost its customer, LaRoche, it would no longer require the gas services which are the subject of the February 21, 1986 precedent agreement. Accordingly, the February 21, 1986 precedent agreement would be terminated, Texas Eastern states, and it would make appropriate filings with the Commission to eliminate North Alabama as a participating customer in Texas Eastern's proposal in Docket No. CP86-378-000.

Comment date: March 13, 1987, in accordance with Standard Paragraph F at the end of this notice.

5. Texas Gas Transmission Corporation

[Docket No. CP87-178-000]

Take notice that on January 28, 1987, Texas Gas Transmission Corporation (Texas Gas), P.O. Box 1160, Owensboro, Kentucky 42302, filed in Docket No. CP87-178-000, an application pursuant to section 7(c) of the Natural Gas Act for authorization to transport up to 500 Billion Btu equivalent of natural gas per day on an interruptible basis for Texaco Inc. and its subsidiaries and affiliates (Texaco), and approval for the specific rate related to such transportation, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Texas Gas requests authorization for the interruptible transportation of up to 500 Billion Btu equivalent of natural gas per day for the account of Texaco, a producer and supplier Texas Gas, for deliveries to certain markets located off the system of Texas Gas. According to Texas Gas, the natural gas for which transportation authority is sought includes supply which is currently dedicated to contract to Texas Gas and has been, or would be, contractually released by Texas Gas. Texas Gas states that limited-term abandonment authority exists for a portion of this gas pursuant to Docket Nos. CP86-370-000 and CP86-373-000, and additional abandonment authority, if necessary, would be sought by Texaco, by means of a separate abandonment filing to be submitted to the Commission simultaneously with this application or shortly thereafter.

Texas Gas states that the gas to be transported by Texas Gas includes supply attributable to gas produced by Texaco from Vermilion Block 31, Offshore Louisiana, certain supplies delivered by Texaco at the tailgate of its Henry Plant, located near Erath, Louisiana, the tailgate of the Champlin Processing Plant in Carthage Field, Panola County, Texas (Carthage), two existing interconnections between Texas Gas and Arkansas Louisiana Gas Company in Phillips County, Arkansas (Helena No. 2), and Ouachita Parish, Louisiana (Munce), and various other specified points of receipt located in the geographic areas designated as Zone 1 and Zone SL (South Louisiana) in Texas Gas' Tariff and described in detail and in pro forma transportation agreement (transportation agreement) attached as an exhibit to the subject application. Texas Gas also requests flexible authority to add additional points of receipt from time to time, limited to points within Zone SL, subject to any reporting requirements the Commission

may deem necessary and subject to available capacity.

Texas Gas states that the gas would be delivered for Texaco's account primarily at the various interconnections between Texas Gas and other interstate pipelines for further transportation and delivery to markets located off the system of Texas Gas. Texas Gas states that it has included certain additional points of delivery as part of the transportation service which are necessary to effect transportation from certain offshore blocks where Texaco has gas available for transportation. The specific point(s) of delivery are also described in the transportation agreement, according to Texas Gas.

Texas Gas also requests approval to charge Texaco the following specific rates as stated under Article IX of the transportation agreement. For deliveries from Zone SL to the stated point(s) of delivery identified in the transportation agreement as Lebanon and Slaughters, Texas Gas specifies that the rate is equal to the appropriate zone-to-zone maximum rate under Texas Gas' T Rate Schedule less 7.38 cents.[1] For deliveries from the points of receipt identified as Carthage, Helena No. 2 and Munce to Lebanon and Slaughters, Texas Gas specifies that rate is equal to the appropriate zone-to-zone maximum rate under Texas Gas' T Rate Schedule less 7.38 cents. For deliveries within Zone SL, Texas Gas specifies that the rate is equal to one quarter of the maximum rate stated on the T Rate Schedule for 100 miles of haul.

Texas Gas states that the term of the proposed transportation service is to be 20 years. Upon certification of the proposed service, Texas Gas states, the subject transportation agreement would become an effective rate schedule in its FERC Gas Tariff, Volume No. 2. Texas Gas proposes to limit the proposed service and the specific transportation rates solely to Texaco. Texas Gas further states that no new facilities are necessary to effectuate the delivery of volumes from the receipt points stated in the transportation agreement, and at this time, no new facilities are contemplated to be necessary from any additional points of receipt which may be added.

Texas Gas states that the proposed application is part of a settlement agreement reached between Texaco and Texas Gas to (1) resolve an outstanding pricing dispute that was formerly pending appeal before the United States Court of Appeals for the District of Columbia covering reserves from certain fields located in offshore Louisiana (*Texas Gas Transmission Corporation* v. *FERC*, Nos. 85–1780 and 85–1815); (2) waive all potential past and future take-or-pay liability through at least December 1, 1987; and (3) incorporate market-responsive provisions pursuant to Commission Order No. 451 in certain gas purchase agreements between Texas Gas and Texaco.

Texas Gas states that the proposed transportation service is an integral part of the settlement and seeks to permit the availability of reserves, in excess of the present market requirements of Texas Gas, to markets located off the Texas Gas system, thereby serving the public interest in the form of significant take-or-pay relief to Texas Gas and its customers, transportation of market-responsive sources of supply to the consuming public, encouragement of the continued development of market-responsive supplies of natural gas, and facilitating overall competition in the natural gas market.

Texas Gas states that Texaco has been and continues to be a major producer and supplier of natural gas to Texas Gas and its customers in terms of both deliverability and long-term services. Because of this unique supply relationship Texaco assumes vis-a-vis Texas Gas, and the benefits bestowed upon Texaco, Texas Gas, and its customers, and the overall public interest, Texas Gas submits that the proposal is in the present and future public convenience and necessity.

Comment date: March 13, 1986, in accordance with Standard Paragraph F at the end of this notice.

6. Trunkline Gas Company

[Docket No. CP87–194–000]

Take notice that on February 4, 1987, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP87–194–000 an application pursuant to section 7(b) of the Natural Gas Act for authorization to abandon transportation service for Transcontinental Gas Pipe Line Corporation (Transco), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Trunkline states that by Commission order issued December 13, 1984, in Docket No. CP84–686–000 it was authorized to receive, transport and redeliver a volume of up to 10,000 Mcf of natural gas per day on an interruptible basis on behalf of Transco in accordance with a transportation agreement between Trunkline and Transco dated March 23, 1984. Trunkline states that it receives gas for Transco's account from Shell Oil Company at a point of receipt in Ship Shoal Area Block 241, offshore Louisiana, and redelivers such gas to Transco at a point of interconnection between Transco and Trunkline near Ragley in Beauregard Parish, Louisiana, all pursuant to Rate Schedule LT–4 of its FERC Gas Tariff, Original Volume No. 2. Trunkline further states that the term of the transportation agreement expired on January 1, 1986. It is explained that Transco has constructed its own offshore facilities as authorized in Docket No. CP84–220–000 and placed into service October 15, 1985; and therefore, no longer requires the service provided by Trunkline to serve its customers.

Accordingly, by this application, Trunkline specifically requests Commission authorization to abandon service provided under Rate Schedule LT–4 and to cancel such Rate Schedule upon receipt of the authorization requested.

Comment date: March 13, 1987, in accordance with Standard Paragraph F at the end of this notice.

7. Trunkline Gas Company

[Docket No. CP87–199–000]

Take notice that on February 9, 1987, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77251, filed in Docket No. CP87–199–000 an application pursuant to section 7(b) of the Natural Gas Act for an order permitting and approving abandonment of transportation of natural gas on behalf of Columbia Gas Transmission Corporation (Columbia), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

By Commission Order issued January 24, 1985, in Docket No. CP84–687–000, Trunkline was authorized to receive, transport and redeliver up to 30,000 Mcf of natural gas per day on an interruptible basis on behalf of Columbia pursuant to, and in accordance with, a transportation agreement between Trunkline and Columbia dated January 30, 1984, it is stated. Trunkline explains that it receives gas for Columbia's account at seven existing receipt points on High Island Offshore System (HIOS). Trunkline utilizes its existing excess capacity in HIOS, U–T Offshore System (UTOS) and Natural Gas Pipeline Company of America to transport the gas to its system. Trunkline states that it then redelivers the gas for Columbia's account at an existing interconnection between the facilities of Trunkline and Columbia Gulf Transmission Company

[1] The current T Rate Schedule appears on Sheet No. 11 of Texas Gas' FERC Gas Tariff, Original Volume No. 1.

(Columbia Gulf) in St. Mary Parish, Louisiana. Trunkline indicates that Columbia Gulf makes ultimate redelivery to Columbia's system in Kentucky and West Virginia. It is stated that Trunkline provides service to Columbia pursuant to Rate Schedule T-87 of its FERC Gas Tariff, Original Volume No. 2. The term of the transportation agreement expired on January 30, 1986, it is stated. Trunkline further states that Columbia has experienced a decline in HIOS/UTOS throughput and is now able to rely wholly on its own contracted capacity in HIOS/UTOS for transportation of the volumes of gas it requires. Trunkline indicates that Trunkline and Columbia entered into a letter agreement dated October 24, 1986, which provides for the termination of the transportation agreement dated January 30, 1984.

Trunkline specifically requests authorization to abandon the service provided by Trunkline for Columbia as authorized in Docket No. CP84-687-000. Upon such authorization Trunkline would cancel Rate Schedule T-87, it is stated.

Comment date: March 13, 1987, in accordance with Standard Paragraph F at the end of this notice.

8. United Gas Pipe Line Company

[Docket No. CP87-201-000]

Take notice that on February 10, 1987, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251-1478, filed in Docket No. CP87-201-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for permission to abandon certain sales service under the blanket authorization issued in Docket No. CP82-430-000, 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.

United requests permission to abandon certain industrial sales service as follows:

Customer	Contract expiration date	Original docket No
Champion International Corp. (Formerly St. Regis Corp.).	09/04/86	G-232
CITGO Petroleum Co. (Formerly Cities Service Co.).	09/04/86	CP71-89
Cities Service Co	01/01/87	N/A
Exxon Company U.S.A. (Baxterville Field).	01/01/87	N/A
Exxon Co. U.S.A. (Bryan Field)	01/01/87	CP62-12
Georgia-Pacific Corp	01/01/87	CP70-169
Lone Star Industries (Formerly Marquette Co.).	01/01/87	G-8230
Masonite Corp	01/01/87	G-232
Willamette Industries, Inc. (Plywood Plant).	01/01/87	CP65-391 & CP70-223
Willamette Industries, Inc. (Sawmill Plant).	01/01/87	CP68-68

United states that the sales contracts have expired and that the proposed abandonments have been agreed to by the affected industrial customers. United further states that its facilities would remain in place in anticipation of future service.

Comment date: April 6, 1987, in accordance with Standard Paragraph G 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 and 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. 87-4062 Filed 2-26-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI87-306-000; Docket No. CI87-317-000]

Elder & Vaughn, et al.; Broussard Number One, Inc.; Applications for Abandonment of Service

February 20, 1987.

Take notice that the Applicants herein have filed applications pursuant to section 7 of the Natural Gas Act for authorization to abandon service as described herein, all as more fully described in the applications which are on file with the Commission and open to public inspection.

Elder & Vaughn, *et al.*, (Elder & Vaughn) P.O. Box 18938, Oklahoma City, Oklahoma 73154-0938, Applicants in Docket No. CI87-306-000, request expeditious treatment of their application to permanently abandon a sale of casinghead gas to Northern Natural Gas Company, Division of Enron Corp., from the Conner Phelps No. 1 and No. 2 wells, located in the SW/4 Sec. 30-T4N-R23ECM, Beaver County, Oklahoma. The working interest are Elder 1976 Okla. Oil Programs II & III, Black Hawk Holding Co., Jack H. Vaughn, small producer certificate holder in Docket No. CS72-234, and John B. Elder, small producer certificate holder in Docket No. CS73-631.

In support of the application, Elder & Vaughn state the wells produce a minimum volume of gas which is not economical due to the high cost of compressor rental. By letter dated February 6, 1987, Northern indicated it would agree to release the wells from March 17, 1977, contract. Elder & Vaughn intend to sell the remaining gas reserves to Phillips Petroleum Company which has a nearby low pressure interstate line which does not require compression.

Broussard Number One, Inc., (Broussard), P.O. Box 6242, Fort Myers, Florida 33911, Applicant in Docket No. CI87-317-000, requests expeditious issuance of authorization to abandon the sale of NGPA section 104 Post 1974

gas to Texas Gas Transmission Corporation from the L.G. Broussard No. 1 well, Jefferson Island Field, Iberia Parish, Louisiana, in order to sell instead to Texas Gas Marketing Company.

In support of its application, Broussard states the well has water problems which will require maintenance of a higher level of production than Texas Gas is currently able to purchase. In November 1986, at an expense of $110,000 Broussard was able to flow gas at the rate of 650 Mcf/d. The well also produced approximately 225 Bbls. of water per day. Texas Gas Transmission Corporation advised by letter dated January 29, 1987, that it is willing to release the gas.

It appears reasonable and consistent with the public interest in these cases to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said applications should on or before February 27, 1987, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

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

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-4063 Filed 2-26-87; 8:45 am]

BILLING CODE 6717-01-M

[OPTS-59239; FRL-3161-7]

Certain Chemicals Test Market Exemption Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5 (a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's final rule pulished in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice, issued under section 5(h)(6) of TSCA, announces receipt of three applications for exemption, provides a summary, and requests comments on the appropriateness of granting each exemption.

DATE: Written comments bv: March 16, 1987.

ADDRESS: Written comments, identified by the document control number "[OPTS-59239]" and the specific TME number should be sent to: Document Processing Center (TS-790), Office of Toxic Substances, Environmental Protection Agency, Rm. 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, Rm. E-611, 401 M Street, SW., Washington, DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential versions of the TME applications received by EPA. The complete non-confidential applications are 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.

T 87-8

Close of Review Period. March 25, 1987.

Importer. Confidential.

Chemical. (G) Alyoxylate of a reaction product of a polyamine and an organic acid.

Use/Import. (S) Gasoline additive. Import range: Confidential.

T 87-9

Close of Review Period. March 25, 1987.

Importer. Confidential.

Chemical. (G) Condensation product of an organic acid and an alkylamine.

Use/Import. (S) Gasoline additive. Import range: Confidential.

T 87-10

Close of Review Period. March 25, 1987.

Importer. Confidential.

Chemical. (G) Reaction product of an anhydride and an alkyl amine.

Use/Import. (S) Gasoline additive. Import range: Confidential.

Dated: February 17, 1987.

Denise Devoe,

Acting Division Director, Information Mangement Division.

[FR Doc. 87-3988 Filed 2-26-87; 8:45 am]

BILLING CODE 6560-50-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59806; FRL-3161-8]

Certain Chemicals Premanufacture Notice

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 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. PMNs for such polymers are reviewed by EPA within 21 days of receipt. This notice announces receipt of four such PMN's and provides a summary of each.

DATES: Close of review period:

Y 87-105—February 26, 1987.

Y 87-106 and 87-107—March 1, 1987.

Y 87-108—March 4, 1987.

FOR FURTHER INFORMATION CONTACT: Stephanie Roan, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M Street, SW., Washington, DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: 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 87–105

Importer. Confidential.
Chemical. (G) Acrylic copolymer.
Use/Import. (G) Open non-dispersive use. Import range: Confidential.

Y 87–106

Manufacturer. Rexnord Technologies.
Chemical. (G) Acrylic copolymer.
Use/Production. (S) Coating resin. Prod. range: Confidential.

Y 87–107

Importer. Confidential.
Chemical. (G) Polyamide resin.
Use/Import. (S) Printing ink component used to disperse pigment and to provide gloss, adhesion and resistance properties when printed on paper, plastic and metal substrates. Import range: Confidential.
Toxicity data. Acute oral: 23.1 g/kg., Acute dermal: 6.8 g/kg; Irritation: Skin—Slight, Eye—Moderate.

Y 87–108

Manufacturer. The Dow Chemical Company.
Chemical. (G) Aliphatic thermoplastic urethane.
Use/Production. (G) Industrial manufacture of plastic article for use in industrial medical and transportation. Prod. range: Confidential.

Dated: February 17, 1987.

Denise Devoe,

Acting Division Director, Information Management Division.

[FR Doc. 87–3989 Filed 2–26–87; 8:45 am]

BILLING CODE 6560–50–M

[ER–FRL–3162–1]

Environmental Impact Statements; Availability

Responsible Agency: Office of Federal Activities, General Information (202) 382–5073 or (202) 382–5075, EPA. Availability of Environmental Impact Statements Filed February 16, 1987 Through February 20, 1987 Pursuant to 40 CFR 1506.9.

EIS No. 870067, Report, COE, NC, Atlantic Intercoastal Waterway, Section IV–Tangent 1, Dredged Material Disposal, Masonboro Island, Vicinity of Carolina Beach Inlet Crossing, New Hanover County, Contact: Chris Correale (919) 343–4745

EIS No. 870062, Draft, FHW, MD, MD–28 Improvements, Jones Lane to I–270, Montgomery County, Due: April 13, 1987, Contact: Edward Terry (301) 962–4010

EIS No. 870063, Revised Final Supplement, EPA, MA, CT, French River Cleanup Program, Water Quality Improvement, Due: March 30, 1987, Contact: Ronald Manfredonia (617) 565–3531

EIS No. 870064, Final Supplement, FHW, VA, Springfield Bypass and Extension Construction, I–66 to the Braddock Road/VA–620 Intersection, Updated Alternative Information, Fairfax County, Due: March 30, 1987, Contact: James M. Tumlin (804) 771–2371

EIS No. 870065, Draft Supplement, NOA, REG, NXG, ATL, Green, Loggerhead and Pacific Ridley Sea Turtles, Protection, Endangered Species Act of 1973, Use of Turtle Excluder Devices by Shrimp Fisherman, Due: April 15, 1987, Contact: Charles Oravetz (813) 893–3366

EIS No. 870066, Draft, AFS, CA, Angeles Pipeline Project, C/O/M, Emidio Pump Station/Tank Farm to Los Angeles Basin Refineries, Permits, Angeles National Forest, Los Angeles and Kern Counties, Due: May 29, 1987, Contact: Richard Simon (213) 620–4083.

Dated: February 24, 1987.

William D. Dickerson,

Acting Director, Office of Federal Activities.

[FR Doc. 87–4181 Filed 2–26–87; 8:45 am]

BILLING CODE 6560–50–M

[ER–FRL–3162–2]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared February 9, 1987 through February 13, 1987 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act (CAA) and section 102(2)(c) of the National Environmental Policy Act (NEPA) as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382–5076/73. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated February 7, 1986 (51 FR 4804).

Draft EISs

ERP No. D–BLM–G08011–00, Rating LO, Arizona Interconnection Project, El Paso 345 kV Transmission Line, Construction, Right-of-Way Grants and Permits, Approval, Plan Amendment, AZ and NM. SUMMARY: EPA has no objections to the proposed action as described.

ERP No. DS–CDB–K89031–CA, Rating EC2, Santa Maria Town Center Expansion and Development, CDBG, CA. SUMMARY: EPA expressed environmental concerns and recommended further information in the final EIS on: (1) Mitigation measures to reduce air quality impacts; (2) water use, water supply, and sewage treatment requirements; and (3) mitigation measures to compensate for water and groundwater impacts.

EPA No. D–COE–C36061—PR, Rating EO2, Rio La Plata River Basin Multipurpose Flood Control Plan, Puerto Rico. SUMMARY: EPA has environmental objections to the selected alternative, based on impacts to water quality, groundwater, wetlands, and secondary impacts. Accordingly, EPA requested that additional information regarding these issues be included in the final EIS.

ERP No. D–FHW–E40695–GA, Rating EO2, GA–400 Extension, I–85 to I–285, Construction, 404 Permit, GA. SUMMARY: EPA's environmental concerns included the alternative analysis and potential air quality, noise, wetlands, and water quality impacts. EPA, therefore, requested that the heavy rail transit alternative be further considered, additional intersection air quality modeling be conducted (preliminary post-draft EIS modeling has already been conducted), noise abatement further considered and finalized, wetland losses mitigated, channelization avoided, and retention/detention drainage basins considered.

ERP No. D–FHW–E40700–FL, Rating EO2, FL–5/US 1 Upgrading, FL–922/NE–123rd Street to NE 203rd Street, 404 and 10 Permits, FL. SUMMARY: EPA is concerned about project air quality and noise impacts. A carbon monoxide intersection and hydrocarbon pollutant burden analyses was requested as well as additional reconsideration of noise abatement measures.

ERP No. D–UAF–B52000–MA; Rating: Civilian 24-hr. Operation Alter. = EU2, Proposed Military Action (16 C–5As) Alter. = EO2, and Alternate Military Action (8 C–5As) Alter. = EC2; Westover Air Force Base, Air Force Reserve Mission Change C–130 to C–5A Aircraft and Civil Aviation Operation Expansion Through 1995, MA. SUMMARY: EPA concludes that the effects of the projected civil aircraft operations, particularly nighttime operations, would be unacceptable from the standpoint of human health and welfare and environmental quality. EPA recommends that the USAF deny Westover Metropolitan Development Corporation (WMDC)s request for 24 hour a day operation at this time. The draft EIS fails to consider alternatives and noise mitigation for the civil

aviation operations, and contains significant deficiences in the noise analysis which underestimates the magnitude of noise impacts. EPA rates the proposed civilian operation environmentally unsatisfactory and considers such action a candidate for referral to the Council on Environmental Quality. For the proposed military reorganization, EPA believes that the adoption of the mitigation measures discussed in the draft EIS in conjunction with those recommended in EPA's comments will reduce the military noise impacts to acceptable levels.

Final EISs

ERP No. F-AFS-A61313-00, 1985-2030 Resources Planning Act Program, Amendment to the Forest and Rangeland Renewable Resource Planning Act. SUMMARY: EPA has reviewed the final EIS and found that concerns raised on the draft EIS with respect to water and air quality remain. EPA offers to work with the Forest Service toward the resolution of these issues as future programs are prepared.

ERP No. F-FHW-G40113-AR, Hot Springs East and West Arterial Construction, US 270 East to US 270 West, AR. SUMMARY: EPA has no objections to the proposed action as described.

ERP No. F-USA-G10001-NM, White Sands Missile Range Ground Based Free Electron Laser Technology Integration Experiment Facility, Construction/ Operation, Possible Sec. 10 and 404 Permits, NM. SUMMARY: EPA has no objections to the proposed action as described.

Amended Notices

The following reviews were completed during the week of Februrary 2, 1987 through February 6, 1987 and should have appeared in the FR Notice published on February 20, 1987.

ERP No. LD-SFW-L02015-AK; Rating: Alter. A (full leasing) = EO2, Alter. B (limited leasing) = EC2, Alter. C (further exploration) = LO; Arctic Nat'l Wildlife Refuge, Coastal Plain Resource Mgmt., Oil and Gas Exploration, Development, and Production, Leasing and Wilderness Designation, AK SUMMARY: EPA's review found no discussion of air quality deterioration, the effects of noise upon wildlife in the Refuge, or of the consequences of marine transportation facilities on fish populations. EPA believes more discussion is needed regarding impacts on the Refuge's core caribou calving area and finds that some foreseeable impacts are not discussed at all. Further, EPA believes the Department of Interior needs to revise the legislative EIS to enable a better understanding of the environmental impacts and clarify how the proposal relates to the U.S. Fish and Wildlife Mitigation Policy.

ERP No. F-FHA-F24000-00, St. Croix/ Taylor Falls WWT Facilities, Plant Abandonment and New Stabilization Pond Treatment Facility Construction, Outfall Line Route Revision, Loan, WI and TN (Adoption of EPA EIS, filed 8-27-81). SUMMARY: EPA made no formal comments. EPA has no objections to the proposed activity.

Dated: February 24, 1987.

William D. Dickerson,

Acting Director, Office of Federal Activities.

[FR Doc. 87-4182 Filed 2-26-87; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Closed Circuit Test of the Emergency Broadcast System During the Week of March 9, 1987

February 20, 1987.

A test of the Emergency Broadcast System (EBS) has been scheduled during the week of March 9, 1987. Only ABC, AP Radio, CBS, CNN, MBS, NBC, NPR, United Stations and UPI Audio Radio Network affiliates will receive the Test Program for the Closed Circuit Test. The ABC, CBS, NBC, and PBS television networks and the national cable program supplier networks are not participating in the test.

Network and press wire service affiliates will be notified of the test procedures via their network approximately 25 minutes prior to the test.

Final evaluation of the test is scheduled to be made about one month after the Test.

This is a Closed Circuit Test and Will Not Be Broadcast Over the Air.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87-4141 Filed 2-26-87; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities Under OMB Review

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of Information Collection submitted to OMB for review and approval under the Paperwork Reduction Act of 1980.

Title of Information Collection: Recordkeeping and Confirmation Requirements for Securities Transactions (OMB No. 3064-0028).

Background: In accordance with requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the FDIC hereby gives notice that it has submitted to the Office of Management and Budget a request for the review and approval for continuing the information collective system identified above.

ADDRESS: Written comments regarding the submission should be addressed to Robert Neal, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 and to John Keiper, Assistant Executive Secretary (Administration), Federal Deposit Insurance Corporation, Washington, DC 20429.

Comments: Comments on this collection of information should be submitted on or before March 16, 1987.

FOR FURTHER INFORMATION CONTACT: Requests for a copy of the submission should be sent to John Keiper, Assistant Executive Secretary (Administration), Federal Deposit Insurance Corporation, Washington, DC 20429, telephone (202) 898-3810.

SUMMARY: The FDIC is requesting OMB approval to extend the expiration date of the recordkeeping and confirmation requirements for securities transactions contained in Part 344 of FDIC's rules and regulations (12 CFR Part 344). These requirements ensure that purchasers of securities in transactions effected by an insured state nonmember bank are provided adequate information concerning the transactions. These requirements are also designed to ensure that insured state nonmember banks maintain adequate records and controls with respect to securities transactions they effect. The aggregate annual paperwork burden imposed on insured state nonmember banks for this information collection is estimated to be 83,626 hours.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 87-4197 Filed 2-26-87; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Submitted to the Office of Management and Budget for Clearance

The Federal Emergency Management Agency (FEMA) has submitted to the Office of Management and Budget the following information collection package for clearance in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Type: Reinstatement of a previously approved collection for which approval has expired.

Title: National Shelter Survey Program

Abstract: Forms are used for the National Facility Survey to evaluate structures; change building information; report data to the FEMA Computer Center for the National Facility Survey and Natural Hazard Vulnerability Survey data base.

Type of Respondents: State or local governments, Federal agencies or employees

Number of Respondents: 1,907

Buden Hours: 105,834

Copies of the above information collection request and supporting documentation can be obtained by calling or writing the FEMA Clearance Officer, Linda Shiley, (202) 646–2624, 500 C Street, SW., Washington, DC 20472.

Comments should be directed to Francine Picoult, (202) 395–7231, Office of Management and Budget, 3235 NEOB, Washington, DC 20503 within two weeks of this notice.

Dated: February 17, 1987.

Wesley C. Moore,

Director, Office of Administrative Support.

[FR Doc. 87–4087 Filed 2–26–87; 8:45 am]

BILLING CODE 6718–01–M

FEDERAL RESERVE SYSTEM

National Bancorp, Inc.; Application to Engage de novo in Permissible Nonbanking Activities

The company listed in this notice has 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.

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.

Unless otherwise noted, comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 19, 1987.

A. Federal Reserve Bank of Chicago (David S. Epstein, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *National Bancorp, Inc.*, Melrose Park, Illinois; to engage *de novo* in investment or financial advice pursuant to § 225.25(b)(4) and in management consulting services pursuant to § 225.25(b)(11) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, February 20, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87–4069 Filed 2–26–87; 8:45 am]

BILLING CODE 6210–01–M

William H. Sipple, et al.; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 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 the 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 March 13, 1987.

A. Federal Reserve Bank of Chicago (David S. Epstein, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *William H. Sipple*, Rochester, Minnesota, Robert E. Sipple, Phoenix, Arizona, and Gene L. Pierce, Minneapolis, Minnesota; to acquire 75 percent of the voting shares of Blanchardville Financial Services, Blanchardville, Wisconsin.

2. *Saul D. Binder*, Lincolnshire, Illinois, Marshall J. Persky, Lincolnwood, Illinois, and Sherwin Willens, Phoenix, Arizona; to acquire 80 percent of the voting shares of Columbia Bancorp, Avondale, Arizona.

Board of Governors of the Federal Reserve System, February 20, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87–4070 Filed 2–26–87; 8:45 am]

BILLING CODE 6210–01–M

First Wachovia Corp. 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 Compact 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 18, 1987.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *First Wachovia Corporation,* Winston-Salem, North Carolina; to merge with F.A. Bankshares, Inc. Monroe, Georgia, and thereby indirectly acquire First American Bank of Walton, Monroe, Georgia.

B. **Federal Reserve Bank of Dallas** (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Allied Bancshares, Inc.,* Houston, Texas; to acquire 100 percent of the voting shares of First National Bank of Waxahachie, Waxahachie, Texas.

C. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *U.S. Bancorp,* Portland, Oregon; to acquire 100 percent of the voting shares of U.S. Bank of Utah, Salt Lake City, Utah. U.S. Bank of Utah currently operates as U.S. Thrift and Loan, a subsidiary of U.S. Bancorp. U.S. Thrift and Loan will convert from a thrift and loan to a state chartered commercial bank.

Board of Governors of the Federal Reserve System, February 20, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-4071 Filed 2-26-87; 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 13, 1987.

Public Health Service (PHS)

(Call Reports Clearance Officer on 202-245-2100 for copies of Package)

Center for Disease Control

Subject: Importation and Shipment of Etiologic Agents—NEW

Respondents: State or local governments; Businesses or other for-profit

Office of the Assistant Secretary for Health

Subject: 1987 Automated National Health Interview Survey Feasibility Study—NEW

Respondents: Individuals or households

Food and Drug Administration

Subject: Irradiation in the Production, Processing, and Handling of Food—Extension—(0910-0186)

Respondents: Businesses or other for-profit; Small businesses or organizations

OMB Desk Officer: Shannah Koss

Social Security Administration (SSA)

(Call Reports Clearance Officer on 301-594-5706 for copies of package)

Subject: Application for Benefits Under the Canada U.S. International Social Security Agreement—Revision—(0960-0371)

Respondents: Individuals or households

OMB Desk Officer: Judy Egan

Health Care Financing Administration (HCFA)

(Call Reports Clearance Officer on 301-594-8650 for copies of package)

Subject: Evaluation of the Medicare Competition Demonstrations—NEW—HCFA-554

Respondents: Businesses or other for-profit; Non-profit institutions

OMB Desk Officer: Allison Herron

As mentioned above, copies of the information collection clearance packages can be obtained by calling the Reports Clearance Officer, on one of the following numbers:

SSA: 301-594-5706

HCFA: 301-594-8650

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 following address:

OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, DC 20503.

ATTN: (name of OMB Desk Officer).

Dated: February 20, 1987.

James V. Oberthaler,

Acting Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 87-4195 Filed 2-26-87; 8:45 am]

BILLING CODE 4150-04-M

Alcohol, Drug Abuse, and Mental Health Administration

Extramural Research Support Programs

AGENCY: National Institute of Mental Health.

ACTION: Issuance of Rural Mental Health Demonstration Grant Program Announcement.

SUMMARY: The National Institute of Mental Health announces the availability of an extramural research program for Rural Mental Health Demonstrations, MH-87-10. The program will award $1.2 million to establish four 18 month rural demonstration projects to improve planning, coordination, and community-based service delivery for rural residents experiencing behavioral and emotional dysfunction or mental disorder. In accordance with the applicable statute, competition is limited, and the awards will be made to State Governors or to the State agency designated by the Governors.

FOR FURTHER INFORMATION OR A COPY OF THE ANNOUNCEMENT, CONTACT: James W. Thompson, M.D., M.P.H., Acting Chief, Biometric and Clinical Applications Branch, Division of Biometry and Applied Sciences, National Institute of Mental Health, Parklawn Building, Room 18c-14, 5600 Fishers Lane, Rockville, MD 20857.

Donald Ian Macdonald,

Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 87-4048 Filed 2-26-87; 8:45 am]

BILLING CODE 4160-20-M

Food and Drug Administration

[Docket No. 85N-0475]

Epidemiologic Study of Certain Dietary Characteristics and Cancer; Availability of Interim Report

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the report of the Life Sciences Research Office (LSRO) of the Federation of American Societies for

Experimental Biology (FASEB) titled "Interim Scientific Report on An Epidemiologic Study of Certain Dietary Characteristics and Cancer Mortality" is available to the public. The interim report was publicly available on December 22, 1986.

ADDRESSES: Requests for a copy of the interim report should be sent to FASEB's Special Publication Office, FASEB, 9650 Rockville Pike, Bethesda, MD 20814, along with $10 to cover the cost. In the near future, the report will be available from the National Technical Information Service, 5275 Port Royal Rd., Springfield VA 22161. Copies are on display at FASEB (address above) and at the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Land, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: K.D. Fisher, Life Sciences Research Office, Federation of American Societies For Experimental Biology, 9650 Rockville Pike, Bethesda, MD 20814, 301–530–7030.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 13, 1985 (50 FR 46832), FDA announced that FASEB, under its contract with FDA (No. 223–83–2020), was undertaking a study on dietary characteristics and cancer mortality. In response to FDA's request that FASEB perform such a study, the Scientific Steering Group that FASEB established under this contract recommended that LSRO perform this task by reviewing information and data being generated by a major study that is assessing the effects of certain dietary constituents on cancer mortality in the People's Republic of China. This study is being conducted by Cornell University and the Chinese Center for Preventive Medicine.

In the **Federal Register** of February 28, 1986 (51 FR 7127), FDA announced that FASEB was holding an open meeting to which the public was invited to present written and oral views, information, and data on dietary characteristics and cancer. That meeting was held at FASEB on March 26, 1986.

The original Task Order called for completion of FASEB's work by June 30, 1986. On April 3, 1986, FASEB requested a 3-month extension of the Task Order at no additional cost to the government. Delays in getting all project data into the electronic files at Cornell University and complex multivariate statistical analysis by the project collaborators were cited as the reasons for the request. On May 7, 1986, FDA granted FASEB's request for the 3-month extension.

On September 9, 1986, FASEB informed FDA by letter that because of additional delays in the multivariate analysis, the analyzed data would not be available to FASEB until sometime in 1987. FASEB also stated that the principal investigators had reached an agreement with the National Cancer Institute, the Chinese Center for Preventive Medicine, and the Chinese Academy of Medicine Cancer Institute for primary publication of all study data and analysis in one comprehensive monograph. The monograph will be published in the *Journal of the National Cancer Institute* in late 1987.

FASEB proposed to FDA in the September 9, 1986, letter that FASEB would prepare an interim scientific report covering the study design, analyses conducted, and status of data, analyses, and plans for monograph publication. FASEB also stated that when the monograph is published, it will provide FDA with data analyses and answers to the six questions posed by FDA at no additional cost to the government. Because it determined that the delay was outside FASEB's control, and that FASEB's request was reasonable, FDA accepted FASEB's September 9, 1986, proposal.

On December 22, 1986, FASEB submitted to FDA a report entitled "Interim Scientific Report on An Epidemiologic Study of Certain Dietary Characteristics of Cancer Mortality."

Dated: February 18, 1987.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 87–4066 Filed 2–26–87; 8:45 am]

BILLING CODE 4160–01–M

Health Resources and Services Administration

Advisory Committee Meeting; Maternal and Child Health Research Grants Review

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of June 1987.

Name: Maternal and Child Health Research Grants Review Committee

Date and Time: June 17–19, 1987, 9:00 a.m.–5:00 p.m.

Place: Conference Room G, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857

Open on Wednesday, June 17, 1987 at 9:00 a.m. to 10:00 a.m.

Closed for remainder of meeting

Purpose: The Committee is charged with the review of all research grant applications in the program areas of maternal and child health administered by the Bureau of Health Care Delivery and Assistance.

Agenda: The open portion of the meeting will cover opening remarks by the Director, Division of Maternal and Child Health, who will report on program issues, Congressional activities and other topics of interest to the field of maternal and child health. The meeting will be closed to the public on June 17, 1987, from 10:00 a.m. for the remainder of the meeting for the review of research grant applications. The closing is in accordance with the provision set forth in section 552b(c)(6), Title 5 U.S. Code, and the determination by the Acting Administrator, Health Resources and Servicee Administration, pursuant to Pub. L. 92–463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should write to or contact Gontran Lamberty, Dr. P.H., Executive Secretary, Maternal and Child Health Research Grants Review Committee, Room 6–17, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, telephone: (301) 443–2190.

Agenda items are subject to change as priorities dictate.

Dated: February 17, 1987.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 87–4067 Filed 2–26–87; 8:45 am]

BILLING CODE 4160–15–M

Public Health Service

National Toxicology Program; Chemicals (7) Nominated for Toxicological Studies; Request for Comments

SUMMARY: On January 13, 1987, the Chemical Evaluation Committee (CEC) of the National Toxicology Program (NTP) met to review seven chemicals nominated for toxicology studies and to recommend the types of studies to be performed. With this notice, the NTP solicits public comments on the seven chemicals listed herein.

FOR FURTHER INFORMATION CONTACT: Dr. Victor A. Fung, Chemical Selection Coordinator, National Toxicology Program, Room 2B55, Building 31, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–3511.

SUPPLEMENTARY INFORMATION: As part of the chemical selection process of the National Toxicology Program,

nominated chemicals which have been reviewed by the NTP Chemical Evaluation Committee (CEC) are published with request for comment in the **Federal Register**. This is done to encourage active participation by the public in the NTP chemical evaluation process, thereby helping the NTP to make more informed decisions as to whether to select, defer or reject chemicals for toxicology study. Comments and data submitted in response to this request are reviewed and summarized by NTP technical staff, are forwarded to the NTP Board of Scientific Counselors for use in their evaluation of the nominated chemicals, and then to the NTP Executive Committee for its decisionmaking. The NTP chemical selection process is summarized in the **Federal Register**, April 14, 1981 (46 FR 21828), and also in the NTP FY 1986 *Annual Plan*, pages 201–203.

On January 13, 1987, the CEC met to evaluate seven chemicals nominated to the NTP for toxicological studies. The following table lists the chemicals, their Chemical Abstract Service (CAS) registry numbers, and the types of toxicological studies recommended by the CEC at the meeting.

Chemical	CAS No.	Committee Recommendation(s)
1. Black Pepper (*Piper Nigrum Linn*).	—	—Toxicity evaluation.
2. Cholestyramine	11041–12–6	—Carcinogenicity. No testing.
3. Divinylbenzene	1321–74–0	—Chemical disposition. —Carcinogenicity.
4. 1,3-Diphenylguanidine.	102–06–7	Carcinogenicity.
5. Pitch-based Fibrous Graphite.	—	Deferred.
6. Sodium Nitrite	7632–00–0	Carcinogenicity testing in rats.
7. 1,3,5-Trichloro-1,3,5-triazine-2,4,6-(1H,3H,5H)-trione.	87–90–1	No testing.

Of the seven chemicals, two have been previously selected for toxicology study by the NTP. Divinylbenzene was nonmutagenic in the *Salmonella* microsomal assay in studies performed by two independent laboratories. 1,3-Diphenylguanidine was weakly positive in the *Salmonella* microsomal assay; a chemical disposition study was also conducted on 1,3-diphenylguanidine.

Interested parties are requested to submit pertinent information. The following types of data are of particular relevance:

(1) Modes of production, present production levels, and occupational exposure potential.

(2) Uses and resulting exposure levels, where known.

(3) Completed, ongoing and/or planned toxicologic testing in the private sector including detailed experimental protocols and results, in the case of completed studies.

(4) Results of toxicological studies of structurally related compounds.

Please submit all information in writing within thirty days after date of publication to the contact person listed above. Any submissions received after the above date will be accepted and utilized where possible.

Dated: February 24, 1987.

David P. Rall,

Director, National Toxicology Program.

[FR Doc. 87–4095 Filed 2–26–87; 8:45 am]

BILLING CODE 4140–01–M

Office of the Assistant Secretary for Health Advisory Committees; Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory bodies scheduled to meet during the months of March/April 1987:

Name: Health Services Developmental Grants Review Subcommittee.

Date and Time: March 19–20, 1987, 8:30 am.

Place: Linden Hill Hotel, Sea Pines Room, 5400 Pooks Hill Road, Bethesda, Maryland 20814; open March 19, 8:30 am to 9:30 am; closed for remainder of meeting.

Purpose: The Subcommittee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research and Health Care Technology Assessment (NCHSR).

Agenda: The open session of the meeting of March 19 from 8:30 AM to 9:30 AM will be devoted to a business meeting covering administrative matters and reports. There will also be a presentation by the Acting Director, NCHSR. During the closed sessions, the Subcommittee will be reviewing research grant applications relating to the delivery, organization, and financing of health services. In accordance with the Federal Advisory Committee Act, Title 5, U.S. Code, Appendix 2 and Title 5, U.S. Code 552b(c)(6), the Acting Director, National Center for Health Services Research and Health Care Technology Assessment has made a formal determination that these latter sessions will be closed because the discussions are likely to reveal personal information concerning individuals associated with the applications. This information is exempt from mandatory disclosure.

Anyone wishing to obtain a Roster of Members, Minutes of Meeting, or other relevant information should contact Mr. Hoke S. Glover, National Center for Health Services Research and Health Care Technology Assessment, Room 18A20, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–3091.

Name: Health Services Research Review Subcommittee.

Date and Time: April 6–7, 1987, 8:00 am.

Place: Hilton Hotel, Parlour A Room, 7660 East Broadway, Tucson, Arizona 85710; open April 6, 8:00 am to 8:30 am.; Closed for remainder of meeting.

Purpose: The Subcommittee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research and Health Care Technology Assessment (NCHSR).

Agenda: The open session of the meeting on April 6 from 8:00 AM to 8:30 AM will be devoted to a business meeting covering administration and reports. There will also be a presentation by the Acting Director, NCHSR. During the closed session, the Subcommittee will be reviewing research grant applications relating to the delivery, organization, and financing of health services. In accordance with the Federal Advisory Committee Act, Title 5 U.S. Code, Appendix 2 and Title 5, U.S. Code 552b(c)(6), the Acting Director, National Center for Health Services Research and Health Care Technology Assessment has made a formal determination that these latter sessions will be closed because the discussions are likely to reveal personal information concerning individuals associated with the applications. This information is exempt from mandatory disclosure.

Anyone wishing to obtain a Roster of Members, Minutes of Meeting, or other relevant information should contact Dr. Anthony Pollitt, National Center for Health Services Research and Health Care Technology Assessment, Room 18A20, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–3091.

Agenda items are subject to change as priorities dictate.

Date: February 17, 1987.

Samuel Lin, M.D., Ph.D.,

Acting Director, National Center for Health Services Research and Health Care Technology Assessment.

[FR Doc. 87–4184 Filed 2–26–87; 8:45 am]

BILLING CODE 4160–17–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK–919–07–4213–02]

Northern Alaska Advisory Council; Meeting

AGENCY: Department of the Interior, Bureau of Land Management.

ACTION: Northern Alaska Advisory Council meeting.

SUMMARY: A general meeting, open to the public, will be held to discuss the following topics:

1. Preferred Alternative for Utility Corridor Resource Management Plan.
2. R.S. 2477 policy in Alaska.
3. Recreation permits on public lands.

Public comments on agenda items will be received by the Council from 3 to 4 p.m. Oral comments may be limited by time and it is recommended that public comments be submitted in writing at the meeting.

Time and Date: 8:30 a.m. to 5 p.m., Wednesday, April 1, 1987.

Place: BLM Building, Fairbanks Support Center, 1541 Gaffney Road, Fairbanks, Alaska (on Fort Wainwright), training rooms.

FOR FURTHER INFORMATION CONTACT: William J. Robertson, Public Affairs Office, Bureau of Land Management, 1541 Gaffney Road, Fairbanks, Alaska 99703, telephone (907) 356–2345.

M. Thomas Dean,

Designated District Manager, Northern Alaska/Arctic District.

February 18, 1987.

[FR Doc. 87–3951 Filed 2–26–87; 8:45 am]

BILLING CODE 4310–84–M

[AZ–050–07–4212–14: CA–17021, CA–17020, CA–17019]

Arizona; Realty Action, Noncompetitive Sale of Public Lands in San Bernardino County

AGENCY: Bureau of Land Management, Interior.

ACTION: Correct previous Federal Register Notices of Realty Action.

SUMMARY: The descriptions of each parcel of public land to be sold in three Notices of Realty Action published in the **Federal Register**, Vol. 50, No. 55, on March 21, 1985, are hereby corrected as follows:

1. CA–17019, Thomas H. & Gail M. Cohenno.

San Bernardino Meridian, California

T. 9 N., R. 22 E.
Sec. 2, Lot 5, comprising 4.03 acres.

2. CA–17020, Raymnd C. Veseth.

San Bernardino Meridian, California

T. 10 N., R. 22 E.
Sec. 35, Lot 10, comprising 1.35 acres.

3. CA–17021, George F. Walters

San Bernardino Meridian, California

T. 10 N., R. 22 E.
Sec. 35, Lot 8, comprising 2.8+ acres.

FOR FURTHER INFORMATION CONTACT: Ferne M. Blair, Yuma District Realty Specialist, P.O. Box 5680, Yuma, Arizona, 85364 at (602) 726–6300.

SUPPLEMENTARY INFORMATION: The lands described are hereby segregated from appropriation under the public land laws, including the mining laws, pending disposition of this action.

The mineral rights have been offered to the applicants. Specific patent reservations include a reservation for ditches and canals and a reservation of all minerals to the United States (unless the applicants agree to buy the mineral rights).

For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Yuma District Office, P.O. Box 5680, Yuma, Arizona 85364. Any adverse comments will be evaluated by the State Director, who may sustain, vacate, or modify the realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

Dated: February 19, 1987.

J. Darwin Snell,

District Manager.

[FR Doc. 87–4106 Filed 2–26–87; 8:45 am]

BILLING CODE 4310–32–M

[MT–070–07–4212–13; M70647]

Montana; Realty Action; Exchange

AGENCY: Bureau of Land Management, Butte District Office.

ACTION: Notice of realty action, exchange of public lands in Powell, Broadwater, Granite, Lewis and Clark, and Silver Bow Counties for private property in Granite County.

SUMMARY: The following described lands have been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976; 43 U.S.C. 1716:

Principal Meridian, Montana:

Tract No.		Acreage
Powell County:		
P–1	T. 9 N., R. 10 W., Section 26: W 1/2 W 1/2.	160
P–2	T. 9 N., R. 11 W., Section 14: NW 1/4 NW 1/4.	40
P–3	T. 9 N., R. 6 W., Section 8: NE 1/4 NE 1/4.	40
P–7	T. 10 N., R. 6 W., Section 8: Lot 1	5.4
P–9	T. 10 N., R. 8 W., Section 2: SW 1/4 SE 1/4.	40
P–10	T. 10 N., Range 9 W., Section 25: S 1/2 NW 1/4, W 1/2 SW 1/4.	160
P–18	T. 9 N., R. 11 West Section 24: SW 1/4 SW 1/4.	40
Broadwater County:		
B–5	T. 9 N., R. 2 W., Section 34: SE 1/4 SW 1/4.	40
Granite County:		
G–7	T. 10 N., R. 14 W., Section 26: SW 1/4 SW 1/4.	40
G–9	T. 11 N., R. 16 W., Section 12: Lot 2.	48.84
Lewis and Clark County:		
L–11	T. 11 N., R. 5 W., Section 28: Lot 5, Section 29: Lot 10.	40.34, 32.69
L–12	T. 12 N., R. 5 W., Section 27: SW 1/4 SW 1/4, S 1/2 SE 1/4 SW 1/4.	60
L–13	T. 12 N., R. 5 W., Section 33: Lots 8 and 14.	9.94
Silver Bow County:		
S–1	T. 1 S., R. 5 W., Section 6: Lot 7, SE 1/4 SW 1/4, SW 1/4 SE 1/4.	120.14
Containing 877.35 acres of public land.		

In exchange for an equal value of these public lands, the United States will acquire the following described lands in Granite County:

Principal Meridian, Montana

T. 12 N., R. 14 W., Sections 2 and 3:		
MS6970	Homestake Lode	20.14
MS6971	Sierra Lode	18.18
MS6972	Forest Lode	20.21
MS6973	Cleveland Lode	0.71
MS6974	Austin Lode	18.73
MS6975	Gold King Lode	2.84
Containing 80.81 acres of land.		

DATES: For a period of 45 days from the date of this notice, interested parties may submit comments to the address shown below. Any adverse comments will be evaluated by the BLM, Montana State Director, who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: Information related to the exchange, including the environmental assessment and land report, is available for review at the Butte District Office, P.O. Box 3388, Butte, Montana 59702.

SUPPLEMENTARY INFORMATION: The purpose of this exchange is to acquire 80 acres of high recreational valued land. This tract will provide land with moderate and level topography for a much needed parking area and transportation route to and from the Garnet Range Road to Garnet Ghost Town. The Trust for Public Land is acting as the proponent in this exchange.

The publication of this notice segregates the public lands described above from settlement, sale, location and entry under the public land laws, including the mining laws, but not from exchange pursuant to section 206 of the Federal Land Policy and Management Act of 1976.

The Exchange will be made subject to:

1. A reservation to the United States of a right-of-way for ditches or canals in accordance with 43 U.S.C. 945.

2. The reservation to the United States of any identified mineral values on the Federal lands being transferred.

3. All valid existing rights (e.g., rights-of-way and leases of record).

4. Value equalization by cash payments or acreage adjustments.

5. The exchange must meet the requirements of 43 CFR 4110.4–2(b).

This exchange is consistent with Bureau of Land Management policies and planning and has been discussed with state and local officials. The public interest will be served by completion of this exchange.

February 20, 1987.

James A. Moorhouse,

District Manager.

[FR Doc. 87–4097 Filed 2–26–87; 8:45 am]

BILLING CODE 4310-DN-M

[NV-020-4322-02]

Nevada; Winnemucca District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Winnemucca District Grazing Advisory Board Meeting.

SUMMARY: Notice is hereby given in accordance with Pub. L. 92–163 that a meeting of the Winnemucca District Grazing Advisory Board will be held on April 2, 1987. The meeting will begin at 10:00 a.m. in the conference room of the Bureau of Land Management Office at 705 East Fourth Street, Winnemucca, Nevada 89445.

The agenda for the meeting will include:

1. Orientation/update of district rangeland management program by the District Manager.

2. Public Statements.

3. Update on Grazing Fee formula.

4. Range Betterment (range improvement) funds: 1987 FY projects, 1988 FY projects.

The meeting is open to the public. Interested persons may make oral statements for the Board's consideration. Anyone wishing to make an oral statement should notify the District Manager, 705 East Fourth Street, Winnemucca, Nevada 89445 by March 19, 1987. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the Board meeting will be maintained in the District Office and available for public inspection (during regular business hours) within 30 days following the meeting:

Dated: February 18, 1987.

Frank C. Shields,

District Manager.

[FR Doc. 87–4107 Filed 2–26–87; 8:45 am]

BILLING CODE 4310-HC-M

[WY-030-07-4212-02]

Rawlins Wyoming; District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Rawlings District Office, Rawlings, Wyoming, Interior.

SUMMARY: Notice is hereby given in accordance with Pub. L. 94–579 that a meeting of the Rawlins District Advisory Council will be held. The meeting will consist of briefings on the Medicine Bow and Divide Resource Management Plan, Operation Respect/Hunter Access, District Organizational Changes and Recreational and Cultural Activities.

DATE: March 25, 1987.

ADDRESS: South Room, Bel Air Inn, 23rd & Spruce, Rawlins Wyoming.

FOR FURTHER INFORMATION CONTACT: Gordon Warren, Public Affairs Officer, or Mike Karbs, Associate District Manager, Rawlins District, Bureau of Land Management, P.O. Box 670, Rawlins, Wyoming 82301 (307) 324–7171.

SUPPLEMENTARY INFORMATION: The meeting will begin at 10 a.m. The agenda will include the following:

—Briefing on district organizational changes.

—Briefing on recreational and cultural activities.

—Lunch.

—Evaluation of Hunter Access/ Operation Respect.

—Public comments.

—Briefing on Preferred Alternative for Medicine Bow and Divide Resource Management Plan.

—Wrap-up and Resolutions.

The meeting is open to the public. Anyone interested in attending the meeting must notify the District Manager by March 18, 1987. Written statements may also be filed before the meeting for the Council's consideration.

Summary minutes will be available for review within 30 days after the meeting at the Rawlins District Office. Copies of the minutes may be obtained for the cost of duplication.

Michael J. Karbs,

Acting District Manager.

[FR Doc. 87–4105 Filed 2–26–87; 8:45 am]

BILLING CODE 4310-22-M

[ID-010-07-4220-10; I-7322]

Proposed Withdrawal of Public Lands in Owyhee County, Idaho; Public Meeting

AGENCY: Bureau of Land Management, Idaho.

ACTION: Notice, Proposed Withdrawal of Public Lands in Owyhee County, Idaho, Public Meeting.

SUMMARY: The Bureau of Land Management proposes to withdraw approximately 52,313.04 acres of public land and the reserved mineral interests in approximately 1,280.00 acres of private land along a 121-mile segment of the Bruneau River system in southwestern Idaho. the withdrawal would close the lands to surface entry and mining, but not to mineral leasing. This action is necessary to protect the scenic, cultural, and recreation values of this proposed wild and scenic river system.

Notice is hereby given that a public meeting will be held in connection with the proposed withdrawal.

DATES: Comments should be received by May 29, 1987. The public meeting will be held at 7:30 p.m. on April 30, 1987.

ADDRESSES: The public meeting will be held at the Bureau of Land Management, Boise District Office, 3948 Development Avenue, Boise, Idaho 83705. Comments should be sent to the Boise District Manager at the same address.

FOR FURTHER INFORMATION CONTACT: Effie Schultsmeier, Boise District Office (208) 334–1582.

SUPPLEMENTARY INFORMATION: On September 28, 1973, the Secretary of the Interior approved a petition allowing the Bureau of Land Management to file an application to withdraw all public land and reserved minerals interests in private lands within approximately ¼-mile of either bank of the Bruneau and Jarbidge Rivers from the Idaho-Nevada border to the confluence of the Bruneau and Snake Rivers. The application was to withdraw the lands from location and entry under the mining laws and from settlement, sale, location, and entry under the general public land laws, subject to valid existing rights.

At the time of the application, October 1, 1973, the withdrawal was proposed to protect the scenic, recreation, and cultural values of the lands adjacent to the Bruneau River, since it had been designated a study river in the Wild and Scenic Rivers Act of 1968 (Pub. L. 90–542). In October 1976, the final environmental statement titled "Proposed Bruneau Wild and Scenic River, Idaho" was completed which identified the area that was proposed to Congress for inclusion in the National Wild and Scenic Rivers system. The subject statement identified 121 miles of the Bruneau Rivers system for potential inclusion in the National Wild and Scenic Rivers System under Bureau of Land Management administration. It included: (1) 71 miles of the Bruneau River from Blackrock Crossing downstream to Hot Creek; (2) 29 miles of the Jarbidge River from the junction of its East and West Forks downstream to its confluence with the Bruneau River and; (3) the lower 21 miles of Sheep Creek from its Mary's Fork tributary downstream to its confluence with the Bruneau River.

The area proposed for withdrawal by this action is the 121-mile segment of the lands adjoining the Bruneau River System described above, which are located within the following described townships:

Boise Meridian, Idaho

T. 7 S., R. 6 E.
T. 8 S., R. 6 E.
T. 8 S., R. 7 E.
T. 9 S., R. 6 E.
T. 9 S., R. 7 E.
T. 10 S., R. 7 E.
T. 11 S., R. 6 E.
T. 11 S., R. 7 E.
T. 12 S., R. 6 E.
T. 12 S., R. 7 E.
T. 13 S., R. 6 E.
T. 13 S., R. 7 E.
T. 13 S., R. 8 E.
T. 14 S., R. 6 E.
T. 14 S., R. 7 E.
T. 14 S., R. 8 E.
T. 15 S., R. 7 E.
T. 15 S., R. 8 E.
T. 15 S., R. 9 E.
T. 16 S., R. 7 E.
T. 16 S., R. 9 E.

The total area involved contains approximately 52,313.04 acres of public land and approximately 1,280.00 acres of reserved mineral interests in private lands in Owyhee, County, Idaho.

The majority of the lands are and have been segregated from surface entry and mining since October 2, 1968, under the provisions of the Wild and Scenic Rivers Act and subsequently under withdrawal application I–8322. Under the provisions of section 204(g) of the Federal Land Policy and Management Act of October 21, 1976, the segregative effect of the application filing will terminate on October 21, 1991, unless the lands are withdrawn or the application is otherwise terminated before that date. The only uses which have been and will continue to be allowed during the segregative period are those discretionary authorizations which conform with land use management plans. These authorizations include recreation and grazing. It is proposed that the lands be withdrawn for a period of 20 years, the maximum allowed by statute. The application will be processed in accordance with the regulations set forth in 43 CFR, Part 2300.

For a period of 90 days from date of publication of this notice in the **Federal Register** all persons who wish to submit comments, suggestions, or objections to the withdrawal proposal may present their views in writing to the Boise District Manager of the Bureau of Land Management.

The public meeting will be open to attendance to all persons who may state their views. Those who desire to be heard in person at the hearing, should file notice thereof not later than April 23, 1987, with the Boise District Manager, Bureau of Land Management.

Dated: February 17, 1987.

Gene L. Schloemer,

Acting District Manager.

[FR Doc. 87–4102 Filed 2–26–87; 8:45 am]

BILLING CODE 4310–GG–M

Office of Surface Mining Reclamation and Enforcement

Ohio Permanent Regulatory Program; Public Forum and Procedures for Public Comment Period

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of public forum and procedures for public comment period on the Ohio permanent regulatory program.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSMRE) is announcing procedures for a public forum and a public comment period on the substantive adequacy of the Ohio regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

This notice sets forth the date and the location at which OSMRE will hold a public forum on the Ohio program, the comment period during which interested persons may submit written comments and data on the Ohio program, and other information relevant to public participation during the comment period and public forum.

DATES:

Public Forum: OSMRE will hold a public forum to discuss the adequacy of the Ohio program at 9:00 a.m. on Monday, March 23, 1987

Written Comments: OSMRE will accept written comments, data, or other relevant information to supplement or to substitute for an oral presentation at the forum. Written comments must be postmarked no later than April 13, 1987, in order to be considered

ADDRESSES:

Public Forum: The Public Forum will be held at the Holiday Inn North, 4520 Everhard Road, Canton, Ohio 44718

Written Comments: Written comments should be sent to the Office of Surface Mining Reclamation and Enforcement, Columbus Field Office, 2242 South Hamilton Road, Columbus, Ohio 43232; Telephone: (614) 866–0578.

Copies of the full text of OSMRE annual evaluation reports on the Ohio program and copies of all written comments are available for review and copying (at a cost per page) at the OSMRE Columbus Field Office, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

FOR FURTHER INFORMATION CONTACT: Nina Rose Hatfield, Director, OSMRE Columbus Field Office (See **ADDRESSES**) for information regarding the general background on the Ohio regulatory program, including past findings, the disposition of past comments, and a detailed explanation of the conditions of approval of the Ohio program. This information will be made available in response to questions on specific issues relating to this public forum.

SUPPLEMENTARY INFORMATION:

I. Background

II. Public Comment Procedures

I. Background

The Surface Mining Control and Reclamation Act of 1977 (SMCRA) created the Office of Surface Mining Reclamation and Enforcement (OSMRE) in the Department of the Interior. OSMRE was created to administer SMCRA and its associated rules and regulations for surface coal mining and reclamation and to establish programs for the reclamation of lands adversely affected by past mining practices.

SMCRA provides that a State may obtain approval to operate permanent programs to regulate surface coal mining and reclamation operations and to reclaim abandoned mine lands. The State of Ohio obtained this approval in

August 1982 with the Ohio Department of Natural Resources, Division of Reclamation, being the designated State agency responsible for the implementation of Ohio's permanent program. Once a State has obtained permanent program approval, OSMRE has the responsibility to conduct oversight investigations and inspections necessary to verify that the State programs approved under SMCRA are being implemented in accordance with the approved program provisions.

Periodic evaluations by the OSMRE have highlighted a number of recurring concerns about Ohio's implementation of its approved program. In light of these concerns, the OSMRE has been directed by the U.S. Congress to hold a public forum in Ohio to determine the extent of Ohio's failure to adequately implement its program and to determine the willingness of the State to enter into an explicit plan of action for correcting its deficiencies.

OSMRE will review all testimony and written comments received in connection with this public forum and will discuss this information with the Ohio Department of Natural Resources (ODNR). Following these discussions, a summary of the testimony that was obtained and comments that were received along with any plans for addressing the issues identified by commenters will be provided to the U.S. House and Senate Appropriations Committees. Copies of this correspondence will be available for review or copying (at a cost per page) at the OSMRE Columbus Field Office.

II. Public Comment Procedures

At the public forum to be held on March 23, 1987, parties wishing to comment on the adequacy of the Ohio program will be asked to register for placement on the speaker's agenda. The hearing will begin at 9:00 a.m. and will continue until all persons wishing to testify have been heard. Persons in the audience who have not been scheduled to speak and who wish to do so will be heard at the end of the scheduled speakers. Prsons not scheduled to speak but wishing to do so assume the risk of having the public hearing adjourned prior to their speaking unless they are present in the audience at the time all scheduled speakers have been heard. In addition, the following format and rules of procedure will be followed at the public forum:

1. The hearing shall be informal and follow legislative procedurs.

2. Based on the number of speakers in attendance, each participant may be limited to 10 minutes.

3. Participants will be called in the order in which they register.

4. The hearing will end after all persons scheduled to comment and persons present in the audience who wish to comment have been heard.

Written comments, data, or other relevant information may be submitted to supplement or to substitute for an oral presentation at the hearing. Filing of a written statement at the time of the hearing is requested and will greatly assist the transcriber. Submission of written statements to the OSMRE Columbus Field Office in advance of the hearing will allow OSMRE officials to prepare appropriate questions or statements. Written comments should be specific, pertain only to the issues discussed in this notification, and include explanation in support of the commenter's recommendations. Comments not postmarked by April 13, 1987, or received at locations other than the OSMRE Columbus, Ohio Field Office, will not necessarily be considered.

Public participation in the review of state programs is a vital component in fulfilling the purposes of SMCRA. Interested members of the public are encouraged to read the report entitled, "Fiscal Year 1986 Annual Evaluation Report for the Regulatory and Abandoned Mine Land Reclamation Programs under the Surface Mining Control and Reclamation Act of 1977 in the State of Ohio". This report will be available after March 11, 1987, at the OSMRE Columbus Field Office (See ADDRESSES).

Dated: February 20, 1987.

Jed D. Christensen,

Director, Office of Surface Mining Reclamation and Enforcement.

[FR Doc. 87-4130 Filed 2-26-87; 8:45 am]

BILLING CODE 4310-05-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30988]

Georgia Eastern Railroad Co., Acquisition and Operation Exemption; CSX Transportation, Inc.

Georgia Eastern Railroad Company has filed a notice of exemption to acquire and operate two CSX lines: (1) Between Social Circle and Monroe, GA (milepost 0.16 to milepost 10.17), a distance of 10.01 miles; and (2) between Barnett and Washington, GA (milepost 0.56 to milepost 17.33), a distance of 16.68 miles. Any comments must be filed with the Commission and served on Francis G. McKenna, 1000 Connecticut Avenue, NW., Suite 707, Washington, DC 20036.

The notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: February 17, 1987.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

FR Doc. 87-4189 Filed 2-26-87; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30986]

OHI-Rail Corp., d/b/a Ohio Southern Railroad Co., Lease and Operation Exemption; Ohio Department of Transportation

Ohi-Rail Corporation (Ohi-Rail), d/b/a Ohio Southern Railroad Company (OSRR), a Class III rail carrier, has filed a notice of exemption to lease and operate a line of railroad extending from milepost 45.8 near Glass Rock and milepost 19.4 near South Zanesville, thence to milepost 36.0 near New Lexington, in Perry and Muskingum Counties, OH.[1] This line of railroad was purchased by the Ohio Department of Transportation (Ohio) from the Consolidated Rail Corporation (Conrail) pursuant to section 308(e) of the Regional Rail Reorganization Act of 1973 (3R Act), after Conrail had filed a application under section 308 to abandon the line.[2]

Any comments must be filed with the Commission and served on: Kelvin J. Dowd, Slover & Loftus, 1224 Seventeenth Street, NW., Washington, DC 20036.

This notice is filed under 49 CFR 1150.31.[3] If the notice contains false or

[1] This notice of exemption was filed under 49 CFR 1180.2(d)(2) as an exemption from the requirements of 49 U.S.C. 11343. However, since the transaction involves the lease and operation by a carrier of rail property owned by a non-carrier, the transaction falls under 49 U.S.C. 10901. Accordingly, this notice is treated as a notice of exemption, under 49 CFR 1150.31, from the requirements of section 10901.

[2] The purchase by Ohio of the Conrail line under section 308(e) of the 3R Act did not require Commission authorization under 49 U.S.C. 10901 or 11343. Finance Docket No. 29867, *Delaware Otsego Corporation—Exemption From 49 U.S.C. 10763(c)(3), 10901, 11301, and 11343* (not printed), served April 15, 1982. However, the subsequent lease and operation of the line by OSRR is subject to the requirements of 49 U.S.C. 10901.

[3] The Railway Labor Executives' Association (RLEA) filed an unsupported request for labor

Continued

misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Dated: February 17, 1987.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 87-4190 Filed 2-26-87; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-12 (Sub-No. 112X)]

Southern Pacific Transportation Co.; Exemption; Discontinuance of Operations in Orange County, CA

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the prior approval requirements of 49 U.S.C. 10903, *et seq.*, the discontinuance of service by Southern Pacific Transportation Company over .36 miles of rail line in Orange County, CA, subject to standard labor protective conditions.

DATES: This exemption will be effective on March 30, 1987. Petitions to stay must be filed by March 9, 1987, and petitions for reconsideration must be filed by March 18, 1987.

ADDRESSES: Send pleadings referring to Docket No. AB-12 (Sub-No. 112X) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative: Gary A. Laakso, One Market Plaza, San Francisco, CA 94105.

FOR FURTHER INFORMATION CONTACT: Joseph Dettmar, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full 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.

Decided: February 18, 1987.

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

Noreta R. McGee,

Secretary.

[FR Doc. 87-4191 Filed 2-26-87; 8:45 am]

BILLING CODE 7035-01-M

[Section 5a Application No. 36]

Wearing Apparel Carriers; Agreement [1]

AGENCY: Interstate Commerce Commission.

ACTION: Notice of institution of show-cause proceeding.

SUMMARY: The Commission has made preliminary findings relating to the continued approval of Wearing Apparel Carriers' (WAC) collective ratemaking agreement and directed WAC to show cause: (1) why it and its member carriers should not be directed to cease and desist from engaging in certain collective ratemaking activity; and (2) why any claimed antitrust immunity should not be revoked. This action is taken to update the record in this proceeding in light of the statutory changes made by the Motor Carrier Act of 1980 and to ensure compliance with all requirements for rate bureaus continuing to receive antitrust immunity for collective activity.

DATES: WAC's response to the show cause order is due by March 30, 1987. Comments from other parties are due by April 27, 1987. WAC's rebuttal is due by May 18, 1987.

FOR FURTHER INFORMATION CONTACT:

Judy A. Barnes, (202) 275-7965

or

Louis E. Gitomer, (202) 275-7691.

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Commission's full decision. A copy may be purchased from T.S. InfoSystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call toll-free (800) 424-5403, or (202) 289-4357 in the Washington, DC metropolitan area.

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

(49 U.S.C. 11701, 10706, and 10321).

Decided: February 18, 1987.

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

Noreta R. McGee,

Secretary.

[FR Doc 87-4193 Filed 2-26-87; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Lodging of Consent Decree Pursuant to the Clean Water Act; Rochester, IN

In accordance with Department policy, 28 CFR 50.7, notice is hereby given that on *February 4*, 1987, a proposed consent decree in *United States* v. *City of Rochester, Indiana*, Civil Action No. S85-0469, was lodged with the United States District Court for the Northern District of Indiana. The proposed consent decree resolves a judicial enforcement action brought by the United States against the City of Rochester under the Clean Water Act for violations of the effluent limitations contained in the City's NPDES permit.

The proposed consent decree establishes a wastewater treatment plant improvement schedule which will ensure the City's compliance with the final effluent limitations in its permit by July 1, 1988. The Decree also establishes a schedule for the improvement of the City's sewer system. In addition, the Decree requires Rochester to pay a civil penalty of $25,000.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, U.S. Department of Justice, Washington, DC, and should refer to *United States* v. *City of Rochester, Indiana*, D.J. Ref. 90-5-1-1-2138.

The proposed Consent Decree may be examined at the office of the United States Attorney, 312 Federal Bldg., 507 State Street, Hammond, Indiana 46320 and at the Region V office of the Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604. Copies of the consent decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1517, Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting

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protection claiming that this transaction is subject to the mandatory labor protection provisions of 49 U.S.C. 11347. Since this transaction involves an exemption from 49 U.S.C. 10901, RLEA's request is rejected. *See Class Exemption—Acq. & Oper. of R. Lines Under 49 U.S.C. 10901*, 1 I.C.C.2d 810 (1985).

[1] This rate bureau may also be known as Garment Truckmen Association of New Jersey.

a copy, please enclose a check in the amount of $1.70 (10 cents per page reproduction cost) payable to the Treasurer of the United States.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 87-4103 Filed 2-26-87; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree Pursuant to the Clean Air Act; Tarkett, Inc.

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on February 6, 1987, a proposed Consent Decree in *United States* v. *Tarkett, Inc.*, CA. 86-0016, was lodged with the United States District Court for the Eastern District of Pennsylvania. The complaint filed by the United States alleged violations of the Clean Air Act by Tarkett due to its failure to comply with the volatile organic compound ("VOC") emission standards set forth in the Pennsylvania State Implementation Plan, 25 Penn. Code, section 129.67, at its Whitehall, Pennsylvania facility.

The complaint sought injunctive relief and civil penalties. The Consent Decree requires Tarkett to install an emission capture and control system and achieve compliance of the VOC emission standards by July 31, 1987, and to pay a civil penalty of $117,500.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments shall be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Tarkett, Inc.*, DOJ ref. 90-5-2-1-858.

The proposed Consent Decree may be examined at the Office of the United States Attorney, Edward S.G. Dennis, Jr., 3310 U.S. Courthouse, 621 Market St., Philadelphia, Pennsylvania 19106 and at the Region III office of the Environmental Protection Agency, 841 Chestnut St., Philadelphia, Pennsylvania 19107. Copies of the Consent Decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1517, Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Divison of the Department of Justice. In requesting a copy, please enclose a check in the amount of $2.30 (10 cent a page reproduction cost) payable to the Treasurer of the United States.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 87-4104 Filed 2-26-87; 8:45 am]

BILLING CODE 4410-01-M

Immigration and Naturalization Service

Meeting on INS Issuance of Cooperative Agreement

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the purpose and proposed agenda of the upcoming Immigration and Naturalization Service meeting regarding the issuance of Cooperative Agreements to Designated Entities pursuant to the "Immigration Reform and Control Act of 1986.

DATE: *March 6, 1987 at 1:00 p.m.*

ADDRESS: Immigration and Naturalization Service, 425 I Street, NW., Conference Room 7111, Washington, DC 20536.

For copies of the Cooperative Agreement and the Cooperative Agreement Applications, please write or call: Director, Outreach Program, Immigration and Naturalization Service, 425 I Street, NW., Room 6230, Washington, DC 20536, (202) 633-4123.

FOR FURTHER INFORMATION CONTACT: E.B. Duarte, Jr., Outreach Program Director, Immigration and Naturalization Service, 425 I Street, Room 6230, Washington, DC 20536. Telephone: (202) 633-4123.

SUPPLEMENTARY INFORMATION: The Immigration and Naturalization Service (INS) envisions the issuance of Cooperative Agreements pursuant to "The Immigration Reform and Control Act of 1986."

The Immigration and Naturalization Service will make use of cooperative agreements to provide information and assistance to persons applying for the benefits of temporary residence in the United States. The "Immigration Reform and Control Act of 1986," Title III, section 201, provides that:

> . . . for purposes of assisting in the general program of legalization provided under this section, the Attorney General—
>
> (1) shall designate qualified voluntary organizations and other qualified state, local and community, farm labor organizations and associations of agricultural employers, and
>
> (2) may designate such other persons as the Attorney General determines are qualified and have substantial experience, demonstrated competence, and traditional long-term involvement in the preparation and submittal of applications for adjustment of status under section 209 or 245, Public Law 89-732, or Public Law 95-145.

The INS will hold a pre-application conference to discuss the cooperative agreement terms and conditions that determine the relationship between the responsibilities of the government and those designated entities awarded cooperative agreements. Under a cooperative agreement, QDEs are expected to provide information and assistance to legalization and special agricultural worker applicants applying for temporary residence according to the Immigration Reform and Control Act of 1986.

The agenda for the meeting is as follows:

1:00 p.m.: General Introduction
1:15 p.m.: Implementation of the Immigration Reform and Control Act of 1986
1:30 p.m.: Formal Involvement of Designated Entities in Legalization and Special Agricultural Worker Programs for Temporary Residence
2:00 p.m.: Review of Cooperative Agreement
2:30 p.m.: Application Processing Review and Approval Procedures, Funding, Training and Monitoring
3:00 p.m.: Questions/Answers
4:00 p.m.: Adjournment

Dated: February 25, 1987.

Richard E. Norton,

Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 87-4250 Filed 2-26-87; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar

character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and firing 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.

New General Wage Determination Decisions

The numbers of the decisions being added to the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" are listed by Volume, State, and page number(s).

Volume III
South Dakota:
SD87-3 ..... pp. 304a-304b.

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
Maryland:
MD87-2 (Jan. 2, 1987) ..... p. 418.
MD87-15 (Jan. 2, 1987) ..... p. 450.
New York:
NY87-7 (Jan. 2, 1987) ..... pp. 738-739.
NY87-9 (Jan. 2, 1987) ..... p. 768.
NY87-12 (Jan. 2, 1987) ..... p. 790.
Volume II
Iowa:
IA87-2 (Jan. 2, 1987) ..... p. 28.
IA87-7 (Jan. 2, 1987) ..... p. 56.
Illinois:
IL87-1 (Jan. 2, 1987) ..... p. 68-69, 75.
Louisiana:
LA87-5 (Jan. 2, 1987) ..... pp. 385, 388.
Michigan:
MI87-1 (Jan. 2, 1987) ..... p. 409.
MI87-3 (Jan. 2, 1987) ..... p. 439, 441.
MI87-5 (Jan. 2, 1987) ..... pp. 459-462, 466-471.
MI87-12 (Jan. 2, 1987) ..... pp. 504-505.
MI87-17 (Jan. 2, 1987) ..... p. 520.
Ohio:
OH87-1 (Jan. 2, 1987) ..... p. 719, 721-723
OH87-3 (Jan. 2, 1987) ..... p. 756-757.
OH87-28 (Jan. 2, 1987) ..... pp. 812-813.
Oklahoma:
OK87-17 (Jan. 2, 1987) ..... p. 912f.
Texas:
TX87-7 (Jan. 2, 1987) ..... pp. 936-938.
TX87-9 (Jan. 2, 1987) ..... p. 944.
Wisconsin:
WI87-10 (Jan. 2, 1987) ..... p. 1129.
Volume III
Hawaii:
HI87-1 (Jan. 2, 1987) ..... p. 130.
Washington:
WA87-3 (Jan. 2, 1987) ..... p. 367.
Listing by Location (index).. pp. XXIX-XXX.
Listing by Decision (index).. p. XXXIV.

General Wage Determination Publication

General wage determination issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the Country. Subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783-3238.

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC, this 20th day of February 1987.

Nancy M. Flynn,

Acting Assistant Administrator.

[FR Doc. 87-4218 Filed 2-26-87; 8:45 am]

BILLING CODE 4510-27-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 87-17]

NASA Advisory Council (NAC), Life Sciences Advisory Committee (LSAC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the

NASA Advisory Council, Life Sciences Advisory Committee.

Date and time: March 13, 1987, 9 a.m.–5 p.m., March 14, 1987, 9 a.m.–3 p.m.

ADDRESS: Capitol Holiday Inn, 550 C Street SW., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Dr. Ronald J. White, Code EBF, National Aeronautics and Space Administration, Washington, DC 20546 (202/453–1656).

SUPPLEMENTARY INFORMATION: The Life Sciences Advisory Committee provides advice on the coordination of NASA's life sciences research program. It assists in the long-range planning of space life sciences research and coordinated ground-based research. At this meeting, possible new initiatives for FY-1989 in the life sciences will be reviewed and discussed. The committee is composed of 28 members. The meeting will be closed Saturday, March 14, at 1:30 p.m. to allow for a discussion on membership. Such a discussion would invade the privacy of the individuals involved. Since this session will be concerned with matters listed in 5 USC 552b(c)(6), it has been determined that the meeting will be closed to the public for this period of time. The remainder of the meeting will be open to the public up to the seating capacity of the room (approximately 30 persons including committee members and other participants).

Meeting: Open, except for a closed session as noted in the agenda below.

AGENDA:

March 13, 1987

9 a.m. Welcoming Remarks.

9:15 a.m. Announcements/Review of Agenda.

9:30 a.m. Office of Space Science and Applications and Agency Status.

10 a.m. Life Sciences Status.

10:30 a.m. New Initiatives Discussion.

1:30 p.m. New Initiatives Discussion.

5 p.m. Adjourn.

March 14, 1987

9 a.m. Comet Rendezvous Asteroid Flyby Mission and Life Sciences.

10 a.m. Health Maintenance Facility Status.

11 a.m. Committee Discussion.

1:30 p.m. Closed Session on Membership.

3 p.m. Adjourn.

Richard L. Daniels,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 87–4073 Filed 2–26–87; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Visual Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Visual Arts Advisory Panel (Art in Public Places Section) to the National Council on the Arts will be held on March 17–19, 1987, from 9:00 a.m.–6:00 p.m. in room 730 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5433.

John H. Clark,

Director, Council and Panel Operations, National Endowment for the Arts.

February 24, 1987.

[FR Doc. 87–4083 Filed 2–26–87; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL SCIENCE FOUNDATION

Alan T. Waterman Award Committee; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Alan T. Waterman Award Committee.

Date: Wednesday, March 18, 1987.

Time: 9 a.m. to 5 p.m.

Place: Rm. 540, National Science Foundation, 1800 G Street, NW., Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Mrs. Lois J. Hamaty, Executive Secretary, Alan T. Waterman Award Committee, National Science Foundation, Washington, DC 20550 Telephone: 202/357–7512.

Purpose of Committee: To provide advice and recommendations in the selection of the Alan T. Waterman Award recipient.

Reason for Closing: The nominations being reviewed include information of a personal nature where disclosure would constitute unwarranted invasions of personal privacy. These matters are within exemption 6 of 5 U.S.C. 552(c), Government in the Sunshine Act.

Authority To Close Meeting: The determination made on February 20, 1987 by the Director of the National Science Foundation pursuant to the provisions of section 10(d) of Pub. L. 92–463.

M. Rebecca Winkler,

Committee Management Officer.

February 23, 1987.

[FR Doc. 87–4122 Filed 2–26–87; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–155]

Environmental Assessment and Finding of No Significant Impact; Consumers Power Co.

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an exemption from the schedular requirement of 10 CFR 50.71(e)(ii) to the Consumers Power Company (the licensee) for the Big Rock Point Plant located in Charlevoix County, Michigan.

Environmental Assessment

Identification of the Proposed Action

The proposed action would grant an exemption from the requirements of 10 CFR 50.71(e)(3)(ii) to submit an updated Final Hazards Summary Report (FHSR) for the Big Rock Point Plant within 24 months of receipt of a letter notifying the licensee that the Systematic Evaluation Program (SEP) has been completed. Big Rock Point Plant, as one of the plants chosen to be evaluated in the SEP was, therefore, subject to the provisions of 10 CFR 50.71(e)(3)(ii).

The licensee was notified by letter dated August 27, 1984 that the SEP had been completed for the Big Rock Point Plant. The licensee, by application dated August 27, 1986, as supplemented December 3, 1986, has requested an exemption from the schedular requirements of 10 CFR 50.71(e)(3)(ii) in order to allow time for the licensee to complete a newly agreed upon updated FHSR. The deferral of the submittal of the updated FHSR is the proposed action being considered by the staff.

The Need for the Proposed Action

The licensee, by letter dated March 13, 1983, requested that the updating of the Big Rock Point FHSR be included in an expanded assessment of outstanding regulatory requirements as part of the SEP. The primary purpose of this request was to allow better management of licensee resources which were to be applied to regulatory and nonregulatory tasks.

The licensee proposed that a method of indexing pertinent documents, which could provide a chronology and identification of design changes to the Big Rock Point Plant, might serve as a workable substitute to an updated FHSR. In NUREG-0828, dated May 1984, transmitted to the licensee by NRC letter dated August 27, 1984, the NRC staff concluded that this proposal was acceptable, provided the index of documents identified specific SEP Topic safety evaluation references.

Although the above referenced evaluations were incorporated into the indexing system, subsequent review by the NRC staff has resulted in the identification of additional concerns such that the proposed substitute does not constitute a completely adequate alternative to an updated FHSR. After telephone discussions with the licensee, an agreement was reached for the licensee to provide an updated FHSR to the NRC by December 31, 1988. Therefore, a schedular exemption is required in order to allow time for the licensee to complete an updated FHSR.

Environmental Impact of the Proposed Action

The proposed exemption involves only the required date for submittal of a document describing the as-built condition of the Big Rock Point Plant and does not increase the risk of facility accidents. Thus, the proposed exemption does not involve any increase in the likeklihood of the release of radioactive or nonradioactive effluents from those already determined, nor does the proposed action have other environmental impact. Therefore, the Commission concludes there are no measurable radiological or nonradiological environmental impacts associated with the proposed exemption.

Alternatives to the Proposed Action

Since the Commission has concluded there is no measurable environmental impact associated with the proposed exemption, any alternatives with equal or greater environmental impacts need not be evaluated. The principal alternative to the exemption would be to require an earlier date for the submittal of the updated FHSR. Such an action would not enhance the protection of the environment and would result in unnecessary diversion of licensee engineering resources from other work of higher safety significance.

Alternative Use of Resources

This action does not involve the use of resources beyond the scope of resources used during normal plant operation.

Agencies and Persons Contacted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption. Based upon the environmental assessment, the NRC staff concludes that the proposed action will not have a significant effect on the quality of the human evironment.

For further details with respect to this proposed action, see the licensee's letters dated August 27, 1986 as supplemented December 3, 1986. These letters are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, DC, and at North Central Michigan College, 1515 Howard Street, Petoskey, Michigan 49770.

Dated at Bethesda, Maryland, this 20th day of February 1987.

For the Nuclear Regulatory Commission.

Rajender Auluck,

Acting Director, BWR Project Directorate #1, Division of BWR Licensing.

[FR Doc. 87-4142 Filed 2-26-87; 8:45 am]

BILLING CODE 7590-01-M

RAILROAD RETIREMENT BOARD

Determination of Quarterly Rate of Excise Tax for Railroad Retirement Supplemental Annuity Program

In accordance with directions in section 3221(c) of the Railroad Retirement Tax Act (26 U.S.C., section 3221(c)), the Railroad Retirement Board has determined that the excise tax imposed by such section 3221(c) on every employer, with respect to having individuals in his employ, for each work-hour for which compensation is paid by such employer for services rendered to him during the quarter beginning April 1, 1987, shall be at the rate of 24 cents.

In accordance with directions in section 15(a) of the Railroad Retirement Act of 1974, the Railroad Retirement Board has determined that for the quarter beginning April 1, 1987, 28.7 percent of the taxes collected under sections 3211(b) and 3221(c) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Account and 71.3 percent of the taxes collected under such sections 3211(b) and 3221(c) plus one hundred percent of the taxes collected under section 3221(d) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Supplemental Account.

Dated: February 18, 1987.

By Authority of the Board.

Beatrice Ezerski,

Secretary of the Board.

[FR Doc. 87-4110 Filed 2-26-87; 8:45 am]

BILLING CODE 7905-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 34-24104; File No. SR-Amex-87-2]

Self Regulatory Organization; Filing and Immediate Effectiveness of Proposed Rule Change by American Stock Exchange, Inc.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on January 13, 1987, the American Stock Exchange, Inc. ("Amex" or "Exchange") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The Amex proposes to adopt an interpretation of its Rule 111(a)(1), (b) and (e) which would make those provisions inapplicable to Amex Registered Equity Market Makers ("REMMs") trading in Americus Trust components.[1] The provisions of Amex Rule 111 which the Exchange seeks to interpret currently serve to: (1) Prohibit REMMs from congregating in a particular stock; (2) prohibit REMMs from effecting "long" stock purchases

[1] An Americus Trust ("Trust") consists of Trust units which have been issued in exchange for shares of common stock tendered into the trust by shareholders in the particular company on which the trust is based. Each unit consists of two separate components. The PRIME component retains all rights of share ownership including voting and dividend rights. The SCORE component, although retaining no voting or dividend rights, is entitled at the termination of the Trust to capital appreciation above the termination of the Trust to capital appreciation above the termination claim price fixed when the trust was established. We note Amex currently trades two Americus trusts—the Exxon Trust and the American Home Products Trust.

above the previous day's closing price on "plus" or "zero plus" ticks; and (3) require that 75% of the REMMs acquisition and liquidating transactions be stabilizing. The Exchange states that these restrictions were intended to address concerns regarding the potential time and place advantages of floor traders—which were subsequently reflected in the restrictions on trading established in section 11(a)(1) of the Act—and the potential for destabilizing proprietary transactions by such traders.

The Exchange states that the restrictions in Rule 111(a)(1), (b) and (e) are not appropriate for trading in Americus Trust components because Congressional and Commission concerns relating to the "time and place" advantages of floor traders are not raised by the trading of such derivative products where an exchange, in this case the Amex, is not the primary market for the stocks underlying the Trust and Trust components are priced primarily from the underlying common stock quotation.[2]

The Amex believes that its market in Americus Trust components can benefit from additional market making activity by REMMs, and that its interpretation of Rule 111 should encourage such additional participation. In addition, Amex believes that increased REMM participation should result in added depth and liquidity for the markets in Americus Trust components. Amex also noted that REMMs would continue to be subject to other affirmative and regulative market making obligations imposed under its rules and to the other specific requirements of Rule 114 applicable to REMMs.

The Amex states that this proposed rule change is consistent with section 6(b)(5) of the Act in that it is designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, and remove impediments to and perfect the mechanism of a free and open market and a national market system.

The foregoing change has become effective, pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b–4 under the Act.[3] At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC. Copies of the submission, all subsequent amendments, all written communication relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Branch, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to file number SR–Amex–87–2 and should be submitted by March 20, 1987.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: February 17, 1987.

Jonathan G. Katz,

Secretary.

[FR Doc. 87–4114 Filed 2–26–87; 8:45 am]

BILLING CODE 8010–01–M

[2] In this regard, Amex states that this interpretation is consistent with the provisions of Rule 950 which designate the requirements of Rule 111(a)(1), (b) and (e) inapplicable to options transactions by Registered Options Traders ("ROT").

[3] In its filing, Amex states that their proposal is a stated policy, practice, or interpretation with respect to the meaning, administration or enforcement of Amex Rule 111.

[Rel. No. 34–24111; File No. SR–CBOE–85–52]

Self-Regulatory Organizations; Chicago Board Options Exchange, Inc; Order Approving Proposed Rule Change

On December 11, 1985, the Chicago Board Options Exchange, Incorporated ("CBOE" or "Exchange") submitted to the Securities and Exchange Commission ("Commission"), pursuant to section 19(b)(1) under the Securities Exchange Act of 1934 ("Act") [1] and Rule 19b–4 thereunder,[2] a proposed rule change that would allow CBOE member organizations, including clearing firms, to establish their own exercise cut-off times for foreign currency options.

The proposed rule change was noticed in Securities Exchange Act Release No. 22833 (January 24, 1986), 51 FR 4057. No comments were received on the proposal.

The proposed rule change would extend the exercise cut-off time for foreign currency options traded on the CBOE. Currently, pursuant to CBOE Rule 11.1, CBOE member organizations must submit exercise instructions for expiring option positions no later than 4:30 p.m. Chicago time on the business day immediately prior to the expiration date. The proposed rule change would extend this deadline by providing that Rule 11.1 shall not apply to currency option contracts.

The proposed rule change states that member organizations, including clearing firms, shall establish their own exercise cut-off times. These firms however, must continue to establish times that allow clearing firms to comply with the rules of the Options Clearing Corporation ("OCC").[3] The CBOE has stated that the proposed rule change is intended to permit persons wishing to exercise currency option contracts to have as much time as possible to do so consistent with the rules of the OCC. CBOE noted in its rule filing that the foreign currencies underlying its options contracts continue to trade after the general exercise cut-off time established by CBOE Rule 11.1.

The Commission believes that the proposed rule change will facilitate transactions in foreign currency options by enabling member firms to set more optimal exercise cut-off times. For this reason, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of Section 6,[4] and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[5] that the proposed rule change is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: February 18, 1987.

Jonathan G. Katz,

Secretary.

[FR Doc. 87–4115 Filed 2–26–87; 8:45 am]

BILLING CODE 8010–01–M

[1] 15 U.S.C. 78s(b)(1)(1982).

[2] 17 C.F.R. 240.19b–4 (1985).

[3] *See* letter from Anne Taylor, Secretary and Associate General Counsel, CBOE, to Sharon Lawson, Esq., Division of Market Regulation, SEC, dated June 23, 1986.

[4] 15 U.S.C. 78f (1982).

[5] 15 U.S.C. 78s(b)(2) (1982).

[Rel. No. 34-24120; File No. SR-MBS-87-2]

Self-Regulatory Organizations; Proposed Rule Change by MBS Clearing Corporation Relating MBSCC's Policy Regarding the Physical Withdrawal of Securities Eligible for Deposit in MBSCC's Depository Division, Notice of Filing of Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on February 9, 1987 the MBS filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Attached as Exhibit A is the MBS Clearing Corporation's ("MBSCC") procedures regarding the physical withdrawal of securities eligible ("Eligible Securities") for deposit in MBSCC's Depository Division. The proposal would become effective by the expiration of the 90-day temporary rule change noticed in a previous rule filing (File No. SR-MBS-87-1).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed rule change clarifies and sets forth MBSCC's policy regarding the physical withdrawal of Eligible Securities. The policy covers Eligible Securities subject to the Public Securities Association's ("PSA") Good Delivery Guideline for securities issued by the Government National Mortgage Association ("GNMA"), as adopted on December 29, 1986, as well as those not subject to PSA's guideline. The PSA guideline was announced together with a schedule by GNMA and PSA for the conversion of GNMA securities into book-entry form.

The policy substantially limits, but does not altogether prohibit, the withdrawal of securities subject to PSA's Good Delivery Guideline. Securities not subject to the guideline may be withdrawn by MBSCC Participants and registered in the name of the Participant or the name of a customer of the Participant. Securities subject to the guideline may be withdrawn and registered in a Participant's name only if the Participant is legally required to maintain physical possession of the securities. Participants may otherwise request physical withdrawal of securities on behalf of a customer only if the customer is legally required to maintain physical possession of the securities or the customer, to the best of the Participant's knowledge, does not intend to trade or deliver the withdrawn securities.

Consistent with PSA's Good Delivery Guideline, the policy essentially ensures that securities subject thereo will be cleared and settled in book-entry form through a registered clearing agency. The policy is designed to reduce physical withdrawal requests for book-entry eligible securities subject to the guideline and encourage the centralized processing of mortgage-backed securities transactions. By placing reasonable restrictions on the physical withdrawal of mortgage-backed securities subject to the PSA guideline, the proposed rule change will both foster PSA's mandate for book-entry settlement of certain transactions and significantly reduce delays, unmatched transaction orders and other human errors often associated with the physical delivery and transfer of certificates.

The proposed rule change is consistent with section 17A of the Securities Exchange Act of 1934 in that it encourages the processing and facilitation of securities clearance and settlement of mortgage-backed securities, thereby reducing current inefficient procedures and costs to issuers and investors of mortgaged-backed securities.

(B) Self-Regulatory Organization's Statement on Burden on Competition

MBSCC does not believe that any burden will be placed on competition as a result of the proposed rule change.

(C) Self-Regulatory Oraganization's Statement of Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments have not been generally solicited or received. However, representatives of PSA and GNMA have had the opportunity to review the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will: (A) By order approve the proposed rule change, or (B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-referenced self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by March 20, 1987.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: February 19, 1987.

Jonathan G. Katz,

Secretary.

Exhibit A—MBSCC Procedure for Physical Withdrawal of Depository Eligible Securities

The following is MBSCC's Procedure for physical withdrawal of securities from the MBSCC Depository. The Procedure covers

securities that are *not* yet subject to PSA's Good Delivery Guideline, as adopted by PSA on December 29, 1986, *as well as those* subject to the guideline. This Procedure limits almost in its entirety the withdrawal of securities that are subject to PSA's Good Delivery Guidelines. This is consistent with PSA's and GNMA's intent to move vigorously to a book-entry settlement environment for GNMA securities.

Securities Not Yet Subject to Good Delivery Guideline

In the case of securities not yet subject to the Good Delivery Guideline, a Participant will be permitted to withdraw Securities held by the Depository upon the Participant's submission of a request on the form prescribed by MBSCC. The Participant must specify whether the securities should be registered in the name of the Participant or the name of a customer of the Participant. Assuming that the request is made within the appropriate cut-off times prescribed by MBSCC, securities will be processed within four-to-twelve hours of such request.

Securities Subject to Good Delivery Guideline

MBSCC will honor requests to withdraw securities subject to the PSA Good Delivery Guideline in a Participant's name only in the unlikely event that the Participant is legally required to maintain physical possession of securities. Other Participants may submit requests for withdrawal of securities only if they request that the securities be registered in the name of a customer who is legally required to maintain physical possession of the securities or who, to the best of the Participant's knowledge, does not intend to trade, or deliver for financing purposes, the securities withdrawn.

Assuming a request for withdrawal satisfies the foregoing guidelines and is made within the appropriate cut-off times and on forms prescribed by MBSCC, MBSCC will make the securities available seven calendar days from the date of withdrawal request. Participants should advise their customers that payment will be required on settlement date, even though the physical security may be received sometime thereafter.

By making a request for the withdrawal of securities, an MBSCC Depository Participant represents to the Depository that the withdrawal will satisfy the foregoing guidelines. Abuse of this policy will subject the offending Participant's continued participation in the Depository to review by the MBS Clearing Corporation Board of Directors.

[FR Doc. 87-4116 Filed 2-26-87; 8:45 am]
BILLING CODE 8010-01-M

[Rel. No. 34-24118; File No. SR-MBS-87-1]

Self-Regulatory Organizations; Proposed Rule Change by MBS relating to MBSCC's Policy Regarding the Physical withdrawal of Eligible Securities; Filing and Immediate Effectiveness of Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on February 9, 1987 the MBS filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Attached as Exhibit A is the MBS Clearing Corporation's (MBSCC) procedures regarding the physical withdrawal of securities eligible ("Eligible Securities") for deposit in MBSCC's Depository Division. The procedures will be in effect for a period of 90 days from the date of filing.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed rule change clarifies and sets forth MBSCC's policy regarding the physical withdrawal of Eligible Securities. The policy covers Eligible Securities subject to the Public Securities Association's ("PSA") Good Delivery Guideline for securities issued by the Government National Mortgage Association ("GNMA"), as adopted on December 29, 1986, as well as those not subject to PSA's guideline. The PSA guideline was annonced together with a schedule by GNMA and PSA for the conversion of GNMA securities into book-entry form.

The policy substantially limits, but does not altogether prohibit, the withdrawal of securities subject to PSA's Good Delivery Guidelines. Securities not subject to the guideline may be withdrawn by MBSCC Participants and registered in the name of the Participant or the name of a customer of the Participant. Securities subject to the guideline may be withdrawn and registered in a Participant's name only if the Participant is legally required to maintain physical possession of the securities. Participants may otherwise request physical withdrawal of securities on behalf of a customer only if the customer is legally required to maintain physical possession of the securities or the customer, to the best of the Participant's knowledge, does not intend to trade or deliver the withdrawn securities.

Consistent with PSA's Good Delivery Guideline, the policy essentially ensures that securities subject thereto will be cleared and settled in book-entry form through a registered clearing agency. The policy is designed to reduce physical withdrawal requests for book-entry eligible securities subject to the guideline and encourage the centralized processing of mortgage-backed securities transactions. By placing reasonable restrictions on the physical withdrawal of mortgage-backed securities subject to the PSA guideline, the proposed rule change will both foster PSA's mandate for book-entry settlement of certain transactions and significantly reduce delays, unmatched transaction orders and other human errors often associated with the physical delivery and transfer of certificates.

The proposed rule change is consistent with Section 17A of the Securities Exchange Act of 1934 in that it encourages the processing and facilitation of securities clearance and settlement of mortgage-backed securities, thereby reducing current inefficient procedures and costs to issuers and investors of mortgage-backed securities.

(B) Self-Regulatory Organization's Statement on Burden on Competition

MBSCC does not believe that any burden will be placed on competition as a result of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments have not been generally solicited nor received. However, representatives of PSA and GNMA have had the opportunity to review the proposed rule change. The rule change is effective for a period of 90 days from the date of filing. Another filing (File No. SR-MBS-87-2), which will propose permanent adoption of the rule change, also will solicit public comment.

III. Date of Effectivness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change. the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copes of such filing will also be available for inspection and copying at the principal office of the above-referenced self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by March 20, 1987.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: February 19, 1987.

Jonathan G. Katz,

Secretary.

Exhibit A—Mbscc Procedure for Physical Withdrawal of Depository Eligible Securities

The following is MBSCC's Procedure for physical withdrawal of securities from the MBSCC Depository. The Procedure covers securities that are *not* yet subject to PSA's Good Delivery Guideline, as adopted by PSA on December 29, 1986, *as well as those* subject to the guideline. This Procedure limits almost in its entirety the withdrawal of securities that are subject to PSA's Good Delivery Guidelines. This is consistent with PSA's and GNMA's intent to move vigorously to a book-entry settlement environment for GNMA securities.

Securities Not Yet Subject to Good Delivery Guideline

In the case of securities not yet subject to the Good Delivery Guideline, a Participant will be permitted to withdraw Securities held by the Depository upon the Participant's submission of a request on the form prescribed by MBSCC. The Participant must specify whether the securities should be registered in the name of the Participant or the name of a customer of the Participant. Assuming that the request is made within the appropriate cut-off times prescribed by MBSCC, securities will be processed within four-to-twelve hours of such request.

Securities Subject to Good Delivery Guideline

MBSCC will honor request to withdraw securities subject to the PSA Good Delivery Guideline in a Participant's name only in the unlikely event that the Participant is legally required to maintain physical possession of securities. Other Participants may submit requests for withdrawal of securities only if they request that the securities be registered in the name of a customer who is legally required to maintain physicial possession of the securities or who, to the best of the Participant's knowledge, does not intend to trade, or deliver for financing purposes, the securities withdrawn.

Assuming a request for withdrawal satisfies the foregoing guidelines and is made within the appropriate cut-off times and on forms prescribed by MBSCC, MBSCC will make the securities available seven calendar days from the date of withdrawal request. Participants should advise their customers that payment will be required on settlement date, even though the physical security may be received sometime thereafter.

By making a request for the withdrawal of securities, an MBSCC Depository Participant represents to the Depository that the withdrawal will satisfy the foregoing guidelines. Abuse of this policy will subject the offending Participant's continued participation in the Depository to review by the MBS Clearing Corporation Board of Directors.

[FR Doc. 87–4117 Filed 2–26–87; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. 3424110 File No. SR–NASD–87–7]

Self-Regulatory Organizations; Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to Settlement of Syndicate Accounts

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on February 3, 1987, the National Association of Securities Dealers, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Item I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule amends paragraph (b) of section 66 of NASD Uniform Practice Code to reduce the time period for settling syndicate accounts from 120 days to 90 days.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Section (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Changes

Section 66 of the NASD Uniform Practice Code which was the subject of a prior rule filing (SR–NASD–85–14) became effective on October 1, 1985. The rule was adopted after the NASD determined it was common for lengthy delays to occur in settling syndicate accounts.

Syndicate accounts are ordinarily established by underwriting groups to process the income and expenses of the syndicate. Delays in settling these accounts can result in unnecessary outlays of time and money by syndicate participants. Some members reported that syndicate accounts could take as long as one year to settle after the syndicate settlement date. It is in response to these lengthy and costly delays that NASD is proposing a rule which would establish a time by which these accounts must be closed.

In its original filing the NASD proposed that syndicate managers be required to settle syndicate accounts within 120 days of the date securities are delivered by the issuer to, or for the account of, the syndicate members. In addition, however, it was stated in that filing that after one year, the Board of Governors would review the experience under the rule with a view to reducing the time period to 90 days.

The NASD Corporate Financing Committee reviewed the experience of

members with the rule and recommended that the contemplated time reduction be adopted. The NASD Board of Governors concluded that such a reduction was appropriate and adopted the proposed rule change.

The NASD has adopted the proposed rule changes pursuant to section 15A(b)(6) of the Securities Exchange Act of 1934, which requires that the Association's rules be designed to "promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and, in general, protect investors and the public interest." The Association believes that the proposed rule change, like its predecessor, is consistent with this purpose because it further removes an impediment to a free and open market by requiring even more timely settlement of syndicate accounts.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Association believes that the proposed rule change does not impose any burden on competition not necessary or appropriate in furtherance of the purpose of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

The NASD neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change,

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provision of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by March 20, 1987.

For the Commission by the Division of Market Regulation pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

Dated: February 18, 1987.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-4118 Filed 2-26-87; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/1052]

Oceans and International Environmental and Scientific Affairs Advisory Committee; Partially Closed Meeting

The Antarctic Section of the Oceans and International Environmental and Scientific Affairs Advisory Committee will meet at 10:00 AM, Tuesday, March 31, 1987, in Room 1205, Department of State, 22nd and C Streets, NW., Washington, DC.

At this meeting, officers responsible for Antarctic affairs in the Department of State will discuss key issues and problems involving the Antarctic in the context of current domestic and international developments. This session will be open to the public. The public will be admitted to the session to the limits of seating capacity and will be given the opportunity to participate in discussion according to the instructions of the chairman. As access to the Department of State is controlled, persons wishing to attend the March 31 meeting should enter the Department through the Diplomatic ("C" Street) Entrance. Department officials will be at the Diplomatic Entrance to escort attendees to Room 1205.

The Antarctic Section of the Oceans and International Environmental and Scientific Affairs Advisory Committee will also meet on Monday, March 30, 1987, in Room 1205, Department of State, 22nd and C Streets, NW., in sessions that will not be open to the public. As these sessions will include discussion of classified material, they have been closed pursuant to section 10(d) of the Federal Advisory Committee Act and 5 U.S.C. 552b(c)(1) and 5 U.S.C. 552b(c)(9)(B). The disclosure of classified material and revelation of considerations which go into policy development would substantially undermine and frustrate the U.S. position in future negotiations. The purpose of these discussions will be to elicit views concerning the further development of United States policy regarding Antarctic resources, particularly Antarctic mineral resources. This portion of the meeting will include classified briefings and examination and discussion of classified documents pursuant to Executive Order 12356.

Requests for further information on the meetings should be directed to R. Tucker Scully of OES/OPA, Room 5801, Department of State. He may be reached by telephone on (202) 647-3262.

John D. Negroponte,

Chairman.

[FR Doc. 87-4206 Filed 2-26-87; 8:45 am]

BILLING CODE 4710-09-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

San Jose International Airport; Receipt of Noise Compatibility Program and Request for Review

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces formal receipt of the proposed San Jose International Airport noise compatibility program 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. The proposed noise compatibility program was submitted to the Western-Pacific Regional Director on November 26, 1986, for review and approval under Part 150 in conjunction with noise exposure maps which were found acceptable by the FAA on December 30, 1986. The noise compatibility program will be approved or disapproved by the Administrator on or before August 9, 1987.

EFFECTIVE DATE: The effective date of the start of the formal 180-day review period for the San Jose International Airport noise compatibility program is February 11, 1987.

FOR FURTHER INFORMATION CONTACT: Thomas J. Conley, Environmental Protection Specialist, AWP-611.3, Federal Aviation Administration, Western-Pacific Region, P.O. Box 92007,

World Way Postal Center, Los Angeles, California 90009, (213) 297–1621.

SUPPLEMENTAL INFORMATION: An airport operator who has submitted noise exposure maps that are accepted by FAA as meeting the criteria published in Part 150 may also submit a noise compatibility program for FAA approval. The program must set forth the measures the airport operator has taken or proposes to take for the reduction of existing noncompatible land uses and for the prevention of the introduction of additional noncompatible uses.

San Jose International Airport (SJC) submitted to the FAA on November 26, 1986, a proposed noise compatibility program conducted at SJC. It was requested that the FAA approve the submittal to be implemented jointly by the airport, the airport users and the surrounding communities, as a noise compatibility program under section 104(b) of the Aviation Safety and Noise Abatement Act of 1979.

Upon the December 30, 1986 acceptance of the SJC noise exposure maps and completion of the preliminary review of the submitted material for a noise compatibility program, the FAA has formally received the noise compatibility program for SJC. Preliminary review indicates that the submittal conforms to the requirements of Part 150 for noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program by the Administrator. The formal review period, limited by law to a maximum of 180 days, will be completed on or before August 9, 1987.

The proposed program includes recommended measures relating to flight procedures for noise control purposes which are exempt from the 180 day review procedures. The FAA's detailed evaluation of these measures will be conducted under the provisions of Part 150.33. The primary considerations in the evaluation are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, and are reasonably consistent with obtaining the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses.

Interested persons are invited to comment on the program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Because the FAA may approve a proposed noise compatibility program in less than 180 days, no formal comment period has been established. Comments received subsequent to FAA approval or disapproval, even if received beyond the 180 day limit, will be acknowledged and considered in evaluating project applications to implement elements of the program. Copies of the proposed noise compatibility program are available for examination at the following locations:

Federal Aviation Administration, 800 Independence Avenue, SW., Room 617, Washington, DC, 20591

Western-Pacific Region, Federal Aviation Administration, Airports Division, AWP–600, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009

Mr. Raul L. Regalado, C.A.E., Director of Aviation, San Jose International Airport, 1661 Airport Blvd., San Jose, California 95110–1285.

Questions may be directed to the individual named above under the heading **"FOR FURTHER INFORMATION CONTACT."**

Issued in Hawthorne, California, on February 11, 1987.

Herman C. Bliss,

Manager, Airports Division, FAA, Western-Pacific Region.

[FR Doc. 87–4058 Filed 2–26–87; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; Putnam & St. Johns Counties, FL

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared for a proposed highway project in Putnam and St. Johns Counties, Florida.

FOR FURTHER INFORMATION CONTACT: David Van Leuven, District Engineer, Federal Highway Administration, 227 N. Bronough Street, Room 2015, Tallahasseee, Florida 32301, Telephone: (904) 681–7231.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Florida Department of Transportation, will prepare an EIS for a proposal to improve S.R. 207 in Putnam and St. Johns Counties, Florida. The proposed improvement would involve the reconstruction of S.R. 207 from S.R. 100/East Palatka to S.R. 5 (U.S. 1) in St. Augustine, a distance of 24.5 miles. Improvements to the corridor are considered necessary to provide for the existing and projected traffic demands.

Alternatives under consideration include: (1) Taking no action; (2) widening to a multi-lane divided roadway with additional right of way; and (3) widen existing facility and add four-foot paved shoulders within the existing right of way.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private citizens who have expressed interest in this proposal. A series of public meetings will be held in Putnam and St. Johns Counties. In addition, a public hearing will be held. Public notice will be given of the time and place of the meetings and hearing. The draft EIS will be made available for public and agency review and comment. The scoping process will be informal using correspondence and personal contacts; no formal scoping meeting will be held.

To assure that the full range of issues related to the proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Issued on: February 18, 1987.

James E. St. John,

Assistant Division Administrator, Tallahassee, Florida.

[FR Doc. 87–4207 Filed 2–26–87; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement: Lancaster, Berks and Chester Counties, PA

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed highway project in Lancaster County, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Philibert A. Ouellet, District Engineer, Federal Highway Administration, 228 Walnut Street, P.O. Box 1086,

Harrisburg, Pennsylvania 17108. Telephone: (717) 782–4422,

or

Philip D. Miller, Project Manager, Pennsylvania Department of Transportation, 21st and Herr Street, Harrisburg, Pennsylvania 17103–1699, Telephone: (717) 783–5149.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Pennsylvania Department of Transportation (PennDOT) will conduct a Traffic Relief Study and prepare an Environmental Impact Statement (EIS) to identify and evaluate alternatives which provide a viable means of relieving traffic congestion on Traffic Routes (T. R.) 23 and 30 in eastern Lancaster County, Pennsylvania. A two-phased study approach will be used to identify and evaluate alternatives.

The initial phase of this process is for scoping and alternative selection. The study will involve the development of potential alternatives through the study area which will assist in relieving traffic congestion on existing routes. Each of the alternatives will be developed such that a means of comparison of each can be made along with the Do Nothing Alternative.

Concurrent with the development of the alternatives, various types of data will be gathered which will describe the study area as it relates to the alternatives. Typical data will include: census figures; land use; traffic counts and origin/destination studies; hazardous waste site locations; historical and archaeological sites; water resources and quality; utilities; hydraulic information; vegetation; and geologic information; and background air pollutant levels. The above information will be utilized to refine the alternatives or eliminate a particular alternative from further considerations because of the potential for negative socioeconomic, environmental, or engineering impacts.

The second phase will utilize the alternatives identified in the initial phase and perform a detailed analysis on each. From this analysis a preferred alternative will be identified which meets the needs of traffic demand, and satisfies the environmental, socioeconomic, engineering evaluations and public feedback.

Within the chosen alternative, alignments will be developed in greater detail than those during the initial phase. The procedure and evaluation will be based on those in the initial phase.

These alignments will be the basis for the detailed environmental studies and Environmental Impact Statement.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State and local agencies, and to private organizations and citizens who express interest in the proposal. Scoping meetings are planned with the concerned agencies for March, 1987, and public meetings will be held in the area in early 1987, and throughout the study process. Public notices of the time and place of these meetings and any required public hearings will be given. Public involvement and interagency coordination will be maintained through the development of the Traffic Relief Study and the EIS.

To insure that the full range of issues related to this proposed action are addressed and that all significant issues are identified, comments or questions concerning this action and the EIS should be directed to FHWA or PennDOT at the address provided above.

Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of Executive Order 12372, Intergovernmental Review of Federal Programs, regarding State and local review of Federal and Federally assisted programs and projects apply to this program.

Issued on February 19, 1987.

Manuel A. Marks,

Division Administrator, Harrisburg, PA.

[FR Doc. 87–4098 Filed 2–26–87; 8:45 am]

BILLING CODE 4910–22–M

Urban Mass Transportation Administration

UMTA Sections 3 and 9 Grant Obligations; North Central Pennsylvania Area Transportation Authority, et al.

AGENCY: Urban Mass Transportation Administration (UMTA), DOT.

ACTION: Notice.

SUMMARY: Pub. L. 99–500 signed into law by President Reagan on October 18, 1986, contained a provision requiring the Urban Mass Transportation Administration to publish an announcement in the **Federal Register** each time a grant is obligated pursuant to sections 3 and 9 of the Urban Mass Transportation Act of 1964, as amended. The statute requires that the announcement include the grant number, the grant amount, and the transit property receiving each grant. This notice provides the information as required by statute.

FOR FURTHER INFORMATION CONTACT: Edward R. Fleischman, Chief, Resource Management Division, (202) 366–2053, 400 Seventh Street, SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION: The section 3 program was established by the Urban Mass Transportation Act of 1964 to provide capital assistance to eligible recipients in urban areas. Funding for this program is distributed on a discretionary basis. The section 9 formula program was established by the Surface Transportation Assistance Act of 1982. Funds appropriated to this program are allocated on a formula basis to provide capital and operating assistance in urbanized areas. Pursuant to Pub. L. 99–500, UMTA reports the following grant information:

Transit property	Grant No.	Grant amount	Date obligated
Section 3 Grants:			
Area Transportation Authority of North Central Pennsylvania (Johnsonburg, PA).	PA-03-0192	$249,000	1-12-87
Section 9 Grants:			
Kansas City Area Transportation Authority (Kansas City, MO).	MO-90-X033	1,319,232	1-23-87
Putnam County (Putnam County, NY).	NY-90-X098	503,698	1-26-87
Transit Authority of Lexington-Fayette Urban County Government (Lexington, KY).	KY-90-X027	96,782	1-23-87
Transit Authority of River City (Louisville, KY).	KY-90-X030	9,519,597	1-23-87

Issued on: February 20, 1987.

Ralph L. Stanley,

Administrator.

[FR Doc. 87–4111 Filed 2–26–87; 8:45 am]

BILLING CODE 4910–57–M

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Comprehensive Anti-Apartheid Act of 1986

AGENCY: Department of the Treasury.

ACTION: Notice and Request for Comments.

SUMMARY: The Treasury Department is required under section 507 of the Comprehensive Anti-Apartheid Act of 1986, Pub. L. 99–440, 100 Stat. 1086 (the "Act"), to conduct a study and provide a report to Congress on "the feasibility of

prohibiting each depository institution from accepting, receiving, or holding a deposit account from any South African national." The Treasury invites comments from the public, particularly depository institutions, for consideration in the study and the preparation of the report to Congress.

DATES: Comments must be received by March 10, 1987 to be considered in the drafting of Treasury's report to Congress. That report is due March 31, 1987.

ADDRESSES: Comments should be sent to David Joy, Attorney-Adviser (International Affairs), or Sharon Lachman, Attorney-Adviser (Banking & Finance), in the Office of the General Counsel, Treasury Department, Washington, DC 20220.

FOR FURTHER INFORMATION CONTACT: David Joy, Attorney-Adviser (International Affairs), tel.: 202/566–5569, or Sharon Lachman, Attorney-Adviser (Banking & Finance), tel.: 202/566–6630, in the Office of the General Counsel, Treasury Department, Washington, DC 20220.

SUPPLEMENTARY INFORMATION: This notice invites public participation in a study on the feasibility of prohibiting each depository institution (as defined in section 19(b)(1) of the Federal Reserve Act, 12 U.S.C. 461(b)(1)) from accepting, receiving, or holding a deposit account from any South African national. This study is being conducted pursuant to section 507 of the Act, and will form the basis for a report to be submitted to Congress by March 31, 1987.

Section 308 of the Act already prohibits U.S. depository institutions from accepting, receiving, or holding deposit accounts from the South African Government, its agencies, or entities owned or controlled by it. The section 507 study is intended to consider the feasibility of expanding the scope of that prohibition to cover deposit accounts from any "South African national." The Act defines "South African national" to mean a citizen of South Africa, and any partnership, corporation, or other business association organized under the laws of South Africa.

The language of section 507 requires that the feasibility study cover "each depository institution," rather than "United States depository institutions" which are covered by the section 308 prohibition against South African Government deposit accounts. The regulations implementing section 308 cover depository institutions located in the United States, but not foreign branches of depository institutions organized in the United States. While it is uncertain whether Congress intended a distinction, the Treasury Department will examine the feasibility of additionally prohibiting foreign branches of depository institutions organized in the United States from accepting, receiving, or holding deposit accounts from any South African national for purposes of preparing the section 507 report.

Areas on which comments are specifically requested, particularly from banks and other depository institutions, are the following:

(Note.—Comments on the questions in sections A and B below should address each of the two possible interpretations of the prohibition on deposit accounts of South African nationals to be studied under section 507: (a) a prohibition applicable only to depository institutions located in the United States, and (b) a prohibition applicable also to the foreign branches of depository institutions organized under the laws of a United States jurisdiction. Under either interpretation, where a foreign depository institution maintains a U.S. branch, the prohibition affecting that branch would not extend to the operations of the foreign parent or those of the parent's foreign branches and affiliates.)

A. Identification of Accounts of South African Nationals

Responses to the following questions will assist the Treasury Department in ascertaining the ease or difficulty for depository institutions to determine whether a deposit account is held by a South African national; whether depository institutions would have sufficient information in their records to administer a prohibition on deposit accounts of South African nationals; the ease with which such a prohibition might be circumvented; any administrative difficulties likely to be encountered; and the administrative or other costs that might be involved in implementing the prohibition.

1. Do depository institutions currently determine which deposit accounts are held by South African nationals? Do depository institutions request information from depositors on residence and citizenship, or, if the depositor is a corporation, partnership, or other business association, whether it is organized under the laws of South Africa?

2. Do depository institutions have the capability of determining whether the "ultimate" owners of deposit accounts are South African nationals?

3. What type of identification is generally necessary for South African nationals, including those resident in the United States, to open a deposit account? Do such requirements for South African individuals differ from those for South African business organizations?

4. Would it be necessary for depository institutions to establish new procedures to identity new and existing account holders as South Africa nationals? If so, how difficult and costly would it be to establish such procedures?

5. Could an identification system be established in a way that could not be easily evaded by South African nationals?

B. Effects of Such a Sanction

Responses to the following questions will assist the Treasury Department in anticipating the effects of a prohibition on deposit accounts of South African nationals on the competitive position of depository institutions located in the United States vis-a-vis that of foreign banks abroad which would not be subject to such a prohibition. (See Note preceding section A.)

1. What would be the effect on the competitive position of depository institutions subject to the prohibition vis-a-vis foreign depository institutions abroad not covered by such a prohibition?

2. To what extent would it have an impact on the profitability of depository institutions subject to the prohibition?

3. How might this prohibition affect the rescheduling of South African debt or the receipt of debt payments?

4. The Act and implementing regulations prohibit certain banking and securities transactions of U.S. nationals with South Africa. Excluding these prohibitions, how might an additional prohibition affecting South African nationals' deposit accounts affect other banking and financial relationships generally involving South Africa? For example, what impact might result on the financing of U.S. exports to South Africa; securities transactions effected for South African nationals; fiduciary activities; maintenance of reinsurance collateral deposits; and commodity, foreign exchange, futures, options, and other operations conducted for South African nationals?

5. What would be the practical effects of compliance?

6. If there were a prohibition extending to deposit accounts of South African nationals in foreign branches of depository institutions organized in the United States, how and to what extent would there be conflicts between U.S. law and the laws of the countries in which the foreign branches of the U.S. depository institutions were located?

7. Would a prohibition on South African nationals' deposit accounts in

depository institutions located or organized in the United States affect the relationship between such depository institutions and depositors from other countries?

Please note that comments received in connection with the section 507 study will be furnished upon request to Congress and interested public parties. Confidential business information should not be included.

Dated: February 9, 1987.

R. Richard Newcomb,

Director, Office of Foreign Assets Control

Approved, February 18, 1987.

Francis A. Keating, II,

Assistant Secretary (Enforcement).

[FR Doc. 87-4033 Filed 2-26-87; 8:45 am]

BILLING CODE 4840-25-M

Sunshine Act Meetings

Federal Register
Vol. 52, No. 39
Friday, February 27, 1987

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 4:23 p.m. on Wednesday, February 18, 1987, the Board of Directors of the Federal Insurance Corporation met in closed session, by telephone conference call, to:

(A) Discuss and consider requests for financial assistance pursuant to section 13(c) of the Federal Deposit Insurance Act;

(B)(1) Accept the bid submitted by The First National Bank of Atmore, Atmore, Alabama, for the purchase of certain assets of the assumption of the liability to pay deposits made in First State Bank of Atmore, Atmore, Alabama, which was expected to be be closed by the Superintendent of Banks for the State of Alabama on Thursday, February 19, 1987; and (2) provide such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction; and

(C)(1) Accept the highest acceptable bid which may be submitted in accordance with the "Instructions for Bidding" for a purchase and assumption transaction, or (2) in the event no acceptable bid for a purchase and assumption transaction is submitted, accept the highest acceptable bid for an insured deposit transfer transaction which may be submitted, or (3) in the event no acceptable bid for either type of transaction is submitted, make funds available for the payment of the insured deposits of the closed bank, with respect to each of the following: (a) The First National Bank of Weslaco, Weslaco, Texas, which was expected to be closed by the Deputy Controller of the Currency, Office of the Comptroller of the Currency, on Friday, February 20, 1987; and (b) Hub City Bank and Trust Company, Lafayette, Louisiana, which was expected to be closed by the Commissioner of Financial Institutions for the State of Louisiana on Friday, February 20, 1987.

In calling the meeting, the Board determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded by Director Robert L. Clarke (Comptroller of the Currency), concurred in by Chairman L. William Seidman, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: February 24, 1987.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 87-4269 Filed 2-25-87; 12:59 pm]

BILLING CODE 6714-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Tuesday, March 3, 1987, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Application for consent to merge and establish two branches:

The Arizona Bank, Phoenix, Arizona, an insured State nonmember bank, for consent to merge, under its charter and title, with The Bank of Prescott, Prescott, Arizona, and for consent to establish the two offices of The Bank of Prescott as branches of the resultant bank.

Applications for consent to purchase assets and assume liabilities and to establish one branch:

Bank of Stanly, Albemarle, North Carolina, an insured State nonmember bank, for consent to purchase certain assets of and assume the liability to pay deposits made in the Norwood Branch, located at 13 South Main Street, Norwood, North Carolina, of North Carolina Federal Savings and Loan Association, Charlotte, North Carolina, a non-FDIC-insured institution, and for consent to establish the Norwood Branch as a branch of Bank of Stanly.

The Citizens Bank, Olanta, South Carolina, an insured State nonmember bank, for consent to purchase the assets of and assume the liability to pay deposits made in the Lake City Branch, located at 2665 North Main Street, Lake City, South Carolina, of Palmetto State Savings Bank of South Carolina, Camden, South Carolina, a non-FDIC-insured institution, and for consent to establish the Lake City Branch as a branch of The Citizens Bank.

Application for consent to purchase assets and assume liabilities:

Staten Island Savings Bank, New York City (Staten Island), New York, a State mutual savings bank, for consent to purchase certain assets of and assume the liability to pay deposits made in the St. George Branch, located at 1 Hyatt Street, New York City (Staten Island), New York, of First Nationwide Bank, A Federal Savings Bank, San Francisco, California, a non-FDIC-insured institution.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 46,822-L (Amendment)
The First National Bank of Midland, Midland, Texas
Case No. 46,916-L
The First National Bank of Midland, Midland, Texas
Case No. 46,928-L
Bank of Commerce and Trust Company, Tulsa, Oklahoma
Case No. 46,936-L
American Bank & Trust Company, Lafayette, Louisiana

Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications, requests, or actions involving administrative enforcement proceedings approved by the Director or an Associate Director of the Division of Bank Supervision and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Reports of the Director, Division of Liquidation:

Memorandum re:
Reports Under Delegated Authority Status of Approved Committee Cases
Memorandum re:
Quarterly Report for Actions Approved Under Delegated Authority as of September 30, 1986

Reports of the Director, Office of Corporate Audits and Internal Investigations:

Summary Audit Report re:
New York Consolidated Office Cost Center—502 (Memo dated January 21, 1987)

Summary Audit Report re:
Chicago Regional Office Cost Center—200 (Memo dated February 4, 1987)
Memorandum re:
Status of Auditee Corrective Actions

Discussion Agenda:

Memorandum and Resolution re: Extension to December 31, 1987, of the period of time which the Corporation may use under its internal policy statement for the consideration, adoption, and publication of a final amendment to Part 332 of the Corporation's rules and regulations, entitled "Powers Inconsistent with Purposes of Federal Deposit Insurance Law", which amendment would, among other things, prohibit insured banks, subject to certain exceptions, from directly engaging in real estate development and insurance underwriting activities and establish certain restrictions on the indirect conduct of such activities.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, NW., Washington, DC.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 898–3813.

Dated: February 24, 1987.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 87–4270 Filed 2–25–87; 12:59 pm]

BILLING CODE 6714–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Tuesday, March 3, 1987, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b(c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Application for Federal deposit insurance and for consent to exercise limited trust powers:

PW Trust Company, a proposed new bank located at 700 Plaza Drive, Secaucus, New Jersey.

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, DC.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 898–3813.

Dated: February 24, 1987.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 87–4271 Filed 2–25–87; 12:59 pm]

BILLING CODE 6714–01–M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 10:00 a.m., Wednesday, March 4, 1987.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Treatment of interest rate and exchange rate contracts in the risk asset ratio under the Board's capital adequacy guidelines.
2. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, DC 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: February 25, 1987.

William W. Wiles,

Secretary of the Board.

[FR Doc. 87–4248 Filed 2–25–87; 12:00 pm]

BILLING CODE 6210–01–M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: Approximately 11:00 a.m., Wednesday, March 4, 1987, following a recess at the conclusion of the open meeting.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any item carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: February 25, 1987.

William W. Wiles,

Secretary of the Board.

[FR Doc. 87–4249 Filed 2–25–87; 12:00 pm]

BILLING CODE 6210–01–M

LEGAL SERVICES CORPORATION

Provisions for the Delivery of Legal Services Committee Meeting

TIME AND DATE: The meeting will commence at 9:00 a.m., Saturday, March 7, 1987, and continue until all official business is completed.

PLACE: The Westin Canal Place, Terrace Room, 100 Rue Iberville, New Orleans, Louisiana 70130.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

1. Approval of Agenda
2. Consideration of National/State Support and Clearinghouse Funding Issues
3. Public Comment

CONTACT PERSON FOR MORE INFORMATION: Timothy H. Baker, Executive Office (202 863–1839).

Date issued: February 25, 1987.

Timothy H. Baker,

Secretary.

[FR Doc. 87–4315 Filed 2–26–87; 3:59 pm]

BILLING CODE 6820–35–M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Notice of Closed Meeting

DATE: March 5–6, 1987.

PLACE: The Quay, Vancouver, Washington.

SUMMARY: The Northwest Power Planning Council will hold a closed meeting on March 5–6, 1987, to discuss internal personnel matters.

FOR FURTHER INFORMATION CONTACT: Ms. Bess Atkins. (503) 222–5161.

Edward Sheets,

Executive Director.

[FR Doc. 87–4243 Filed 2–25–87; 11:34 am]

BILLING CODE 0000–00–M

UNITED STATES INSTITUTE OF PEACE

TIMES AND DATES: 9:00 a.m.–5:00 p.m., Thursday, March 5, 1987, and 9:00 a.m.–5:00 p.m. Friday, March 6, 1987.

PLACE: National Trust for Historic Preservation, 1785 Massachusetts Avenue, NW., Washington, DC 20036.

STATUS: Open (portions may be closed pursuant to subsection (c) of section 552(b) of title 5, United States Code, as provided in subsection 1706(h)(3) of the United States Institute of Peace Act, Pub. L. 98–525).

AGENDA (TENTATIVE):

Meeting of the Board of Directors convened. President's Report. Committee Reports. Consideration of Grant Applications.

On Thursday afternoon from 3:00–5:00 p.m., the Information Services Committee will continue its series of forums on developing an intellectual map of the field of international peace and conflict management. Guests will include Professors Samuel Huntington and Gregory Treverton, of the Kennedy School of Government, Harvard University.

CONTACT: Mrs. Olympia Diniak. Telephone: (202) 789–5700.

Dated: February 24, 1987.

Robert F. Turner,

President, United States Institute of Peace.

[FR Doc. 87–4286 Filed 2–25–87; 1:43 pm]

BILLING CODE 3155–01–M

Corrections

Federal Register
Vol. 52, No. 39
Friday, February 27, 1987

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Establishment of Import Restraint Limits for Certain Cotton, Wool and Man-Made Fiber, Silk Blends and other Vegetable Fiber Textile Products From Taiwan Effective on January 1, 1987

Correction

In notice document 87-149 beginning on page 447 in the issue of Tuesday, January 6, 1987, make the following corrections in the table appearing on page 448:

1. In the first column, under "12-month restraint limit", for "Category 670-H[8]", in the first line "38,989,790" should read "39,989,790".

2. In the first column, under "12-month restraint limit", for "Category 636", "325,724" should read "325,624".

3. In the second column, under "12-month restraint limit", for "Category 659-B[12]", "1,559,559" should read "1,559,599".

BILLING CODE 1505-01-D

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing Import Restraint Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in the Polish People's Republic Effective on January 1, 1987

Correction

In notice document 87-466 beginning on page 854 in the issue of Friday, January 9, 1987, make the following correction:

On page 854, in the second column, in the table, under "Category", the seventh line should read "645-659".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 413

Reasonable Cost Regulations

CFR Correction

In Title 42 of the Code of Federal Regulations, Parts 400-429, revised as of October 1, 1986, in § 413.40(c)(1) appearing on page 413 certain portions of the regulatory text are incorrect. (See 51 FR 37398, Oct. 22, 1986, item no. 4.)

§ 413.40 [Corrected]

1. In § 413.40(c)(1)(ii), the first two lines should read:

"(ii) For cost reporting periods beginning on or after October 1, 1982 and before October 1, 1983, these".

2. In § 413.40(c)(1)(iii), the first three lines should read:

"(iii) For cost reporting periods beginning on or after October 1, 1983, these operat-".

BILLING CODE 1505-01-D

federal register

Friday
February 27, 1987

Part II

Supplement to the Guide to Record Retention Requirements in the CFR

Revised as of January 1, 1987

SUPPLEMENT TO THE GUIDE TO RECORD RETENTION REQUIREMENTS IN THE CFR

This Supplement, published by the Office of the Federal Register, revises as of January 1, 1987, the edition of the Guide published in 1986.

The Guide to Record Retention Requirements in the CFR is a guide in digest form to the provisions of Federal regulations relating to the keeping of records by the public. It provides information on (1) what records must be kept (2) who must keep them, (3) how long they must be kept, and (4) where the full provisions can be found in the Code of Federal Regulations.

The Guide published in 1986 was revised as of January 1, 1986. This Supplement updates the Guide as of January 1, 1987. The publications should be used together.

The Supplement is derived from the regulations published by the various agencies in the **Federal Register** from January 1 through December 31, 1986. It was prepared under the direction of Martha L. Girard. Gladys Queen Ramey was chief editor. Inquiries, telephone 202–523–4534. Suggestions concerning this publication may be sent to John E. Byrne, Director, Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408.

Coverage

In preparing both the Guide and the Supplement it was necessary to establish boundaries in order to stay within the intended purpose. The records covered are those that address categories of activities conducted by individuals, businesses, and organizations for which retention requirements are expressly stated in Federal regulations.

In many regulations there is an implied responsibility to keep copies of reports and other papers furnished to Federal agencies. Such implied requirements have not been included in the Guide and the Supplement.

The following types of requirements also have been excluded:

(1) Requirements involving the furnishing of reports to Government agencies, the filing of tax returns, or the submission of supporting evidence with applications or claims.

(2) Requirements involving the display of posters, notices, or other signs in places of business.

(3) Requirements contained in individual Government contracts, unless the contract provisions are incorporated in the Code of Federal Regulations.

Arrangement

The arrangement and numbering system in the Supplement follows the numbering system established for the Guide. The numbering in the Guide corresponds to the numbering in the CFR.

For example, a record retention requirement relating to agriculture will be found in the Guide under Title 7, Agriculture, and, further, under the agency which administers and enforces the regulation in which the record retention requirement appears. The number to the left of the item is the part and section number in Title 7 of the CFR in which the text of the regulation is printed. Because not all sections of the CFR contain record retention requirements, the numbering in the Guide has gaps in the numerical sequence.

Citation: Citations to the Guide and to the CFR are the same. An example is 7 CFR 17.17. The record retention requirement involved can be checked in digest form in the Guide and in full text in the CFR.

Notice

The Guide to Record Retention Requirements and this Supplement do not have the effect of law, regulation, or ruling. They comprise a guide to legal requirements that appear to be in effect as of January 1, 1987.

LIST OF AGENCIES AND CFR TITLES APPEARING IN THIS SUPPLEMENT [1]

Agency	CFR Title
Agriculture Department	7, 9, 36
Commerce Department	15, 50
Commodity Futures Trading Commission	17
Defense Department	48
Education Department	34
Energy Department	18
Environmental Protection Agency	40
Farm Credit Administration	12
Federal Communications Commission	47
Federal Home Loan Bank Board	12
General Services Administration	48
Health and Human Services Department	21, 42, 45
Housing and Urban Development Department	24
Interior Department	30
Labor Department	20, 29
National Aeronautics and Space Administration	14, 48
National Archives and Records Administration	36
Nuclear Regulatory Commission	10
Postal Service	39
Small Business Administration	13
Transportation Department	49
Treasury Department	19, 26, 27, 31

[1] Agencies appear in this Supplement in CFR title numerical order.

AGRICULTURE DEPARTMENT

Office of the Secretary

7 CFR

17.6 Importers and suppliers involved in sales of agricultural commodities. [Revised]

To maintain a record of all offers received from suppliers as a result of public tenders or negotiation.

Retention period: Until expiration of 3 years after final payment under the purchase authorization.

17.17 Importers and suppliers involved in sales of agricultural commodities. [Redesignated as 17.22]

See 17.6.

Food and Nutrition Service

7 CFR

210.8 Cooperating State agencies, school food authorities, and food service management companies participating in the National School Lunch Program. [Redesignated as 210.9 and revised]

To maintain (a) records and accounts pertaining to its school food service; (b) files of currently approved and denied, free and reduced price applications; and (c) individual applications for free and reduced price lunches submitted by families.

Retention period: (a) 3 years after date of final Claim for Reimbursement for the fiscal year to which they pertain, or beyond 3 years until resolution of any audit questions; (b) not specified; and (c) 3 years after end of the fiscal year to which they pertain or beyond 3 years until resolution of any audit questions.

210.10 School food authorities participating in the National School Lunch Program. [Added]

To maintain production and participation records to demonstrate positive action toward providing one reimbursable lunch per child per day.

Retention period: 3 years after submission of final Claim for Reimbursement for the fiscal year, or beyond 3 years period until resolution of any audit issues.

210.14 School food authorities participating in the National School Lunch Program. [Revised]

To maintain records of revenues and expenditures to demonstrate that the food service is being operated on a nonprofit basis including net cash resources, or the information necessary for the State to compute net cash resources through a review or audit.

Retention period: 3 years after submission of the final Claim for Reimbursement for the fiscal year or beyond 3 years until resolution of any audit issues.

210.15 School food authorities participating in the National School Lunch Program. [Added]

See 210.10 and 210.14.

210.16 Food service management companies participating in the National School Lunch Program. [Revised]

To maintain such records as the school food authorities will need to support Claims for Reimbursements.

Retention period: 3 years after date of submission of the final Financial Status for fiscal year or until resolution of any audit issues.

210.18 State agencies participating in the National School Lunch Program. [Added]

To maintain records which document the details of all Assessment, Improvement and Monitoring System (AIMS) review or audits and which demonstrate the degree of compliance with AIMS performance standards.

Retention period: 3 years after the date of the exit conference or after the year in which problems have been resolved, whichever is later.

210.19 State agencies participating in the National School Lunch Program. [Added]

To maintain all records pertaining to fiscal actions against school food authorities for Claims for Reimbursement that are not properly payable under 7 CFR Part 210.

Retention period: 3 years.

210.20 State agencies participating in the National School Lunch Program. [Added]

To maintain records to demonstrate compliance with Program requirements.

Retention period: 3 years after date of submission of final Financial Status Report for fiscal year or beyond 3 years until resolution of any audit issues.

210.23 State agencies and food authorities participating in the National School Lunch Program. [Added]

To keep necessary records as specified in 7 CFR 210.18 through 210.20.

Retention period: State agencies records–3 years after date of submission of final Financial Status Report for the fiscal year. School food authorities records–3 years after submission of the final Claim for Reimbursement for the fiscal year. In either case, records shall be retained until resolution of any audit issues.

210.27 State educational agencies participating in the National School Lunch Program. [Added]

To maintain records concerning the survey of school food authorities including, at a minimum, a description of survey methods and a copy of the format used to obtain food preferences; the name and address of each school food authority included in the survey; and a record of the data obtained from each school food authority.

Retention period: 3 years.

225.10 State agencies participating in the Summer Food Service Program. [Amended]

(a) To maintain complete and accurate current accounting records of its Program operations which will adequately identify funds authorizations, obligations, unobligated balances, assets, liabilities, income, claims against sponsors and efforts to recover overpayments, and expenditures for administrative and operating costs.

(b) To maintain record for each review or audit conducted.

(c) To maintain complete record of each review or appeal.

Retention period: (a) 3 years after date of the submission of the final Program Operations and Financial Status Report or until resolution of any audit or appeal questions; (b) 3 years.

250.6 Distributing, subdistributing, and recipient agencies to which food commodities are donated for use in school lunch programs, for training students in home economics, in summer camps for children, by needy Indians on reservations, in charitable institutions, and management companies pertaining to the feeding operations of the institutions, in State correctional institutions for minors, in nutrition programs for the elderly, and in assistance of other needy persons. [Amended]

(a) To maintain records relating to receipt, disposal, and inventory of donated foods including records with respect to the receipt, and disbursement of funds arising from, or federally disbursed for, operation of the distributing program; (b) also, to maintain records with respect to (1) the receipt and disbursement of cash received in lieu of donated foods for nutrition programs for elderly, and (2) refusal of commodities by school food authorities.

Retention period: 3 years from the close of the Federal fiscal year to which the records pertain.

251.9 State agencies and emergency feeding organizations. [Revised]

(a) See 250.6.

(b) Each distribution site shall keep accurate and complete records showing the date and method used to determine the number of eligible households served at the site.

Retention period: 3 years from the close of the Federal fiscal year to which they pertain.

252.4 Food processors participating in the National Commodity Processing Program. [Added]

To maintain complete and accurate records of the receipt, disposal and inventory of donated food including end products processed from donated food. To also keep production records, formulae, recipes, daily or batch production records, loadout sheets, bills of lading, and other processing and shipping records to substantiate the use of the donated food and the subsequent redelivery to an eligible recipient agency.

Retention period: 3 years from the close of the Federal fiscal year to which they pertain.

252.5 Recipient agencies participating in the National Commodity Processing Program. [Added]

To maintain accurate and complete records with respect to the receipt, disposal, and inventory of donated food, including products processed from donated food, and with respect to any foods which arise from the operation of the distribution program.

Retention period: Not specified.

Federal Crop Insurance Corporation

7 CFR

417.7 Insured under FCIC (Sugarcane). [Revised]

To keep records of the harvesting, storage, shipment, sale or other disposition of all sugarcane produced on each unit including separate records showing the same information for production from any uninsured acreage.

Retention period: 2 years from the time of loss.

430.7 Insured under FCIC (Sugar beet). [Revised]

To keep records of the harvesting, storage, shipment, sale or other disposition of all sugar beets produced on each unit including separate records showing the same information for production from any uninsured acreage.

Retention period: 2 years from the time of loss.

436.7 Insured under FCIC (Tobacco-guaranteed production plan). [Revised]

To keep records of the harvesting, storage, shipment, sale or other disposition of all tobacco produced on each unit including separate records showing the same information for production from any uninsured acreage.

Retention period: 2 years from the time of loss.

440.7 Insured under FCIC (Texas citrus tree). [Revised]

To keep records of the trees destroyed and damaged on each unit including separate records showing the same information for any uninsured acreage.

Retention period: 2 years after the time of loss.

441.7 Insured under FCIC (Table grape). [Revised]

To keep records of the harvesting, storage, shipment, sale or other disposition of all grapes produced on each unit including separate records showing the same information for production from any uninsured acreage.

Retention period: 2 years from the time of loss.

443.7 Insured under FCIC (Hybrid seed). [Revised]

To keep records of the harvesting, storage, shipment, sale or other disposition of all the crop production on each unit including separate records showing the same information for production from any uninsured acreage.

Retention period: 2 years from the time of loss.

444.7 Insured under FCIC (Fresh tomato). [Revised]

To keep 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.

Retention period: 2 years from the time of loss.

445.7 Insured under FCIC (Pepper). [Revised]

To keep records of the harvesting, storage, shipment, sale or other disposition of all peppers produced on each unit including separate records showing the same information for production from any uninsured acreage.

Retention period: 2 years from the time of loss.

447.7 Insured under FCIC (Popcorn). [Revised]

To keep records of the harvesting, storage, shipment, sale or other disposition of all popcorn produced on each unit including separate records showing the same information for production from any uninsured acreage.

Retention period: 2 years from the time of loss.

449.7 Insured under FCIC (Fresh market sweet corn). [Revised]

To keep records of the harvesting, storage, shipment, sale or other disposition of all sweet corn produced on each unit including separate records showing the same information for production from any uninsured acreage.

Retention period: 2 years from the time of loss.

451.7 Insured under FCIC (Canning and processing peach). [Revised]

To keep records of the harvesting, storage, shipment, sale or other disposition of all peaches produced on each unit including separate records showing the same information for production from any uninsured acreage.

Retention period: 2 years from the time of loss.

Agricultural Stabilization and Conservation Service

7 CFR

729.426 Persons engaged in more than one business of shelling or crushing peanuts. [Added]

See 729.198.

729.429 Persons engaged in more than one business of shelling or crushing peanuts. [Added]

See 729.198.

Federal Grain Inspection Service

7 CFR

800.25 Grain elevator owners and merchandisers. [Revised]

To keep such accounts, records, and memoranda that fully and correctly disclosed all transactions concerning the lots of grain for which the elevator or merchandiser received official services.

Retention period: 3 years from date of the official services; 3 year–period may be extended if notified by the Administrator that specific records should be retained for a longer period.

Agricultural Marketing Service

7 CFR

907.173 Orange handlers. [Added]

See 907.73.

908.73 Orange handlers. [Added]

See 907.73.

908.173 Orange handlers. [Added]

See 907.73.

930.63 Cherry handlers. [Removed]

991.61 Hops handlers. [Revised]

To maintain such records of all hops handled as will substantiate the required reports.

Retention period: At least 2 years after end of marketing year.

1230.58 Contracting parties under the pork promotion, research and consumer information order. [Added]

To keep accurate records of all relevant transactions.

Retention period: At least 2 years beyond the fiscal period of their applicability.

1230.81 Persons subject to the pork promotion, research, and consumer information order. [Added]

To maintain such books and records as are necessary to carry out the provisions of the regulations including such records as are necessary to verify any required reports.

Retention period: At least 2 years beyond the fiscal period of their applicability.

1280.161 Wheat and wheat food manufacturers. [Removed]

1280.330 Wheat and wheat food manufacturers. [Removed]

Commodity Credit Corporation

7 CFR

1425.17 Cooperative marketing associations participating in the price support program. [Revised; new amendment contained no record retention requirements]

1425.18 Cooperative marketing associations participating in the price support program. [Revised; new amendment contained no record retention requirements]

1425.20 Approved cooperative marketing associations participating in the price support program. [Added]

To maintain records showing quantity of commodity received from members and nonmembers, the date received, the eligibility status for price support of each quantity, the quality factors specified in the applicable regulations for the commodity (including class, grade, and quality, where applicable), and the quantity to which each applicable factor applies.

Retention period: 5 years.

1425.21 Approved cooperative marketing associations participating in the price support program. [Added]

See 1425.20.

1430.344 Responsible persons or producers of milk produced in the US that is marketed for commercial use beginning Apr.1, 1986 and ending Sept. 30, 1987. [Added]

To maintain such records pertaining to operations that are necessary to determine compliance with regulations.

Retention period: 3 years or for such longer periods as Dairy Division or CCC may require.

1430.468 Participating producers or knowing purchasers of dairy cattles sold pursuant to a DIP contract. [Added]

To maintain all records which CCC may require to enforce provisions of the contract, as well as any records necessary to establish compliance with the terms and conditions of the contract.

Retention period: 3 years from date of the nonproduction period under the contract.

1435.12 Sugar processors. [Removed]

1435.24 Sugar processors. [Removed]

1435.33 Sugar producers. [Removed]

1435.43 Sugar processors. [Removed]

1435.85 Sugar processors. [Revised]

To maintain books, records, accounts, and other written data as are deemed necessary by the examining agency to verify compliance with price support purchase program requirements.

Retention period: Not less than 3 years.

1435.106 Sugar processors. [Revised]

See 1435.85.

1435.121 Sugar processors. [Revised]

See 1435.85.

1435.205 Sugar producers. [Added]

To maintain the books and records pertaining to the benefit payments and the applicable contracts with the processors.

Retention period: 3 years following the producer's demand for payment.

1446.83 Peanut handlers. [Added]

To maintain marketing, sales, and disposal records.

Retention period: 3 years following end of the marketing year in which peanuts were produced.

1446.84 Peanut handlers. [Added]

To keep records on inspected and noninspected peanuts; peanuts shelled or milled for a producer; peanuts from which LSKs or pods were removed for a producer; and green peanuts purchased from producer.

Retention period: 3 years following end of marketing year in which peanuts were produced.

1446.86 Peanut handlers. [Added]

See 1446.83 and 1446.84.

1446.93 Peanut handlers. [Added]

To keep records for each lot of quota and/or additional peanuts commingled in storage.

Retention period: 3 years following the end of the marketing year in which the peanuts were produced. Records relating to contract additional peanuts for which penalties or liquidated damages have been assessed shall be retained for 5 years following the date the assessment was made or until the conclusion of the assessment action, whichever is later. Records shall be kept for such longer periods of time as may be requested in writing by the Executive Vice President of CCC.

1446.114 Peanut handlers. [Added]

To keep such records on the disposition for all contract additional peanuts.

Retention period: 3 years following the end of the marketing year in which the peanuts were produced. Records relating to contract additional peanuts for which penalties or liquidated damages have been assessed shall be retained for 5 years following the date the assessment was made or until the conclusion of the assessment action, whichever is later. Records shall be kept for such longer periods of time as may be requested in writing by the Executive Vice President of CCC.

1446.146 Peanut area marketing associates. [Added]

To maintain a debt record for all handlers indicating the amounts due from each handler.

Retention period: 3 years following end of the marketing year in which peanuts were produced.

Farmers Home Administration

7 CFR

Part 1944, Exhibit A Grantees conducting housing preservation programs benefiting very low-and low-income rural residents. [Added]

To maintain financial records, supporting documents, statistical records, and all other records pertinent to the grant.

Retention period: 3 years after submission of the final Project Performance report or until all litigations, claims, audit or investigation findings involving records have been resolved.

1948.98 Rural development grantees-growth management and housing planning for approved designated energy impacted areas. [Revised]

To retain financial records, supporting documents, statistical records, and all other records pertinent to the grant.

Retention period: 3 years after grant closing or until audit findings have been resolved.

1980.646 Grantees under the Nonprofit Corporations Loan and Grant Program. [Added]

To maintain records to substantiate certification stating that all technical services have been completed.

Retention period: 3 years after grant closing or beyond 3 years until resolution of any audit questions.

1980.647 Grantees under the Nonprofit Corporations Loan and Grant Program. [Added]

To maintain financial records in accordance with standards prescribed in OMB Circular 102, Attachments P, G, and C, or OMB Circular A–110, Attachments F and C, as appropriate, in accordance with terms and conditions of the grant.

Retention period: 3 years after grant closing or beyond 3 years period until resolution of any audit questions.

Office of Transportation

7 CFR

3300.19 Agreement on the International Carriage Perishable Foodstuffs and on the Special Equipment to be Used for Such Carriage (ATP) testing stations. [Added]

To maintain records of basic data developed in each testing of equipment.

Retention period: 3 years.

3300.43 Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be Used for Such Carriage (ATP) testing laboratories. [Added]

To maintain records of basic data in each testing of mechanical refrigerating appliances.

Retention period: 3 years.

AGRICULTURE DEPARTMENT

Food Safety and Inspection Service

9 CFR

318.302 Producers of canned meat and poultry products. [Added]

To maintain complete records concerning all aspects of the development or determination of a process schedule, including any associated incubation tests and letters or other written communications from a processing authority recommending all thermal process schedules.

Retention period: Not specified.

318.305 Producers of canned meat and poultry products. [Added]

To maintain records on equipment and procedures for heat processing systems.

Retention period: Not specified.

318.307 Producers of canned meat and poultry products. [Added]

To maintain processing, production, container closure and distribution of product records.

Retention period: Not less than 1 year at the establishment and for an additional 2 years at the establishment or other location from which records can be made available to Program employees within 3 working days.

318.308 Producers of canned meat and poultry products. [Added]

To maintain full records regarding the handling of each deviation in processing.

Retention period: See 318.307.

320.1 Meatbrokers, renderers, and other persons dealing in animal carcasses for use as human or animal food. [Amended]

To keep records as specified in section cited or by the Administrator.

Retention period: 2 years after end of year in which the transaction occurred, or longer if directed by the Administrator.

320.3 Meatbrokers, renderers, and other persons dealing in animal carcasses for use as human or animal food. [Amended]

See 320.1.

381.175 Persons processing, transporting, shipping, or receiving poultry slaughtered for human consumption or poultry products in commerce, or holding such products. [Amended]

To maintain detailed records of such transactions as specified in the regulations.

Retention period: 2 years.

381.177 Persons processing, transporting, shipping, or receiving poultry slaughtered for human consumption or poultry products in commerce or holding such products. [Amended]

See 381.175.

381.305 Producers of canned meat and poultry products. [Added]

See 318.305.

381.306 Producers of canned meat and poultry products. [Added]

To maintain processing and production records which contain the date of production; product name and style; container code; container size and type; and the process schedule, including the minimum initial temperature.

Retention period: For no less than 1 year at the establishment, and for an additional 2 years at the establishment or other location from which the records can be made available to Program employees within 3 working days.

381.307 Producers of canned meat and poultry products. [Added]

To maintain process, container closure, and distribution of products records.

Retention period: For no less than 1 year at the establishment, and for an additional 2 years at the establishment or other location from which the records can be made available to Program employees within 3 working days.

381.308 Producers of canned meat and poultry products. [Added]

To maintain full records regarding the handling of each process deviation. Such records shall include, at a minimum, the appropriate processing and production records, a full description of the corrective actions taken, the evaluation procedures and results, and the disposition of the affected product.

Retention period: See 381.307.

381.309 Producers of canned meat and poultry products. [Added]

To maintain records on incubation checks.

Retention period: See 381.307.

NUCLEAR REGULATORY COMMISSION

10 CFR

25.23 Licensees or requesting organizations employing individual approved for personnel security access authorization. [Revised]

To maintain records of grant of access authorization notification.

Retention period: One year after the access authorization has been terminated by the NRC Division of Security.

34.11 Licensees utilizing sealed sources of byproduct material for radiography. [Amended]

To maintain (a) records of performance of internal inspections at intervals not to exceed three months; (b) records of the results of dates of calibration for each radiation survey instrument possessed by the licensee; (c) records of the results of leak tests of sealed sources; (d) records of quarterly physical inventories of all sealed sources received and possessed under the license; (e) current utilization logs showing for each sealed source a description of the radiographer exposure device or storage container, the identity of the radiographer to whom assigned, and the plant or site where used and dates of use; (f) records of inspection and maintenance of radiographic exposure devices, storage containers and source changers at intervals not to exceed three months prior to first use

thereafter; (g) records of alarm system tested at intervals not to exceed three months prior to first use thereafter; (h) records radiographers and radiographers assistants of training, including copies of written tests, dates of oral tests and field examinations; (i) records of daily pocket dosimeter exposure readings and reports of periodic check (not to exceed one year) of film badge of thermoluminescence dosimeter; (j) records of physical radiation storage surveys.

Retention period: (a) For two years; (b) for two years after the date of each calibration; (c) for six months after performance of the required leak test or until transfer or disposal of the sealed source; (d) for two years after the date of each inventory; (e) for two years after the date of each recorded event; (f) for two years; (g) for two years; (h) for three years; (i) until disposal is authorized by the Commission; (j) 3 years when that survey is the last one performed in the work day.

34.43 Licensees utilizing sealed sources of byproduct material for radiography. [Amended]

See 34.11.

35.14 Licensees for certain groups of medical uses of byproduct material. [Revised; new amendment contained no record retention requirements]

35.21 Licensees for certain groups of medical uses of byproduct material. [Revised; new amendment contained no record retention requirements]

35.22 Licensees for certain groups of medical uses of byproduct material. [Revised; new amendment contained no record retention requirements]

35.23 Licensees for certain groups of medical uses of byproduct material. [Revised; new amendment contained no record retention requirements]

35.24 Licensees for certain groups of medical uses of byproduct material. [Removed]

35.25 Licensees for certain groups of medical uses of byproduct material. [Revised]

To maintain records of the individual's use of byproduct material.

Retention period: Not specified.

35.26 Licensees for certain groups of medical uses of byproduct material. [Removed]

35.27 Licensees for certain groups of medical uses of byproduct material. [Revised]

To maintain records on visiting authorized user documentation.

Retention period: 2 years.

35.29 Licensees for mobile nuclear medicine services using byproduct material. [Added]

To retain letters signed by the management of each client for which services were rendered that authorized use of byproduct material at the client's address of use.

Retention period: 2 years after the last provision of service.

35.31 Licensees for certain groups of medical uses of byproduct material. [Added]

To maintain records of radiation safety program changes.

Retention period: Until the license has been renewed or terminated.

35.33 Licensees for certain groups of medical uses of byproduct material. [Added]

To maintain records of misadministrations involving any therapy procedures.

Retention period: 10 years.

35.44 Licensees reporting misadministration of byproduct material under general license. [Removed]

35.50 Licensees for certain groups of medical uses of byproduct material. [Added]

To retain a record of each check of and test of dose calibrators.

Retention period: 2 years unless directed otherwise.

35.51 Licensees for certain groups of medical uses of byproduct material. [Added]

To retain a record of each survey instrument calibration.

Retention period: 2 years.

35.59 Licensees in possession of any sealed source or brachytherapy source. [Added]

(a) To maintain records on leakage test and quarterly physical inventory of all sources in its possession.

Retention period: 5 years.

(b) To maintain records of the survey measuring the ambient dose rates quarterly in all areas where sources are stored.

Retention period: 2 years.

35.70 Licensees for certain groups of medical uses of byproduct material. [Added]

To keep records on the surveys for contamination and ambient radiation exposure rate.

Retention period: 2 years.

35.80 Licensees providing mobile nuclear medicine services. [Added]

To retain records of each survey of all radiopharmaceutical areas of use with a radiation detection survey meter to ensure that all radiopharmaceuticals and all associated waste have been removed.

Retention period: 2 years.

35.92 Licensees for certain groups of medical uses of byproduct material. [Added]

To maintain records of each disposal of byproduct material as ordinary trash.

Retention period: 2 years.

35.204 Licensees for certain groups of medical uses of byproduct material. [Added]

To maintain records of each measurement of molybdenum concentration.

Retention period: 2 years.

35.205 Licensees for certain groups of medical uses of byproduct material. [Added]

To maintain records on the controls of aerosols and gases, including the assumptions, measurements and calculations made of the amount of time needed after a radioactive gas spill to reduce the concentration in the room to the occupational limit listed in Appendix B to Part 20 of this chapter.

Retention period: Duration of use of the area.

35.310 Licensees for certain groups of medical uses of byproduct material. [Added]

To maintain a list of individuals receiving radiation safety instructions.

Retention period: 2 years.

35.315 Licensees for certain groups of medical uses of byproduct material. [Added]

To maintain record of each thyroid burden measurement, its date, the name of the individual whose thyroid burden was measured and the initials of the individual who made the measurements.

Retention period: Until the Commission authorizes disposition.

35.404 Licensees for certain groups of medical uses of byproduct material. [Added]

To maintain a record of the radiation survey of patients.

Retention period: 2 years.

35.408 Licensees for certain groups of medical uses of byproduct material. [Added]

To maintain records of brachytherapy source use and radiation survey of the patients and the areas use to confirm that no sources have been misplaced.

Retention period: 2 years.

35.410 Licensees for certain groups of medical uses of byproduct material. [Added]

To maintain records of personnel caring for the patient undergoing implant therapy receiving radiation safety instruction.

Retention period: 2 years.

35.610 Licensees for certain groups of medical uses of byproduct material. [Added]

To maintain records of individuals who operate teletherapy units receiving safety instruction.

Retention period: 2 years.

35.615 Licensees for certain groups of medical uses of byproduct material. [Added]

To maintain records of the radiation monitor check for proper operation each day before the teletherapy unit is used for treatment of patients.

Retention period: 2 years.

35.620 Licensees for certain groups of medical uses of byproduct material. [Added]

To maintain a record of each calibration, intercomparison, and comparison of dosimetry equipment.

Retention period: Duration of the license.

35.632 Licensees for certain groups of medical uses of byproduct material. [Added]

To maintain records of each full calibration measurements on each teletherapy unit.

Retention period: Duration of use of the teletherapy unit source.

35.634 Licensees for certain groups of medical uses of byproduct material. [Added]

To maintain records of each spot–check on each teletherapy unit and a copy of each notification of the results of each spot–check.

Retention period: 2 years.

35.636 Licensees for certain groups of medical uses of byproduct material. [Added]

To maintain records of the safety checks for teletherapy facilities.

Retention period: 2 years.

35.641 Licensees for certain groups of medical uses of byproduct material. [Added]

To maintain records of the radiation measurements made following installation of a teletherapy source.

Retention period: Duration of the license.

35.647 Licensees for certain groups of medical uses of byproduct material. [Added]

To keep records of the inspection and servicing of each teletherapy unit during replacement.

Retention period: Duration of the license.

50.54 Licensees authorized to operate nuclear production and utilization facilities. [Amended]

To maintain (a) records of changes to physical security plan made without prior Commission approval; (b) records of changes to safeguard contingency plan made without prior Commission approval; (c) records of periodic review and audit of safeguards contingency plan; (d) records of changes in the production or utilization facility as described in the safety analysis report made without prior Commission approval; (e) records of changes in facility procedures as described in the safety analysis report made without prior Commission approval; (f) records of tests or experiments not described in the safety analysis report and made without prior Commission approval; (g) records showing the results of a review of development, implementation, and revision of an emergency preparedness program. The records described in paragraphs (d), (e), and (f) of this section shall include written safety evaluations which provide the bases for the determination that the change, test or experiment does not involve an unreviewed safety question.

Retention period: (a) and (b) for 2 years after date of change; (c) for two years after each review and audit; (d) until date of termination of license; (e) for five years after each change in facility procedures; (f) for five years after each test or experiment; (g) for 5 years.

50.59 Licensees authorized to operate nuclear production and utilization facilities. [Amended]

See 50.54.

50.71 Licensees and holders of construction permits. [Amended]

To maintain (a) such records as may be required by conditions of the license or permit or by rules, regulations, and orders of the Commission including records of fracture toughness test results, qualifications of test personnel, and calibration of test equipment; (b) records of design, fabrication, erection, and testing of structures, systems, and components important to safety of a production or utilization facility; (c) quality assurance records sufficient to furnish evidence of activities affecting quality, including operating logs, records showing results of reviews, inspections, tests, audits, work performance monitoring and materials analyses, and records containing closely related data such as qualifications of personnel, procedures and equipment; (d) individual records of training of each brigade member, including drill critiques, which ensure that each member receives training in all parts of the training program.

Retention period: (a) If not otherwise specified by regulation, license condition or technical specification, until disposal is authorized by the Commission; (b) throughout life of facility; (c) not specified—to be established by applicant consistent with applicable regulatory requirements; (d) 3 years.

73.70 Licensees required to provide physical protection or safeguards for special nuclear material in transit and at fixed sites. [Amended]

To maintain (a) records of names and addresses of all authorized personnel, records of visitors, vendors and other individuals not employed by the licensee pursuant to 10 CFR 73.46(d)(10), 73.55(d)(6), or 73.60, records of results of tests maintenance and inspections of protected areas and security-related material, record of each alarm intrusion or other security incident, record of shipments of special nuclear material including information to comply with requirements of this part, procedures for controlling access to protected areas; (b) records of results of review and audit of licensee safeguards contingency plan for special nuclear material at fixed sites; (c) records of results of qualification and requalification of armed escorts and physical security personnel; (d) records documenting liaison with law enforcement authorities; (e) records of escort log and communications center personnel, for each spent fuel shipment, describing shipment and significant events that occur during the shipment.

Retention period: (a) Not specified; (b) two years from date of review and audit; (c) not specified; (d) not specified, 73.46(h)(2), (e) 1 year.

95.33 Licensees and others who may require access to National Security Information and Restricted Data related to a license or application for a license. [Revised]

To maintain records reflecting an individual's initial and refresher security orientations and security terminations.

Retention period: Not specified.

FEDERAL HOME LOAN BANK BOARD

12 CFR

564.2 Institutions insured by the Federal Savings and Loan Insurance Corporation. [Amended]

The account records shall be conclusive as to the existence of any relationship pursuant to which the funds in the account are invested and on which a claim for insurance coverage is founded.

Retention period: Not specified.

FARM CREDIT ADMINISTRATION

12 CFR

614.4442 Farm credit associations and banks. [Revised; record retention requirements now in 614.4444]

614.4444 Farm credit associations and banks. [Added]

To maintain complete file on all written requests for reviews, including the disposition of the review by the credit review committee, and other written inquiries concerning adverse credit actions.

Retention period: Not specified.

621.3 Farm credit associations and banks. [Added]

To maintain accurate and complete records of all business transactions as necessary to prepare financial statements in accordance with generally accepted accounting principles.

Retention period: Not specified.

SMALL BUSINESS ADMINISTRATION

13 CFR

13 CFR Part 107, Appendix II Small Business Investment Companies (SBICs) licensed by SBA including 301(d) licensees. [Added]

To maintain books and records including books of account, other records, and memoranda which support the entries in its books of accounts.

Retention period: At least 20 years.

108.5 Small business development companies. [Added]

To maintain financial records including books of accounts in accordance with generally accepted accounting principles.

Retention period: For the periods required by the Internal Revenue Service and generally accepted accounting practices.

108.5 State and local development companies. [Added]

To maintain, at the principal office, financial records including books of accounts, minutes of meetings of members, stockholders, directors, executive committees or other officials, and all documents and supporting material relating to a development company's transactions.

Retention period: For the periods required by the IRS and generally accepted accounting practices.

108.503-3 503 companies. [Added]

To maintain records of all documents and materials relating to the loan applications submitted to SBA.

Retention period: Not specified.

108.505 Fiscal agents, transfer agents and selling groups issuing or selling debenture pool certificates (505 certificates). [Added]

To maintain all books, records and related materials associated with 504 Debentures or 505 Certificates.

Retention period: Not specified.

120.5 Subsection (b) lenders. [Removed]

120.5 Business loan policy. [Removed]

120.302-1 Small business lending companies. [Added]

(a) To maintain accurate and current financial records, including books of account. All financial records, minutes of meetings of stockholders, directors, executive committees, or other officials, and all documents and supporting materials relating to the said Lender's transactions shall be maintained at the principal business office, provided, however, that securities held by a custodian pursuant to a written agreement shall be exempt from this requirement.

(b) To preserve, for the periods hereinafter specified and in a manner that permits the immediate location thereof, such documents which are the basis for financial statements required by section 120.303 (and of the accompanying independent public accountant's opinion), and shall:

(1) Preserve permanently–

(i) All general and subsidiary ledgers (or other records) reflecting asset, liability, capital stock and surplus, income, and expense accounts;

(ii) All general and special journals (or other records forming the basis for entries in such ledgers); and

(iii) The corporate charter, bylaws, application for determination of eligibility to participate with SBA, and all minutes, books, capital stock certificates or stubs, stock ledgers, and stock transfer registers.

(2) Preserve for a least six years following final disposition of the related loan–

(i) All applications for financing;

(ii) Lending, participation, and escrow agreements;

(iii) Financing instruments;

(iv) All other documents and supporting material relating to such loans, including correspondence.

Records and other documents referred to in paragraph (1)(i) may be preserved by reproduction; provided, however, that said Lender shall cause a duplicate to be made on a current basis and stored separately from the original fot the time required, and shall maintain at all times facilities for the projection and reproduction of the records.

124.1-3 The Small Business and Capital Ownership Development Program. [Removed; record retention requirements now in 124.401]

124.401 Minority Small Business and Capital Ownership Development Program. [Added]

8(a) Concerns–advance payments. The section 8(a) business concern has established or agrees to establish and maintain financial records and controls which will provide for complete accountability and required reporting of program funds.

124.403 Minority Small Business and Capital Ownership Development Program. [Added]

Section 8(a) Concerns–letter of credit. See 124.401.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR

1260.304 Grantees; cost—sharing. [Added]

To maintain records of all grant costs claimed as constituting part of its share.

Retention period: 3 years.

1260.406 NASA grants awarded to educational institutions or nonprofit agencies. [Revised]

To maintain books and accounting records in accordance with the principles set forth in the documents listed in paragraph 405 of the NASA Grant and Cooperative Agreement Handbook.

Retention period: Financial records, supporting documents statistical records—3 years, or until all litigation, claims, or audit findings involving the records have been resolved. Nonexpendable property records—3 years.

1260.413 Grantees. [Added]

To maintain records of any accident involving death, disability injury, or substantial loss of property.

Retention period: Not specified.

1260.509 Grantees-property management. [Added]

To maintain property records accurately.

Retention period: Not specified.

COMMERCE DEPARTMENT

International Trade Administration

15 CFR

373.5 Exporters of donations for humanitarian projects under the Humanitarian license. [Added]

To maintain records of all shipments, the values of said shipments, the countries and beneficiaries to which the donations are sent, the validated Dept. of Commerce letter and narrative statement, and any other party charged with distributing the donations to the beneficiaries.

Retention period: 2 years.

Economic Analysis Bureau

15 CFR

801.2 Persons subject to the jurisdiction of the U.S. engaged in international trade in services. [Added]

To maintain any information (including journals or other books of original entry, minute books, stock transfer records, lists of shareholders, or financial statements) which is essential for carrying out the surveys and studies provided for by the International Investment and Trade in Services Act.

Retention period: Not specified.

National Oceanic and Atmospheric Administration

15 CFR

931.95 Recipients of financial assistance under section 308 of the Coastal Zone Management Act of 1972, relating to the Coastal Energy Impact Program. [Added]

To keep detailed project control records reflecting acquisitions, work progress, expenditures, and commitments, indicating in each instance their relationship to estimated costs and schedules. To also keep full written financial records.

Retention period: 3 years after completion of the project, program, or other undertaking and submission of the final Financial Status Report, whichever is sooner and until an audit is completed and all questions arising from it are resolved.

COMMODITY FUTURES TRADING COMMISSION

17 CFR

1.35 Contract markets. [Revised]

To maintain a single record showing for each future or option trade the transaction date, time quantity, and as applicable, underlying commodity, contract for future delivery or physical, price or premium, delivery month or expiration date, whether the transaction involved a put or a call, strike price, floorbroker or floor trader buying, clearing member buying, floor broker or floor trader selling, clearing member selling, and symbols indicating the buying and selling customer or option customer types.

Retention period: 5 years.[1]

1.35 Futures commission merchants, introducing brokers and clearing members. [Revised]

To maintain trading card or other record showing purchases and sales of any commodity for future delivery or commodity option on or subject to the rules of such contract market.

Retention period: 5 years.[1]

ENERGY DEPARTMENT

Federal Energy Regulatory Commission

18 CFR

225.3 Natural gas companies. [Amended]

To maintain records as indicated in 18 CFR Part 225—Preservation of Records of Natural Gas Companies.

Retention period: Various.

277.210 Sellers and purchasers of natural gas. [Added]

To maintain all other documents created in the ordinary course of business which relate to the bona fide offers; right of first refusal provision.

Retention period: 3 years.

[1] After 3 years the person required to keep such books and records may at his option substitute photographic reproductions thereof on film, together with facilities for the projection of such film in a manner which will permit it to be readily inspected or examined. Under certain conditions, microfilm reproductions may immediately be substituted for hard copy.

TREASURY DEPARTMENT

Customs Service

19 CFR

10.173 Importers of products from Caribbean and Central American designated as beneficiary countries. [Added]

To maintain in the files of the party which prepared and signed the Certificate of Origin, the information necessary for preparation of the declaration.

Retention period: 5 years.

111.21 Licensed customs brokers. [Amended]

To keep current records of account reflecting all their financial transactions as customhouse brokers, including a copy of each entry made with all supporting papers, except those documents they are required to file with Customs, powers of attorney, copies of all correspondence and other papers relating to customs business and, except for certain specified limitations, a record of transactions of licensed customhouse broker (Customs Form 3079) in addition to the regular records of account.

Retention period: At least 5 years after the date of entry. When merchandise is withdrawn from a bonded warehouse, copies of papers relating to the withdrawal shall be retained for 5 years from the date of withdrawal. Powers of attorney shall be retained until revoked, and revoked powers of attorney and letters of revocation shall be retained for 5 years after the date of revocation. Records may be retained on microfilm pursuant to section cited.

111.22 Licensed customs brokers. [Amended]

See 111.21.

111.23 Licensed customs brokers. [Amended]

See 111.21.

LABOR DEPARTMENT

Employment and Training Administration

20 CFR

617.57 State agencies administering trade adjustment assistance for workers under the Trade Act of 1974. [Added]

To maintain records pertaining to the administration of the Act as the Secretary requires.

Retention period: Not specified.

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration

21 CFR

110.80 Manufacturers, processors, packers, and repackers of human foods. [Removed]

179.24 Persons treating food with low dose electron beam radiation. [Removed]

225.202 Manufacturers of medicated feed. [Added]

To maintain records identifying the formulation, date of mixing, and if not for own use, date of shipment.

Retention period: 1 year following date of last distribution.

310.305 Manufacturers, packers, and distributors of marketed prescription drugs for human use without approved new drug applications. [Added]

To establish and maintain records of all serious, unexpected adverse drug experiences and any significant increase in the frequency of a serious expected adverse drug experience.

Retention period: 10 years.

610.12 Manufacturers performing sterility tests on biological products. [Added]

To maintain records as required by 21 CFR 211.167, 211.194 and 600.12.

Retention period: Not specified.

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR

200.182 Assisted housing owners or mortgagees under the National Housing Act. [Added]

To maintain evidence of citizenship or eligible alien status.

Retention period: Not specified.

207.27 Project mortgagors under the National Housing Act. [Amended]

To maintain records of all cost of any construction or other costs items not representing work under general contract.

Retention period: Not specified.

812.5 Section 8 assisted housing responsible entities. [Added]

To maintain evidence of citizenship or eligible alien status.

Retention period: Not specified.

905.204 Indian Housing Authorities(IHAS). [Added]

To maintain documentation in its files for HUD review a copy of the determination where the provision of preference in Indian contracting, employment, and training is infeasible.

Retention period: 3 years.

912.5 Public housing agents (PHAs). [Added]

To maintain evidence of citizenship or eligible alien status.

Retention period: Not specified.

TREASURY DEPARTMENT

Internal Revenue Service

26 CFR

1.144-5 Transferor of a U.S. property who is not a foreign person. [Added]

To retain a certificate of non-foreign status informing the transferee that withholding is not required.

Retention period: Until the end of the fifth taxable year following the taxable year in which the transfer takes place.

48.4041-7 Allocation of diesel and special fuel from common tank for use in special equipment. [Revised]

To maintain records that will support the allocation of liquid drawn from the same tank as the one supplying fuel for propulsion of a vehicle, and sold for use or used in a separate motor to operate special equipment.

48.4041-11 Persons registered to sell or purchase tax-free fuel for use in non-commercial aviation. [Added]

To maintain exemption certificates and proper supporting records such as invoices, order, etc. relative to tax-free sales.

48.4041-16 Liquid retailers. [Added]

To maintain adequate records and documentary evidence showing that article was so sold to establish exemption from tax in the case of a taxable article for export.

48.6421(a)-1 Allocation of gasoline for use in special equipment. [Removed]

TREASURY DEPARTMENT

Bureau of Alcohol, Tobacco and Firearms

27 CFR

19.750 Proprietors of distilled spirits plants. [Revised]

To maintain records on the results of all alcohol contents and fill tests conducted.

Retention period: 3 years.

19.778 Proprietors of distilled spirits plants. [Revised]

(a) To maintain separate accountings, in proof gallons, of Puerto Rican rum, other Puerto Rican spirits, and Virgin Island spirits received in the processing account for nonindustrial use.

(b) To maintain monthly reports on ATF Form 5110.28, showing separately the adjusted proof gallons of Puerto Rican rum, other Puerto Rican spirits, and Virgin Islands spirits received in processing.

Retention period: 3 years.

25.42 Brewers. [Added]

To keep records of testing of beer measuring devices.

Retention period: 3 years. The regional director (compliance) may require retention for an additional 3 years where such retention is deemed necessary or advisable.

25.252 Brewers. [Added]

To keep records of the production of malt syrup, wort, and the removals of brewer's yeast, malt and other articles from the brewery.

Retention period: 3 years. The regional director (compliance) may require retention for an additional 3 years where such retention is deemed necessary or advisable.

25.276 Operators of pilot brewing plants. [Added]

To maintain records which include information sufficient to account for the receipt, production, and disposition of all beer received or produced on the premises, and the receipt (and disposition, if removed) of all brewing materials.

Retention period: 3 years. The regional director (compliance) may require retention for an additional 3 years where such retention is deemed necessary or advisable.

25.284 Brewers. [Added]

To keep records to support adjustments on the excise tax return in lieu of filing a claim.

Retention period: 3 years. The regional director (compliance) may require retention for an additional 3 years where such retention is deemed necessary or advisable.

25.291 Brewers. [Added]

To maintain individual transaction forms, records, summaries, supplemental, auxiliary, and source data used in the compilation of required forms, records, and summaries, and for preparation of reports, returns, and claims, and copies of notices, reports, returns, and approved applications and other documents relating to operations and transactions.

Retention period: 3 years. The regional director (compliance) may require retention for an additional 3

years where such retention is deemed necessary or advisable.

25.292 Brewers. [Added]

To maintain daily records of operations.

Retention period: 3 years. The regional director (compliance) may require retention for an additional 3 years where such retention is deemed necessary or advisable.

25.293 Brewers. [Added]

To maintain records of ballings and alcohol content.

Retention period: 3 years. The regional director (compliance) may require retention for an additional 3 years where such retention is deemed necessary or advisable.

25.294 Brewers. [Added]

To maintain records of inventories of beer or cereal beverage.

Retention period: 3 years. The regional director (compliance) may require retention for an additional 3 years where such retention is deemed necessary or advisable.

25.295 Brewers. [Added]

To maintain records of unsalable beer.

Retention period: 3 years. The regional director (compliance) may require retention for an additional 3 years where such retention is deemed necessary or advisable.

25.296 Brewers producing concentrate or reconstitute beer. [Added]

To maintain daily records of beer concentrate.

Retention period: 3 years. The regional director (compliance) may require retention for an additional 3 years where such retention is deemed necessary or advisable.

25.300 Brewers. [Added]

See 27 CFR 25.252, 25.276, 25.284, 25.291, 25.292, 25.294 and 25.296.

25.301 Brewers. [Added]

See 27 CFR 25.252, 25.276, 25.284, 25.291, 25.292, 25.294 and 25.296.

178.100 Licensed firearms manufacturers, importers, dealers, and collectors conducting business at gun shows. [Added]

To maintain firearms and armor—piercing ammunition records in the form and manner prescribed by 27 CFR Part 178, Subpart H.

Retention period: See 27 CFR 178.129.

178.122 Licensed importers of firearms. [Added]

To maintain records on importation or other acquisition; records on firearms and armor–piercing ammunition transferred to another licensee; and records on the sales or other disposition made of firearms and armor–piercing ammunition to nonlicensees.

Retention period: See 27 CFR 178.129.

178.123 Manufacturers of firearms. [Revised]

See 178.122.

178.124 Licensed firearms importers, manufacturers, or dealers. [Revised]

To maintain firearms transaction records.

Retention period: See 27 CFR 178.129.

178.125 Licensed firearms dealers and collectors. [Revised]

To maintain (a) records on armor–piercing ammunition sales to nonlicensees and licensees; (b) commercial records of armor–piercing ammunition transactions; (c) records on firearms receipt and disposition by dealers and licensed collectors; (d) commercial records of firearms received; and (e) other such records as specified in section cited.

Retention period: See 27 CFR 178.129.

178.127 Licensed firearms manufacturers, importers, dealers, and collectors. [Revised]

See 178.129.

178.171 Licensed manufacturers, licensed importers, and licensed dealers exporting firearms and armor–piercing ammunition. [Revised]

(a) To maintain records showing the manufacture or acquisition of the firearms; the name and address of the foreign consignee of the firearms and armor–piercing ammunition; and the date the firearms and armor–piercing ammunition were exported.

Retention period: See 27 CFR 178.129.

245.110C Brewers. [Removed]

245.135 Brewers. [Removed]

245.136 Brewers. [Removed]

245.145 Brewers. [Removed]

245.146 Brewers. [Removed]

245.147 Brewers. [Removed]

245.148 Brewers. [Removed]

245.152 Brewers. [Removed]

245.153 Brewers. [Removed]

245.155 Brewers. [Removed]

245.156 Brewers. [Removed]

245.157 Brewers. [Removed]

245.158 Brewers. [Removed]

245.161 Brewers. [Removed]

245.205 Brewers. [Removed]

245.206 Brewers. [Removed]

245.207 Brewers. [Removed]

245.208 Brewers. [Removed]

245.215 Brewers. [Removed]

245.217 Brewers. [Removed]

245.225 Brewers. [Removed]

245.226 Brewers. [Removed]

245.227 Brewers. [Removed]

245.232 Brewers. [Removed]

245.245 Brewers. [Removed]

245.256 Proprietors of pilot brewing plants. [Removed]

252.145 Brewers. [Revised; record retention requirements now in 252.146]

252.146 Brewers. [Added]

To keep copies of Form 1689 covering beer and beer concentrate withdrawn without payment of tax for exportation, use as supplies on vessels and aircraft,or transfer to a foreign–trade zone.

Retention period: 2 years.

252.150f Brewers. [Removed]

252.150g Brewers. [Removed]

252.150h Brewers. [Removed]

LABOR DEPARTMENT

Office of the Secretary

29 CFR

5.5 Contractors or subcontractors subject to labor standards provisions applicable to contracts covering federally financed and assisted construction (see 29 CFR 5.1 and 5.5). [Amended]

(a) To keep payroll and basic records including name, address, and social security number of each laborer or mechanic, correct classification, rate of pay (including rates of contributions or costs anticipated for medical or hospital

care, pensions on retirement or death, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing, for unemployment benefits, life insurance, disability and sickness insurance, or accident insurance, for vacation and holiday pay, for defraying costs of apprenticeship programs, or for other bona fide fringe benefits), daily and weekly number of hours worked, deductions made, and actual wages paid to all laborers and mechanics.

(b) In the case of unfunded plans or programs for fringe benefits listed in the Davis-Bacon Act, which are approved by the Department of Labor, to maintain records showing: (1) That the contractor's commitment is enforceable, (2) that it has been communicated in writing to laborers or mechanics employed by him, (3) that it is financially responsible, and (4) the costs anticipated or the actual cost incurred in providing such benefits.

(c) To furnish evidence of registration of an apprenticeship program and certification of trainee programs, the registration of apprentices and trainees, together with evidence of the appropriate ratios and wage rates prescribed in the applicable program.

Retention period: 3 years after termination of contract.

5.5 Contractors or subcontractors subject to labor standards provisions applicable to contracts subject only to the Contract Work Hours and Safety Standards Act. [Amended]

To keep payrolls and records including name, address, social security number, correct classification, hourly rate of pay, daily and weekly number of hours worked, and deductions made and actual wages paid.

Retention period: 3 years from completion of contract.

Occupational Safety and Health Administration

29 CFR

1910.68 Employers subject to manlifts standards. [Amended]

To maintain certification records of findings of manlift inspections.

Retention period: Not specified.

1910.120 Employers engaged in the hazardous waste operations and emergency response operations under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 USC 9601 et. seq.). [Added]

To maintain records of the medical surveillance of (a) all employees who are or may be exposed to hazardous substances or health hazards at or above the established permissible exposure limits for these substances, without regard to the use of respirators, for 30 days or more a year; (b) all employees who wear a respirator; and (c) HAZMAT employees engaged in hazardous waste operations.

Retention period: As specified in 29 CFR 1910.20.

1910.157 Employers subject to fire protection standards. [Amended]

To maintain evidence of the required hydrostatic testing or portable fire extinguishers.

Retention period: The lesser of until hydrostatically retesting at stated intervals or until taken out of service.

1910.179 Employers subject to materials handling and storage standards. [Amended]

To maintain monthly maintenance and test inspection reports concerning rated load test results and ropes idle for a month or more.

Retention period: Not specified.

1910.180 Employers subject to crawler locomotive and truck cranes. [Amended]

To maintain monthly certification inspection reports and records on critical items such as brakes, crane hooks, and ropes.

Ropes shall be kept readily available.

Retention period: Not specified.

1910.181 Employers subject to derrick standards. [Amended]

To maintain monthly written report readily available on inspections of all running and idle ropes.

Retention period: Not specified.

1910.218 Employers subject to forging machine standards. [Added]

To maintain certification records of the periodic and regular maintenance safety checks.

Retention period: Not specified.

1910.252 Employers subject to welding, cutting and brazing standards. [Amended]

To maintain periodic certification records of maintenance inspections.

Retention period: Not specified.

1910.1001 Employers subject to asbestos, tremolite, anthophyllite, or actinolite standards. [Revised]

(a) To keep accurate records of all employees exposure measurements.

Retention period: 30 years.

(b) To maintain accurate record of objective data reasonably relied upon in support of exempted operations.

Retention period: Duration of employer's reliance upon objective data.

(c) To maintain accurate record for each employee subject to medical surveillance.

Retention period: Duration of employment plus thirty years.

(d) To maintain all employee training records.

Retention period:1 year beyond last date of employment of the employee.

1910.1100 Employers subject to the asbestos standards. [Added]

To maintain medical records and records of any personal or environmental monitoring required by cited section.

Retention period: 20 years.

1915.113 Employers subject to shackles and hooks standards. [Amended]

To maintain certification records of tests on all hooks for which no applicable manufacturer's recommendations are available before use.

Retention period: Not specified.

1915.172 Employers of maritime employees. [Amended]

To maintain certification records of the hydrostatic pressure tests on portable unfired pressure vessels.

Retention period: Not specified.

1926.58 Employers subject to asbestos, tremolite, anthophyllite and actinolite standards. [Added]

See 1910.1001.

INTERIOR DEPARTMENT

Minerals Management Service

30 CFR

212.200 Lessees, operators, revenue payors, or other persons holding offshore and onshore Federal and Indian oil and gas leases. [Added]

See 212.51.

TREASURY DEPARTMENT

Monetary Offices

31 CFR

103.32 Financial institutions granting exemptions from the Bank Secrecy Act reporting requirements. [Revised]

To retain statements signed by customer that describe the customary conduct of the lawful domestic business of that customer and a detailed statement of reasons why such person is qualified for an exemption.

Retention period: As long as the customer is on the exempt list and for a period of 5 years following removal of the customer from the bank's exempt list.

Office of Foreign Assets Control

31 CFR

545.601 Persons engaged in transactions subject to the South Africa Transactions Regulations. [Revised]

To keep a full record of each transaction subject to the provisions of 31 CFR Part 545, whether effected pursuant to license or not.

Retention period: 2 years after date of transaction.

550.601 Persons engaged in transactions subject to Libyan Sanctions Regulations. [Added]

To keep a full and accurate record of each transaction including any transaction effected pursuant to license or otherwise.

Retention period: 2 years after date of such transaction.

EDUCATION DEPARTMENT

34 CFR

222.40 Assistance to local educational agencies in federally impacted areas receiving Federal assistance. [Amended]

To maintain adequate written records to prove its entitlement to whatever amount of payment the LEA received for any fiscal year.

Retention period: Five years after end of each fiscal year for which funds were received or until resolution of all Federal audit or review and necessary adjustments to payments have been made.

222.41 Assistance to local educational agencies in federally impacted areas receiving Federal payment. [Amended]

See 222.40.

682.211 Lenders participating in the Guaranteed Student Loan and Plus Programs. [Added]

To maintain evidence in the borrower's loan file that the forbearance has been agreed to by both the lender and the borrower.

Retention period: 5 years after the loan is paid in full or has been determined to be uncollectable in accordance with the agency's write–off procedures.

682.405 Guarantee agencies having a reinsurance agreement for PLUS loans and GSLP loans under section 682.404 entering into a supplemental reinsurance agreement for one of the programs. [Added]

To maintain separate records for each program sufficient to enable the Secretary to determine the reinsurance percentage payable by the Secretary on reinsurance claims and the Secretary's equitable share of borrower payments.

Retention period: 5 years after the loan is paid in full or has been determined to be uncollectable in accordance with the agency's write–off procedures.

682.406 Guarantee agencies. [Revised; new amendment contained no record retention requirements]

682.408 Guarantee agencies and participating lenders of low interest loans to students in post secondary schools. [Revised; new amendment contained no record retention requirements]

682.414 Guarantee agencies and participating lenders in the Guaranteed Student Loan and Plus Programs. [Added]

(a)*Guarantee Agencies.*To keep records required by cited section and such other records as are necessary to document fully the accuracy of reports and the right of the agency to receive or retain payment made by the Secretary.

Retention period: 5 years after the loan is paid in full or has been determined to be uncollectable in accordance with the agency's write–off procedures.

(b)*Participating agencies.*To keep complete and accurate records of each loan that it holds permitting readily identification of the current status of each loan.

Retention period: Not less than 5 years following the date the loan is repaid in full by the borrower or the lender is reimbursed on a claim. In particular cases, the Secretary or the guarantee agency may require the retention of records beyond this minimum period.

682.515 Lenders under the FISLP and Federal Plus Programs. [Added]

To keep complete and accurate records of each loan that it holds,including but not limited to the records described in section 682.414(a)(3)(ii).

Retention period: Not less than 5 years following the date the loan is repaid in full by the borrower or the lender is reimbursed on a claim. In particular cases, the Secretary may require the retention of records beyond this minimum period.

682.519 Lenders under the Federal Insured Student Loan Program. [Revised; record retention requirements now in 682.515].

682.610 Schools participating in the Guaranteed Student Loan and Plus Program. [Added]

To maintain all necessary records as set forth in 34 CFR Parts 668 and 682.

Retention period: 5 years following the last day of the period for which the loan was intended.

682.612 Institutions of higher education participating in the Guaranteed Student Loan Program. [Revised; record retention requirements now in 682.610]

683.35 Guarantee agencies participating in the PLUS program. [Removed]

683.37 Guarantee agencies. [Removed]

683.68 Lenders participating in the Federal PLUS Program. [Removed]

683.91 Participating schools in the Federal PLUS Program. [Removed]

AGRICULTURE DEPARTMENT

Forest Service

36 CFR

223.48 Timber purchasers. [Added]

To maintain records of such transactions involving unprocessed timber.

Retention period: 3 years after the sale is terminated.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR

1206.92 Recipients of Federal grants for collecting and publishing historical documents. [Added]

To maintain accounting records relating to all expenditures for each projects in accordance with generally accepted accounting practices.

Retention period: During grant period and for 3 years thereafter in accordance with OMB Circular A–110 and Federal Management Circular 74–7.

POSTAL SERVICE

39 CFR

Part 111 Second–class mailers. [Added]

To maintain records of requests for a publication which are obtained in conjunction with subscriptions or requests for another publication or other publications in such a manner that individual requests for the publications, by titles, can be substantiated and verified.

Retention period: Not specified, (incorporation by reference DMM 422.6).

Part 111 Second–class mailers. [Added]

To maintain records for subscriptions to publications which are obtained in conjunction with subscriptions to another publication or other publications in such a manner that individual subscriptions to each publication, by title, can be substantiated and verified.

Retention period: Not specified, (incorporation by reference DMM 422.221).

ENVIRONMENTAL PROTECTION AGENCY

40 CFR

4.9 State agencies participating in relocation assistance program. [Added]

To maintain adequate records of its acquisition and displacement activities in sufficient detail to demonstrate compliance with this Part 4.

Retention period: 3 years after each owner of a property and each person displaced from the property receives final payment.

4.105 State agencies participating in relocation assistance programs. [Revised; record retention requirements now in 4.9].

51.102 States conducting public hearings on air pollution control implementation plans. [Added]

To maintain a record of each hearing. The record must contain, at a minimum, a list of witnesses together with the text of each presentation.

Retention period: Not specified.

60.49b Owners or operators of industrial-commercial-institutional steam generating facilities. [Added]

(a) To maintain records of predicted nitrogen oxide emission rates and the monitored operating conditions, including steam generating unit load, identified in the plan which identifies the operating conditions to be monitored under section 60.48b(g)(2) if the plan is approved.

(b)To maintain records of the amounts of all fuels fired during each day.

(c) To maintain records of the nitrogen content of the oil fired in the affected facility.

Retention period: 2 years.

61.67 Owners or operators of plants which produce vinyl chloride. [Amended]

To maintain records of emission test results and other data needed to determine emissions.

Retention period: 3 years.

61.70 Owners or operators of plants which produce vinyl chloride. [Added]

To maintain records of all data needed to determine average emissions.

Retention period: 3 years.

61.71 Owners or operators of plants which produce vinyl chloride. [Amended]

To maintain records of: (a) The leaks detected by the vinyl chloride monitoring system; (b) leaks detected during routine monitoring with the portable hydrocarbon detector and the action taken to repair the leaks; and (c) emission monitoring. To also keep a daily operating record for each polyvinyl chloride reactor, including pressures and temperatures.

Retention period: 3 years.

61.165 Owners or operators of glass melting furnances that use commercial arsenic as raw materials. [Added]

To maintain records to meet the emission limit requirements.

Retention period: 2 years.

61.176 Owners or operators of copper converters. [Added]

To maintain records of the visual inspections, maintenance, and repairs performed on each secondary hood systems.

Retention period: 2 years.

61.185 Owners or operators of arsenic trioxide and metal arsenic production facilities. [Added]

To maintain records of all measurements, maintenance and repairs made to the continuous monitoring system or monitoring device, ambient concentrations at all sampling sites, other data needed to determine such concentrations and other information as specified in section cited.

Retention period: 2 years.

157.36 Registrants of pesticide products required to be in child-resistant packagings. [Added]

To maintain records on description of the packages, copies of certification statements required by section 157.34, and other information as specified in the section.

Retention period: As long as the child-resistant packaging is in effect.

262.57 Primary exporters of hazardous waste. [Added]

To maintain copies of each notification of intent to export; each EPA Acknowledgement of Consent; each confirmation of delivery of the hazardous waste from consignee; and each annual report.

Retention period: 3 years.

264.71 Owners and operators of on-site and off-site hazardous waste treatment, storage, and disposal facilities (hazardous waste from a rail or water bulk shipment) transporter. [Amended]

To keep a copy of each shipping paper and manifest signed by the owner or operator for shipments delivered by rail or water (bulk shipment).

Retention period: 3 years from date of delivery.

264.73 Owners and operators of on-site and off-site hazardous waste treatment, storage, and disposal facilities. [Amended]

To keep a written operating record of the facility.

Retention period: Until at least closure of the facility; monitoring data at disposal facilities: Throughout the post-closure period; records for inspections: 3 years.

265.73 Owners and operators of on-site and off-site hazardous waste treatment, storage, and disposal facilities. [Amended]

See 264.73.

704.33 Persons who manufacture, import or process P-tert-butylbenzoic acid (P-TBBA), p-tert-butyltoluene (P-TBT) and p-tert-butylbenzaldehyde (P-TBB). [Added]

To maintain documentation of information contained in report on data under section 8(a), including information on chemical identity and structure, production, use, exposure, disposal, and health and environmental effects.

Retention period: 5 years from the date of submission of the report.

710.37 Manufacturers and importers of certain substances included in the Toxic Substances Control Act (TSCA) Inventory. [Added]

To maintain records that document any information reported to EPA. For substances that are manufactured or imported at less than 10,000 pounds annually, volume records must be maintained as evidence to support a decision not to submit a report.

Retention period: 4 years beginning with effective date of that reporting period.

720.78 Manufacturers and importers of new chemical substances subject to the provisions of the Toxic Substances Control Act. [Revised]

(a) To maintain documentation of information reviewed and evaluated to determine the need to make any notification of risk.

Retention period: 5 years.

(b) To maintain documentation of the nature and method of notification concerning the health and environmental effect of a substance including copies of any labels or written notices used.

Retention period: 5 years.

(c) To maintain documentation of prudent laboratory practices used instead of notification and evaluation.

Retention period: 5 years.

(d) To maintain the names and addresses of any persons other than the manufacturer or importer to whom the substance is distributed, the identity of the substance to the extent known, the amount distributed and copies of notification required under section 720.36(c)(2).

Retention period: 5 years.

(e) Persons manufacturing or importing substance in quantities

greater than 100 kilograms per year must maintain records of the identity of the substance to the extent known, the production volume of the substance, and the disposition of the substance.

Retention period: 5 years.

761.80 Processors and distributors of PCBs and PCB items. [Added]

To maintain records of activities.

Retention period: 5 years.

761.80 Processors and distributors of PCB in small quantities for research and development having class exemption. [Added]

To maintain records of PCB activities.

Retention period: 5 years.

763.121 Employers of public asbestos abatement workers. [Revised]

To maintain records of employee medical examinations and personal and environmental monitoring.

Retention period: 20 years.

HEALTH AND HUMAN SERVICES DEPARTMENT

Public Health Service

42 CFR

405.406 All providers of services (hospitals, skilled nursing facilities, home health agencies, and clinics, rehabilitation agencies, and public health agencies as providers of outpatient physical therapy and/or speech pathology services) which have filed agreements to participate in the health insurance for the aged and disabled program. [Removed]

405.2133–405.2160 Suppliers of End-Stage Renal Disease (ESRD) Services. [Amended]

To maintain the following: Personnel records on all employees including health status reports, resumé of training and experience, and job descriptions; records reflecting the content of, and attendance at, employee training sessions; written long-term programs and patient care plans for each patient; medical records on all patients (i.e., those receiving care within the facility and those self-care or home dialysis patients for whom the facility has assumed responsibility); records of equipment test results and maintenance; an emergency preparedness plan; and, in the case of renal dialysis facilities, documentation from a renal dialysis center to the effect that patients from the facility will be accepted and treated in emergencies.

Retention period: Medical records, for a period of time not less than that determined by the State statute governing records retention or statute of limitations; or in the absence of a State statute, 5 years from the date of discharge, or, in the case of a minor, 3 years after the patient becomes of age under State law, whichever is longer.

413.20 All providers of services (hospitals, skilled nursing facilities, home health agencies and clinics, rehabilitation agencies, and public health agencies as providers of outpatient physical therapy and/or speech pathology services) which have filed agreements to participate in the health insurance for the aged and disabled program. [Added]

To maintain sufficient financial records and statistical data for proper determination of costs payable under the program. Such records shall include but not be limited to matters of provider ownership, organization, and operation; fiscal, medical, and other recordkeeping systems; Federal income tax status; asset acquisition, lease, sale or other actions; franchise or management arrangements; patient service charge schedules; matters pertaining to costs of operation; amounts of income received by source and purpose; and flow of funds and working capital.

Retention period: Not specified.

413.174 End-Stage Renal Disease (ESRD) facilities. [Added]

To keep adequate cost data and cost finding for outpatient maintenance dialysis.

Retention period: Not specified.

482.24 Hospitals participating in Medicare. [Added]

To maintain a medical record for each inpatient and outpatient.

Retention period: 5 years.

482.26 Hospitals participating in Medicare. [Added]

To maintain records of radiologic services.

Retention period: 5 years.

482.53 Hospitals participating in Medicare. [Added]

To maintain records on nuclear medicine services including copies of nuclear medicine reports and records of the receipt and disposition of radiopharmaceuticals.

Retention period: 5 years.

482.61 Psychiatric hospitals participating in Medicare. [Added]

To maintain special medical records which include development of assessment/diagnostic data, treatment plan, recording progress and discharge planning and discharge summary.

Retention period: 5 years.

HEALTH AND HUMAN SERVICES DEPARTMENT

Office of Family Assistance

45 CFR

205.60 State agencies administering medical assistance programs. [Revised]

(a) To maintain records on applicants and recipients, program operation, fiscal and statistical information, and other records necessary for reporting and accountability.

Retention period: As prescribed by the Secretary.

(b) To maintain records on applicants and Office of Family Assistance recipients, program operation, fiscal and statistical information, and other records necessary for reporting and accountability.

Retention period: As prescribed by the Secretary.

FEDERAL COMMUNICATIONS COMMISSION

47 CFR

42.4 Communication common carriers. [Added]

To maintain at its operating company headquarters a master index of records. The master index shall identify the records retained, the related retention period, and the locations where the records are maintained.

Retention period: Various.

42.6 Communication common carriers. [Added]

To maintain telephone toll records.

Retention period: 18 months.

42.7 Communication common carriers. [Added]

To prepare, maintain and preserve records cited in 42.4 and 42.6 in such a manner that they are easily accessible, identified, located, and reproduced in readable form without loss of clarity.

Retention period: Various.

42.8 Communication common carriers. [Removed]

42.9 Communication common carriers. [Removed]

73.1225 Licensees of TV broadcast stations. [Revised]

(a)All broadcast stations: Equipment performance measurements required by sections 73.1590 and 73.1690; written designations for chief operators and when applicable, the contracts for chief operators engaged on a contract basis; applications for modification of the transmission systems; informal statements or drawings depicting any

transmitter modifications; and station logs and special technical records.

(b) Commercial and noncommercial AM stations: Copy of the most recent antenna or commonpoint impedance measurements; copy of the most recent field strength measurement made to establish performance of directional antennas; and copy of the partial directional antennas.

Retention period: Not specified.

73.3526 Permittees or licensees of AM, FM, or TV stations in the commercial broadcast services. [Amended]

(a) To maintain copies of every application tendered for filing all exhibits, letters, and all amendments, all correspondence between FCC and applicants, every ownership report or supplemental ownership report and every annual employment record.

Retention period: Various.

(b) To maintain records concerning broadcasts by candidates for public office as required by section 73.1940.

Retention period: 2 years.

(c) To maintain a copy of the Public and Broadcasting—A Procedure Manual (see FCC 74–942, 39 FR 32288, September 5, 1974).

Retention period: Indefinitely.

(d) To maintain letters received from members of the public as required by section 73.1202.

Retention period: 3 years.

(e) To maintain a list of at least 5 to 10 community issues addressed by the station's programming during the preceding 3 month period.

Retention period: Term of the license—5 and 7 years for TV and radio, respectively.

(f) To place in the station's local public inspection file a statement certifying compliance when applying for renewal of license.

Retention period: As long as the application to which it refers.

76.311 Operators of cable television systems. [Removed]

80.405 Licensees of radio stations in the maritime services. [Added]

To retain the most recent expired ship station license in the station records .

Retention period: Until the first Commission inspection after the expiration date.

80.409 Licensees of radio stations in the maritime services. [Added]

To maintain station logs.

Retention period: (1) 1 year from date of entry and when applicable for such additional periods as required by the following: (a) Logs relating to distress situation or disaster—3 years from date of entry; (b) logs involving an investigation by the Commission—until the licensee is specifically authorized in writing to destroy them; (c) logs relating to any claim or complaint—until the claim or complaint has been satisfied or barred by statute limiting the time for filing suits upon such claim; and (d) ship radiotelephone logs and applicable radiotelephone log entries— in their original form for at least 30 days from date of entry.

80.413 Licensees of on-board stations in the maritime services. [Added]

To maintain equipment records which show the ship name and identification of the on-board station; the number and type of repeater and mobile units used on-board the vessel; and the date and type of equipment which is added or removed from the on-board station.

Retention period: Not specified.

81.115 Licensees of radio stations on land in the maritime services and Alaska fixed service. [Removed]

81.194 Licensees of radio stations on land in the maritime services and Alaska public fixed stations. [Removed]

81.224 Licensees of radio stations on land in the maritime services and Alaska public fixed stations. [Removed]

81.314 Licensees of radio stations on land in the maritime services and Alaska public fixed stations. [Removed]

81.352 Licensees of limited coast stations or marine-utility stations used on shore. [Removed]

81.352 Licensees of limited coast stations and marine-utility stations. [Removed]

81.603 Licensees of fixed stations associated with the maritime mobile service marine fixed stations. [Removed]

81.704 Licensees of Alaska public fixed stations. [Removed]

83.111 Licensees of radio stations on shipboard in the maritime services. [Removed]

83.115 Licensees of radio stations on shipboard on the maritime services. [Removed]

83.184 Licensees of radio stations on shipboard on the maritime services. [Removed]

83.368 Licensees of radio stations on shipboard on the maritime services. [Removed]

83.405 Licensees of radio stations on shipboard on the maritime services. [Removed]

83.457 Licensees of radio stations on shipboard on the maritime services. [Removed]

83.459 Licensees of ship radiotelegraph stations provided for compliance with part II, title III of the Communications Act or the radio provisions of the Safety Convention. [Removed]

83.462 Licensees of ship radiotelegraph stations provided for compliance with part II, title III of the Communications Act or the radio provisions of the Safety Convention. [Removed]

83.463 Licensees of radio stations on shipboard on the maritime services. [Removed]

83.473 Licensees of radio stations on shipboard on the maritime services. [Removed]

83.548 Licensed operators; radiotelephone installations provided for compliance with the Great Lakes Radio Agreement. [Removed]

83.819 Licensees of radio stations on shipboard on the maritime services authorized for use-of-on-board communications. [Removed]

GENERAL SERVICES ADMINISTRATION

48 CFR

52.222–4 Contractors subject to the Contract Work Hours and Safety Standards Act—Overtime Compensation—General contracts clause. [Revised]

To maintain payroll and basic payroll records during the course of contract work.

Retention period: 3 years from contract completion.

DEFENSE DEPARTMENT

48 CFR

252.208–7000 Contractors with contracts containing the required sources for miniature and instrument ball bearings clause. [Revised]

To maintain compliance records.

Retention period: 3 years from date of final payment.

252.208–7001 Contractors with contracts containing required sources for precision components for mechanical time devices clause. [Revised]

To maintain compliance records.

Retention period: 3 years from the date of final payment.

252.208-7003 Contractors with contracts containing required sources for high carbon ferrochrome. [Added]

See 252.208-7000.

252.208-7005 Contractors with contracts containing required sources for forging and welded shipboard anchor chain items. [Added]

See 252.208-7000.

252.217-7103 Contractors with contracts containing the job orders and compensation clause. [Revised]

To keep records showing the cost of performing work on a vessel.

Retention period: Not specified.

252.217-7104 Contractors with contracts containing inspection and manner of doing work clause. [Revised]

To keep records of all inspection work.

Retention period: 90 days after completion of all work required by the job order.

252.222.7000 Contractors with fixed price contracts containing potential application of the Service Contract Act, as amended clause. [Revised]

To maintain pertinent books, documents, papers, and records.

Retention period: 3 years after final payment.

252.236-7005 Contractors subject to the salvage materials and equipment contracts clause. [Revised]

To maintain adequate property control records for all materials or equipment specified to be salvaged.

Retention period: Not specified.

252.237-7415 Contractors subject to provisions of cost or pricing data—common carrier contracts clause. [Revised]

To maintain such books, records, documents, and other evidence and accounting procedures and practices, sufficient to reflect properly the direct and indirect cost which were the basis for the pricing of the CSA.

Retention period: 3 years from the date of the submission of the data which forms the basis for a recurring or nonrecurring charge or until the expiration of the period of contingent liability.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR

1852.222-4 Contractors having contracts with Contract Work Hour and Safety Standards Act-overtime compensation clause. [Added]

To maintain payroll and basic payroll records during the course of the contract work for all laborers and mechanics, including guards and watchmen, working on the contract work.

Retention period: 3 years from completion of the contract.

TRANSPORTATION DEPARTMENT

Research and Special Programs Administration

49 CFR

192.225 Welders of steel materials to be used in pipelines. [Revised]

To keep records of welding procedures that have been qualified under either section IX of the ASME Boiler and Pressure Vessel Code or section 2 of API Standard 1104.

Retention period: As long as procedure is used.

195.214 Welders. [Added]

To maintain records in detail of the welding procedures, including the results of the qualifying tests.

Retention period: As long as procedures are used.

Coast Guard

49 CFR

421.30 Nonprofit firms or associations designated to certify containers for international transport under Customs seal. [Removed]

National Highway Traffic Safety Administration

49 CFR

585.6 Passenger car manufacturers. [Added]

To maintain records of the Vehicle Identification Number and type of automatic restraint for each passenger car which is reported under section 585.5.

Retention period: Until December 31, 1991.

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

50 CFR

611.70 Operators of foreign fishing vessels. [Amended]

To maintain such records as daily catch, daily receipt, transfer, and daily cumulative receipts logs and/or any other reports required in this section.

Retention period: Not specified.

611.92 Operators of foreign fishing vessels. [Amended]

See 611.60.

630.5 Owners or operators of vessels of the United States who have been issued a permit to fish for or land swordfish. [Added]

To maintain daily fishing records on forms provided by the Center Director according to instructions.

Retention period: Monthly.

653.5 Owners or operators of vessels fishing in the non-directed commercial red drum fisheries. [Added]

To maintain logbook containing the name and address of owner or operator; name and official number of vessel and vessel's home port; port and time of depature and arrival; pounds of red drum landed; and other information as specified in cited section.

Retention period: Not specified.

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federal register

Friday
February 27, 1987

Part III

Department of Defense
General Services Administration
National Aeronautics and Space Administration

48 CFR Parts 3, 9, and 52

Federal Acquisition Regulation; Anti-Kickback Act of 1986; Interim Rule With Request for Comment

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 3, 9, and 52

[Federal Acquisition Circular 84-24]

Federal Acquisition Regulation; Anti-Kickback Act of 1986

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Interim rule with request for comment.

SUMMARY: Federal Acquisition Circular (FAC) 84-24 amends the Federal Acquisition Regulation. (FAR) with respect to the revision of sections 3.502, 9.406, and the addition of the clause at 52.203-7 concerning implementation of the Anti-Kickback Act of 1986.

EFFECTIVE DATE: February 6, 1987.

COMMENT DATE: Comments must be received on or before April 28, 1987. Please cite FAC 84-24 in all correspondence on this subject.

ADDRESS: Interested parties should submit written comments to: General Services Administration, FAR Secretariat (VRS), 18th & F Streets NW., Room 4041 Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Ms. Margaret A. Willis, FAR Secretariat, Telephone (202) 523-4755.

SUPPLEMENTARY INFORMATION:

A. Background

Federal Acquisition Regulation 3.502, 9.406-1, and 52.203-7 are being revised to implement the Anti-Kickback Act of 1986 (41 U.S.C. 51-58). The Act was passed to deter subcontractors from making payments and contractors from accepting payments for the purpose of improperly obtaining or rewarding favorable treatment in connection with a prime contract or a subcontract relating to a prime contract. The Act requires each contracting agency to include in all contracts a requirement that the contractor shall (a) have in place and follow reasonable procedures designed to prevent and detect violations of the Act; and (b) cooperate with any Federal agency investigating a violation of the Act. This requirement is effective in all solicitations issued on or after February 6, 1987.

B. Regulatory Flexibility Act

The revision of Subpart 3.5 concerning implementation of the Anti-Kickback Act of 1986 may have a significant economic impact on a substantial number of small entities. An initial regulatory flexibility analysis has been prepared and provided to the Chief Counsel for Advocacy, Small Business Administration.

Initial Regulatory Flexibility Analysis

This initial regulatory flexibility analysis has been prepared in accordance with section 603, Title 5, United States Code.

Reasons for Proposed Agency Action

This rule implements the Anti-Kickback Act of 1986, which requires that each contract include requirements that the prime contractor have in place and follow reasonable procedures designed to prevent and detect violations of the Act and to cooperate fully with any Federal agency investigating a violation of the Act. The rule also provides other essential information on the Act to contracting parties.

Objectives and Legal Basis

The objective is to implement the Anti-Kickback Act of 1986. The legal basis is the aforementioned Act.

Description of and Estimate of Number of Samll Entities to Which Interim Rule Applies

This interim rule may have a significant economic impact on a substantial number of small entities. However, the actual impact is not known. Publication as an interim rule will afford the public the opportunity to comment on its economic impact on small entities, and such comments will be considered in the formulation of the final regulatory flexibility analysis and the final rule.

Projected Reporting, Recordkeeping, and Other Compliance Requirements

This interim rule will require the establishment of procedures by all Government prime contractors and subcontractors to detect and report possible violations of the Act, and to cooperate fully with any Federal agency investigating a violation of the Act. The impact in this area on small entities is not known. As stated above, the public has the opportunity to comment on the reporting and recordkeeping. requirements.

Relevant Federal Rules Which May Duplicate, Overlap, or Conflict with the Interim Rule

There do not appear to be any existing relevant Federal rules which duplicate, overlap, or conflict with the interim rule.

Significant Alternatives

There are no significant alternatives since the interim rule merely passes through the requirements of the Anti-Kickback Act of 1986.

C. Determination to Issue an Interim Regulation

A determination has been made pursuant to 41 U.S.C. 418b(d), under the authority of the Secretary of Defense, the Administrator of General Servics, and the Administrator of the National Aeronautics and Space Administration to issue the regulation in FAC 84-24 as an interim regulation. This action is necessary in order to implement the Anti-Kickback Act of 1986 (41 U.S.C. 51-58) by the statutory effectivity date.

D. Paperwork Reduction Act

The information collection requirements in this rule have been submitted for approval to the Office of Management and Budget (OMB) as required by 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 3, 9, and 52

Government procurement.

Dated: February 24, 1987.

Lawrence J. Rizzi,

Director, Office of Federal Acquisition and Regulatory Policy.

Federal Acquisition Circular

Unless otherwise specified, all Federal Acquisition Regulations (FAR) and other directive material contained in FAC 84-24 is effective February 6, 1987.

Eleanor R. Spector,

Deputy Assistant Secretary of Defense for Procurement.

Unless otherwise specified, all Federal Acquisition Regulations (FAR) and other directive material contained in FAC 84-24 is effective February 6, 1987.

Terence C. Golden,

Administrator.

February 24, 1987.

Unless otherwise specified, all Federal Acquisition Regulations (FAR) and other directive material contained

in FAC 84–24 is effective February 6, 1987.

S.J. Evans,

Assistant Administrator for Procurement.

Item I—Anti-Kickback Enforcement Act of 1986

Federal Acquisition Regulation 3.502, 9.406–1, and 52.203–7 are being revised to implement the Anti-Kickback Act of 1986 (41 U.S.C. 51–58). The Act was passed to deter subcontractors from making payments and contractors from accepting payments for the purpose of improperly obtaining or rewarding favorable treatment in connection with a prime contract or a subcontract relating to a prime contract. The Act requires each contracting agency to include in all contracts a requirement that the contractor shall (a) have in place and follow reasonable procedures designed to prevent and detect violations of the Act; and (b) cooperate with any Federal agency investigating a violation of the Act. This requirement is effective in all solicitations issued on or after February 6, 1987.

Therefore, 48 CFR Parts 3, 9, and 52 are amended as set forth below.

1. The authority citation for 48 CFR Parts 3, 9, and 52 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. Chapter 137; and 42 U.S.C. 2453(c).9

PART 3—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

2. Section 3.503 is revised and sections 3.501–1 through 3.502–3 are added to read as follows:

3.502 Subcontractor kickbacks.

3.502–1 Definitions.

"Kickback," as used in this section, means any money, fee, commission, credit, gift, gratuity, thing of value, or compensation of any kind which is provided, directly or indirectly, to any prime contractor, prime contractor employee, subcontractor, or subcontractor employee for the purpose of improperly obtaining or rewarding favorable treatment in connection with a prime contract or in connection with a subcontract relating to a prime contract.

"Person," as used in this section, means a corporation, partnerhsip, business association of any kind, trust, joint-stock company, or individual.

"Prime contract," as used in this section, means a contract or contractual action entered into by the United States for the purpose of obtaining supplies, materials, equipment, or services of any kind.

"Prime Contractor employee," as used in this section, means any officer, partner, employee, or agent of a prime contractor.

"Subcontract," as used in this section, means a contract or contractural action entered into by a prime contractor or subcontractor for the purpose of obtaining supplies, materials, equipment, or service of any kind under a prime contract.

"Subcontractor," as used in this section, (a) means any person, other than the prime contractor, who offers to furnish or furnishes any supplies, materials, equipment, or services of any kind under a prime contract or a subcontract entered into in connection with such prime contract, and (b) includes any person who offers to furnish or furnishes general supplies to the prime contractor or a higher tier subcontractor.

"Subcontractor employee," as used in this section, means any officer, partner, employee, or agent of a subcontractor.

3.502–2 General.

The Anti-Kickback Act of 1986 (41 U.S.C. 51–58) was passed to deter subcontractors from making payments and contractors from accepting payments for the purpose of improperly obtaining or rewarding favorable treatment in connection with a prime contract or a subcontract relating to a prime contract. The Act—

(a) Prohibit any persons from—

(1) Providing, attempting to provide, or offering to provide any kickback;

(2) Soliciting, accepting, or attempting to accept any kickbacks; or

(3) Including, directly or indirectly, the amount of any kickback in the contract price charged by a subcontractor to a prime contractor or a higher tier subcontractor or in the contract price charged by a prime contractor to the United States.

(b) Imposes criminal penalties on any person who knowingly and willfully engages in the prohibited conduct addressed in paragraph (a) of this subsection.

(c) Provides for the recovery of civil penalties by the United States from any person who knowingly engages in such prohibited conduct and from any person whose employee, subcontractor, or subcontractor employee provides, accepts, or charges a kickback.

(d) Provides that—

(1) The contracting office may offset the amount of a kickback against monies owed by the United States to the prime contractor under the prime contract to which such kickback relates;

(2) The contracting officer may direct a prime contractor to withhold from any sums owed to a subcontractor under a subcontractor of the prime contract the amount of any kickback which was or may be offset against the prime contractor under paragraph (d)(1) of this section; and

(3) An offset under paragraph (d)(1) or a direction under paragraph (d)(2) of this section is a claim by the Government for the purposes of the Contract Disputes Act of 1978.

(e) Authorizes contracting officers to order that sums withheld under paragraph (d)(2) of this section be paid to the contracting agency, or if the sum has already been offset against the prime contractor, that is be retained by the prime contractor.

(f) Requires the prime contractor to notify the contracting officer when the withholding under paragraph (d)(2) of this section has been accomplished unless the amount withheld has been paid to the Government.

(g) Requires a prime contractor or subcontractor to report in writing to the inspector general of the contracting agency, the head of the contracting agency if the agency does not have an inspector general, or the Department of Justice any possible violation of the Act when the prime contractor or subcontractor has reasonable grounds to believe such violation may have occurred.

(h) Provides that, for the purpose of ascertaining whether there has been a violation of the Act with respect to any prime contract, the General Accounting Office and the inspector general of the contracting agency, or a representative of such contracting agency designated by the head of such agency if the agency does not have an inspector general, shall have access to and may inspect the facilities and the audit books and records, including any electronic data or records, of any prime contractor or subcontractor under a prime contract awarded by such agency.

(i) Requires each contracting agency to include in each prime contract a requirement that the prime contractor shall—

(1) Have in place and follow reasonable procedures designed to prevent and detect violations of the Act in its own operations and direct business relationships; and

(2) Cooperate fully with any Federal agency investigating a possible violation of the Act.

3.502–3 Contract clause.

The contracting officer shall insert the clause at 52.203–7, Anti-Kickback Procedures, in all solicitations and contracts.

PART 9—CONTRACTOR QUALIFICATIONS

3. Section 9.406–1 is amended in paragraph (a) by adding a third sentence to read as follows:

9.406–1 General.

(a) * * * In this connection, the supplying of information by the contractor to the Government pursuant to the Anti-Kickback Act of 1986 (see 3.502) shall be favorable evidence of the contractor's responsibility.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

4. Section 52.203–7 is added to read as follows:

52.203–7 Anti-Kickback Procedures.

As prescribed in 3.502–3, insert the following clause:

Anti-Kickback Procedures (Feb. 1987)

(a) Definitions.

"Kickback," as used in this clause, means any money, fee, commission, credit, gift, gratuity, thing of value, or compensation of any kind which is provided, directly or indirectly, to any prime Contractor, prime Contractor employee, subcontractor, or subcontractor employee for the purpose of improperly obtaining or rewarding favorable treatment in connection with a prime contract or in connection with a subcontract relating to a prime contract.

"Person," as used in this clause, means a corporation, partnership, business association of any kind, trust, joint-stock company, or individual.

"Prime contract," as used in this clause, means a contract or contractual action entered into by the United States for the purpose of obtaining supplies, materials, equipment, or services of any kind.

"Prime Contractor employee," as used in this clause, means any officer, partner, employee, or agent of a prime Contractor.

"Subcontract," as used in this clause, means a contract or contractual action entered into by a prime Contractor or subcontractor for the purpose of obtaining supplies, materials, equipment, or services of any kind under a prime contract.

"Subcontractor," as used in this clause, (1) means any person, other than the prime Contractor, who offers to furnish or furnishes any supplies, materials, equipment, or services of any kind under a prime contract or a subcontract entered into in connection with such prime contract, and (2) includes any person who offers to furnish or furnishes general supplies to the prime Contractor or a higher tier subcontractor.

"Subcontractor employee," as used in this clause, means any officer, partner, employee, or agent of a subcontractor.

(b) The Anti-Kickback Act of 1986 (41 U.S.C. 51–58) (the Act), prohibits any person from—

(1) Providing or attempting to provide or offering to provide any kickback;

(2) Soliciting, accepting, or attempting to accept any kickback; or

(3) Including, directly or indirectly, the amount of any kickback in the contract price charged by a prime Contractor to the United States or in the contract price charged by a subcontractor to a prime Contractor or higher tier subcontractor.

(c)(1) The Contractor shall have in place and follow reasonable procedures designed to prevent and detect possible violations described in paragraph (b) of this clause in its own operations and direct business relationships.

(2) When the Contractor has reasonable grounds to believe that a violation described in paragraph (b) of this clause may have occurred, the Contractor shall promptly report in writing the possible violation. Such reports shall be made to the inspector general of the contracting agency, the head of the contracting agency if the agency does not have an inspector general, or the Department of Justice.

(3) The Contractor shall cooperate fully with any Federal agency investigating a possible violation described in paragraph (b) of this clause.

(4) Regardless of the contract tier at which a kickback was provided, accepted, or charged under the contract in violation of paragraph (b) of this clause, the Contracting Officer may—

(i) Offset the amount of the kickback against any monies owed by the United States under this contract and/or (ii) direct that the Contractor withhold from sums owed the subcontractor, the amount of the kickback. The Contracting Officer may order that monies withheld under subdivision (c)(4)(ii) of this clause be paid over to the Government unless the Government has already offset those monies under subdivision (c)(4)(i) of this clause. In the latter case, the Contractor shall notify the Contracting Officer when the monies are withheld.

(5) The Contractor agrees to incorporate the substance of this clause, including this subparagraph (c)(5), in all subcontracts under this contract.

[FR Doc. 87–4219 Filed 2–26–87; 8:45 am]

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