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federal register

Tuesday
March 10, 1987

Briefings on How To Use the Federal Register—
For information on briefings in Atlanta, GA, and Washington, DC, see announcement on the inside cover of this issue.

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THE FEDERAL REGISTER
WHAT IT IS AND HOW TO USE IT

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

WHO: The Office of the Federal Register.

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

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

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

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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Presidential Documents

Title 3—

The President

Proclamation 5616 of March 6, 1987

Federal Employees Recognition Week, 1987

By the President of the United States of America

A Proclamation

This year, as we commemorate the Bicentennial of our Constitution, it is especially fitting that we honor our Nation's more than three million Federal employees. Their dedication to public service and their devotion to their country, sometimes under trying circumstances, have helped ensure the success of the greatest experiment in liberty the world has ever known—the United States of America.

Our Federal employees are skilled public servants who work diligently every day to build a better America. Many of them are our friends, neighbors, and community leaders. In their spare time, they can be found doing volunteer work in our churches, schools, clubs, and other organizations. We can be grateful for the deep commitment of the men and women of our Federal work force.

That commitment is reflected on the job in Federal employees' myriad of activities in serving the American people. Federal workers protect the public in hundreds of ways, from weather monitoring to transportation safety. They conduct research in virtually every facet of human endeavor, from fighting cancer to improving agricultural techniques to exploring space. They assist the men and women of our Armed Forces in carrying out the mission of national defense. Federal employees make sure that programs vital to every American function effectively, from Social Security to natural resource management to assistance for the veterans whose service and sacrifices have kept us a free Nation.

The dedication of Federal employees is typified by the many handicapped Federal workers who have courageously risen above personal hardships to give of themselves to their country. That dedication is also personified by the men and women of the Senior Executive Service who through effort, leadership, and imagination distinguish themselves in service to the American people.

But let us be sure to honor all the men and women of our Federal work force, who serve today with the same skill, professionalism, and quiet devotion to our Nation they have always exhibited.

The Congress, by House Joint Resolution 53, has designated the week beginning March 1, 1987, as "Federal Employees Recognition Week" and authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning March 1, 1987, as Federal Employees Recognition Week. I invite the people of the United States to observe this week with appropriate ceremonies and activities to recognize the devotion, contributions, and faithful service of our Nation's Federal employees.

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

Ronald Reagan

[FR Doc. 87-5183
Filed 3-6-87; 4:25 pm]
Billing code 3195-01-M

Presidential Documents

Proclamation 5617 of March 6, 1987

Amending the Generalized System of Preferences

By the President of the United States of America

A Proclamation

1. Pursuant to section 502(c)(7) and section 504 of the Trade Act of 1974, as amended (the Trade Act) (19 U.S.C. 2462(c)(7) and 2464), and section 604 of the Trade Act (19 U.S.C. 2483), I have determined that it is appropriate to provide for the termination of preferential treatment under the Generalized System of Preferences (GSP) for articles which are currently eligible for such treatment and which are imported from Nicaragua and Romania. Such termination is the result of my determination that such countries have not taken and are not taking steps to afford internationally recognized worker rights, as defined in section 502(a)(4) of the Trade Act, as amended (19 U.S.C. 2462(a)(4)). I have also determined that it is appropriate to provide for the suspension of preferential treatment under the GSP for articles which are currently eligible for such treatment and which are imported from Paraguay. Such suspension is the result of my determination that Paraguay has not taken and is not taking steps to afford such worker rights.

2. Section 502(c)(7) of the Trade Act provides that a country which has not taken or is not taking steps to afford such internationally recognized worker rights is ineligible for designation as a beneficiary developing country for purposes of the GSP. Section 504 authorizes the President to withdraw, suspend, or limit the application of duty-free treatment under the GSP with respect to any article or with respect to any country upon consideration of the factors set forth in sections 501 and 502(c) of the Trade Act (19 U.S.C. 2461 and 2462(c)).

3. Section 502 of the Trade Act, as amended, authorizes the President to designate the countries that will be beneficiary developing countries for purposes of the GSP. Such countries are entitled to duty-free entry of eligible articles imported directly therefrom into the customs territory of the United States. Among the countries previously designated as GSP beneficiaries is the Trust Territory of the Pacific Islands, which was included in the list of non-independent countries and territories eligible for benefits of the GSP.

4. In light of the Compact of Free Association between the United States and the Federated States of Micronesia and the Republic of Marshall Islands, and having due regard for the eligibility criteria set forth in section 502 of the Trade Act, I hereby designate the Federated States of Micronesia and the Republic of Marshall Islands as beneficiary developing countries for purposes of the GSP. Previously, these countries were included in the Trust Territory of the Pacific Islands.

5. Section 604 of the Trade Act authorizes the President to embody in the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202) the substance of the relevant provisions of that Act, of other acts affecting import treatment, and of actions taken thereunder.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes of the United States of America, including but not limited to sections 502, 504, and 604 of the Trade Act, do proclaim that:

(1) General headnote 3(e)(v)(A) to the TSUS, listing those countries whose products are eligible for benefits of the GSP, is modified—

(a) by striking out "Nicaragua", "Paraguay", and "Romania" from the enumeration of independent countries, and

(b) by inserting in alphabetical order in the enumeration of independent countries "Federated States of Micronesia" and "Republic of Marshall Islands".

(2) No article the product of Nicaragua, Paraguay, or Romania and imported into the United States after March 4, 1987, shall be eligible for preferential treatment under the GSP.

(3) (a) The modifications to the TSUS made by paragraph (1)(a) of this proclamation shall be effective with respect to articles both: (1) imported on or after January 1, 1976, and (2) entered, or withdrawn from warehouse for consumption, on or after March 4, 1987.

(b) The designation of the Federated States of Micronesia as a beneficiary developing country under the GSP shall be effective with respect to articles both: (1) imported on or after January 1, 1976, and (2) entered, or withdrawn from warehouse for consumption, on or after November 3, 1986.

(c) The designation of the Republic of Marshall Islands as a beneficiary developing country under the GSP shall be effective with respect to articles both: (1) imported on or after January 1, 1976, and (2) entered, or withdrawn from warehouse for consumption, on or after October 21, 1986.

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of March, in the year of our Lord nineteen hundred and eighty-seven, and of the Independence of the United States of America the two hundred and eleventh.

Ronald Reagan

[FR Doc. 87-5235
Filed 3-9-87; 10:18 am]
Billing code 3195-01-M

Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 240

[Amendment 1]

Cash in Lieu of Donated Foods; Deadlines for Estimating Value of Donated Commodities and Paying Cash in Lieu of Commodities to States

AGENCY: Food and Nutrition Service, Interior.

ACTION: Final rule.

SUMMARY: This rule amends the regulations governing payment of cash in lieu of donated foods by changing the date by which the Department must estimate the value of commodities to be delivered to States for the National School Lunch Program and the date by which the Department must pay cash in lieu of commodities to States. The regulation implements a nondiscretionary statutory provision and will improve the operation of the cash in lieu program.

EFFECTIVE DATE: March 10, 1987.

FOR FURTHER INFORMATION CONTACT: Ms. Beverly A. King, Chief, Program Administration Branch, Food Distribution Division, Food and Nutrition Service, 3101 Park Center Drive, Room 502, Alexandria, Virginia 22302, Telephone (703) 756–3660.

SUPPLEMENTARY INFORMATION:

Classification

This action has been reviewed under Executive Order 12291 and has been classified as not major because it will not have an annual effect on the economy of $100 million, will not cause a major increase in costs or prices for program participants, individual industries, Federal agencies, State or local government agencies or geographic regions, and will not have a significant economic impact on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or foreign markets.

This regulation has also been reviewed with regard to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601–612). Pursuant to the review, the Administrator of the Food and Nutrition Service has certified that this final rule does not have a significant economic impact on a substantial number of small entities because State agencies are not "small entities" as defined under the Act.

This final rule implements a provision which is included in Pub. L. 99–500 and 99–591 and which is nondiscretionary. For this reason, the Administrator of the Food and Nutrition Service has determined in accordance with 5 U.S.C. 553(b) and 553(d), that prior notice and comment is unnecessary and contrary to the public interest and that good cause exists for making this rule effective on publication.

In addition, since this rule merely implements cited statutory provisions, it constitutes an interpretive rule for which notice and comment rulemaking and a 30-day period before taking effect are not required by 5 U.S.C. 553.

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), the reporting and recordkeeping requirements that are included in this final rule have been submitted to the Office of Management and Budget (OMB).

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.550 and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. (7 CFR Part 3015, Subpart V, 48 FR 29112, June 24, 1983.)

Background

Section 6(b) of the National School Lunch Act (42 U.S.C. 1755(b)) establishes a deadline by which the Department is to make an estimate of the value of agricultural commodities and other foods to be delivered to States for use in the National School Lunch Program. This section also stipulates the date by which the Department must pay to State education agencies the funds those agencies will pay to schools as cash in lieu of commodities in the event that the Department does not buy sufficient commodities to meet the mandated national level of assistance. In the past, these dates were May 15 and June 15 respectively. To enable the Department to base its estimates and payments on more recent data, Congress enacted Section 321 of Title III of Pub. L. 99–500 and 99–591, which extended these deadlines. The new deadline for estimating the value of commodities for use in schools is June 1, and the deadline for the Department to make cash in lieu of payments to the States is July 1. Since the Department has no discretion in the implementation of this provision, these new dates are being incorporated into § 240.1(b) and 240.3(a) of the regulations governing Cash In Lieu of Donated Foods as final rulemaking without public comment.

List of Subjects in 7 CFR Part 240

Aged, Agricultural commodities, Business and industry, Food assistance programs, Food donations, Food processing, Grant programs—social programs, Infants and children, Price support programs, Reporting and recordkeeping requirements, School breakfast and lunch programs, Surplus agricultural commodities.

Accordingly, 7 CFR Part 240 is amended as follows:

PART 240—CASH IN LIEU OF DONATED FOODS

1. The authority citation for Part 240 is revised to read as follows:

Authority: Sec. 10, Pub. L. 89–642, 80 Stat. 889, as amended (42 U.S.C. 1779); sec. 3, Pub. L. 93–326, 88 Stat. 286, as amended (42 U.S.C. 1755); secs. 12 and 16, Pub. L. 94–105, 89 Stat. 515, 522 (42 U.S.C. 1765, 1766); secs. 802 and 813, Pub. L. 97–35 (42 U.S.C. 1755 and 42 U.S.C. 1762a) and sec. 321, Pub. L. 99–500, unless otherwise noted.

§ 240.1 [Amended]

2. In § 240.1, paragraph (b) is amended by removing May 15 from the first sentence and June 15 from the second sentence and adding June 1 and July 1 in their respective places

§ 240.3 [Amended]

3. In § 240.3, paragraph (a) is amended by removing May 15 from the first sentence and June 15 from the second

sentence and adding June 1 and July 1 in their respective places.

Dated: February 26, 1987.

Robert E. Leard,

Administrator.

[FR Doc. 87-4956 Filed 3-9-87; 8:45 am]

BILLING CODE 3410-30-M

Agricultural Marketing Service

7 CFR Part 948

Irish Potatoes Grown in Colorado, Area No. 3; Handling Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department is adopting as a final rule the changes made by the interim rule of July 17, 1986 to the effective date provisions for the maturity requirements for Area No. 3 Colorado potatoes. The effective date for the maturity requirements will be changed from August 1 through December 31 to July 1 through December 31. Colorado Area No. 3 is producing earlier maturing varieties of potatoes and now starts shipping in July rather than August.

EFFECTIVE DATE: April 9, 1987.

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

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

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has determined that this section 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 businesses 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 of 1937, as amended, and rules promulgated thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 19 handlers of Area No. 3 Colorado potatoes subject to regulation under the marketing order for Irish potatoes grown in Colorado. In addition, there are approximately 112 producers in the production area. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual gross revenues for the last three years of less than $100,000. Handlers are considered small entities if gross annual revenues are less than $3,500,000. The majority of Area No. 3 Colorado potato producers and handlers may be classified as small entities.

The Administrator of AMS has considered the impact of this regulatory action on small entities. The regulatory action in this instance is the finalization of an interim final rule which amended the handling regulation for the 1986 and subsequent crops of potatoes grown in Area No. 3. That rule changed the effective date for maturity (skinning) requirements from August 1 through December 31 to July 11 through December 31 for the 1986 season, and July 1 through December 31 for subsequent seasons.

Shipments of potatoes grown in the production area are starting in July rather than August. An effective date which coincides with the beginning of the shipping season will help keep badly skinned potatoes out of fresh market channels. Such potatoes are unacceptable in the marketplace because their quality usually deteriorates more quickly than more mature potatoes. The maintenance of good quality is of paramount importance in maintaining current markets and developing new markets.

While this regulation changes the starting date for maturity (skinning) requirements to coincide with the shipping season, not all potato shipments made under the order are subject to these requirements. For example, handlers may handle up to but not more than 1,000 pounds of potatoes per shipment without regard to the grade, size, and maturity requirements of the handling regulation. Moreover, the handling regulation permits shipments of potatoes for livestock feed, charity, canning, freezing, or other processing exempt from the grade, size, maturity, and inspection requirements of that regulation. In addition, the maturity requirements are not applicable to potatoes for prepeeling.

Based on available information, it is the Department's view that the impact of this action upon growers and handlers will not be adverse. The costs of implementing the regulations would be significantly offset when compared to the potential benefits of applying these requirements earlier. The industry considers this change as necessary to improve returns to growers in the production area while consistently supplying fresh markets with good quality potatoes.

The interim final rule and this action are issued under the marketing agreement and Order No. 948, both as amended (7 CFR Part 948), regulating the handling of Irish potatoes grown in Colorado. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The interim final rule was issued on July 11, 1986, and published in the **Federal Register** on July 17, 1986 (51 FR 25850). Interested person were given until August 18, 1986, to submit comments. No comments were received.

This action finalizes the interim final rule which was based on a recommendation made by the Colorado Area No. 3 Potato Committee at a public meeting in Greeley, Colorado. That committee, established under the marketing agreement and order, works with the Department in administering the program. This rule contains requirements identical to those in the interim final rule in effect since July 11, 1986, except for deletion of language concerning the effective dates for the 1986 season. This language is no longer necessary.

At that meeting the committee recommended an earlier effective date for the minimum maturity requirements for all varieties of potatoes produced and marketed from that area. The maturity requirements are based on the degree of skinning of the potatoes. Prior to the issuance of the interim final rule these requirements were effective during the period August 1 through December 31 each season. These requirements prevented badly skinned potatoes from being distributed to fresh market outlets.

In recent years, the producers from this area have switched to earlier maturing varieties and early season shipments now begin in July rather than August. To reflect these changes industry production and marketing practices, a new effective date for the application of maturity requirements is established as July 1 for each season.

Maturity requirements relate to the amount of skin on the potato, which can be a factor on the storability of potatoes. All varieties of potatoes must grade at least U.S. No. 2, which has no skinning requirement; however, as provided in this final rule, during the period July 1 to December 31 each season, U.S. No. 2 potatoes cannot be more than

"moderately skinned" which means that not more than 10 percent of the potatoes in the lot have more than one-half of the skin missing or "feathered." For all other grades, potatoes cannot be more than "slightly skinned". "Slightly skinned" potatoes means that not more than 10 percent of the potatoes in the lot have more than one-fourth of the skin missing or "feathered".

The earlier effective date will insure the maturity of early season shipments in the interest of producers and consumers and have no measurable effect on the quantity of potatoes shipped from Colorado Area No. 3, or upon U.S. retail potato prices. The earlier effective date will enable the Colorado Area No. 3 potato industry to better compete with other potato producing areas in the United States by insuring the use of qualities acceptable to buyers throughout its entire season. The shipment of unacceptable quality potatoes early in the season can have a negative impact on grower returns.

After consideration of all relevant matters presented, the information and recommendation submitted by the committee, and other available information, it is hereby found that the following action will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 948

Marketing agreements and orders, Potatoes, Colorado.

Accordingly, the interim rule amending 7 CFR Part 948 which was published at 51 FR 25850 on July 17, 1986, is adopted as a final rule with the following change:

PART 948—IRISH POTATOES GROWN IN COLORADO

1. The authority citation for 7 CFR Part 948 continues to read as follows:

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

2. Section 948.387(b) is revised to read as follows:

§ 948.387 Handling regulation.

* * * * *

(b) *Maturity (skinning) requirements—All Varieties*—During the period beginning July 1 and ending December 31 each season for U.S. No. 2 grade, not more than "moderately skinned," and for all other grades, not more than "slightly skinned"; thereafter no maturity requirements.

* * * * *

Dated: February 26, 1987.

William J. Doyle,

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

[FR Doc. 87–4896 Filed 3–9–87; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

Delegations of Authority and Organization; Center for Drugs and Biologics, Director and Deputy, et al. Export of Unapproved Drugs

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulations for delegations of authority by adding a new delegation to officials in the Center for Drugs and Biologics and the Center for Veterinary Medicine from the Commissioner of Food and Drugs. The authority relates to the approval for export of veterinary and human drugs not approved for marketing in the United States.

EFFECTIVE DATE: March 10, 1987.

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

SUPPLEMENTARY INFORMATION: FDA is amending the regulations in 21 CFR Part 5 by adding § 5.44 to delegate to officials in the Center for Drugs and Biologics and the Center for Veterinary Medicine the authorities to perform the functions that have been delegated to the Commissioner under the Drug Export Amendment Act of 1986 (Pub. L. 99–660). This law amended the Federal Food, Drug, and Cosmetic Act by adding a new section 802. New section 802 (a) through (e) allows for the export, upon proper application by a manufacturer, of an unapproved new drug or unlicensed biological product to any of 21 listed countries. Section 802(f) allows for the approval or disapproval of an application to export a drug, including a biological product, to be used in the prevention or treatment of a tropical disease. In addition, the law amended section 351 of the Public Health Service Act (42 U.S.C. 262) by adding paragraph (h), which allows for the approval or disapproval of an application to export a partially processed biological product.

These authorities are being redelegated from the Commissioner to the Center for Drugs and Biologics and Center for Veterinary Medicine officials in order to facilitate and expedite the decisionmaking process.

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

List of Subjects in 21 CFR Part 5

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

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

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

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

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

2. By adding new § 5.44 to read as follows:

§ 5.44 Export of unapproved drugs.

(a) The following officials are authorized, under section 802(b) of the Federal Food, Drug, and Cosmetic Act, to approve or disapprove applications to export unapproved new drugs and biological products and to issue notices of receipt of such applications:

(1) For human drugs assigned to their respective organizations:

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

(ii) The Director and Deputy Director, Office of Compliance, CDB.

(2) For new animal drugs assigned to their respective organizations:

(i) The Director and Deputy Director, Center for Veterinary Medicine (CVM).

(ii) The Director and Deputy Director, Office of New Animal Drug Evaluation, CVM.

(b) The following officials are authorized, under section 802(f) of the Federal Food, Drug, and Cosmetic Act, to approve or disapprove an application to export a drug (including a biological

product) to be used in the prevention or treatment of a tropical disease:

(1) For human drugs assigned to their respective organizations:

(i) The Director and Deputy Director, CDB.

(ii) The Director and Deputy Director, Office of Biologics Research and Review, CDB.

(iii) The Director and Deputy Director, Office of Drug Research and Review, CDB.

(iv) The Director and Deputy Director, Office of Compliance, CDB.

(2) For veterinary drugs subject to their jurisdiction:

(i) The Director and Deputy Director, CVM.

(ii) The Director and Deputy Director, Office of New Animal Drug Evaluation, CVM.

(c) The following officials are authorized, under section 351(h) of the Public Health Service Act, to approve or disapprove an application to export a partially processed biological product:

(1) The Director and Deputy Director, CDB.

(2) The Director and Deputy Director, Office of Biologics Research and Review, CDB.

(3) The Director and Deputy Director, Office of Compliance, CDB.

Dated: March 3, 1987.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 87-4934 Filed 3-9-87; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances; Extension of Temporary Placement of Para-fluorofentanyl into Schedule I

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Final rule.

SUMMARY: This final rule is issued by the Administrator of the Drug Enforcement Administration (DEA) to extend the temporary scheduling of the narcotic substance para-fluorofentanyl in Schedule I of the Controlled Substances Act (CSA) (21 U.S.C. 801, et seq.). The temporary scheduling of para-fluorofentanyl is due to expire on March 10, 1987. This notice will extend the temporary scheduling of para-fluorofentanyl for six months or until rulemaking proceedings pursuant to 21 U.S.C. 811(a) are completed, whichever occurs first.

EFFECTIVE DATE: March 10, 1987.

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

SUPPLEMENTARY INFORMATION: On February 7, 1986, the Administrator of the Drug Enforcement Administration issued a final rule in the **Federal Register** (51 FR 4722) amending § 1308.11(g) of Title 21 of the Code of Federal Regulations to temporarily place *N*-(fluorophenyl)-*N*-[1-(2-phenylethyl)-4-piperidyl] propanamide or para-fluorofentanyl into Schedule I of the Controlled Substances Act pursuant to the provisions of 21 U.S.C. 811(h). The final rule which became effective on March 10, 1986 was based on a finding by the Administrator that the emergency scheduling of para-fluorofentanyl was necessary to avoid an imminent hazard to the public safety.

Section 201(h)(2) of the CSA (21 U.S.C. 811(h)(2)) requires that the emergency scheduling of a substance expires at the end of one year from the effective date of the order. However, during the pendency of proceedings under 21 U.S.C. 811(a)(1) with respect to the substance, temporary scheduling of that substance may be extended for up to six months. Proceedings for the scheduling of the substance under 21 U.S.C. 811(a) may be initiated by the Attorney General (delegated to the Administrator of DEA pursuant to 28 CFR 0.100) on his own motion, at the request of the Secretary of the Department of Health and Human Services, or on the petition of any interested party. Such proceedings regarding para-fluorofentanyl have been initiated by the Administrator.

Therefore, the temporary scheduling of para-fluorofentanyl which is due to expire on March 10, 1987, may be extended until September 10, 1987, or until proceedings initiated in accordance with 21 U.S.C. 811(a) are completed, whichever occurs first.

Pursuant to 21 U.S.C. 811(h)(2) the Administrator hereby orders that the temporary control of para-fluorofentanyl in Schedule I of the CSA be extended until September 10, 1987 or until the conclusion of proceedings initiated in accordance with U.S.C. 811(a), whichever occurs first.

Pursuant to Title 5, United States Code, section 605(b), the Administrator certifies that the extended scheduling of para-fluorofentanyl in Schedule I of the Controlled Substances Act will have no impact upon small businesses or other entities whose interests must be considered under the Regulatory Flexibility Act (Pub. L. 96-354). Para-fluorofentanyl has no legitimate use or manufacturer in the United States.

It has been determined that the extension of the temporary placement of para-fluorofentanyl in Schedule I of the CSA in accordance with the emergency scheduling provisions is a statutory exception to the requirements of Executive Order 12291 (46 FR 13193).

List of Subjects in 21 CFR Part 1308

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

Dated: March 6, 1987.

John C. Lawn,

Administrator, Drug Enforcement Administration.

[FR Doc. 87-5089 Filed 3-9-87; 8:45 am]

BILLING CODE 4410-09-M

28 CFR Parts 600 and 601

Offices of Independent Counsel; General Powers and Establishment of Independent Counsel—Iran/Contra

AGENCY: United States Department of Justice.

ACTION: Final rule.

SUMMARY: This rule establishes an Office of Independent Counsel: Iran/Contra, to be headed by an Independent Counsel. This Office is to be established pursuant to the Attorney General's statutory authority, found in 28 U.S.C. 509, 510, and 515, and 5 U.S.C. 301, and pursuant to the President's general responsibility to enforce the laws of the United States pursuant to Article II of the United States Constitution. This authority is being exercised because of the pending lawsuit captioned *North* v. *Walsh and Meese*, D.D.C. No. 87-0457, which challenges the constitutionality of the appointment and activities of the Independent Counsel named pursuant to the Ethics in Government Act (28 U.S.C. 591 *et seq.*). The President has made clear that he supports a full investigation into the events that the Independent Counsel has been charged with investigating under that Act. In addition, I note that I have already determined that this matter is appropriate for further investigation. In light of the President's views, I have found it advisable to assure the courts, Congress, and the American people that this investigation will proceed in a clearly authorized and constitutionally valid form regardless of the eventual outcome of the *North* litigation. Thus, this rule is not meant to question the

independence or authority of the Independent Counsel appointed under the Act or to interfere in any way with his activities. To the contrary, this rule is intended to make certain that the necessary investigation and appropriate legal proceedings can proceed in a timely manner.

EFFECTIVE DATE: March 5, 1987.

FOR FURTHER INFORMATION CONTACT: Thomas Barba, Counselor to the Assistant Attorney General, Civil Division, Room 3607, U.S. Department of Justice, 10th Street and Pennsylvania Avenue, NW., Washington, DC 20530. Telephone: (202) 633-5713. This is not a toll-free number.

List of Subjects in 28 CFR Parts 600 and 601

Crime, Conflict of interests, Foreign Relations, Government employees, Arms and munitions, Military personnel, National Defense, Authority delegations (Government agencies).

By the authority vested in me by 28 U.S.C. 509, 510, and 515, and 5 U.S.C. 301, and pursuant to the President's general responsibility to enforce the laws of the United States pursuant to Article II of the United States Constitution, Title 28, Code of Federal Regulations, is amended as follows:

CHAPTER V—OFFICES OF INDEPENDENT COUNSEL

1. A new Chapter VI, entitled "Offices of Independent Counsel," is added immediately after Chapter V.

2. A new Part 600 is added as the first Part of Chapter VI, to read as follows:

PART 600—GENERAL POWERS OF INDEPENDENT COUNSEL

Sec.

Authority: 28 U.S.C. 509, 510, and 515; 5 U.S.C. 301; Article II of the United States Constitution.

§ 600.1 Authority and duties of an Independent Counsel.

(a) An Office of Independent Counsel shall be under the direction of an Independent Counsel appointed by the Attorney General. An Independent Counsel shall have, with respect to all matters in his prosecutorial jurisdiction established under this chapter, full power and independent authority to exercise all investigative and prosecutorial functions and powers of the Department of Justice, the Attorney General, and any other officer or employee of the Department of Justice, except that the Attorney General shall exercise direction or control as to those matters that specifically require the Attorney General's personal action under section 2516 of Title 18 of the United States Code. Such investigative and prosecutorial functions and powers shall include—

(1) Conducting proceedings before grand juries and other investigations;

(2) Participating in court proceedings and engaging in any litigation, including civil and criminal matters, that such Independent Counsel deems necessary;

(3) Appealing any decision of a court in any case or proceeding in which such Independent Counsel participates in an official capacity;

(4) Reviewing all documentary evidence available from any source;

(5) Determining whether to contest the assertion of any testimonial privilege;

(6) Receiving appropriate national security clearances and, if necessary, contesting in court (including, where appropriate, participating in camera proceedings) any claim of privilege or attempt to withhold evidence on grounds of national security;

(7) Making applications to any Federal court for a grant of immunity to any witness, consistent with applicable statutory requirements, or for warrants, subpoenas, or other court orders, and, for purposes of sections 6003, 6004, and 6005 of Title 18 of the United States Code, exercising the authority vested in a United States or the Attorney General;

(8) Inspecting, obtaining, or using the original or a copy of any tax return, in accordance with the applicable statutes and regulations, and, for purposes of section 6103 of the Internal Revenue Code of 1954, and the regulations issued thereunder, exercising the powers vested in a United States attorney or the Attorney General; and

(9) Initiating and conducting prosecutions in any court of competent jurisdiction, framing and signing indictments, filing information, and handling all aspects of any case in the name of the United States; and

(10) Consulting with the United States Attorney for the district in which the violation was alleged to have occurred.

(b) An Independent Counsel appointed under this chapter shall receive compensation at a per diem rate equal to the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of Title 5 of the United States Code. This subsection shall not be construed to authorize the payment of any compensation in addition to that paid under subsection (b) of section 594 of Title 28 of the United States Code.

(c) For the purposes of carrying out the duties of the Office of Independent Counsel, an Independent Counsel shall have power to appoint, fix the compensation, and assign the duties, of such employees as the Independent Counsel deems necessary (including investigators, attorneys, and part-time consultants). The positions of all such employees are exempted from the competitive service. No such employee may be compensated at a rate exceeding the maximum rate provided for GS-18 of the General Schedule under section 5332 of Title 5 of the United States Code. This subsection shall not be construed to authorize the payment of any compensation in addition to that paid under subsection (c) of section 594 of Title 28 of the United States Code.

(d) An Independent Counsel may request assistance from the Department of Justice, and the Department of Justice shall provide that assistance, which may include access to any records, files, or other materials relevant to matters within the Independent Counsel's prosecutorial jurisdiction, and the use of the resources and personnel necessary to perform the Independent Counsel's duties.

(e) An Independent Counsel may ask the Attorney General to refer matters related to the Independent Counsel's prosecutorial jurisdiction. An Independent Counsel may accept referral of a matter by the Attorney General, if the matter relates to a matter within the Independent Counsel's prosecutorial jurisdiction as established by this chapter. If such a referral is accepted, an Independent Counsel shall notify the division of the United States Court of Appeals for the District of Columbia referred to in section 49 of Title 28 of the United States Code, if such court exists at that time.

(f) An Independent Counsel shall, except where not possible, comply with the written or other established policies of the Department of Justice respecting enforcement of the criminal laws.

(g) An Independent Counsel shall have full authority to dismiss matters within his prosecutorial jurisdiction without conducting an investigation or at any subsequent time prior to prosecution if to do so would be consistent with the written or other established policies of the Department of Justice with respect to the enforcement of criminal laws.

§ 600.2 Reporting and congressional oversight.

(a) An Independent Counsel appointed under this chapter may make public from time to time, and shall send

to the Congress statements or reports on the activities of the Independent Counsel. These statements and reports shall contain such information as the Independent Counsel deems appropriate.

(b)(1) In addition to any reports made under paragraph (a) of this section, and before the termination of the Independent Counsel's office under this chapter, such Independent Counsel shall submit to the division of the United States Court of Appeals for the District of Columbia referred to in section 49 of Title 28 of the United States Code, if such court exists at that time, a report under this section.

(2) A report under this subsection shall set forth fully and completely a description of the work of the Independent Counsel, including the disposition of all cases brought, and the reasons for not prosecuting any matter within the prosecutorial jurisdiction of the Independent Counsel which was not prosecuted.

(3) Unless prohibited by applicable law, an Independent Counsel may release to the Congress, the public, or to any appropriate person, such portions of a report made under this subsection as he deems appropriate.

(c) An Independent Counsel shall advise the House of Representatives of any substantial and credible information which such Independent Counsel receives that may constitute grounds for an impeachment. Nothing in this chapter shall prevent the Congress or either House thereof from obtaining information in the course of an impeachment proceeding.

(d) Nothing in this chapter shall prevent the appropriate committees of the Congress from exercising oversight jurisdiction with respect to the official conduct of any Independent Counsel appointed under this chapter, and such Independent Counsel shall have the duty to cooperate with the exercise of such oversight jurisdiction.

§ 600.3 Removal of an Independent Counsel; termination of office.

(a)(1) An Independent Counsel appointed under this chapter may be removed from office, other than by impeachment and conviction, only by the personal action of the Attorney General and only for good cause, physical disability, mental incapacity, or any other condition that substantially impairs the performance of the Independent Counsel's duties.

(2) If an Independent Counsel is removed from office, the Attorney General shall promptly submit to the division of the United States Court of Appeals for the District of Columbia referred to in section 49 of Title 28 of the United States Code, if such court exists at that time, and to the Committees on the Judiciary of the Senate and the House of Representatives, a report specifying the facts found and the ultimate grounds for such removal. The Attorney General will not object to the making available of the report to the public by the Committees or the division of the Court.

(3) To the extent otherwise permitted by law, an Independent Counsel so removed may obtain judicial review of the removal in a civil action commenced before the division of the United States Court of Appeals for the District of Columbia referred to in section 49 of Title 28 of the United States Code, if such court exists at that time, or any court of competent jurisdiction and, if such removal was based on error of law or fact, may obtain reinstatement or other appropriate relief; provided that an Independent Counsel originally appointed by court order shall have such rights of review as provided by said order and by section 596(a)(3) of Title 28 of the United States Code.

(b) An office of Independent Counsel shall terminate when (1) the Independent Counsel notifies the Attorney General that the investigation of all matters within the prosecutorial jurisdiction of the Independent Counsel or accepted by such Independent Counsel under § 600.1(e) of this chapter, and any resulting prosecutions, have been completed or so substantially completed that it would be appropriate for the Department of Justice to complete such investigations and prosecutions and (2) the Independent Counsel files a report in full compliance with § 600.2(b) of this chapter.

§ 600.4 Relationship with components of the Department of Justice.

(a) Whenever a matter is in the prosecutorial jurisdiction of an Independent Counsel or has been accepted by an Independent Counsel under § 600.1(e) of this chapter, the Department of Justice, the Attorney General, and all other officers and employees of the Department of Justice shall suspend all investigations and proceedings regarding such matter, except to the extent required by § 600.1(d) of this chapter, and except insofar as such Independent Counsel agrees in writing that such investigation or proceedings may be continued by the Department of Justice.

(b) Nothing in this chapter shall prevent the Attorney General or the Solicitor General from making a presentation as amicus curiae to any court as to issues of law raised by any case or proceeding in which an Independent Counsel participates in an official capacity or any appeal of such a case or proceeding.

§ 600.5 Savings provision; severability.

(a) Nothing in this chapter is intended to modify or impair any of the provisions of the Ethics in Government Act relating to Independent Counsel (sections 591–598 of Title 28 of the United States Code), or of any order issued thereunder.

(b) If any provision of the Ethics in Government Act relating to Independent Counsel (sections 591–598 of Title 28 of the United States Code) or any provision of this chapter is held invalid for any reason, such invalidity shall not affect any other provision of this chapter, it being intended that each provision of this chapter shall be severable from the Act and from each other provision.

3. A new Part 601 is added immediately after Part 600, to read as follows:

PART 601—JURISDICTION OF THE INDEPENDENT COUNSEL: IRAN/CONTRA

Authority: 28 U.S.C. 509, 510, and 515; 5 U.S.C. 301; Article II of the United States Constitution.

§ 601 Jurisdiction of the Independent Counsel: Iran/Contra.

(a) *The Independent Counsel.* Iran/Contra has jurisdiction to investigate to the maximum extent authorized by Part 600 of this chapter whether any person or group of persons currently described in section 591 of Title 28 of the United States Code, including Lieutenant Colonel Oliver L. North, other United States Government officials, or other individuals or organizations acting in concert with Lt. Col. North, or with other United States Government officials, has committed a violation of any federal criminal law, as referred to in section 591 of Title 28 of the United States Code, relating in any way to:

(1) The direct or indirect sale, shipment, or transfer since in or about 1984 down to the present, of military arms, materiel, or funds to the Government of Iran, officials of that government, or persons, organizations or entities connected with or purporting to represent that government, or persons located in Iran;

(2) The direct or indirect sale, shipment, or transfer of military arms, materiel or funds to any government, entity, or persons acting, or purporting to act as an intermediary in any transaction above referred to in paragraph (a)(1) of this section;

(3) The financing or funding of any direct or indirect sale, shipment or transfer referred to in paragraph (a) (1) or (2) of this section;

(4) The diversion of the proceeds from any transaction described in paragraph (a) (1) or (2) of this section to or for any person, organization, foreign government, or any faction or body of insurgents in any foreign country, including, but not limited to Nicaragua;

(5) The provision or coordination of support for persons or entities engaged as military insurgents in armed conflict with the Government of Nicaragua since 1984.

(b) *The Independent Counsel.* Iran/Contra shall have jurisdiction and authority to investigate other allegations or evidence of violation of any federal criminal law by Oliver L. North, and any person or entity heretofore referred to, developed during the Independent Counsel's investigation referred to above, and connected with or arising out of that investigation, and to seek indictments and to prosecute any persons or entities involved in any of the foregoing events or transactions who are reasonably believed to have committed a violation of any federal criminal law (other than a violation constituting a Class B or C misdemeanor, or an infraction, or a petty offense) arising out of such events, including persons or entities who have engaged in an unlawful conspiracy or who have aided or abetted any criminal offense.

(c) *The Independent Counsel.* Iran/Contra shall have prosecutorial jurisdiction to initiate and conduct prosecutions in any court of competent jurisdiction for any violation of section 1826 of Title 28 of the United States Code, or any obstruction of the due administration of justice, or any material false testimony or statement in violation of the federal criminal laws, in connection with the investigation authorized by Part 600 of this chapter.

Dated: March 5, 1987.

Edwin Meese III,

Attorney General.

[FR Doc. 87-5064 Filed 3-9-87; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 545

South African Transactions Regulations

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule.

SUMMARY: This rule amends the South African Transactions Regulations, 31 CFR Part 545 ("the Regulations"), to implement Section 309 of the Comprehensive Anti-Apartheid Act of 1986 ("the Act"), Pub. L. 99-440, 100 Stat. 1086, as amended by H.J. Res. 756, Pub. L. 99-631, 100 Stat. 3515, and to add an interpretation relating to Section 303 of the Act. Section 309 of the Act, which became effective at 12:01 a.m. Eastern Standard Time, December 31, 1986, prohibits the importation into the United States of uranium ore, uranium oxide, coal, or textiles produced or manufactured in South Africa. The rule also includes a clarifying amendment under Section 303 with respect to U.S.-origin goods imported temporarily from South African parastatal organizations for servicing or repair.

EFFECTIVE DATE: 12:01 a.m. Eastern Standard Time, December 31, 1986, except that § 545.426 is effective as of October 2, 1986, and the amendment to § 545.901 is effective as of January 27, 1987.

FOR FURTHER INFORMATION CONTACT: Marilyn L. Muench, Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, 1331 G Street, NW., Washington, DC 20220 (telephone: 202/376-0408).

SUPPLEMENTARY INFORMATION: In Executive Order 12571 of October 27, 1986, 51 FR 39505 (Oct. 29, 1986), the President delegated authority to the Secretary of the Treasury to implement the Act's prohibitions on imports of certain products from South Africa. Most of these import prohibitions were effective on October 2 or October 3, 1986, and were implemented pursuant to a final rule published on November 19, 1986, at 51 FR 41906. In addition, the Act continued restrictions on loans to the South African Government, which were likewise implemented in the November 19, 1986 rule. Restrictions on new investment in South Africa (including loans to the private sector) and a prohibition on South African Government bank accounts in U.S. depository institutions, effective November 16, 1986, were implemented in a final rule published on December 29, 1986, at 51 FR 46853.

Guidelines are published today in a separate notice related to this final rule delineating the products subject to the ban on importation into the United States of uranium ore, uranium oxide, textiles, and coal. The U.S. Customs Service will determine whether particular merchandise is subject to exclusion pursuant to these guidelines. In addition, an interim rule is published elsewhere in this issue of the **Federal Register** permitting the temporary importation into the United States of South African uranium ore and oxide for processing and immediate exportation. These regulations also contain an interpretation indicating that U.S.-origin goods imported temporarily from South African parastatal organizations for repair or servicing in the United States are not goods marketed or otherwise exported by a parastatal organization within the meaning of Section 303 of the Act, and therefore are exempt from the prohibition of § 545.208. The U.S. Customs Service will allow such importations to be made under bond.

The Treasury Department is also amending the Regulations to reflect approval by the Office of Management and Budget of the information collection provisions contained in §§ 545.603 and 545.604 of the Regulations.

Since these regulations involve a foreign affairs function, the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, does not apply. Because these regulations are issued with respect to a foreign affairs function of the United States, they are not subject to Executive Order 12291 of February 17, 1981, dealing with Federal regulations.

List of Subjects in 31 CFR Part 545

Coal, Imports, Namibia, Parastatal organizations, South Africa, Textiles, Uranium.

For the reasons set forth in the preamble, 31 CFR Part 545 is amended as follows:

PART 545—SOUTH AFRICAN TRANSACTIONS REGULATIONS

1. The Authority citation for Part 545 continues to read as follows:

Authority: 50 U.S.C. 1701 et seq.; E.O. 12532, 50 FR 36861, Sept. 10, 1985; E.O. 12535, 50 FR 40325, Oct. 3, 1985; Pub. L. 99-440, 100 Stat. 1086; Pub. L. 99-631, 100 Stat. 3515; E.O. 12571, 51 FR 39505, Oct. 29, 1986.

2. Section 545.211 is added to read as follows:

§ 545.211 Prohibition on importation of South African uranium ore, uranium oxide, coal, and textiles.

(a) Notwithstanding any other provision of law, no (1) uranium ore, (2) uranium oxide, (3) coal, or (4) textiles that are produced or manufactured in

South Africa may be imported into the United States.

(b) For purposes of this section, the term "textiles" does not include any article provided for in item 812.10 or 813.10 of the Tariff Schedules of the United States, 19 U.S.C. 1202.

§ 545.203 [Amended]

3. Section 545.203(f) is added to read as follows:

* * * * *

(f) The effective date of the prohibition in § 545.211 is 12:01 a.m. Eastern Standard Time, December 31, 1986.

4. Section 545.425 is added to read as follows:

§ 545.425 Substantial transformation of uranium ore and oxide.

Articles such as uranium hexafluoride, which are produced from uranium ore or uranium oxide and which the U.S. Customs Service determines to have been substantially transformed outside the United States, are not subject to the import prohibition of § 545.211.

5. Section 545.426 is added to read as follows:

§ 545.426 Repair of U.S.-origin goods exported by South African parastatals.

The temporary return from South Africa to the United States of U.S.-origin goods for repair or servicing and re-export is not considered an exportation by a parastatal organization of South Africa pursuant to § 545.208 of this part.

6. Section 545.901 is revised to read as follows:

§ 545.901 Paperwork Reduction Act notice.

The information collection requirements in §§ 545.503, 545.504, 545.601, and 545.602 have been approved by the Office of Management and Budget (OMB) and have been assigned control number 1505–0091. The information collection requirements of § 545.807 have been approved by OMB and assigned control number 1505–0097. The information collection requirements of §§ 545.603 and 545.604 have been approved by OMB and assigned control number 1505–0098.

Dated: February 13, 1987.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: February 26, 1987.

Francis A. Keating II,

Assistant Secretary (Enforcement).

[FR Doc. 87–5072 Filed 3–6–87; 12:29 pm]

BILLING CODE 4810–25–M

31 CFR Part 545

South African Transactions Regulations

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Interim rule.

SUMMARY: This rule, effective through July 1, 1987, amends the South African Transactions Regulations, 31 CFR Part 545 (the "Regulations"), to interpret the prohibition on importation of South African uranium ore and uranium oxide contained in section 309(a) (1) and (2) of the Comprehensive Anti-Apartheid Act of 1986, Pub. L. 99–440, 100 Stat. 1086, as amended by H.J. Res. 756, Pub. L. 99–631, 100 Stat. 3515 ("the Act"), as implemented in § 545.211 of the Regulations.

The uranium ore and oxide import prohibition in section 309 of the Act was accompanied by certain legislative history, not accepted by all Senators, indicating a Congressional intent to permit the temporary importation into the United States of South African uranium ore and oxide for processing and immediate exportation. Because of the uncertainty concerning interpretation of this section, and the substantial, irrevocable harm that parties in the United States might suffer through a potentially mistaken prohibition, Treasury has determined to publish this interim rule. The interim rule allows temporary importation of uranium ore and uranium oxide subject to certain conditions. Simultaneously, Treasury requests written Congressional and public comment on the applicability of section 309 to imports of uranium ore and oxide for U.S. processing and exportation to third countries.

DATES: This interim rule is effective as of 12:01 a.m. Eastern Standard Time (EST), December 31, 1986. The interim rule will lapse at 12:00 a.m. Eastern Daylight Time, July 1, 1987. Comments on the interim rule must be received by 5:30 p.m. EST, May 11, 1987.

ADDRESSES: Comments on this interim rule should be addressed to Unit SA427, Office of Foreign Assets Control, Department of the Treasury, 1331 G Street, NW., Washington, DC 20220. Comments received will be available for public inspection on working days between the hours of 9:30 a.m. and 4:30 p.m. at the Office of Foreign Assets Control, 1331 G Street NW., Washington, DC; tel.: 202/376–0395.

FOR FURTHER INFORMATION CONTACT: Marilyn L. Muench, Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, 1331 G Street NW., Washington, DC 20220; tel.: 202/376–0408.

SUPPLEMENTARY INFORMATION: Amendments to the Regulations, implementing provisions of the Act that became effective on enactment or 45 days thereafter, were published on November 19, 1986 (51 FR 41906) and December 29, 1986 (51 FR 46853). A final rule containing amendments implementing section 309 of the Act, effective December 31, 1986, is published elsewhere in this issue of the **Federal Register**. The amendment published in this interim rule interprets the South African uranium ore and oxide importation prohibitions in section 309 of the Act, effective December 31, 1986. If not published as a final rule on or before July 1, 1987, this interim rule will lapse at midnight on that date.

Section 309(a) (1) and (2) of the Act (§ 545.211 of the Regulations) prohibits the importation of uranium ore and uranium oxide produced or manufactured in South Africa, effective December 31, 1986. On August 15, 1986, Senate floor debate took place on an unsuccessful amendment (No. 2766) to section 311 of Senate bill S. 2701 (which became section 309 of the Act) to remove this ban on uranium importation. *Congressional Record*, S11851–52 (daily ed., Aug. 15, 1986). A portion of this debate was not reported in the daily edition of the *Congressional Record*, but was later furnished by Senator McConnell to the Treasury Department, and by Senator Lugar to the State Department, in the form of galley proofs for the permanent edition of the August 15, 1986 *Congressional Record*. In the course of this debate, Senator McConnell noted the employment impact of the bill on industries which import, process, and reexport natural resources from South Africa. Senator Lugar, Chairman of the Foreign Relations Committee, responded to this concern, stating: ". . . The bill is not designed to have any punitive impact except on products which are imported into the United States for consumption in the United States. I think economists have defined a distinction between temporary imports and imports for consumption. It is the latter that we are targeting when we refer to imports in this bill." Senator Ford then stated to Senator Lugar: ". . . I have had discussions with the leadership on my side of the aisle and we share your interpretation of the bill's intention."

The interpretation of the section 309 uranium import ban contained in the colloquy among Senators Lugar, McConnell and Ford was disputed by

other Senate members after passage of the Act. See, for example, *Congressional Record*, S17319 (daily ed., Oct. 18, 1986). Therefore, the Treasury Department has determined to seek clarification of the intended scope of the uranium import ban through publication of this interim rule, and a request for written comments from interested parties by May 11, 1987.

The domestic uranium conversion industry and the Federal Government's enrichment industry could be seriously injured in a manner unintended by the Congress if the section 309 import ban on uranium ore and oxide were implemented to bar imports for processing and export through a mistaken interpretation of the Act. If imports for processing and reexport were prohibited, foreign electric utilities might divert their South African origin uranium ore and oxide to other countries, including the Soviet Union, for conversion, enrichment, or other processing. Uranium processing is normally done under long-term contract, so that the trade lost due to an erroneous interpretation of the Act might be foreclosed to the domestic industry well into the future. During the comment period and Treasury consideration of comments received, the Treasury Department will preserve the position of the public and private domestic industry with respect to contracts covering uranium processing for export.

Under interim section 545.427, South African uranium ore or oxide may be imported in bond for processing and reexport pursuant to Item No. 864.05 of the Tariff Schedules of the United States, provided that the imported ore or oxide is accompanied by a license for importation issued by the Nuclear Regulatory Commission (the "NRC"). See 10 CFR 110.27(b)(2), 51 FR 47207 (Dec. 31, 1986). In the case of uranium ore or oxide produced, marketed, or otherwise exported by a parastatal organization of South Africa, the importation must be pursuant to a contract entered into prior to August 15, 1986, and occur by April 1, 1987. See 31 CFR 545.208(a)(2), 51 FR 41907 (Nov. 19, 1986).

Since these regulations involve a foreign affairs function, the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, does not apply. Because these regulations are issued with respect to a foreign affairs function of the United States, they are not subject to Executive Order 12291 of February 17, 1981, dealing with Federal regulations.

List of Subjects in 31 CFR Part 545

Exports, Imports, Namibia, South Africa, Uranium.

PART 545—[AMENDED]

1. The Authority citation for Part 545 continues to read as follows:

Authority: 50 U.S.C. 1701 et seq.; E.O. 12532, 50 FR 36861, Sept. 10, 1985; E.O. 12535, 50 FR 40325, Oct. 3, 1985; Pub. L. 99-440, 100 Stat. 1086; Pub. L. 99-631, 100 Stat. 3515; E.O. 12571, 51 FR 39505, Oct. 29, 1986.

2. Interim § 545.427 is added to read as follows:

§ 545.427 Temporary imports in bond of uranium ore and oxide for processing and exportation.

(a) The prohibition is § 545.211 does not apply to importation in bond of uranium ore or uranium oxide produced or manufactured in South Africa, when such importation is made solely for processing in the United States and exportation of the products of that processing, provided that the following requirements are met:

(1) The importation of the uranium ore or oxide has been authorized by license issued by the U.S. Nuclear Regulatory Commission (NRC), satisfactory evidence of which is presented to the U.S. Customs Service prior to or at the time of importation;

(2) The importation is properly classified under Item No. 864.05 of the Tariff Schedules of the United States as an importation in bond for processing and reexport; and

(3) If the uranium ore or oxide was produced, marketed or otherwise exported by a parastatal organization of South Africa, the importation is pursuant to a contract entered into prior to August 15, 1986, and occurs no later than April 1, 1987.

(b) This interim rule shall lapse at midnight on July 1, 1987, except with respect to importations made prior to that time pursuant to this interim rule, which shall continue to be subject to its requirements.

Dated: February 13, 1987.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: February 26, 1987.

Francis A. Keating, II,

Assistant Secretary (Enforcement).

[FR Doc. 87-5073 Filed 3-6-87; 12:29 pm]

BILLING CODE 4810-25-M

31 CFR Part 545

South African Transactions Regulations—Product Guidelines

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice of Interpretation.

SUMMARY: Notice is hereby given that the guidelines set forth below will be used by the U.S. Customs Service of the Department of the Treasury in detemining which products are subject to the ban imposed by section 309 of the Comprehensive Anti-Apartheid Act of 1986, Pub. L. 99-440, 100 Stat. 1086 ("the Act"), as amended by H.J. Res. 756, Pub. L. 99-631, 100 Stat. 3515, on importations from South Africa of uranium ore, uranium oxide, coal, and textiles. Section 309 of the Act is implemented in the South African Transactions Regulations ("Regulations"), 31 CFR Part 545, at § 545.211, as set forth in a final rule regarding South Africa that is being published in conjunction with this notice.

EFFECTIVE DATE: 12:01 a.m. Eastern Standard Time, December 31, 1986.

ADDRESSES: Copies of this notice and the South African Transactions Regulations are available at the Office of Foreign Assets Control, U.S. Department of the Treasury, 1331 G Street NW., Washington, DC 20220.

FOR FURTHER INFORMATION CONTACT: Harrison C. Feese or Louis Alfano, U.S. Customs Service, Office of Commercial Operations, 1301 Constitution Avenue NW., Washington, DC 20229 (telephone: 202/566-8651).

SUPPLEMENTARY INFORMATION: Section 309 of the Act (Regulations, § 545.211) prohibits the importation of uranium ore, uranium oxide, coal, and textiles produced or manufactured in South Africa. A final rule implementing section 309 of the Act, as delegated to the Secretary of the Treasury pursuant to Executive Order 12571 of October 27, 1986, 51 FR 39505 (Oct. 29, 1986), is published elsewhere in this issue of the **Federal Register.** This notice is published in conjunction with that final rule to inform interested persons of the guidelines to be employed by the U.S. Customs Service in determining which products are subject to the ban of section 309. The guidelines are drawn from the Tariff Schedules of the United States ("TSUS"), 19 U.S.C. 1202, and include the appropriate TSUS numbers for each prohibited item. Persons with questions concerning product classifications should contact the local U.S. Customs Service district office or the office indicated above. In addition,

an interim rule is published elsewhere in this issue of the Federal Register permitting the temporary importation into the United States of South African uranium ore and oxide for processing and immediate exportation.

(Section 309 of the Comprehensive Anti-Apartheid Act of 1986, Pub. L. 99-440, 100 Stat. 1086, as amended by H.J. Res. 756, Pub. L. 99-631, 100 Stat. 3515)

Product Guidelines

I. Uranium Ore and Uranium Oxide

The categories uranium ore and uranium oxide include the following:

1. TSUS 601.57—uranium ore.
2. TSUS 422.50—uranium oxide.

II. Coal

This category includes the following:

1. TSUS 517.51.
2. TSUS 521.31.

III. Textiles

This category includes the following:

1. *All merchandise classified in Schedule 3 of the TSUS.*
2. *Schedule 6:* a. TSUS 696.1510—Sails.
3. *Schedule 7:*

a. TSUS 700.72-700.80—Footwear with uppers of fiber.
b. TSUS 702.06-703.16—Headwear.
c. TSUS 703.80-703.95—Headwear.
d. TSUS 704.05-704.95—Gloves.
e. TSUS 705.8505-705.8525—Gloves.
f. TSUS 706.32-706.41—Luggage, etc.
g. TSUS 706.47—Luggage, etc.
h. TSUS 727.82—Cotton pillows.
i. TSUS 748.45-748.55—Wearing apparel.
j. TSUS 772.3115-772.3140—Wearing apparel.
k. TSUS 790.57—Toys for pets.
l. TSUS 791.74—Wearing apparel.

4. *Schedule 8 of the TSUS and the Appendix:*

All textiles and textile articles classified in Schedule 8 and the Appendix except TSUS numbers 812.10 and 813.10.

Dated: February 13, 1987.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: February 26, 1987.

Francis A. Keating, II,

Assistant Secretary (Enforcement).

[FR Doc. 87-5071 Filed 3-6-87; 12:29 pm]

BILLING CODE 4810-25-M

VETERANS ADMINISTRATION

38 CFR Part 21

Veterans Education; Education Loans in Default; Correction

AGENCY: Veterans Administration.

ACTION: Final regulations; correction.

SUMMARY: In the Federal Register of Friday, February 27, 1987, (52 FR 5963-5964), the VA (Veterans Administration) adopted a rule concerning educational loans which have been placed in default. This notice corrects previously published information.

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: In 38 CFR 21.4504(d) the last sentence should read: A default may only be rescinded when the VA has been led to create the default as a result of a mistake of fact or law. (38 U.S.C. 1798(e)(1))

Dated: March 4, 1987.

Priscilla Carey,

Acting Chief, Directives Management Division.

[FR Doc. 87-4994 Filed 3-9-87; 8:45 am]

BILLING CODE 8320-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 86-338; RM-5506]

Radio Broadcasting Services; Lancaster, OH

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allocates Channel 278A to Lancaster, Ohio, as the community's second local FM service, at the request of John Garber and Associates. The Commission, in allocating the channel, also waived protection of that portion of Station WPAY-FM's buffer zone which lies within Zone I, as requested. Therefore, Channel 278A can be allocated in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. Canadian concurrence in the allotment has been received.

EFFECTIVE DATES: April 17, 1987; The window period for filing applications for open on April 20, 1987, and close on May 18, 1987.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 86-338, adopted February 4, 1987, and released March 3, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

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(b) [Amended]

2. Section 73.202(b), the Table of FM Allotments is amended by adding Channel 278A to the entry for Lancaster, Ohio.

Bradley P. Holmes,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-4940 Filed 3-9-87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 86-287; RMs-5280, 5553, 5556]

Radio Boadcasting Services; Canton, Tioga and Ulysses, PA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 262B1 for Channel 261A at Canton, Pennsylvania, and modifies the license of Station WKAD-FM to specify operation on the higher powered channel, at the request of WKAD, Inc. and allocates Channel 227A to Tioga, Pennsylvania, at the request of Anita L. Clark. Channel 262B1 can be allocated to Canton and used at Station WKAD-FM's present transmitter site in compliance with the Commission's minimum distance separation requirements. Channel 227A can be allocated to Tioga in compliance with the Commission's minimum distance separation requirements without a site restriction. The request of Donna M. Venetz to allocate a first local FM channel to Ulysses, Pennsylvania, will

be the subject of a separate *Further Notice of Proposed Rule Making* proposing the allocation of Channel 268A to Ulysses if it is determined that the area qualifies as a "community" for allotment purposes.

DATES: Effective: April 17, 1987; the window period for filing applications for Channel 227A at Tioga will open on April 20, 1987, and close on May 18, 1987.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's First Report and Order, MM Docket No. 86–287, adopted February 5, 1987, and released March 3, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments for Pennsylvania is amended by substituting Channel 262B1 for Channel 261A at Canton and by adding Tioga, Channel 227A.

Mark N. Lipp,

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

[FR Doc. 87–4941 Filed 3–9–87; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 97

[PR Docket No. 86–161; FCC 87–36]

OMB Approval of Revised Form 610

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of form approval.

SUMMARY: This document announces that the Office of Management and Budget has approved a revised Form 610, Application for Amateur Radio Station and/or Operator License, and advises the public that Form 610, with OMB expiration date of March 31, 1988, will remain in use until revised forms are available. This action is necessary so that volunteer examiners will know how to complete Form 610 in order to comply with the current Amateur service rules. The effect of the action is to facilitate processing of applications for amateur radio licenses.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

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

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 97

Amateur radio, Examinations, Radio.

Released: February 23, 1987.

FCC Form 610

The rules adopted on January 28, 1987, by the FCC in the Report and Order in PR Docket No. 86–161 (52 FR 5115; February 19, 1987) will become effective March 21, 1987. Among other things, these rules modify FCC Form 610, Application for Amateur Radio Station and/or Operator License, to provide for certification by two Administering Volunteer Examiners (VEs) for the Novice volunteer examination system and for a revised Administering VE Report.

The Office of Management and Budget has approved the attached revised Form 610.[1] However, the edition with an OMB expiration date of March 31, 1988, will remain in use until revised forms are available.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87–4938 Filed 3–9–87; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 394

[OMCS Docket No. 117–1; Amdt. No. 83–21]

Notification and Reporting of Accidents

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: The FHWA is amending Part 394 of the Federal Motor Carrier Safety Regulations (FMCSR) by adjusting the minimum dollar limit for reporting accidents resulting in property damage. This amendment raises the reporting threshold for property damage accidents from the present $4,200 to $4,400. The reporting amount is being adjusted in proportion to the Gross National Product (GNP) deflator published by the Department of Commerce.

EFFECTIVE DATE: March 10, 1987.

FOR FURTHER INFORMATION CONTACT: Mr. Neill L. Thomas, Office of Motor Carrier Standards, (202) 366–2999; or Mr. Thomas P. Holian, Office of the Chief Counsel (202) 366–1350, Federal Highway Administration, Department of Transportation, 400 Seventh Street SW., Washington, DC. Office hours are from 7:45 a.m. to 4:15 p.m. et, Monday through Friday, except legal holidays.

SUPPLEMENTARY INFORMATION: On February 20, 1986, the FHWA published a final rule (BMCS Docket No. MC–117; Amdt. No. 83–16) in the **Federal Register** (51 FR 6121). The criterion for reporting property damage accidents was raised from $2,000 to $4,200. The FHWA considered that adopting any fixed figure for this criterion would, over time, become out of date. Therefore, it was decided to (1) update the $2,000 property damage criterion for reporting accidents by applying the GNP deflator to the 1973 figure, and (2) undertake an annual adjustment of the property damage amount for reportable accidents.

The reporting minimum was originally set at $2,000 in 1973. In 1973, the GNP deflator was 105.75, on a 1972 base. In 1984 the GNP deflator was 223.38, on a 1972 base. Multiplying $2,000 by 223.38 and dividing by 105.75 yields and equivalent level of $4,224.68. Rounding to the nearest hundred dollars yields an equivalent figure of $4,200, which was adopted as the current year base.

The Department of Transportation (DOT) realized the need for periodic adjustments to the reporting minimums. Therefore, it was determined in the final rule last year, that the reporting amount for property damage accidents, using the GNP deflator, would be adjusted annually. The GNP deflator was selected over other price indices because it measures the rate of inflation for all goods and services, and therefore is a more stable base for comparison.

In 1982 the GNP deflator was 207.38, on a 1972 base. In 1985, the GNP deflator was 111.7, on a 1982 base. Multiplying 207.38 by 111.7 and dividing by 100 yields a 1985 GNP deflator of 231.6, on a 1972 base. Multiplying $2,000 by 231.6 and dividing by 105.75 yields an equivalent level of $4,380.96. Rounding to the nearest hundred dollars yields

[1] Form not published in the **Federal Register**. It is available from the Commissions Supplies and Services Division, Room B–10, 1919 M Street, NW., Washington, DC. Telephone (202) 632–7272.

and equivalent figure of $4,400, which will be adopted as the current year base, on which the GNP deflator will be applied to derive future reporting minimums.

Regulatory Impact

The FHWA has determined that this document does not contain a major rule under Executive Order 12291 nor a significant regulation under the regulatory policies and procedures of the Department of Transportation. Since this amendment is being issued for the sole purpose of making a technical adjustment to an accident reporting criterion and does not reflect interpretations of statutory language, notice and the opportunity for comment are not required under the regulatory policies and procedures of the Department of Transportation. Furthermore, because the FHWA collects and analyzes accident data on a calendar year basis, and since the adjustment made by this amendment to the regulation is primarily intended to keep accident data comparable from year to year, the FHWA believes there is good cause to waive the usual 30-day delay provided in the effectiveness of such a regulatory amendment and to make the amendment effective on January 1, 1987. The FHWA does not believe that motor carriers or others will be adversely affected by making this amendment effective on January 1, 1987, because, since the dollar amount for property damage to make an accident reportable increases under this amendment, the effect of the amendment will be to make certain accidents not reportable which, if a motor carrier is unaware of this amendment, the motor carrier will report. Thus, a motor carrier will not be in a position of inadvertently violating the regulation by not reporting accidents which are now reportable.

The FHWA believes that an annual adjustment of the criterion for reporting property damage accidents will relieve motor carriers of an unnecessary burden.

For the foregoing reasons and under the criteria of the Regulatory Flexibility Act, the FHWA certifies that this action will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 49 CFR Part 394

Motor carriers, Highway safety, Reporting and record keeping requirements.

(Catalog of Federal Domestic Assistance Program Number, 20.217, Motor Carrier Safety)

Accordingly, 49 CFR 394.3(a)(3) is amended to change the property damage reporting criterion from $4,200 to $4,400 as set forth below.

Issued on: February 27, 1987.

R.A. Barnhart,

Federal Highway Administrator.

In consideration of the foregoing, the FHWA is amending Part 394 of Title 49, Code of Federal Regulations, as set forth below:

PART 394—[AMENDED]

1. The authority citation for Part 394 continues to read as follows:

Authority: 49 U.S.C. App. 2505; 49 U.S.C. 3102; 49 CFR 1.48 and 301.60.

2. In § 394.3, paragraph (a)(3) is revised to read as follows:

§ 394.3 Definition of "reportable accident."

(a) * * *

(3) Total damage to all property aggregating $4,400 or more based upon actual costs or reliable estimates.

* * * * *

[FR Doc. 87-4973 Filed 3-9-87; 8:45 am]

BILLING CODE 4910-22-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1313

[EX Parte No. 387]

Railroad Transportation Contracts

AGENCY: Interstate Commerce Commission.

ACTION: Extension of time to file replies to comments on interim rules.

SUMMARY: At 51 FR 45898, December 23, 1986, the Commission published new interim rules for rail contracts made under 49 U.S.C. 10713, replacing and modifying those rules at: 49 CFR 1039.1 through 1039.6 and 1039.19; 1312.41; and former 1300.310.

Comments have been received. Reply comments are due March 9, 1987. National Grain and Feed Association, with the concurrence of the Association of American Railroads and the National Industrial Transportation League, Seeks an extension of the March 9, 1987, deadline for reply comments to March 19, 1987.

DATE: The deadline for filing reply comments is extended to March 19, 1987.

ADDRESSES: Send reply comments, referring to Ex Parte No. 387, to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Thomas Dahl, (202) 275-6448 or 275-7246.

By the Commission, Heather J. Gradison, Chairman

Noreta R. McGee,

Secretary.

[FR Doc. 87-4960 Filed 3-9-87; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 52, No. 46
Tuesday, March 10, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 87-AWP-9]

Proposed Revision to Red Bluff, CA; Transition Area.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revise the Red Bluff, California, transition area. The present Red Bluff transition area description also describes the Redding, California, transition area. This proposal consists of two separate actions: establishing a separate Redding, California, transition area description; revising the description of the Red Bluff transition area to establish an additional 1,200 feet transition area northeast of the Red Bluff VORTAC. The additional 1,200 feet transition area northeast of Red Bluff VORTAC will provide controlled airspace for turbojet aircraft climbing in the holding patterns at ITMOR and BAUDR intersections.

DATE: Comments must be received on or before April 15, 1987.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Attn: Manager, Airspace and Procedures Branch, AWP-530, Docket No. 87-AWP-9, Air Traffic Division, P.O. Box 90027, Worldway Postal Center, Los Angeles, California 90009.

The official docket may be examined in the Office of the Regional Counsel, Western-Pacific Region, Federal Aviation Administration, Room 6W14, 15000 Aviation Boulevard, Lawndale, California.

An informal docket may also be examined during normal business hours at the Office of the Manager, Airspace and Procedures Branch, Air Traffic Division at the above address.

FOR FURTHER INFORMATION CONTACT: Frank T. Torikai, Airspace and Procedures Specialist, Airspace and Procedures Branch, AWP.530, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90260, telephone (213) 297-1648.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with the comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 87-AWP-9." 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 Airspace and Procedures Branch, Air Traffic Division, at 15000 Aviation Boulevard, Lawndale, California 90260, 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 NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Airspace and Procedures Branch, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009. Communications must identify the notice number of the NPRM. Person interested in being placed on a mailing list for future NPRMs 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 revise the Red Bluff, transition area description. This action will establish a separate Redding, California, transition area description and establish an additional 1,200 feet transition area northeast of the Red Bluff VORTAC. 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; E.O. 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:

Red Bluff, CA [Revised]

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Red Bluff VORTAC 347° radial extending from the VORTAC to 11.5 miles N of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Red Bluff VORTAC; within 9 miles each side of the Red Bluff VORTAC 291° radial, extending from the 20-mile radius area to 52 miles W of the VORTAC; within an arc of a 30-mile radius circle centered on Red Bluff VORTAC, extending from the N edge of V–195 to the W edge of V–23; within 9 miles W and 10 miles E of the Red Bluff VORTAC 342° radial, extending from the 20-mile radius area to 67 miles N of the VORTAC; within 10 miles W and 6 miles E of the Red Bluff VORTAC 015° radial, extending from the 20-mile radius area to 56 miles N of the Red Bluff VORTAC,. within an area bounded by a line beginning at lat. 40°41'27" N., long. 121°54'40" W.; to lat. 40°34'40" N , long. 121°52'30" W ., to lat. 40°21'46" N., long. 121°56'45" W.; to lat. 40°22'35" N., long. 122°01'00" W., to the point of beginning; and that airspace NE and E of Red Bluff within an arc of a 24-mile radius circle centered on the Red Bluff VORTAC, extending from the Red Bluff VORTAC 015° radial clockwise via the 24-mile arc to lat. 40°00'00" N.

Redding, CA [New]

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Redding Municipal Airport (lat. 40°30'33" N., long. 122°17'32" W.) within 2 miles W and 4 miles E of the Redding VOR 192° radial, extending from the 5-mile radius area to 10 miles S of the VOR, within 2 miles each side of the Redding ILS localizer N course, extending from the 5-mile radius area to 8 miles N of the threshold of Runway 16, excluding the portions within a 1-mile radius of Redding Sky Ranch Airport (lat. 40°29'55" N., long. 122°22'35" W.) and Enterprise Sky Park (lat. 40°34'40" N., long. 122°19'15" W.), and that airspace extending upward from 1,200 feet above the surface north of Redding within a arc of a 23-mile radius circle centered on Redding VOR, extending from the E edge of V–23 the W edge of V–25.

Issued in Los Angeles, California, on February 26, 1987.

Merle D. Clure,

Acting Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 87–4930 Filed 3–9–87; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances; Proposed Placement of Para-Fluorofentanyl Into Schedule I

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice of proposed rulemaking is issued by the Administrator of the Drug Enforcement Administration (DEA) to place the narcotic substance para-fluorofentanyl into Schedule I of the Controlled Substances Act (CSA) (21 U.S.C 801, et seq.). This proposed action by the DEA Administrator is based on data gathered and reviewed by DEA. If finalized, this proposed action would impose the regulatory controls and criminal sanctions of Schedule I on the manufacture, distribution and possession of para-fluorofentanyl.

DATE: Comments must be submitted on or before May 11, 1987.

ADDRESS: Comments and objections should be submitted to the Administrator, Drug Enforcement Administration, 1405 I Street NW., Washington, DC 20537, Attention: DEA Federal Register Representative.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Drug Control Section, Drug Enforcement Administration, 1405 I Street NW., Washington, DC 20537, Telephone: (202) 633–1366.

SUPPLEMENTARY INFORMATION: On February 7, 1986, the Administrator of the Drug Enforcement Administration issued a final rule in the **Federal Register** (51 FR 4722) temporarily placing *N*-(4-fluorophenyl)-*N*-[1-(2-phenylethyl)-4-piperidyl] propanamide, commonly referred to as para–fluorofentanyl, into Schedule I of the Controlled Substances Act (CSA). The final rule which became effective on March 10, 1986 was based on a finding that the emergency scheduling of para-fluorofentanyl was necessary to avoid an imminent hazard to the public safety.

Section 201(h)(2) of the CSA (21 U.S.C. 811(h)(2)) requires that the emergency scheduling of a substance expires at the end of one year from the effective date of the order. However, if proceedings to schedule a substance pursuant to 21 U.S.C. 811(a)(1) have been initiated and are pending, the temporary scheduling of a substance may be extended for up to six months. Under this provision, the temporary scheduling of para-fluorofentanyl which would expire on March 10, 1987, may be extended to September 10, 1987. The DEA Administrator is ordering such an extension in a separate action.

DEA has gathered and reviewed the available information regarding the actual abuse and relative potential for abuse of para-fluorofentanyl. DEA, in conjunction with the National Institute on Drug Abuse (NIDA), has provided for the synthesis and biological testing of para-fluorofentanyl which has been completed. By letter dated October 27, 1986, the DEA Administrator submitted the data which DEA has gathered regarding para-fluorofentanyl and six other fentanyl analogs to the Assistant Secretary for Health, Department of Health and Human Services. In accordance with 21 U.S.C. 811(b), the DEA Administrator also requested a scientific and medical evaluation of the relevant information and a scheduling recommendation for para-fluorofentanyl from the Assistant Secretary for Health.

The following is a brief summary of the available information submitted to the Assistant Secretary for Health regarding para-fluorofentanyl. Chemically, para-fluorofentanyl is *N*-(4-fluorophenyl)-*N*-[1-(2–Phenylethyl)-4-piperidyl]propanamide. It behaves as a typical morphine-like substance in several pharmacological tests in mice and rats. Para-fluorofentanyl has a 90-minute duration of analgesic action and it is estimated to be about 100 times as potent and analgesic as morphine. Para-fluorofentanyl also substitutes completely for morphine in morphine-dependent withdrawn monkeys.

DEA laboratories have identified para-fluorofentanyl in drug evidence submissions from both the East Coast and West Coast of the United States. It was first identified in a two-ounce evidence submission from Los Angeles, California in 1981. In the fall of 1985, DEA laboratories identified substantial quantities of para-fluorofentanyl in exhibits associated with a clandestine laboratory producing para-fluorofentanyl and 3-methylfentanyl in Delaware.

Fentanyl analogs have been associated with more than 100 overdose deaths since 1980. These deaths were typical narcotic overdose and the cause of death in most cases was reported as pulmonary congestion due to intravenous "fentanyl" toxicity. The pharmacological profiles of para-fluorofentanyl and other fentanyl analogs are consistent with the production of narcotic overdose deaths.

There are no commercial manufacturers or suppliers of para-fluorofentanyl nor is it used therapeutically. The Assistant Secretary for Health, when notified of DEA's intention to emergency schedule para-fluorofentanyl, did not object to this action. The Assistant Secretary's concurrence meant that no Investigational New Drug exemptions (IND's) or approved New Drug Applications (NDA's) were in effect for para-fluorofentanyl. Neither the

Assistant Secretary for Health nor the Food and Drug Administration has notified DEA of any change in the marketing status of para-fluorofentanyl. If a substance cannot lawfully be marketed under the Food, Drug and Cosmetic Act, that substance, under the CSA, has no currently accepted medical use in treatment in the United States and is not accepted as safe for use under medical supervision.

The DEA Administrator, based on the information gathered and reviewed by his staff and after consideration of the factors in 21 U.S.C. 811(c), believes that sufficient data exists to propose that para-fluorofentanyl be placed into Schedule I of the CSA pursuant to 21 U.S.C. 811(a). The specific findings required pursuant to 21 U.S.C. 811 and 812 for a substance to be placed into Schedule I are as follows:

(1) The drug or other substance has a high potential for abuse.

(2) The drug or other substance has no currently accepted medical use in treatment in the United States.

(3) There is a lack of accepted safety for use of the drug or other substance under medical supervision.

The DEA Administrator contends that there is adequate data to support each of the findings for placement of para-fluorofentanyl into Schedule I of the CSA. The DEA Administrator further contends that adequate data exists to classify para-fluorofentanyl as an opiate as defined in 21 U.S.C. 802(18) and hence as a narcotic as defined in 21 U.S.C. 802(17).

Before issuing a final rule in this matter, the DEA Administrator will take into consideration the scientific and medical evaluation and scheduling recommendation of the Secretary of the Department of Health and Human Services in accordance with 21 U.S.C. 811(b). The Administrator will also consider relevant comments from other concerned parties.

Interested persons are invited to submit their comments, objections or requests for hearing in writing with regard to this proposal. Requests for a hearing should state with particularity the issues concerning which the person desires to be heard. All correspondence regarding this matter should be submitted to the Administrator, Drug Enforcement Administration, 1405 I Street NW., Washington, DC 20537, Attention: DEA Federal Register Representative.

In the event that comments, objections or requests for a hearing raise one or more issues which the Administrator finds warrant a hearing, the Administrator shall order a public hearing by notice in the Federal Register, summarizing the issues to be heard and setting the time for the hearing.

Pursuant to Title 5, United States Code, section 605(b), the Administrator certifies that the proposed placement of para-fluorofentanyl into Schedule I of the CSA will have no impact upon small businesses or other entities whose interests must be considered under the Regulatory Flexibility Act (Pub. L. 96-354). The substance proposed for control in this notice has not legitimate use or manufacturer in the United States. In accordance with the provisions of Title 21, United States Code, section 811(a), this proposal to place para-fluorofentanyl into Schedule I is a formal rulemaking "on the record after opportunity for a hearing." Such proceedings are conducted pursuant to the provisions of 5 U.S.C. 556 and 557 and, as such, have been exempted from the consultation requirements of Executive Order 12291 (46 FR 13193).

List of Subjects in 21 CFR Part 1308

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

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

PART 1308—[AMENDED]

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

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

2. Section 1308.11 is amended by adding a new paragraph (b)(37) and redesignating existing paragraphs (b)(37) through (b)(48) as (b)(38) through (b)(49) as follows:

§ 1308.11 Schedule I.

* * * * *

(b) * * *

(37) para-fluorofentanyl (*N*)-(4-fluoro-phenyl)-*N*-[1-(2-phenylethyl)-4-piperidly]propanamide) 9812

* * * * *

3. Section 1308.11 is further amended by removing paragraph (g)(9).

Dated: March 6, 1987.

John C. Lawn,

Administrator, Drug Enforcement Administration.

[FR Doc. 87-5090 Filed 3-9-87; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1, 7, 20, 25, 53, and 56

[EE-154-78]

Lobbying by Public Charities; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to lobbying expenditures by certain tax-exempt public charities that are described in section 501(c)(3) of the Internal Revenue Code of 1954.

DATES: The public hearing will begin at 10:00 a.m. on Monday, May 11, 1987, and continue, if necessary, at the same time on Tuesday, May 12, 1987. Outlines of oral comments must be delivered or mailed by Monday, April 20, 1987.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. The requests to speak and outlines of oral comments should be submitted to the Commissioner of Internal Revenue, ATTN: CC:LR:T (EE-154-78), Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: B. Faye Easley of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, telephone 202-566-3935 (not a toll-free call).

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under sections 170, 501(c)(3), 501(c)(4), 504, 2055, 2522, 4911, 4945, 6001, 6011, and 6033 of the Internal Revenue Code of 1954. The proposed regulations appeared in the Federal Register for Wednesday, November 5, 1986 (51 FR 40211). A notice of an extension of the time for submitting comments and requests for a public hearing concerning these proposed regulations was published in the Federal Register for Friday, January 9, 1987 (52 FR 802). This notice extended the last date of the comment period from February 3, 1987 to April 3, 1987.

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the

time prescribed in the notice of extension of time for submitting comments and requests for a public hearing and who also desire to present oral comments at the hearing on the proposed regulations should submit, not later than Monday, April 20, 1987, an outline of oral comments to be presented at the hearing and the time they wish to devote to each subject.

Each speaker will be limited to 10 minutes for an oral presentation exclusive of the time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

By direction of the Commissioner of Internal Revenue:

James J. McGovern,

Director, Employee Plans and Exempt Organizations Division.

[FR Doc. 87-4978 Filed 3-9-87; 8:45 am]

BILLING CODE 4830-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 87-8; FCC 87-29]

Television Broadcasting; Proposed Inquiry Into Broadcast Television Satellite Station Policies

AGENCY: Federal Communications Commission.

ACTION: Proposed policy statement.

SUMMARY: While the Commission proposes to review all aspects of its television satellite policies, the principal proposals are twofold: (1) To either adopt a strict prohibition against, or a stronger policy disfavoring, such stations in the larger more urban markets, and (2) for those stations in truly rural or more sparsely populated areas to remove, once a satellite operation has been found to be justified, any unnecessary restraint on the amount of programming that may be locally originated either by eliminating all such direct or indirect limits or by establishing a definitional ceiling that provides for maximum feasible licensee discretion. The foregoing will clarify the Commission's television satellite policies.

DATES: Comments must be filed on or before April 24, 1987, and reply comments on or before May 11, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Barbara A. Kreisman, Policy and Rules Division, Mass Media Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Inquiry and Notice of Proposed Rule Making* in MM Docket No. 87-8, adopted January 15, 1987, and released March 2, 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 20554. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Summary of Notice of Proposed Rule Making/Notice of Inquiry

1. This proceeding was initiated by the Commission to seek public comment on policies and rules relating to television satellite stations. Although all aspects of television satellite policy are open for comment, the *Notice* sets forth two primary proposals: (1) To either adopt a strict prohibition against, or a stronger policy disfavoring, such stations in the larger more urban markets, and (2) for those stations in truly rural or more sparsely populated areas to remove, once a satellite operation has been found to be justified, any unnecessary restraint on the amount of programming that may be locally originated either by eliminating all such direct or indirect limits or by establishing a definitional ceiling that provides for maximum feasible licensee discretion. Comments are also invited on whether it would be appropriate to require a minimum amount of local origination in markets with a full-service station.

2. This is a nonrestricted 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.

3. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 603, adoption of these proposals would have no adverse impact on small entities since in the past the Commission has, for the most part, restricted satellite authorizations to those geographic areas that could not otherwise provide the economic base to support a conventional television station. Similarly, as to the program origination alternatives, i.e. to either eliminate all direct or indirect limits on program origination or establish a definitional ceiling that provides for maximum feasible licensee discretion, there should be no adverse impact on small entities since Commission cases have restricted such operations to 5% program origination and any removal of restrictions is less burdensome in nature. Public comment is requested on the initial regulatory flexibility analysis set out in full in the Commission's complete decision.

4. The Secretary shall cause a copy of this *Notice* to be sent to the Chief Counsel for Advocacy of the Small Business Administration in accordance with section 603(a) of the Regulatory Flexibility Act, Pub. L. No. 96-354, 94 Stat. 1164, 5 U.S.C. 601 *et seq.* (1981).

5. The proposal contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980 and found to contain no new or modified requirement or burden upon the public. Implementation of any new or modified requirement or burden will be subject to approval by the Office of Management and Budget as prescribed by the Act.

6. Pursuant to applicable procedures set forth in Section 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 24, 1987, and reply comments on or before May 11, 1987. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87-4944 Filed 3-9-87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 86-519, RM-5423]

Television Broadcasting Services; Pullman, WA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by P-N-P Broadcasting proposing the assignment of UHF TV Channel 24 to Pullman, Washington, as that community's first commercial television service. The

proposal requires concurrence by the Canadian government.

DATES: Comments must be filed on or before April 20, 1987, and reply comments on or before May 5, 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: Duane J. Polich, P–N–P Broadcasting, 9235 NE. 175th, Bothell, Washington 98011.

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. 86–519 adopted December 24, 1986, and released February 27, 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

Television broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Mass Media Bureau.

FR Doc. 87–4943 Filed 3–9–87; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 658

[Docket No. 60585–7036]

Shrimp Fishery of Gulf of Mexico

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Proposed rule.

SUMMARY: NOAA issues this proposed rule amending the regulations for the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico (FMP). NOAA is modifying for 1987 the area off Texas closed to trawl fishing. This action will enable fishermen to harvest marketable-sized shrimp from an area that was previously closed and allow NMFS to collect current data on fishing effort and patterns to evaluate the impact of the seasonal closure. The intended effect is efficient management of the shrimp fishery.

DATE: Written comments must be received on or before April 9, 1987.

ADDRESS: Written comments and requests for copies of the environmental assessment and supplemental regulatory impact review should be sent to William N. Lindall, Jr., Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, FL 33702.

FOR FURTHER INFORMATION CONTACT: William N. Lindall, Jr., 813–893–3722.

SUPPLEMENTARY INFORMATION: The FMP is implemented under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act) by regulations appearing at 50 CFR Part 658.

Under Amendment 1 to the FMP, the Director, Southeast Region, NMFS, may modify the geographical scope of the seasonal closure of the EEZ off Texas, after consultation with the Gulf of Mexico Fishery Management Council, consideration of specified criteria, and determination that benefits may be increased or adverse impacts decreased by the action.

Section 658.25 provides for a 45-day closure to shrimping of the EEZ off Texas in conjunction with that State's closure of its waters. This cooperative closure is designed to delay harvest of juvenile brown shrimp, migrating from coastal estuaries to the deeper waters of the Gulf, until they reach a larger size, thus producing more pounds of more valuable shrimp.

Analyses and Justification

In 1986 the Council requested and NOAA issued emergency regulations to reduce the 200-mile EEZ closure to 15 nautical miles from shore to provide relief to the economically troubled fishery while still protecting the majority of small shrimp. This request was intended (1) to relieve the economic hardship of the shrimp fleet in the western Gulf by allowing fishing in areas where larger shrimp occur and (2) to obtain more current baseline data with which to analyze the effects of the closure.

In June 1986 about 2.3 million pounds of shrimp was caught in the EEZ off Texas beyond the 15-mile closure. During the 15-mile closed period in 1986, Texas shrimp vessels made 2,776 more trips than during the 1985 period, indicating an increase in activity to utilize the available resource.

For biological reasons in 1986 unrelated to the closure, recruitment of shrimp to the fishery off Texas was poor and shrimp were smaller. Thus, the yield and the benefits to be derived from the 1986 closure were reduced. Because of the relatively low abundance off Texas and good recruitment of shrimp off Louisiana, fishing patterns were altered in 1986.

Analyses of the impact of the closure compare actual yields of shrimp landed with yields estimated from simulating fishing on the available stock without the closure. The simulation is based on effort patterns prevalent in the fishery before the closure of Federal waters began in 1981. Numbers of vessels, mobility, fishing power, access to foreign fishing grounds, and economic conditions of the industry have changed substantially since 1981. Thus, the fishing pattern established before 1981 is probably no longer appropriate as a basis for estimating benefits from the 200-mile closure. Changing the regulation to a 15-mile closure for one year provided an opportunity to collect new baseline data to provide for better analysis of the effectiveness of the 200-mile closure. However, 1986 was, in many ways, an atypical year. The Council's technical advisors recommended forgoing the 200-mile closure for an additional three years in order to collect adequate comparative data.

Fishermen have complained that when the 200-mile closed area is reopened, pulse fishing results in crowding on the fishing grounds and docks and a decline in prices. Processors have complained that the closure results in a period of low availability of product necessitating their reliance on imports.

Opening the EEZ beyond 15 nautical miles during the 1987 season would provide the opportunity to obtain additional information with which to evaluate the management measure, would allow fishermen to remain active by fishing for larger shrimp offshore, and would still further the FMP's objective to optimize yield by deferring harvest of small shrimp located near shore.

Effect on Endangered and Threatened Species and Marine Mammals

The proposed change in fishing patterns unlikely to alter significantly the impact of the fishery on endangered species. Five endangered sea turtle species are known to occur in the area (Kemp's ridley, loggerhead, green turtle, hawksbill, and leatherback). A consultation held under section 7 of the Endangered Species Act in 1980 determined that management of the shrimp resource was unlikely to jeopardize the continued existence of endangered species.

A section 7 consultation held by NMFS in April 1986 concluded that the 15-mile closure is not likely to jeopardize the continued existence of sea turtles but may result in mortality of up to 20 Kemp's ridley and 80 loggerhead turtles. Because of this low level of take, and because regulations are being developed under the Endangered Species Act that will require most shrimp vessels which operate in waters less than ten fathoms deep off Texas to use turtle excluder gear beginning July 15, 1987, there is no requirement for sea turtle protection in this proposed rule. The 10-fathom contour off Texas varies between 10 and 30 nautical miles from shore. A substantial portion is within the 15-mile closed area. Therefore, adequate protection is afforded sea turtles.

In addition, NMFS removes the second sentence of §658.1(c) because Appendix I to § 611.20 does not exist; changes "FCZ" to "EEZ" throughout the regulations, and makes minor changes in wording for clarity.

Classification

The Assistant Administrator for Fisheries, NOAA, determined that this proposed rule is consistent with the national standards and other provisions of the Magnuson Act and other applicable law.

A draft supplemental RIR was prepared for this proposed rule and the Assistant Administrator has determined that it is not major under Executive Order 12291.

The General Counsel of the Department of Commerce certified to the Small Business Administration that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities. During the six weeks after the 200-mile closure in 1985, approximately 2,200 fishing vessels and 600 boats fished in Texas waters and landed in Texas ports. Although the number of vessels and boats is substantial, the average impact is not significant, nor does it appear to be adverse. For example, in May-August 1986, if the net effect of the 15-mile closure had been borne by these 2,800 craft, the average impact would have been a $70 gain for each craft.

This proposed rule contains no collection of information requirement subject to the Paperwork Reduction Act (PRA).

The final EIS for the FMP was filed with the Environmental Protection Agency; its notice of availability was published March 13, 1981 (46 FR 16720). The Assistant Administrator prepared an environmental assessment (EA) for this proposed rule and concluded that there will be no significant impact on the human environment. A copy of the EA is available from the address above.

The Assistant Administrator determined that this rule does not directly affect the coastal zone of any State with an approved coastal zone management program. Texas, the only State involved, does not have an approved coastal zone management program.

List of Subjects in 50 CFR Part 658

Fisheries, Fishing.

Dated: March 5, 1987.

James E. Douglas, Jr.,

Deputy Assistant Administrator For Fisheries, National Marine Fisheries Service.

For reasons set forth in the preamble, 50 CFR Part 658 is proposed to be amended as follows:

PART 658—SHRIMP FISHERY OF THE GULF OF MEXICO

1. The authority citation for Part 656 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. Section 658.1 is amended by removing the second sentence of paragraph (c) and adding a new paragraph (d) to read as follows:

§ 658.1 Purpose and scope.

* * * * *

(d) Regulations governing the taking of endangered and threatened marine mammals and sea turtles appear in 50 CFR Parts 222 and 227.

3. Section 658.2 is amended by revising the introductory text, removing the definitions for *Act* and *Fishery conservation zone (FCZ)*, and adding the definitions of *Endangered and threatened marine mammals and sea turtles* and *Exclusive economic zone (EEZ)* in alphabetical order, to read as follows:

§ 658.2 Definitions.

In addition to the definitions in the Magnuson Act, the terms used in this part have the following meanings:

* * * * *

Endangered and threatened marine mammals and sea turtles means five whale species (sperm, fin, sei, humpback, and right) and five sea turtle species (Kemp's ridley, loggerhead, green, hawksbill, and leatherback).

Exclusive economic zone (EEZ) means the zone established by Presidential Proclamation 5030, dated March 10, 1983, and it 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.

* * * * *

4. Section 658.7 is amended by revising the introductory text and designating it as paragraph (a); redesignating existing paragraphs (a) through (l) as (a)(1) through (a)(12); removing existing paragraph (m); and adding a new paragraph (b) to read as follows:

§ 658.7 Prohibitions.

(a) It is unlawful for any person to do any of the following:

* * * * *

(b) It is unlawful to violate any other provision of this part, the Magnuson Act, or any regulation or permit issued under the Magnuson Act.

5. Section 658.25 is amended by suspending paragraph (a) from May 15 through July 31, 1987, and adding a new paragraph (c) to be effective from May 15 through July 31, 1987, to read as follows:

§ 658.25 Texas closure.

* * * * *

(c) *Area and season restrictions.* Between June 1 and July 15, 1987, the area described in this paragraph is closed to all trawl fishing. The area is that part of the EEZ within 15 nautical miles of the baseline for the territorial sea (shore) off Texas west of a line connecting point A (29°32.1′ N. latitude, 93°47.7′ W. longitude) to point B (26°11.4′ N. latitude, 92°53.0′ W. longitude) as shown in Figure 3.

6. In addition to the amendments set forth above—

§§ 658.6, 658.7, 658.21 through 658.26 [Amended]

A. The words "fishery conservation zone" and the initials "FCZ" are

removed and the initials "EEZ" are added in their place in the following places: § 658.6(a); § 658.7(c) and (d); § 658.21(b); § 658.22; § 658.23(a) and (b)(1)(i) and (i)(A) and (B), (ii), and (iii); § 658.24(a) and (a)(3) and (b); § 658.25(a); and § 658.26.

§§ 658.6 and 658.21 [Amended]

B. The word "shall" is removed and the word "must" is added in its place in § 658.6(a), (a)(3), (a)(4), and (b); and in § 658.21(c).

§ 658.2, 658.7, and 658.9 [Amended]

C. The word "Magnuson" is added before the word "Act" in § 658.2 in paragraph (c) of the definition for *Authorized Officer;* in § 658.7 in the redesignated paragraphs (a)(1), (4), (6), and (8); and in § 658.9.

§ 658.23 [Amended]

D. In § 658.23, the introductory text is designated as paragraph (a).

[FR Doc. 87-5009 Filed 3-9-87; 8:45 am]
BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 52, No. 46
Tuesday, March 10, 1987

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF COMMERCE

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of the Census
Title: 1987 Test Census of North Central North Dakota: Content Reinterview Questionnaire; Content Reinterview Reconciliation Record Privacy Act Notice
Form Number: Agency—DF-5, DF-5A, DF-31; OMB—NA
Type of Request: New collection
Burden: 1,200 respondents; 80 reporting hours

Needs and Uses: In response to recommendations made by the Housing Statistics Users Group to include two questionnaire items as indicators of housing quality, a reinterview must be conducted to assess the accuracy and reliability of the information collected. A sample of respondents who answered the items will be reinterviewed.

Affected Public: Individuals or households
Frequency: One time
Respondent's Obligation: Mandatory
OMB Desk Officer: Don Arbuckle, 395-7340

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-3271, Department of Commerce, Room H6622, 14th and Constitution Avenue NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Don Arbuckle, OMB Desk Officer, Room 3228 New Executive Office Building, Washington, DC 20503.

Dated: March 3, 1987.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 87-4923 Filed 3-9-87; 8:45 am]

BILLING CODE 3510-07-M

Foreign-Trade Zones Board

[Order No. 345]

Temporary Extension of Time Limit for the Berg Steel Pipe Corp. Operation in Foreign-Trade Zone 65, Panama City, FL

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), and the Foreign-Trade Zones Board Regulations (15 CFR, Part 400), the Foreign-Trade Zones Board (the Board) adopts the following order:

Whereas, the Board authorized Berg Steel Pipe Corporation (BSPC) to manufacture steel pipe in Foreign-Trade Zone 65, Panama City, Florida, on January 16, 1981 (Board Order No. 171, 1-26-81) for a period of five years from activation, subject to extension after a review,

Whereas, the authorization expires on March 1, 1987;

Whereas, the Panama City Port Authority, grantee of Foreign-Trade Zone 65, has made application to the Board (Docket 23-86, filed 6-27-86) to extend BSPC's manufacturing authority; and,

Whereas, the review will not be completed before March 1;

Now, therefore, the Board hereby orders:

That the time limit on the BSPC operation is extended to August 31, 1987, subject to all of the other conditions in Board Order 171.

Signed at Washington, DC this 27th day of February 1987.

Paul Freedenberg,

Assistant Secretary of Commerce for Trade Administration, Chairman, Committee of Alternates, Foreign-Trade Zones Board.

[FR Doc. 87-4924 Filed 3-9-87; 8:45 am]

BILLING CODE 3510-DS-M

International Trade Administration

[A-428-604, A-588-606, A-412-602, C-351-609]

Antidumping and Countervailing Duties; Forged Steel Crankshafts From Federal Republic of Germany, Japan, United Kingdom and Brazil

In the matter of Extension of the Deadline Date for the Preliminary Antidumping Duty Determinations: Certain Forged Steel Crankshafts from the Federal Republic of Germany, Japan, and the United Kingdom and Extension of the Deadline Date for the Final Countervailing Duty Determination: Certain Forged Steel Crankshafts from Brazil.

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: Based upon the request of petitioner, the Wyman-Gordon Company, we are extending the deadline date for the preliminary determinations in the antidumping duty investigations of certain forged steel crankshafts from the Federal Republic of Germany, Japan, and the United Kingdom for 50 days, pursuant to section 733(c)(1)(A) of the Tariff Act of 1930, as amended (the Act). These preliminary determinations are now scheduled for May 7, 1987. If these investigations proceed normally, we will make our final determinations on or before July 21, 1987. In addition, the final determination in the countervailing duty investigation of the same product from Brazil will be made on or before July 21, 1987, pursuant to section 705(a)(1) of the Act.

EFFECTIVE DATE: March 10, 1987.

FOR FURTHER INFORMATION CONTACT: Thomas Bombelles or Gary Taverman, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington DC 20230; telephone (202) 377-3174 or 377-0161.

Case History

On October 9, 1986, we received antidumping duty petitions filed by the Wyman-Gordon Company against certain forged steel crankshafts from Brazil, the Federal Republic of Germany, Japan, and the United Kingdom and a

countervailing duty petition, also filed by the Wyman-Gordon Company, against certain forged steel crankshafts from Brazil.

In compliance with the filing requirements of section 353.36 of our regulations (19 CFR 353.36), the antidumping duty petitions alleged that imports of certain forged steel crankshafts from Brazil, the Federal Republic of Germany, Japan, and the United Kingdom are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that these imports materially injure, or threaten material injury to, a U.S. industry.

On October 29, 1986, petitioner requested that the antidumping duty petition filed against Brazil be withdrawn; and, as a result, we declined to initiate that investigation.

We found that the remaining petitions contained sufficient grounds on which to initiate antidumping duty investigations, and on October 29, 1986, we initiated such investigations against the manufacturers, producers, and exporters of these products in the Federal Republic of Germany, Japan, and the United Kingdom (51 FR 40349, 51 FR 40347, 51 FR 40348, November 6, 1986). We stated that the preliminary determinations in these antidumping duty investigations would be made on or before March 18, 1987.

In compliance with the filing requirements of § 355.26 of our regulations (19 CFR 355.26), the countervailing duty petition alleged that manufacturers, producers, or exporters in Brazil of certain forged steel crankshafts directly or indirectly receive benefits which constitute subsidies within the meaning of section 701 of the Act, and that these imports materially injure, or threaten material injury to a U.S. industry.

We found that the petition contained sufficient grounds on which to initiate a countervailing duty investigation, and on October 29, 1986, we initiated such an investigation (51 FR 40240, November 5, 1986). On January 2, 1987, we issued a preliminary affirmative determination in this countervailing duty investigation (52 FR 699, January 8, 1987).

On January 8, 1987, petitioner filed a request for extension of the deadline date for the final determination in the countervailing duty investigation to correspond with the date of the final determinations in the antidumping duty investigations. We granted an extension of the deadline date pursuant to section 705(a)(1) of the Act and stated that the final determination in the countervailing duty investigation would be made on or before June 1, 1987, to correspond with the deadline date for the final determinations in the antidumping duty investigations (52 FR 4168, February 10, 1987).

Petitioner filed a request for extension of the deadline date for the preliminary determinations in the antidumping duty investigations on February 20, 1987. Section 733(c)(1)(A) of the Act permits extension of the preliminary determination until not later than 210 days after the date of receipt of the petition, if so requested by petitioner. Pursuant to this provision, we are granting an extension of the deadline date for the preliminary determinations in the antidumping duty investigations until not later than May 7, 1987. The final determinations are now scheduled to be made on or before July 21, 1987.

Because we have already granted an extension of the deadline date for the final determination in the countervailing duty investigation to correspond with the date of the final determinations in the antidumping duty investigations, we are extending the date of the final determination in the countervailing duty investigation until not later than July 21, 1987, the new deadline for the final determinations in the antidumping duty investigations

This notice is published pursuant to section 733(c)(2) of the Act

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 87-4926 Filed 3-9-87; 8:45 am]

BILLING CODE 3510-DS-M

[A-122-702]

Initiation of Antidumping Duty Investigation; Certain Welded Carbon Steel API Line Pipe from Canada

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce, we are initiating an antidumping duty investigation to determine whether imports of certain welded carbon steel API line pipe from Canada are being, or are likely to be, sold in the United States at less than fair value. We are notifying the U.S. International Trade Commission (ITC) of this action so that it may determine whether imports of this product materially injure, or threaten material injury to, a U.S. industry. If this investigation proceeds normally, the ITC will make its preliminary determination on or before March 30, 1987, and we will make ours on or before July 21, 1987.

EFFECTIVE DATE: March 10, 1987.

FOR FURTHER INFORMATION CONTACT: Charles Wilson, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, telephone (202) 377-5288.

SUPPLEMENTARY INFORMATION

The Petition

On February 11, 1987, we received a petition filed in proper form by the Maverick Tube Corporation and Tex-Tube Division of Cyclops Corporation, on behalf of the U.S. industry producing certain welded carbon steel API line pipe. In compliance with the filing requirements of section 353.36 of the Commerce Regulations (19 CFR 353.36), the petitioners allege that imports of certain welded carbon steel API line pipe from Canada are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act), and that these imports materially injure, or threaten material injury to, a U.S. industry.

The petitioners based the United States price on invoices and price quotes to U.S. purchasers less estimated foreign inland freight. Petitioners based foreign market value on Canadian ex-factory price lists. Based on a comparison of United States prices and foreign market value, petitioners allege dumping margins ranging from 36.60 to 60.0 percent. Petitioners also allege that "critical circumstances" exist with respect to imports of certain welded carbon steel API line pipe from Canada.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether it sets forth the allegations necessary for the initiation of an antidumping duty investigation, and whether it contains information reasonably available to the petitioners supporting the allegations.

We examined the petition on certain welded carbon steel API line pipe from Canada and found that it meets the requirements of section 732(b) of the Act. Therefore, in accordance with section 732 of the Act, we are initiating an antidumping duty investigation to determine whether imports of certain welded carbon steel API line pipe from

Canada are being, or are likely to be, sold in the United States at less than fair value. If our investigation proceeds normally, we will make our preliminary determination by July 21, 1987.

Scope of Investigation

The product covered by this investigation is welded carbon steel API line pipe, .375 inch or more but not over 16 inches in outside diameter, currently provided for under item numbers 610.3208 and 610.3209 of the *Tariff Schedules of the United States Annotated* (TSUSA). Under the proposed Harmonized System of classification, we believe the new tariff classification numbers will be 7306.10.1010 and 7306.10.1050. The Department welcomes any comments regarding this anticipated classification under the Harmonized System.

Notification of ITC

Section 732(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. He will notify the ITC and make available to it all nonprivileged and nonproprietary information. We will also allow the ITC access to all privileged and business proprietary information in our files, provided it confirms in writing that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by March 30, 1987, whether there is a reasonable indication that imports of certain welded carbon steel API line pipe from Canada materially injure, or threaten material injury to, a U.S. industry. If its determination is negative the investigation will terminate; otherwise it will proceed according to the statutory and regulatory procedures.

This notice is published pursuant to section 732(c)(2) of the Act.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 87-4925 Filed 3-9-87; 8:45 am]

BILLING CODE 3510-DS-M

[A-475-059]

Pressure Sensitive Plastic Tape From Italy; Final Results of Administrative Review of Antidumpting Finding; Correction

AGENCY: International Trade Administration, Import Administration Commerce.

ACTION: Notice of final results of antidumpting duty administrative review; correction.

On December 5, 1986, the Department of Commerce published the final results of its administrative review of the antidumping finding on pressure sensitive plastic tape from Italy (51 FR 43955).

The results for one firm were incorrect due to two computer programming errors. We have corrected those results and have determined that the following margins exist for Autoadesivitalia:

Time period	Margin (percent)
10/01/80-9/30/81	0.16
10/01/81-10/05/82	0.31

The tentative revocation of October 5, 1982 (47 FR 43993) is still valid, and we intend in the next review to consider A.I. for revocation.

EFFECTIVE DATE: March 10, 1987.

FOR FURTHER INFORMATION CONTACT: Michael J. Heaney, Alfredo Montemayor, or John Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-5505/3601.

Dated: March 4, 1987.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 87-5030 Filed 3-9-87; 8:45 am]

BILLING CODE 3510-DS-M

[A-351-606]

Tubeless Steel Disc Wheels From Brazil; Postponement of Final Antidumping Duty Determination

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: The final antidumping duty determination on tubeless steel disc wheels from Brazil is being postponed until no later than March 13, 1987.

EFFECTIVE DATE: March 10, 1987.

FOR FURTHER INFORMATION CONTACT: William D. Kane or Charles Wilson, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377-1766, (202) 377-5288.

SUPPLEMENTARY INFORMATION: On December 19, 1986, we made an affirmative preliminary antidumping duty determination that tubeless steel disc wheels from Brazil are being, or are likely to be, sold in the United States at less than fair value (51 FR 46904, December 29, 1986). The notice stated that we would issue our final determination by March 4,1987.

On March 2, 1987, counsel for both respondents requested a postponement of the final determination until not later than March 13, 1987, in accordance with section 735(a)(2)(A) of the Tariff Act of 1930, as amended (the Act). If exporters who account for a significant proportion of the exports of the merchandise under investigation properly request an extension after an affirmative preliminary determination, we are required, absent compelling reasons to the contrary, to grant the request. Accordingly, the period for the final determination in this case is hereby extended. We intend to issue the final determination not later than March 13, 1987.

Scope of Investigation

The products covered by this investigation are tubeless steel disc wheels, designed to be mounted with pnuematic tires, with a rim width of 22.5 inches or greater, suitable for use on class 6, 7 and 8 trucks, including buses, tractors and semi-trailers, as currently provided for under number 692.3230 of the *Tariff Schedules of the United States Annotated* (TSUSA).

This notice is published pursuant to section 735(d) of the Act.

The United States International Trade Commission is being advised of this postponement in accordance with section 735(d) of the Act.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

March 4, 1987.

[FR Doc. 87-5031 Filed 3-9-87; 8:45 am]

BILLING CODE 3510-DS-M

[A-427-071]

Viscose Rayon Staple Fiber From France; Final Results of Antidumping Duty Administrative Review and Revocation in Part

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative review and revocation in part.

SUMMARY: On July 31, 1986, the Department of Commerce published the preliminary results of its administrative

review and tentative determination to revoke in part the antidumping finding on viscose rayon staple fiber from France. The review covers Achille Bayart & Cie, an exporter of this merchandise and the period March 1, 1984 through July 31, 1986.

We gave interested parties an opportunity to submit oral or written comments on the preliminary results and tentative determination to revoke in part. We received no comments. We also determined that there were no shipments of this merchandise to the United States by Achille Bayart during the period March 1, 1985 through the date of the tentative determination to revoke in part. We advised the petitioner that there were no shipments and we provided an additional opportunity to comment. Again, we received no comments.

Based on our analysis, the final results of our review are the same as the preliminary results, and we revoke the finding for this merchandise exported to the United States by Achille Bayart & Cie.

EFFECTIVE DATE: March 10, 1987.

FOR FURTHER INFORMATION CONTACT: Barbara Victor or J. Linnea Bucher, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377–5222/5255.

SUPPLEMENTARY INFORMATION:

Background

On July 31, 1986, the Department of Commerce ("the Department") published in the **Federal Register** (51 FR 27436) the preliminary results of its administrative review and tentative determination to revoke in part the antidumping finding on viscose rayon staple fiber from France (44 FR 17157, March 21, 1979). We began this review under our old regulations. After the promulgation of our new regulations, the respondent, Achille Bayart & Cie, requested in accordance with § 353.53a(a) of the Commerce Regulations that we complete the administrative review. We have now completed the administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

Imports covered by the review are shipments of viscose rayon staple fiber, except solution dyed, in noncontinuous form, not carded, not combed and not otherwise processed, wholly of filaments (except laminated filaments and plexiform filaments), currently classifiable under items 309.4320 and 309.4325 of the Tariff Schedules of the United States Annotated. The review covers Achille Bayart & Cie and the period March 1, 1984 through July 31, 1986.

Final Results of the Review and Revocation in Part

We gave interested parties an opportunity to submit oral or written comments on the preliminary results and tentative determination to revoke in part. We received no comments. We also determined that there were no shipments of this merchandise to the United States by Achille Bayart & Cie during the period March 1, 1985 through July 31, 1986, the date of the tentative determination to revoke in part. We advised interested parties that there were no shipments and we provided an additional opportunity to comment. Again, we received no comments. Based on our analysis, the final results of our review are the same as those presented in the preliminary results of review with respect to Achille Bayart & Cie.

For the reasons set forth in the preliminary results, we are satisfied that there is no likelihood of resumption of sales at less than fair value by Achille Bayart & Cie. Accordingly, we revoke in part the antidumping finding on viscose rayon staple fiber from France. This partial revocation applies to all unliquidated entries of this merchandise exported by Achille Bayart & Cie entered, or withdrawn from warehouse, for consumption on or after July 31, 1986. The Department shall instruct the Customs Service not to assess antidumping duties on all appropriate entries.

Further, as provided by section 751(a)(1) of the Tariff Act, for any shipments from the two remaining known exporters of French viscose rayon staple fiber not covered by this review, the cash deposit will continue to be at the rates published in the final results of the last administrative review for each of those reviews (49 FR 45467, November 16, 1984). For any shipments of this merchandise from a new exporter, not covered by this or prior administrative reviews, whose first shipments occurred after July 31, 1986 and who is unrelated to the reviewed firm or any other previously reviewed firm, a cash deposit of 24 percent shall be required. These deposit requirements are effective for all shipments of French viscose rayon staple fiber entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice and shall remain in effect until publication of the final results of the next administrative review.

This administrative review, partial revocation, and notice are in accordance with sections 751(a)(1) and (c) of the Tariff Act (19 U.S.C. 1675(a)(1), (c)) and §§ 353.53a and 353.54 of the Commerce Regulations (19 CFR 353.53a, 353.54).

Dated: March 4, 1987.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 87–5032 Filed 3–9–87; 8:45 am]

BILLING CODE 3510–DS–M

[C–357–052]

Non-Rubber Footwear From Argentina; Final Results of Countervailing Duty Administrative Review

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice of final results of countervailing duty administrative review.

SUMMARY: On January 23, 1987, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on non-rubber footwear from Argentina. The review covers the period Janaury 1, 1984 through December 31, 1985 and three programs.

We gave interested parties an opportunity to comment on the preliminary results. After reviewing the comments received, we recommend that the final results be the same as the preliminary results.

EFFECTIVE DATE: March 10, 1987.

FOR FURTHER INFORMATION CONTACT: Lorenza Olivas or Bernard Carreau, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377–2786.

SUPPLEMENTARY INFORMATION:

Background

On January 23, 1987, the Department of Commerce ("the Department") published in the **Federal Register** (52 FR 2575) the preliminary results of its administrative review of the countervailing duty order on non-rubber footwear from Argentina (44 FR 3474, January 17, 1979). We have now completed the administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of Review

Imports covered by the review are shipments of Argentine non-rubber footwear described in Part 1A of Schedule 7 of the Tariff Schedules of the United States Annotated, excluding

items 700.5100 through 700.5400, 700.5700 through 700.7100 and 700.9000.

The review covers the period January 1, 1984 through December 31, 1985 and three programs: (1) The reembolso, a cash rebate of taxes; (2) post-export financing; and (3) pre-export financing.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received written comments from the petitioner, Footwear Industries of America, Inc. ("FIA"), and the Government of Argentina.

Comment 1: FIA contends that the Argentine export tax on hides results in a subsidy to Argentine footwear producers by artificially depressing the domestic price of raw materials. Further, FIA contends that the Department must apply the upstream subsidies provision of the Trade and Tariff Act of 1984 ("the 1984 Act") to measure the amount of any benefit received by the Argentine tanners which is passed on to the footwear manufacturers.

Department's Position: Section 613 of the 1984 Act provides a mechanism for capturing subsidies on inputs used in merchandise that is subject to a countervailing duty order. The 1984 Act, however, does not change the definition of "subsidy." Accordingly, our position that the export tax on Argentine hides does not constitute a subsidy remains unchanged. (*See*, the final results of a previous administrative review in this case (49 FR 9922, March 16, 1984)). Therefore, the issue of a potential upstream subsidy is moot.

Comment 2: The Government of Argentina argues that the Department erred in stating that in 1984 the government reduced the reembolso rate to zero on exports of non-rubber footwear. In fact, by Resolution 1090 of October 29, 1984, the government applied a duty of one percent on exports of this merchandise.

Department's Position: We agree. This, however, does not change the results of our review. Because there was no overrebate of indirect taxes, there was no benefit from this program during the period of review.

Final Results of Review

After consideration of the comments received, we determine the total bounty or grant to be 1.93 percent *ad valorem* for the period Jannary 1, 1984 through December 31, 1984, and 4.63 percent *ad valorem* for the period January 1, 1985 through December 31, 1985.

The Department will instruct the Customs Service to assess countervailing duties of 1.93 percent of the f.o.b. invoice price on any shipments of non-rubber footwear exported on or after January 1, 1984 and on or before December 31, 1984, and 4.63 percent of the f.o.b. invoice price on any shipments exported on or after January 1, 1985 and on or before December 31, 1985.

Further, the Department will instruct the Customs Service to collect a cash deposit of estimated countervailing duties, as provided by section 751(a)(1) of the Tariff Act, of 4.63 percent of the f.o.b. invoice price on all shipments of non-rubber footwear from Argentina entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.10 of the Commerce Regulations (19 CFR 355.10).

Dated: March 4, 1987.

Gilbert B. Kaplan,

Deputy Assistance Secretary Import Administration.

[FR Doc. 87-5034 Filed 3-9-87; 8:45 am]

BILLING CODE 3510-DS-M

National Bureau of Standards

[Docket No. 51211-6221]

Federal Information Processing Standards Publication 126, Database Language NDL and Federal Information Processing Standards Publication 127, Database Language SQL; Approval

AGENCY: National Bureau of Standards, Commerce.

ACTION: The purpose of this notice is to announce that the Secretary of Commerce (Secretary) has approved two new standards, which will be published as FIPS Publications 126, Database Language NDL, and 127, Database Language SQL.

SUMMARY: On April 21, 1986, notice was published in the **Federal Register** (51 FR 13542-47) that two Federal Information Processing Standards for Database Language NDL and Database Language SQL were being proposed for Federal use.

The written comments submitted by interested parties and other material available to the Department relevant to these standards were reviewed by NBS. On the basis of this review, NBS recommended that the Secretary approve the standards as Federal Information Processing Standards (FIPS) and prepared a detailed justification document for the Secretary's review in support of that recommendation.

The detailed justification document which was presented to the Secretary, and which includes an analysis of the written comments received, is part of the public record and is available for inspection and copying in the Department's Central Reference and Records Inspection Facility, Room 6628, Herbert C. Hoover Building, 14th Street between Pennsylvania and Constitution Avenues, NW., Washington, DC 20230.

Each approved standard contains two portions: (1) An announcement portion which provides information concerning the applicability, implementation, and maintenance of the standard, and (2) a specifications portion which deals with the technical requirements of the standard. Only the announcement portions of the standards are provided in this notice.

ADDRESS: Interested parties may purchase copies of these new standards, including the technical specifications portions, from the National Technical Information Service (NTIS). Specific ordering information from NTIS for these standards is set out in the Where to Obtain Copies Section of the announcement portion of each standard.

FOR FURTHER INFORMATION CONTACT: Ms. Joan Sullivan, Center for Programming Science and Technology, Institute for Computer Sciences and Technology, National Bureau of Standards, Gaithersburg, MD 20899, (301) 975-3258.

Dated: March 2, 1987.

Ernest Ambler,

Director.

Federal Information Processing Standards Publication 126

(Date)

Announcing the Standard for Database Language NDL

Federal Information Processing Standards Publications (FIPS PUBS) are issued by the National Bureau of Standards pursuant to section 111(f)(2) of the Federal Property and Administrative Services Act of 1949, as amended, Pub. L. 89-306 (79 Stat. 1127), Executive Order 11717 (38 FR 12315,

dated May 11, 1973), and Part 6 of Title 15 Code of Federal Regulations (CFR).

1. *Name if Standard.* Datebase Language NDL (FIPS PUB 126).

2. *Category of Standard.* Software Standard, Database.

3. *Explanation.* This publication announces adoption of American National Standard Database Language NDL, ANSI X3.133–1986, as a Federal Information Processing Standard (FIPS). ANSI X3.133–1986 specifies three languages that make up a network model database management system. They are:

a. A schema defintion language, for declaring the structures and integrity constraints of a network structured database.

b. A subschema definition language, for declaring a user view of that database.

c. A module language, including NDL statements, for declaring the database procedures and executable statements of a specific database application.

The purpose of this standard is to promote portability of database definitions and database application programs between different installations. The standard is used by implementors as the reference authority in developing a network model database management system and standard language interfaces to that database management system; and by other computer professionals who need to know the precise syntactic and semantic rules of the standard.

4. *Approving Authority.* Secretary of Commerce.

5. *Maintenance Agency.* Department of Commerce National Bureau of Standards (Institute for Computer Sciences and Technology).

6. *Cross Index.* a. American National Standard Database Language NDL, ANSI X3.133–1986.

b. ISO 8907, Database Language NDL.

7. *Related Documents.* a. Federal Information Resource Management Regulation 201–8.1, Federal ADP and Telecommunication Standards.

b. American National Standard Database Language SQL, ANSI X3.135–1986.

c. ISO 9075, Database Language SQL.

d. Federal Information Processing Standards Publication 127, Database Language SQL.

e. Federal Information Processing Standards Publication 110, Guideline for Choosing a Data Management Approach.

f. NBS Special Publication 500–115, Report on Approaches to Database Translation.

g. NBS Special Publication 500–108, Guide on Data Models in the Selection and Use of Database Management Systems.

8. *Objectives.* Federal standards for database management systems permit Federal departments and agencies to exercise more effective control over the production, management, and use of the Government's information resources. The primary objectives of Federal database management system standards are:

—To encourage more effective utilization and management of database application programmers by ensuring that skills acquired on one job are transportable to other jobs, thereby reducing the cost of database programmer retraining;

—To reduce the overall software costs by making it easier and less expensive to maintain database definitions and database application programs and to transfer these definitions and programs among different computers and database management systems, including replacement database management systems;

—To reduce the cost of software development by achieving increased database application programmer productivity through the understanding and use of database methods employing standard structures and operations, standard data types, standard constraints, and standard interfaces to programming languages; and

—To protect the software assets of the Federal government by insuring to the maximal feasible extent that Federal database management system standards are technically sound and that subsequent revisions are compatible with the installed base.

Government-wide attainment of the above objectives depends upon the widespread availability and use of comprehensive and precise standard database management system specifications.

9. *Applicability.* a. Federal standards for database management systems should be used for computer database applications and programs that are either developed or acquired for government use. The FIPS Database Language NDL (FIPS NDL) is one of the database management system standards provided for use by all Federal departments and agencies. FIPS NDL is suited for use by applications written in one of the FIPS programming languages for which NDL module language is specified in ANSI X3.133–1986; e.g., in COBOL, FORTRAN, or Pascal. The FIPS NDL is suited for use in database applications that employ the network data model. The network data model is appropriate for highly structured applications requiring rapid access along predefined paths. Although this standard does not specifically address distributed database applications, it may be used, along with facilities for distributed transaction processing, to access network structured data at remote nodes in a distributed system.

b. The use of FIPS database languages is strongly recommended for database applications when one or more of the following situations exist:

—It is anticipated that the life of the database application will be longer than the life of the presently utilized equipment or database management system, if any;

—The database application is under constant review for updating of the specifications, and changes may result frequently;

—The database application is being designed and developed centrally for a decentralized system that employs computers of different makes and models or database software acquired from a different vendor;

—The database application will or might be run on equipment other than that for which the database application is initially written;

—The database application is to be understood and maintained by programmers other than the original ones; and

—The database application is or is likely to be used by organizations outside the Federal government (i.e., State and local governments, and others).

c. Nonstandard language features should be used only when the needed operation or function cannot reasonably be implemented with the standard features alone. A needed language feature not provided by the FIPS database languages should, to the extent possible, be acquired as part of an otherwise FIPS conforming database management system. Although nonstandard language features can be very useful, it should be recognized that their use may make the interchange of programs and future conversion to a revised standard or replacement database management system more difficult and costly.

d. It is recognized that programmatic requirements may be more economically and efficiently satisfied through the use of a database management system employing a different data model than those provided by the FIPS database languages or the use of a database management system that functionally conforms to a FIPS database language

but does not conform to all other aspects of the FIPS. The use of any facility should be considered in the context of system life, system cost, data integrity, and the potential for data sharing.

e. Programmatic requirements may be also more economically and efficiently satisfied by the use of automatic program generators. However, if the final output of a program generator is NDL database language, then the resulting language should conform to the conditions and specifications of FIPS NDL.

10. *Specifications.* The specifications for FIPS NDL are the Level 2 language specifications of the schema definition language, the subschema definition language, and the module language (including NDL statements) contained in American National Standard Database Language NDL, ANSI X3.133–1986.

ANSI X3.133–1986 defines the scope of the specifications (Clause 1, ANSI X3.133–1986), the syntax and semantics of NDL language (Clauses 3 through 12, ANSI X3.133–1986), and requirements for a conforming implementation (Clause 3.4, ANSI X3.133–1986). All of the specifications of ANSI X3.133–1986 apply to FIPS NDL, with two exceptions. The first exception is that FIPS NDL requires an implementation conforming to FIPS NDL to support the identical syntax and functional requirements of ANSI X3.133–1986; e.g., FIPS NDL does not allow a claim of "functional conformance only" (as defined in Clause 3.4, ANSI X3.133–1986). The second exception is that FIPS NDL does not include module language for programming language PL/I.

In addition, a facility must be available in the implementation for the user to optionally specify monitoring of NDL (comprised of schema definition, subschema definition, and module language). The monitoring is an analysis of the NDL syntax used against the syntax specified by FIPS NDL. The implementation will diagnose and identify to the user, in an implementor-defined manner, the following:

—Any NDL syntax that does not conform to that included in FIPS NDL; and

—Any NDL syntax conforming to FIPS NDL that, based on a user option (see Clause 3.4 of ANSI X3.133–1986), may be processed in a non-conforming manner. This monitoring will be based on the analysis of the NDL syntax and the invocation of the user option selecting the non-conforming functions. It is not intended that an analysis be made at processing time.

The standard does not specify the following:

—Concurrent access to the database by multiple users or processes;

—The limits on the number or sizes of database constructs; e.g., subschemas, records, sets, components, booloean expressions, etc;

—Application pre-processing facilities for producing separate standard database modules and standard language programs; and

—A distributed database facility.

11. *Implementation.* The implementation of this standard involves three areas of consideration: acquisition of NDL implementations, interpretation of FIPS NDL, and validation of NDL implementations.

11.1 *Acquisition of NDL Implementations.* a. This publication is effective August 3, 1987. Network model database management systems acquired for Federal use after this date should implement FIPS NDL (which includes the schema, subschema, and module languages). Conformance to FIPS NDL should be considered whether NDL implementations are developed internally, acquired as part of an ADP system procurement, acquired by separate procurement, used under an ADP leasing arrangement, or specified for use in contracts for programming services.

A transition period provides time for industry to produce database management systems conforming to this standard. The transition period begins on the effective date and continues for one (1) year thereafter. The provisions of this publication apply to orders placed after the effective date; however, an NDL implementation conforming to FIPS NDL, if available, may be acquired for use prior to the effective date.

ANSI X3.133–1986 specifies two levels of conformance. Level 1 has been defined to facilitate conformance of extant implementations. Although conformance to Level 1 of ANSI X3.133–1986 is not sufficient to claim conformance to FIPS NDL, Level 1 implementations may be available during the transition period. An NDL Level 1 implementation may be acquired for interim use during the transition period if a FIPS NDL implementation is not available.

b. Database software is normally purchased as a complete package called a database management system (DBMS). A DBMS is an implementation of one or more data models (e.g., the network model or the relational model). In addition, a DBMS usually provides additional facilities and data interfaces independent of the interfaces specified by the standard. These may include access control, loading and unloading, dynamic schema manipulation, data dictionary, application program preprocessing, data storage specification, natural language query, report generator, or graphics display. A DBMS may also provide additional data structures, such as indices, or software, such as query optimizers, to enhance performance. User requirements for performance or for additional data administration facilities should be specified explicitly.

c. For a wide variety of new applications, either a network model or a relational model DBMS would satisfy user requirements for database services. A procurement may specify that the DBMS must provide interfaces conforming to one of the FIPS database language standards, but leave the selection of the specific standard to the vendor. This approach would be appropriate in the procurement of a DBMS-based application or a turnkey system, or in the procurement of a system where the choice of a data model is less significant than other factors.

11.2 *Interpretation of FIPS NDL.* NBS provides for the resolution of questions regarding FIPS NDL specifications and requirements, and issues official interpretations as needed. All questions about the interpretation of FIPS NDL should be addressed to: Director, Institute for Computer Sciences and Technology, ATTN: Database Language NDL Interpretation, National Bureau of Standards, Gaithersburg, MD 20899.

11.3 *Validation of FIPS NDL.* A suite of automated validation tests for NDL implementations is currently under development. The suite will be made available when it is completed. For more information on MDL validation tests, contact: Director, Institute for Computer Sciences and Technology, ATTN: Software Standards Testing Program, National Bureau of Standards, Gaithersburg, MD 20899.

12. *Waivers.* Under certain exceptional circumstances, the head of the agency is authorized to waive the application of the provisions of this FIPS PUB. Exceptional circumstances which would warrant a waiver are:

a. Significant, continuing cost or efficiency disadvantages will be encountered by the use of this standard and,

b. The interchange of information between the system for which the waiver is sought and other systems is not anticipated.

Agency heads may act only upon written waiver requests containing the information detailed above. Agency heads may approve requests for waivers only by a written decision which

explains the basis upon which the agency head made the required finding(s). A copy of each such decision, with procurement sensitive or classified portions clearly identified, shall be sent to the Director, Institute for Computer Sciences and Technology, National Bureau of Standards, Gaithersburg, Maryland 20899.

When the determination on a waiver request applies to the procurement of equipment and/or services, a notice of the waiver determination must be published in the *Commerce Business Daily* as a part of the notice of solicitation for offers on an acquisition or, if the waiver determination is made after that notice is published, by amendment to such notice.

A copy of the waiver request, any supporting documents, the document approving the waiver request and any supporting and accompanying document(s), with such deletions as the agency is authorized and decides to make under 5 U.S.C. Sec. 552(b), shall be part of the procurement documentation and retained by the agency.

13. *Where to Obtain Copies.* Copies of this publication are for sale by the National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161. (Sale of the included specification document is by arrangement with the American National Standards Institute.) When ordering, refer to Federal Information Processing Standards Publication 126 (FIPSPUB 126), and title. Payment may be made by check, money order, or deposit account.

Federal Information Processing Standards Publication 127

(Date)

Announcing the Standard for Database Language SQL

Federal Information Processing Standards Publications (FIPS PUBS) are issued by the National Bureau of Standards pursuant to section 111(f)(2) of the Federal Property and Administrative Services Act of 1949, as amended, Pub. L. 89–306 (79 Stat. 1127), Executive Order 11717 (38 FR 12315, dated May 11, 1973), and Part 6 of Title 15 Code of Federal Regulations (CFR).

1. *Name of Standard.* Database Language SQL (FIPS PUB 127).

2. *Category of Standard.* Software Standard, Database.

3. *Explanation.* This publication announces adoption of American National Standard Database Language SQL. ANSI X3.135–1986, as a Federal Information Processing Standard (FIPS). ANSI X3.135–1986 specifies two languages that make up a relational model database management system. They are:

a. A schema definition language, for declaring the structures and integrity constraints of a database.

b. A module language, including SQL statements, for declaring the database procedures and executable statements of a specific database application.

The purpose of the standard is to promote portability of database definitions and database application programs between different installations. The standard is used by implementors as the reference authority in developing a relational model database management system and standard language interfaces to that database management system; and by other computer professionals who need to know the precise syntactic and semantic rules of the standard.

4. *Approving Authority.* Secretary of Commerce.

5. *Maintenance Agency.* Department of Commerce, National Bureau of Standards (Institute for Computer Sciences and Technology).

6. *Cross Index.* a. American National Standard Database Language SQL, ANSI X3.135–1986.

b. ISO 9075, Database Language SQL.

7. *Related Documents.* a. Federal Information Resource Management Regulation 201–8.1, Federal ADP and Telecommunication Standards.

b. American National Standard Database Language NDL, ANSI X3.133–1986.

c. ISO 8907, Database Language NDL.

d. Federal Information Processing Standards Publication 126, Database Language NDL.

e. Federal Information Processing Standards Publication 110, Guideline for Choosing a Data Management Approach.

f. NBS Special Publication 500–115, Report on Approaches to Database Translation.

g. NBS Special Publication 500–108, Guide on Data Models in the Selection and Use of Database Management Systems.

8. *Objectives.* Federal standards for database management systems permit Federal departments and agencies to exercise more effective control over the production, management, and use of the Government's information resources. The primary objectives of Federal database management system standards are:

—To encourage more effective utilization and management of database application programmers by ensuring that skills acquired on one job are transportable to other jobs, thereby reducing the cost of database programmer retraining.

—To reduce the overall software costs by making it easier and less expensive to maintain database definitions and database application programs and to transfer these definitions and programs among different computers and database management systems, including replacement database management systems.

—To reduce the cost of software development by achieving increased database application programmer productivity through the understanding and use of database methods employing standard structures and operations, standard data types, standard constraints, and standard interfaces to programming languages; and

—To protect the software assets of the Federal government by insuring to the maximal feasible extent that Federal database management system standards are technically sound and that subsequent revisions are compatible with the installed base.

Government-wide attainment of the above objectives depends upon the widespread availability and use of comprehensive and precise standard database management system specifications.

9. *Applicability.* a. Federal standards for database management systems should be used for computer database applications and programs that are either developed or acquired for government use. The FIPS Database Language SQL(FIPS SQL) is one of the database management system standards provided for use by all Federal departments and agencies. FIPS SQL is suited for use by applications written in one of the FIPS programming languages for which SQL module language is specified in ANSI X3.135–1986; e.g., in COBOL, FORTRAN, or Pascal. The FIPSD SQL is suited for use in database applications that employ the relational data model. The relational data model is appropriate for applications requiring flexibility in the data structures and access paths of the database. The relational data model is desirable where there is a substantial need for ad hoc data manipulation by end users who are not computer professionals, in addition to the need for access by applications under production control. Although this standard does not specifically address distributed database applications, it may be used, along with facilities for distributed transaction processing, to access relational structured data at remote nodes in a distributed system.

b. The use of FIPS database languages is strongly recommended for database applications when one or more of the following situations exist:

—It is anticipated that the life of the database application will be longer than the life of the presently utilized equipment or database management system, if any.
—The database application is under constant review for updating of the specifications, and changes may result frequently.
—The database application is being designed and developed centrally for a decentralized system that employs computers of different makes and models or database software acquired from a different vendor.
—The database application will or might be run on equipment other than that for which the database application is initially written.
—The database application is to be understood and maintained by programmers other than the original ones; and
—The database application is or is likely to be used by organizations outside the Federal government (i.e., State and local governments, and others).

c. Nonstandard language features should be used only when the needed operation or function cannot reasonably be implemented with the standard features alone. A needed language feature not provided by the FIPS database languages should, to the extent possible, be acquired as part of an otherwise FIPS conforming database management system. Although nonstandard language features can be very useful, it should be recognized that their use may make the interchange of programs and future conversion to a revised standard or replacement database management system more difficult and costly.

d. It is recognized that programmatic requirements may be more economically and efficiently satisfied through the use of a database management system employing a different data model than those provided by the FIPS database languages or the use of a database management system that functionally conforms to a FIPS database language but does not conform to all other aspects of the FIPS. The use of any facility should be considered in the context of system life, system cost, data integrity, and the potential for data sharing.

e. Programmatic requirements may be also more economically and efficiently satisfied by the use of automatic program generators. However, if the final output of a program generator is SQL database language, then the resulting language should conform to the conditions and specifications of FIPS SQL.

10. *Specifications.* The specifications for FIPS SQL are the Level 2 language specifications of the schema definition language and the module language (including SQL statements) contained in American National Standard Database Language SQL ANSI X3.135–1986.

ANSI X3.135–1986 defines the scope of the specification (Clause 1, ANSI X3.135–1986) and the syntax and semantics of SQL language (Clauses 3 through 8, ANSI X3.135–1986). All of these specifications apply to FIPS SQL, with two exceptions. FIPS SQL requires full SQL conformance to Level 2. (Level 1 is the subset of Level 2 defined in Clause 9, ANSI X3.135–1986.) Also, FIPS SQL does not include module language for programming language PL/I.

In addition, a facility must be available in the implementation for the user to optionally specify monitoring of SQL (comprised of schema definition and module language). The monitoring is an analysis of SQL syntax used against the syntax specified by FIPS SQL. The implementation will diagnose and identify to the user, in an implementor-defined manner, the following:

—Any SQL syntax that does not conform to that included in FIPS SQL; and
—Any SQL syntax conforming to FIPS SQL that, based on a user option (see Clause 3.4 of ANSI X3.135–1986), may be processed in a non-conforming manner. This monitoring will be based on the analysis of the SQL syntax and the invocation of the user option selecting the non-conforming functions. It is not intended that an analysis be made at processing time.

The standard does not specify the following:

—Concurrrent access to the database by multiple users or processes;
—The limits on the number or sizes of database constructs; e.g. columns, rows, tables, views, sub-queries, boolean expressions, etc.;
—Application pre-processing facilities for producing separate standard database modules and standard language programs; and
—A distributed database facility.

11. *Implementation.* The implementation of this standard involves three areas of consideration: acquisition of SQL implementations, interpretation of FIPS SQL, and validation of SQL implementations.

11.1 *Acquisition of SQL Implementations.* a. This publication is effective August 3, 1987. Relational model database management systems acquired for Federal use after this date should implement FIPS SQL (which includes the schema and module languages). Conformance to FIPS SQL should be considered whether SQL implementations are developed internally, acquired as part of an ADP system procurement, acquired by separate procurement, used under an ADP leasing arrangement, or specified for use in contacts for programming services.

A transition period provides time for industry to produce database management systems conforming to this standard. The transition period begins on the effective date and continues for one (1) year therafter. The provisions of this publication apply to orders placed after the effective date; however, an SQL implementation conforming to FIPS SQL, if available, may be acquired for use prior to the effective date.

ANSI X3.135–1986 specifies two levels of conformance. Level 1 has been defined to facilitate conformance of extant implementations. Although conformance to Level 1 of ANSI X3.135–1986 is not sufficient to claim conformance to FIPS SQL, Level 1 implementations are expected to be available during the transition period. A full SQL Level 1 implementation may be acquired for interim use during the transition period if a FIPS SQL implementation is not available.

b. Database software is normally purchased as a complete package called a database management system (DBMS). A DBMS is an implemntation of one or more data models (e.g. the network model or the relational model). In addition, a DBMS usually provides additional facilities and data interfaces independent of the interfaces specified by the standard. These many include access control, loading and unloading, dynamic schema manipulation, data dictionary, application program preprocessing, data storage specification, natural language query, report generator, or graphics display. A DBMS may also provide additional data structures, such as indices, or software, such as query optimizers, to enhance performance. User requirements for performance or for additional data administration facilities should be specified explicitly.

c. For a wide variety of new applications, either a network model or a relational model DBMS would satisfy user requirements for database services. A procurement may specify that the DBMS must provide interfaces conforming to one of the FIPS database language standards, but leave the

selection of the specific standard to the vendor. This approach would be appropriate in the procurement of a DBMS-based application or a turnkey system, or in the procurement of a system where the choice of a data model is less signficant than other factors.

11.2 *Interpretation of FIPS SQL.* NBS provides for the resolution of questions regarding FIPS SQL specifications and requirements, and issues official interpretations as needed. All questions about the interpretation of FIPS SQL should be addressed to: Director, Institute for Computer Sciences and Technology, ATTN: Database Language SQL Interpretation, National Bureau of Standards, Gaithersburg, MD 20899.

11.3 *Validation of SQL Implementations.* A suite of automated validation tests for SQL implementations is currently under development. The suite will be made available when it is completed. For more information on SQL validation tests, contact: Director, Institute for Computer Sciences and Technology, ATTN: Software Standards Testing Program, National Bureau of Standards, Gaithersburg, MD 20899.

12. *Waivers.* Under certain exceptional circumstances, the head of the agency is authorized to waive the application of the provisions of this FIPS PUB. Exceptional circumstances which would warrant a waiver are:

a. Significant, continuing cost or efficiency disadvantages will be encountered by the use of this standard and,

b. The interchange of information between the system for which the waiver is sought and other systems is not anticipated. Agency heads may act only upon written waiver requests containing the information detailed above. Agency heads may approve requests for waivers only by written decision which explains the basis upon which the agency head made the required finding(s). A copy of each such decision, with procurement sensitive or classified portions clearly identified, shall be sent to the Director, Institute for Computer Sciences and Technology, National Bureau of Standards, Gaithersburg, Maryland 20899.

When the determination on a waiver request applies to the procurement of equipment and/or services, a notice of the waiver determination must be published in the *Commerce Business Daily* as a part of the notice of solicitation for offers on an acquisition or, if the waiver determination is made after that notice is published, by amendment to such notice.

A copy of the waiver request, any supporting documents, the document approving the waiver request and any supporting and accompany document(s), with such deletions as the agency is authorized and decides to make under 5 U.S.C. sec. 552(b), shall be part of the procurement documentation and retained by the agency.

13. *Where to Obtain Copies.* Copies of this publication are for sale by the National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161. (Sale of the included specification document is by arrangement with the American National Standards Institute.) When ordering, refer to Federal Information Processing Standards Publication 127 (FIPSPUB127), and title. Payment may be made by check, money order, or deposit account.

[FR Doc. 87-4962 Filed 3-9-87; 8:45 am]
BILLING CODE 3510-CN-M

National Oceanic and Atmospheric Administration

[Modification No. 2 to Permit No. 369; P108E/F]

Marine Mammals; Permit Modification, Marine Animal Productions

Notice is hereby given that pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), public display Permit No. 369 issued to Marine Animal Productions, Inc., 150 Debuys Road, Biloxi, Mississippi 39531, on February 25, 1982 (47 FR 9045), as modified on October 24, 1984 (49 FR 43987), is further modified as follows:

Section B.7 is replaced by:

"7. This Permit is valid with respect to the taking authorized herein until December 31, 1988. The terms and conditions of this Permit (Section B and C) shall remain in effect as long as one of the marine mammals taken hereunder is maintained in captivity under the authority and responsibility of the Permit Holder."

This modification becomes effective upon publication in the Federal Register.

Documents submitted in connection with the above Permit and modification are available for review in the following offices:

Office of Protected Species and Habitat Conservation, National Marine Fisheries Service, 1825 Connecticut Avenue, NW., Room 805, Washington, DC 20235;

Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731;

Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702; and

Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: March 3, 1987.

Richard B. Roe,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 87-4952 Filed 3-9-87; 8:45 am]
BILLING CODE 3510-22-M

[P16G]

Marine Mammals; Proposed Permit Modification: Dr. Gerald Kooyman

Notice is hereby given that Dr. Gerald L. Kooyman, Physiological Research Laboratory, Scripps Institution of Oceanography, University of California, San Diego, La Jolla, California 92093, has requested a modification to Permit No. 552, issued on May 29, 1986 (51 FR 20685) under the authority of 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 216).

The Permit Holder is requesting to (1) ultimately release the sea lions used in open ocean work; (2) use seven harbor seals in open ocean physiological studies; and (3) to conclude the experiment by releasing the harbor seals.

Concurrent with the publication of this notice in the Federal Register, the Secretary of Commerce is forwarding copies of this modification 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 Modification 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 Modification 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 modification are

available for review by interested persons in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 1825 Connecticut Avenue, NW., Washington, DC; and

Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731–7415.

Dated: March 3, 1987.

Richard B. Roe,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 87–4051 Filed 3–9–87; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing Import Restraint Limits for Certain Wool and Man-made Fiber Textile Products from the Hungarian People's Republic

March 5, 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 11, 1987. For further information contact Kathryn Cabral, 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) 535–9480. For information on embargoes and quota re-openings, please call (202) 377–3715.

Background

The Governments of the United States and the Hungarian People's Republic have exchanged diplomatic notes, dated December 30, 1986 and January 6, 1987, to further amend the Bilateral Wool Textile Agreement of February 15 and 25, 1983, as amended, to establish specific limits for wool and man-made fiber textile products in Categories 434 and 645/646, produced or manufactured in Hungary and exported during the periods which began, in the case of Category 434, on November 1, 1986 and, in the case of Category 645/646, on January 1, 1987, and extend through December 31, 1988.

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of wool and man-made fiber textile products in Categories 434 and 645/646, produced or manufactured in Hungary and exported during the periods beginning on November 1, 1986 (Category 434) and January 1, 1987 (Category 645/646) and extending through December 31, 1987, in excess of designated restraint limits.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

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 provision.

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

March 5, 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 futher extended on July 31, 1986; pursuant to the Bilateral Wool Textile Agreement of February 15 and 25, 1983, as amended, between the Governments of the United States and the Hungarian People's Republic; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on March 11, 1987, entry into the United States for consumption and withdrawal from warehouse for consumption of wool and man-made fiber textile products in Categories 434 and 645/646, produced or manufactured in Hungary and exported during the periods which began, in the case of Category 434, on November 1, 1986, and, in the case of Category 645/646, on January 1, 1987, and extend through December 31, 1987, in excess of the following levels of restraint[1]:

Category	Restraint limit
434	8,750 dozen.
645/646	85,000 dozen.

Textile products in Categories 434 and 645/646 which have been exported to the United States prior to November 1, 1986 (Category 434), and January 1, 1987 (Category 645/646), shall not be subject to this directive.

Textile products in Categories 434 and 645/646 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 levels set forth above are subject to adjustment in the future pursuant to the provisions of the bilateral agreement of February 15 and 25, 1983, as amended, between the Governments of the United States and the Hungarian People's Republic.

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).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The 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. 87–5028 Filed 3–9–87; 8:45 am]

BILLING CODE 3510-DR-M

[1] The limits have not been adjusted to account for any imports exported after October 31, 1986 (Category 434) and December 31, 1986 (Category 645/646).

Requesting Public Comment on Bilateral Consultations With the Government of the People's Republic of China on Categories 835, 842 and 847; Correction

March 4, 1987.

On February 13, 1987 a notice was published in the **Federal Register** (52 FR 4645) which announced that the United States Government had requested consultations with the Government of the People's Republic of China regarding

trade in Categories 835, 842 and 847. The market statements which follow this notice were inadvertently omitted.

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

China—Market Statement

Category 835—Silk-Blend and Other Vegetable Fiber Women's, Girls' and Infants' Coats and Jackets

December 1986.

Summary and Conclusions

U.S. imports of Category 835 from China were 41,914 dozen during the first ten months of 1986, compared to 24,693 dozen imported during the first ten months of 1985, a 70 percent increase. China is the third largest supplier of Category 835 accounting for 15 percent of total imports during the first ten months of 1986.

Imports of silk-blend and vegetable fiber other than cotton women's, girls' and infants' coats and jackets have increased dramatically in recent years. The predominant blends being imported are ramie and linen blended with cotton and silk blended with wool and rayon. Most of the Category 835 imports from China are blazers of ramie and linen blended with cotton.

Imports of silk blends and other vegetable fiber women's girls' and infant's coats and jackets compete with domestically produced cotton, wool and man-made fiber women's, girls' and infants' coats and jackets. The U.S. market for cotton, wool, and man-made fiber women's, girls' and infants' coats and jackets, Category 335/435/635, has been disrupted by imports. The sharp and substantial increase of Category 835 imports from China is contributing to the disruption of this market.

Import Penetration and Market Share

The ratio of imports to domestic production in Category 335/435/635, cotton, wool, and man-made fiber women's, girls' and infants' coats and jackets increased to 101 percent in 1985. The share of this market held by domestic producers fell to 50 percent in 1985. Imports of Category 835 are contributing to this market disruption.

U.S. imports of Category 835 were 227 thousand dozen in 1985. They increased substantially in 1986, reaching 284 thousand dozen in the first ten months, 80 percent above the January-October 1985 level.

Production data for 1986 are not currently available; however, government cuttings data are reported. Cuttings [1] data for the first ten months of 1986 indicate that production is nine percent below the January-October 1985 level. If production is assumed to remain at its 1985 level, and January-October 1986 imports of Category 335/435/635/835 are expressed at an annual rate, the import to production ratio increases to 122 percent in 1986 and the domestic manufacturers' share of the market falls to 45 percent.

Duty Paid Value and U.S. Producer Price

Approximately 73 percent of Category 835 imports from China during the first ten months of 1986 entered under TSUSA Nos. 384.5690—other women's, girl's and infants' woven coats and jackets of vegetable fiber other than cotton, not ornamented; and 384.7894 (previously 384.7887)—women's, girls' and infants' woven silk coats and jackets, not ornamented. These coats and jackets entered the U.S. at landed duty paid values below U.S. producers prices for comparable coats and jackets.

China—Market Statement

Category 842—Silk-Blend and Other Vegetable Fiber Skirts

December 1986.

Summary and Conclusions

U.S. imports of Category 842 from China were 58,523 dozen during the first ten months of 1986 compared to 1,211 dozen imported during the first ten months of 1985, 48 times the amount imported during the same period of 1985. China is the second largest supplier of Category 842 accounting for 28 percent of total imports during the first ten months of 1986.

Imports of silk-blend and vegetable fiber other than cotton skirts have increased dramatically in recent years. The predominant blend being imported is ramie/cotton. Most of the Category 842 imports from China are ramie/cotton skirts.

Imports of silk-blend and other vegetable fiber skirts compete with domestically produced cotton, wool, and man-made fiber skirts. The U.S. market for cotton, wool, and man-made fiber skirts, Category 342/442/642, has been disrupted by imports. The substantial increase of Category 842 imports from China is contributing to the disruption of this market.

Import Penetration and Market Share

The ratio of imports to production in Category 342/442/642, cotton, wool, and man-made fiber skirts, increased to 49 percent in 1985. The share of this market held by domestic manufacturers dropped to 67 percent in 1985. Imports of Category 842 are contributing to this market disruption.

U.S. imports of Category 842 were 36 thousand dozen in 1985. They increased in 1986 reaching 207 thousand dozen in the first ten months, more than eight times the January-October 1985 level.

Production data for 1986 are not currently available; however, government cuttings data are reported. Cuttings [1] data for the first ten months of 1986 indicate that production is one percent below the January—October 1985 level. If production is assumed to remain at its 1985 level, and January—October 1986 imports of Category 342/442/642/842 are expressed at an annual rate, the import to production ratio increases to 82 percent and the domestic manufacturers' share of this market falls to 55 percent.

Duty-Paid Value and U.S. Producer Price

Approximately 71 percent of the imports of Category 842 from China during the first ten months of 1986 entered under TSUSA number 384.5330—women's, girl's, and infants' skirts and culottes of vegetable fiber other than cotton, knit, not ornamented. These garments entered the U.S. at landed duty-paid values below U.S. producers' prices for comparable garments.

China—Market Statement

Category 847—Silk-Blend and Other Vegetable Fiber Trousers, Slacks and, Shorts

December 1986.

Summary and Conclusions

U.S. imports of Category 847 from China were 634,623 dozen during the first ten months of 1986 compred to 542,733 dozen imported during the first ten months of 1985, a 17 percent increase. China is the largest supplier of Category 847 accounting for 56 percent of total imports during the first ten months of 1986.

Imports of silk-blend and vegetable fiber other than cotton trousers, slacks, and shorts have increased dramatically in recent years. The predominate blend being imported is ramie/cotton. Most of the Category 847 imports from China are ramie/cotton trousers, slacks, and shorts.

Imports of silk-blend and other vegetable fiber trousers, slacks and shorts compete with domestically produced cotton, wool, and man-made fiber trousers, slacks and shorts. The U.S. market for cotton, wool, and man-made fiber trousers, slacks and shorts, Category 347/348/447/448/647/648, has been disrupted by imports. The substantial increase of Category 847 imports from China is contributing to the disruption of this market.

Import Penetration and Market Share

The ratio of imports to production in Category 347/348/447/448/647/648, cotton, wool, and man-made fiber trousers, slacks and shorts, increased to 48 percent in 1985. The share of this market held by domestic manufacturers dropped to 68 percent in 1985. Imports of Category 847 are contributing to this market disruption.

U.S. imports of Category 847 were 1,225 thousand dozen in 1985. They increased in 1986 reaching 1,130 thousand dozen in the first ten months, 14 percent higher than the January–October 1985 level.

Production data for 1986 are not currently available; however, government cuttings data are reported. Cuttings [1] data for the first ten months of 1986 indicate that production is three percent below the January–October 1985 level. If production is assumed to remain at its 1985 level, and January–October 1986 imports of Category 347/348/447/448/647/648/847 are expressed at an annual rate, the import to production ratio increases to 61 percent and the domestic manufacturers' share of this market falls to 62 percent.

[1] Cuttings data are for cottom, wool, and man-made fiber women's, misses', and juniors' coats and tailored jackets, excluding rain coats.

[1] U.S. cuttings data are for women's, misses', and juniors' cotton, wool and man-made fiber skirts and include both woven and knit skirts.

[1] U.S. cuttings data are for men's, women's, misses', and juniors' cotton, wool and man-made fiber trousers and include both woven and knit trousers.

Duty-Paid Value and U.S. Producer Price

Approximately 92 percent of the imports of Category 847 from China during the first ten months of 1986 entered under TSUSA numbers 381.6996—men's and boys' woven trousers, slacks and shorts, of vegetable fiber other than cotton, not ornamented; and 384.5697—women's, girls' and infants' woven trousers, slacks and shorts and shorts, of vegetable fiber other than cotton, not ornamented. These garments entered the U.S. at landed duty-paid values below U.S. producers' prices for comparable garments.

[FR Doc. 87–5029 Filed 3–9–87; 8:45 am]

BILLING CODE 3510–DR–M

COMMODITY FUTURES TRADING COMMISSION

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

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of information collection.

SUMMARY: The Commodity Futures Trading Commission has submitted the following information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511.

ADDRESS: Persons wishing to comment on this information collection should contact Robert Neal, Office of Management and Budget, Room 3228, NEOB, Washington, DC 20503, (202) 395–7340. Copies of the submission are available from Joseph G. Salazar, Agency Clearance Officer, (202) 254–9735.

Title Procurement Contracts.

Abstract: The information collected consists of procurement activities relating to solicitations, amendments to solicitations, request for quotations, construction contracts, award of contracts, performance bond and payment information for individuals (vendors) or contractors engaged in providing supplies or services.

Control Number: 3038–0031.

Action: Extension.

Respondents: Business (including small businesses).

Estimated Anual Burden: 5 hours.

Estimated Number of Respondents: 36.

Issued in Washington, DC, on March 4, 1987.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 87–4954 Filed 3–9–87; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

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: 25–26 March 1987.

Times of Meeting: 0800–1630 hours, 25 March 1987; 0800–1600 hours, 26 March 1987.

Place: Edgewater Area, Aberdeen Proving Grounds, Maryland.

Agenda: The Army Science Board's Ad Hoc Subgroup for the Army Biological Defense Program will meet to review the non-medical programs in support of the Army's biological defense program. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 2, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably interwined 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. 87–4966 Filed 3–9–87; 8:45 am]

BILLING CODE 3710–08–M

Intent To Grant a Limited Exclusive Patent License to Dermal Systems International

The Department of the Army announces its intention to grant Dermal Systems International, a partnership organized under the laws of the State of Maryland, a limited exclusive license under U.S. Patent Application No. 660,778, filed February 11, 1981, entitled "Dermal Substance Collection Device," by Dr. Carl C. Peck.

The proposed limited exclusive license will comply with the terms and conditions of 35 U.S.C. 209 and the Department of Commerce's regulations at 37 CFR Part 404. The proposed license may be granted unless, within 60 days from the date of this notice, the Department of the Army receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest. All comments and materials must be submitted to the Chief, Patents, Copyrights, and Trademarks Division, Office of The Judge Advocate General, Department of the Army, 5611 Columbia Pike, Falls Church, VA 22041–5013.

For further information concerning this notice, contact: Major William V. Adams, Office of The Judge Advocate General, Attention: JALS–PC, Nassif Building, Room 332A, Falls Church, VA 22041–5013, Telephone No. (Area Code 202) 756–2434/2435.

John O. Roach, II,

Army Liaison Officer with the Federal Register

[FR Doc. 87–4968 Filed 3–9–87; 8:45 am]

BILLING CODE 3710–08–M

Intent To Grant a Limited Exclusive Patent License to Bernard E. Feigenbaum

The Department of the Army announces its intention to grant a limited exclusive license under U.S. Patent Application No. 943,095, filed December 18, 1986, entitled "Broadband High Frequency Sky-Wave Antenna," by Bernard E. Feigenbaum.

The proposed limited exclusive license will comply with the terms and conditions of 35 U.S.C. 209 and the Department of Commerce's regulations at 37 CFR Part 404. The proposed license may be granted unless, within 60 days from the date of this notice, the Department of the Army receives evidence and argument which establishes that the grant of the proposed license would not serve the public interest. All comments and materials must be submitted to the Chief, Patents, Copyrights, and Trademarks Division, Office of The Judge Advocate General, Department of the Army, 5611 Columbia Pike, Falls Church, VA 22041–5013.

For further information concerning this notice, contact: Major William V. Adams, Office of The Judge Advocate General, Attention: JALS–PC, Nassif Building, Room 332A, Falls Church, VA 22041–5013, Telephone No. (Area Code 202) 756–2434/2435.

John O. Roach, II,

Army Liaison Officer with the Federal Register.

[FR Doc. 87–4969 Filed 3–9–87; 8:45 am]

BILLING CODE 3710–08–M

Department of the Navy

Board of Visitors to the United States Naval Academy; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 2), notice is hereby given that the Board of Visitors to the United States Naval Academy will meet 8 April 1987, at the U.S. Naval Academy,

Annapolis, Maryland. The session, which is open to the public, will commence at 8:30 a.m. and terminate at 4:30 p.m., 8 April 1987, in Room 301, Rickover Hall.

The purpose of the meeting is to make such inquiry as the Board shall deem necessary into the state of morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, and academic method of the Naval Academy.

For further information concerning this meeting contact: Captain John W. Renard, U.S. Navy, Retired, Secretary to the Board of Visitors, Dean of Admissions, United States Naval Academy, Annapolis, Maryland 21402-5017, (301) 267-4361.

Dated: March 3, 1987.

Harold L. Stoller, Jr.,

Commander, JAGC, USN, Federal Register Liaison Officer.

[FR Doc. 87-4950 Filed 3-9-87; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CI87-294-000 et al.]

Sea Robin Pipeline Co. et al.; Applications for Certificates, Abandonments of Service and Petitions to Amend Certificates [1]

March 3, 1987.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 18, 1987, file with the Federal Energy Regulatory Commission, Washington, DC 20426, petitions to intervene or protests 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. Persons wishing to become parties to a proceeing or to participate as a party in any hearing therein must file petitions 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.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and Date Filed	Applicant	Purchaser and Location	Price Per Mcf	Pressure Base
CI87-294-000, (CI81-388), B, Feb. 9, 1987).	Sea Robin Pipeline Company, P.O. Box 2197, Houston, Texas 77252.	Sea Robin Pipeline Company, South Marsh Island Block 113, Offshore Louisiana.	(1)	
CI87-298-000, (CI72-875), B, Feb. 9, 1987.	Amoco Production Company, P.O. Box 3092, Houston, Texas 77253.	United Gas Pipe Line Company, Willow Springs, Gregg County, Texas.	(2)	
CI87-299-000, (G-10665), D, Feb. 9, 1987.	Champlin Petroleum Company, Four Allen Center, 1400 Smith Street, Suite 1500, Houston, Texas 77002.	Northwest Central Pipeline Corporation, Eureka Field, Grant County, Oklahoma.	(3)	
G-4579-040, F, Feb. 11, 1987.	Cities Service Oil & Gas Corp., P.O. Box 300, Tulsa, Okla. 74102.	Northern Natural Gas Company, Division of Enron Corp., Hugoton Field Area, Texas County, Oklahoma.	(5)	
G-4579-040, F, Feb. 11, 1987.	Cities Service Oil & Gas Corp., P.O. Box 300, Tulsa, Okla. 74102.	Northern Natural Gas Company, Division of Enron Corp., Hugoton Field Area, Texas County, Oklahoma.	(5)	
CI87-300-000 (CI64-1525), B, Feb. 9, 1987.	M&M Drilling Paul S. Star, Agent, P.O. Box 109, Spencer, W. Va. 25276.	Consolidated Gas Transmission Corporation, D.O. Chenoweth Tract of 25 acres, Birch District, Braxton County, West Virginia.	(6)	
CI87-312-000, F, Feb. 17, 1987.	CNG Producing Company (Succ. in Interest to Essex Exploration Co.) Canal Place One Suite 3100, New Orleans, La. 70130-9990.	Panhandle Eastern Pipe Line Company, Curtis Stark Well No. 1, Woods County, Oklahoma.	(7)	
G-11587-001, D, Feb. 17, 1987.	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	Natural Gas Pipeline Company of America, Twin Field, Hansford County, Texas.	(8)	
G-16020-000, D, Feb 17, 1987.	.....do.....	Northern Natural Gas Company, Division of Enron Corp., E. Spearman Field *et al.*, Hansford County, Texas.	(8)	
G-18748-002, D, Feb. 17, 1987.	.....do.....	El Paso Natural Gas Company, Texas and Mocane Fields, Beaver County, Oklahoma.	(8)	
CI61-1429-009, D, Feb. 17, 1987.	Sun Exploration & Production Co., P.O. Box 2880, Dallas, Tex 75221-2880.	El Paso Natural Gas Company, Jalmat, et al. Fields, Lea County, New Mexico.	(9)	
CI61-1582-000, Feb. 17, 1987.	.....do.....	El Paso Natural Gas Company, Langlie Mattix Field, Lea County, New Mexico.	(10)	

Docket No. and Date Filed	Applicant	Purchaser and Location	Price Per Mcf	Pressure Base
CI87-325-000, B, Feb. 19, 1987.	Richard B. Nelson, 2100 Louisiana Tower, Shreveport, La. 71101.	Various Purchasers, Ada and Sibley Fields, Bienville and Webster Parishes, Louisiana.	(10)	
CI61-1425-002, D, Feb. 9, 1987.	Sun Exploration & Production Co	El Paso Natural Gas Company, Jalmat, et al. Fields, Lea County, New Mexico.	(11)	
CI61-1425-003, D, Feb. 9, 1987.	do	do	(12)	
CI87-303-000, A, Feb. 11, 1987.	do (13)	Various Purchasers, Jim Wells, Starr, Terrebonne, Duval, Victoria and Starr Counties, Texas and Acadia County, Louisiana.	(14)	
CI87-304-000, (G-3887), (CI61-1584), (CI162-1186), (G-6631), G-6652), (G-6837), G-14943), Feb. 11, 19887.	do (13)	Tennessee Gas Pipeline Company, Seeligson Field, Jim Wells County, Texas, El Puerto & Lockhart Field, Starr County Texas, Lake Pelto Field, Terrebonne County, Texas, Government Wells Field, Duval County, Texas, Midland Field, Acadia County, Louisiana, N. Sun Field, Starr County, Texas and Heyser/McFaddin Field, Victoria County, Texas.	(15)	
CI89-175-000, B, Dec. 15, 1986.	do	United Gas Pipe Line Company, Belle Isle Field, St. Mary Parish, Louisiana.	(16)	
CI87-176-000, B, Dec. 15, 1986.	do	do	(17)	
CI80-245-003, D, Feb. 20, 1987.	Sohio Petroleum Company, P.O. Box 4587, Houston, Texas 77210.	Panhandle Eastern Pipe Line Company, Long Branch Field, Adams County, Colorado.	(18)	
G-15501-000, D, Feb. 17, 1987.	Shell Western E&P Inc., P.O. Box 4684, Houston, Texas 77210.	Northern Natural Gas Company, Division of Enron Corp., West Waka Field, Ochiltree County, Texas.	(19)	
CI87-313-000, F, Feb. 16, 1987.	Texaco Inc. (Partial Succ. In Interest to Sun Exploration and Production Company), P.O. Box 52332, Houston, Texas 77052.	El Paso Natural Gas Company, Dakota Basin Field, San Juan County, New Mexico.	(20)	
G-18303-003, D, Feb. 24, 1987.	Sun Exploration & Production Co.	El Paso Natural Gas Company, Rhodes Field, Lea County, New Mexico.	(21)	
CI75-424-000, D, Feb. 24, 1987.	do	Western Transmission Corporation, Browning Field, Carbon County, Wyoming.	(22)	
CI61-316-001, D, Feb. 24, 1987.	Phillips Petroleum Company, 990-G Plaza Office Bldg., Bartlesville, Okla. 74004.	United Gas Pipe Line Company, Crescent Farms-Hollywood Farms, Terrebonne Parish, Louisiana.	(23)	
CI65-343-002, D, Feb. 24, 1987.	Phillips Petroleum Company	ANR Pipeline Company, Jeanerette Field, St. Mary Parish, Louisiana.	(24)	
CI73-99-000, D, Feb. 24, 1987.	do	el Paso Natural Gas Company, South Carlsbed Field, Permian Basin Area, Eddy County, New Mexico.	(25)	
CI70-1008-000, C, Feb. 24, 1987.	Cities Service Oil & Gas Corp	Tennessee Gas Pipeline Company, Ship Shoal Block 198-K Platform, Offshore Louisiana.	(26)	
CI87-329-000, (CI78-672), B, Feb. 24, 1987.	do	Transwestern Pipeline Company, Citgo Empire Abo Unit, Eddy County, New Mexico.	(27)	
CI60-691-003, D, Feb. 24, 1987.	Conoco Inc., P.O. Box 2197, Houston, Texas 77252.	Panhandle Eastern Pipe Line Company, Northwest Avard and Various Other Fields, Alfalfa, Dewey, Major and Woods Counties, Oklahoma.	(28)	
CI87-330-000, (CI74-246), B, Feb. 24, 1987.	Amoco Production Company	Valero Transmission Company, North Alta Mesa Field, Brooks County, Texas.	(29)	
CI87-328-000, B, Feb. 24, 1987.	ARCO Oil & Gas Company, Division of Atlantic, Richfield Company.	Phillips 66 Natural Gas Company, Hanford Unit, Gaines County, Texas.	(30)	
G-6370-000, D, Feb. 24, 1987.	Kerr-McGee Corporation, P.O. Box 25861, Oklahoma City, Okla. 73125.	Southern Natural Gas Company, Tract 2577, Block 36, Breton Sound Area (S.L. 1230), Plaquemines Parish, Louisiana.	(31)	

Docket No. and Date Filed	Applicant	Purchaser and Location	Price Per Mcf	Pressure Base
CI87-327-000, B, Feb. 24, 1987.	B.J. Langford, P.O. Box 59933, Dallas, Texas 75229.	Northern Natural Gas Company, Division of Enron Corp., Henry Speck (Canyon) Field, Schleicher County, Texas.	[32]	
CI87-326-000, B, Feb. 24, 1987.	Marshall S. Burlew	Texas Gas Transmission Corporation, West Midland Gas Field, Muhlenebrg County, Kentucky.	[33]	
CI87-322-000, (C167-19), B, Feb. 24, 1987..	Sohio Petroleum Company a.k.a. Standard Oil Production Company, P.O. Box 4587, Houston, Texas 77210.	Transcontinental Gas Pipe Line Corp., Thibodaux Field, La Fourche Parish, Louisiana.	[34]	
CI87-320-000, B, Feb. 24, 1987.	TXO Production Corp., First City Center LB 10, 1700 Pacific Avenue, Dallas, Texas 75201-4696.	Panhandle Eastern Pipeline Company, Williams "A" No. 1 Well Sec. 22, 5N, 19ECM, Texas County, Oklahoma.	[35]	
CI87-318-000, B, Feb. 7, 1987.	Crown Central Petroleum Corp., 4747 Bellaire Blvd., Bellaire, Texas 77401.	Horizon Oil and Gas Company, Horizon-Cleveland Field, Ochiltree County, Texas.	[36]	
CI87-316-000, (CI67-474), B, Feb. 17, 1987.	BHP Petroleum (Americas) Inc., 1300 Post Oak Tower, 5051 Westheimer, Houston, Texas 77056.	Panhandle Eastern Pipe Line Company, Interstate Field, Morton County, Kansas.	[38]	
CI87-315-000, B, Feb. 13, 1987.	Bill J. Graham Oil and Gas, P.O. Box 7037, Midland, Texas 79708.	El Paso Natural Gas Company, Iowa Realty Trust #2 Well, Pecos Valley (Wolfcamp) Field, Pecos County, Texas.	[39]	
CI87-321-000, (CI78-200), B, Feb. 18, 1987.	The Louisiana Land and Exploration Company, 225 Baronne Street, New Orleans, La. 70160.	Mid Louisiana Gas Company, Lake Washington Field, Plaquemines Parish, Louisiana.	[41]	

[1] OCS Lease No. 2880 expired on 2-5-87.

[2] P.D. Harrison Gas Unit sold effective 12-1-86, to Dorfman Production company.

[3] Champlin has assigned all of its rights, title and interest in the dedicated acreage to Vernon E. Faulconer.

[4] Not used.

[5] By Partial Assignment and Bill of Sale Executed 2-16-84, effective 12-1-83, Cities Service Oil and Gas Corporation acquired additional interest from Sun Exploration and Production Company.

[6] Uneconomical due to low volume.

[7] Essex Exploration Company assigned all of its right, title and interest in certain acreage to CNG Producing Company, effective 1-7-86.

[8] By Assignment effective 7-25-86, ARCO assigned its interest in certain acreage to Vernon E. Faulconer, Inc.

[9] Assigned Property No. 481207, Gregory C to Doyle Hartman.

[10] Assignment of Property No. 481205, Gregory "C" A/C #1 and No. 481206, Gregory "C" A/C #2 to Doyle Hartman.

[11] Assigned Property No. 418135 sold to Doyle Hartman.

[12] Assigned Property Nos. 481203, 481212 and 481211 sold to Doyle Hartman.

[13] Sun on February 25, 1987, requested abandonment and blanket certificate authorizations include the et al. parties' interest in Seeligson Field, Jim Wells County. The et al parties are Saera Kaffie Loeb, Thomas F. Cosgrove, Bessie Crabtree, Hawk Petroleum Inc., Hazel M. B. Herbert, H. P. Herine, Doris S. Houx, A. Clapp Howard, Susanna Phillips Kelly, Nevada Lemon Administration, Leon Stephen Loeb, Don E. McInturff, Midland National Bank, H. H. Phillips Jr., Jeanette Loebreiter, and Mary C. Van Slyck.

[14] Sun requests a three-year blanket limited-term certificate with pregranted abandonment to make sales for resale in interstate commerce of gas which is released and is subject to th limited-term abandonment in Docket No. CI87-304-000.

[15] Sun requests a three-year limited-term abandonment of gas sales to Tennessee Gas Pipeline Company. Gas released by Tennessee will not be needed by Tennessee to meet current marketing demands and will remain subject to recall by Tennessee. Sun states that Tennessee has reduced its takes from the wells and Tennessee projects that reduced takes will continue through the next three years. The gas is NGPA sections 104 replacement contract, 104 post 1974, 106(a) rollover and 108 stripper gas and deliverability is approximately 26,816 Mcf/d.

[16] Sun requests a Two-Year limited-term abandonment to United Gas Pipe Line Company. Gas released by United will be gas not needed by United to meet current marketing demands and will remain subject to recall by United. Sun states it is subject to substantially reduced takes without payment, the gas is NGPA sections 104 Post 1974, 106(a) Rollover, 107(c)(5) Production Enhancement and 108 Stripper gas and deliverability is 15,700 Mcf per day.

[17] Sun requests a Two-Year Blanket Limited-Term Certificate of Public Convenience and Necessity to sell to other natural gas abandoned in Docket No. CI87-175-000.

[18] Assignment of Sohio Petroleum Company's working interest in the Ferguson 21-9 well to Jenco Disposal Inc.

[19] Partial assignment to Union Oil Company of California effective 1-1-87.

[20] Effective 6-1-85, Applicant acquired by assignment an interest of Sun Exploration and Production Company of certain properties in San Juan County, New Mexico.

[21] Assigned Property N. 703950, Stuart 6, 7, & 8 from the surface 6,100 ft., oil and casinghead gas only; Property No. 414071, Blocker, from the surface to 6,100 ft., oil rights only; and Property No. 527310, Langlie F 1 & 2, from 4,000 ft. to 6,200 ft., oil rights only to Union Texas Petroleum.

[22] Assigned Property No. 436152, Browning Federal 4-12 and Property No. 436282, Browning Federal 2-12 to 88 Energy, Inc.

[23] Applicant has assigned all of its interest in Lease Nos. 704655 and 704656 to U.S. Oil and Gas, Inc., by assignment effective 6-1-86 and executed on 6-18-86.

[24] Applicant assigned all its interest in Lease Nos. G-708606, 609, 610, 615-618-AO1, 631-632 and P-039686 to R. J. Dixon Inc. by assignment effective 9-1-86 and executed on 9-2-86.

[25] El Paso requested that Phillips abandon the sale of gas from Drag B #1 well to permit the removal of the metering facilities. All production from this well has ceased.

[26] Applicant is filing under Gas Purchase and Sales Agreement dated 5-1-70, amended by Amendment dated 2-10-87.

[27] Gas Purchase Agreement dated 3-31-78 expired 12-6-84. There has been no gas sales for the past two years. Any gas produced is being used on the lease.

[28] The leases covering a portion of the acreage subject to the Rate Schedule 202 have expired.

[29] Mestena Oil and Gas Lease sold effective 10-1-86, to W. C. Martin, Inc.

[30] Contract may be terminated by either party giving ninety (90) days written notice of intent to do so. By letter dated 10-2-86, ARCO advised Phillips 66 Natural Gas Company that the Casinghead Gas Contract will be cancelled as to ARCO's interest effective 1-9-87.
[31] Acreage released in lieu of development.
[32] Well pressure has declined to point where wells unable to buck line pressure of Northern Natural. Reserves are negligible unless Applicant can sell gas where line pressure is greatly reduced.
[33] Texas Gas Transmission Corporation has acquired the lease acreage dedicated to the contract as part of its Midland Gas Storage Field.
[34] Deleted reserves.
[35] Became depleted and production was uneconomical.
[36] Deliveries ceased in 1984 due to uneconomic costs to maintain buyers gas gathering system. Contract terminated 7-1-85. Buyer concurs will abandonment request. Producer will sell gas under its small producer certificate in Docket No. CS71-1081 to another buyer.
[37] Not used.
[38] Applicant has had no production under Rate Schedule 83 since 5-20-83. The gas purchase and sales agreement between Applicant and purchaser expires 3-1-87. No future drilling activities are anticipated or planned.
[39] El Paso has reduced its takes to the point where it is no longer economical to operate. Applicant proposes to sell the gas to Northern under a percentage-of-proceeds contract.
[40] Applicant requests pregranted abandonment authorization for a three-year limited term. This authorization is requested to cover any sale of gas Applicant may undertake under its small producer certificate issued in Docket No. CS71-960 from acreage covered by the permanent abandonment authorized by the Commission's Order of September 30, 1986, in Docket No. CI86-685-000.
[41] Production from acreage has ceased and contract has been terminated.

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

[FR Doc. 87-5015 Filed 3-9-87; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TA87-4-21-000, 001]

Columbia Gas Transmission Corp.; Proposed Changes In FERC Gas Tariff

March 4, 1987.

Take notice that Columbia Gas Transmission Corporation (Columbia) on Februry 27, 1987, tendered for filing the following proposed changes to its FERC Gas Tariff, Original Volume No. 1, to be effective April 1, 1987:

One hndred and fifteenth Revise Sheet No. 16
Seventh Revised Sheet No. 16A2
Forty-eighth Revised Sheet No. 64
Thirty-second Revised Sheet No. 64A
Twenty-sixth Revised Sheet No. 64B
Seventh Revised Sheet No. 64C
Sixth Revised Sheet No. 64D
Fourth Revised Sheet No. 64D1
Second Revised Sheet No 64D2
First Revised Sheet No. 64D3

Columbia states that consistent with the terms of the approved Stipulation and Agreement in Columbia's Docket No. TA82-1-21-001, *et al.* (PGA Settlement), the instant filing is Columbia's first Purchased Gas Adjustment to become effective subsequent to the two year settlement period, which terminates March 31, 1987. Accordingly, this filing, covering the remaining five (5) months of the PGA period through August 31, 1987, reflects both revised demand and commodity charges. The instant filing includes a decrease in the commodity charges. The instant filing includes a decrease in the commodity charge of 74.28¢ per Dth (excluding surcharges) applicable to the Sales Rate Schedules for the period April 1, 1987 through August 31, 1987. The filing also reflects a two-part demand charge consistent with the Modified Fixed Variable method of rate design contained in Columbia's section 4(e) general rate filing in Docket Nos. RP86-168-000, *et al.*, which was accepted by the Commission and suspended until April 1, 1987. In addition, in view of the expiration of the two year settlement period under the PGA Settlement, the revised demand rates reflect the elimination of the distinction between Shielded and Non-Shielded Customers. Columbia has also reflected a Demand Surcharge Adjustment which restates the March 1, 1987 PGA Demand Surcharge to eliminate the distinction between Shielded and Non-Shielded Customers.

In addition, Columbia's filing reflects a surcharge adjustment to provide for the recovery of carrying charges related to take-or-pay reimbursements billed by Panhandle Eastern Pipe Line Company and Tennessee gas Pipeline Company pursuant to Commission approved settlements in Docket Nos. RP83-8-000 and RP83-5-000, respectively.

Further, Columbia's filing includes a revised Purchased Gas Adjustment tariff provision to reflect the following changes:

(i) The segregation of the Unrecovered Purchased Gas Cost Account (Account No. 191) between D-1, D-2, and Commodity, and the provision for the development of separate surcharges to recover or return the balance in each portion of the Account No. 191 balance;

(ii) A revised Section 20.5 to provide for an adjustment in determining Colmubia's Account No. 191 for each month to eliminate the effects of imbalances in exchange transactions;

(iii) A new Section 20.8 setting forth a Transportation Fuel Charge Adjustment; and

(iv) A revised Section 20.5 to provide for adjustments in determining Columbia's Account No. 191 for each month to reflect the crediting of any revenue attributable to Columbia and Columbia Gulf's transportation fuel charges.

Copies of the filing were served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street, NW., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before March 12, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to interven. Copies of Columbia's filings are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 87-5016 Filed 3-9-87; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TA87-3-33-000, 001]

El Paso Natural Gas Co.; Proposed Change in Rates Pursuant to Purchased Gas Cost Adjustment

March 4, 1987.

Take notice that on February 27, 1987, El Paso Natural Gas Company ("El Paso") filed a notice of change in rates for jurisdictional gas service rendered under rate schedules affected by and subject to Section 19, Purchased Gas Cost Adjustment Provision ("PGA"), of

the General Terms and Conditions in El Paso's FERC Gas Tariff, First Revised Volume No. 1. The filing reflects a decrease of $0.1976 per dth in the base purchased gas cost rate and an increase of $0.1932 per dth in the surcharge rate for a net decrease in El Paso's currently effective sales rates of $0.0044 per dth attributable to the PGA.

To implement the notice of change in rates, El Paso tendered for filing and acceptance the following revised sheets to its FERC Gas Tariff:

Tariff volume	Tariff sheet
First Revised Volume No. 1	Thirteenth Revised Sheet No. 100, First Revised Sheet No. 100-A, Eighth Revised Sheet No. 540.
Third Revised Volume No. 2	Thirty-seventh Revised Sheet No. 1-D.
Original Volume No. 2A	Thirty-ninth Revised Sheet No. 1-C.

El Paso also tendered Seventh Revised Sheet No. 24 to its Original Volume No. 1-A Tariff to reflect a fuel reimbursement charge of $1.4298 per dth payable under Rate Schedule T-1 or T-3 in said Tariff by shippers electing to reimburse El Paso for fuel usage in monthly payments rather than in-kind.

El Paso requests that the Federal Energy Regulatory Commission ("Commission") grant such waiver of its applicable rules and regulations as may be necessary to permit the tendered tariff sheets to become effective on April 1, 1987.

El Paso states that copies of the filing have been served upon all of its interstate pipeline system customers and all interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of this Chapter. All such motions or protests should be filed on or before March 12, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-5017 Filed 3-9-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA87-4-34-000, 001]

Florida Gas Transmission Co.; Proposed Changes in FERC Gas Tariff

March 4, 1987.

Take notice that on February 27, 1987, Florida Gas Transmission Company (FGT), P.O. Box 1188, Houston, Texas 77001 tendered for filing the following tariff sheets to its FERC Gas Tariff.

First Revised Volume No. 1

14th Revised Sheet No. 8
6th Revised Sheet No. 9

Original Volume No. 2

37th Revised Sheet No. 128

Reason for Filing

14th Revised Sheet No. 8 and 37th Revised Sheet No. 128 contain revisions to FGT's Rate Schedules G and I and Rate Schedule T-3,[1] respectively to adjust: (i) The Primary Adjustment to reflect a decrease in FGT's average cost of gas purchased for sale and company use, net of amounts to be recovered through Incremental Pricing Surcharges; and (ii) the Balancing Adjustment to amortize over the six-month adjustment period (April 1, 1987 through September 30, 1987), the balance in the current period Unrecovered Purchased Gas Cost Account as of December 31, 1986.

6th Revised Sheet No. 9 contains the estimated Incremental Pricing Surcharges for the adjustment period.

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

The above-mentioned changes to the Primary and Balancing Adjustments are being made pursuant to section 15 (Purchased Gas Adjustment and Incremental Pricing Provision) of the General Terms and Conditions of FGT's FERC Gas Tariff, First Revised Volume No. 1 and § 154.38 *et seq.*, of the Commission's Regulations (18 CFR 154.38, *et seq.*).

The net effect of the adjustments being filed for Rate Schedules G and I, and for Rate Schedule T-3 are summarized below.

	Rate schedules		
	G (¢/therm)	I (¢/therm)	T (¢/Mcf)
Currently Effective Rates*	29.509¢	26.686¢	43.86¢
Primary Adjustment	(.913)	(.913)	(.26)
Balancing Adjustment	.035	.035	(.15)
April 1, 1987 Rates	28.631¢	25.808¢	43.45¢

* Reflects rates proposed to be effective February 1, 1987 pursuant to Docket No. TA87-3-34-000.

FGT states that a copy of its filing has been served on all customers receiving gas under its FERC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2 and interested state commissions and is being posted.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before *March 12, 1987.* Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene.

Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-5018 Filed 3-9-87; 8:45 am]

BILLING CODE 6717-01-M

[1] In addition to the revisions described above, 37th Revised Sheet No. 128, attached hereto, is being revised to reflect the elimination of the reference to T-1 and T-2 services which have expired.

[Docket No. CI85-651-002]

Marathon Oil Co.; Application of Marathon Oil Co. for Modification of Order Permitting and Approving Limited-Term Abandonments and Granting Certificate

March 3, 1987.

Take notice that on February 20, 1987, Marathon Oil Company (Marathon), pursuant to sections 4 and 7 of the Natural Gas Act, 15 U.S.C. 717c and 717f (NGA) and Parts 154 and 157 of the regulations of the Federal Energy Regulatory Commission (Commission), 18 CFR Parts 154 and 157, applied for a one (1) year extension of the limited-term sales and abandonment authority granted in this proceeding. Marathon states that such an extension is in the public interest as it will allow a smooth transition into the abandonment procedures established in Order No. 436.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 18, 1987, file with the Federal Energy Regulatory Commission, Washington, DC 20426, petitions to intervene or

protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211) and 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. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

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

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-5019 Filed 3-9-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI87-324-000]

Natural Gas Clearinghouse Inc.; Notice of Application

March 3, 1987.

Take notice that on February 19, 1987, Natural Gas Clearinghouse Inc. (NGC), 1225 North Loop West, Suite 1050, Houston, Texas, 77008, filed in this proceeding an application pursuant to sections 4 and 7 of the Natural Gas Act (NGA) and Part 157 of the Commission's regulations, requesting blanket certificate authorization for (1) self-implementing sales for resale of certain natural gas in interstate commerce, without market restriction, by NGC; (2) self-implementing sales of certain natural gas by others to NGC for resale in interstate commerce, without market restriction; and (3) self-implementing sales for resale of certain natural gas in interstate commerce, without market restriction, by producers through NGC acting as their agent. NGC also seeks pre-granted abandonment of all sales for resale for which sales certificate authority is sought herein.

NGC states that the purpose of its application is to enable NGC to make sales in interstate commerce for resale of gas which is available for sale to new markets, but is still subject to the certificate and abandonment provisions of the Natural Gas Act. Finally, NGC requests that the Commission declare in its order issuing the authorizations that the Commission's NGA jurisdiction over the activities and operations of NGC is limited to the transactions for which authorization is sought in the Application.

Any person desiring to be heard or to make any protest with reference to said filing should on or before March 18, 1987, 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 385.214 or 385.211). 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 conference or hearing therein must file a motion to intervene in accordance with the Commission's Rules.

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

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-5020 Filed 3-9-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP71-237-000 and CI71-714-000]

Panhandle Eastern Pipeline Co. and Pan Eastern Exploration Co.; Final Status Report Filing

March 4, 1987.

Take notice that on February 2, 1987, Pan Eastern Exploration Company (Pan East) filed with the Federal Energy Regulatory Commission (Commission) a Final Status Report pursuant to Article VIII of the Amended Stipulation and Agreement (Stipulation) filed in the referenced dockets on March 9, 1982. Under the Stipulation, Pan East was required to file a Final Status Report when Pan East fully satisfied its investment obligations under Article III of the Stipulation. The Final Status Report details the amounts Pan East invested in certain gas lease acquisition, exploration, development, and production activities pursuant to Article III of the Stipulation.

Under Article VIII of the Stipulation, the Stipulation was to be effective until the later of December 31, 1986, or the last day of the calendar month in which Pan East had invested certain specified amounts in gas lease, acquisition, development and production activities. Pan East asserts in its filing that the requisite investments have been made, and that the terms of the Stipulation have been satisfied. Filed contemporaneously with the Final Status Report in these dockets was a Special Report which detailed the suspension of the Supply Refund Adjustments provisions effective December 31, 1986, under Article VI (B) of the Stipulation.

Upon acceptance by the Commission of the Final Status Report, or the lapse of four months from the filing of that report, the Stipulation will terminate as provided in Article VIII. Pan East requests that the Commission accept the Final Status Report signifying that Pan East has satisfied its obligations under the Stipulation.

Any person desiring to be heard or to protest Pan East's filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure.[1] All such motions or protests should be filed within 30 days from the issuance date of this Notice. Protests will be considered by the Commission 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 or to participate as a party in any hearing herein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-5021 Filed 3-9-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA87-2-38-000, 001]

Ringwood Gathering Co.; Filing of Revised Tariff Sheets

March 4, 1987.

Take notice that on February 27, 1987, Ringwood Gathering Company tendered for filing Thirty-Ninth Revised Sheet PGA-1. Ringwood Gathering Company states that Thirty-Ninth Revised Sheet PGA-1 will become effective on April 1, 1987, and revise its Base Tariff Rate to reflect the increase in the system cost of purchased gas and recover the balance accumulated in its unrecovered purchased gas cost account.

Ringwood Gathering Company further states that the projected cost of purchased gas, as computed in said filing, is based on the applicable NGPA rates for April 1, 1987.

Ringwood Gathering Company states that copies of this filing were served upon Williams Natural Gas Company, Oklahoma Natural Gas Company and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825

[1] 18 CFR 385.211 and 385.214 (1986).

North Capitol Street NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before March 12, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-5022 Filed 3-9-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI87-254-000]

Salmon Resources Ltd.; Application

March 3, 1987.

Take notice that on January 28, 1987, Salmon Resources Ltd. of Irongate IV, 777 South Wadsworth Blvd., Suite 114, Lakewood, Colorado 80226, filed an Application for Blanket Certificate of Public Convenience and Necessity and for an Order Permitting an Approving Pre-Granted Abandonment. Applicant requests a blanket certificate of public convenience and necessity authorizing the sale for resale in interstate commece of certain natural gas by Salmon and the producers from which Salmon purchases natural gas and authorizing pregranted abandonment of certain sales. The authority requested will permit Salmon to purchase from various producers and resell natural gas that remains subject to the Commission's jurisdiction under the Natural Gas Act (NGA) for which producers have received abandonment authorization under section 7(b) of the NGA.

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

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

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-5023 Filed 3-9-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA87-2-41-000, 001]

Southwest Gas Corp.; Change in Rates Pursuant to Purchased Gas Cost Adjustment

March 4, 1987.

Take notice that Southwest Gas Corporation (Southwest) on February 27, 1987, tendered for filing Thirty-third Revised Sheet No. 10 and Thirteenth Revised Sheet No. 10A pursuant to section 9, Purchased Gas Adjustment Clause (PGAC), of the General Terms and Conditions contained in its FERC Gas Tariff, Original Volume No. 1. The purpose of said filing is to reflect a net increase in rates occasioned by a revision in rates from Northwest Pipeline Corporation, Southwest's sole supplier of gas in northern Nevada, effective April 1, 1987. Southwest also proposes to eliminate from rates the PGA surcharge adjustment which was in effect from April 1, 1986 through March 31, 1987.

Southwest states that a copy of this filing has been mailed to the Nevada Public Service Commission, the California Public Utilities Commission, Sierra Pacific Power Company and CP National Corporation.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 12, 1987. Protests will be considered by the Commission 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 must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-5024 Filed 3-9-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. C186-27-003]

Transco Energy Marketing Co.; Application

March 3, 1987.

Take notice that on February 17, 1987, Transco Energy Marketing Company ("TEMCO" or "Applicant"), P.O. Box 1396 Houston, Texas 77251 filed an Application requesting that the Commission further amend its Order Permitting and Approving Limited-Term Abandonments and Granting Certificates, issued on November 1, 1985 in Docket No. C186-19-000, *et al.*, as previously extended in its Order Granting Extension of Limited Term Abandonment and Blanket Certificates, issued on March 13, 1986 in Docket Nos. C185-651-000, *et al.*, to (i) extend the term thereof until thirty days after the Commission issues a final order on rehearing in any proceeding on marketing affiliates that results from the Commission's Notice of Inquiry in Docket No. RM87-5-000; and (ii) expand such authority to permit limited-term abandonments and sales of all Natural Gas Policy Act categories of gas. TEMCO further requests that the Commission handle this Application on an expedited basis to avoid disruption of the spot market.

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

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

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-5025 Filed 3-9-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP87-26-000]

Transcontinental Gas Pipe Line Corp. v. Huffco Petroleum Corp. and Jerry Chambers Exploration Co.; Complaint and Petition for Declaratory Order

March 4, 1987.

Take notice that on January 30, 1987, Transcontinental Gas Pipe Line Corporation (Transco) filed with the Commission pursuant to §§ 385.206 and 385.207 of the Commission's regulations (Rules 206 and 207), a complaint and petition for declaratory order against Huffco Petroleum Corporation and Jerry Chambers Exploration Company (collectively referred to as Huffco) alleging that Huffco is charging or attempting to collect rates in excess of the applicable maximum lawful price set forth in Title I of the Natural Gas Policy Act of 1978 (NGPA).

Transco states that it purchases natural gas from Huffco under a gas purchase agreement (Agreement) and that gas sold under this contract is subject to the maximum lawful price established by section 102(d) of the NGPA. According to Transco, its Agreement with Huffco contains a take-or-pay clause which obligates Transco to take an average daily contract minimum quantity of gas well gas based on a percentage of Huffco's delivery capacity during specified periods. If the actual takes are less than the contract quantity, Transco must make a take-or-pay payment. Under the agreement, Transco has an opportunity to make up the gas for which it has paid but not taken; however, the make up must occur within five years of the year payments were made and before the termination of the contract.

Transco states that a combination of unforeseen circumstances totally beyond its control, including changes in federal regulations, has caused it to reduce takes from Huffco far below the percentages of deliverability specified in take-or-pay clauses contained in the contract. In April of 1986, Transco notified Huffco that it would have to reduce further its level of purchases and on May 1, 1985, Transco temporarily assigned the purchase rights to gas covered by the agreement to its affiliate Transco Energy Marketing Company (TEMCO) who has paid a market price for Huffco deliveries. Transco states that because of the reduced purchase levels and TEMCO's payment of market prices rather than the higher 102(d) price, Huffco has instituted arbitration proceedings to recover take-or-pay amounts it alleges are due for 1985, to determine what amounts are due during 1986 and 1987, and for injunctive relief to require Transco to actually take delivery of certain quantities of gas.

Transco contends that it has paid the applicable maximum lawful price for all gas purchased from Huffco before May 1, 1986 and that in light of its high percentage of deliverability and inability to recoup the take-or-pay amounts demanded by Huffco, making further take-or-pay payments would result in Huffco receiving amounts in excess of the applicable maximum lawful price for gas actually delivered. Furthermore, Transco claims that the take-or-pay payments would also result in maximum lawful price ceiling violations because those payments constitute an interest-free loan to Huffco thereby effectively increasing the prices paid Huffco above the maximum lawful price. Transco states that it has not made take-or-pay payments to Huffco and requests the Commission to determine whether the requirement that any make-up occur before termination of the contract violates § 154.103's requirement that a make-up period of at least five years be provided.

Along with its complaint, Transco submitted a petition for a delaratory order requesting the Commission to find that the receipt by Huffco of take-or-pay payments which will not be recouped through later deliveries of gas constitutes a violation of the applicable maximum lawful price ceilings established under the NGPA. Transco also requests the Commission to remove uncertainty as to whether take-or-pay payments violate the maximum lawful price ceilings because they are an interest free loan. Transco's petition further requests the Commission to find that the take-or-pay and make-up provisions contained in Transco's gas purchase agreement do not comply with the Commission's regulations, and finally that the Commission grant such other relief as may be appropriate and required by the public interest.

Any person desiring to be heard or to protest this complaint should file a motion to intervene or protest in accordance with Rules 211 and 214 of the Commission's rules of practice and procedure. All motions to intervene or protests should be submitted to the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, not later than 30 days after publication of this notice in the **Federal Register.** All protests will be considered by the Commission but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene in accordance with Rule 214. Copies of the petition filed in this proceeding are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-5026 Filed 3-9-87; 8:45 am]

BILLING CODE 6717-01M

[Docket No. TA87-3-42-000, 001]

Transwestern Pipeline Co.; Proposed Changes in FERC Gas Tariff

March 4, 1987.

Take notice that Transwestern Pipeline Company (Transwestern) on February 27, 1987 tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following sheets:

37th Revised Sheet No. 5
15th Revised Sheet No. 6A

The above tariff sheets are being filed pursuant to Transwestern's Purchased Gas Adjustment provision set forth in Article 19 of the General Terms and Conditions of Transwestern's FERC Gas Tariff, Second Revised Volume No. 1. The Purchased Gas Cost Adjustment reflected in these sheets represent an increase of $0.1766/dth as measured against Transwestern's last regular semi-annual PGA filing Docket No. TA87-1-42-000 (PGA87-1) which became effective on October 1, 1986.

The rate change herein consists of:

(1) An increase in the Cost of Gas Adjustment of $0.09061/dth as measured against Transwestern's last regular PGA filing, Docket No. TA87-1-42-000 (PGA87-1) which became effective on October 1, 1986.

(2) An increase in the Surcharge Adjustment of $0.0805/dth due to a decrease in the balance in the Gas Cost Adjustment Account as of December 31, 1986.

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

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

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before March 12, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding.

Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87–5027 Filed 3–9–87; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS–59708; FRL–3166–3]

Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacturing 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 six such PMNs and provides a summary of each.

DATES: Close of review period:

Y 87–113 and 87–114—March 12, 1987.
Y 87–115 and 87–116—March 16, 1987.
Y 87–117—March 17, 1987.
Y 87–118—March 18, 1987.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, 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 or 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 87–113

Manufacturer. Confidential.
Chemical. (G) Polyamide copolymer.
Use/Production. (S) Textile adhesive. Prod. range: Confidential.

Y 87–114

Manufacturer. Confidential.
Chemical. (G) Alkyd resin.
Use/Production. (S) Industrial typical application includes roller coating of a printed webb of paper. Prod. range: 15,500 to 31,000 kg/yr.

Y 87–115

Manufacturer. Confidential.
Chemical. (G) Aliphatic polyester urethane.
Use/Production. (G) Used in coatings applied by industrial manufacture. Prod. range: Confidential.

Y 87–116

Manufacturer. Confidential.
Chemical. (G) Polyester resin.
Use/Production. (S) Industrial metal deco coating used to protect and preserve metal from the elements. Prod. range: 23,500 to 35,500 kg/yr.

Y 87–117

Manufacturer. Sybron Chemicals, Inc.
Chemical. (G) Mercaptide of copolymer of styrene and divinylbenzene.
Use/Production. (G) Wastewater and process water purification. Prod. range: Confidential.
Toxicity Data. Acute oral: > 5.0 g/kg.

Y 87–118

Manufacturer. Confidential.
Chemical. (G) Polyurethane.
Use/Production. (G) Open, non-dispersive use. Prod. range: Confidential.

Dated: March 3, 1987.

Denise Devoe,

Acting Director, Information Management Division.

[FR Doc. 87–4977 Filed 3–9–87; 8:45 am]

BILLING CODE 6560-50-M

[OPP–180722; FRL–3166–4]

Delaware Department of Agriculture; Receipt of Applications for Emergency Exemptions To Use (±)-2-[4,5-Dihydro-4-Methyl-4-(1-Methylethyl)-5-Oxo-1H-Imidazol-2-yl]-5-Ethyl-3-Pyridinecarboxylic Acid; Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received requests for two emergency exemptions from the Delaware Department of Agriculture (hereafter referred to as the "Applicant") to use the active ingredient (±)-2-[4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1*H*-Imidazol-2-yl]-5-ethly-3-pyridinecarboxylic acid (Pursuit") to control broadleaf weeds on 10,000 acres of lima beans and 3,000 acres of snap beans in Delaware. Pursuit" contains an unregistered active ingredient and, therefore, in accordance with 40 CFR 166.24, EPA in soliciting comment before making the decision whether or not to grant these exemptions.

DATE: Comments must be received on or before March 25, 1987.

ADDRESS: Three copies of written comments, bearing the identification notatation "OPP–180722" should be submitted by mail to: Information Services Section, Program Management and Support Division (TS–757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person, bring comments to: Rm. 236, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information (CBI)." Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for inspection in Rm. 236 at the address given above from 8 a.m. to 4 p.m., Monday through Friday excluding legal holidays.

FOR FURTHER INFORMATION: By mail: Libby Pemberton, Registration Division (TS–767C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 716, Crystal Mall 2, 1921 Jefferson Davis Highway, Arlington, VA (703–557–1806).

SUPPLEMENTARY INFORMATION: Pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), the Administrator may, at his discretion, exempt a State agency from any provisions of FIFRA if he determines that emergency conditions exist which require such exemption.

The Applicant has requested the Administrator to issue two specific exemptions to permit the use of an unregistered herbicide, (±)-2-[4,5-dihydro-4-methly-4-(1-methylethyl)-5-oxo-1*H*-imidazol-2-yl]-5-ethly-3-pyridinecarboxylic acid; (CAS 81335–77–5), manufactured as Pursuit," by American Cyanamid Company, on lima beans and snap beans in Delaware. Information in accordance with 40 CFR Part 166 was submitted as part of these requests.

Late in 1986 all labeled uses of the herbicide dinoseb were suspended. According to the Applicant, dinoseb was used to control annual broadleaf weeds on almost all the acreages of lima beans and snap beans grown in Delaware. The Applicant states that other products that are labeled either do not control a broad spectrum of broadleaf weeds consistently or cannot be used in Delaware without causing crop injury.

The Applicant indicates that weeds in bean fields reduce yields by competing with the crop and cause additional problems. Weeds reduce harvest efficiency and result in field abandonment when weed problems are severe. Weeds interfere with insecticide applications and may result in increased insect problems or additional insecticide applications.

The Applicant indicates that without adequate control a 25% yield loss of beans due to weeds will occur. This would amount to approximately $1.1 million.

Pursuit™ will be applied preplant or preemergence to the crop at a maximum rate of 0.03125 pounds active ingredient per acre. A single application will be made sometime between May 1 and September 30, 1987 to approximately 3,000 acres of snap beans and 10,000 acres of lima beans.

This notice does not constitute a decision by EPA on the applications themselves. The regulations governing section 18 require publication of receipt of an application for a specific exemption proposing use of a new chemical (i.e., an active ingredient not contained in any currently registered pesticide). Such notice provides for the opportunity for public comment on the application. Accordingly, interested persons may submit written views on this subject to the Program Management and Support Division at the address above. The comments must be received on or before March 25, 1987, and should bear the identifying notation "OPP–180722 ." All written comments filed pursuant to this notice will be available for public inspection in Rm. 236, Crystal Mall No. 2, at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

The Agency, accordingly, will review and consider all comments received during the comment period in determining whether to issue the emergency exemptions requested by the Delaware Department of Agriculture.

Dated: February 22, 1987.

Edwin F. Tinsworth,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 87–4976 Filed 3–9–87; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

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

February 26, 1987.

The Federal Communications Commission has submitted the following information collection requirement to the Office of Management and Budget for review and clearance under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

Copies of the submission may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street NW., Suite 140, Washinton, DC 20037. For further information on this submission contact Jerry Cowden, Federal Communications Commission, (202) 632–7513. Persons wishing to comment on this information collection should contact J. Timothy Sprehe, Office of Managemnt and Budget, Room 3235 NEOB, Washington, DC 20503, (202) 395–4814.

OMB Number: None
Title: Cost Allocation Manual and Annual Auditor's Certification (CC Docket 86–111, Separation of Costs of Regulated Telephone Service from Costs of Nonregulated Activities)
Action: New collection
Respondents: Tier 1 local exchange carriers and interexchange carriers
Frequency of Response: Annually
Estimated Annual Burden: 60 Responses; 120,000 Hours

Needs and Uses: Each Tier 1 local exchange carrier and dominant interexchange carrier will be subject to a one-time filing of its cost allocation manual and will be required to provide an auditor's attestation of compliance with that manual annually. The cost allocation manual will be reviewed by the Commission to ensure that all costs of nonregulated activities are removed from the rate base and allowable expenses for interstate regulated services. The annual auditor's attestation will be used to ensure continued compliance with the Commission's cost allocation standards.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 98–4945 Filed 3–9–87; 8:45 am]

BILLING CODE 6712–01–M

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

February 27, 1987.

The Federal Communications Commission has submitted the following information collection requirement to the Office of Management and Budget for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

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

OMB Number: 3060–0160
Title: Section 73.158, Directional Antenna Monitoring Points
Action: Extension
Respondents: Licensees of AM broadcasting stations
Frequency of Response: On occasion
Estimated Annual Burden: 75 Responses; 300 Hours

Needs and Uses: Section 73.158 requires licensees of AM stations using a directional antenna system to file an informal application to modify their station license to specify a new location for the field monitoring point when circumstances occur which make the present locations no longer accessible or unsuitable. This section also requires the licensee to file a request for a corrected station license when the descriptive routing to reach any of the monitoring points as shown on the station license is no longer correct due to road or building construction or other changes.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87-4946 Filed 3-9-87; 8:45 am]

BILLING CODE 6712-01-M

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

March 2, 1987.

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

Copies of these submissions may be purchased from the Commission's duplicating contractor, International Transcription Service, 2100 M Street, NW., Suite 140, Washington, DC 20037, or telephone (202) 857-3815 Persons wishing to comment on an information collection should contact J. Timothy Sprehe, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503, telephone (202) 395-4814. Copies of these comments should also be sent to the Commission. For further information contact Doris Benz, Federal Communications Commission, telephone (202) 632-7513.

OMB No.: 306-0084
Title: Ownership Report for Noncommercial Educational Broadcast Station
Form No.: FCC 323-E
Action: Extension (renewal)
Estimated Annual Burden: 548 Responses; 2,192 Hours

Report is filed by licensees/permittees of noncommercial AM, FM and TV stations when original construction permit is granted, when changes occur in ownership interests, and with stations' renewal applications. The data are used to determine if licensees/permittees are complying with the Commission's multiple ownership rules.

OMB No.: 3060-0318
Title: Notification of Status of Facilities under Part 22 of FCC Rules
Form No.: FCC 489
Action: Extension (renewal)
Estimated Annual Burden: 2,060 Responses; 7,210 Hours

Form is used to notify FCC of completion of construction and/or modification of facilities. The data are necessary for efficient and effective management and utilization of the spectrum, and assignment of frequencies.

OMB No.: 306-0319
Title: Application for Assignment or Transfer of Control Under Part 22
Form No.: FCC 490
Action: Extension (renewal)
Estimated Annual Burden: 1,000 Responses; 3,000 Hours

Application is submitted for approval of assignment or transfer of control of a common carrier station. It is completed by both the assignor/transferor and the assignee/transferee. The data are used to evaluate the qualifications of the new carrier licensee or the new entity acquiring control of the previous licensee.

William J. Tricarico,

Secretary.

[FR Doc. 87-4947 Filed 3-9-87; 8:45 am]

BILLING CODE 6712-01-M

Window Notice for the Filing of FM Broadcast Applications

[Report No. W-12]

Released: March 3, 1987.

Notice is hereby given that applications for vacant FM broadcast allotment(s) listed below may be submitted for filing during the period beginning March 3, 1987 and ending April 15, 1987 inclusive. Selection of a permittee from a group of acceptable applicants will be by the Comparative Hearing process.

Channel—224 A	
Westernport	MD
Nephi	UT
Channel—241 A	
Florence	AL
Montgomery	AL
San Jacinto	CA
Visalia	CA
Le Sueur	MN
Center Moriches	NY
Poughkeepsie	NY
Huron	OH
Channel—241 C2	
Madisonville	TX
Odessa	TX
Channel—279 A	
Royal Center	IN

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87-4948 Filed 3-9-87; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1646]

Petitions for Reconsideration of Actions in Rulemaking Proceedings

March 4, 1987.

Petitions for reconsideration have been filed in the Commission rule making proceeding listed in this Public Notice and published pursuant to 47 CFR § 1.429(e). The full text of these documents are available for viewing and copying in Room 239, 1919 M Street, NW., Washington, DC, or may be purchased from the Commission's copy contractor, International Transcription Service (202-857-3800). Oppositions to these petitions must be filed by March 26, 1987. See Section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Furnishing of Customer Premises Equipment by the Bell Operating Telephone Companies and the Independent Telephone Companies. (CC Docket No. 86-79). Number of petitions received: 3

Subject: Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Atlanta, Texas) (MM Docket No. 86-87, RM-5094). Number of petitions received: 1

Subject: Amendment of Part 90 of the Commission's Rules to Make Available Additional Frequency Assignments for SMR System in the 800 MHz Band. (PR Docket No. 86-160, RM-5105). Number of petitions received: 1

Subject: Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, (Walton and Falmouth, Kentucky) (MM Docket No. 86-201, RM's 5003 & 5529). Number of petitions received: 2

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87-4949 Filed 3-9-87; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL HOME LOAN BANK BOARD

[No. AC-565]

Auburn Federal Savings and Loan Assoc., Auburn, AL; Final Action Approval of Conversion Application

Dated: March 2, 1987.

Notice is hereby given that on February 12, 1987, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his

designee, approved the application of Auburn Federal Savings and Loan Association, Auburn, Alabama for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of the Board, 1700 G Street, NW., Washington, DC 20552, and at the Office of the Supervisory Agent of the Federal Home Loan Bank of Atlanta, P.O. Box 105565, Atlanta, Georgia 39348.

By the Federal Home Loan Bank Board.

Jeff Sconyers,

Secretary.

[FR Doc. 87-4983 Filed 3-9-87; 8:45 am]

BILLING CODE 672-01-M

[No. AC-567]

Cardinal Federal Savings and Loan Assoc., Owensboro, KY; Final Action Approval of Conversion Application

Dated: March 2, 1987.

Notice is hereby given that on February 12, 1987, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Cardinal Federal Savings and Loan Association, Owensboro, Kentucky of permission to convert to the Stock form of organization. Copies of the application are available for inspection at the Secretariat of the Board, 1700 G. Street, NW., Washington, DC 20552, and at the Office of the Supervisory Agent of the Federal Home Loan Bank of Cincinnati, P.O. Box 598, Cincinnati, Ohio 45201.

By the Federal Home Loan Bank Board.

Jeff Sconyers,

Secretary.

[FR Doc. 87-4984 Filed 3-9-87; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-561]

Downington Savings and Loan Assoc., Downington, PA; Final Action Approval of Conversion Application

Dated: March 2, 1987.

Notice is hereby given that on February 12, 1987, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Downington Savings and Loan Association, Downington, Pennsylvania for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, DC 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Pittsburgh, One Riverfront Center, Twenty Stanwix Street, Pittsburgh, Pennsylvania 15222-4893.

By the Federal Home Loan Bank Board.

Jeff Sconyers,

Secretary.

[FR Doc. 87-4985 Filed 3-9-87; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-560]

Evansville Federal Savings and Loan Assoc., Evansville, IN; Final Action Approval of Conversion Application

Dated: March 2, 1987.

Notice is hereby given that on February 12, 1987, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Evansville Federal Savings and Loan Association, Evansville, Indiana for permission to convert to the stock form of organization. Following the conversion the Association will be known as Evansville Federal Savings Bank, Evansville, Indiana Copies of the application are available for inspection at the Secretariat of the Board, 1700 G Street, NW., Washington, DC 20552, and at the Office of the Supervisory Agent Indianapolis, Indiana 46206-0060.

By the Federal Home Loan Bank Board.

Jeff Conyers,

Secretary.

[FR Doc. 87-4986 Filed 3-9-87; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-563]

First Federal Savings and Loan Assoc. of Wooster, Wooster, OH; Final Action Approval of Conversion Application

Dated: March 2, 1987.

Notice is hereby given that on February 12, 1987, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of First Federal Savings and Loan Association of Wooster, Wooster, Ohio for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of the Board, 1700 G Street, NW., Washington, DC, 20552, and at the Office of the Supervisory Agent of the Federal Home Loan Bank of Cincinnati, P.O. Box 598, Cincinnati, Ohio 45201.

The Federal Home Loan Bank Board.

Jeff Sconyers,

Secretary.

[FR Doc. 87-4987 Filed 3-9-87; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-569]

First Savings and Loan Assoc. of Penns Grove, Pennsville, NJ; Final Action Approval of Conversion Application

Dated: March 2, 1987.

Notice is hereby given that on February 12, 1987, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of First Savings and Loan Association of Penns Grove, Pennsville, New Jersey for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of the Board, 1700 G Street, NW., Washington, DC 20552, and at the Office of the Supervisory Agent of the Federal Home Loan Bank of New York, One World Trade Center, Floor 103, New York, New York 10048.

The Federal Home Loan Bank Board.

Jeff Sconyers,

Secretary.

[FR Doc. 87-4988 Filed 3-9-87; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-564]

Greater Bethlehem Savings and Loan Assoc., Bethlehem, PA; Final Action Approval of Conversion Application

Dated: March 2, 1987.

Notice is hereby given that on February 11, 1987, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Greater Bethlehem Savings and Loan Association, Bethlehem, Pennsylvania for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of the Board, 1700 G Street, NW., Washington, DC, 20552, and at the Office of the Supervisory Agent of the Federal Home Loan Bank of Pittsburgh, One Riverfront Center, Twenty Stanwix Street, Pittsburgh, Pennsylvania 15222-4893.

By the Federal Home Loan Bank Board.
Jeff Sconyers,
Secretary.
[FR Doc. 87-4989 Filed 3-9-87; 8:45 am]
BILLING CODE 6720-01-M

[No. AC-566]

Home Federal Savings and Loan Assoc. of Charleston, Charleston, SC; Final Action Approval of Conversion Application

Dated: March 2, 1987.

Notice is hereby given that on February 12, 1987, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Home Federal Savings and Loan Association of Charleston, Charleston, South Carolina for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of the Board, 1700 G Street, NW., Washington, DC 20552, and at the Office of the Supervisory Agent of the Federal Home Loan Bank of Atlanta, P.O. Box 105565, Atlanta, Georgia 30348.

By the Federal Home Loan Bank Board.
Jeff Sconyers,
Secretary.
[FR Doc. 87-4990 Filed 3-9-87; 8:45 am]
BILLING CODE 6720-01-M

[No. AC-568]

United Savings & Loan Assoc., Greenwood, SC; Final Action Approval of Conversion Application

Dated: March 2, 1987.

Notice is hereby given that on February 12, 1987, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of United States Savings and Loan Association of Greenwood, South Carolina, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, DC 20552, and at the Office of the Supervisory Agent of said Coporation at the Federal Home Loan Bank of Atlanta, P.O. Box 5627, Peachtree Center Station, Atlanta, Georgia 30343.

By the Federal Home Loan Bank Board.
Jeff Sconyers,
Secretary.
[FR Doc. 87-4991 Filed 3-9-87; 8:45 am]
BILLING CODE 6720-01-M

[No. AC-562]

Western Carolina Savings & Loan Assoc., Valdese, NC; Final Action Approval of Conversion Application

Dated: March 2, 1987.

Notice is hereby given that on February 12, 1987, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Western Carolina Savings and Loan Association, Valdese, North Carolina, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, DC 20552, and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Atlanta, Post Office Box, 5627, Peachtree Center Station, Atlanta, Georgia 30343.

By the Federal Home Loan Bank Board.
Jeff Sconyers,
Secretary.
[FR Doc. 87-4992 Filed 3-9-87; 8:45 am]
BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202-000050-048.
Title: Pacific Coast/Australia-New Zealand Tariff Bureau.
Parties:
Columbus Line
Pacific Australia Direct Line
Associated Container Transportation (Australia), Ltd.
Blue Star Line, Ltd.
The Shipping Corporation of New Zealand Limited

Synopsis: The proposed amendment would establish provisions to deal with service contracts upon the admission or departure of a party to the agreement and would make financial-security requirements applicable to all parties for the duration of their membership.

Agreement No.: 212-010286-011.
Title: South Europe/U.S.A. Pool Agreement.
Parties:
Compania Transatlantica Espanola, S. A.
Costa Line
Evergreen Marine Corporation (Evergreen)
Farrell Lines, Inc.
"Italia" di Navigazione S.p.A.
Jugolinija
Lykes Lines (Lykes)
A.P. Moller-Maersk Line (Moller-Maersk)
Nedlloyd Lines
Sea-Land Service, Inc.
Trans Freight Lines (TFL)
Zim Israel Navigation Company, Ltd.

Synopsis: The proposed amendment would restate the agreement, change its name from the Italy-U.S.A. North Atlantic Pool Agreement and add French Mediterranean and Spanish ports of origin, as well as U.S. South Atlantic and Gulf ports of destination to the scope of the agreement. It would also add Evergreen, Lykes, Moller-Maersk and TFL as parties to the agreement. The amendment would also provide for a new pool period to begin on May 1, 1987 and would establish new pool shares and service obligations as well as other changes.

Dated: March 5, 1987.

By Order of the Federal Maritime Commission.
Tony P. Kominoth,
Assistant Secretary.
[FR Doc. 87-4995 Filed 3-9-87; 8:45 am]
BILLING CODE 6730-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 87N-0078]

J.D. Copanos and Sons, Inc. and Kanasco, Ltd.; Proposal To Withdraw Approval of New Drug Applications and New Animal Drug Applications for Sterile Injectable products; Opportunity for a Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is proposing to withdraw approval of the new drug applications (NDA's) and new animal drug applications (NADA's) for sterile injectable products manufactured by J.D. Copanos and Sons, Inc., Ft. Lauderdale, Florida, and Kanasco, Ltd., Baltimore, Maryland, affiliated corporations owned and operated by John D. Copanos (hereinafter referred to collectively as Kanasco). The basis for the proposal is that the methods used in, and the facilities and controls used for, the manufacture, processing, and packaging of the sterile injectable drugs are inadequate to assure their identity, strength, quality, and purity, and were not made adequate within a reasonable time after receipt of written notice specifying the inadequacies. This notice does not affect oral dosage form drugs manufactured at the Kanasco facility under the direct supervision of Parke-Davis, Division of Warner-Lambert Company (Parke-Davis), or non-sterile bulk drugs which are also manufactured at the Kanasco facility.

DATES: Hearing requests are due on April 9, 1987; data or information in support of hearing requests are due on Mar 11, 1987.

ADDRESSES: Requests for hearing, supporting data, and other comments should be identified with Docket No. 87N–0078, and submitted to: Dockets Management Branch (HFA–305), Rm. 4–62, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

For Human Drugs: Steven A. Masiello, Division of Manufacturing and Product Quality (HFN–320), Office of Compiance, Center for Drugs and Biologics, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–295–8095.

For Veterinary Drugs: Philip J. Frappaolo, Divison of Voluntary Compliance and Hearings Development (HFV–240), Office of Surveillance and Compliance, Center for Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4940.

For general information regarding procedural issues contact: Douglas I. Ellsworth Center for Drugs and Biologics (HFN–366), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–295–8041.

SUPPLEMENTARY INFORMATION: Kanasco manufactures and distributes human and veterinary drugs, including injectable antibiotics. These drugs are distributed throughout the United States under the firm's label and under other private labels. On many occasions, FDA has taken administrative and regulatory action against Kanasco for failing to adhere to current good manufacturing practice (CGMP) requirements (see 21 U.S.C. 351(a)(2)(B) and 21 CFR Part 211) as shown by Lists of FDA's Inspectional Observations (FDA–483's) and other relevant documents filed with the United States District Court for the District of Maryland regarding Kanasco (Civil Nos. JH–84–3957 and K–85–3356 D.Md.).

Regulatory History of Kanasco

A. Prior to 1984

In 1976, a large number of vials of antibiotic that FDA found to be non sterile was destroyed, and one lot of veterinary oral dosage form antibiotics that FDA found to be subpotent was recalled. During the same year, FDA decertified a batch of antibiotic that the agency found to be subpotent. The batch was subsequently recalled by the consignee. FDA refused to certify yet another batch of human oral dosage form antibiotic because of excessive variance in moisture content and inadequate batch records.

In 1977, FDA issued a Regulatory Letter to Kanasco regarding the firm's use of uncertified bulk antibiotic in the production of two lots of human oral dosage form drug products. The two lots were ultimately seized, condemned, and destroyed (Civil No. B–78–322 D.Md.).

In 1978, FDA conducted an inspection and found that the firm had not validated its autoclave or sterilization-depyrogenation heat tunnel and that its manufacturing and control records were incomplete. A List of Inspectional Observations (FDA–483) was left the firm reflecting these and other CGMP deficiencies. Later that year, tests showed that one lot of veterinary drug product was not sterile. The product was recalled and destroyed. Thereafter, as a result of a limited followup inspection, the agency provided Kanasco with FDA–483 which reflected that the firm's autoclave, depyrogenation tunnel, and manufacturing (gel) tanks used to sterilize and depyrogenate products and product containers had not been adequately validated to assure that pharmaceuticals intended to be sterile would in fact be sterile. FDA also advised Kanasco that the firm's manufacturing and testing records were incomplete.

In 1979, one lot of a human oral dosage form drug product was decertified and recalled bacause its moisture content exceeded established specifications. During the same year, Kanasco produced and distributed several batches of an injectable veterinary product which lacked an approved new animal drug application. Also during the same year, Kanasco recalled a lot of a human oral dosage form antibiotic which was misbranded.

In 1980, FDA issued a Regulatory Letter to Kanasco advising the firm that one of its autoclaves used to sterilize manufacturing equipment had not been validated. During this period, the agency also issued a Notice of Adverse Findings to Kanasco regarding the firm's use of an uncertified sterile bulk antibiotic in the production of finished pharmaceuticals.

In 1981, FDA issued a Notice of Adverse Findings to Kanasco regarding the firm's inadequate stability data for two oral dosage form penicillin products that it had produced.

B. The August-October 1984 Inspection

A partial inspection of the Kanasco oral dosage form manufacturing facility conducted by FDA in August through October 1984 revealed that Kanasco's processing and quality control procedures were not adequate to provide reasonable assurance that the firm's products would have the identity, strength, quality, and purity characteristics that they were purported or represented to have. At the conclusion of the inspection, FDA left an FDA–483 with Kanasco and discussed the observations with the firm's management. Some of the observations were as follows:

- A consultant then employed by Kanasco stated that he had prepared batch production records for six lots of a prescription antibiotic intended for human use to reflect that certain manufacturing steps had been completed when in fact the steps had not been performed. The consultant also stated that he had persuaded other employees to countersign these records.
- Batch records for several lots of drugs showed that the lots had been prepared in final form and shipped in interstate commerce whereas FDA investigators observed the same lots of drugs in the process of being manufactured at the Kanasco facility.
- Batch records for a specified raw material showed that the material had been used in making a product whereas the same material was actually located, unused, in Kanasco's storage area.
- Production records showed that a particular lot of raw material had been used in a product whereas the firm's inventory and receipt records showed that the same lot of material had not yet

been received by Kanasco at the time the product was supposed to have been made.

• Various pieces of basic analytical equipment used in Kanasco's quality control laboratory to test the quantity of its products and ingredients had not been regularly and routinely calibrated or standardized.

• On the ceiling support in a room used to compound drugs for human use, FDA investigators observed dust, used cigarettes, and other unidentified materials.

• Laboratory records for samples of a drug did not include the location from which the sample was taken, the quantity of sample taken, or the date the sample was taken.

In addition to the above observations, FDA analyses revealed that one lot of a veterinary injectable dosage form antibiotic produced by Kanasco contained only 45.7 to 53.1 percent of the amount of active ingredient declared by the product's label. The analyses also showed that the product contained gross amounts of particulate matter.

C. The October 1984 Injunction Suit and the November 2, 1984 Agreement

On October 26, 1984, following the August-October 1984 inspection, the United States of America filed a complaint in the United States District Court for the District of Maryland for temporary, preliminary, and permanent injunctive relief (Civil No. JH–84–3957, D. Md.). The complaint, which was supported by sworn declarations and the FDA–483 listing the observations of the investigators, alleged that Kanasco was violating the Federal Food, Drug, and Cosmetic Act (the act), 21 U.S.C. 331 (a) and (k), 351(a)(2)(B), and 352(a), because the firm was not following CGMP in the production of drugs, and because the firm was producing and distributing adulterated and misbranded drugs. Among other things, the complaint and declarations filed with the court pointed out the Kanasco had an insufficient number of qualified personnel to properly manufacture and supervise the manufacture of drug products.

On November 2, 1984, FDA and Kanasco entered into an agreement (the Agreement). In summary, the Agreement provided that Kanasco would cease all further manufacture of drugs (oral dosage form, injectable, and bulk) until FDA had agreed, in writing, that the firm's manufacturing operations were being operated in conformity with CGMP. The Agreement also provided that Kanasco would cease all further interstate distribution of drugs until FDA had reviewed the relevant manufacturing records, conducted such tests as the agency deemed necessary, and agreed, in writing and on a batch-by-batch basis, that such products could be distributed. The Agreement further provided that the Government's complaint for injunctive relief would be dismissed without prejudice, but in the event of a breach by Kanasco, the government would refile a complaint for injunctive relief and cause a contemporaneously executed consent decree of permanent injunction to be entered.

By letter dated December 6, 1984, Kanasco's consultant advised FDA that based on his review of the firm's records, he could not certify that two batches of oral dosage form antibiotics for human use had been manufactured in accordance with CGMP.

D. The Aspartame Products

In December 1984, FDA learned that during the previous year Kanasco had manufactured numerous batches of oral dosage form products intended for human use using aspartame, a sweetener which at the time had not been approved for use in drugs. Kanasco's batch records did not reflect that aspartame had been used in the products. Instead, the records showed that sodium saccharin, an approved sweetener, had been used in the products. By letter dated January 4, 1985, FDA requested that these lots be recalled to the retail level.

E. The February-March 1985 Inspection

In January 1985, a consultant retained by Kanasco certified to FDA that the firm's injectable drug manufacturing operation was in compliance with CGMP. However, when FDA conducted an inspection between February 15 and March 15, 1985, to verify the certification, the agency concluded that the injectable operation was not in compliance with CGMP. The written list of deficiencies, which FDA gave to the firm and discussed with the firm's management, included:

• Failure to validate aseptic processing procedures, sterilization equipment and procedures, gowning procedures, and the water for injection system.

• Failure to have primary barriers, e.g., laminar flow hoods, to control the flow of microbiologically filtered air in critical manufacturing areas such as the sterile filling room (where sterilized products are placed into the pre-sterilized, product containers) and the mixing area (where sterile powders are placed into mixing tanks).

• Failure to assure that positive air pressure was maintained between the aseptic filling room and adjacent areas. Temperature and humidity were not recorded for the filling area, and no limits had been set for these parameters.

• Environmental monitoring of aseptic manufacturing environment was inadequate. Rodac plates were used to monitor surfaces only on a weekly basis. No quantitative microbiological air sampling had been performed. Isolates and flora found in the manufacturing area were not identified. Non viable particulate counts were only conducted under static conditions which did not reflect the actual manufacturing situation.

• Procedures for cleaning and sterilizing manufacturing equipment omitted important steps.

• Microbiological and other testing procedures were inadequate, were not carefully reviewed by supervisory personnel, and failed to follow recognized compendial standards (e.g., sterility test procedures failed to include a control to assure that the firm's analysts could recover low level contaminants; endotoxin test procedures used a control that was 1000 times higher than the compendial standard).

By letter dated March 20, 1985, FDA advised Kanasco that the agency would not authorize the distribution of any injectable drug products which had been made under manufacturing conditions reflected by the February-March 1985 inspection.

By letter dated April 12, 1985, FDA advised Kanasco that in the agency's view the underlying cause of the deficiencies observed during the February-March 1985 inspection was the inadequate number, training, and experience of operating and supervisory personnel to perform the necessary quality control and manufacturing activities. The agency also advised Kanasco that a media fill which the firm had conducted in an effort to validate its aseptic manufacturing process was unsatisfactory because, among other reasons, it had an excessive number of contaminated vials.

F. The May 1985 Inspection of the Microbiological Laboratory

In May 1985, FDA returned to Kanasco to evaluate the results of media fills that had been conducted by the firm in April and to inspect the procedures used by the firm's microbiological laboratory. The inspection revealed that the media fills were unsatisfactory and that the firm's microbiological test procedures were inadequate. The FDA–483, which FDA left with the firm, included the following observations:

• Kanasco's sterility test procedures did not include proper controls to assure that low-level contamination would be detected.

• There was no standard test procedure available which reflected the test procedures currently used by the firm.

• A control test used in conjunction with sterility testing did not follow recognized compendial standards.

• Environmental contaminants found in the manufacturing area were not identified.

• Followup investigations had not been conducted to determine the nature or cause of quality control test failures.

By letter dated May 10, 1985, FDA again advised Kanasco management that in the agency's opinion the underlying cause of the deficiencies which had been observed at the firm appeared to be related to the number, training, and supervision of personnel.

G. Unauthorized Shipment and Manufacture of Injectable Drugs and Related Matters

In June 1985, FDA learned that Kanasco had shipped several thousand vials of an injectable product to one of its customers in New Jersey. This shipment had not been authorized by FDA and was in violation of the Agreement. Kanasco personnel provided FDA investigators with manufacturing and shipping records which, although Kanasco represented them as being complete, did not reflect the violative shipment.

In July 1985, FDA investigators learned that between January and June 1985, Kansaco had manufactured 23 lots of injectable drug comprising more than one million vials. FDA had only authorized Kanasco to manufacture one batch of injectable product on a "pilot" basis to test the firm's manufacturing process.

H. The July 1985 Inspection and Media Fills

In early July 1985, Kanasco conducted three media fills which were either abandoned prematurely by the firm and/or had excessive failure rates. On July 10, while FDA was monitoring two of these media fills, FDA observed several CGMP violations and provided Kanasco with a written list of deficiencies (FDA–483). These observations included:

• Flexible tubing used in the morning fill was reused in the afternoon fill without aseptic storage or proper resterilization.

• Personnel in the aseptic fill room touched exposed portions of their faces with gloved hands.

• Personnel reached across the conveyor which was holding previously sterilized bottles.

Between July 15 and 18, 1985, Kanasco conducted four apparently successful media fills. However, because of the preceding unsuccessful media fills and numerous recordkeeping discrepancies (described above and below), FDA did not accept these results without further confirmatory media fills[1].

I. Government Refiles Complaint for Injunctive Relief

Based upon the above described conduct and pursuant to the Agreement, the government refiled its complaint for injunctive relief on August 7, 1985 (Civil No. K–85–3356 D.Md.). On August 15, 1985, the court entered an order requiring Kanasco to show cause why an injunction should not be entered against it.

J. Further Recordkeeping Irregularities

While the foregoing matter was pending, and based upon information provided by several Kanasco employees, FDA obtained a criminal search warrant. The evidence obtained from the firm's employees as well as that obtained under the search warrant was presented to the court on August 19, 1985. Among other things, the evidence showed the following:

• Copies of manufacturing batch records for the same lot of product (which should have been identical) were significantly different.

• Sterility and pyrogen test results which were positive (indicating product contamination) obtained under the search warrant were not filed in Kanasco's batch records although test results which were negative (indicating that the products were not contaminated) were filed in the firm's batch records.

• Pyrogen test samples had been sent by Kanasco to a testing facility in New Jersey before product filling had begun at Kanasco (Pyrogen tests can properly be done only on finished product).

• Recording charts used to monitor processing temperatures were not authentic.

[1] On July 5, 1985, Kanasco filed a complaint in the United States District Court for the District of Maryland (K–85–2905) alleging, *inter alia*, that the firm was the victim of selective prosecution. At a May 12, 1986 hearing, the Court observed that Kanasco's violations of CGMP were "egregous." TR. 116. On July 8, 1986, the court granted summary judgment in favor of the government and dismissed all counts with prejudice. Kanasco has appealed that decision to the United States Court of Appeals for the Fourth Circuit. (Case No. 86–2136). A decision is expected in the near future.

K. Interim Order of Injunction

On September 5, 1985, the court entered an agreed-to interim order of injunction. Among other things, the order prohibited Kanasco from making or distributing injectable drugs without prior judicial authorization. The order also required that all oral dosage form drug products be manufactured and tested under the dirct supervision of Parke-Davis. On September 14, 1985, the court issued a second order requiring Kanasco to show cause why a permanent injunction should not be entered against the firm.

L. October 1985 Inspection

In October 1985, FDA investigators visited Kanasco to observe media fills that were being conducted and to collect samples of filled media. During this time, the following observations were made and documented with an FDA–483 which FDA left with the firm:

• There was no backup temperature measuring system for the manufacturing gel tank used to sterilize media and products or for the heat tunnel used to sterilize product containers.

• There was no documentation to validate the sterilization of the delivery system (hoses and filters) used to make suspension-type products.

• The firm's alert limit for monitoring the microbiological quality of the air in sterile manufacturing areas was 10 times too high.

M. November 4, 1985 Consent Decree

On November 4, 1985, Kanasco consented to a Decree of Permanent Injunction. This decree was substantially similar in content to the 1984 Agreement. However, it also required that Kanasco obtain FDA's written approval before placing personnel in supervisory positions. Upon receipt of a certification from the firm's consultant that validation had been successfully accomplished (including completion of additional successful media fills), that a program for revalidation would be established and implemented, that adequately trained supervisory personnel had been hired and reported for duty, and that the Kanasco injectable plant, processes, and personnel were in substantial compliance with CGMP, FDA allowed the Kanasco injectable plant to reopen. FDA did not conduct an inspection to verify the consultant's certification prior to the reopening of the plant.

N. November 25–26 and December 3–4, 1985 Inspection and Followup Actions

On November 25–26, 1985, FDA conducted a brief inspection of Kanasco

to verify the consultant's certification. The FDA inspection disclosed a number of deficiencies which were reduced to writing and provided to the firm. Among other things, the deficiencies included the following:

- No primary barrier or laminar flow hood had been installed at the site where sterile powders are placed into the sterile mixing tank.
- Personnel working in the aseptic compounding area had not been adequately trained. An employee was observed touching sterile powder without sanitizing his hands, allowing sterilized bags to touch the floor and then placing the bags directly over sterile product mixing tanks, and failing to remove the outer bags for the sterile powder before placing the bags over the sterile product mixing tanks.
- The firm had no system to evaluate the aseptic training of employees.
- Inadequate microbiological test procedures were being used in environmental monitoring of aseptic areas. Surface sampling was not performed during the manufacture of each batch; microoganisms and flora found in the manufacturing area were not identified; the alert limit for monitoring the microbiological qualilty of the air in sterile manufacturing areas was 10 times too high; the firm failed to investigate a sterility test failure and a negative control contamination; no report had been prepared for a sterility test which had been initiated; and levels of inoculum used at the time of growth-promotion testing were not verified.
- The firm's batch records were signed off to show that a piece of manufacturing equipment had been sterilized when in fact the equipment had not been sterilized.
- Kanasco employees were not following the firm's written standard operating procedures. An in-line filter had not been installed prior to processing product. Other filters, which were used on tanks that hold sterilized product ingredient, had not been sterilized before being put in place and were not tested for integrity after their removal.
- One product had been heated for 15 hours instead of the 1 hour called for in the firm's batch record. This product was later tested by FDA and shown to be subpotent.

Based upon the above inspectional findings, the Government filed a motion to enforce the 1985 consent decree asking the court to order that Kanasco cease the manufacture of all injectable drugs. On December 17–18, 1985, FDA met with Kanasco, at which time the firm provided the agency with assurance that the foregoing deficiences either had been or were being corrected. Based upon these assurances and without conducting an on-site followup inspection, FDA allowed the firm to resume the manufacture of injectable drugs on December 20, 1985.[2]

In the spring of 1986, Kanasco submitted a proposal to FDA to release for distribution the 23 lots of product that had been made in violation of the Agreement. (See section G above.) The firm asked that the products be released based upon additional sterility and other tests. In June of 1986, FDA denied Kanasco's request on the ground, inter alia, that finished product sterility testing could not provide adequate assurance of product purity.

O. The September 1986 Inspection and Response by Kanasco

On September 15–29, 1986, FDA inspected the Kanasco injectable manufacturing facility. FDA again found numerous violations of CGMP requirements, including the following:

- Inadequate number and training of operating and supervisory personnel. The firm had no quality assurance director, no quality control director, no microbiological laboratory supervisor, no materials control manager, no formulation supervisor, and no second shift production supervisor.
- Inadequate validation of aseptic facilities and equipment (steam autoclave, sterilization and depyrogenation heat tunnel, homogenizer, and one filling machine). Inadequate validation of gowning procedures. Failure to have a validation procedure or revalidation schedule established for critical manufacturing areas and equipment.
- Failure to have a primary barrier over the mixing tanks where sterile powders are added to sterile liquid.
- A floor drain in the aseptic fill area, which had been stopped up for 3 weeks, contained stagnant water. Stagnant water was observed over the drain during the filling of a product.
- A drug product for human use which was required to be penicillin-free was manufactured in the same area and with the same equipment used to make penicillin-containing products.
- Veterinary drug product which are required to be penicillin-free were manufactured in the same equipment used to make penicillin products and distributed without testing for penicillin cross-contamination.
- Open product containers which had gone through the sterilization-depyrogeneration heat tunnel were directed into an inappropriately classified, unvalidated, and inadequately monitored area en route to the aseptic fill area.
- A cover was missing from equipment in the aseptic fill area exposing moving parts, grease deposits, and other debris.
- Wall and floor surface in the aseptic fill area and adjoining areas, which are supposed to be smooth and clearnable, were chipped and broken.
- During a routine clean-up of the aseptic fill area, FDA investigators observed Kanasco employees (ungowned and improperly gowned) entering and exiting clean areas after touching walls, floors, and trash bags in non-clean areas; mopping up stagnant floor drain water with rags and then, with the same rags, cleaning equipment used to fill sterile product and filters used to purify air at the aseptic filling line; and using unapproved, unsterilized, and unvalidated retail cleaning materials (e.g., "Ajax All Purpose Cleaner" and "SOS" steel wool pads) to clean critical equipment in the aseptic fill area.
- Manufacturing and testing equipment were not properly maintained of calibrated (e.g., equipment used to monitor the air quality in manufacturing areas was not calibrated and components were broken; laboratory thermometers were not calibrated and the laboratory autoclave was neither validated nor monitored with a reference thermometer; sterilization and depyrogenation heat tunnel belt speed (which determines the time vials are exposed to heat) was neither calibrated nor monitored; and magnahelic gauges used to measure pressure differentials between rooms were not calibrated).
- Air flow patterns were not mapped and air quality in aseptic manufacturing areas was not adequately monitored (e.g., floor and wall surfaces were not being monitored at all; sample locations of other monitored surfaces were not adequately identified; there was virtually no environmental monitoring during second or third shifts; no records were kept to show that appropriate pressure differentials were either monitored or maintained throughout the clean area; monitoring of non viable particulates was not done at all in some months, incompletely done in other months, and exceeded specifications without comment or correction in still

[2] On January 13, 1986, Kanasco filed suit in the United States Claims Court alleging that FDA had breached the 1984 Agreement. Subsequently, after the government moved to dismiss the complaint and for summary judgment, the firm withdrew its complaint and the case was dismissed with prejudice. *See* July 2, 1986 order, No. 22–86C, U.S. Claims Court.

other months; during the inspection, actual air flow patterns in the aseptic area were the reverse of what they should have been).

• Environmental monitoring data were unreliable (e.g., there were no logs documenting how media, which Kanasco used to monitor the microbiological quality of the environment, were prepared; the firm did not use positive controls to assure that the media employed to monitor the environment would support growth; and the temperature of the incubator used to culture environmental samples had been out of specification for 4 months).

• Failure to adequately monitor and control water for injection, a component of injectable drug products (e.g., water for injection was not monitored for particulates; a stagnant water line to the bottle washer was not drained before use or on a regular basis, nor had it been sampled for bacteria for 5 months; and end-use water quality monitoring records were not signed and dated as reviewed).

• Cleaning procedures for critical manufacturing equipment did not provide for draining or rinsing of dead leg valves which could harbor bacteria and contaminate product. One holding tank valve was opened (after the tank had been cleaned by Kanasco) and found to contain a white suspension.

Based upon the findings of the foregoing inspection and after reviewing Kanasco's written response to the List of Inspectional Observations, the Government filed another motion to enforce the 1985 consent decree. On October 17, 1986, the court entered a temporary order enjoining Kanasco from the further manufacture and shipment of injectable drugs. On October 29, 1986, Kanasco consented to an order which indefinitely continued the temporary order of injunction.

In November and December of 1986, pursuant to 21 U.S.C. 334, FDA instituted several seizures to prevent the further distribution of products which had been manufactured prior to the September 1986 inspection. These seizures are presently pending in various courts.

On December 2, 1986, FDA representatives met with Kanasco representatives and explained why the firm's written response was unsatisfactory. At this meeting, FDA again advised Kanasco that inadequate training and supervision was a continuing problem at the firm.

On December 29, 1986 and January 27, 1987, Kanasco submitted validation data and other documents to FDA in an effort to show that the firm was in compliance with CGMP. On February 20, 1987, FDA officials met with Kanasco representatives to discuss the situation, and Kanasco advised FDA that it would be ready to resume manufacturing within 10 days to 2 weeks. On February 18–20 and 24–25, 1987, FDA visited the Kanasco facility to collect data pertaining to the firm's recent submissions and interview its supervisory personnel. These exchanges of data and information failed to satisfy FDA that the firm was in compliance with CGMP. For example:

• Kanasco did not provide any data to show that personnel had received training by qualified individuals that would enable its employees to properly perform assigned functions. Nor was any plan proposed to ensure that Kanasco employees would receive sufficient training on a continuing basis to assure that employees would remain familiar with CGMP requirements or that the firm's employees would be periodically monitored to determine that training had been and would remain effective.

• The firm was found to be using an unapproved ingredient in one of its products.

• The firm had failed to cover or otherwise protect equipment used to aseptically process and fill sterile products from dust and debris caused by removing floor tiles, grinding concrete, and digging drainage lines through the earth.

• Media fills which were conducted did not adequately mimic worst case or even normal production conditions. Media fill records contained unexplained discrepancies. For example, in one instance the firm's records indicated that media was being filled in containers prior to the time that the firm's records showed that a preliminary procedure had been completed. In another instance, dynamic environmental monitoring was performed after the media fill had been completed. In yet another instance, the media fill records showed that residual phenol (used to rinse equipment) exceeded Kanasco's limits without comment or explanation. The media fill records also did not document the performance of procedures with operator signatures. For example, there were no records to show that vials had been washed prior to going through the heat tunnel, the stoppers and seals had been washed prior to autoclaving, or that isopropanol alcohol used for sanitizing critical surfaces had been sterilized.

• No data were submitted to validate the system used to deliver product ingredients from gel tanks to mixing tanks or the sterilization filter used in the delivery system. An insufficient number of media files was conducted on one of two manufacturing tanks used by the firm.

• The autoclave used to sterilize container closures and seals, equipment, uniforms, and other materials was not adequately validated. For example, no data were presented to show that the load patterns which Kanasco used in its heat penetration studies represented maximum, minimum, or worst case load patterns; none of the load patterns included manufacturing equipment (which may be more difficult to sterilize); no data were submitted to show that the thermocouples used to measure temperatures in the autoclave (or sterilization depyrogenation heat tunnel) had been calibrated; and the reported results for all four of the heat distribution studies did not meet the performance criteria established by the reference work cited by the firm and generally recognized by the industry. The firm was unable to produce raw data to substantiate approximately one half of the autoclave cycles in its validation studies.

• In several cases, raw data for heat tunnel endotoxin studies which FDA investigators collected at Kanasco were inconsistent with the firm's reports of those studies. In other cases, the firm was unable to produce raw data to substantate its findings.

• The firm had not installed primary barriers at the sites where sterile powders are placed into the sterile mixing tanks.

• There was inadequate provision for ensuring that product containers which had passed through the depyrogenation-sterilization section of the heat tunnel would be maintained in an appropriately classified environment either in the cool down section of the heat tunnel or in the anteroom through which they passed en route to the fill room; the ante room also lacked a primary barrier.

• Standard operating procedures for environmental monitoring set forth inappropriate action limits and sample collection frequencies. For example, non viable particulate counts were to be taken approximately once a month in critical manufacturing areas, whereas these samples should be taken on a daily basis; the firm's specification for non viable particulate matter in the area where sterile product is placed in vials is class 500, whereas it should be no more than class 100.

• The firm failed to establish specifications for air pressure differentials between various rooms of the clean area.

• The firm did not have appropriate specifications for air velocities of its high efficiency particulate air (HEPA) filters or for air change rates in clean areas.

• The firm made no commitment to cease the manufacture of non penicillin products for human use in the same facility where penicillin products are made. Nor did the firm commit to cease distribution of non penicillin veterinary products without testing for the presence of penicillin.

• Kanasco failed to provide evidence that there would be an adequate number of qualified personnel to supervise the manufacture of injectable products, even on the reduced, two-batch per week schedule proposed by the firm. For example, the firm's candidate for Director of Quality Assurance was the same person who had overall responsibility for the injectable facility during the October and November 1985 inspections and who (without FDA's knowledge or written consent as required by the 1985 consent decree) had been serving as Acting Director of Quality Assurance for 6 months prior to the September 1986 inspection, and while exercising that authority failed to prevent the CGMP deficiencies described above in section L. N, and O. When FDA investigators interviewed this person in February 1987, he stated that his primary experience before coming to Kanasco was in manufacturing, engineering, materials management, and cost control, with only "some" exposure to quality control; he had never performed quality assurance work on a full time basis. Although, as noted above, he stated that he had been serving as Kanasco's acting quality assurance director for 10 months, he was not familiar with Kanasco's specifications for air quality in critical manufacturing areas. He also did not appreciate that excessive air velocity readings at the face of HEPA filters (used to protect critical manufacturing areas from potential airborne contaminants) could indicate that the filters was not performing this important function. The candidate stated that he would be responsible for reviewing and approving Kanasco's validation protocols and study results, and that he had reviewed and agreed with the analysis and interpretation of the validation data which Kanasco had recently submitted to FDA. However, he was unable to explain how the heat tunnel validation data (which comprised approximately one third of the firm's submission) would be used to determine whether product containers and closures were effectively being sterilized and depyrogenated during actual, day-to-day production. The candidate's understanding of Kanasco's autoclave validation data was also inadequate. For example, he did not recall how many or which organism had been used to challenge the autoclave. In addition, he stated that 10°C would be an acceptable temperature variability in the autoclave, a difference far in excess of any level recognized in the industry or even Kanasco's own criteria.

• In several instances, Kanasco's data, which had been reviewed by the candidate for Director of Quality Assurance, provided further confirmation that this person either had not carefully reviewed the data and/or did not understand basic principles of validating an aseptic fill production process. For example, none of Kanasco's protocols for its antoclave, heat tunnels, or media fills set forth production specifications that were to be valided (e.g., times, temperatures, pressures, load patterns, bottle sizes, and belt speeds); calculations made to evaluate the performance of the autoclave did not follow procedures generally recognized by the industry; in one heat penetration study, Kanasco improperly assumed what the coldest spot in the autoclave would be, failed to use the actual cold spot to calculate the performance of that autoclave, and then incorrectly concluded that the coldest spot in the autoclave, confirmed its initial assumption; although the amount of organisms recovered by Kanasco from spore strips used to validate autoclave effectiveness were significantly inconsistent with the spore strip manufacturer's certificate of analysis, no note of this fact was made.

• Kanasco also failed to provide sufficient evidence that its candidate for Director of Quality Control had sufficient background, training or experience to perform his job properly During the February 1987 discussions, the candidate told FDA investigators that he only intended to serve as quality control manger on an "acting" basis until a permanent replacement could be found. He stated that he had never served as quality control manager in any finished dosage form pharmaceutical plant and had virtually no hands-on experience in aseptic processing operations, environmental monitoring, or gowning techniques. Although he stated that he would be responsible for reviewing and approving all sterility tests, he had no practical experience in conducting the type of sterility test which Kanasco performs on its finished product. This person also was not familiar with Kanasco's procedures and/or specifications for monitoring air quality, air pressure differentials, and temperatures in critical manufacturing areas or the standards upon which those specifications were ultimately based.

This person stated that he too had reviewed and agreed with the approach and interpretation of the results of the autoclave validation data which Kanasco recently submitted to FDA. However, the individual indicated that he did not understand either the bioburden or overkill method of validation (both of which are standard in validation studies) and did not know which method had been used by Kanasco; nor did he know what level of sterility assurance Kanasco's studies had sought to demonstrate. Although the person stated that he would be responsible for releasing products based in part upon his review of autoclave sterilization records such as recording charts and biological indicator spore strips, he did not know how may spore strips should be in each load pattern, how many load patterns were used by Kanasco, or which organism should be used to monitor the effectiveness of the autoclave. Although the candidate stated that he had reviewed and agreed with Kanasco's heat tunnel validation data and would be responsible for releasing products based in part on a review of temperature recording charts, he was not familiar with the general temperature configuration of the firm's heat tunnel and did not know how many temperature monitors or recording charts were used in normal production. Nor did he know what the acceptable temperature variance was for these recording charts at Kanasco. Finally, this person also failed to note or explain the above-described deficiencies in the validation data submitted by Kanasco (Although FDA had previously told Kanasco pursuant to the 1985 consent decree that this person could serve as the firm's quality control manager, this advice was given before the September 1986 inspection, solely on the basis of a curriculum vitae and without benefit of an interview. In fact, he did not perform any quality control duties at the injectable facility during 1986.)

Proposed Action and Notice of Opportunity for Hearing

The Acting Director of the Center for Drugs and Biologics and the Director of the Center for Veterinary Medicare have evaluated the foregoing regulatory history of Kanasco, including the CGMP deficiencies observed at the September 1986 inspection and Kanasco's reponses to those findings, and have concluded

that there is no assurance that the sterile injectable products made by Kanasco will have the identity, strength, quality, and purity that they are required to have. Furthermore, the Directors conclde that Kanasco has had ample notice of the CGMP violations and has failed to correct these violations within a reasonable amount of time. Accordingly, the Directors are proposing to withdraw approval of the following NDA's and NADA's that provide for sterile injectable products manufactured by Kanasco:

NDA 60–684; Streptomycin sulfate; J. D. Copanos, Inc., 6110 Robinwood Rd., Baltimore, MD 21225.

NDA 60–800; Penicillin G procaine; J. D. Copanos.

NDA 60–806; Penicillin G potassium; J. D. Copanos.

NDA 61–051; Penicillin G sodium; J. D. Copanos.

NDA 61–936; Ampicillin G sodium; J. D. Copanos.

NDA 80–555; Cyanocobalamin; J. D. Copanos.

NDA 60–100; Penicillin G procaine; "Crysticillin; "E.R. Squibb, P.O. Box 4000, Princeton, NJ 08540.

NDA 60–362; Penicillin G potassium; E. R. Squibb.

NDA 80–515; Cyanocobalamin; Elkins-Sinn, Inc., 2 Easterbrook Ln., P.O. Box 5483, Cherry Hill, NJ 08034.

NDA 83–165; Prednisolone acetate; Elkins-Sinn.

NADA 12–571; Iron dextran; "Ferron-100;" J. D. Copanos.

NADA 12–627; Prednisolone; "Ramasone;" J. D. Copanos.

NADA 30–726; Iron dextran; J. D. Copanos.

NADA 47–646; Dexamethasone; "Dexasone;" J. D. Copanos.

NADA 49–554; Phenylbutazone; "Buta-Phen;" J. D. Copanos.

NADA 49–552; Oxytocin; J. D. Copanos.

NADA 65–105; Procaine penicillin G and dihydrostreptomycin sulfate; "Veticil;" J. D. Copanos.

NADA 65–120; Dihydrostreptomycin sulfate; J. D. Copanos.

NADA 65–136; Procaine penicillin G; J. D. Copanos.

NADA 65–144; Procaine penicillin G, dihydrostreptomycin sulfate, dexamethasone, and chloramphenicol maleate; "Dexamycin;" J. D. Copanos.

NADA 65–174; Procaine Penicillin G; "Crystacillin;" E. R. Squibb.

NADA 65–277; Benzathene penicillin and procaine penicillin G; "Combipen;" J. D. Copanos.

NADA 65–365; Chloramphenicol; "Verticol;" J. D. Copanos.

NADA 93–578; Oxytetracycline; J. D. Copanos.

NADA 124–510; Dexamethasone; J. D. Copanos.

Notice is given to the holders of the NDA's and NADA's listed above, to the holders of any other NDA's or NADA's for sterile injectable products that list Kanasoc or Copanos as a manufacturer, and to all other interested persons, that the Acting Director of the Center for Drugs and Biologics and the Director of the Center for Veterinary Medicine propose to issue an order under sections 505(e) and 512(e) of the Federal Food, Drug, and Cosmetic Act (the act), withdrawing approval of the foregoing NDA's and NADA's and all amendments and supplements thereto. The Directors find that on the basis of new information before them, evaluated together with the evidence before them when the applications were approved, the methods used in, and the facilities and controls for, the manufacture, processing, and packing of such drugs are inadequate to assure and preserve their identity, strength, quality, and purity and were not made adequate within a reasonable time after receipt of written notice from the FDA specifying the matters complained of. Upon final withdrawal of approval of the NADA's covered by this notice, the corresponding regulations shall be revoked as provided in section 512(i) of the act (21 U.S.C. 360(b)(i)) (21 CFR 514.115(e)).

In accordance with sections 505 and 512 of the act and 21 CFR Parts 314 and 514, the applicants are hereby given an opportunity for a hearing to show why approval of the NDA's and NADA's should not be withdrawn.

An applicant who decides to seek a hearing shall file: (1) on or before April 9, 1987 a written notice of appearance and request for hearing, and (2) on or before May 11, 1987 the data, information, and analyses relied on to justify a hearing, as specified in 21 CFR 314.200. The procedures and requirements of 21 CFR 314.200, insofar as they differ from 21 CFR 514,200, shall govern this notice of opportunity for hearing, any ensuing notice of appearance and request for hearing, submissions of data, information, and analyses to justify a hearing, other comments, and the grant or denial of a hearing.

The failure of any interested person to file a timely written notice of appearance and request for hearing, as required by 21 CFR 314.200 and 514.200, constitutes an election by that person not to use the opportunity for a hearing concerning the action proposed, and a waiver of any contentions concerning the legal status of that person's drug product(s). Any new drug product marketed without an approved new drug or new animal drug application is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must present *specific facts* showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the applications, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request the hearing, making findings and conclusions, and denying a hearing.

All submissions pursuant to this notice of opportunity for hearing are to be filed in six copies. Except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, the submissions may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

As an alternative to entering into this proceeding, an NDA or NADA holder may supplement its affected application to delete Kanasco or Copanos as a manufacturing site for its product(s). This deletion may be put into effect prior to approval in accord with 21 CFR 314.70 and 514.8(d)(3) and (e). In addition to supplementing its NDA or NADA, the holder of an affected application should submit a statement to this Docket number noting that it is supplementing its application to delete Kanasco or Copanos as a manufacturing site. The Acting Director of the Center for Drugs and Biologics or the Director of the Center for Veterinary Medicine will rescind this notice with respect to those applications that are supplemented to delete Kanasco or Copanos as a manufacturing site.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 505, 512, 52 Stat. 1052, 82 Stat. 343 as amended (21 U.S.C. 355, 360b)) and under authority delegated to the Acting Director of the Center for Drugs and Biologics (21 CFR 5.82) and to the Director of the Center for Veterinary Medicine (21 CFR 5.84).

Dated: March 5, 1987.

Paul Parkman,

Acting Director, Center for Drugs and Biologics.

Dated: March 5, 1987.

Gerald B. Guest,

Director, Center for Veterinary Medicine.

[FR Doc. 87-5160 Filed 3-9-87; 8:45 am]

BILLING CODE 4160-01-M

Consumer Exchange; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following District consumer exchange meeting: LOS ANGELES DISTRICT OFFICE, chaired by George Gerstenberg, District Director. The topic to be discussed is proposed labeling regulations for cholesterol and lead in ceramic foodware.

DATE: Tuesday, March 24, 1987, 9 a.m. to 12 m.

ADDRESS: 102 North Plumer, Tucson, AZ 85719.

FOR FURTHER INFORMATION CONTACT: Gordon Scott, Consumer Affairs Officer, Food and Drug Administration, 1521 West Pico Blvd., Los Angeles, CA 90015, 213-252-7597.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's District Offices, and to contribute to the agency's policymaking decisions on vital issues.

Dated: March 3, 1987.

John M. Taylor

Associate Commissioner for Regulatory Affairs.

[FR Doc. 87-4936 Filed 3-9-87; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 87N-0060]

Drug Export; Terazosin Hydrochloride

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Abbott Laboratories has filed an application requesting approval for the export of the human drug terazosin hydrochloride to the United Kingdom.

ADDRESS: Relevant information on this application may be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human drugs under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

FOR FURTHER INFORMATION CONTACT: Rudolf Apodaca, Center for Drugs and Biologics (HFN-310), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8063.

SUPPLEMENTARY INFORMATION: The Drug Export Amendments Act of 1986 (Pub. L. 99-660) (section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382)) provides that FDA may approve applications for the export of drugs that are not currently approved in the United States. The approval process is governed by section 802(b) of the act. Section 802(b)(3)(B) sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 803(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the **Federal Register** within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that Abbott Laboratories, Abbott Park, IL 60064, has filed an application requesting approval for the export of the drug terazosin hydrochloride to the United Kingdom. The application was received and filed in the Center for Drugs and Biologics on February 12, 1987, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by March 20, 1987, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

Dated: March 3, 1987.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 87-4935 Filed 3-9-87; 8:45 am]

BILLING CODE 4160-01-M

Public Health Services

Privacy Act of 1974; System of Records; Correction

AGENCY: Department of Health and Human Services; Public Health Service; Health Resources and Services Administration (HRSA).

ACTION: Correction.

SUMMARY: On November 24, 1986, (51 FR 42352), HRSA updated and republished its inventory of Privacy Act systems of records notices. An erroneous statement was given for routine use number 9 for system notice 09-15-0019 Health and Medical Records System, HHS/HRSA/IHS.

Routine use number 9 should read as follows:

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operation of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending a claim against the Public Health Service based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, disclosure may be made to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

Dated: March 3, 1987.

James A. Walsh,

Associate Administrator for Operations and Management.

[FR Doc. 87-4993 Filed 3-9-87; 8:45 am]

BILLING CODE 4160-17-M

Social Security Administration

Federal Old-Age, Survivors, and Disability Insurance Supplemental Security Income for the Aged, Blind, and Disabled; Vocational Rehabilitation and Employment Demonstration Priorities for Fiscal Year 1988; Recommendations for Priority Areas for Demonstrations

SUMMARY: The Social Security Administration (SSA) announces its intent to establish priority areas for funding grants for demonstration projects which increase and improve vocational rehabilitation (VR) and employment outcomes for persons receiving disability benefits under the Social Security Disability Insurance (DI) Program or disability or blindness benefits under the Supplemental Security Income (SSI) Program. *The purpose of this announcement is to request recommendations for SSA to consider in establishing priority areas for VR and employment demonstrations.* Based on this and other information, we will publish a follow-up announcement in the **Federal Register** setting out priority areas and inviting submission of applications for specific grant projects. *We are not requesting applications for specific project grants at this time.*

Note. For purposes of this announcement, we are using the DI Program terms "beneficiary" and benefit" to also represent the SSI Program terms "recipient" and "payment."

DATE: The closing date for receipt of recommendations is April 9, 1987.

FOR FURTHER INFORMATION CONTACT: Camille Catlett, SSA, Division of Disability Studies, 6401 Security Boulevard, Baltimoe, MD 21235, telephone (301) 597–7552.

BACKGROUND INFORMATION:

SSA Authority and Objectives:

Authority for this activity is contained in sections 702 and 1110(a) of the Social Security Act (the Act) for projects to promote economic security and reduced dependency; section 1110(b) of the Act, for projects that assist in promoting the objectives or facilitate the administration of the SSI program; and section 505(a) of Pub. L. 96–265 for projects to improve VR and employment outcomes for DI beneficiaries. Section 505(a), as recently extended by Pub. L. 99–272, section 12101, calls for the Secretary of Health and Human Services to test new forms of rehabilitation and other employment-related initiatives that will help DI beneficiaries return to work.

SSA expects to conduct a series of VR and employment demonstrations in fiscal year 1988. The goal of these projects will be to identify innovative VR and employment approaches that are cost-effective and replicable for SSA's disability population. We generally expect to fund projects that cost between $10,000 and $150,000 and can be completed within 12 to 18 months. (However, SSA may fund some projects at higher amounts and for longer time periods.)

The recommendations obtained from this announcement will be used to assist SSA in selecting the priority areas for which we may later specifically request submission of applications for grant projects. SSA is interested in recommendations which suggest innovative demonstrations (particularly demonstrations which "break new ground") which extend and enhance VR and employment outcomes for DI and SSI beneficiaries. We are seeking innovative approaches which fill gaps in existing programs or create entirely new VR mechanisms. SSA has little interest in recommendations which duplicate existing VR and employment strategies unless these ideas include a major new component which will lead to significant improvement in employment outcomes.

SSA is particularly interested in approaches that: (a) Link the resources of Federal or Federal and State agencies serving DI or SSI beneficiaries; (b) link the resources of Federal, State, and private non-profit agencies; and (c) link Federal and/or State resources with private sector organizations serving the disabled.

Target population

SSA administers two programs (DI and SSI) for the disabled as well as a separate SSI program for the blind. The DI and SSI programs use the same definition of disability and overlap to some extent (about 13 percent of the DI disabled are also on the SSI rolls), but they differ in significant ways.

The statutory definition of disability for both programs is: *inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which has lasted or would be expected to last for a continuous period of 12 months or result in death.* There is a separate statutory definition of blindness for the SSI blind program.

To qualify for DI benefits on his or her own earnings record, a disabled person must meet not only the definition of disability, but also an "insured status" requirement (sufficient past work in Social Security covered employment). To qualify for SSI benefits a disabled or blind person must meet not only the definition of disability or blindness but also certain other eligibility requirements, including an income and resources (financial need) test.

New DI beneficiaries must wait 5 months to qualify to receive cash benefits and another 24 months to qualify for Medicare benefits. A waiting period is not required for SSI beneficiaries to qualify for cash benefits and Medicaid benefits (in those States that provide Medicaid based on SSI eligibility).

With certain exceptions, DI benefits generally continue until death or age 65 unless the beneficiary medically improves or performs substantial gainful activity (SGA). Ordinarily we consider a person to be performing SGA when his or her earnings (excluding subsidies and certain impairment-related work expenses) average more than $300 per month ($680 for blind DI beneficiaries who are subject to different rules).

SSI benefits generally continue until death (no age cutoff) unless the beneficiary medically improves or ceases to meet other eligibility requirements, such as the income and resources test (SGA is not a factor).

Major DI work incentives for beneficiaries who do not medically improve include: a 9-month trial work period (before SGA is considered); a 15-month extended period of eligibility following the trial work period (when benefits can be resumed, without the filing of an application, for any month the individual is not performing SGA); a 24-month extension of Medicare following the termination of disability entitlement due to the performance of SGA after the extended period of eligibility; and a 5-year grace period for returning to the rolls without serving a new waiting period.

Major SSI work incentives for beneficiaries who do not medically improve include: a benefit offset, whereby the benefit amount is reduced as earnings rise, and eligibility for Medicaid may be retained if it is needed to continue employment (until earnings reach a level where the individual can afford a reasonable equivalent of the benefits which would be available without the earnings); and a provision allowing SSA to exclude income and resources needed to carry out a plan for achieving self-support.

Currently, there are about 3.3 million disabled on the DI rolls and there are about 2.7 million disabled and blind on the SSI rolls. In 1986, about 470,000 disabled people were added to the DI rolls and about 420,000 disabled or blind persons were added to the SSI rolls.

Over the years, most persons coming onto the rolls have remained there. But

some have returned to work and many more have said they would return to work if they could obtain VR services leading to employment.

The DI disabled generally have extensive and recent work experience when they apply for disability.

Current SSA VR program

SSA's VR program generally operates as follows:

—SSA's district offices (DOs) alert new disability or blindness applicants that they might be referred to a State VR agency. (SSA now uses only State VR agencies.)

—The State disability determination services (DDSs), the agencies that collect the medical information and make SSA's disability and blindness determinations, screen claims for possible VR referrals in conjunction with determining whether the applicants are disabled or blind. (The DDS screening for VR is a manual process, generally carried out by disability examiners, using gross screening criteria and relying on medical and vocational information collected for purposes of determining disability or blindness (no special information for VR assessment)).

—The DDSs refer selected disability or blindness applicants (both beneficiaries and nonbeneficiaries) to State VR agencies. (DDSs provide copies of the disability or blindness determination and relevant medical and vocational information to the State VR agencies.)

—The State VR agencies decide which applicants they will serve and what services they will provide.

—SSA reimburses the State VR agencies for the costs of certain VR services provided to DI and SSI beneficiaries. With certain exceptions, reimbursement may be made only for those VR services that result in beneficiaries performing SGA for a continuous period of 9 months.

Current Demonstration Activity

SSA began a series of VR and employment demonstration projects in 1985. Some of these have already ended and are not being evaluated. Others are continuing. These initial demonstrations include:

—A transitional employment project;

—Two projects testing the Projects with Industry approach;

—A group of projects testing the effectiveness of various private sector (nonprofit) placement approaches, facilities, job clubs, and networks;

—A group of projects with State VR agencies testing new measures to improve State VR outcomes such as: modified referral criteria; intensified counselor supervision; closer ties with industry; greater use of on-the-job training; and tracking of persons after placement.

Possible Priority Areas for New VR Demonstrations

SSA would like a broad range of recommendations from which to select priority areas for VR and employment demonstrations. The only limitations are that:

—The activity must target on the DI or SSI disabled or blind;

—The goal must be to help DI of SSI disabled or blind regain their self-sufficiency with an emphasis on employment;

—The activity must be potentially cost-effective and widely replicable;

—The activity should be capable of completion within 18 months or less and cost no more than between $10,000 and $150,000.

Examples of areas that recommendations might cover include: (These are just examples and should not limit the scope of response to this request.)

—Use of private sector resources or techniques for VR;

—Use of independent case managers to screen for VR, select providers, approve expenditures, monitor progress;

—Cooperative VR arrangements between SSA and insurers;

—Collaborative VR arrangements involving SSA with other public agencies, private firms, facilities, disability organizations;

—Methods of promoting VR competition (e.g., vouchers);

—Automation of various VR-related processes (e.g., screening, referral, evaluation, service delivery, placement) using expert systems, artificial intelligence;

—New VR service strategies that incorporate such features as rehabilitation engineering, transportation arrangements, various forms of job accommodations;

—New work incentive strategies involving beneficiaries, VR providers or employers;

—New methods of financing VR linked to performance; and,

—Rehabilitation approaches which have been particularly effective with selected impairments, such as end-stage renal disease.

Instructions for Making Recommendations

There is no specific format for submitting these recommendations. however, submissions should include:

—A clear description of the recommended priority area;

—An explanation (rationale) as to why it is (or might be) relevant to the DI or SSI disabled or blind;

—Reference to any relevant research supporting the recommended area;

—Possible options for demonstrations including duration and cost estimates.

Recommendations describing priorities need not be lengthy (5 pages or less is preferred; it is not necessary to provide extensive background on the individual or organization making the recommendation).

Recommendations should be addressed to David A. Rust, Associate Commissioner for Disability, 546 Altmeyer, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235. The closing date for receipt of recommendations is April 9, 1987.

Dated: March 6, 1987.

Dorcas R. Hardy,

Commissioner of Social Security.

[FR Doc. 87-5195 Filed 3-9-87; 8:45 am]

BILLING CODE 4190-11-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Privacy Act of 1974; Revision and Deletion of Notices of Systems of Records

Pursuant to the provisions of the Privacy Act of 1974, as amended (5 U.S.C. 552a), notice is hereby given that the Department of the Interior proposes to delete one notice and revise one notice describing systems of records maintained by the Minerals Management Service (MMS). MMS proposes to combine two systems of records notices into one composite notice. The composite notice, published in its entirety below, is titled "Advanced Budget/Accounting Control and Information System (ABACIS)—Interior, MMS-8", and supersedes the previous notice published in the **Federal Register** on November 7, 1985 (50 FR 46358).

The records on MMS employee travel files, formerly described in a notice titled "Travel Files—Interior, MMS-11" are being combined into the composite notice published below. MMS-11 was previously published in the **Federal Register** on June 4, 1985 (50 FR 23523) and is deleted from the Department's inventory of Privacy Act systems of records notices.

The combining of the records under one composite notice reflects a change in the automatic data processing

systems in which the records were formerly maintained. The MMS employee travel files have been transferred to the system in which the budget/accounting records are maintained. Except as noted below, the change does not alter the purposes for which the records are used, nor create substantially greater access to the records in the system.

In combining the system notices, two new compatible routine use disclosures, formerly applicable to the budget/accounting control records, are being applied to the travel records maintained on MMS employees. The routine uses pertain to disclosures for the purposes of collecting a debt through administrative or salary offset, and for computer matching programs to help eliminate fraud and abuse and detect unauthorized overpayments to individuals. Also, two other compatible routine use disclosures, formerly applicable to the MMS employee travel files, are being applied to the budget/accounting control records. Those routine uses concern disclosures pertinent to the hiring or retention of an employee, or issuance of a security clearance, license, contract, grant, or other benefit.

5 U.S.C. 552a(e)(11) requires that the public be provided a 30-day period in which to comment. Therefore, written comments on these proposed changes can be addressed to the Department Privacy Act Officer, Office of the Secretary (PIR), Room 7357, Main Interior Building, U.S. Department of the Interior, Washington, DC 20240. Comments received on or before April 9, 1987, will be considered. The notice published below shall be effective as proposed without further notice at the end of the comment period, unless comments are received which would require a contrary determination.

Dated: March 2, 1987.

Oscar W. Mueller, Jr.,

Director, Office of Information Resources Management.

Interior/MMS–8

SYSTEM NAME:

Advanced Budget/Accounting Control and Information System (ABACIS)—Interior, MMS–8.

SYSTEM LOCATION:

Department of the Interior, Minerals Management Service, Office of Administration, Financial Management Division, Mail Stop 632, 12203 Sunrise Valley Drive, Reston, Virginia 22091.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All debtors including employees, former employees, persons paying for goods or services, returning overpayments, or otherwise delivering cash, business firms, private citizens and institutions. The business records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorship. Some of the records in the system pertain to individuals and may reflect personal information. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations, other business entities and organizations. These records are not subject to the Privacy Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, Social Security Number, address, amount owed by or to, goods or services purchased, overpayment, check number, date and treasury deposit number, awards, advances, destination, itineraries, modes and purposes of travel, expenses, amounts claimed and reimbursed, travel orders, vouchers, and information pertaining to an amount owed on an outstanding or delinquent travel advance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

(1) 5 U.S.C. 5514 (2) 31 U.S.C. 3511 (3) 5 U.S.C. 5701–09 (4) 31 U.S.C. 3701, 3711, 3717, 3718, (5) 31 U.S.C. 3512.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are (a) to account for monies paid and collected by the Minerals Management Service, Financial Management Division, and for billing and followup (b) to account for travel advances; (c) to compute vouchers to determine amounts claimed and reimbursed; (d) to account for travel orders, maintain records of modes and purposes of travel and itineraries. Disclosure outside the Department of the Interior may be made (1) to the U.S. Department of Justice or in a proceeding before a court or adjudicative body when (a) the United States, the Department of the Interior, a component of the Department, or, when represented by the Government an employee of the Department is a party to litigation or anticipated litigation or has an interest in such litigation, and (b) the Department of the Interior determines that the disclosure is relevant or necessary to the litigation and is compatible with the purpose for which the records were compiled; (2) to disclose pertinent information to an appropriate Federal, State, local, or foreign agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (3) to a Member of Congress from the record of an individual in response to an inquiry made at the request of that individual; (4) to the Department of the Treasury to effect payment of Federal, State, and local government agencies, nongovernmental organizations, and individuals; (5) to a Federal Agency for the purpose of collecting a debt owed the Federal Government through administrative or salary offset; (6) to other Federal Agencies conducting computer matching programs to help eliminate fraud and abuse and to detect unauthorized overpayments made to individuals; (7) to a Federal Agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; and (8) to Federal, State, or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

DISCLOSURES TO CONSUMER REPORTING AGENCIES:

Disclosures may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on computer media with input forms and printed output in manual form and on microfilm.

RETRIEVABILITY:

Indexed by name, social security number, travel order number, date, appropriation, or fund to be audited.

SAFEGUARDS:

Maintained with safeguards meeting the requirements of 43 CFR 2.51 for computer and manual records.

RETENTION AND DISPOSAL:

Retention and disposal is in accordance with General Records Schedule No. 7, Item Nos. 1–4 and in

accordance with GSA Federal Travel Regulations.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Financial Management Division, Minerals Management Service, 12203 Sunrise Valley Drive, Mail Stop 632, Reston, Virginia 22091.

NOTIFICATION PROCEDURES:

Inquiries regarding the existence of a record should be addressed to the System Manager. A written signed request stating that the individual seeks information concerning his/her records is required (43 CFR 2.60).

RECORD ACCESS PROCEDURES:

A request for access may be addressed to the System Manager. The request must be in writing, signed by the requester, and meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Debtor, accounting records, individual remitters, supervisors and standard office references.

[FR Doc. 87–5012 Filed 3–9–87; 8:45 am]

BILLING CODE 4310–MR–M

Bureau of Land Management

[CA–940–07–4212–13; CA 18882]

California; Exchange of Public and Private Lands in Riverside and Imperial Counties; Order Providing for Opening of Public Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of issuance of land exchange conveyance document and order providing for opening of public lands.

SUMMARY: The purpose of this exchange was to acquire a portion of the non-Federal land within the proposed 13,030-acre preserve for the Coachella Valley fringe-toed lizard. The lizard is Federally listed as threatened and State listed as endangered. The Bureau of Land Management's goal is to acquire approximately 6,700 acres within the preserve. The land being acquired does not constitute habitat for the lizard, but provides a sand source required for the continuing production of active sand dune areas that are critical habitat for the lizard. Other State and Federal agencies will acquire the remaining portion for the preserve. The public interest was well served through completion of this exchange. The land acquired in this exchange will be opened to operation of the public land laws and to the full operation of the United States mining laws and mineral leasing laws.

FOR FURTHER INFORMATION CONTACT: Viola Andrade, California State Office, (916) 978–4815.

The United States issued an exchange conveyance document to The Nature Conservancy on January 30, 1987, under section 206 of the Act of October 21, 1976 (43 U.S.C. 1716) for the following described land:

San Bernardino Meridian, California

T. 13 S., R. 19 E.,
Sec. 7, Lots 7 and 8, E½SW¼, and SE¼;
Sec. 8, SW¼;
Sec. 17, W½;
Sec. 18, E½;
Sec. 19, E½.

Containing 1,440.24 acres of public land in Imperial County.

In exchange for this land, the United States acquired the following described lands from The Nature Conservancy:

San Bernardino Meridian, California

T. 4 S., R. 6 E.,
Sec. 1, NE¼SE¼;
Sec. 2, Lots 2 and 5, and E½SE¼NW¼;
T. 4 S., R. 7 E.,
Sec. 6, SE¼SE¼.

Excepting any portion within the 80-foot-wide right-of-way for an aqueduct road; the 50-foot-wide right-of-way for a transmission line; and the 80-foot-wide right-of-way for an aqueduct road granted to the Metropolitan Water District of Southern California by an Act of Congress approved June 18, 1932 (Ch. 270, 47 Stat. 324), as shown on the Map of Definite Location thereof approved by the Secretary of the Interior May 2, 1933 and December 2, 1933.

Containing 179.95 acres of non-Federal lands in Riverside County.

A payment in the amount of $3,000.00 has been paid to the United States by The Nature Conservancy to equalize the values between the non-Federal lands and the public land.

At 10 a.m. on April 13, 1987, the non-Federal lands described above shall be open to operation of the public land laws generally, subject to valid existing rights and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on April 13, 1987 shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

At 10 a.m. on April 13, 1987, the non-Federal lands described above shall be open to applications under the United States mining laws and mineral leasing laws.

Inquiries concerning the land should be addressed to the Bureau of Land Management, Room E–2841, 2800 Cottage Way, Sacramento, California 95825.

Dated: March 2, 1987.

Sharon N. Janis,

Chief, Branch of Adjudication and Records.

[FR Doc. 87–4971 Filed 3–9–87; 8:45 am]

BILLING CODE 4310–40–M

[OR 38278 (WA)]

Extension of Realty Action; Exchange of Public Lands in Okanogan and Kittitas Cos., WA

This notice extends that Notice of Realty Action published in the **Federal Register**, Volume 50, No. 45 on March 7, 1985, and that Modification of Notice of Realty Action published in the **Federal Register**, Volume 51, No. 110 on June 9, 1986.

Due to unforeseen delays in completing the exchange, including the lawsuit of National Wildlife Federation vs. Robert F. Burford, et al., Civil Action 85–2238, additional time will be needed to complete this exchange.

Publication of this notice segregates the public lands from the operation of all forms of appropriation under the public land laws, including the mining laws, for a period of 2 years from the date of first publication.

Further information concerning this exchange is available at the Mt. Baker-Snoqualmie National Forest office, 1022 First Avenue, Seattle, WA 98104. Phone number is (206) 442–1083.

Dated: February 25, 1987.

Joseph K. Buesing,

District Manager.

[FR Doc. 87–5011 Filed 3–9–87; 8:45 am]

BILLING CODE 4310–84–M

California Desert District Advisory Council: Meeting

AGENCY: Bureau of Land Management, Interior.

AGENCY: Meeting of the California Desert District Advisory Council.

SUMMARY: Notice is hereby given in accordance with Pub. L. 92–463 and 94–579 that the California Desert District Advisory Council to the Bureau of Land Management, U.S. Department of the Interior, will meet formally on Friday, April 10, beginning at 10 a.m., and Saturday, April 11, 1987, beginning at 8 a.m., in the Crystal Room of the Green

Tree Inn, 14173 Green Tree Boulevard, Victorville, California.

Agenda items for the meeting will include initial scoping process on submitted 1987 amendment proposals to the California Desert Plan; discussion of the 1986 Plan Amendments and a review of the Record of Decision on the 1985 Plan Amendments. An update will be presented on low-level radiation disposal sites proposed by U.S. Ecology; a presentation of the BLM California Gift Catalogue; discussion of the Desert Tortoise Habitat Management Plan, and updates on the El Mirage management proposal as well as land tenure adjustment coordination with the U.S. Air Force concerning public lands near Edwards Air Force Base.

All formal Council meeting are open to the public, with time allocated for public comment and time made available by the Council chairman for comment during the presentation of various agenda items. Written comments may be filed in advance of the meeting with the California Desert District Advisory Council Chairman, Dr. Loren Lutz, c/o Bureau of Land Management, Public Affairs Office, 1695 Spruce Street, Riverside, CA 92507.

FOR FURTHER INFORMATION AND MEETING CONFIRMATION: Contact the Bureau of Land Management, California Desert District Public Affairs Office, 1695 Spruce St., Riverside, CA 92507 (714) 351–6383.

Dated: March 2, 1987.

Gerald E. Hiller,

District Manager.

[FR Doc. 87–5069 Filed 3–9–87; 8:45 am]

BILLING CODE 4310-40-M

Fish and Wildlife Service

Receipt of Application for Marine Mammal Permit

The public is invited to comment on the following application for permits to conduct certain activities with marine mammals. The application was submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*, the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*) and the regulations governing marine mammals and endangered species (50 CFR Part 17 and 18).

Applicant: Name: Kobe Municipal Suma Aquarium, 1–3–5, Wakamiya-Cho, Suma-ku, Kobe, 654 Japan, File No. PRT–715242

Type of Permit: Public Display

Name of Animals: Northern sea otter (*Enhydra lutris lutris*); 5

Summary of Activity to be Authorized: The applicant proposes to capture four female sea otters from Prince William Sound, Alaska and transport them with one male sea otter owned by Seattle Aquarium but held at Vancouver Aquarium, to Kobe Municipal Suma Aquarium, Kobe, Japan, for public display.

Source of Marine Mammals for display: Prince William Sound, near Cordova, Alaska.

Period of Activity: April 1, 1987 through June 1987.

Concurrent with the publication of this notice in the **Federal Register**, the Federal Wildlife Permit Office is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

Written data or comments, requests for copies of the complete application, or requests for a public hearing on this application should be submitted to the Director, U.S. Fish and Wildlife Service (FWPO), 1000 North Glebe Road, Room 611, Arlington, Virginia 22201, within 30 days of the publication of this notice. Anyone requesting a hearing should give specific reasons why a hearing would be appropriate. The holding of such hearing is at the discretion of the Director.

Documents submitted in connections with the above application are available for review during normal business hours (7:45 am to 4:15 pm) in Room 601 N. Glebe Road, Arlington, Virginia.

Dated March 5, 1987.

R.K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 87–5008 Filed 3–9–87; 8:45 am]

BILLING CODE 4310-55-M

National Park Service

National Capital Memorial Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the National Capital Memorial Commission (formerly the National Capital Memorial Advisory Committee) will be held on Thursday, March 10, 1987, at 1:30 p.m., in the Conference Room at the National Park Service, National Capital Regional Headquarters Building, 1100 Ohio Drive, SW., Room 234, Washington, DC 20242

The Commission was established by Pub. L. 99–652, for the purpose of advising the Secretary of the Interior or the Administrator of the General Services Administration, depending on which agency has jurisdiction over the lands involved in the matter, on policy and procedures for establishment of (and proposals to establish) commemorative works in the District of Columbia or its environs, as well as such other matters concerning commemorative works in the Nation's Capital as it may deem appropriate. The Commission evaluates each memorial proposal and makes recommendations to the Secretary or the Administrator with respect to appropriateness, site location and design, and serves as an information focal point for those seeking to erect memorials on Federal land in Washington, DC, or its environs.

The members of the Commission are as follows:

William Penn Mott, Chairman, Director, National Park Service, Washington, DC.

George M. White, Architect of the Capitol, Washington, DC

Andrew J. Goodpaster, Chairman, American Battle Monuments Commission, Washington, DC

J. Carter Brown, Chairman, Commission of Fine Arts, Washington, DC

Glen Urquhart, Chairman, National Capital Planning Commission, Washington, DC

Marion S. Barry, Jr., Mayor of the District of Columbia, Washington, DC

William Sullivan, Commissioner, Public Buildings Service, Washington, DC

Caspar W. Weinberger, Secretary, Department of Defense, Washington, DC

The purpose of the meeting will be to review and take action on the following:

I. Legislative Proposals.—Comments to the Secretary of the Interior.

a. S. 322 and H.R. 640—To establish a memorial to Martin Luther King, Jr.

b. H.J. Resolution 135—Providing for a time capsule to honor Dr. Martin Luther King, Jr.

c. H.J. Resolution 147, American Seaman's Memorial—To honor those who died on merchant vessels.

II. Site Selection of authorized memorials.

a. Kahlil Gibson—Pub. L. 98–537.

III. Discussion of Pub. L. 99–652—"An act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes."

a. Map of Area I and Area II.

b. Commission Meeting Schedule

c. Regulations

IV. General Business.

The meeting will be open to the public. Persons who wish to file a written statement or testify at the meeting or who want further information concerning the meeting may contact Mr.

John G. Parsons, Associate Regional Director, Land Use Coordination, National Capital Region, at 202–426–7750. A transcript of the meeting will be available for public inspection four weeks after the meeting at the Office of Land Use Coordination, National Capital Region, Room 201, 1100 Ohio Drive, SW, Washington, DC 20242

Dated: March 4, 1987

Manus J. Fish, Jr.,

Regional Director, National Capital Region.

[FR Doc. 87–5005 Filed 3–9–87; 8:45 am]

BILLING CODE 4310–70–M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park service before February 28, 1987. Purusant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submittted by March 25, 1987.

Carol D. Shull,

Chief of Registration, National Register

ARKANSAS

Phillips County

Helena, *Centennial Baptist Church*, York and Columbia Sts.

CONNECTICUT

New London County

Norwich, *Laurel Hill Historic District*, Roughly bounded by Spruce St., Rogers and River Aves., and Talman St.

INDIANA

Harrison County

Swan's Landing Archaeological site (12 Hr. 304)

Marion County

Indianapolis, *Anderson-Thompson House*, 6551 Shelbyville Rd.
Indianapolis, *Indiana Oxygen Company*, 435 S. Delaware St.
Indianapolis, *Minor House*, 2034 N. Capitol Ave.

Noble County

Kendallville, *Iddings-Gilbert-Leader-Anderson Block*, 105-113 N. Main St.

KENTUCKY

Jefferson County

Louisville, *St. Frances of Rome School*, 2105-2117 Payne St.
Louisville, *Wilson, David, House*, 2215 Carolina Ave.

MISSISSIPPI

Adams County

Natchez, *Upriver Residential District (Boundary Increase)*, 1 Mulberry Alley

Jackson County

Moss Point, *Dantzler, A.F., House*, 5005 Griffin St.

Wilkinson County

Woodville vicinity, *Desert Plantation*, E of Pinckneyville-Woodville Rd.

MISSOURI

Greene County

Springfield, *Christ Episcopal Church*, 601 E. Walnut St.

MISSOURI

Jackson County

Kansas City, *Van Noy, Ira C. and Charles S., House*, 6700 and 6800 Elmwood

NEVADA

Carson City (Independent City)
Carson City, *Curry, Abraham, House*, 406 N. Nevada St.

NEW JERSEY

Mercer County

Trenton, *In and Out Social Club*, 714-716 S. Clinton Ave.

NEW MEXICO

Santa Fe County

Lamy, *Pflueger General Merchandise Store and Annex Saloon*, N M 41

OKLAHOMA

Logan County

Guthrie, *Scottish Rite Temple*, 900 E. Oklahoma

SOUTH DAKOTA

Harding County

Buffalo vicinity, *Ashcroft, Thomas, Ranch (Harding and Perkins Counties M R A)*, Floodplain of South Fork of Grand River, E NE of Buffalo
Camp Crook, *Little Missouri Bank Building (Harding and Perkins Counties M R A)*, Main St.
Gustave vicinity, *Blake Ranch House (Harding and Perkins Counties M R A)*, 1 mi. W of Camp Crook Rd.
Haley vicinity, *Vessey School (Harding and Perkins Counties M R A)*, C R 859
Harding, *Shevling, L. W., Ranch (Harding and Perkins Counties M R A)*, E. of Harding in the West Short Pine Hills area
Harding, *Stokes, Oliver O., House (Harding and Perkins Counties M R A)*, W side of N-S Section Rd.
Ludlow vicinity, *Giannonatti Ranch (Harding and Perkins Counties M R A)*, S. side of an E-W Section Rd.
Ralph vicinity, *Emmanuel Lutheran Church and Cemetery (Harding and Perkins Counties M R A)*, C R 8581
Ralph vicinity, *Golden Valley Norwegian Lutheran Church (Harding and Perkins Counties M R A)*, N-S Section Rd. E of SD 79
Ralph vicinity, *Peace Valley Evangelical church and Cemetery (Harding and Perkins Counties M R A)*, E side of SD 79
Reva vicinity, *Johnson, Axel, Ranch (Harding and Perkins Counties M R A)*, E of S D 79 on Sorum Rd.
Sorum vicinity, *Livingston, John and Daisy May, Ranch (Harding and Perkins Counties M R A)*, E of S D 79 on S side of Sorum Rd.

Perkins County

Bison vicinity, *Rockford No. 40 School (Harding and Perkins Counties M R A)*, 15 mi. NE of Bison
Chance vicinity, *Foster Ranch House (Harding and Perkins Counties M R A)*, 4 mi. E of SD 79
Chance vicinity, *Veal Thomas J., Ranch (Harding and Perkins Counties M R A)*, 7 mi. SE of SD 20 and SD 73 jct.
Lodgepole vicinity, *Bethany United Methodist Church (Harding and Perkins Counties M R A)*, 8 mi. W of Lodgepole
Lodgepole vicinity, *Carr No. 60 School (Harding and Perkins Counties M R A)*, 12 mi. SE of Lodgepole
Lodgepole vicinity, *Duck Creek Lutheran Church and Cemetery (Harding and Perkins Counties M R A)*, 7 mi. SW of Lodgepole along Duck Greek
Sorum, *Sorum Cooperative Store (Harding and Perkins Counties M R A)*, Main St.
Sorum, *Sorum Hotel (Harding and Perkins Counties M R A)*, Main St.
Zeona vicinity, *Bekon, Donald, Ranch (Harding and Perkins Counties M R A)*, 6 mi. SE of Zeona
Zeona vicinity, *Immanuel Lutheran Church (Harding and Perkins Counties M R A)*, 15 mi. N of Mud Butte and US 212 on gravel CR
Zeona vicinity, *Spring Creek School (Harding and Perkins Counties M R A)*, 1 mi. E of Zeona

TENNESSEE

Grundy County

Altamont vicinity, *Firescald Creek Stone Arch Bridge (Grundy County M R A)*, Northcutts Cove Rd. over Firescald Creek
Beersheba springs vicinity, *Stagecoach Road (Grundy County M R A)*, Savage Gulf State Natural Area N W of T N 108
Coalmont vicinity, *Scott creek Stone Arch Bridge (Grundy County M R A)*, Over Scott Creek at Flat Branch Rd.
Coalmont, *Patton, John E., House (Grundy County M R A)*, Roddy Creek Rd.
Marvel Chapel vicinity, *Hickory Creek Stone Arch Bridge (Grundy County M R A)*, Sherwood Rd. over Hickory Creek
Monteagle vicinity, *Wonder cave Historic District (Grundy County M R A)*, Wonder Cave Rd.
Tracy City vicinity, *Grundy Lakes Historic District (Grundy County M R A)*, Grundy Lakes State Park E of T N 56
Tracy City, *Hamption, E.L., House (Grundy County M R A)*, Depot and Oak Sts.
Tracy City, *Marugg Company (Grundy County M R A)*, 35 Depot St.
Tracy City, *Miner's Hall (Grundy County M R A)*, Jasper Rd.

Tracy City, *Shook, Col. A. M., House (Grundy County M R A)*, Jct. of Depot and Montgomery Sts.
Tracy City, *Tracy City Coke Ovens (Grundy County M R A)*, W of Hobbs Hills Rd.
Tracy City, *White, Frank, House*, Tenth St.

WISCONSIN

Rock County

Janesville, *Look West Historic District*, Roughly bounded by Mineral Point Ave., N. Franklin and Race Sts., Laurel Ave., nd N. Chatham St.

[FR Doc. 87-5006 Filed 3-9-87; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-6 (Sub-287X)]

Burlington Northern Railroad Co.; Abandonment Exemption; Valley County, MT

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts from prior approval under 49 U.S.C. 10903, *et seq.*, the abandonment by Burlington Northern Railroad Company of 18.26 miles of track in Valley County, MT, subject to standard labor protective conditions.

DATES: This exemption is effective on April 9, 1987. Petitions to stay must be filed by March 25, 1987, and petitions for reconsideration must be filed by April 6, 1987.

ADDRESSES: Send pleadings referring to Docket No. AB-6 (Sub-No. 287X) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423
(2) Peter M. Lee, 3800 Continental Plaza, 777 Main Street, Fort Worth, TX 76102.

FOR FURTHER INFORMATION CONTACT: Joseph H. 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: March 3, 1987.

By the Commission, Chairman Gradison, Vice Chairman Lamboley, Commissioners Sterrett, Andre, and Simmons. Commissioner Simmons did not participate.

Noreta R. McGee,

Secretary.

[FR Doc. 87-4959 Filed 3-9-87; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30934]

Oregon-Washington Railroad & Navigation Co. and Union Pacific Railroad Co.; Acquisition and Operation

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts Oregon-Washington Railroad & Navigation Company and Union Pacific Railroad Company from the requirements of 49 U.S.C. 11343, *et seq.*, for the former to acquire, and the latter to lease and operate, an 8.5-mile railroad line of the Burlington Northern Railroad Company between Waitsburg Junction and Dayton, WA, subject to standard employee protective conditions.

DATES: This exemption will be effective on April 9, 1987. Petitions to stay must be filed by March 20, 1987, and petitions for reconsideration must be filed by March 30, 1987.

ADDRESSES: Send pleadings referring to Finance Docket No. 30934 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423
(2) Petitioner's Representative: Joseph D. Anthofer, 1416 Dodge Street, Room 830, Omaha, NE 68179.

FOR FURTHER INFORMATION CONTACT: Joseph H. 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: March 2, 1987.

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

Noreta R. McGee,

Secretary.

[FR Doc. 87-4957 Filed 3-9-87; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30963 (Sub-1)]

CSX Transportation, Inc., Norfolk & Western Railway Co., and Interstate Railroad Co.; Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of 49 U.S.C. 11343 the following transactions: (1) The purchase by Norfolk and Western Railway Company from CSX Transportation, Inc., of the west leg of a wye at St. Paul, VA (milepost 42.74 to milepost 42.95), a distance of approximately 0.21 miles; (2) the purchase by Norfolk and Western Railway Company from CSX Transportation, Inc., of segments of former joint facility trackage at Norton, VA (milepost N 465.86± to milepost N 466.27±), a distance of approximately 0.41 miles; and (3) the purchase by CSX Transportation, Inc., of a portion of a line (known as the Miller Yard) near St. Paul, VA, owned by Interstate Railroad Company, between milepost S-32.61 and milepost S-34.55, a distance of approximately 1.94 miles.

DATES: This exemption will be effective on April 9, 1987. Petitions to stay must be filed by March 20, 1987, and petitions for reconsideration must be filed by March 30, 1987.

ADDRESSES: Send pleadings referring to Finance Docket No. 30963 (Sub-No. 1) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423
(2) Representative of Norfolk and Western Railway Company and Interstate Railroad Company: Nancy S. Fleischman, Norfolk Southern Corporation, One Commercial Place, Norfolk, VA 23510
(3) Representative of CSX Transportation, Inc.: R. Lyle Key, CSX Transportation, Inc., 500 Water Street, Jacksonville, FL 32202.

FOR FURTHER INFORMATION CONTACT: Joseph H. 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 call toll-free (800) 424-5403.

Decided: March 2, 1987.

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

Noreta R. McGee,

Secretary.

[FR Doc. 87–4958 Filed 3–9–87; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the reporting and recordkeeping requirements that will affect the public.

List of Recordkeeping/Reporting Requirements Under Review

As necessary, the Department of Labor will publish a list of the Agency recordkeeping/reporting requirements under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of the particular submission they are interested in.

Each entry may contain the following information:

The Agency of the Department issuing this recordkeeping/reporting requirement.

The title of the recordkeeping/reporting requirement.

The OMB and Agency identification numbers, if applicable.

How often the recordkeeping/reporting requirement is needed.

Who will be required to or asked to report or keep records.

Whether small businesses or organizations are affected.

An estimate of the total number of hours needed to comply with the recordkeeping/reporting requirements.

The number of forms in the request for approval, if applicable.

An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the recordkeeping/reporting requirements may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, telephone (202) 523–6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N–1301, Washington, DC 20210. Comments should also be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for (BLS/DM/ESA/ETA/OLMS/MSHA/OSHA/PWBA/VETS), Office of Management and Budget, Room 3208, Washington, DC 20503 (Telephone (202) 395–6880).

Any member of the public who wants to comment on a recordkeeping/reporting requirement which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

New

Employment and Training Administration
Survey to Evaluate the Impact of a Dislocated Worker Project
Single-time
Individuals or households
2,400 respondents; 2,400 hours; no forms

A survey is to be conducted among 2,400 workers dislocated by a plant closing and who are applying for assistance from a Dislocated Worker Program. Applicants will be randomly assigned to either the treatment group (i.e., receives services) or the control group. The survey will gather benchmark data on work history, wages, previous training, etc. A follow-up survey, conducted 18 months later, will gather information on the effects of the program.

Extension

Occupational Safety and Health Administration
4-Dimethylaminoazobenzene
1218–0044; OSHA 223
On occasion
Businesses or Other Profit; Small Businesses or organizations
94 Responses; 166 hours; 1 form

The purpose of this standard and its information collection requirements is to provide protection for employees from the adverse health affects associated with occupational exposure to 4-Dimethylaminoazobenzene.

Beta-Naphtylamine
1218–0079; OSHA 259
On occasion
Businesses or Other Profit; Small Businesses or organizations
75 Responses; 153.Hours; 1 form

The purpose of this standard and its information collection requirements is to provide protection for employees from the adverse health effects associated with occupational exposure to Beta-Naphtylamine.

Ethyleneimine
1218–0080; OSHA 262
On occasion
Businesses or Other Profit; Small Businesses or organizations
194 Responses; 325 Hours; 1 form

The purpose of this standard and its information collection requirements is to provide protection for employees from the adverse health affects associated with occupational exposure to Ethyleneimine.

N-Nitrosodimethlyamine
1218–0081; OSHA 256
On occasion
Businesses or Other Profit; Small Businesses or organizations
124 Responses; 123.Hours; 1 form

The purpose of this standard and its information collection requirements is to provide protection for employees from the adverse health affects associated with occupational exposure to N-Nitrosodimethlyamine.

Benzidine
1218–0082; OSHA 260
On occasion
Businesses or Other Profit; Small Businesses or organizations
175 Responses; 361.Hours; 1 form

The purpose of this standard and its information collection requirements is to provide protection for employees from the adverse health affects associated with occupational exposure to Benzidine.

3,3′-Dichlorobenzidine (and its salts)
1218–0083; OSHA 257
On occasion
Businesses or Other Profit; Small Businesses or organizations
436 Responses; 691.Hours; 1 form

The purpose of this standard and its information collection requirements is to provide protection for employees from the adverse health affects associated with occupational exposure to 3,3′-Dichlorobenzidine (and its salts).

alpha-Naphthylamine
1218–0084; OSHA 261
On occasion
Businesses or Other Profit; Small Businesses or organizations
514 Responses; 957.Hours; 1 form

The purpose of this standard and its information collection requirements is to provide protection for employees from the adverse health affects associated with occupational exposure to alpha-Naphthylamine.

4-Nitrobiphenyl
1218–0085; OSHA 254
On occasion

Businesses or Other Profit; Small Businesses or organizations
52 Responses; 100.Hours; 1 form

The purpose of this standard and its information collection requirements is to provide protection for employees from the adverse health affects associated with occupational exposure to 4-Nitrobiphenyl.

Bis-chloromethlye Ether
1218–0087; OSHA 258
On occasion
Businesses or Other Profit; Small Businesses or organizations
192 Responses; 322 hours; 1 form

The purpose of this standard and its information collection requirements is to provide protection for employees from the adverse health affects associated with occupational exposure to Bis-chloromethlye Ether.

2-Acetylaminoflourene
1218–0088; OSHA 264
On occasion
Businesses or Other Profit; Small Businesses or organizations
29 Responses; 63 Hours; 1 form

The purpose of this standard and its information collection requirements is to provide protection for employees from the adverse health affects associated with occupational exposure to 2-Acetylaminoflourene.

Beta Propiolactone
1218–0089; OSHA 259
On occasion
Businesses or Other Profit; Small Businesses or organizations
51 Responses; 124 Hours; 0 form

The purpose of this standard and its information collection requirements is to provide protection for employees from the adverse health affects associated with occupational exposure to beta propiolactone.

4-Aminodphenyl
1218–0090; OSHA 261
On occasion
Businesses or Other Profit; Small Businesses or organizations
58 Responses; 124.Hours; 1 form

The purpose of this standard and its information collection requirements is to provide protection for employees from the adverse health affects associated with occupational exposure to 4-Aminodphenyl.

Signed at Washington, DC, this 3rd day of March, 1987.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 87–5043 Filed 3–9–87; 8:45 am]

BILLING CODE 4510–26–M

Employment and Training Administration

[TA–W–17,290]

American Cyanamid Co. Linden, NJ; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on August 29, 1986 applicable to all workers engaged in employment related to the production of acrylamide and polyacrylamide at the Linden, New Jersey plant of American Cyanamid Company. The certification notice was published in the **Federal Register** on September 16, 1986 (51 FR 32868).

Based on new information furnished by the company on February 19, 1987, it was learned that the Department's certification should have been limited to workers engaged in employment related to the production of dry acrylamide and polyacrylamide. Workers engaged in employment related to the production of acrylamide solution, aka wet acrylamide, should have been excluded from the certification.

The intent of the certification is to cover all workers of the Linden, New Jersey plant of American Cyanamid Company engaged in employment related to the production of dry acrylamide and polyacrylamide. The amended notice applicable to TA–W–17,290 is hereby issued as follows:

All workers engaged in employment related to the production of dry acrylamide and polyacrylamide at the Linden, New Jersey plant of American Cyanamid Company who became totally or partially separated from employment on or after March 13, 1985 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

I further determine that all workers engaged in employment related to the production of products other than dry acrylamide and polyacrylamide at the Linden, New Jersey plant of American Cyanamid Company are denied eligibility to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 26th day of February, 1987.

Harold A. Bratt,

Deputy Director, Office of Program Management, UIS.

[FR Doc. 87–5044 Filed 3–9–87; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–18, 444]

American Motors Jeep Corp., Toledo, OH; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance;

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on December 18, 1986 applicable to all workers of the American Motors Jeep Corporation, Toledo, Ohio. The certification notice was published in the **Federal Register** on January 9, 1987 (52 FR 874).

The United Auto Workers claimed that worker separations ocurred after the February 15, 1986 termination date set in the certification. Based on new information furnished by the company, some maintenance workers were retained beyond the February 15, 1986 termination date. The intent of the certification is to cover all workers at American Motors Jeep Corporation, Toledo, Ohio who were affected by the close down of the CJ Jeep line. The notice, therefore, is amended by extending the termination date for workers involved in closing down the CJ line.

The amended notice applicable to TA–W–18, 444 is hereby issued as follows:

All workers of American Motors Jeep Corporation, Toledo, Ohio who became totally or partially separated from employment on or after September 26, 1985 and before February 15, 1986, and all maintenance workers retained after February 15, 1986 for the specific purpose of disassembling the CJ Jeep lines at American Motors Jeep Corporation, Toledo, Ohio who became totally or partially seperated from employment before July 15, 1986 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 25th day of February 1987.

Robert O. Deslongchamps,

Director, Office of Legislation and Actuarial Services, UIS.

[FR Doc. 87–5045 Filed 3–9–87; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–18,884]

CBI Services, Inc., Salt Lake City, UT; Negative Determination Regarding Application for Recommendation

By an application dated February 3, 1987, the International Brotherhood of Boilermakers supported by a company official requested administrative reconsideration of the Department of

Labor's Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers producing metal storage tanks and fabricated steel assemblies. The denial notice was signed on January 27, 1987 and will soon be published in the **Federal Register**.

Pursuant to CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of factors not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The union claims that the Salt Lake City facility is unable to compete against other fabricators who use less expensive imported steel. It is also claimed that imports of crude oil have reduced the market for related articles produced by the subject firm, such as fabricated steel components for the Oil Shale Project at Parachute Creek, Colorado and ball heaters and coke drums for the Colony Oil Shale Project.

Findings in the investigation did not substantiate that increased imports contributed importantly to worker separations. The Salt Lake City facility produced storage tanks and fabricated steel products for the oil and gas industry. The investigation revealed that the increased import criterion was not met. U.S. imports of metal tanks are negligible. The ratio of imports to domestic shipments was less than two percent in 1984 and 1985. U.S. imports of fabricated platework, a category that includes some of the products like or directly competitive with the output of the subject plant, are insignificant. The ratio of imports to domestic shipments was less than two percent in 1984 and less that three percent in 1985.

On review the findings show that the closure of USX Geneva Works in Geneva, Utah, the main source of unfabricated steel (rolled plate) for the Salt Lake City facility of CBI Services, Inc., was so dominant a cause that worker separations would have occurred regardless of the level of imports of fabricated or unfabricated steel. Unfabricated steel from more distant domestic sources in the Midwest and on the West Coast carry higher transportation charges.

Concerning the union's claim that imports of crude oil affected the production of fabricated steel components, the Department recognizes that in an economic sense employees of firms producing fabricated steel components and metal tanks for the oil and gas industry can be adversely affected by imports of crude oil. Under the Trade Act of 1974, however, only increased imports of articles like or directly competitive with the articles produced by the workers' firm or appropriate subdivision can be considered. Crude oil imports are not like or directly competitive with metal storage tanks and fabricated steel. This issue was addressed in *United Shoe Workers of America, AFL–CIO* v. *Bedell*, 506 F2d 174 (D.C. Circ. 1974). The court held that imported finished women's shoes were not like or directly competitive with shoe components—shoe counters. Similarly, crude oil which is further removed from the finished article cannot be considered like or directly comptitive with metal storage tanks and fabricated assemblies.

The production of fabricated steel components for the Parachute Creek Oil Shale and Colony Oil Shale projects ceased in 1983, according to company officials. Worker separations on these projects are outside the scope of this investigation. Section 223(b)(1) of the Trade Act does not permit the certification of workers separated more than one year prior to the petition date. The petition date is December 20, 1986.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 25th day of February, 1987.

Harold A. Bratt,

Deputy Director, Office of Program Management, UIS.

[FR Doc. 87–5046 Filed 3–9–87; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–18,507]

Damson Oil Corp., Denvers, CO; Revised Determination on Reconsideration

On February 2, 1987, the Department issued an Affirmative Determination Regarding Application for Reconsideration for former workers of the Damson Oil Corporation, Denver District Office, Denver, Colorado. The determination was published in the **Federal Register** on February 13, 1987 (52 FR 4672).

The petitioners' application for administrative reconsideration claims that the Denver facility is related by ownership and control to the Damson Oil Corporation, Houston, Texas, the parent company, whose workers are certified for trade adjustment assistance. It is claimed that worker separations at Denver were caused by reduced demand for their service by their parent company.

Findings in the reconsideration investigation confirmed that Damson's Denver facility is related by ownership and control to the Damson Oil Corporation in Houston, Texas, the parent company, whose workers are under a current certification (TA–W–18,565) which runs until January 30, 1989.

Workers at the Denver, Colorado District Office of the Damson Oil Corporation incurred a reduced demand for their geological and land function operations as a result of reduced production and sales at the Damson Oil Corporation, Houston, Texas. The Denver facility closed in March, 1986.

Conclusion

After careful review of the additional facts obtained on reconsideration, it is concluded that increased imports of articles like or directly competitive with crude oil produced at Damson Oil Corporation, Houston, Texas, contributed importantly to worker separations and to declines in sales at the Damson Oil Corporation's Denver District Office, Denver, Colorado. In accordance with the provisions of the Trade Act of 1974, I make the following revised determination:

All workers of the Damson Oil Corporation, Denver District Office, Denver, Colorado who become totally or partially separated from employment on or after October 12, 1985 and before June 1, 1986 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed in Washington, DC, this 27th day of February 1987.

Harold A. Bratt,

Deputy Director, Office of Program Mangement, UIS.

[FR Doc. 87–5047 Filed 3–9–87; 8:45 am]

BILLING CODE 4510–30–M

Dayton Rogers/Federal Stamping et al.; Determinations Regarding Elegibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents

summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period February 16, 1987—February 20, 1987 and February 23, 1987—February 27, 2987.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the act must be met:

(1) That a significant number of proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–18,655; Dayton Rogers/Federal Stamping, Minneapolis, MN

TA–W–18,693; Southwire Co., Carrollton, GA

TA–W–18,879; Santa Clara Plastics, Boise, ID

TA–W–18,664; Lucas-Milhaupt, Inc., Cudahy, WI

TA–W–18,667; Barrett Haentjens & Co., Hazleton, PA

TA–W–18,820; Mar-Lil Industries, New Bedford, MA

TA–W–18,942; Gerard Mills, Hazleton, PA

TA–W–18,656; J.H. Rutter Rex Mfg Co., Inc., New Orleans, LA

TA–W–18,657; J.H. Rutter Rex Mfg Co., Inc., Franklinton, LA

TA–W–18,658; J.H. Rutter Rex Mfg Co., Inc., Columbia, MS

TA–W–18,572; Flavor Tree Foods, Inc., Moonachie, NJ

TA–W–18,723; Carpenter Technology Corp., Union, NJ

TA–W–18,732; Celanese Fibers Operations, Greenville, SC

TA–W–18,589; Harbison-Walker Refractories, Grantsville, MD

TA–W–18,883; Cooper Industries, Arrow Hart Div., Danielson, CT

TA–W–18,299; Sperry Corp., St. Paul, MN

TA–W–18,616; Smurfit Newsprint Corp., Clackamas Mill, Oregon City, OR

TA–W–18,787; Peabody Barnes, Inc., Mansfield, OH

TA–W–18,944; General Castings Corp., Waukesha, WI

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA–W–19,080; Milpark, Midland, TX

U.S. imports of drilling fluids are negligible.

TA–W–19,110; M.I. Drilling Fluids Co., Layayette, LA

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA–W–19,812; Davy-McKee Corp., Hibbing, MN

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA–W–19,004; Fire Check, Inc., McAllen, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA–W–18,329; AT&T Technologies, Inc., AT&T Technology Systems, Kansas City, MO

Increased imports did not contribute importantly to workers separations at the firm.

TA–W–18,330; AT&T Technologies, Inc., AT&T Technology Systems, Dallas, TX

Increased imports of components for telecommunication systems did not contribute importantly to worker separations at the firm.

TA–W–18,739; AT&T Technologies, Inc., AT&T Technology Systems, Reading, PA

Increased imports of components for telecommunication systems did not contribute importantly to worker separations at the firm.

TA–W–18,640; AT&T Technologies, Inc., AT&T Technology Systems, Radford, VA

Increased imports of components for telecommunication systems did not contribute importantly to worker separations at the firm.

TA–W–18,855; St. Thomas, Inc., Gloversville, NY

Employment at subject firm increased in 1986 compared with 1985 and any decrease in employment is attributable to seasonality in the industry.

TA–W–19,107; Pyramid Geophysical Co., Tyler TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA–W–19,112; Northern Lights Hydro-Line, Inc., Dickinson, ND

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA–W–19,089; Jan Electric, Monahans, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA–W–18,654; Terra International, Inc., Port Neal Manufacturing Div., Sergeant Bluff, IA

Aggregate U.S. imports of anhydrous ammonia did not increase as required for certification.

TA–W–18,731; Lindin Apparel Corp., Linden, TN

Subject firm was contractor working exclusively for on apparel manufacturer. That manufacturer did not list any foreign contractor in 1985 or 1986.

TA–W–18,970; LTV Energy Corp., Odessa, TX

U.S. imports of oilfield machinery are negligible.

TA–W–18,974; Armco, Inc., National Supply Div., Gainesville, TX

U.S. imports of oilfield machinery are negligible.

TA–W–18,677; BHP Petroleum (Americas), Inc., Great Bend, KS

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA–W–18,771; Amerada Hess Corp., Administrative Office, Anchorage, AK

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA–W–18,888; United Technical Associates, Inc., Allentown, PA

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA–W–18,856; Premium Allied Tool, Inc., Owensboro, KY

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as requried for certification.

TA–W–19,061; H&H Trucking, Inc., Lamesa, TX

The worker's firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-19,062; Sentry Test Systems, Edwina, MN

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,715; Kuppenheimer Manufacturing Co., Inc., Hillsboro, Oh

The worker separations at the subject plant are attributable to a transfer of production to another domestic plant.

TA-W-18,602; Vogue Rattan, Inc., Lexington, KY

The worker separations at the subject plant are attributable to a transfer of production to another domestic plant.

TA-W-19,087; Johnson Industries, Odessa, TX

U.S. imports of oilfield equipment did not increase as required for certification.

TA-W-19,124; Krasco, Inc., Triadelpha, WV

U.S. imports of steel pipe thread protector did not increase as required for certification.

TA-W-18,969; Chromally Drilling Fluids, Chromally American Corp., Houston, TX

U.S. imports of drilling fluids did not increase as required for certification.

TA-W-19,121, Nunley Drilling Co., Inc., Amarillo, TX

The worker's firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-19,129; Queen City Well Service, Dickinson, ND

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-19,093; Thermo Tech, Houston, TX

The worker's firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-19,138; Quiroz Construction, Midland, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,869; Body Lingo, Waynesburg, PA

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

Affirmative Determinations

TA-W-18,882; Olga Coal Co., Olga Mine, Coalwood, WV

A certification was issued covering all workers of the firm separated on or after December 26, 1985.

TA-W-18,694; Sparta Mosaics, Inc., A subsidiary of U.S Ceramic Title Co., East Sparta, OH

A certification was issued covering all workers of the firm separated on or after November 12, 1985.

TA-W-18,770; Manesmann Demag Wean, Youngstown, OH

A certification was issued covering all workers of the firm separated on or after December 3, 1985.

TA-W-18,638; A.T.F. Davidson Co., Whitinsville, MA

A certification was issued covering all workers of the firm separated on or after October 30, 1985.

TA-W-18,653; Warwick Specialties, West Warwick, RI

A certification was issued covering all workers of the firm separated on or after November 12, 1985.

TA-W-18,705; Rafferty Borwn Steel Co., East Longmeadow, MA

A certification was issued covering all workers of the firm separated on or after November 17, 1985.

TA-W-18,659; Goodyear Tire & Rubber Co., Windsor, VT

A certification was issued covering all workers of the firm separated on or after November 6, 1985.

TA-W-18,759; Wolverine World Wide, Inc., Hannibal, MO

A certification was issued covering all workers of the firm separated on or after October 31, 1985 and before February 1, 1987.

TA-W-18,696; Structural Stoneware, Inc., Minerva, OH

A certification was issued covering all workers of the firm separated on or after November 4, 1985.

TA-W-19,042; Strippit-Di-Acro Houdaille, Inc., Akron, NY

A certification was issued covering all workers of the firm separated on or after January 14, 1986.

TA-W-18,676; Agrico Chemical Co., Cataoosa, OK

A certification was issued covering all workers of the firm separated on or after April 1, 1986.

TA-W-18,190; Hubbard Sales Co., Tallapoosa, GA

A certification was issued covering all workers of the firm separated on or after September 2, 1985.

TA-W-18,170; The Jay Garment Co., Clarksville, TN

A certification was issued covering all workers of the firm separated on or after Seprember 9, 1985.

TA-W-18,865; Amoco Production Corp., North Cowden Production, Odessa, TX

A certification was issued covering all workers of the firm separated on or after December 16, 1985.

TA-W-18,606; Classix of Miami, Miami, FL

A certification was issued covering all workers of the firm separated on or after October 29, 1985.

TA-W-18,668; Jo-Mar Sportswear, Inc., East Boston, MA

A certification was issued covering all workers of the firm separated on or after November 12, 1985 and before December 8, 1986.

TA-W-18,986; Amoco Production Corp., Edgewood Gas Processing Plant, Edgewood, TX

A certification was issued covering all workers of the firm separated on or after January 2, 1986.

TA-W-18,747; General Electric Co., Power Delivery Div., Pittsfield, MA

A certification was issued covering all workers of the firm separated on or after December 1, 1985.

TA-W-18,775; Injection Footwear Corp., Miami, FL

A certification was issued covering all workers of the firm separated on or after December 4, 1985.

TA-W-18,843; Olga Coal Co., Roadfork Mine, Caretta, WV

A certification was issued covering all workers of the firm separated on or after December 18, 1985.

TA-W-18,750; Broughton Lumber Co., Cooks, WA

A certification was issued covering all workers of the firm separated on or after October 1, 1986.

TA-W-18,751; Broughton Lumber Co., Underwood, WA

A certification was issued covering all workers of the firm separated on or after October 1, 1986.

TA-W-18,726; Morreyette Foundations, New York, NY

A certification was issued covering all workers of the firm separated on or after November 24, 1985.

TA-W-18,376; Brown Shoe Co., Kenton, TN

A certification was issued covering all workers of the firm separated on or after

September 11, 1985 and before October 9, 1986.

TA-W-18,771; Cambridge Rubber Co., Taneytown, MD

A certification was issued covering all workers of the firm separated on or after November 18, 1985 and before January 21, 1987.

TA-W-18,994; Clayton Silver Mines, Inc., Clayton, ID

A certification was issued covering all workers of the firm separated on or after December 30, 1985.

TA-W-18,808; Harlo Manufacturing Co., Elizabeth, NJ

A certification was issued covering all workers of the firm separated on or after December 15, 1985.

TA-W-18,569; Murray Meisiner, Inc., New York, NY

A certification was issued covering all workers of the firm separated on or after October 18, 1985.

TA-W-18,740; Corning Glass Works, Muskogee, OK

A certification was issued covering all workers of the firm separated on or after November 25, 1985.

TA-W-18,742; Priscilla Dress Mfg. Corp., Fall River, MA

A certification was issued covering all workers of the firm separated on or after November 18, 1985.

TA-W-18,532; Ohio Brass Rectifiers Div., Ohio Brass Co., Oak Hill, WV

A certification was issued covering all workers of the firm separated on or after October 15, 1985.

TA-W-18,688; Peppi Spina Sportswear, Inc., West New York, NJ

A certification was issued covering all workers of the firm separated on or after November 13, 1985.

TA-W-18,939; Asea Robotics, Inc., New Berlin, WI

A certification was issued covering all workers of the firm separated on or after December 15, 1985.

TA-W-18,791; Samco Manufacturing Co., Inc., Lancaster, PA

A certification was issued covering all workers of the firm separated on or after December 8, 1985.

TA-W-18,783; Beloit Corp., Blackhauk Work, Rockton, IL

A certification was issued covering all workers of the firm separated on or after December 4, 1985.

TA-W-18,784; Beloit Corp., Castings Division, South Beloit, IL

A certification was issued covering all workers of the firm separated on or after December 4, 1985.

TA-W-18,695; Standex Electric Cincinnati, OH

A certification was issued covering all workers of the firm separated on or after January 1, 1986.

I hereby certify that the aforementioned determination were issued during the period February 16, 1987-February 20, 1987 and February 23, 1987-February 27, 1987. Copies of these determinations are available for inspection in Room 6434, U.S. Department of Labor 601 D Street, NW, Washington, DC 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: March 2, 1987.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 87-5048 Filed 3-9-87; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-19,186]

El Paso Hydrocarbons Co., Odessa, TX; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on February 23, 1987 in response to a worker petition received on February 23, 1987 which was filed on behalf of offfice staff at the El Paso Hydrocarbons Company, Odessa, Texas.

The petitioning group of workers are subject to an on-going investigation for which a determination has not yet been issued (TA-W-19,172). Consequently, further investigation in this case would serve no purpose; and in the investigation has been terminated.

Signed at Washington, DC, this 27th day of February 1987.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 87-5049 Filed 3-9-87; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-18, 713]

Lamar Manufacturing Co., Millport, AL; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on January 30, 1987 applicable to all workers of the Lamar Manufacturing Company, Millport, Alabama. The certification notice was published in the Federal Register on February 19, 1987 (52 FR 5213).

The State Employment Security Agency informed the Department that Lamar Manufacturing Company in Millport, Alabama was sold to an independent firm, the McCoy Manufacturing Company, in October 1986 and that the workers at McCoy Manufacturing are fully-employed. Further, findings in the investigative file show that McCoy Manufacturing does not meet the successor firm requirements in the Department's regulations.

Based on these new findings, the Department is terminating the certification period by inserting a termination date of March 15, 1987.

The amended notice applicable to TA-W-18,713 is hereby issued as follows:

All workers of the Lamar Manufacturing Company, Millport, Alabama who became totally or partially separated from employment on or after November 19, 1985 and before March 15, 1987 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 3rd day of March 1987.

Stephen A. Wandner,

Deputy Director, Office of Legislation and Actuarial Services, UIS.

[FR Doc. 87-5050 Filed 3-9-87; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-19,063]

Marathon Oil Co. Domestic Exploration Department, Houston, TX; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on February 2, 1987 in response to a worker petition received on February 2, 1987 which was filed on behalf of workers at Marathon Oil Company, Domestic Exploration Department, Houston, Texas.

The petitioning group of workers are subject to an ongoing investigation for which a determination has not yet been issued (TA-W-19,032). Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed at Washington, DC, this 26th day of February 1987.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 87-5051 Filed 3-9-87; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-17,579]

Newport Steel Corp.; Wilder, Kentucky; Newport, KY; Negative Determination on Reconsideration

On November 26, 1986, the Department made an Affirmative Determination Regarding Application for Reconsideration for workers and former workers at the Wilder and Newport, Kentucky plants of the Newport Steel Corporation. This determination was published in the **Federal Register** on December 5, 1986 (51 FR 43988).

The United Steelworkers' of America (USWA) application for reconsideration claims that the Department in its factfinding investigation should have disaggregated import data on carbon steel pipe and tube, the class of products for which the increased import criterion was not met, and examined imports of oil country goods and line pipe for the Wilder plant and examined imports of structural steel for the Newport plant.

The Department reviewed the import data submitted by the union and found that the data are not compatible with those used by the Department. The Department uses only official government import data and does not compare imports for dissimilar periods of time.

On reconsideration, the Department disaggregated its import data for carbon steel pipe and found that imports of oil country tubular goods declined in 1985 compared to 1984 and in the first six months of 1986 compared to the same period in 1985. The Department's investigation covered the period from 1984 through June 1986.

With respect to the line pipe produced at Wilder, the Department found that although there were increased U.S. imports of line pipe in 1985 compared to 1984 and in the first six months of 1986 compared to the same period in 1985, those imports did not "contribute importantly" to worker separations and to a decline in production and/or sales at the Wilder plant. The "contributed importantly" test is generally demonstrated through a survey of the workers' firm's customers. The Department's survey of Newport Steel's line pipe customers showed that most customers did not import line pipe. Respondents indicating increased import purchases with decreasing purchases from Newport Steel reported insignificant purchase declines from Newport Steel. A few respondents showed decreased import purchases as well as decreased purchases from the subject as well as decreased purchases from the subject firm in 1985 compared to 1984 and in the first six months of 1986 compared to the same period in 1985.

The Department disaggregated carbon steel pipe import data to examine imports of stuctural tubing similar to the spiral welded pipe produced at the Newport plant. The Department found that U.S. imports of structural tubing increased in 1985 compared to 1984 and increased marginally in the first six months of 1986 compared to the same period in 1985. However, the Department found, on reconsideration, that the "contributed importantly" test was not met for either time period. The Department surveyed Newport Steel's customers of spiral welded pipe for construction purposes and found that the customers did not purchase spiral welded pipe from foreign sources in 1984, 1985 or in 1986. The survey respondents accounted for the major part of Newport Steel's sales decline in 1985 of spiral welded pipe.

Conclusion

After reconsideration, I affirm the original notice of negative determination of eligibility to apply for adjustment assistance to workers and former workers at the Wilder and Newport, Kentucky plants of Newport Steel Corporation.

Signed at Washington, DC, this 3rd day of March 1987.

Carolyn M. Golding,

Director, Office of Unemployment Insurance Services.

[FR Doc. 87-5052 Filed 3-9-87; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-18,857]

SHW Corp.; Ansonia, CT; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on January 5, 1987 in response to a worker petition received on January 5, 1987 which was filed by the United Steelworkers on behalf of workers at SHW Corporation, Ansonia, Connecticut.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed at Washington, DC, this 3rd day of March 1987.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 87-5053 Filed 3-9-87; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-17, 870]

Tuscaloosa Energy Corp.; Republic Mine; Elkhorn City, KY: Negative Determination on Reconsideration

On February 5, 1987, the Department issued an Affirmative Determination Regarding Application for Reconsideration for former workers producing coal at the Republic Mine of the Tuscaloosa Energy Corporation, Elkhorn City, Kentucky. The determination will soon be published in the **Federal Register.**

The union claimed that the Republic mine was producing metallurgical coal in 1986 as part of the integrated steel operations of its parent company, the LTV Steel Corporation.

Findings in the investigative case file showed that the increased import criterion was not met in 1985. U.S. imports of coal are negligible. The ratio of imports to domestic production was less than one-half of one percent in the 1981 through March 1986 period. Imports of coke, a further stage in the processing of coal, declined absolutely in 1985 compared with 1984 and declined absolutely and relative to domestic production in the first quarter of 1986 compared with the same period in 1985.

The union's claim that the Republic Mine is affiliated with LTV steelmaking facilities is irrelevant for this investigation since there was an increase of sales and production at the Republic Mine in 1985 compared to 1984 and in the first quarter of 1986 compared to the same quarter in 1985. In April 1986, a railroad tressel at the mine site collapsed, bringing all mining operations to a standstill. As a result of the accident, virtually all workers at the Republic Mine were laid off. The collapse of the tressel was so dominant a cause that worker separations and declines in production or sales would have been the same in 1986 irrespective of any import influence.

Conclusion

After reconsideration, I affirm the original notice of negative determination regarding eligibility to apply for adjustment assistance to former workers at Tuscalooga Energy Corporation's Republic Mine, Elkhorn City, Kentucky.

Signed at Washington, DC, this 27th day of February 1987.

Harold A. Bratt,

Deputy Director, Office of Program Management, UIS.

[FR Doc. 87-5054 Filed 3-9-87; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-18,171]

USX Corp.; Imperial Works; Oil City, PA; Negative Determination Regarding Application for Reconsideration

By an application postmarked January 22, 1987, the United Steelworkers of America requested administrative reconsideration of the Department of Labor's Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers producing oil field equipment, molds and mold supports and continuous caster pieces at USX Corporation's Imperial Works, Oil City, Pennsylvania. The denial notice was signed on December 19, 1986 and published in the **Federal Register** on January 9, 1987 (52 FR 873).

Pursuant to CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The union claims that worker separations occurred as far back as 1981 and that the decline in production of oil field equipment is the result of a new facility in Santa Teresa, New Mexico.

During the period applicable to the petition, the Imperial Works at Oil City produced primarily oil field equipment (sucker rods and couplings). Molds and mold supports and continuous caster pieces were produced for the steel industry. Sales of molds and mold supports accounted for a much smaller portion of total sales in 1985. Sales of continuous caster pieces were insignificant when compared to total 1985 sales for the Imperial Works.

Findings in the investigation did not substantiate that increased imports of oil field equipment contributed importantly to worker separations. U.S. imports of oilfield machinery are negligible. The ratio of imports to domestic shipments is less than one percent. Further, a domestic transfer of oil field equipment production from the Imperial Works to a domestic corporate plant in New Mexico would not form a basis for certification.

Sales and production of molds and mold supports at the Imperial Works increased in 1985 compared with 1984 and in the first half of 1986 compared with the first half of 1985.

With respect to continuous caster piece production, workers are not separately identifiable by product. Sales of continuous caster pieces accounted for an insignificant share of total sales and production at the Imperial Works. Therefore, any import influence of continuous casters in 1985 would not contribute importantly to the overall decline in production and/or sales and employment at the Imperial Works. Further, sales and production of continuous caster pieces increased in the first half of 1986 compared to the same period in 1985.

Worker separations prior to September 9, 1985 are outside the scope of this investigation. Section 223(b)(1) of the Trade Act does not allow the certification of workers laid off prior to one year of the date of the petition. The date of the petition is September 9, 1986.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 25th day of February 1987.

Robert O. Deslongchamps,

Director, Office of Legislation and Actuarial Services, UIS.

[FR Doc. 87-5053 Filed 3-9-87; 8:45 am]

BILLING CODE 4510-30-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221 (a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as apropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than (March 20, 1987.)

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than (March 20 1987).

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, DC 20213.

Signed at Washington, DC, this 24th day of February 1987.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union workers/firm	Location	Date received	Date of petition	Petition No.	Articles produced
Marietta Metal Products (SMWIA)	Marietta, OH	2/17/87	2/7/87	TA-W 19, 166	Industrial ovens and furnaces.
Crown Creative Indust. (IUE)	Greensburg, PA	2/17/87	2/6/87	TA-W 19, 167	Portable lamps.
Toledo Pressed Steel Co. (UWA)	Toledo, OH	2/17/87	2/2/87	TA-W 19, 168	Brake shoes and disc brake plates and stampings.
Hamer Mfg. Co., Inc. (Workers)	Midland, TX	2/17/87	2/4/87	TA-W 19, 169	Replacement gears for pump jacks.
Seismic Prospecting of Denver, Inc. (Workers)	Englewood, CO	2/17/87	2/6/87	TA-W 19, 170	Geophysical exploration.
Consolidation Coal Co. (Union)	Fairview, WV	2/17/87	2/9/87	TA-W 19, 171	Bituminous coal.
El Paso Hydrocarbons Co. (Workers)	Odessa, TX	2/17/87	2/6/87	TA-W 19, 172	Natural gas liquids.
Duncan Mfg. Co. (Workers)	Duncan, OK	2/17/87	2/5/87	TA-W 19, 173	Men's dress slacks.
U.S. Diversified Group Division of US Steel Co. (USWOA)	Waukesha, WI	2/17/87	2/2/87	TA-W 19, 174	Cut and/or burn sheet, plate bar stock.
Rafferty Brown Steel Co. (USWA)	E. Longmeadow, MA	2/17/87	2/3/87	TA-W 19, 175	Splits steel coils.

APPENDIX—Continued

Petitioner: Union workers/firm	Location	Date received	Date of petition	Petition No.	Articles produced
Pittsburgh Forgings (USWA)	Coraopolis, PA	2/17/87	2/3/87	TA-W 19, 176	Forgings.
NLI Industries, Atlas Bradford Division (Workers)	Houston, TX	2/17/87	1/29/87	TA-W 19, 177	Threads oilfield drill pipe.
Marshall Steel (IAM)	McCook IL	2/17/87	1/30/87	TA-W 19, 178	Commercial ground steel.
Pupco, Inc. (Workers)	Pampa, TX	2/17/87	2/2/87	TA-W 19, 179	Oilfield pumping units.
Poly-Phase Instrument Company (Workers)	Ft. Washington, PA	2/17/87	1/29/87	TA-W 19, 180	Commercial and military transformers.
LTV Steel Corp. (UMWA)	Russelton, PA	2/17/87	2/2/87	TA-W 19, 181	Cleans and prepares coal.
Betheta, Inc. (Workers)	Ripley, WV	2/17/87	2/3/87	TA-W 19, 182	Surveys for oil exploration in form of maps and platts
Monsanto Chemical W.G. Krummich Plant (ICWOA)	Sauget, IL	2/17/87	2/5/87	TA-W 19, 183	Paraphenetidine, sanaflex and paranitroline.
U.S. Steel Supply Division of USX (Workers)	Chicago, IL	2/17/87	1/22/87	TA-W 19, 184	Steel warehousing.
Central Counter Co. (ACTWU)	St. Louis MO	2/23/87	1/28/87	TA-W 19, 185	Fiber counters and steel shanks.
El Paso Hydrocarbons Co. (Workers)	Odessa, TX	2/23/87	2/6/87	TA-W 19, 186	Natural gas.
Amerada Hess Corp. (Workers)	Houston, TX	2/23/87	1/15/87	TA-W 19, 187	Crude oil and natural gas.
International Shoe Co. (ACTWU)	St. Louis, MO	2/23/87	1/30/87	TA-W 19, 188	Men's and women's work and dress shoes.
Metzger Group, Inc. (Workers)	New York, NY	2/23/87	2/9/87	TA-W 19, 189	Fake fur coats.
Oklahoma Steel Castings Company (Teamsters)	Tulsa, OK	2/23/87	2/9/87	TA-W 19, 190	Steel castings.
Cannelton Industries (UMWA)	Superior, McDowell County, WV.	2/23/87	2/11/87	TA-W 19, 191	Low volatile metallurgical coal.
LTV Steel Co. (USWA)	Massillon, OH	2/23/87	2/4/87	TA-W 19, 192	Carbon steel products.
Exxon Co. USA Western Division (Workers)	Denver, CO	2/23/87	2/6/87	TA-W 19, 193	Exploration for oil and gas.
Exxon Co. USA Western Division	Houston, TX	2/23/87	2/6/87	TA-W 19, 194	Exploration and production of crude oil.
Putnam-Herzl Finishing Company (ACTWU)	Putnam, CT	2/17/87	2/19/87	TA-W 19, 195	Dyed and finished grey cloth.
T.J. Edwards Co. (Workers)	Auburn, ME	2/23/87	2/10/87	TA-W 19, 196	Marking machines for shoe shops.
National Grinding Wheel Co. (USWA)	N. Tonawanda NY	2/23/87	2/12/87	TA-W 19, 197	Abrasive grinding wheels.
Marsh Instrument Co. (USWA)	Skokie, IL	2/23/87	2/12/87	TA-W 19, 198	Vacuum gauges, valves, thermometers.
Champion Spark Plugs Co. (UAW)	Detroit, MI	2/23/87	2/10/87	TA-W 19, 199	Ceramic for spark plugs.
Champion Spark Plugs Co. Ceramic Division (UAW)	Cambridge, OH	2/23/87	2/10/87	TA-W 19, 200	Ceramic for spark plugs.
Champion Spark Plug Co. Toledo Assembly Plant (UAW)	Toledo, OH	2/23/87	2/10/87	TA-W 19, 201	Spark plugs.
Champion Spark Plug Co. Iowa Industries (UAW)	Burlington, IA	2/23/87	2/10/87	TA-W 19, 202	Spark plugs.
Henry I. Siegel Co. (Company)	Trezevant, TN	2/23/87	2/10/87	TA-W 19, 203	Ladies' denim jeans.
Henry I. Siegel Co. (Company)	Gleason, TN	2/23/87	2/10/87	TA-W 19, 204	Ladies' denim jeans.
Burns International Security Services	Babbit, MN	2/23/87	2/11/87	TA-W 19, 205	Security guards.
Cigtap Corp., USA (Workers)	Carmichaels, PA	2/15/87	2/23/87	TA-W 19, 206	Woven cigarette tape.
Smurfit Newsprint Corp. (IWA)	Tillmark, OR	2/15/87	2/23/87	TA-W 19, 207	Dimension lumber.
Smurfit Newsprint Corp. (IWA)	Toleda, OH	2/15/87	2/23/87	TA-W 19, 208	Dimension lumber, crossarms, beams and timbers.
Pirelli Cable Corp. (IBEW)	Elkton, MD	2/23/87	2/13/87	TA-W 19, 209	Electrical wiring cables.
Phoenix Steel Corp. (USWA)	Claymont, DE	2/23/87	2/10/87	TA-W 19, 210	Carbon and alloy plates.
J.I. Case Co. (USWA)	Terre Haute, IN	2/23/87	2/11/87	TA-W 19, 211	Wheel loaders and backers.
Marben Mfdg. Co. (Workers)	Jackson, MI	2/23/87	2/6/87	TA-W 19, 212	Automotive metal parts.
Milwaukee Valve Co Inc. (Workers)	Milwaukee, WI	2/23/87	2/11/87	TA-W 19, 213	Valves.
Amerada Hess Corp. (Workers)	Woodbridge, NJ	2/23/87	2/9/87	TA-W 19, 214	Administrative functions
Amerada Hess Corp. (Workers)	Houston, TX	2/23/87	1/15/87	TA-W 19, 215	Crude oil and natural gas.
Ready-Wired Division (Workers)	Dallas, TX	2/23/87	2/3/87	TA-W 19, 216	Connectors and harnesses.
Stauffer Oil & Gas Inc. (Workers)	Denver, CO	2/23/87	2/9/87	TA-W 19, 217	Crude oil and natural gas.
USX (USWA)	Chicago, IL	2/23/87	2/9/87	TA-W 19, 218	Steel.
Hammond Machinery (Company)	Kalamazoo, MI	2/23/87	2/10/87	TA-W 19, 219	Metal working machinery.
Roper Eastern Products (UFWA)	Baltimore, MD	2/23/87	2/8/87	TA-W 19, 220	Venetian blinds, drapery hardware.
W.R. Case & Sons Cutlery Co. (IAMAW)	Bradford, PA	2/23/87	2/9/87	TA-W 19, 221	Knives.

[FR Doc. 87-5061 Filed 3-9-87; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-86-228-C]

Pyro Mining Co.; Petition for Modification of Application of Mandatory Safety Standard

Pyro Mining Company, P.O. Box 267, Sturgis, Kentucky 42459 has filed a petition to modify the application of 30 CFR 75.507 (power connection points) to its Pyro No. 9 Slope, William Station Mine (I.D. No. 15-13881) located in Union County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that except where permissible power connection units are used, all power-connection points outby the last open crosscut shall be in intake air.

2. Petitioner seeks a modification of the standard to allow the use of a non-permissible submersible pump in a sealed area.

3. In support of this request, petitioner states that the pump will be an American Submersible Turbine Pump, Model 10L20 with a Franklin 175 HP, 3450 RPM, 3 phase, 60 cycle, 460 volt motor. The pump will be installed with the motor and all motor connections below water level at all times. All controls for the pump will be located on surface and will be designed to turn the pump off due to the change in motor current when water is no longer available at the inlet. The pump will be turned back on with a timer.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 9, 1987. Copies of the petition are available for inspection at that address.

Dated: March 2, 1987.

Patricia W. Silvey,

Associate Assistant Secretary for Mine Safety and Health.

[FR Doc. 87-5056 Filed 3-9-87; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-87-25-C]

Smeltz Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Smeltz Coal Company, 1818 West Main Street, Valley View, Pennsylvania 17983 has filed a petition to modify the application of 30 CFR 75.1400 (hoisting equipment; general) to its Buck Mountain Slope (I.D. No. 36-02004) located in Dauphin County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cages, platforms or other devices which are used to transport persons in shafts and slopes be equipped with safety catches or other approved devices that act quickly and effectively in an emergency.

2. Petitioner states that no such safety catch or device is available for the steeply pitching and undulating slopes with numerous curves and knuckles present in the main haulage slopes of this anthracite mine.

3. Petitioner further believes that if "makeshift" safety devices were installed they would be activated on knuckles and curves when no emergency existed and cause a tumbling effect on the conveyance.

4. As an alternate method, petitioner proposes to operate the man cage or steel gunboat with secondary safety connections securely fastened around the gunboat and to the hoisting rope, above the main connecting device. The hoisting ropes would have a factor of safety in excess of the design factor as determined by the formula specified in the American National Standard for Wire Rope for Mines.

5. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 9, 1987. Copies of the petition are available for inspection at that address.

Dated: February 27, 1987.

Patricia W. Silvey,

Associate Assistant Secretary for Mine Safety and Health.

[FR Doc. 87-5057 Filed 3-9-87; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-87-2-C]

Southmountain Coal Co., Inc., Petition for Modification of Application of Mandatory Safety Standard

Southmountain Coal Company, Inc., P.O. Box 950, Coeburn, Virginia 24230 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its No. 2 Mine (I.D. No. 44-03365) located in Wise County, Virginia. The petition is filed under section 101(c) of the Federal Mine Safey and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. Petitioner states that the use of canopies on the mine's electric face equipment would result in a diminution of safety for the miners affected due to the size of the equipment, the undulation of the coal bed and the height of the coal bed.

3. The canopies would limit the equipment operators visibility, would tear out roof materials and limit the equipment operator's mobility.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petiiton may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 9, 1987. Copies of the petition are available for inspection at that address.

Dated: March 2, 1987.

Patrica W. Silvey,

Associate Assistant Secretary for Mine Safety and Health.

[FR Doc. 87-5058 Filed 3-9-87; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-87-26-C]

VP-5 Mining Co.; Petition for Modification of Application of Mandatory Safety Standard

VP-5 Mining Company, P.O. Box 11430, Lexington, Kentucky 40575 has filed a petition to modify the application of 30 CFR 75.1100-3 (condition and examination of firefighting equipment) to its VP-5 Mine (I.D. No. 44-03795) located in Buchanan County, Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that all firefighting equipment be maintained in a usable and operative condition.

2. Petitioner states that due to the extremely cold weather experienced during the winter months, the waterline used for fire portection along the North and South belt drives at the "A" shaft freeze and become inoperative.

3. As an alternate method, petitioner proposes to install an electric solenoid switch in the waterline for fire protection from November 1 through May 1, and the waterline will be kept pressurized during the remaining months. In support of this request, petitioner requests that:

(a) The solenoid would be located approximately 150 feet from "A" shaft in the intake escapeway;

(b) Heat sensors will be installed above the belt drives. The heat sensors, when activated, will open the solenoid valve, allowing the pipes to be filled with water for fire protection. A manual bypass valve will also be installed;

(c) A visual means will be provided that will indicate that a supply of water under pressure is available to the electric and manual value;

(d) The dry pipe system will be purged of any water left in the system as a result of testing or actuation of the system to prevent ice from accumulating in the waterlines and valve; and

(e) The system will be visually examined weekly during the time the dry system is in operation.

4. Petitioner also proposes to install distinctively colored fire extinguishers along the area of belt void of water not more than 300 feet apart. The dust on the North and South belts will be allayed by installing a conflow valve and sprays in an area inby these drives where it can be maintained without freezing, thus, wetting the coal before it reaches the final discharge point.

5. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 9, 1987. Copies of the petition are available for inspection at that address.

Dated: March 2, 1987.

Patricia W. Silvey,

Associate Assistant Secretary for Mine Safety and Health.

[FR Doc. 87-5059 Filed 3-9-87; 8:45 am]

BILLING CODE 4510-43-M

Occupational Safety and Health Administration

Voluntary Protection Programs To Supplement Enforcement and To Provide Safe and Healthful Working Conditions; Changes

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of changes to provide alternatie criteria for program participation by construction sites and to recognize the success of a Demonstration Program at the Stanton Energy Center, Orlando, Florida.

SUMMARY: OSHA announces alternative criteria in addition to those specified in September 22, 1986 (51 FR 33669), section III.E.3.e.(4)(b), which covers qualifications for construction sites to participate in the Star Program, and which is incorporated by reference III.F.3.a. to apply also to participation in the Try Program.

EFFECTIVE DATE: March 4, 1987.

FOR FURTHER INFORMATION CONTACT: James Foster, Room N3637, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Washington, DC 20210 (202) 523–8148.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Background

On September 22, 1986, the Occupational Safety and Health Administration ("OSHA" and the "agency") published a notice in the Federal Register (51 FR 33669) announcing modifications and clarifications to the conditions and requirements for the Voluntary Protection Programs (VPP). This notice changes 51 FR 33669, September 22, 1986 by adding alternative methods for construction employers to meet program requirements, and recognizes the success of a VPP Demonstration Program at the Stanton Energy Center construction site in Orlando, Florida, which has demonstrated that alternative methods can be as effective as previously required methods in protecting workers at construction sites.

The alternatives demonstrated at the Stanton Energy Center were the use of some volunteers on the joint labor-management safety and health committee rather than only bona fide employee representatives and the substitution of regular inspections by each contractor with oversight inspections and control exercised by project safety management. The Stanton Energy Center construction project application was approved by then Acting Assistant Secretary Patrick R. Tyson for a maximum period of two years on September 5, 1985, and scheduled for quarterly reviews and full-scale annual evaluations.

The VPP Demonstration Program tested whether the alternative methods and practices employed at the site would prove to be as effective in achieving safety and health objectives as a joint safety committee which includes bona fide representatives for all employees at the site and which regularly conduct site inspections.

Onsite visits and the first annual evaluation of the site indicated clearly that the alternative methods produced results equal to or better than those of sites meeting the Star requirements. Based on this evidence documented in the evaluation report, VPP criteria to enable construction employers the option to use these tested alternative methods in application for VPP participation are hereby added to the published program requirements.

B. Statutory Framework

The Occupational Safety and Health Act of 1970, 29 U.S.C. 651 et seq. (the "Act" and the "OSH Act"), was enacted "to ensure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources."

Section 2(b) specifies the measures by which the Congress would have OSHA carry out these purposes. They include the following provisions which establish the legislative mandate for the Voluntary Protection Programs.

> . . . (1) by encouraging employers and employees in their efforts to reduce the number of occupational safety and health hazards at their places of employment, and to stimulate employers and employees to institute new and to perfect existing programs for providing safer and healthful working conditions;
>
> . . . (4) by building upon advances already made through employer and employee initiative for providing safe and healthful working conditions;
>
> . . . (5) by developing innovative methods, techniques, and approaches for dealing with occupational safety and health problems;
>
> . . . (13) by encouraging joint labor-management efforts to reduce injuries and disease arising out of employment.

C. Structure of Notice

Section II deals with the rationale for the changes.

Section III revises the VPP with the addition of subparagraph (c) following III.E.3.e.(4)(b). This change is also incorporated by reference in III.F.3.a.

II. Rationale for Changes

A. Demonstration Program

The Voluntary Protection Program notice of September 22, 1986 provides, in sub-Section G., an ". . . opportunity for companies to demonstrate the effectiveness of alternative methods which . . . could be substituted as alternative qualifications for the Star Program . . ."

The application for VPP Star participation as submitted for the Stanton Energy Center did not meet Star qualification criteria in two respects: While the joint labor-management committee for safety and health included representation by bona fide worker representatives who were working at the site and who were approved by a duly authorized collective bargaining organization as required, it also had volunteer employee members who were not covered by a collective bargaining agreement; and further, while the joint committee members were encouraged to review worksite conditions and report problems, they did not make regular workplace inspections (with at least one worker representative).

Qualification requirements for the joint committee were explained in a Federal Register notice on July 3, 1982 (47 FR 29025) which noted the ". . . unique nature of the construction industry, particularly the seriousness of hazards, changing worksite conditions, its expanding and contracting workforce and high turnover . . .".

In the absence of a single employer with recognized supervisory authority and control throughout the worksite, a strong reliance was placed upon the concept of a truly representative joint labor-management committee.

In addition to providing alternative means to achieve the results intended by the committee requirements which they did not meet, the Stanton Energy Center proposal contained potentially effective alternative means to ensure authority and accountability for the safety and health of all employees by contractually binding all contractors to maintain their own programs, and by providing for systematic and continuing exercise of oversight and control of safety and health matters by a project manager.

Results of the Demonstration Program were carefully examined to assure that the program provided a level of protection expected of VPP Star participants and, more particularly, that employee involvement and participation was as effective as at other VPP Star construction sites, and that the

correction and control of hazards, however detected, was equally effective.

OSHA found that the joint committee, including the volunteer members, was effective in maintaining employee involvement and participation and that its activities were fully supported by the project manager. OSHA also found that safety and health contract provisions were fully implemented and enforced by the proejct manager, resulting in excellent site safety conditions observed by OSHA at the site.

Accordingly, OSHA now changes qualifications for construction VPP participation and recognizes alternative methods by which construction employers may participate.

III. The Voluntary Protection Programs, as Changed

A. Purpose of the Voluntary Protection Programs

OSHA has long recognized that compliance with its standards cannot by itself accomplish all the goals established by the Act. The standards, no matter how carefully conceived and properly developed, will never cover all unsafe activities and conditions. Furthermore, limited resources will never permit regular or exhaustive inspections of all of the Nation's workplaces. In addition, employers and employees, because of their day-to-day experience in the workplace, acquire a special knowledge of the processes, materials and hazards involved with the job. This knowledge, combined with the ability to evaluate and address unique hazards quickly and to provide rewards for positive action, can be used by employers to improve workplace safety and health in ways simply not available to OSHA.

The purpose of the Voluntary Protection Programs (VPP) is to emphasize the importance of, encourage the improvement of, and recognize excellence in employer-provided, site-specific occupational safety and health programs. These programs are comprised of management systems for preventing or controlling occupational hazards. The systems not only ensure that OSHA's standards are met, but go beyond the standards to provide the best feasible protection at that site.

When employers apply for and achieve approval for participation in the VPP, they are removed from programmed inspection lists. This frees OSHA's inspection resources for visits to establishments that are less likely to meet the requirements of the OSHA standards. VPP participants enter into a new relationship with OSHA in which safety and health programs can be approached cooperatively, when and if they arise.

Participation in any of the programs does not diminish existing employer and employee rights and responsibilities under the Act. In particular, OSHA does not intend to increase the liability of any party at an approved VPP site. Employees or any representatives of employees taking part in an OSHA-approved VPP safety and health program are not assuming the employer's statutory or common law responsibilities for providing safe and healthful workplaces or undertaking in any way to guarantee a safe and healthful work environment.

The programs included in the VPP are voluntary in the sense that no employer is required to participate but that any employer may volunteer for application to one of the VPP. Compliance with OSHA standards and applicable laws remains mandatory.

Approval for participation is determined by the Assistant Secretary for Occupational Safety and Health.

B. Purpose of This Notice

This notice describes the qualifications criteria for approval of participation in the Voluntary Protection Programs (VPP), and the conditions of participation, termination of or withdrawal from participation and means of reinstatement.

C. Program Description

1. General

The VPP are voluntary programs which provide recognition, and removal from programmed inspection lists, to qualified employers. They emphasize the importance of worksite safety and health programs in meeting the goal of the Act "to assure so far as possible every working man and woman in the Nation safe and healthful working conditions . . . "through official recognition of excellent safety and health programs, assistance to employers in the efforts to reach a level of excellence and the use of the cooperative approach to resolve safety and health problems.

The VPP consist of two major programs, Star and Try, plus a demonstration program to permit demonstration and/or testing of experimental approaches which differ from the two established programs. In addition, within the Star and Try Programs there are some variations between general industry and construction industry requirements.

2. Recognition

By approving an applicant for participation in the VPP, OSHA recognizes that the applicant is providing, at a minimum, the basic elements of ongoing systematic protection of workers at the site which makes routine Federal enforcement efforts unnecessary. The symbols of this recognition are certificates of approval and the right to use flags showing the program in which the site is participating. The participant may also choose to sue program logos in such items as letter-head or award items for employee contests.

In addition to removing approved worksites from programmed inspection lists (but not from valid, formal employee safety and health complaint inspections, investigations of significant chemical spills/leaks, nor fatality/catastrophe investigations), OSHA will provide the opportunity to work cooperatively with the agency both in the resolution of safety and health problems and in the promotion of effective safety and health programs through such means as presentations before organizations such as the National Safety Congress. Each approved site will have a designated OSHA Contact Person to handle information and assistance requests.

D. Aspects Common to All VPP

1. The Eligible Applicant

a. *Site management.* Management at a site which is either independent or part of a corporation can make application to the VPP for that site.

b. *Corporate management.* The management of a corporation may apply to the VPP on behalf of one or more sites in the corporation. This type of application is particularly appropriate when corporate staff provide one or more aspects of the site safety and health program.

c. *General contractors and organizations providing overall management at multi-employer sites.* At multi-employer sites, such as in the construction industry, the only eligible applicant is the one which can control safety and health conditions of all employees at the site, such as the general contractor or the owner.

d. *Organizations representing groups of small businesses in the same industry.* OSHA will consider, for demonstration programs, applications from organizations providing health and safety program services to groups of small businesses of the same industry (at the three or four digit SIC level) in a limited geographical area. All sites must

meet requirements and will be subject to onsite review.

2. *Assurances.* Applications for all VPP must be accompanied by certain assurances describing what the applicant will do if the application is approved for participation in one of the VPP. The applicant must assure that:

a. All employees, including newly hired employees when they reach the site, will have the VPP explained to them, specifically including employee rights under the program and under the Act.

b. All hazards discovered through self-inspections, accident investigations or employee notification will be corrected in a timely manner.

c. If employees are given health and safety duties as part of the applicant's safety and health program, the applicant will assure that those employees will be protected from discriminatory actions resulting from the duties, just as section 11(c) of the Act protects employees for the exercise of rights under the Act.

d. Employees shall have access to the results of self-inspections and accident investigations upon request (in construction, this requirement may be met through the joint labor-management committee).

e. For construction, injury records for *all* work done at the site will be recorded *together* and the injury rates for that site will be maintained at or below the national average for that type of construction; and,

f. The following information will be retained and available for OSHA review:

(1) Written safety and health program;

(2) Copies of the log of injuries and illnesses and the OSHA 101 or its equivalent;

(3) Monitoring and sampling records if applicable;

(4) Agreement between management and the collective bargaining agent(s) concerning the functions of the safety committee and its organization where applicable;

(5) Minutes of each committee meeting where applicable;

(6) Committee inspection records where applicable;

(7) Management inspection and accident investigation records;

(8) Records of notifications of unsafe or unhealthful conditions received from employees and action taken, taking into account appropriate privacy interests; and,

(9) Annual internal safety and health program evaluation reports (described below in E.3.i.(5)).

g. Each year by February 15, the participating site will send notification to the designated OSHA Contact Person, described under Section IV. N., of the site's injury incidence and lost work day case rates, hours worked and estimated average employment for the past full calendar year.

3. Unionized Sites

When a site covered by an application for any of the VPP has a significant portion of its employees organized by one or more collective bargaining units, the authorized agent must either sign the application or submit a signed statement indicating that the collective bargaining agent(s) do(es) not object to participation in the program. Without such concurrence, OSHA will not approve program participation.

4. Inspection/Interaction History

If the applicant has been inspected in the last three years, the inspection, abatement and/or any other history of interaction with OSHA must indicate good faith attempts to improve safety and health and include no upheld willful violations during those last three years.

E. The Star Program

1. Purpose

The Star Program is based on the characteristics of the most comprehensive safety and health programs used by American industry. It aims to recognize leaders in injury and illness prevention programs who have been successful in reducing workplace hazards and to encourage others to work toward such success.

2. Term of Participation

The term for participation in an approved Star Program is unlimited, contingent upon continued favorable triennial evaluation. In the construction industry, participation is ended with the completion of construction work at the site.

3. Qualifications for the Star Program

a. *Management commitment and planning.* Each applicant must be able to demonstrate top-level management commitment to occupational safety and health in general and to meeting the requirements of VPP. Management systems for comprehensive planning must address safety and health.

(1) *Commitment to safety and health protection.* As with any other management system, authority and responsibility for employee safety and health must be integrated with the management system of the organization and must involve employees. This commitment includes:

(a) Clearly established policies and results-oriented objectives for worker safety and health protection which have been communicated to all employees;

(b) Authority and responsibility for safety and health protection clearly defined and implemented; accountability through evaluation of supervisors; and a system for rewarding good and correcting deficient performance;

i. The general industry applicant must have a documented system for holding all line managers and supervisors accountable for safety and health.

ii. The construction applicant must demonstrate that, at a minimum, the project manager and contractor superintendents are held accountable for safety and health conditions within their areas of responsibility.

(c) Commitment of adequate resources to workplace safety and health, in staff, equipment, promotion, etc.; and

(d) Top management involvement in worker safety and health concerns, including clear lines of communication with employees and setting an example of safe and healthful behavior.

(2) *Commitment to VPP participation.* Management must also clearly commit itself to meeting and maintaining the requirements of the VPP for which application is made.

(3) *Planning.* Planning for safety and health must be a part of the overall management planning process. In construction, this includes pre-job planning and preparation for different phases of construction as the project progresses.

b. *Experience.* All elements of the safety and health program must be in place and have been implemented for a period of not less than a year before Star approval at both general industry and construction sites. Adequate written guidance must be available prior to Star approval.

c. *Rates.* The general industry applicant must have an average of both lost workday injury case rates and injury incidence rates for the most recent three-year period at or below the most recent specific industry (at the three or four digit level) national average published by BLS. For the construction application, the average injury incidence rate and lost workday injury case rate for at least the last full year at the site applied for, including all workers of all subcontractors of the site, must be at or below the national average for that type of construction according to the most precise SIC code. The SIC for the site is based on the type of construction project, not individual trades.

d. *Contract workers.* All applicants, whether in general industry,

construction or other specialized industry, must be able to demonstrate that all contractors and subcontractors will follow worksite safety and health rules and procedures applicable to their activities while at the site, including special precautions necessary as a result of their activities.

(1) Except where precluded by government regulations, participants should be able to demonstrate that they have considered the safety and health programs and performance of major contractors during the evaluation and selection process, especially in operations such as construction where contractors and sub-contractors are a routine aspect of business arrangements.

(2) In general industry, when the contractor's activities are not part of the overall operation and include special skills and hazards beyond the participant's expertise, the participant's responsibility is not expected to extend beyond proper diligence and prudence in both the selection and the oversight of the contractor.

e. *Written safety and health program.* The Star Program requirement includes all critical elements of the basic safety and health program described below. All aspects of the safety and health program must be appropriate to the size of the worksite and the type of industry.

(1) *Hazard assessment.* Management of safety and health programs must begin with a thorough understanding of all potentially hazardous situations and the ability to recognize and correct all existing hazards as they arise. This requires:

(a) Analysis of all new processes, materials or equipment before use begins to determine potential hazards and plan for prevention or control.

(b) Comprehensive safety and health surveys at intervals appropriate for the nature of workplace operations, and regular reviews (by a person(s) qualified to recognize existing hazards and potentially significant risks) to ensure the employer's awareness and control of those risks.

(i) A baseline survey of health hazards accomplished through initial comprehensive industrial hygiene surveying or other comprehensive means of assessment such as complete industrial hygiene engineering studies, before equipment or process installation in general industry or in the pre-job planning for construction; and

(ii) The use of nationally recognized procedures for all sampling, testing, and analysis with written records of results;

(c) A system for conducting as appropriate, routine self-inspections which follow written procedures or guidance and which result in written reports of findings and tracking of hazard correction.

(i) In general industry, these inspections must occur no less frequently than monthly and cover the whole worksite at least quarterly;

(ii) In construction, this must include management inspections which cover the entire worksite at least weekly; and

(iii) Also in construction, inspections by members of the safety and health committee which cover the entire worksite as appropriate but no less frequently than once per month are required.

(d) Routine examination and analysis of hazards associated with individual jobs, processes, or phases and inclusion of the results in training and hazard control programs. This includes, e.g., job safety analysis and process hazard review. In construction, the emphasis should be on special safety and health hazards of each craft and each phase of construction.

(e) A reliable system for employees, without fear of reprisal, to notify appropriate management personnel in writing about conditions that appear hazardous and to receive timely and appropriate responses. The system must include tracking of responses and hazard corrections;

(f) An accident/incident investigation system which includes written procedures or guidance, with written reports of findings and hazard correction tracking; and review of injury/illness experience identifying causes and providing for preventive or corrective actions;

(g) A medical program which includes the availability of physician services and first-aid.

(2) *Hazard correction and control.* Based on the results of hazard assessment, identified hazards and potential hazards must be addressed by the implementation of engineering controls; equipment maintenance; personal protective equipment; disciplinary action, when needed; and emergency preparedness. Safety rules and work procedures must be developed, thoroughly understood by supervisors and employees, and followed by everyone in the workplace to prevent and control potential hazards. These include the following provisions:

(a) Reasonable site access to Certified Industrial Hygienists and Certified Safety Professionals or Certified Safety Engineers must be available as needed based on the potentially significant risks of the site;

(b) Means for eliminating or controlling hazards, such as engineering controls, personal protective equipment, safety and health rules, including safe and healthful work procedures for specific operations, which are appropriate to the potential hazards of the site, must be written, implemented and updated by management as needed and used by employees;

(c) Procedures for disciplinary action or reorientation of employees and supervisors who break or disregard safety rules, safe work, materials handling or emergency procedures must be written, communicated to employees, and enforced.

(d) Procedures for response to emergencies listing requirements for personal protective equipment, first aid, medical care, or emergency egress must be written and communicated to all employees. Procedures should include provisions for emergency telephone numbers, exit routes, and training drills.

(e) Ongoing monitoring and maintenance of workplace equipment to prevent it from becoming hazardous;

(f) A system for initiating and tracking hazard correction in a timely manner.

(3) *Safety and health training.* Training is necessary to implement management's commitment to prevent exposure to hazards. Supervisors and employees must know and understand the policies, rules and procedures established to prevent exposure. Training for safety and health includes ensuring that:

(a) Supervisors understand the hazards associated with a job, their potential effects on employees, and the supervisor's role, through teaching and enforcement, in ensuring that employees follow the rules, procedures and work practices for controlling exposure to the hazards.

(b) Employees are made aware of hazards, and the safe work procedures to follow to protect themselves from the hazards, through training at the same time they are taught to do a job and through reinforcement.

(c) Supervisors and all employees understand what to do in emergency situations.

(d) Where personal protective equipment is required, employees understand that it is required, why it is required, its limitations, how to use it, how to maintain it, and employees use it properly.

(4) *Employee participation.* (a) For general industry, the requirement for employee participation may be met in any one of a variety of ways, as long as employees have an active and meaningful way to participate in safety and health problem identification and resolution beyond the individual right to notify appropriate managers of hazardous conditions and practices.

Participation on safety committees, as safety observers, in ad hoc safety and health problem-solving groups, as a safety and health trainer of other employees, participating in the analysis of hazards of jobs and on committees which plan and conduct safety and health awareness programs are examples of acceptable means of employee participation.

(b) Construction sites must utilize the labor-management safety committee approach to involve employees in the identification and correction of hazardous activities and conditions. This is required because of the seriousness of the hazards, the changing worksite conditions, the expanding and contracting work force and the high turnover in the construction industry. The applicant must be able to demonstrate that the site has a joint labor-management committee for safety and health which has the following characteristics:

(i) Has a minimum of one year's experience providing safety and health advice and making periodic site inspections;

(ii) Has at least equal representation by bona fide worker representatives who work at the site and who are selected, elected, or approved by a duly authorized collective bargaining organization;

(iii) Meets regularly, keeps minutes of the meetings, and follows quorum requirements consisting of at least half of the members of the committee, with representatives of both employees and management; and,

(iv) Makes regular workplace inspections (with at least one worker representative) at least monthly and more frequently as needed, and has provided for at least quarterly coverage of the whole worksite.

(v) In addition, the joint committee must be allowed to:

- Observe or assist in the investigation and documentation of major accidents;
- Have access to all relevant safety and health information; and,
- Have adequate training so that the committee can recognize hazards, with continued training as needed.

(c) If a construction applicant chooses to use a joint committee that differs either in the membership composition or in the functional duties specified in (b) above, the applicant must:

(i) Meet operational requirements for quorum, meeting minutes, etc.

(ii) Demonstrate that the alternative practices achieve the objectives of the practices they replace. For example, bona fide employee representation in the joint committee is intended to ensure that all site employees participate fully in matters of safety and health and that they are fully informed of decisions affecting safety and health. In the absence of bona fide employee representation on the joint committee, means which are equally effective in achieving these objectives must be provided.

(iii) Contractually bind all contractors and subcontractors operating at the applicant's site to maintain effective safety and health programs and to comply with applicable safety and health rules and regulations; (A) Such contract provisions must specify authority for the oversight, coordination and enforcement of those programs by the applicant and there must be documentary evidence of the exercise of this authority by the applicant; (B) such contract provisions must provide for the prompt correction and control of hazards, however detected, by the applicant in the event that contractors or subcontractors fail to correct or control such hazards; and (C) such contract provisions must specify penalties, including dismissal from the worksite, for willful or repeated non-compliance by contractors, subcontractors or individuals.

(5) *Safety and health program evaluation.*—The applicant must have a system for annually evaluating the operation of the safety and health program to determine what changes are needed to improve worker safety and health protection. The system must provide for written narrative reports with recommendations for improvements and documentation of follow-up action. In particular, the effectiveness of the operation of the self-inspection system, the employee hazard notification system, accident investigations, safety committees (where used), safety and health training, the enforcement of safety and health rules, and the coverage of health aspects, including personal protective equipment and routine monitoring and sampling, should be determined and the findings should be used to improve the implementation of the company's written safety and health program. The evaluation may be conducted by corporate or site officials or by a private sector third-party. In construction, the evaluation should be conducted annually and immediately prior to completion of construction to determine what has been learned about safety and health activities that can be used to improve the contractor's safety and health program at other sites.

F. The Try Program

1. Purpose

The Try Program is aimed at employers in any industry who do not yet meet the qualifications for the Star Program but who wish to work toward Star Program participation. If OSHA determines that the employer has demonstrated the commitment and the potential to achieve the Star requirements, Try is used to set goals that, when achieved, will permit Star participation.

2. Term of Participation

Try Programs will be approved for a period of time agreed upon in advance of approval. The term will be dependent upon how long it is expected to take the applicant to accomplish the goals for Star participation. Participation is cancelled at the end of the term.

3. Qualification for Try

a. *Safety and health program requirements.* An eligible applicant to the Try Program must have a written safety and health program which covers the essential elements of a safety and health program as described in Section III.E.3 for Star.

(1) The basic elements (management commitment and planning; hazard assessment; hazard correction and control; safety and health training; employee participation and safety and health program evaluation) should all be operational or, at a minimum, in place and ready for implementation by the date of approval. For the construction industry, the joint labor management committee must have had a minimum of three months experience in providing safety and health inspections before approval.

(2) The elements are not expected to be at Star quality or completeness. The Try applicant is not expected to meet each of the specific Star requirements in each element. Participation in Try is an opportunity for employers to work with OSHA to improve the quality of their safety and health programs and reduce their injury rates to meet the requirements for Star.

b. *Injury rates.* (1) For the Try Program in construction, the applicant company must be able to demonstrate that the company's injury rates are at or below the most recently published BLS national average for the industry (at the three digit level). The injury incidence rate and the lost workday case rate must each be averaged over the last three complete calendar years. The rate must include *all* of the applicant's employees who are actually employed

at construction sites in that SIC. The applicant may use nationwide employment or may designate appropriate geographical areas which include the site for which application is made.

(2) For general industry, if either the three-year average for all recordable injuries or for injury lost workday cases for the last three calendar years is above the national average for the specific industry average (at the three or four digit level) as published most recently by BLS, the applicant must indicate goals for the reduction of that rate and demonstrate that the methods planned to reduce them are feasible.

c. *Goals.* Any system required for Star participation that is not in place or is not yet of Star quality at the time of approval must be set as a goal along with any rate reduction goals.

4. Assurances

Applicants must provide assurance that any data not listed in D.2. but needed to evaluate achievement of individual goals will be made available to OSHA for evaluation purposes.

G. The Voluntary Protection Demonstration Program

1. Purpose

This program provides the opportunity for companies to demonstrate the effectiveness of alternative methods which, if proven successful (usually in more than one site), could be substituted as alternative qualifications for the Star Program for certain situations; to explore the use of VPP in industries other than construction and those classified as general industries, such as maritime or agriculture; and to test methods of overcoming problems which have kept certain employers, such as small business employers and many contractors in the construction industry, from taking part in the VPP.

2. Qualifications

a. Like all VPP participants, those in the demonstration program must have a site safety and health program that addresses a minimum of the basic elements (management commitment and planning, hazard assessment, hazard correction and control, safety and health training, employee participation, and safety and health program evaluation) described for Star in Section III.E. above. How the applicant implements those elements may be the subject of demonstration so long as Star quality protection is afforded all employees. The applicant is not expected to meet each of the specifics in each element.

b. Applicants for this program must demonstrate to the Assistant Secretary's satisfaction that the alternative approach shows reasonable promise of being successful enough to serve as an alternative basis for inclusion in the Star Program. This includes having average injury incidence and lost workday case rates for the previous three years at or below the specific industry average.

3. Assurance

Applicants must provide the assurances that any data not listed in Section D.2. but needed to evaluate achievement of the goals of the demonstration project will be made available to OSHA for evaluation purposes.

4. Term of Participation

Demonstration programs will be approved, subject to annual evaluation, for a period of time agreed upon in advance of approval but not to exceed five years.

5. Approval to Star

a. Approval to Star is contingent upon:

(1) Successful demonstration of the alternative aspects; and,

(2) A decision by the Assistant Secretary that changing the requirements of the Star Program to allow inclusion of these alternative aspects is desirable.

b. Once a decision has been made by the Assistant Secretary to change Star, those changes must be published in the **Federal Register** to provide public notice of the change.

c. When the published change has become effective, the demonstration site may be approved to Star without submitting a new application or undergoing further onsite review provided that the approval occurs no later than one year following the last evaluation under the Demonstration Program.

H. Application Requirements for All VPP

1. The Application Guidelines

OSHA will prepare, keep current and make available to all interested parties, application guidelines which explain the type of information to be submitted for OSHA review.

2. Application Content

Eligible applicants will be required to provide all relevant information described in the most current version of the *Application Guidelines* which apply to the program for which application is made.

Amendments to submitted applications will be requested when the application information is insufficient to determine eligibility for onsite review.

Materials needed to document the safety and health program which the applicant feels may involve invasion of privacy or a trade secret should not be included in the application. Instead, such materials should be described in the application and provided for viewing only at the site if an onsite Pre-Approval Review is conducted as part of the application review.

3. Application Submission

Applications may be submitted to OSHA Regional Offices or, in the case of multi-regional applications, to OSHA's Directorate of Federal-State Operations in Washington.

4. Application Withdrawal

Any applicant may withdraw a submitted application at any time after formal submission and before approval or denial. When the applicant notifies OSHA of its withdrawal, the original application will be returned to the applicant.

OSHA may keep the assigned Program Officer's marked working copy of the application for a year before discarding it, in case the applicant should raise questions concerning the handling of the application. Once an application has been withdrawn, a new submission of a formal application is required to begin application review again.

5. Public Access

The following documents will be maintained in OSHA's National and applicable Regional Offices for public access beginning on the day the applicant is approved and for so long as VPP participation is active:

a. VPP application and amendments;

b. Pre-Approval report and subsequent evaluation reports;

c. Transmittal memoranda to Assistant Secretary;

d. Assistant Secretary's approval letter; and,

e. Notification memoranda to Regional Administrator.

I. Qualification Verification.

1. Initial Review

The initial review of the application is made to ascertain whether those qualifications which can be documented by paper submission have been met. The applicant will be given the opportunity to amend the application with additional or substitute materials for the purpose of improving the application. Where resources allow, OSHJA staff will assist with application preparation,

particularly for the demonstration program.

2. Pre-Approval Onsite Reviews

a Purpose.

The Pre-Approval Review, which is conducted on the site for which partricipation has been requested by a team of non-enforcement OSHA staff, is a management review of the site safety and health program. It is conducted to:

(1) Verify the information supplied in the application concerning qualification for the VPP for which application is made;

(2) Identify the strengths and weaknesses of the site safety and health program;

(3) Determine the adequacy of the Safety and health program to address the potential hazards of the site; and

(4) Obtain information to assist the Assistant Secretary in making the approval decision.

b. Preparation

The review will be arranged at the mutual convenience of OSHA and the applicant. The review team will consist of a team leader with a back-up and health and safety specialists as required by the size of the site and the complexity of the safety and health program.

c. Duration of the Review

The time required for the Pre-Approved Review will depend upon the size of the site and the program applied for. Reviews will usually average on-and-a-half to two days onsite unless the site has more than 1,000 workers or has other complicating factors.

d. Content

All Pre-Approval Reviews will include a review of injury records, recalculation of the rates submitted with the application, verification that the safety and health program described in the application has been implemented and a general assessment of safety and health conditions to determine if the safety and health program is adequate for the hazards of the site.

The review will also include interviews with relevant individuals (such as members of joint safety committees, management personnel and reandomly selected non-supervisory personnel).

Onsite document review will include the following records (or samples of them) if they exist and are relevant to the application or the safety and health program:

(1) Management statement of commitment to safety and health;

(2) The OSHA 200 log;

(3) Safety and health manual(s);

(4) Employee notifications of safety and health problems;

(5) Safety rules, emergency procedures and examples of safe work procedures;

(6) The system for enforcing safety rules;

(7) Self-inspection procedures, reports and correction tracking;

(8) Accident investigations;

(9) Safety commitee minutes;

(10) Employee orientation and safety training programs and attendance records;

(11) Industrial hygiene monotoring records; and,

(12) Other records which provide documentation of the qualifications for these programs.

J. Application Approval

1. Deferred Approval

If, at the conclusion of the Pre-Approval Review, the applicant needs to take actions to meet the qualifications for approval, reasonable time—up to 90 days—will be allowed for those actions to be taken before a recommedation is made to the Assistant Secretary. Where necessary, an onsite visit will be made to verify the actions taken after the Pre-Approval Review visit.

2. Application Withdrawal

If the applicant cannot meet the requirements for participation in one of the VPP or for any reason does not wish to continue the approval process, reasonable time shall be allowed for application withdrawal as provided for in IV.H.4., before recommendation is made to the Assistant Secretary.

3. Application Approval

If, in the opinion of the Pre-Approval Review team, the applicant has met the qualifications requirements of the VPP applied for or an alternative VPP acceptable to the applicant, the team's recommendation will be made to the Regional Administrator, who, on concurrence, will recommend approval to the Director of Federal-State Operations. The Director of Federal-State Operations shall review the report for consistent application of the qualification requirements and, on concurrence, will forward the recommendation to the Assistant Secretary to approve participation. Approval will occur on the day that the Assistant Secretary signs a letter informing the applicant of approval.

K. Application Denial

1. Should the Assistant Secretary for any reason reject the FSO and/or Regional recommendation to approve, a letter from the Assistant Secretary denying approval will be sent to the applicant. The denial will occur as of the date of the letter.

2. Should an applicant appeal to the Assistant Secretary a finding by the team that qualifications are not met, the Director of Federal-State Operations will forward the appeal to the Assistant Secretary, along with the team recommendation of denial.

If the Assistant Secretary accepts the recommendation to deny approval, the denial will occur as of the date the Assistant Secretary signs a letter informing the applicant of his decision.

L. Inspection Requirements

1. Programmed Inspections

Participating work sites will be removed from OSHA's programmed inspection lists.

2. Workplace Complaints

Employee complaints to OSHA will be handled by enforcement personnel in accordance with normal OSHA enforcement procedures.

3. Chemical Leaks/Spills

Any significant chemical leaks/spills will be handled by enforcement personnel in accordance with normal OSHA enforcement procedures.

4. Fatalities and Catastrophes

All fatalities and catastrophes will be handled by enforcement personnel in accordance with normal OSHA enforcement procedures.

M. Post-Approval Assistance

1. OSHA Contact Person

An OSHA official will be assigned to each VPP participating work site as Contact Person. This person will be available to assist the participant as needed to assure smooth interface with OSHA and to provide expertise as required.

2. Problem Solving

If a problem comes to the attention of the OSHA Contact Person, either through evaluation efforts, review of injury rates, records of OSHA complaint inspections, chemical leaks/spills or accident investigations, or by request of the VPP participant, the Contact Person will attempt to assist the paticipant in resolving the problem, including, if necessary, arranging with the participant for an onsite visit to assess the problem and its possible causes.

3. Scheduled Onsite Assistance

In some cases, such as in the demonstration program, in the construction program or when needed for the Try Program, a schedule of onsite assistance visits shall be agreed upon before approval.

4. Significant Organizational or Ownership Changes

Whenever significant changes are made in ownership or organizational structure at a VPP site, the Contact Person should make an onsite assistance visit to determine the impact of the changes on VPP participation.

N. Evaluation

1. The Star Program

a. *Purpose.* (1) To determine continued qualification for the Star Program.

(2) To document results of program participation in terms of the evaluation criteria and other striking aspects of the site program or its results.

(3) To identify any problems which have the potential of adversely affecting continued Star Program qualifications and to determine if those problems require additional evaluations.

b. *Frequency.* Star Programs shall be evaluated every three years (except when serious problems have been identified which require an earlier evaluation) with an annual review of injury incidence and lost workday injury case rates which shall include a recalculation of the latest three-year averages.

C. *Measures of effectiveness.* The following factors will be used in the evaluation of Star Program participants:

(1) Continued compliance with the program requirements;

(2) Satisfaction of the participants;

(3) Nature and validity of any complaints received by OSHA;

(4) Nature and resolution of problems that may have come to OSHA's attention since approval or the last evaluation; and,

(5) Where joint committees are utilized, the effectiveness of the committee.

d. *Description of Evaluation.* OSHA's evaluation of Star Program participants will consist mainly of an onsite visit of similar duration and scope of the Pre-Approval Program Review described in III.I.2.

2. *The Try Program*

a. *Purpose.* (1) To determine continued qualification for the Try Program, or to determine whether the applicant may be approved for the Star Program.

(2) To determine whether adequate progress has been made toward the agreed-upon goals.

(3) To identify any problems in the safety and health program or its implementation which need resolution in order to continue qualification or meet agreed-upon goals.

(4) To document program improvements and/or improved results.

(5) To provide advice and suggestions for improvements that might be made.

b. *Frequency.* All Try programs will be evaluated annually for the duration of the period of approval, except where the participant requests an evaluation before the annual evaluation for the purpose of determining whether the Star qualifications have been met.

c. *Measure of effectiveness.* The following factors will be used in the evaluation of Try Programs:

(1) Continued adequacy of the safety and health program to address the potential hazards of the workplace;

(2) Comparison of rates to the industry average;

(3) Satisfaction of the participants;

(4) Nature and validity of any complaints received by OSHA;

(5) Nature and resolution of problems that have come to OSHA's attention; and,

(6) Progress made toward goals specified in the pre-approval or previous evaluation report.

d. *Description of evaluation.* OSHA's evaluation will consist mainly of an onsite visit of duration and content similar to the Pre-Approval Review described in III.I.2.

3. The Voluntary Protection Demonstration Program

a. *Purpose.* To determine whether the approach being demonstrated and/or tested protects workers to the degree provided by the Star Program.

b. *Frequency.* All demonstration programs will be evaluated annually for the period of duration of the approval.

c. *Measure of effectiveness.* The measures of effectiveness of the approach being demonstrated and/or tested will be determined on a case-by-case basis before approval. These will include injury rates.

d. *Description of evaluation.* OSHA's evaluation will consist mainly of an onsite review of duration and scope of similar to the Pre-Approval Review described in III.I.2.

O. Termination or Post-Approval Withdrawal

1. Reason for Termination

a. Completion of covered construction work at the site will terminate a construction industry approval.

b. Sale of the approved site to another company or any management change that eradicates or significantly weakens the safety and health program may terminate the approval.

c. The participating site managment, or the duly authorized collective bargaining agent where applicable, may terminate participation for any reason.

d. OSHA may terminate participation for cause.

2. Cause for OSHA Termination

a. *Star Program.* Termination by OSHA will occur when a significant failure to maintain the safety and health program in accordance with the program requirements has been identified.

b. *Try Program.* Termination by OSHA will occur when:

(1) A significant failure to maintain the safety and health program in accordance with the program requirements has been identified; or,

(2) No significant progress has been made toward the goals; or

(3) The term of approval has expired.

c. *The Voluntary Protection Demonstration Program. Termination by OSHA will occur when:*

(1) OSHA determines that continuation of the experiment will:

(a) Endanger workers at the covered site(s); and/or,

(b) Be unlikely to result in inclusion into the Star Program; or,

(2) The period of approval has expired.

3. Notification

OSHA will provide the participant and other relevant parties 30 days notice of intent to terminate participation unless:

(a) Other terms for termination were agreed-upon before approval; or

(b) A set period for approval is expiring or construction has been completed.

4. Post-Approval Withdrawal

Upon receipt of notice of intent to terminate, or for any other reason, a participant may withdraw from the VPP with written notification to the assigned Contact Person.

P. Reinstatement

Reinstatement requires reapplication.

Signed at Washington, DC, this 4th day of March.

John A. Pendergrass,

Assistant Secretary.

[FR Doc. 87-4979 Filed 3-9-87; 8:45 am]

BILLING CODE 4510-26-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities; Humanities Panel, Meetings

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, DC. 20506:

FOR FURTHER INFORMATION CONTACT: Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC. 20506; telephone 202/786-0322.

SUPPLEMENTARY INFORMATION: The proposed meetings are 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. Because the proposed meetings will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; or (3) information the disclosure of which would significantly frustrate implementation of proposed agency action, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c) (4), (6) and (9)(B) of section 552b of Title 5, United States Code.

1. Date: April 15-16, 1987
   Time: 7:30 a.m. to 5:30 p.m.
   Room: 415.
   Program: This meeting will review applications submitted for Humanities Projects in Media, submitted to the Division of General Programs, for projects beginning after October 1, 1987.
2. Date: April 23-24, 1987
   Time: 7:30 a.m. to 5:30 p.m.
   Room: 415.
   Program: This meeting will review applications submitted for Humanities Projects in Media, submitted to the Division of General Programs, for projects beginning after October 1, 1987.
3. Date: April 28-29, 1987
   Time: 7:30 a.m. to 5:30 p.m.
   Room: 415.
   Program: This meeting will review applications submitted for Humanities Projects in Media, submitted to the Division of General Programs, for projects beginning after October 1, 1987.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 87-4961 Filed 3-9-87; 8:45 am]

BILLING CODE 7536-01-M

Agency Information Collection Activities Under OMB Review

AGENCY: National Endowment for the Arts.

ACTION: Notice.

SUMMARY: The National Endowment for the Arts (NEA) has sent to the Office of Management and Budget (OMB) the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

DATES: Comments on this information collection must be submitted by March 27, 1987.

ADDRESSES: Send comments to Mrs. Judy Egan, Office of Management and Budget, New Executive Office Building, 726 Jackson Place NW., Room 3208, Washington, DC 20503; (202-395-6880). In addition, copies of such comments may be sent to Ms. Marianna Dunn, National Endowment for the Arts, Administrative Services Division, Room 203, 1100 Pennsylvania Avenue, NW., Washington, DC 20506; (202-682-5464).

FOR FURTHER INFORMATION CONTACT: Ms. Marianna Dunn, National Endowment for the Arts, Administrative Services Division, Room 203, 1100 Pennsylvania Avenue NW., Washington, DC 20506; (202 682-5464) from whom copies of the document are available.

SUPPLEMENTARY INFORMATION: The Endowment requests the reinstatement of two previously approved collections and the extension of a currently approved collection. The entry is issued by the Endowment and contains the following information: (1) The title of the form; (2) how often the required information must be reported; (3) who will be required or asked to report; (4) what the form will be used for; (5) an estimate of the number of responses; (6) an estimate of the total number of hours needed to prepare the form. This entry is not subject to 44 U.S.C. 3504 (h).

Title: Opera-Musical Theater Application Guidelines FY 1988
OMB Number: 3135-0057
Frequency of Collection: One-time
Respondents: Individuals, state or local governments, non-profit institutions.
Use: Guideline instructions and applications elicit relevant information from individual artists, nonprofit organizations and state or local arts agencies that apply for funding under specific Program categories. This information is necessary for the accurate, fair and thorough consideration of competing proposals in the peer review process.
Estimated Number of Respondents: 339
Estimated Hours for Respondents to Provide Information: 17,168

Title: Music Ensembles Application Guidelines FY 1988
OMB Number: 3135-0068
Frequency of Collection: One-time
Respondents: Non-profit institutions
Use: Guideline instructions and applications elicit relevant information from nonprofit organizations that apply for funding under specific Program categories. This information is necessary for the accurate, fair and thorough consideration of competing proposals in the peer review process.
Estimated Number of Respondents: 510
Estimated Hours for Respondents to Provide Information: 17,964

Title: Arts Administration Fellows Program Application Guidelines FY 1988
OMB Number: 3135-0064
Frequency of Collection: One-time
Respondents: Individuals
Use: Guideline instructions and applications elicit relevant information from arts administrators, individual artists, and graduate students who apply for funding under a specific program category. This information is necessary for the accurate, fair, and thorough consideration of competing proposals in the peer review process.
Estimated Number of Respondents: 350
Estimated Hours for Respondents to Provide Information: 1,350

Murray R. Welsh,

Director, Administrative Services Division, National Endowment for the Arts.

[FR Doc. 87-4928 Filed 3-9-87; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

Cleveland Electric Illuminating Company, et al., Consideration of Issuance of Amendment to Facility Operating License and Proposed no Significant Hazards Consideration Determination

[Docket No. 50-440]

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-58 issued to Cleveland Electric Illuminating Company, Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company and Toledo Edison Company (the licensees) for operation of the Perry Nuclear Power Station, Unit 1 located in Perry, Ohio.

The proposed amendment would change the maximum isolation time allowed by the Technical Specifications from 50 seconds to 20 seconds for operation of the Reactor Core Isolation Cooling (RCIC) system inboard containment isolation valve (1E51-F063). The change is requested by the licensees in relation to a planned conversion of this normally-closed value, which is presently operated by a direct-current (DC) motor operator, to be normally-open with a more reliable alternating current (AC) motor opeator. This change is being made because of problems experienced with the DC operator. Realignment of the valve to the normally open position will also increase the availability of the RCIC system as it will eliminate the active operating requirement for this valve on RCIC system initiation. The amendment would also delete from the Technical Specifications the load represented by the DC motor operator and the identification of the motor control center through which DC power is now supplied to the motor operator. The replacement AC supply will be from another motor control center which is presently identified in the Technical Specifications. These revisions to the Technical Specifications would be made in response to the licensees' application for amendment dated March 4, 1987.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92 this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The proposed change does not involve a significant increase in the probability of consequences of an accident previously analyzed because the change from a DC motor operator to an AC motor operator and the decrease in the operating time requirement from 50 seconds to 20 seconds will serve to increase rather than decrease the availability of the RCIC system and the operation of the RCIC system with the valve noramlly open, but able to close within 20 seconds, is within the bounds of th existing main steam line break analysis. For environmental qualification, the licensees have performed an analysis which demonstrates that line isolation within 20 seconds will not jeopardize equipment required for safe shutdown in the environmental zones (pressure, temperatue, humidity) related to the postulated pipe break.

The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated bacause the RCIC system reliability will be increased, the RCIC system operation will remain within the bounds of existing safety analyses, and the basic operation of the RCIC system will not change. Furthermore, the change from DC to AC operation will not significantly affect either the AC or DC power systems, as the AC power system has more than sufficient capacity to supply the increased load of the value operation and the local on the DC power systems, will decrease.

The proposed change does not involve a significant reduction is a margin of safety because the basic operation of the RCIC system is not changed, the isolation valve will maintain all of its present isolation signals, and it will be capable of operating against the maximum calculated system pressure while satisfying all applicable General Design Criteria of Appendix A to 10 CFR Part 50.

Therefore, based on these considerations and the three criteria given above, the Commission has made a proposed determination that the amendment request involves no significant hazards consideration.

The Commission has determined that failure to act in a timely way would result in shutdown of Perry Unit 1 and March 26, 1987. Therefore, the Commission has insufficient time to issue its usual 30-day notice of the proposed action of public comment.

If the proposed determination becomes final, an opportunity for a hearing will be published in the **Federal Register** at a later date and any hearing request will not delay the effective date of the amendment.

If the Commission decides in its final determination that the amendment does involve a significant hazards consideration, a noitce of opportunity for a prior hearing will be publihed in the **Federal Register** and, it a hearing is granted, it will be held before any amendment is issued.

The Commissionis seeking public comments on this proposed determination of no significant hazards consideration. Comments on the proposed determination may be telephoned to Walter R. Butler, Director, BWR Project Directorate No. 4, by collect call to 301-492-7538 or submitted in writing to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of the **Federal Register** notice. Written comments may also be delivered to Room 4000, Maryland National Bank Building, 7735 Old Georgetown Road, Bethesda, Maryland from 8:15 a.m. to 5:00 p.m. All comments received by March 24, 1987 will be considered in reaching a final determination. A copy of the application may be examined at the Commission's Public Document Room, 1717 H Street NW., Washington, DC and at the Perry Public Library, 3753 Main Street, Perry, Ohio 44081.

Dated at Bethesda, Maryland, this 5th day of March 1987.

For the Nuclear Regulatory Commission

Walter R. Butler,

Director BWR Project Directorate No. 4 Division of BWR Licensing.

[FR Doc. 87-5196 Filed 3-9-87; 9:20 am]

BILLING CODE 7590-01-M

[Docket No. 50-251]

Florida Power and Light Co.; Consideration of Issuance of an Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-41, issued to Florida Power and Light

Company (FPL, the licensee), for operation of the Turkey Point Plant, Unit No. 4, located in Dade County, Florida.

The proposed amendment would implement International Atomic Energy Agency (IAEA) Safeguards at Turkey Point Unit 4 (the facility) by the addition of license conditions subjecting the facility to IAEA safeguards inspections. The purpose of IAEA safeguards inspection is to permit the IAEA to verify that source or special fissionable material at the facility is not withdrawn (except as provided in the US/IAEA Safeguards Agreement) from the facility while such material is being safeguarded under the Agreement. The Agreement was ratified as a treaty on July 2, 1980. Under the US's Treaty with the IAEA on the Non-Proliferation of Nuclear Weapons, the US is committed to permit the IAEA to apply safeguards in the US in the same manner as the IAEA does in non-nuclear weapons states.

By letter dated September 5, 1985, FPL was informed that Turkey Point Unit 4 had been identified by the IAEA under Article 39(b) of the Agreement for the application of IAEA Safeguards. Under the Agreement, the IAEA is allowed to identify the facilities (from among the list provided by the US in accordance with Article 1(b) of the Agreement) in which it wishes to apply safeguards. In the same letter, FPL was advised that the US and the IAEA would develop a Facility Attachment, which would define the IAEA safeguards inspection program, for Turkey Point Unit 4 in consultation with the licensee. By letter dated November 4, 1985, FPL provided the NRC staff with a description of the Turkey Point Unit 4 facility design, the nuclear material control procedures and the accounting procedures. Using the information provided in the above letter, a draft Facility Attachment was developed in accordance with the requirements in 10 CFR Part 75 and transmitted to FPL by letter dated June 5, 1986, for its review and comment.

Part 75 provides that a facility Attachment will be referenced in a license condition and it authorizes the Commission to issue license amendments, as necessary, for the implementation of the principal text of the US/IAEA Safeguards Agreement and the Facility Attachment (as amended from time to time). FPL provided comments on the Facility Attachment in a letter dated July 18, 1986. The proposed amendment would specify through reference to the Facility Attachment:

(1) The features of the facility and nuclear material relevant to the application of safeguards to nuclear material in suficient detail to facilitate verification;

(2) The material balance areas to be used for IAEA accounting purposes and those strategic points which are key measurement points and which will be used to determine flow and inventory of nuclear material;

(3) The nominal timing and procedures for taking of physical inventory of nuclear material for IAEA accounting purposes;

(4) The records and reports requirements and records evaluation procedures;

(5) Requirements and procedures for verification of the quantity and location of nuclear material;

(6) Appropriate combinations of containment and surveillance methods and techniques at the strategic points at which they are to be applied;

(7) Loss limits and changes in containment pertaining to special report requirements;

(8) Actions required to be taken at the request of a IAEA inspector;

(9) Types of modifications with respect to which information is required in advance;

(10) Procedures to be used for documentation of requests pertaining to expenses; and

(11) Requirements related to the installed IAEA instruments and devices, namely seals in the containment and surveillance cameras in the containment and in the spent fuel pool area.

The proposed amendment would be in response to the licensee's application dated February 20, 1987, which requested that Facility Operating License No. DPR–41 be amended to add the following license conditions:

1. Incorporation of Facility Attachment:

• Pursuant to 10 CFR 75.8, NRC License No. DPR–41 is hereby amended to incorporate by reference Codes 1. through 7. of Facility Attachment No. 12 dated October 1, 1986, to the US/IAEA Safeguards Agreement.

2. Facility Attachment Code 7.9

The specific facility health and safety rules and regulations to be observed by the Agency's (IAEA) inspectors (as specified in Paragraph 5 of the design information as of October 11, 1985, provided by the USA) mean:

• Agency inspectors who have previously visited the facility will be informed as necessary at the time of entry into the facility of health and safety rules and ad hoc rules as might be required in view of a special situation that has occurred at the facility since the inspectors' last visit to the facility. The briefing will be of a short duration, not to exceed 30 minutes, covering topics deemed relevant by the licensee.

• Agency inspectors who have not previously visited the facility will be informed as necessary at the time of entry into the facility of health and safety rules and ad hoc rules as might be required in view of a special situation that has occurred at the facility. The briefing will be of an appropriate duration, not to exceed three hours, and consist of topics deemed relevant by the licensee.

• In either case, the licensee should take into account the Agency inspector's prior training, expertise and experience. In neither case shall the Agency inspector be subject to any form of evaluation or testing by facility representatives or representatives of the U.S. Government.

• For health and safety reasons, Agency inspectors will be escorted by qualified facility personnel at time deemed appropriate by the licensee.

3. Termination:

• Pursuant to the provisions of 10 CFR 75.41, the Commission will inform the licensee, in writing, when its installation is no longer subject to Article 39(b) of the principal test of the US/IAEA Safeguards Agreement. The IAEA Safeguard License Conditions incorporating Code 7. of the Facility Attachment as part of NRC License No. DPR–41 will be terminated as of the date of such notice from the Commission without further licensee or NRC action, except that: If the IAEA elects to maintain the licensee's installation under Article 2(a) of the Protocol, then provisions equivalent to Codes 1. through 6. of the Facility Attachment (with possible appropriate modifications) could still apply, and accordingly all other IAEA Safeguards License Conditions to NRC License No. DPR–41 would remain in effect until the Commission notifies the licensee otherwise.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the request for the amendment involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from

any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The proposed amendment implements an IAEA Safeguards inspection program and does not in any way effect the design bases or operation of the facility. As discussed above, the purpose of the IAEA safeguards inspection is to permit the IAEA to verify that source of special fissionable material at the facility is not withdrawn (except as provided in the US/IAEA Safeguards Agreement) from the facility while such material is being safeguarded under the agreement.

Since the proposed amendment will not affect the existing design bases nor result in any changes to the operational limitation of this facility, the staff proposes to determine that the amendment does not involve a significant increase in the probability or consequences of an accident from any accident previously evaluated; does not create the possibility of a new or different kind of accident previously evaluated; and does not involve a significant reduction in a margin of safety. The staff, therefore, proposes to determine that the amendment does not involve a significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 4000, Maryland National Bank Building, 7735 Old Georgetown Road, Bethesda, Maryland, from 8:15 a.m. to 5:00 p.m. Copies of written comments received may be examined at the NRC Public Document Room, 1717 H Street, NW., Washington, DC. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By April 9, 1987, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license or a person whose interest may be affected by this proceeding may file a request for a hearing; any person whose interest may be affected by this proceeding and who wishes to participate as a party in the hearing must file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular rference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the request for amendment involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If a final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Lester S. Rubenstein: (petitioner's name and telephone number), (date petition was mailed), (plant name), and (publication date and page number of this **Federal Register** notice). A copy of the petition should also be sent to the Office General Counsel-Bethesda, U.S. Nuclear

Regulatory Commission, Washington, DC 20555, and to Harold F. Reis, Esquire, Newman and Holtzer, P.C., 1615 L Street, NW., Washington, DC 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, and supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated February 20, 1987, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199.

Dated at Bethesda, Maryland, this 4th day of March, 1987.

For the Nuclear Regulatory Commission.

Lester S. Rubenstein,

Director, PWR Project Directorate No. 2 Division of PWR Licensing-A, Office of Nuclear Reactor Regulation.

[FR Doc. 87–5060 Filed 3–9–87; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–24159; File No. SR–CBOE–85–39]

Self-Regulatory Organizations; Chicago Board Options Exchange, Inc.; Order Approving Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] the Chicago Board Options Exchange, Incorporated ("CBOE") on August 29, 1985, filed with the Commission a proposed rule change that would guarantee a firm's right to participate in at least 20% of any facilitation order [3] in Foreign Currency Options ("FCOs") that it brings to the exchange floor.

Notice of the proposed rule change, together with the terms of substance of the proposal, was given by the issuance of a Commission release (Securities Exchange Act Release No. 22425, September 18, 1985) and by publication in the **Federal Register** (50 FR 39207, September 27, 1985). No comments were received on the proposal.

Under the CBOE's current options facilitation rule,[4] a firm can facilitate a public customer order if it betters the current market by either bidding above the highest bid or offerring below the lowest offer. The rule, however, allows anyone in the trading crowd to step in front of the facilitating firm if it meets this bid or offer. CBOE's proposal would alter the facilitation rules applicable to FCOs by guaranteeing a facilitating firm 20% of any order from a firm's proprietary account or from a public customer who is not a broker-dealer. In its filing, CBOE states that the purpose of the 20% guarantee is to encourage market participants to facilitate public customer orders in FCOs. CBOE believes that, by guaranteering the facilitating firm 20% of the transaction, the firm would be more likely to bring a customer order to the floor. According to the CBOE, the proposal adequately balances the interests of the facilitating firm, that has brought the order to the floor, and other members of the trading crowd, who can participate in at least 80% of the facilitated transaction.

In reviewing the proposal, the Commission was concerned that the 20% guarantee would encourage pricing decisions to be made away from the trading crowd and thereby impair market liquidity. Nevertheless, because of the special characteristics of the foreign currency options market we have concluded that the rule proposal should be approved. First, we note that because of the large over-the-counter market in foreign currency forward contracts, many firms do not currently bring orders down to the exchange floor. CBOE's proposed rule change, by encouraging orders to be brought to the exchange floor, actually could increase the depth and liquidity of the market on the floor. Second, the FCO markets tend to be dominated by large institutional, rather than individual, investors. These investors usually trade in block size transactions, which are more amenable to upstairs price negotiation. Accordingly, because of the upstairs nature of the FCO market and the large institutional participation, we believe that an incentive to encourage firms to facilitate FCO orders on the exchange floor may be appropriate in these limited circumstances for this particular options product.

Based on the above, 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 and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Dated: March 2, 1987.

Jonathan G. Katz,

Secretary.

[FR Doc. 87–4996 Filed 3–9–87; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–24165; File No. SR–NASD–87–6]

Self-Regulatory Organizations; Filing and Order Granting Immediate Effectiveness to Proposed Rule Change by National Association of Securities Dealers, Inc.; Membership and the Press of Suspensions, Expulsions, Revocations, and Monetary Sanctions

Pursuant to section 19(b) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on February 3, 1987, the National Association of Securities Dealers, Inc. ("NASD") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Statement of the Terms of Substance of the Proposed Rule Change

The proposal amends the Resolution of the Board of Governors concerning "Notice to Membership and Press of suspensions, Expulsions and Revocations" ("Resolution") by providing: (1) For notice of the imposition of monetary sanctions of $10,000 or more upon a member or person associated with a member to the NASD membership and the press, and (2) for a more complete description of

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4 (1985).

[3] A "facilitation" order is a firm proprietary order that is sent to an exchange floor for execution at the same time as a customer order on the other side of the market. Unless an equal or better execution of the customer order can be obtained on the exchange floor, the firm's order can be crossed with the customer's order to facilitate its execution. *See* CBOE Rule 6.74.

[4] *See* CBOE Rule 6.74.

[5] 17 CFR 200.303.

the conduct found to constitute a violation of applicable rules. Notices shall now identify the section of the NASD's Rules and By-Laws or the Commission's rules violated, and shall describe the conduct constituting the violation. Notices also may identify the member with which an individual was associated at the time the violations occurred, if the NASD determines that identification is in the public interest.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filling with the Commission, the NASD stated that the purpose of the amendments to the Resolution is to permit the NASD to publicize, to its members and through the press, significant disciplinary actions that do not result in a suspension or bar and to provide, for the membership's guidance, a more complete description of the conduct found to constitute a violation of NASD, Commission, or Municipal Securities Rulemaking Board rules. In addition, the amendments will permit the NASD to disclose, where it deems appropriate in the public interest, the name of the member with whom an individual was associated at the time such individual engaged in the violative conduct.

The statutory basis for the amendments to the Resolution can be found in section 15A(b)(6) of the Act, which provides, *inter alia*, that the rules of a national securities association shall be designed to promote just and equitable principles of trade and to protect investors and the public interest. The NASD believes that each of these purposes is served by the amendments. The promotion of just and equitable principles of trade will be enhanced by the ability to communicate to broker-dealers and associated persons additional information respecting activities constituting serious violations of such principles. Further, a greater likelihood of publication may serve to deter those who would engage in such activities. The NASD believes that increasing the amount of information available to the investing public as to prohibited practices and those who adopted them will increase the ability of investors to protect their own interests.

The NASD believes that the amendments to the Resolution will create no burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

III. Date of Effectiveness of Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of 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 Act.

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 submissions, 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. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to file number SR-NASD-87-6 and should be submitted by March 31, 1987.

It is therefore ordered, pursuant to section 19(b)(3) of the Act, that the proposed rule change referenced above be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

Dated: March 3, 1987.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-4997 Filed 3-9-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-24161; File Nos. SR-NYSE-85-37, SR-MSE-86-04, SR-BSE-85-08]

Self-Regulatory Organizations; New York Stock Exchange, Midwest Stock Exchange, Boston Stock Exchange; Order Approving Proposed Rule Change

I. Introduction

This order concerns proposals by several national securities exchanges to provide facilities for trading sceurities for settlement on an expedited or extended basis.[1] The proposals would authorize trading facilities: (1) On the New York Stock Exchange ("NYSE") and the Boston Stock Exchange ("BSE") for transactions that settle on the day after trade execution ("T+1"); (2) on the Midwest Stock Exchange ("MSE") for transactions that settle on the first, second, third or fourth business day after trade execution ("T+1", "T+2", "T+3" or "T+4", respectively);[2] and (3) on the MSE for transactions that settle between six and sixty days after trade execution ("T+6" through "T+60"), at the seller's option. Additionally, the NYSE's proposed rule change would authorize a pilot program for trading facilities for transactions that settle on "T+2", T+3 or T+4. Notice of the proposals appeared in the **Federal Register** on November 25, 1985, (BSE) [3] on December 17, 1985, (NSYE) [4] and on May 21, 1986, (MSE).[5] No comments were received. The Commission has determined to approve the proposals.

II. Description

The proposed rule changes would amend NYSE Rule 64; BSE Chapter II, Section 1; and MSE Article XX, Rule 10. These rules specify basic contract terms for members trading securities through exchange facilities.

The proposed rule changes would add new expedited settlement terms and extend the settlement time frame available to MSE members in

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[1] Currently, most securities transactions executed on a national securities exchange are settled on the fifth business day following the trade date.

[2] To assess the consequences of the proposed rule changes, the Commission authorized pilot programs for both the MSE and NYSE to test their proposed expedited settlement features. *See* Securities Exchange Act Rel. No. 22583 (October 31, 1985) 50 FR 426378 and Letter from Jonathan Kallman, Assistant Director, Division of Market Regulation, to Patrick K. Conroy, Counsel, MSE, dated July 16, 1986, (approving and extending MSE's pilot program testing trading facilities for transactions settling on T+1, T+2, T+3 and T+4); Securities Exchange Act Rel. Nos. 21975 (April 23, 1985), 50 FR 16768, and 22702 (December 11, 1985) 50 FR 51599 (approving and extending NYSE's pilot program testing trading facilities for transactions settling on T+1).

[3] *See* Securities Exchange Act Rel. No. 22638 (November 19, 1985), 50 FR 48511 (File No. SR-BSE-85-8).

[4] *See* Securities Exchange Act Rel. No. 22702 (December 11, 1985), 50 FR 51499 (File No. SR-NYSE-85-37).

[5] *See* Securities Exchange Act Rel. No. 23261 (May 21, 1986), 51 FR 19644 (File No. SR-MSE-86-4).

connection with seller's option trades.[6] More specifically, the NYSE's and BSE's proposed rule changes would permit trades executed on those exchanges to be settled on the first business day after trade execution, which these exchanges refer to as settlement on a "next-day" basis. Additionally, the NYSE's proposal would authorize a pilot program to test trading facilities for trades settling on T+2, T+3 or T+4. MSE's proposed rule change also would permit exchange trades to be settled on a "next-day" basis, however, MSE uses this term more expansively than the NYSE and BSE to refer to settlement on T+1, T+2, T+3 or T+4. Finally, the MSE's proposal would extend, from 30 to 60 business days after trade execution, the permissible time frame within which seller's option trades may be settled.

III. The Exchanges' Views in Support of the Proposals

The exchanges believe that the proposed rule changes are consistent with the Act and, in particular, section 6(b)(5).[7] The exchanges believe that the proposals foster cooperation and coordination with persons engaged in settling and facilitating transactions in securities and help to remove impediments to free and open securities; markets.

In their filings, the exchanges stated that their proposed expedited settlement features will provide greater flexibility to their members in furthering the investment objective of certain of the members' customers. The exchanges beleive that additional settlement features will aid investors engaging in sophisticated trading strategies. Additionally, the NYSE believes that its pilot program testing trading facilities for trades settling on T+2, T+3, or T+4 is consistent with the Act because it will provide the Commission with an opportunity to determine if existing clearance and settlement facilities are adequate for processing these trades.

MSE states that the proposal to extend the settlement time for seller's option trades from 30 business days to 60 business days after trade date would conform MSE's rules to the rules of other exchanges. Moreover, MSE believes that the extended seller's option feature would provide members with greater flexibility in achieving their investment objectives.

IV. Discussion

The Commission believes that the proposals are consistent with the Act because they are designed to protect the public interest.[8] Specifically, the proposals provide market facilities for investors who wish to execute transactions for settlement on time frames that differ from the traditional five business days. Indeed, as discussed below, investor interest in these facilities has been significant throughout 1986. Nevertheless, because the proposals would authorize trading on an expedited basis that may be inconsistent with current automated clearance and settlement mechanisms, the proposals could provide the basis for a return to inefficient trade settlement procedures contrary to Congressional goals in the Securities Acts Amendments of 1975.[9] As discussed below, however, the Commission is satisfied that existing clearing facilities are adequate to meet current and predicted trading volume. Moreover, the Commission expects the exchanges to monitor member settlement performance with a view to establishing centralized, automated settlement facilities if and when necessary. Accordingly, the Commission is approving the proposals.

A. The Expedited Settlement Proposals

Experience indicates that there is a small but significant investor interest in trading securities for settlement on an expedited basis. For example, during the first six months of 1986, NYSE members executed 1,839 next-day trades on the exchange (roughly 71 per week). In March alone, 395 next-day trades were executed representing 5,146,500 shares, with a total value of $603,573,116. Next-day trades on the NYSE in 1986 represented approximately .11% of the total number of trades executed on the exchange; .19% of the total share volume; and .52% of the total dollar volume.

During the period from August 18, through November 14, 1986, MSE members entered into approximately 118 next-day trades, on average, each week. Average weekly next-day share volume on the MSE was 2,043,368 shares and average weekly dollar value of next-day trades was $83,374,900. This represents approximately .18% of the total number of trades on the exchange during that period; 3.7% of total share volume and 3.5% of the total dollar value of trades on the MSE.

The Commission recognizes that trading securities on an expedited settlement basis enables investors to act on investment opportunities without the time restrictions of the regular-way settlement cycle. For many years investors have settled exchange trades on a cash basis, *i.e.*, same-day settlement. The exchanges have not identified particular investment strategies which could not be accomplished using other settlement features; for example, cash or seller's option features.[10] It appears that for some investors, however, trading on a next-day basis is more convenient. For example, the Commission understands that because of back-office difficulties processing cash trades in time to settle on trade date, many of these trades actually settle on the next day. Thus, the Commission believes that the proposals will serve investor needs and will afford investors greater flexibility in structuring their investment strategies.

In examining the proposed rule changes, however, the Commission was particularly concerned that trading securities on an expedited settlement basis might increase settlement delays and could lead to the same processing problems member firms experienced during the paperwork crisis of the

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[6] Generally, current exchange rules permit trades to be executed with the following settlement terms: (1) "cash" settlement (*i.e.*, same-day); (2) "regular-way" settlement (*i.e.*, on the fifth business day after execution); (3) "seller's option" settlement (*i.e.*, six to sixty business days after execution); (4) "when-issued" settlement (*i.e.*, following issuance of the securities); and (5) "when-distributed" settlement (*i.e.*, following distribution of the securities).

[7] Section 6(b)(5 provides that the rules of a national securities exchange must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principiles of trades, to foster cooperation and coordination with persons engaged in regulating, Clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market system, and, national market system, an in general, to protect investors and the the public interest.

[8] *See* section 6(b)(5) of the Act.

[9] Pub. L. No. 94-29, 89 Stat. 97 (1975).

[10] The Commission believes some potential uses of expedited settlement features include covering short call options; coordinating U.S. and foreign settlements; complying with the Commission's Buy-in Possession and Control Rule (*see* Securities Exchange Act Rule 15c3-3); covering a guaranteed delivery of tendered securities to a tender agent on behalf of a customer; and engaging in dividend arbitrage. The Commission also believes that it is possible, although less likely, that investors might wish to use expedited settlement features to settle trades in same-day funds rather than in clearinghouse funds. (Currently, to settle trades in same-day funds, broker-dealers must settle trades outside the facilities of registered clearing agencies.) Finally, the Commission has identified several possible uses of expedited settle features which usually involve large block trades. They include adjusting end-of-tax-year balance sheets; raising cash quickly; entering into "synthetic repos" (repurchase agreements using equity securities); and doing dividend rolls.

1960s.[11] Central to efficient market operations is the ability to compare, clear and settle securities transactions executed through exchange facilities. Absent the ability to settle transactions on a timely basis, exchange members executing transactions could face significant financial losses because of adverse changes in securities prices pending settlements and increased costs to complete transactions with customers or other exchange members. Accordingly, section 6(b)(5) of the Act requires that exchange rules be designed to facilitate cooperation and coordination with persons engaged in clearing, settling and processing securities transactions.[12]

As noted above, trades on national securities exchanges generally settle five business days after execution date, to allow adequate time to complete the tasks necessary to effect payments and deliveries among broker-dealers and customers. Those tasks include comparison of the alleged terms of the trade between broker-dealers, confirmation of the trade to the customer (and, if appropriate, affirmation of those terms by the customer[13]) and the exchange of securities or funds in settlement of contractual obligations. Those tasks must be performed for each trade, regardless of the settlement time frame.

Agency transactions executed on national securities exchanges generally entail two contracts—one between the customer and his broker and a second between the broker and another member of the exchange (who could be, for example, a specialist, floor trader, or broker acting as an agent for another public customer). Delivery and payment obligations related to the street-side contract are effected through clearing corporations. Delivery and payment obligations related to the customer-side contract generally are effected through securities depositories (if the customer engages a bank as it securities custodian and settlement agent) or directly between the parties by an exchange of cash and securities certificates.

Street-side contract settlement at clearing corporations speeds trade settlements and reduces trade settlement costs, among other things, by allowing brokers to net their purchase and delivery obligations within each securities issue and to carry-over fails-to-deliver for netting against future purchases in the same securities issue.[14] In addition, because the clearing corporation nets all cash settlement obligations, brokers need make only one cash settlement daily for all their trade activity.

Customer-side contract settlement at securities depositories also speeds trade settlement and reduces trade settlement costs, among other things, by providing facilities that enable book-entry deliveries between brokers and their customer's settlement agent, and automated communication links among institutional custodians, broker-dealers and institutional investment advisers. Because many secondary market trades involve institutional investors,[15] these facilities are essential to prompt and efficient settlement of exchange transactions during periods of sustained high trading volume.

As discussed above, the Commission has worked closely with the registered clearing agencies and other self-regulatory organizations to develop these automated clearance and settlement facilities and to require that most securities transactions are processed within the National Clearance and Settlement System ("NC&SS"). Thus, to the extent that the exchanges' proposed rule changes would increase the number of trades processed outside NC&SS facilities, there is an increased risk of a recurrence of the problems of the 1960s. The following sections address the likelihood that the exchanges' proposals would lead to a substantial increase in the number of "ex-clearing" trades and indentifies potential responses if a substantial increase were to occur.

1. Clearing Agency Facilities For MSE Expedited Trades

Most MSE trades clear and settle at the Midwest Clearing Corporation ("MCC") and the Midwest Securities Trust Company ("MSTC"). MSE and MCC/MSTC currently provide facilities to clear and settle trades on an expedited settlement basis (*i.e.*, T+1, T+2, T+3 or T+4). Street-side contracts on expedited settlement trades are compared by MSE personnel (as are all MSE trades, generally) and then are sent on trade date to MCC/MSTC for processing. Because these contracts are compared before they reach MCC/MSTC, they are eligible for CNS or Trade-for-Trade Settlement, if both parties use MCC facilities to settle their trades.[16]

Preparatory tasks associated with customer-side contract settlement (confirmation and affirmation of institutional trades) must be performed ex-depository, because of the shortened period between trade date and settlement date. Nevertheless, assuming these tasks can be accomplished within the contractual time frame, delivery of securities against payment can be made through MSTC facilities by book-entry movement.[17]

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[11] *See* Securities Exchange Act Release No. 13163 (January 13, 1977), 42 FR 3916 (NSCC temporary registration order); Securities and Exchange Commission, "Study of Unsafe and Unsound Practices of Brokers and Dealers", H.R. Doc. No. 231, 92nd Cong., 1st Sess. 13 (1971).

[12] It also is instructive to look at section 17A of the Act for guidance in reviewing the proposed rule change. That section's objectives relate to fostering the establishment of a prompt, accurate and safe national clearance and settlement system. The exchanges are necessary components of that national system and have supported its use and expansion. (For example, the exchanges have adopted rules mandating the use of automated clearance and settlement facilities.) *See, e.g.*, NYSE Rules 387 and 132.

[13] Many institutions use an investment manager to manage the institution's portfolio and a bank trust department to maintain custody of portfolio assets and funds. The investment manager uses the services of a broker-dealer to execute trades. After executing the trade, the broker must confirm the terms of the trade in writing to the investment manager. *See* 17 CFR 240.10b-10. If the confirmation conforms to the investment manager's records of the ordered trade, the investment manager must issue instructions (*i.e.*, an "affirm") to the custodian bank authorizing settlement. Without appropriate instructions, the custodian bank will refuse to settle the trade. To promote timely customer-side settlement of institutional trades, various self-regulatory organizations have taken significant steps to encourage investment managers, brokers and custodian banks to confirm, affirm and settle most institutional trades through the facilities of a securities depository. The Depository Trust Company, in cooperation with the Midwest Securities Trust Company, Pacific Securities Depository Trust Company and the Philadelphia Depository Trust Company, operates an automated settlement system called the National Institutional Delivery System ("NIDS"). The NIDS, in conjunction with depository accurately and cheaply confirmed, affirmed and settled by a net book-entry movement and/or a single money obligation. Securities Exchange Act Rel. No. 19227 (November 9, 1982), 47 FR 51658.

[14] Most regular-way trades are settled through the continuous net settlement system ("CNS") of a clearing corporation affiliated with a national securities exchange. Interfaces among clearing corporations permit settlement of trades among members of different clearing corporations. Clearing corporations also offer members other ways to settle their trades (for example, settlement on a trade-for-trade basis).

[15] *See* Securities Exchange Act Rel. No. 19227, November 9, 1982), 47 FR 51658 (File No. SR-NYSE-82-1) (approving NYSE Rule 387).

[16] *See* MCC/MSTC Procedures, section 2—Trade Recording, and Section 3—Settlement. Through the Regional Interface Operation ("RIO"), participants can clear and settle trades at clearing agencies other than those affiliated with the stock exchange on which their trades are executed. Thus, an MSE member may choose to clear and settle MSE trades, through the RIO, at clearing agencies other than MCC/MSTC. However, because of the need to communicate and verify trade data among several participants in such a short time frame and because other clearing agencies have much more limited facilities for clearing and settling expedited settlement trades, the participant generally could not compare, clear and settle expedited trades through the RIO.

[17] MSTC participants may use Depository Delivery Instructions, automated book-entry settlement instructions, to settle these trades.

2. Clearing Agency Facilities For NYSE/BSE Expedited Trades

NYSE and BSE trades generally clear and settle through the facilities of the National Securities Clearing Corporation ("NSCC") and the Depository Trust Company ("DTC").[18] The processing of next-day trades at those clearing agencies is considerably less automated. NSCC's Procedures specifically provide that street-side next-day contracts are ineligible for comparison through NSCC and that such trades must be compared between the parties on an "ex-clearing" basis.[19] NYSE procedures for comparison of next-day street-side contracts dictate the use of manual comparison by both parties to the trade.[20] These trades are also ineligible for NSCC's CNS, Daily Balance Order ("DBO") [21] or trade-for-trade accounting and settlement systems. Delivery of securities against payment on street-side contracts, however, can be affected by book-entry movements at DTC, on a trade-by-trade basis.

Similar to MSE trade processing, preparatory tasks associated with customer-side contract settlement also must be performed ex-depository because of the shortened period between trade date and settlement date. If these tasks can be accomplished by settlement date as established by the contract, delivery of securities against payment can be made through DTC facilities by book-entry movement.[22]

Thus, if investor interest in next-day settlement were to increase significantly, most NYSE, BSE and MSE-RIO trades would be processed outside centralized clearing agency facilities. The Commission does not believe, however, that a significant increase in expedited settlement trades is imminent. First, as discussed above, experience during 1986 indicates that investor interest in expedited settlement trading has not been overwhelming and has been a fraction of regular-way settlement trades. Second, there do not appear to be any specific trading strategies that exclusively employ the expedited settlement feature. Indeed, as noted above, it appears that expedited settlement markets may act as a substitute for crash markets, rather than regular-way settlement markets. Thus, the Commission believes that, because cash trades cannot be processed in NC&SS facilities, the exchanges' proposals should not cause an increase in the number of trades processed outside NC&SS facilities; rather they should cause a decrease in the number of trades settling on a same-day basis and a corresponding increase in the number settling on T+1, T+2, T+3 or T+4.

Nevertheless, the Commission believes that the NYSE, BSE and MSE should continue to monitor expedited settlement activity volumes and report to the Commission's staff, on a quarterly basis, the number and types of expedited settlement trades. This should facilitate exchange and clearing agency evaluation of the need to provide clearance and settlement facilities for these markets.[23]

B. NYSE's Proposed Pilot Program

The NYSE's proposed rule change requested that the Commission approve a pilot program to test trading facilities for transactions scheduled to settle on T+2, T+3 or T+4. The Commission believes that this proposal is consistent with the Act. Operation of a pilot program will enable the Commission, the NYSE and its members to monitor NYSE transactions with expedited settlement features, and, more importantly, to monitor members' ability to clear and settle these trades. To facilitate oversight of the pilot, the Commission believes it is appropriate that the NYSE report, on a quarterly basis, the number and types of trades with these expedited settlement features.

C. MSE's Proposed Modification of its Seller's Option Settlement Feature

As noted above, the MSE's proposed rule change would extend the maximum settlement period of its seller's option settlement feature from 30 to 60 business days. The Commission believes that this proposal is consistent with the Act.

During the pilot program, the MSE has discovered no unusual trading activity related to the proposed extension of the seller's option time-frames. Moreover, the proposal merely establishes uniform seller's option time frames among the exchanges.[24] Finally, these trades can be cleared and settled through MCC/MSTC facilities.

V. Conclusion

For the reasons discussed above, the Commission finds that the proposed rule changes (File Nos. SR-NYSE-85-37, SR-MSE-86-04 and SR-BSE-85-08) are consistent with the Act. In particular, the Commission finds that the proposed rule changes are consistent with section 6 and the rules and regulations applicable to national securities exchanges. Nevertheless, to facilitate the Commission's continued monitoring of expedited settlement features, including NYSE's pilot program testing facilities for trades settling on T+2, T+3, and T+4, the exchanges have agreed to provide the Commission, on a quarterly basis, with the number and types of trades settling on an expedited basis.[25]

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule changes be, and hereby are, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: March 2, 1987.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-4998 Filed 3-9-87; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-15593; 812-6574]

Aetna Life Insurance and Annuity Co. et al.; Application

March 2, 1987.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the "Act").

Applicants: Aetna Life Insurance and Annuity Company ("Aetna") and Variable Annuity Account C of Aetna

[18] The BSE is most closely affiliated with NSCC and DTC and the majority of trades on that exchange are cleared and settled through NSCC and DTC.

[19] *See* NSCC Procedures, Section II.B.4.

[20] *See* NYSE Rules 133 and 135.

[21] NSCC's DBO accounting system nets all trades between two participants each day in each issue the parties elect to process through the DBO system. Thus, at the end of the day the participants have one net receive or deliver obligation to each other for each issue the participants elect to process through the system.

[22] DTC participants may use DTC's automated book-entry delivery instructions, Miscellaneous Delivery Orders, to settle these trades.

[23] The Commission understands that, should volume increase significantly, NSCC is prepared to consider system changes to accomodate processing street-side contracts involving next-day trades, and DTC is prepared to consider modifications to the National Institutional Delivery System, to the extent possible, to permit confirmation, affirmation and automated customer-side contract settlement of trades settled before T+5.

[24] Both the NYSE's and BSE's rules provide that trades to be settled on a seller's option basis may be settled up to sixty business days after trade date. *See* NYSE Rule 64 and BSE Chapter II, section 1.

[25] *See* Letters from Johathan Kallman, Assistant Director, Division of Market Regulation, to Brian McNamara, Director, Market Surveillance Services, NYSE; Patrick K. Conroy, Counsel, MSE; and Joseph Carmichael, BSE, dated January 12, 1987, confirming that the NYSE, MSE and BSE, respectively, agree to provide quarterly statistics to the Division.

Life Insurance and Annuity Company ("Account C").

Relevant 1940 Act Sections: Exemption requested pursuant to section 6(c) from sections 26(a)(2)(C) and 27(c)(2) of the Act.

Summary of Application: Applicants seek an order to permit payment to Aetna from the assets of Account C of the mortality and expense risk charges under certain variable annuity contracts (the "Contracts").

Filing Date: The application was filed on December 23, 1986. An amendment will be filed shortly confirming certain representations expressed herein.

Hearing or Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m., on March 27, 1987. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicant(s) with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Aetna and Account C, 151 Farmington Avenue, Hartford, Connecticut 06156.

FOR FURTHER INFORMATION CONTACT: Joseph R. Fleming, Attorney (202) 272–3017 or Lewis B. Reich, Special Counsel (202) 272–2061 (Division of Investment Management).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier (800) 231–3282 (in Maryland (301) 253–4300).

Applicants' Representations:

1. Aetna is an insurance company organized under the laws of the State of Connecticut in 1976. Account C was established under the laws of the State of Connecticut and is registered as a unit investment trust under the Act.

2. Each sub-account of Account C presently invests exclusively in the shares of one of the following open-end, diversified management investment companies: Aetna Variable Fund, Aetna Income Shares and Aetna Variable Encore Fund (hereinafter collectively referred to as the "Funds").

3. The owner of a Contract ("contractholder") makes investment decisions under the Contracts by directing the allocation of purchase payments and accumulated value among the general account options provided under the Contracts and the sub-accounts of Account C which invest in the series of the Funds.

4. The Contracts are currently intended to be used in connection with government deferred compensation plans maintained by a state or political subdivision thereof under section 457 of the Internal Revenue Code of 1986, on behalf of eligible persons participating in such plans ("Participants"). The Contracts are group installment and single purchase payment contracts, under which purchase payments may be made in a lump-sum transfer from an existing funding vehicle or on an installment basis to Aetna during the term of the Contract.

5. Upon election by the group contractholder, part or all of the values under a contract may be surrendered for a cash payment as directed by the group contractholder, or alternatively, the values under the Contract may be applied to certain annuity payment options set forth in the Contract or agreed upon by the group contractholder and Aetna.

6. The Contracts provide that the maximum charge which will be deducted from Account C during the accumulation period for Aetna's assumption of mortality and expense risks associated with the Contract is .55% on an annual basis of the value of the net assets of Account C held under a Contract. Of such amount, Aetna estimates that approximately .25% is for mortality risks and .30% is for expense risks. In addition, the Contracts provide for a mortality and expense risk charge of 1.25% on an annual basis of any values held under a variable annuity payment option. The mortality and expense risk charges are to compensate Aetna for the risk it assumes that the annuitants under the Contracts as a class may live longer than expected (necessitating a greater number of annuity payments) and that its expenses may be higher than the deductions for such expenses.

7. Applicants represent that they have reviewed the level of the mortality and expense risk charges under comparable variable annuity contracts currently being offered, taking into consideration such factors as current charge levels, the manner in which charges are imposed, presence of charge level or annuity rate guarantees and the markets in which such contracts will be offered, and based upon the foregoing, Applicants further represent that the maximum charges under the Contracts are within the range of industry practice for comparable contracts. Applicants will maintain and make available to the Commission upon request a memorandum outlining the methodology underlying this representation.

8. Applicants do not believe that the sales load imposed under the Contract will necessarily cover the expected costs of distributing the Contracts. Any "shortfall" may be made up from the general account assets which include, *inter alia*, amounts derived from risk charges. Aetna has concluded that there is a reasonable likelihood that the distribution financing arrangement being used in connection with the Contracts will benefit Account C and the contractholders. Aetna will keep and make available to the Commission upon request a memorandum setting forth the basis for this representation.

9. Applicants further represent that Account C will only invest in underlying fund(s) which have undertaken to have a board of directors/trustees, a majority of whom are not interested persons of the Fund, formulate and approve any plan under Rule 12b–1 under the Act to finance distribution expenses.

Applicant's Conditions: Applicants agree that if the requested order is granted such order will be expressly conditioned on Applicants' compliance with the undertakings set forth above.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87–4999 Filed 3–9–87; 8:45 am]

BILLING CODE 8010–01–M

[Release No. IC–15597; 812–6596]

International Heritage Fund and International Heritage Securities, Inc.; Approval of Contingent Deferred Sales Charge

March 2, 1987.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the "1940 Act").

Applicants: International Heritage Fund, (the "Fund") and International Heritage Securities, Inc. (the "Distributor").

Relevant 1940 Act Sections: Exemption requested pursuant to section 6(c) of the 1940 Act from the provision of sections 2(a)(32), 2(a)(35), 22(c) and 22(d) of the 1940 Act and Rule 22c–1 thereunder.

Summary of Application: Applicants seek an order permitting existing and future investment companies, and series thereof, whose shares are distributed by the Distributor, to impose and waive a contingent deferred sales charge.

Filing Date: The application was filed on January 15, 1987, and an amendment therto on February 26, 1987.

Hearing or Notification of Hearing: If no hearing is ordered, the requested relief will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m. on March 26, 1987. Request a hearing in writing, given the nature of your interest, the reason for the request, and the issues you contest, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, in the case of attorneys, by certificate. Request notifications of the date of a hearing by writing the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street NW., Washington DC 20549. International Heritage Fund and International Heritage Securities, Inc., 101 Summer Street, Boston, MA 02110.

FOR FURTHER INFORMATION CONTACT: Sherry A. Hutchins, Staff Attorney (202) 272–2799 or Brion R. Thompson, Special Counsel (202) 272–3016, Office of Investment Company Regulations Division of Investment Management.

SUPPLEMENTARY INFORMATION: Following is a summary of the application, the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier (800 231–3282 (in Maryland (301 258–4300)).

Applicant's Representations

1. The Fund is registered under the 1940 Act as an open-end, diversified, management investment company. The Fund is a series fund currently consisting of five portfolios ("Portfolio"), the shares of which are offered for sale to the public under a distribution agreement with the Distributor. The Fund's investment manager is International Heritage Corp.

2. The Fund proposes to offer its shares with a low initial sales charge so that the investors will have their purchase payments credited to their accounts and more fully invested than would otherwise be the case in a tridtional 8½% front-end load mutual fund. The sales charge diminishes with the value of the investment in Fund accounts aggregated on the basis of certain personal or institutional relationships, including an individual tax-payer and his or her legal dependents, a trust, a partnership, companies as defined in Section 2(a)(8) of the 1940 Act, employee benefit plans or tax-exempt organizations.

3. The Fund further proposes to impose a contingent deferred sales charge (the "Charge"), in accordance with the table set forth in the application, upon certain redemptions or repurchases of shares of the Portfolios of the Fund. (As described in the application, a redemption means direct sales by such shareholder directly to the Fund and a repurchase means sales by such shareholder to the Distributor or another broker or dealer).

4. The Charge will be deducted from the proceeds of certain redemptions and repurchases of shares of a Portfolio unless the proceeds are reinvested in shares of another Portfolio. Such reinvestment of the Fund shares in another Portfolio will be treated as an exchange at net asset value and will be subject to a $5 transaction fee paid to the Distributor. No Charge will be imposed upon any exchange or reinvestment of redemption proceeds in shares of another Portfolio.

5. In addition, the length of time a shareholder will be deemed to have owned his or her shares for the purpose of determining the appropriate rate of the Charge will be calculated from the date of purchase of the shares of the initial purchase of shares of the Fund. Thus, holding periods for shares exchanged among Portfolios will be aggregated, resulting in the lowest applicable Charge. The amount of any Charge will never exceed 2% of the aggregate purchase payments made by the investor.

6. The amount of the Charge (if any) will be calculated by determining the initial sales charge paid and the date on which the share redeemed was purchased and applying the appropriate percentage to the current net asset value of the redeemed share. In determining the rate of any applicable Charge, it will be assumed that a redemption is made of shares not subject to the Charge first and then of shares subject to the lowest Charge. Investors who have deferred payment of the Charge upon exchange between Portfolios of the Funds will be credited with the full holding period spanning ownership in each Portfolio since the purchase of shares in the Portfolio that originally imposed the Charge. This will result in any such Charge or sales load being imposed at the lowest possible rate.

7. Applicants further seek authority to waive the Charge on a fully disclosed basis with respect to the following redemptions ("Qualifying Redemptions") provided that the shares will not be resold except to Portfolios of the Fund: (i) Redemptions following the death or disability, as defined in section 72(m)(7) of the Internal Revenue Code of 1954, as amended, of a shareholder; (ii) redemptions in connection with certain distributions from an Individual Retirement Account or other qualified retirement plans, (iii) redemptions by Wainwright Capital or affiliates thereof; (iv) redemptions by directors, trustees, officers, and employees of the Fund and of Wainwright Capital and its affiliates and by any trust, pension, profit-sharing or other benefit plan for the benefit of such persons; (v) redemptions made for the purpose of funding a loan to a participant in a tax qualified retirement plan permitted to make such loans; (vi) redemptions by employees of any dealer which has a dealer agreement with the Distributor and any trust, pension, profit sharing or other benefit plan for the benefit of such persons. Applicants will meet all the conditions set out in Rule 22d–1 under the 1940 Act when administering waivers of the Charge.

8. Proceeds of the Charge will be retained by the Distributor. The Fund proposes to assist in financing the distribution of the shares of the Portfolios of the Fund to a plan of distribution adopted pursuant to Rule 12b–1 under the 1940 Act (the "Plan"). The Fund represents that its Board of Trustees, in their periodic review of the Plan, will consider the use by the Distributor of revenues attributable to the Charge.

9. No shareholders will pay an aggregate sales charge (including the Charge or sales charge) greater than or equal to 8½ percent. The Distributor undertakes to conform at all times to the applicable rules and regulations of the National Association of Securities Dealers, Inc.

10. Applicants believe that waiver of the Charge in the above circumstances will not harm the Fund, the Portfolios or the remaining shareholders or unfairly discriminate among shareholders or purchasers. Applicants further believe that an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87–5000 Filed 3–9–87; 8:45 am]

BILLING CODE 8010–01–M

[File No. 1-4649]

Metromedia Co., Issuer Delisting; Application To Withdraw From Listing and Registration; (Subordinated Discount Debentures of Metromedia, Inc., Due July 1, 1998)

March 2, 1987.

Metromedia Company ("Company"), a general partnership, has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the Subordinated Discount Debentures ("Debentures") of Metromedia, Inc. ("Metromedia") from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

Pursuant to a plan of liquidation, Metromedia took steps to liquidate itself into the Company, Metromedia's sole stockholder, by a liquidating distribution of all of Metromedia's assets, subject to Metromedia's liabilities. As a part of this liquidation, the Company, on December 19, 1986, assumed and succeeded to all obligations of Metromedia under the Debentures. As a result of these actions, Metromedia has ceased to function as an operating Company and, on December 17, 1986, was dissolved in accordance with Delaware law.

The Company believes that the expense of continuing the listing of the Debentures is no longer warranted, based on the decrease in the principal amount outstanding and the resulting extremely limited trading volume of the Debentures. In addition, as a result of the liquidation and distribution of Metromedia's assets to the Company, Metromedia no longer meets the published requirements of the Exchange necessary to maintain the listing and registration on the Exchange. The Company, as a general partnership, is unable to comply with certain rules of the Exchange (including holding annual meetings of stockholders to elect directors and maintaining two independent directors on its Board of Directors) applicable to issuers of securities listed on the Exchange. On December 18, 1986, the day following the date on which Company assumed the rights and obligations of Metromedia under the Debentures and Metromedia was dissolved, the Exchange suspended trading on the Debentures.

The Board of Directors of Metromedia has determined that in light of the Offer to Purchase and the liquidation of Metromedia, the listing of the Debentures is no longer in the best interest of Metromedia. In the Offer to Purchase, Metromedia disclosed its intention to delist the Debentures and transfer them to Company. In accordance with the rules of the Exchange, Metromedia filed an application for the withdrawal from listing on the Exchange of the Debentures.

Any interested person may, on or before March 23, 1987, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-5000 Filed 3-9-87; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-15595; 811-953]

Narragansett Capital Corp.; Investment Company Deregistration

March 2, 1987.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for an order under the Investment Company Act of 1940 ("the 1940 Act").

Applicant: Narragansett Capital Corporation.

Relevant 1940 Act Section: Order requested under section 8(f) and Rule 8f-1 thereunder.

Summary of Application: Applicant seeks and order declaring that it has ceased to be an investment company.

Filing Date: The application was filed on December 2, 1986 and an amendment thereto on Feburary 26, 1987.

Hearing or Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m., on March 26, 1987. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicant with the reqest, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, for attorneys, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESS: Secretay, SEC, 450 5th Street, NW., Washington, DC 20549. Narragansett Capital Corportation, 40 Westminster Street, Providence, R.I. 02903.

FOR FURTHER INFORMATION CONTACT: Sherry A. Hutchins, Staff Attorney (202) 272-2799 or Brion R. Thompson, Special Counsel (202) 272-3016, Office of Investment Company Regulation, Division of Investment Managment.

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier (800)231-3282 (in Maryland (301) 258-4300)).

Applicant's Representations.

1. Applicant is a corporation organized under the laws of the State of Rhode Island on January 29, 1959, and dissolved pursuant to such laws on December 23, 1986. Applicant was orignally registered under section 8(b) under the 1940 Act on Form N-5 filed on September 7, 1960. This registration statement was superseded by a registration statement dated June 11, 1982 on Form N-2, filed in connection with the termination by Applicant of its status as a small business investment company under the Small Business Investment Act of 1958. Applicant registered under the 1940 Act as a closed-end, non-diversified, management investment company.

2. On March 6, 1986, Applicant's Board of Directors approved a Plan for Complete Liquidation (the "Plan") of the Applicant. The Plan was submitted to a Special Meeting of the Stockholders on October 30, 1986. Approximately 96% of the outstanding common stock of Applicant voted in favor of the adoption and approval of the Plan and the proposed sale of its assets.

3. On December 23, 1986, Monarch Capital Corporation ("Monarch"), through an affiliate, purchased all of the assets of the Applicant and its wholly-owned subsidiary, Narragansett Venture Corporation ("Narragansett Venture"), and assumed all of their respective

liabilities except certain potential tax liabilities, for an aggregate purchase price of approximately $121,800,000, less taxes payable with respect to deemed distributions of captial gains. There was no brokerage commission paid with respect to the transaction. On the same date, the purchase price was paid to a paying agent for distribution to the Applicant's stockholders of record at their respective net asset value.

4. Applicant presently has no assets, no securityholders to whom distributions in complete liquidation have not been made, and no outstanding debts or liabilities not assumed by Monarch.

5. Applicant's expenses associated with the solicitation of proxies, the sale of its assets and the liquidation of it were generally borne by the Applicant. Further, Applicant has not transferred any of its assets to a separate trust within the last 18 months, the beneficiaries of which were or are securityholders of Applicant.

6. On October 17, 1986, a suit was filed by a stockholder of Applicant in the United States District Court for the District of Rhode Island by a stockholder of Applicant, against Applicant, its officers and directors, and Narragansett Management Corporation alleging that the sale of assets of Applicant to Monach involves violations of the 1940 Act, the Securities Exchange Act of 1934 and the laws of Rhode Island with respect to fiduciary duties and other matters. *See Richard Lessler* v. *Arthur D. Little et al.*, C.A. 86–0639. The suit was brought as a class action, demands a trial by jury, and seeks various remedies, including unspecified damages. The plaintiff also seeks payment of his expenses, including fees of his counsel and experts. Monarch has agreed to assume certain liabilities of the Applicant which would include any liabilities of Applicant resulting from the litigation described above.

8. Applicant has no assets, no securityholders and is not engaged and does not propose to engage in any business activities other than that necessary for the winding up of its affairs.

For the Commission, by the Division of Investment Management, under delegated authority.

Johathan G. Katz,

Secretary.

[FR Doc. 87–5002 Filed 3–9–87; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–15596; 811–3487]

Narragansett Venture Corp.; Investment Company Deregistration

March 2, 1987.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for an order under the Investment Comany Act of 1940 ("the 1940 Act").

Applicant: Narragansett Venture Corporation

Relevant 1940 Act Section: Order requested under section 8(f) and Rule 8f–1 thereunder.

Summary of Application: Applicant seeks an order declaring that it has ceased to be an investment company.

Filing Date: The application was filed on December 2, 1986 and an amendment thereto on February 26, 1987.

Hearing or Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m., on March 26, 1987. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicant with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, for attorneys, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Narragansett Venture Corporation, 40 Westminster Street, Providence, R.I. 02903.

FOR FURTHER INFORMATION CONTACT: Sherry A. Hutchins, Staff Attorney (202) 272–2799 or Brion R. Thompson, Special Counsel (202) 272–3016, Office of Investment Company Regulation, Division of Investment Management.

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copies (800) 231–3282 (in Maryland (301 258–4300)).

Applicant's Representations

1. Applicant is a corporation organized under the laws of the State of Rhode Island on March 24, 1981, and dissolved pursuant to such laws on December 23, 1986. Applicant is a closed-end, non-diversified management investment company registered under the 1940 Act and is wholly-owned by Narragansett Capital Corporation ("NCC").

2. On March 6, 1986, Applicant's Board of Directors approved a Plan for Complete Liquidation (the "Plan") of the Applicant. The approval of the proposed sale of all of Applicant's assets and the approval of the Plan was submitted to a Special Meeting of the Stockholders of NCC on October 30, 1986. Approximately 96% of the outstanding common stock of NCC voted in favor of the adoption and approval of the Plan and the proposed sale of its assets.

3. On December 23, 1986, Monarch Capital Corporation ("Monarch") through an affiliate, purchased all of the assets of the Applicant and NCC and assumed all of their respective liabilities except potential tax liabilities, for an aggregate purchase price of approximately $121,800,000 less taxes payable with respect to deemed distributions of capital gains. There was no brokerage commission paid with respect to the transaction. On the same date, Applicant made a distribution to NCC, its sole stockholder of record, of the net proceeds from the sale to Monarch, less all amounts necessary to pay, or to provide for the payment of, the Applicant's remaining liabilities.

4. Applicant presently has no assets, no securityholders and no outstanding debts or other liabilities not assumed by Monarch. Further, Applicant has not transferred any of its assets to a separate trust within the last 18 months, the beneficiaries of which were or are securityholders of Applicant.

5. Applicant's expenses associated with the solicitation of proxies, the sale of its assets and the liquidation of the Applicant were generally borne by the Applicant. Applicant is not engaged and does not propose to engage in any business activities other than that necessary for the winding up of its affairs.

6. Applicant is not a party to any litigation or administrative proceeding. However, on October 17, 1986, a suit was filed by a stockholder of NCC in the United States District Court for the District of Rhode Island against NCC, its directors and officers and Narragansett Management Company and its stockholders, alleging that the sale of the assets of NCC and Applicant to Monarch involves violations of the 1940 Act, the Securities Exchange Act of 1934 and the laws of Rhode Island with respect to fidiciary duties and other matters. *See Richard Lessler* v. *Arthur D. Little, et al.*, C.A. No. 86–0639.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-5003 Filed 3-19-87; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-15594; 812-6608]

New England Mutual Life Insurance Co., et al.

March 2, 1987.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 ("1940 Act").

Applicants: New England Mutual Life Insurance Company ("New England Life"), New England Variable Life Insurance Company ("Company"), New England Variable Life Separate Account ("Account"), and New England Securities Corporation ("New England Securities").

Relevant 1940 Act Sections: Exemption requested *under* section 6(c) *from* sections 2(a)(32), 2(a)(35), 22(c), 26(a)(1), 26(a)(2), 27(a)(1), 27(c)(1), 27(c)(2) and 27(d) of the 1940 Act, and Rules 6e-2(b)(1), (b)(12), (b)(13)i), (b)(13)(iii), (b)(13)iv) and (c)(4) and 22c-1 thereunder.

Summary of Application: Applicants seek an order to permit a deferred charge, consisting of a sales charge, a minimum death benefit risk charge and a state premium tax charge, from the cash value of certain single premium variable life insurance contracts ("contracts"), and any remainder on full or partial surrender.

Filing Date: The application was filed on January 29, 1987.

Hearing or Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m., on March 27, 1987. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicants with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicants, c/o New England Mutual Life Insurance Company, Boylston Street, Boston, Massachusetts 02117.

FOR FURTHER INFORMATION CONTACT: Financial Analyst Margaret Warnken (202) 272-2058 or Special Counsel Lewis B. Reich (202) 272-2061 (Division of Investment Management).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier (800) 231-3282 (in Maryland (301) 253-4300).

Applicants' Representations

1. The Company, a wholly-owned subsidiary of New England Life, is a stock life insurance company organized under the laws of Delaware in 1980. The Account, a separate account of the Company, is registered under the 1940 Act as a unit investment trust. The Account satisfies the conditions of Rule 6e-2(a) under the 1940 Act, so as to be entitled to the exemptions afforded by Rule 6c-3. New England Securities, an indirect wholly-owned subsidiary of New England Life, is the principal underwriter for the Account. Assets of the Account will be invested in shares of New England Zenith Fund, Inc. ("Fund"), a diversified management investment company registered under the 1940 Act.

2. The contracts are single premium variable life insurance contracts. The net premium, described below, will be allocated to the Account. The contract guarantees that the death benefit will never be less than its initial face amount regardless of the investment experience of the Account ("Guaranteed Minimum Death Benefit"). The owner will designate what percentage of the cash value will be invested in each sub-account, which will invest only in shares of a single, corresponding portfolio of the Fund. The Company intends to hold the assets of the Account in open account in lieu of holding actual share certificates of the Fund. The Company, consistent with Delaware insurance law, will not be acting as custodian or trustee pursuant to a trust indenture.

The Company will deduct an administrative charge of $250 from the premium, and three charges from cash value, referred to collectively as the "deferred charge", consisting of a sales charge of 4% of the net premium, a maximum death benefit risk charge for the Guaranteed Minimum Death Benefit of 1.2% of the net premium for a preferred risk contract, and 1.5% of the net premium for a standard risk contract, and a state premium tax charge of 2% of the net premium.

The Company will allocate to the Account an amount equal to the gross premium, less the administrative charge ("net premium"). Thereafter, the Company will subtract from the contract's cash value, in proportion to the contract's cash value in each sub-account, on each of the first ten contract anniversaries, an amount equal to 10% of the total deferred charge. The Company will deduct any unpaid balance of the deferred charge upon the contract's surrender or termination and reserves the right to make such a deduction upon exchange (other than pursuant to the 24-month exchange right). The Company will deduct a pro rata portion of the unpaid deferred charge upon a partial surrender.

The Company will charge the sub-accounts of the Account a daily charge at the effective annual rate of .45% of the value of each sub-account's assets that derive from the contracts for the Company's assumption of mortality and expense risks. The Company will adjust the daily calculations of the cash value and the variable death benefit to reflect the actual cost of providing insurance protection. The Company will make no current charge to the Account for federal income, state and local taxes, but reserves the right to do so. Charges will be deducted from the assets of the Fund for investment advisory expenses, SEC registration expenses and disinterested directors' compensation.

3. Exemptions were requested from sections 2(a)(32), 2(a)(35), 22(c), 26(a)(2), 27(a)(1), 27(c)(1), 27(c)(2) and 27(d) and Rules 6e-2(b)(1), (b)(12), (b)(13)(i), (b)(13)(iv) and (c)(4) and 22c-1, to the extent necessary to permit the Company to deduct a deferred charge, consisting of a sales charge, a minimum risk charge, and state premium tax charge, from a contract's cash value in the Account and any remainder on full or partial surrender.

Such deduction may be deemed to be inconsistent with sections 26(a)(2) and 27(c)(2) to the extent that the deduction would cause the Account not to hold the proceeds of all payments and would constitute payment for an expense not specifically permitted. The deduction of the sales charge, minimum death benefit risk charge and state premium tax charge as a deferred charge, rather than a deduction from the premium, will be more favorable to a contractowner, because: the amount of the contractowner's premium payment that will be allocated to the Account, and "go to work" for the contractowner, will be greater than it would be if the deferred charge were deducted from the premium; the cost of insurance charge

imposed will be less than it would otherwise be if it were deducted from the premium, to the extent that the allocation of a greater amount of the contractowner's premium to the Account appreciates from investment experience and, thus, reduces the amount at risk (*i.e.*, the amount of death benefit less the cash value reduced by any unpaid balance of the deferred charge) on which the cost of insurance charge is based; and even though the deferred charge will be consistent with the intent of the 1940 Act and Rules thereunder.

The sales charge will not exceed 4% of the net premium and, thus, the sales charge will never be greater than the charge that could have been deducted from the premium under section 27(a)(1) and Rule 6e-2(b)(13)(i). Rule 6e-2(c)(4) can be construed to comprehend a sales charge imposed on other than the premium, and, to this extent, the applicability of the definition need not be limited to any particular form of sales load.

The minimum death benefit risk charge is essentially an insurance charge that was not contemplated at the time the 1940 Act was adopted. Rule 6e-2(c)(4)(iii) provides for such a charge, but stops short of expressly authorizing it to be deducted from cash value and on surrender. The SEC has proposed to amend Rule 6e-2(b)(13)(iii)(F) to permit a life insurer to make such a deduction from cash value for contracts such as the Company's contract. In accordance with proposed conditions for such exemptions, the Company represents and undertakes: first, that the Company has concluded and represents that the level of the minimum death benefit risk charge is within the range of industry practice for comparable policies and reasonable in relation to risk assumed by the Company under the contract and the Company has prepared a memorandum briefly describing the methodology used to support this representation and undertakes to keep and make available to the SEC on request the memorandum and the documents used to support the representations; second, that the Company has concluded and represents that the proceeds from the sales charge may not cover the expected costs of distribution, surplus arising from the minimum death benefit risk charge (as well as other sources) may be used to cover the costs of distribution, and there is a reasonable likelihood that the distribution financing arrangement of the Account will benefit the Account and contractowner, and that the Company has deducted from cash value or surrender proceeds, it will be deducted over a period of time as long as up to ten years.

Sections 2(a)(32), 27(c)(1) and 27(d) prohibit Applicants from selling the contract unless it is a "redeemable security," defined as entitling a contractowner, upon surrender, to receive approximately his proportionate share of the Account's current net assets. Rules 6e-2(b)(12) and (b)(13)(iv) afford exemptions from sections 27(c)(1), and Rule 6e-2(b)(13)(iv) affords exemption from Section 27(d), to the extent necessary for cash value to be regarded as satisfying the redemption requirements of the 1940 Act, but the exemptions afforded by the Rules may not contemplate a deferred charge. Although section 2(a)(32) does not specifically contemplate the imposition of a charge at the time of redemption, such a charge is not necessarily inconsistent with the definition of "redeemable security." Indeed, the charge is no different, in reality, from the "redemption" charge authorized in section 10(d)(4). Consequently, it is consistent with the intent of the 1940 Act and in no way less favorable to a contractowner, to construe a contractowner's "proportionate share" of the Account to mean the premium, less the administrative charge, plus or minus may increase or decrease in the contract's cash value, less the deferred charge.

Rule 22c-1, adopted pursuant to section 22(c), prohibits Applicants from redeeming a contract except as a price based on the current net asset value of the contract that is next computed after receipt of the full or partial surrender of the contract. Rule 6e-2(b)(12) affords exemptions from section 22(c) and Rule 22c-1, but the exemptions afforded by the Rules may not contemplate a deferred charge. The deduction of the deferred charge will not dilute the interests of the other contractowners or lend itself to speculative trading practices that Rule 22c-1 was intended to minimize. Accordingly, the request for exemptions is prepared a memorandum setting forth the basis for this representation and undertakes to keep the memorandum and make it available to the SEC on request; and third, that the Company represents that it will invest the assets of the Account only in management investment companies that have undertaken to have a board of directors, a majority of whom are not interested persons of the Company, formulate and approve any plan under Rule 12b-1 to finance distribution expenses.

The state premium tax charge is essentially an insurance charge that was not contemplated at the time the 1940 Act was adopted. Rule 6e-2(c)(4)(v) provides for such a charge, but stops short of expressly authorizing it to be deducted from cash value and on surrender. Rule 6e-2(c)(4)(v) contemplates that a state premium tax charge may be approximately equal to state premium taxes. The Company determined its average state tax charge on the basis of the relevant sales pattern of New England's existing insurance contracts and did not include in the charge a component to compensate Applicants for the "time-value of money" or the inherent cost of the deferred receipt of the state premium tax charge. The Company's state premium tax charge is not designed to exceed the amount of anticipated taxes.

4. Exemptions are requested from sections 26(a)(2) and 27(c)(2) and Rule 6e-2(b)(13)(iii) to the extent necessary to permit the Company to deduct the cost of insurance from a contract's cash value held in the Account.

It will be more equitable and beneficial to contractowners for the Company to deduct the cost of insurance from a contract's cash value on a monthly basis over the term of the contract, as is the industry practice, rather than from the premium on an estimated one-time basis, because the entire single premium can be allocated to the Account and "go to work" for the contractowner. Furthermore, if a contractowner surrenders a contract prior to its muturity, the cash value would not reflect the deduction of a cost of insurance calculated for any period beyond the date of surrender.

5. Exemptions are requested from sections 26(a)(1) and (a)(2) and 27(c)(2) and Rule 6e-2(b)(13)(iii) to the extent necessary to permit the holding of Fund shares by the Company and the Account under an open account arrangement, without having possession of share certificates and without a trust indenture or other such instrument.

The insurance law of Delaware, generally speaking, does not authorize an insurance company, such as the Company, to hold assets of a separate account in the capacity of trustee or custodian or pursuant to a trust indenture and, indeed, provides that the assets of an insurance company's separate account are the property of the insurance company.

Current industry practice calls for unit investment trust separate accounts, such as the Account, to hold shares of management investment companies in uncertificated form. Such practice is thought to contribute to efficiency in the purchase and sale of fund shares by

separate accounts and to bring about cost savings generally.

the SEC has adopted or proposed certain exemptive rules in this regard, based apparently on a determination that safekeeping of separate account assets does not necessarily depend on the presence of trustee, custodian or trust indenture or the issuance of share certificates, where state insurance law protects separate account assets and open account arrangements foster administrative efficiency and cost savings. The Company will comply with the conditions of exemptions proposed by the SEC under Rule 6e-2(b)(13) (iii)(B) and (C), and with all other applicable provisions of section 26 as if it were a trustee or custodian for the Account.

The Company will file with the insurance regulatory authority of Delaware an annual statement of its financial condition in the form prescribed by the National Association of Insurance Commissioners, which most recent statement indicates that it has a combined capital and surplus of not less than $1,000,000. The Company is examined from time to time by the insurance regulatory authority of Delaware as to its financial condition and other affairs and is subject to supervision and inspection with respect to its separate account operations.

6. The exemptions requested are necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

For the SEC, by the Division of Investment Management, under delegated authority

Jonathan G. Katz,

Secretary.

[FR Doc. 87-5004 Filed 3-9-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-24166; File No. SR-DTC-87-1]

Self-Regulatory Organizations; Depository Trust Company; Notice of Filing and Immediate Effectiveness of Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78(b)(1), notice is hereby given that on February 17, 1987, the Depository Trust Company ("DTC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change described below. The proposal requires the use of, with limited exceptions, an automated means for input of all Participant-originated transactions. The Commission is publishing notice to solicit comment on the rule change.

The proposal requires DTC Participants to use automated input (such as the Participant Terminal System or Computer-to-Computer Facility II) for Participant originated transactions (*e.g.*, delivery orders, certificates-on-demand, collateral loan pledges and releases, and payment orders). DTC will reject hardcopy input except under certain limited circumstances, such as when a Participant's automated input system is inoperable on a given day.[1]

DTC states in its filing that automated input allows more effective communication between DTC and its Participants, including increased timely transaction processing and better error detection capabilities. DTC also states that eliminating hardcopy input will reduce DTC's operating costs, which in turn will decrease charges to DTC's Participants.

The rule change has become effective, pursuant to section 19(b)(3)(A) of the Act and Rule 19b-4. The Commission may summarily abrogate the rule change at any time within 60 days of its filing if it appears to the Commission that abrogation is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

You can submit written comment within 21 days after notice is published in the **Federal Register.** Please file six copies of your comment with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, with accompanying exhibits, and all written comments, except for material that may be withheld from the public under 5 U.S.C. 552, are available at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC. Copies of the filing also will be available for inspection and copying at the principal office of DTC. All submissions should refer to File No. SR-DTC-87-1 and should be submitted by March 31, 1987.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

[1] The other exceptions to DTC's automated input requirement are: withdrawals-by-transfer for communication and maritime issues; delivery orders for secondary offerings; pledges and releases for activities involving the Options Clearing Corporation or the Federal Reserve Bank of New York; certificates-on-demand for Government securities; withdrawals of book-entry-only issues where certificates may be issued in certain circumstances; and any syndicate delivery orders to the Philadelphia Depository Trust Company or the Pacific Securities Depository Trust Company.

Dated: March 3, 1987.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-5035 Filed 3-9-87; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Small Business Computer Security and Education Advisory Council; Public Meeting

The Small Business Computer Security and Education Advisory Council of the U.S. Small Business Administration will hold a public meeting on Wednesday, March 11, 1987 for 8:30 a.m. to 5:00 p.m. The meeting will be held in the Administrators' Conference Room, 10th floor, at the U.S. Small Business Administration, 1441 "L" Street, NW., Washington, DC 20416. The purpose of the meeting is to discuss and begin finalization of reports, publication materials, and recommendations as may be presented by Advisory Council Members, or others present.

For further information, write or call Susan Wheeler, U.S. Small Business Administration, 1441 "L" Street, NW., Washington, DC 20416, tel. (202) 653-6654.

Jean M. Nowak,

Director, Office of Advisory Councils.

March 4, 1987.

[FR Doc. 87-5041 Filed 3-9-87; 8:45 am]

BILLING CODE 8025-01-M

Privacy Act of 1974; Systems of Records

AGENCY: Small Business Administration.

ACTION: Revision of systems of records.

SUMMARY: Small Business Administration is amending its Privacy Act System of Records to clarify routine uses of its Master Loan Files, system SBA 250, arising under the Debt Collection Act of 1982.

EFFECTIVE DATES: This amendment shall become effective without notice 30 calendar days from the date of publication unless comments are received on or before that day which would result in a contrary determination.

SUPPLEMENTARY INFORMATION: Small Business Administration published routine uses for this system after the enactment of the Debt Collection Act of 1982, including disclosure to an "adjudicative body" for the purpose of "litigation." 50 FR 45882 (November 4, 1985).

SBA is expanding its efforts under the Debt Collection Act. Therefore, this amendment is proposed to further clarify routine uses for the purpose of debt collection which may include disclosure to other agencies for the purposes of salary or administrative offset.

1. The notice for system SBA 250 is amended by adding to the end of the section titled "Routine Uses of Records Maintained in the System, including categories of users and the purpose of such uses" the following:

It shall be a routine use to provide information to a collection agency, a court or other adjudicative body, or a local, state or Federal agency, when SBA determines that such referral is appropriate for servicing or collecting the borrower's loan. Such disclosure will only be made if the system of records indicates that the loan is at least 30 days past due or to update a previous disclosure initiated when the loan was at least 30 days past due. Disclosure will only be made if such collection agency, court or other adjudicative body, or a local, state or Federal agency, has authority by contract, statute or regulation to determine liability of the borrower, collect the loan, or offset the debt against money which would otherwise be paid to the borrower.

Dated: February 26, 1987.

Charles L. Heatherly,

Acting Administrator.

[FR Doc. 87-5042 Filed 3-9-87; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[CM-8/1054]

Legal Panel on International Telecommunications Law of the U.S.: Organization for the International Telegraph and Telephone Consultative Committee and International Radio Consultative Committee; Meeting

The Department of State announces the convening of a Panel on International Telecommunications Law under the auspices and authority of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) and International Radio Consultative Committee (CCIR). The Panel's first meeting will convene on March 19, 1987 in Room 1105, Department of State, 2201 C Street, NW., Washington, DC.

The meeting will begin at 10:30 A.M.

The Panel is being created to assist the Department of State in better understanding legal issues associated with the rapidly evolving agenda of the International Telecommunication Union. The first assignment of the Panel will be to advise the Department in the ongoing activities of an ITU experts group convened by the 1982 Plenipotentiary to work on a proposed draft constitution for the ITU.

Items to be discussed will include:

1. Mandate of the panel.

2. Background report on past and future activities of the ITU experts group, and

3. Discussions of future work programs for the legal panel.

Members of the general public may attend the meeting and join in the discussion. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry wil be facilitated if arrangements are made in advance of the meeting. Prior to the meeting, persons who plan to attend should so advise the office of the Deputy U.S. Coordinator for International Communications and Information Policy, Mr. Thomas J. Ramsey, State Department, Washington, DC; telephone 202 647-5832. All attendees must use the C Street entrance to the building.

Dated: February 26, 1987.

Earl S. Barbely,

Chairman, U.S. CCITT National Committee.

Richard E. Shrum,

Chairman, U.S. CCIR National Committee.

[FR Doc. 87-4972 Filed 3-9-87; 8:45 am]

BILLING CODE 4710-07-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Procurement of Extra High Voltage (EHV) Equipment: Implementation of Section 507, Public Law 99-591; Announcement of Reviews

AGENCY: Office of the United States Trade Representative, Executive Office of the President.

ACTION: Notice; Announcement of review.

SUMMARY: We are providing, for public information, an internal policy statement regarding the procedures we will use in implementing our responsibilities under section 507 of Pub. L. 99-591, regarding procurement of Extra High Voltage (EHV) equipment by certain government agencies. This notice also announces initiation of a review of EHV procurement practices in Switzerland and Sweden.

FOR FURTHER INFORMATION CONTACT: Beverly Vaughan, Director for International Government Procurement Trade, Office of the United States Trade Representative, 600 17th Street, NW., Rm. 511, Washington, DC 20506, (202) 395-3063. For legal issues: Amelia Porges, Associate General Counsel, Office of the United States Trade Representative, (202) 395-7305.

SUPPLEMENTARY INFORMATION: Section 507 of Pub. L. 99-591, enacted October 30, 1986, mandates a Buy American price preference of 30 percent for government procurement of extra high voltage ("EHV") power equipment by the Tennessee Valley Authority ("TVA") and the Power Marketing Administrations under the Department of Energy ("DOE"). However, section 507 also provides that this extra price preference shall not apply to EHV power equipment produced or manufactured in a country whose government has completed negotiations with the United States to extend the Government Procurement Code, or a bilateral equivalent, to EHV power equipment, or which otherwise offers fair competitive opportunities in public procurements to United States manufacturers of such equipment.

The legislative history of Pub. L. 99-591 states the drafters' intent that the Secretary of Energy ("the Secretary"), in consultation with the United States Trade Representative ("USTR"), shall determine whether nondomestic end product EHV power equipment sought to be sold to an agency subject to this provision is manufactured in a country that offers fair competitive opportunities in public procurement to U.S. manufacturers of EHV power equipment. The legislative history states that, in essence, this involves determining whether or not the country in question imposes unfair trade barriers on U.S. manufacturers that are more restrictive than those imposed by the United States on non-United States manufacturers of such equipment. It also states that among the factors to be considered in making the determination, with no single factor being dispositive, are whether the public utilities of the country in question are free to, or in fact do, make significant purchases of U.S.-manufactured equipment; whether procurement opportunities are publicly advertised or otherwise made available in a manner that enables U.S. manufacturers of EHV power equipment to meaningfully participate in such procurement competition on an equal basis with domestic manufacturers; and whether procurement contracts for EHV power equipment are awarded on the basis of the most competitive bid. The purpose of this provision is to help level the playing field and create an incentive

for other countries to open their markets to U.S. manufacturers.

Thus, under section 507, TVA and the Power Marketing Administrations must apply the increased, 30 percent differential in evaluating any and all foreign bids, except to the extent that DOE (in consultation with the USTR) determines that a specific foreign country or countries offers fair competitive public procurement opportunities for U.S. EHV equipment. However, for EHV equipment from countries as to which such a determination has been made, offers of such equipment will be exempted from section 507's 30 percent price differential, but will remain subject to the general Buy American preference margins provided for under 41 U.S.C. 10a, E.O. 10582, and 48 CFR Part 25.1.

DOE will issue a definition of the scope of EHV equipment covered by section 507.

In consultation with the Trade Policy Staff Committee (TPSC) and the Department of Energy, we have decided to utilize the TPSC mechanism for interagency coordination of the advice to be given the USTR on the policy recommendation he must make to the Secretary. This decision is reflected in the following policy statement on our implementation of section 507.

Policy Statement on Procedures for Implementing the Exemption Provision to the Buy American Requirement Set Forth in Section 507 of Public Law 99–500

1. (a) Any interested party may request a review of a foreign country's practices with regard to procurement of EHV equipment, by submitting a request to the Secretary of Energy and the United States Trade Representative ("the USTR"). The request should:

—Identify the petitioner and the government, person, firm or association that the petitioner represents;

—Identify the foreign country for which a review is sought, and the entities in that country which procure EHV equipment; and

—Include, where possible, copies of laws or regulations governing EHV procurement in the country to be reviewed, and English-language summaries of all relevant provisions.

Requests should be submitted to the Secretary of Energy, Office of the Secretary, S–1, 1000 Independence Ave. SW., Washington, DC 20585; and at the same time to the United States Trade Representative, Office of GATT Affairs, Room 507, 600 17th St., NW., Washington, DC 20506.

(b) An interested party is deemed to be any person with a significant interest; for instance, a domestic or foreign manufacturer or producer of EHV equipment; a trade association, a certified union or a group or workers which is representative of an industry manufacturing EHV equipment in the United States; parties purchasing electric power from a Federal power marketing administration; the Federal Energy Regulatory Commission; or the government of a country in which EHV equipment is produced.

(c) The USTR may also initiate a review on his own motion or on request from the Department of Energy or an agency affected by this restriction.

2. (a) The USTR will determine promptly (normally within 10 working days after receipt of such a request) whether the request is sufficient. If it is sufficient, the USTR will initiate a review, publish notice thereof in the **Federal Register**, and request comments from the public. However, where the Secretary of Energy has made a determination in consultation with the USTR with respect to a particular country's practices concerning public procurement of EHV equipment, the USTR will not initiate another review of the same practices unless evidence is presented that substantially changed circumstances merit a new review.

(b) Unless otherwise specified, public comments will be due in 30 days from the date of the notice, to the Secretary, Trade Policy Staff Committee, Room 521, 600 17th St., NW., Washington, DC 20506. Comments must be submitted in not less than twenty (20) copies and in accordance with 19 CFR 2003.2. Comments will be available for public inspection pursuant to 19 CFR 2003.5. Business confidential information will be subject to the requirements of 19 CFR 2003.6. Any business confidential material must be accompanied by a non-confidential summary thereof.

(c) On initiation of a review, USTR will also request additional necessary information from the foreign government concerned and the United States industry producing EHV equipment.

(d) The review itself will be conducted in the Subcommittee on Government Procurement, which will forward advice through the Trade Policy Staff Committee to the USTR based on the information available to it.

(e) The factors that the Subcommittee will examine include, *inter alia:*

—Whether the utilities of the country in question are free to, or in fact do, make significant purchases of EHV power equipment manufactured in the United States;

—Whether procurement opportunities are publicly advertised or otherwise made available in a manner that enables United States manufacturers of EHV power equipment to meaningfully participate in such procurement competition; and

—Whether procurement contracts for EHV power equipment are awarded on the basis of the most competitive bid.

3. After receiving advice through the TPSC process, the USTR will make his recommendation to the Secretary of Energy concerning the Secretary's determination under the law.

Announcement of Reviews

In response to requests duly received from the governments of Sweden and Switzerland, we have initiated a review of procurement practices of government or government-controlled entities in Sweden and Switzerland regarding EHV equipment. To assist in this process, we request comments from the public concerning such procurement practices, particularly the factors listed in section 2(e) of the policy statement above.

Deadline, Address and Format for Comments

Comments must be submitted by April 8, 1987, to the Secretary, Trade Policy Staff Committee, Room 521, 600 17th St., NW., Washington, DC 20506. Comments must be submitted in not less than twenty (20) copies and in accordance with 19 CFR 2003.2. Comments will be available for public inspection pursuant to 19 CFR 2003.5. Business confidential information will be subject to the requirements of 19 CFR 2003.6. Any business confidential material must be accompanied by a nonconfidential summary thereof.

Donald Phillips,

Chairman, Trade Policy Staff Committee.

[FR Doc. 87–4932 Filed 3–6–87; 8:45 am]

BILLING CODE 3190–01–M

Petition Under Section 301 on Access to the Legal Services Market in Japan: Decision Not To Initiate an Investigation

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: The United States Trade Representative has determined not to initiate an investigation under section 302 of the Trade Act of 1974 (19 U.S.C. 2412) with respect to a petition filed January 16, 1987, by 15 individuals identified as U.S. citizens resident in

Japan and admitted to the practice of law in the United States, concerning access to the legal services market in Japan.

EFFECTIVE DATE: March 2, 1987.

FOR FURTHER INFORMATION CONTACT: Amelia Porges, Associate General Counsel, Office of the U.S. Trade Representative, Washington, DC 20506, telephone (202) 395–7305.

SUPPLEMENTARY INFORMATION: On April 1, 1987, Japan's law partially liberalizing practice rules for foreign legal consultants will enter into effect. As a result of discussions concerning this law and its implementation, on February 27, 1987, the United States and Japan reached agreement on conditions under which foreign lawyers will be able to practice in Japan after April 1, 1987. Under this agreement, Japan will implement its law in a way that will permit a significant opening of the Japanese legal services market. Among the major items covered under the agreement are the scope of practice permitted U.S. lawyers in Japan, the qualification and registration procedures, licensing requirements including the method of counting prior experience, and the staffing of foreign law offices. In previous consultations, the United States and Japan focused on the terms of the Japanese legislation concerning reciprocity, licensing requirements, procedures for admission and discipline of foreign attorneys, use of the name of the home country law firm, and permissible forms of association between Japanese and foreign attorneys.

In view of this agreement and its anticipated effect in opening significantly the Japanese legal services market, the U.S. Trade Representative has determined not to initiate an investigation in response to this petition. The Government of Japan has pledged to consult fully with the United States Government with respect to the operation of the new law and its implementing ordinances, and the Office of the United States Trade Representative will pay continuing attention to the realities of market access by United States lawyers to the legal services market in Japan. Thus, this determination is made without prejudice to future petitions concerning such concrete market access problems.

Section 2006.1 of the Section 301 regulations (15 CFR 2006.1) requires any interested party submitting a petition to "identify the petitioner and the person, firm or association, if any, which petitioner represents." Asserting the likelihood of retaliation should their association with the petition become known, the petitioners did not include their names in the petition. Instead, they requested that the Chairman of the Section 301 Committee ("Chairman") waive the identification requirement under 15 CFR section 2006.10.

In our view, failure to submit the petitioner's name in the petition generally constitutes failure to meet the requirements of 15 CFR 2006.1. However, we granted a limited waiver, subject to the requirement that the petitioners identify themselves in confidence to the Chairman. Fifteen individuals so identified themselves by name. The petitioner group was alleged also to include an additional 11 persons, but these persons were not identified to us by name and will not be deemed to be petitioners.

Judith Hippler Bello,

Chairman, Section 301 Committee.

[FR Doc. 87–4933 Filed 3–9–87; 8:45 am]

BILLING CODE 3190–01–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Notice No. 87–6]

Establishment of the Advisory Commission on the Privatization of Amtrak

Notice is hereby given of the establishment of the Advisory Commission on the Privatization of Amtrak, an advisory commission reporting to the Secretary of Transportation. The Commission is charged with devising a comprehensive proposal for intercity rail passenger service, to the extent economically feasible, in the United States without federal involvement in the subsidization of the National Railroad Passenger Corporation (Amtrak).

The Charter is set forth below.

Additional information may be obtained from the Office of Public Information at: Room 10413, U.S. Department of Transportation, 400 Seventh St., SW., Washington, DC 20590 or by calling 202–366–5580.

Issued in Washington, DC on March 4, 1987.

Elizabeth H. Dole,

Secretary of Transportation.

Charter

Advisory Commission on the Privatization of Amtrak

Purpose. This Charter establishes the Advisory Commission on the Privatization of Amtrak.

Scope and Objectives. The Commission shall devise and communicate to the Secretary of Transportation (the Secretary) a comprehensive proposal for intercity rail passenger service, to the extent economically feasible, in the United States without Federal involvement in the subsidization of the National Railroad Passenger Corporation (Amtrak). Included in the Commission's proposal shall be recommendations for: (1) the entity or entities, including the use of an employee stock ownership plan, best suited to own and manage intercity rail passenger service in a manner responsive to market forces, (2) the route structure or structures that would result from its proposal, and (3) such financial arrangements, including the use of various real estate rights, as will eliminate the need for federal subsidies and make appropriate payment to the United States. Should the Commission conclude that there are two or more feasible approaches, it shall review the advantages and disadvantages of each approach. The Commission shall solicit comments from interested parties and the general public through public hearings, written submissions, or both. The Commission shall act in an advisory capacity to the Secretary of Transportation and shall not exercise program management responsibility or make decisions directly affecting the operation or disposition of federal rail programs or Amtrak.

Duties. The Commission shall develop and submit its report to the Secretary, with dissenting views, if any, on or before August 1, 1987.

Membership. The Commission shall consist of up to 14 members appointed by the Secretary who fairly represent segments of the public that reflect a balance among the factors that bear on cessation of Federal involvement in the subsidization of Amtrak. In serving on the Commission, the members will give advice reflecting the viewpoint of those segments that they represent. The Secretary may appoint a replacement for any member should a vacancy occur.

Compensation for Members. The members shall not receive salary compensation, but shall be reimbursed for travel, meal, and accommodation expenses at the same rate as Federal employees.

Duration of Commission. The Commission shall terminate on September 30, 1987, unless earlier terminated in writing by the Secretary.

Sponsor and Office Providing Support Services. The Assistant Secretary for Policy and International Affairs shall be the Sponsor, and shall furnish support services.

Official to Whom Commission Reports. The Secretary.

Estimated Annual Cost. .25 person-years and $50,000.

Officers. The Chairman of the Commission shall be designated by the Secretary. The Commission shall have an executive director who shall be a Department of Transportation employee.

Meetings. After an initial meeting not later than [two weeks after filing date], the Commission shall meet at the call of the Chairman.

Subcommittees. The Chairman is authorized to establish subcommittees from the membership of the Commission.

Filing Date. 1987, which is the effective date of this Charter, which shall expire September 30, 1987, unless sooner termination.

[FR Doc. 87-4895 Filed 3-9-87; 8:45 am]

BILLING CODE 4910-62-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Dated: March 5, 1987.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding these information collections should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Room 7313, 1201 Constitution Avenue, NW., Washington, DC 20220.

Alcohol, Tobacco and Firearms

OMB Number: 1512-0386
Form Number: ATF REC 7570/1
Type of Review: Extension
Title: Records of Acquisition and Disposition—Registered Importers—of Arms, Ammunition, and Implements of War on the U.S. Munitions Import List
Description: These records are of imported items that are listed on the U.S. Munitions Import List (other than firearms and ammunitions). They are used to account for the items by the Registered Import and by this Bureau in investigations to insure compliance with the Federal Law.
Respondents: Businesses
Estimated Burden: 250 hours
Clearance Officer: Robert G. Masarsky (202) 566-7077, Bureau of Alcohol, Tobacco and Firearms, Room 7202, Federal Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20226
OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503

Internal Revenue Service

OMB Number: 1545-0042
Form Number: IRS Form 970
Type of Review: Extension
Title: Application to Use LIFO
Description: Form 970 is used by corporations and individuals to apply to use the Last-In First-Out (LIFO) method of computing inventory. The IRS is thereby notified that the taxpayer will use the LIFO method.
Respondents: Businesses, Farms, Individuals
Estimated Burden: 3,023 hours

OMB Number: 1545-0073
Form Number: IRS Form 1310
Type of Review: Extension
Title: Statement of Person Claiming Refund Due a Deceased Taxpayer
Description: Form 1310 is used by a claimant to secure payment of a refund on behalf of a deceased taxpayer. The information enables IRS to send the refund to the correct person.
Respondents: Individuals, Households
Estimated Burden: 5,000 hours

OMB Number: 1545-0633
Form Number: Notices 437, 438, 466
Type of Review: Extension
Title: Notice of Intention to Disclose
Description: A Notice of Intent to Disclose is required by 26 U.S.C. 6110(f). A reply is necessary if the recipient disagrees with the Service's proposed deletions. The Service uses the reply to consider propriety of making additional deletions to public inspection versions of written determinations or related background file documents.
Respondents: Individuals, State or local governments, Businesses
Estimated Burden: 3,500 hours
Clearance Officer: Garrick Shear (202) 566-6150, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224
OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503

Dale A. Morgan,

Departmental Reports, Management Office.

[FR Doc. 87-5039 Filed 3-9-87; 8:45 am]

BILLING CODE 4810-25-M

Public Information Collection Requirements Submitted to OMB for Review

Dated: March 5, 1987.

The Department of Treasury has made revisions and resubmitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding these information collections should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Room 7313, 1201 Constitution Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545-0169
Form Number: IRS Forms 4461 and 4461-A
Type of Review: Resubmission
Title: Application for Approval of Master of Prototype Defined Benefit Plan (4461-A); and Application for Approval of Master or Prototype Defined Contribution Plan (4461)
Description: IRS uses these forms to determine from the information submitted whether the applicant plan qualifies under section 401(a) of the internal Revenue Code for plan approval. The application also is used to determine if the related trust qualifies for tax exempt status under Code section 501(a).
Respondents: Businesses
Estimated Burden: 15,808 hours

OMB Number: 1545-0199
Form Number: IRS Form 5306 SEP
Type of Review: Resubmission
Title: Application for Approval of Prototype Simplified Employee Pension-SEP
Description: This form is used to apply for approval of a Simplified Employee Pension plan to be used by more than one employer. The data collected is used to determine if the prototype plan submitted is an approved plan.
Respondents: Businesses
Estimated Burden: 549 hours

OMB Number: 1545-0874
Form Number: IRS Form 8328
Type of Review: Resubmission
Title: Limitation on Aggregate Amount of Private Activity Bonds
Description: Section 146(f) of the Internal Revenue Code requires that issuing authorities of certain types of tax-exempt bonds must notify the IRS if they intend to carry-forward the unused limitation for specific projects. The IRS uses the information to compete the required study of tax-exempt bonds (required by Congress).
Respondents: State and local governments, Businesses
Estimated Burden: 2,573 hours

OMB Number: 1545-0984
Form Number: IRS Form 8586
Type of Review: Resubmission
Title: Low Income Housing Credit
Description: The Tax Reform Act of 1986 (Pub. L. 99-514) permits owners of residential rental projects providing low-income housing to claim a credit against income tax for part of the cost of constructing or rehabilitating such low-income housing. Form 8586 is used by taxpayers to compute the credit and by IRS to verify that the correct credit has been claimed.

Respondents: Individuals or households, Business
Estimated Burden: 28,126 hours
Clearance Officer: Garrick Shear (202) 566–6150, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224
OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503

Dale A Morgan,

Departmental Reports, Management Office.

[FR Doc. 87–5040 Filed 3–9–87; 8:45 am]

BILLING CODE 4810–25–M

Internal Revenue Service

Nonconventional Source Fuel Credit; Publication of Inflation Adjustment Factor and Reference Price for Calendar Year 1986

AGENCY: Internal Revenue Service, Treasury.

ACTION: Publication of inflation adjustment factor and reference price for calendar year 1986 as required by section 29(d)(2)(A) of the Internal Revenue Code (26 U.S.C. 29(d)(2)(A)) (formerly 44D renumbered by the Tax Reform Act of 1984).

SUMMARY: The inflation adjustment factor and reference price are used in determining the availability of the tax credit for production of fuel from nonconventional sources under section 29 of the Internal Revenue Code.

DATE: The 1986 inflation adjustment and reference price apply to qualified fuels sold during calendar year 1986.

Inflation Factor: The inflation adjustment factor for calendar year 1986 is 1.4555.

Price: The reference price for all qualified fuels is $12.66 per equivalent barrel for the 1986 calendar year.

Because the above reference price does not exceed $23.50 multiplied by the inflation adjustment factor, the phaseout of credit provided for in section 29(b)(1) of the Internal Revenue Code does not occur for any qualified fuel based on the above reference price.

Note.—After December 31, 1984, gas produced from a tight formation that also falls under any of the categories of gas specified in 18 CFR 272.103(a) (as amended) under the Natural Gas Policy Act of 1978 (NGPA) wil no longer be eligible for the credit allowed by section 29 (formerly section 44D) of the Internal Revenue Code.

FOR FURTHER INFORMATION CONTACT:

For the information factor—Robert O'Keefe, PM:PFR:R, Internal Revenue Service, 1201 E Street NW., Room 1109, Washington, DC 20224, telephone 202–376–0720 (not a toll-free number).

For the reference price—Noel J. Sheehan, CC:C:2:6, Internal Revenue Service, 1111 Constitution Ave. NW., Room 5238, Washington, DC 20224, telephone 202–566–3938 (not a toll-free number).

Peter K. Scott,

Associate Chief Counsel (Technical).

[FR Doc. 87–4982 Filed 3–9–87; 8:45 am]

BILLING CODE 4830–01–M

VETERANS ADMINISTRATION

Veterans' Advisory Committee on Environmental Hazards; Meeting

The Veterans Administration gives notice under Pub. L. 92–463, section 10(a)(2), that a meeting of the Veterans' Advisory Committee on Environmental Hazards will be held at the Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, DC 20420 on April 27 and 28, 1987. The purposes of the Committee are to review the scientific and medical literature relating to the possible health effects resulting from exposure to dioxin and ionizing radiation and to assist in the development of Agency policy with respect to veterans' claims for compensation based upon exposure.

The meeting will convene at 9:00 a.m. both days in the Omar Bradley Conference Room. This meeting will be open to the public up to the seating capacity of the room. Because this capacity is limited, it will be necessary for those wishing to attend to contact Ms. Sylvia Arrington, Veterans Administration Central Office (phone 202/233–2115) prior to April 20, 1987.

Members of the public may direct questions or submit prepared statements for review by the Committee in advance of the meeting, in writing only, to Mr. Frederic L. Conway, Special Assistant to the General Counsel, Room 1034, Veterans Administration Central Office. Submitted material must be received at least five days prior to the meeting. Such members of the public may be asked to clarify submitted material prior to consideration by the Committee.

Dated: February 25, 1987.

By direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 87–4931 Filed 3–9–87; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 52, No. 46
Tuesday, March 10, 1987

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 3:36 p.m. on Wednesday, February 25, 1987, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to: (1) Accept the highest acceptable bid which may be submitted in accordance with the "Instructions for Bidding" for a purchase and assumption transaction, or (2) in the event no acceptable bid for a purchase and assumption transaction is submitted, accept the highest acceptable bid for an insured deposit transfer transaction which may be submitted, or (3) in the event no acceptable bid for either type transaction is submitted, make funds available for the payment of the insured deposits of the closed bank, with respect to each of the following: (a) First National Bank of Crosby, Crosby, Texas, which was expected to be closed by the Deputy Comptroller of the Currency, Office of the Comptroller of the Currency, on Thursday, February 26, 1987; (b) Farmers State Bank, Hart, Texas, which was expected to be closed by the Banking Commissioner for the State of Texas on Thursday, February 26, 1987; and (c) The Lewistown Bank, Lewistown, Illinois, which was expected to be closed by the Commissioner of Banks, and Trust Companies for the State of Illinois on Friday, February 27, 1987.

At that same meeting, the Board also considered:

The applications of Midlantic National Bank/South, Mount Laurel, New Jersey, and Midlantic National Bank/Union Trust, Wildwood, New Jersey, for consent to transfer certain assets to Security Savings & Loan Association, Vineland, New Jersey, a non-FDIC-insured institution, in consideration of the assumption of the liability to pay deposits made in 13 branches of Midlantic National Bank/South and one branch of Midlantic National Bank/Union Trust.

The application of Midlantic National Bank, Newark, New Jersey, for consent to purchase certain assets of and assume the liability to pay deposits made in five branches of Security Savings & Loan Association, Vineland, New Jersey, those branches being located at N/S Lamington Road, Bedminster, New Jersey; 77 Main Street, Kingston, New Jersey; 2431 Main Street, Lawrenceville, New Jersey; 130–132 Nassau Street, Princeton, New Jersey; and 200 E. Main Street, Somerville, New Jersey.

The application of The Bank of Mid-Jersey, Bordentown Township, New Jersey, an insured State member bank, for consent to purchase certain assets of and assume the liability to pay deposits made in the Vincentown Branch of Berkeley Federal Savings and Loan Association of New Jersey, Millburn, New Jersey, a non-FDIC-insured institution.

In calling the meeting, the Board determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded by Chairman L. William Seidman, concurred in by Mr. Robert J. Herrmann, acting in the place and stead of Director Robert L. Clark (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: February 27, 1987.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 87-5116 Filed 3-6-87; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Tuesday, March 3, 1987, the Corporation's Board of Directors determined, on motion of Chairman L. William Seidman, seconded by Director C.C. Hope, Jr. (Appointive), concurred in by Director Robert L. Clarke (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Application of Peoples Bank and Trust Company, Waterloo, Iowa, an insured State nonmember bank, for consent to merge, under its charter and title, with Parkersburg State Bank, Parkersburg, Iowa, and for consent to establish the sole office of Parkersburg State Bank as a Branch of the resultant bank.

The Board further determined, by the same majority vote, that no earlier notice of this change in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: March 4, 1987.

Federal Deposit Insurance Corporation

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 87-5118 Filed 3-6-87; 12:52 pm]

BILLING CODE 6714-01-M

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

March 4, 1987.

TIME AND DATE: 10:00 a.m., Thursday, March 12, 1987.

PLACE: Room 600, 1730 K Street, NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. *Perry Drilling Company*, Docket No. PENN 86-273. Issues include whether the entry of default against Perry Drilling Co. should be vacated.

2. *Wilmot Mining Company*, Docket No. LAKE 85-47. Issues include whether the judge properly rejected the proposed settlement; whether Wilmont Mining Co. violated 30 CFR 48.28(a); whether substantial evidence supports certain of the judge's penalty findings.

Any person intending to attend this meeting who requires special accessibility features such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 20 CFR 2706.150(a)(3) and 2706.160(e).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, (202) 653–5629.

Jean H. Ellen,

Agenda Clerk.

[FR Doc. 87–5067 Filed 3–6–87; 10:08 am]

BILLING CODE 6735–01–M

FEDERAL RESERVE SYSTEM

TIME AND DATE: 11:00 am., Monday, March 16, 1987.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21th Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: March 6, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87–5164 Filed 3–6–87; 3:47 pm]

BILLING CODE 6210–01–M

NATIONAL CREDIT UNION ADMINISTRATION

Change in Subject of Meeting

The National Credit Union Administration Board has determined that its business requires that the previously announced open Board meeting on March 11, 1987, include an additional item.

Implementation Date for Compliance with section 748.2—Currency and Foreign Transactions.

The previously announced items were:

1. Approval of Minutes of Previous Open Meeting.
2. Economic Commentary.
3. Review of Central Liquidity Facility Lending Rate.
4. Insurance Fund Report.
5. Federal Credit Union Loan Interest Rate Ceiling.

The meeting will be held at 9:30 a.m., in the Filene Board Room, 7th Floor, at 1776 G Street, NW., Washington, DC.

FOR MORE INFORMATION CONTACT: Rosemary Brady, Secretary of the Board, Telephone (202) 357–1100.

Rosemary Brady,

Secretary of the Board.

[FR Doc. 87–5091 Filed 3–6–87; 12:52 pm]

BILLING CODE 7535–01–M

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of March 9, 16, 23 and 30, 1987.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, DC.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of March 9

Thursday, March 12

10:00 a.m.
Discussion of Pending Investigations (Closed—Ex. 5 & 7)

2:00 p.m.
Discussion/Possible Vote on Full Power Operating License for Vogtle-1 (Public Meeting)

3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of March 16—Tentative

Monday, March 16

2:00 p.m.
Briefing on Status of TVA (Public Meeting)

Thursday, March 19

2:30 p.m.
Discussion/Possible Vote on Full Power Operating License for Clinton (Public Meeting)

4:00 p.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Friday, March 20

10:00 a.m.
Discussion/Possible Vote on Restart of Palisades (Public Meeting)

2:00 p.m.
Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 & 6)

Week of March 23—Tentative

Thursday, March 26

3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of March 30—Tentative

Thursday, April 2

2:00 p.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

ADDITIONAL INFORMATION: Briefing on NRC Strategic Planning (Public Meeting) *postponed* from Friday, March 27.

TO VERIFY THE STATUS OF MEETINGS CALL (RECORDING): (202) 634–1498.

CONTACT PERSON FOR MORE INFORMATION: Robert McOsker (202) 634–1410.

Robert B. McOsker,

Office of the Secretary.

March 5, 1987.

[FR Doc. 87–5165 Filed 3–6–87 3:48 pm]

BILLING CODE 7590–01–M

POSTAL SERVICE

At its meeting on March 2, 1987, the Board of Governors of the United States Postal Service voted unanimously to close to public observation its meeting scheduled for April 6, 1987, in Dallas Texas. The meeting will concern: (1) A discussion of strategic planning in connection with possible future rate adjustments; and (2) consideration of the February 6, 1987, recommended decision of the Postal Rate Commission on change in collect on delivery service.

The meeting is expected to be attended by the following persons: Governors Griesemer, McConnell, McKean, Nevin, Peters, Ryan and Setrakian; Postmaster General Tisch; Deputy Postmaster General Coughlin; Secretary to the Board Harris; and General Counsel Cox.

The Board determined that pursuant to section 552b(c)(3) of Title 5, United States Code, and § 7.3(c) of Title 39, Code of Federal Regulations, discussion of these matters is exempt from the open meeting requirement of the Government in the Sunshine Act, [5 U.S.C. 552b(b)], because it is likely to disclose information in connection with proceedings under Chapter 36 of Title 39 (having to do with postal ratemaking, mail classification and changes in postal services), which is specifically exempted from disclosure by section 410(c)(4) of Title 39, United States Code. The Board also determined that pursuant to section 552b(c)(10) of Title 5, United States Code, and § 7.3(j) of Title 39, Code of Federal Regulations, the discussions are exempt because they are likely to specifically concern the participation of the Postal Service in a civil action or proceeding or the litigation of a particular case involving a determination on the record after opportunity for a hearing. The Board further determined that the public interest does not require that the Board's discussion of this matter be open to the public.

In accordance with section 552b(f)(1) of Title 5, United States Code, and § 7.6(a) of Title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in his opinion the meeting may properly be close to public

observation pursuant to section 552b(c)(3) and (10) of Title 5 and section 410(c)(4) of Title 39, United States Code, and § 7.3(c) and (j) of Title 39, Code of Federal Regulations.

David F. Harris,

Secretary.

Paul J. Kemp,

Alternate Liaison Officer for the U.S. Postal Service.

[FR Doc. 87-5074 Filed 3-6-87; 10:46 am]

BILLING CODE 7710-12-M

Corrections

Federal Register
Vol. 52, No. 46
Tuesday, March 10, 1987

This section of the FEDERAL REGISTER contains editorial corrections of previously published 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.

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 1644]

Petitions for Reconsideration of Actions in Rulemaking Proceedings

Correction

In notice document 87–3851 appearing on page 5579 in the issue of Wednesday, February 25, 1987, make the following correction:

In the first column, in the first complete paragraph, in the 12th and 13th lines, "within 16 days after date of publication)" should read "by March 13, 1987".

BILLING CODE 1505–01–D

FEDERAL COMMUNICATIONS COMMISSION

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

Correction

In notice document 87–650 appearing on page 1380 in the issue of Tuesday, January 13, 1987, make the following corrections:

1. In the second column, in the second line, "Section 94.633(f)+(g)" should read "Section 90.633(f)+(g)";

2. In the same column, in the 11th line, "Section 94.517" should read "Section 90.517"; and

3. In the same column, in the 19th line, "Section 94.13" should read "Section 94.113".

BILLING CODE 1505–01–D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 78P–0173 et al.]

Approved Variances for Laser Light Shows; Availability

Correction

In the correction to notice document 86–26990 appearing on page 198 in the issue of Friday, January 2, 1987, make the following correction:

In the third column, in paragraph 4, in the first line, "11th" should read "14th".

BILLING CODE 1505–01–D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 86N–0414]

Studies for the Development and Improvement of Analytical Methodology for Animal Drug Residues in Tissues; Request for Cooperative Agreement Applications

Correction

In notice document 86–29515 beginning on page 165 in the issue of Friday, January 2, 1987, make the following corrections:

1. On page 166, in the third column, in the fourth complete paragraph, in the 9th line, "date" should read "data"; and in the 10th line, "minimum"was misspelled.

2. On page 167, in the first column, in the animal drug listing, remove the footnote from the next to last entry.

BILLING CODE 1505–01–D

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Notropis simus pecosensis (Pecos Bluntnose Shiner)

Correction

In rule document 87–3507 beginning on page 5295 in the issue of Friday, February 20, 1987, make the following corrections:

1. On page 5302, in the first column, amendatory instruction 3 should read "Add a new paragraph (r) to §17.44 to read as follows:".

§ 17.44 [Corrected]

2. On the same page, in the same column, in the codified text shown under §17.44, the text beginning "Pecos bluntnose shiner" should have been designated as paragraph (r).

BILLING CODE 1505–01–D

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 3

[A. G. Order No. 1174–87]

Aliens and Nationality; Rules of Procedure for Proceedings Before Immigration Judges

Correction

In rule document 87–1726 beginning on page 2931 in the issue of Wednesday, January 29, 1987, make the following correction:

§ 3.7 [Corrected]

On page 2936, in the second column, in § 3.7, in the fifth line, "consideration" should read "certification".

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 86–AWA–30]

Alteration of the Detroit, MI, Terminal Control Area

Correction

In rule document 87–3261 beginning on page 4893 in the issue of Wednesday, February 18, 1987, make the following correction:

§ 71.401 [Corrected]

On page 4894, in the second column, under the heading for Detroit, MI, in the third paragraph, in the 20th line, "I–DTH" should read "I–DTW".

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 71 and 73

[Airspace Docket No. 86-AGL-25]

Relocation and Subdivision of Restricted Area R-5503 Wilmington, OH, Into R-5503A and R-5503B

Correction

In rule document 87-3386 beginning on page 5077 in the issue of Thursday, February 19, 1987, make the following correction:

On page 5077, in the third column, in the 12th line from the bottom of the page, "evaluation" should read "elevation".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Airspace Docket No. 87-AWP-1]

Alteration of Restricted Areas R-2304 and R-2305, Gila Bend, AZ

Correction

In rule document 87-3259 beginning on page 4894 in the issue of Wednesday, February 18, 1987, make the following correction:

§ 73.23 [Corrected]

On page 4895, in the first column, under the heading for Gila Bend, AZ, following the second paragraph, insert the following heading:

R-2305 Gila Bend, AZ [Amended]

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 71

[T.D. ATF-249]

Technical Amendments

Correction

In rule document 87-4000 beginning on page 5954 in the issue of Friday, February 27, 1987, make the following correction:

On page 5961, in the third column, in amendatory instruction 68, in the fifth line, "paragraph (c)" should read "paragraph (3)".

BILLING CODE 1505-01-D

UNITED STATES INFORMATION AGENCY

22 CFR Part 514

[Rulemaking No. 2-Exchange Visitor Boards]

Functions of Exchange Visitor Policy Boards

Correction

In rule document 87-4235 beginning on page 5952 in the issue of Friday, February 27, 1987, make the following correction: On page 5952, in the second column under **DATES**, " March 27, 1987 " should read " February 27, 1987 ".

BILLING CODE 1505-01-D

federal register

Tuesday
March 10, 1987

Part II

Department of the Interior

National Park Service

36 CFR Part 7

Fire Island National Seashore; Motor Vehicle Travel on Seashore Lands; Final Rule

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

Fire Island National Seashore; Motor Vehicle Travel on Seashore Lands

AGENCY: National Park Service, Interior.

ACTION: Final rule.

SUMMARY: These regulations implement a program of limiting the number of permits or travel for off-road vehicles at Fire Island National Seashore, New York. The former regulation authorized but did not establish specific limits on vehicle permits or travel, causing uncertainty and inaccessibility for interested and otherwise qualified applicants. This regulation provides Island residents, governments, businesses and recreational users with explicit limits and procedures by which permits may be obtained.

EFFECTIVE DATE: April 9, 1987.

FOR FURTHER INFORMATION CONTACT: John A. Hauptman, Superintendent, Fire Island National Seashore, 120 Laurel Street, Patchogue, New York 11772, Telephone: (516) 289–4810.

SUPPLEMENTARY INFORMATION:

Background

On December 13, 1977 (42 FR 62483), the National Park Service amended 36 CFR 7.20(a), pertaining to motor vehicle use at Fire Island National Seashore, by identifying off-road routes and generally revising and clarifying the existing regulations. Included within the 1977 revision was a new paragraph (8), which stated, "The Superintendent is authorized to limit the total number of permits for motor vehicle travel on Seashore lands, and/or to limit the number of permits issued for each category of eligible applicants. . . ." This authority is based on primary management objectives for the Seashore; i.e., "resource protection, public safety, or visitor enjoyment." To establish limits "the Superintendent shall utilize such factors as the type of use or purpose for which travel is authorized, the availability of other means of transportation, limits established by local jurisdictions, historic patterns of use, multiplicity of existing permits held by individuals, aesthetic and scenic values, visitor uses, safety, soil, weather, erosion, terrain, wildlife, vegetation, noise and management capabilities."

With these factors in mind, the park staff prepared a draft "Criteria for Issuance of Permit," which was circulated in September 1980 to community and organization leaders. Based on comments received, the draft was revised and on January 23, 1981, again sent to community leaders and interested organizations. The Superintendent held meetings on Fire Island with local property owner organizations, town and village government staffs, and affected visitor groups. The meetings occurred on July 17 and August 14, 1982. Meeting comments and letters received served as the basis for further revisions to the draft, which culminated in the publication of the proposed rule of July 25, 1983 (48 FR 33722).

Analysis of Public Comments

Comments on the proposed rule were extensive and indicated that further revisions of the proposed rule were necessary. The majority of the comments dealt with no limits on recreational vehicles and impacts of driving on the area south of the toe of the dune. Other comments dealt with year-round residency established prior to January 1, 1978, and removing the one round trip per day restriction. In response to the issues raised and in order to solicit opinion and support for a final action, the Seashore developed an Environmental Assessment of Alternatives.

Three alternatives for action were outlined and presented for review and comments. The first alternative was a no-action alternative; i.e., no change would be made in the regulations, no number limits would be established. The second alternative, Alternative B, was the same as the proposed rule as published in the **Federal Register** on July 25, 1983. The third and final alternative, Alternative C, would have established several additional limitations. These included (1) Limiting all ORV categories (including recreational vehicles) to two round-trips permitted each day; (2) prohibiting landward travel within 20 feet of the southern limit of beach grass; (3) permitting non-residents one round trip/month to their home if no other transport was available; and (4) limiting recreation vehicles to 30 at any one time from Smith Point to Long Cove.

Comments received on the three alternatives had the greatest numerical support for Alternative B. However, comments and criticism that led to the development of Alternative C were important factors and critical to development of the Final Rule. Thus, a combination of factors from Alternative B & C became the basis for the Final Rule.

The amendments to 36 CFR 7.20 included in the final rule are primarily changes in section 8, establishing the limitations on the number of permits in each category. However, the Seashore is taking the opportunity to clear up other sections of the rule that have confusing or misleading language or need further clarification. The principal changes to be made in 36 CFR 7.20 are summarized below:

—The definition of part-time resident is revised to clarify the difference between year-round and part-time residents.

—A new definition, "Construction and business vehicle," is added. This definition clarifies the differences between construction and business vehicles and service vehicles.

—Section 2 of the regulations deals with the routes of travel. As discussed in detail in this document, we have added a "Rhizome Rule" to protect the subsurface roots of the dune grass by limiting all beach travel to an area 20 feet seaward of beachgrass and requiring the beach to be closed to vehicle traffic if the tides are so high that travel south of the 20-foot line is not possible.

—To implement existing practice, all applicants will be required to have local permits before their applications will be processed by the Seashore.

—The lack of alternative transportation is eliminated as a criterion for eligibility to apply for a permit to drive for part-time residents.

—Section (a)(8) authorizes the establishment of limits on ORV uses. The Final Rule now adds a number of subsections to section (a)(8) which deals with the various categories of ORV users:

—Year-round resident permits will be limited to 145. The permits are good for a year and only one permit per household will be issued.

—Part-time resident permits are limited to those who either held year-round or part-time resident permits as of January 1, 1978.

—Permits will be issued for those with retained rights of use and occupancy pursuant to deeds.

—Public utility and essential service vehicles will be limited to 30 permits per year.

—Construction and business vehicles will be limited to 80 permits at any one time.

—Up to 5 permits for each community for the use of year-round municipal employees will be permitted.

—There is no limit on recreation vehicle permits but the total recreation vehicle trips will be limited to 5000 trips per year and the recreation vehicle season for counting trips will begin in September and end in June.

—Two round trips per day for year-round residents will now be permitted.

The Seashore is closed to recreational vehicle travel from January 1 to March 31 and June 14 to September 14 annually.

Analysis

The needs of the communities, residents both year round and part time, as well as the needs of recreationists of all categories—boaters, pedestrians and ORV users—have been considered carefully in the preparation of Fire Island's ORV regulations.

The Park Service's goal is a reduction and stabilization of all vehicle travel within the Seashore. The Seashore's GMP and EIS called for a reduction in vehicle travel and the Seashore's enabling legislation called for retention of the island's roadless character. Simultaneously, the Service must consider the needs of island communities, residents, and visitors.

Year-round residents need reasonable access to the mainland to obtain basic supplies, medical services, and utilize off-island facilities. Since part-time residents are generally on the island only during the warmer months, they are restricted to ferry services except during emergency situations. Utility companies and service vehicles need access to the houses all year; contractors need access for renovation and repair work undertaken in the off-season when the houses are empty.

Recreationists utilize the island in many different ways. Beachgoers on foot come in substantial numbers during the summer months and in reduced numbers in the fall, winter, and spring. The majority of beachgoers coming from the communities either own or rent houses on the island. Beach users who are not community residents come by ferry to the municipal beaches at Atlantique Beach, Barrett Beach, and Davis Park, or to the Federal facilities at Sailors Haven and Watch Hill or they walk into the Seashore from Robert Moses State Park at the west end or Smith Point County Park on the east end. Fishermen in ORV's utilize the Seashore during the peak fishing seasons, spring and fall, and are restricted to the beach from Long Cove (east of Watch Hill) to Smith Point West.

The Final Rule has been developed to afford reasonable access by all user groups minimizing harm to the natural resources of the Seashore and to reduce conflicts among the user groups for access to the same resources. These issues are discussed in more detail below.

A. Conservation and Preservation of the Seashore's Natural Features

The Act establishing the Seashore and Executive Orders on ORV's speak of the importance of protecting Fire Island's natural resources. The Final Rule ensures such protection. ORV use is prohibited in any vegetated areas, marsh areas, active bird nesting area or dune.

The three-year study of ORV use at Fire Island, titled "Final Report on the Effects of Off-Road Vehicles on Beach and Dune Systems, Fire Island National Seashore," prepared by the University of Massachusetts at Amherst, along with a similar five-year study at Cape Cod National Seashore, concluded that ORV use should be confined to non-vegetated areas and, whenever confined to a designated route, traffic should be restricted to the same track. The study found no measurable differences due to ORV use among several study sites (both impact and control sites) in the foreshore area except along the toe of the dune. Here appreciable damage could result because the underground roots, called rhizomes, which support new growth extend seaward from the visible grass. Thus, they are invisible to drivers. In the winter months further damage may occur because the dune grass appears to be dead. Therefore, even conscientious drivers may inadvertently shear off the rhizomes, halting the seaward growth of the grasses, which aid in natural development and stabilization of dunes.

The Park Service has revised the 1983 proposed rule by adding a "Rhizome Rule." Since rhizomes on Fire Island can extend beyond sixteen feet from visible vegetation, the Final Rule adopts a 20-foot wide zone seaward of the edge of vegetation which is closed to all vehicle travel. The 20-foot rule was determined by extensive measurements Park Service scientists took of rhizomes on Fire Island. When the tide levels reach the 20-foot mark, the beach is closed to travel.

The University of Massachusetts study also recommended that vehicle travel be restricted to two "lanes" on the beach, one for eastbound and one for westbound travel. After study, the Park Service has determined that this recommendation would be infeasible to implement and enforce. To ensure use of such lanes, three parallel rows of posts would have to be erected along 20 miles of the Seashore. The two forward rows of posts would certainly be subject to frequent tidal overwash and dislocation. Two lanes would also be impractical because it is impossible to drive in deeply rutted sand. This would occur if there was only one lane for travel in each direction. Three rows of posts would also have detrimental aesthetic impacts. Finally, since travel nearer the water is preferable, as the tides fluctuate throughout the year with higher tides in the winter and lower tides in the summer, the lanes would have to be adjusted and relocated during the various seasons. This would create an unreasonable management burden.

The study also found that it is preferable, from an ecological perspective, for ORV travel to occur most frequently when the beach is at its widest; i.e., the summer months, and restricted the most when the beach is at its narrowest; i.e., the winter months. As will be explained in the discussion of user groups, this recommendation presents significant conflicts with visitor use patterns, public safety, aesthetic and scenic concerns, and year-round residents' access needs. To balance these conflicting considerations, the Final Rule implements a complete closure during the winter and summer for recreational ORV use and continues the existing closure restrictions for all other categories of vehicles and travel. During the fall, winter, and spring, vehicle access is permitted because it is the only means of getting to most areas when ferry service is reduced or when the bay is frozen and there is no ferry service. Vehicle access is necessary for the winter operation and protection of the communities.

However, any time the tides reach the twenty-foot line, the beach will be closed to all travel. When the beach at the west end from the Annex to the Sunken Forest Preserve/Sailors Haven is closed, access to the western communities is restricted to the inland route through the communities. When the beach is closed at the east end from Cherry Grove to Smith Point West, there is no access to the communities east of the Sunken Forest Preserve/Sailors Haven because there are no continuous roads through the interior which includes the Wilderness Area, the land north of the toe of the dunes from Smith Point West to Watch Hill.

The beach front is a relatively barren area in terms of wildlife. While the vegetated areas of the dunes and the pin oak and holly forests support healthy populations of white-tailed deer, small mammals, rodents, and birds, the primary inhabitants of the shorefront are several species of burrowing insects, crabs, and shorefront birds. Many birds, such as gulls, use the area for feeding, not for nesting. However, some species, notably the least tern, do nest directly

on the beachfront. In past years some nesting pairs of piping plovers have also been spotted on the beach contiguous to the Wilderness Area and are usually found in the area covered by the Rhizome Rule. In accordance with the Seashore's Resource Management Plan, all nesting areas are fenced, signed, and closed to vehicle and pedestrian traffic. In accordance with 36 CFR § 2.15, all dogs in the Seashore must be leashed or otherwise physically constrained.

B. The User Groups

1. Year-Round Residents

There are approximately 150 families that reside on the island on a year-round basis. Due to the severe weather in the winter, the fact that ferry access is impossible when the bay is frozen, and that few services are available year round on the island (no grocery store, medical facility or general commercial center is open year-round), the year-round residents need reliable access to the mainland. No ferry company regularly schedules a Fire Island departure from 7:00 a.m to 8:00 a.m. nor a 5:00 to 6:00 p.m. return to the island during the off-season. In 1985, 131 year-round resident permits were issued. 124 permits were issued to residents west of Sailors Haven; 7 to residents for travel east of Sailors Haven. Many year-round residents do not hold year-round resident permits but do hold contractor, service and utility, or municipal permits due to the nature of their employment.

The Final Rule adopts a maximum of 145 year-round resident permits. This number was first proposed in 1980 and has received general public acceptance. It is based upon the number of year-round resident permits which were issued in 1978. The number of year-round residents has fluctuated little since 1978. Once the 145 permits have been issued, no additional permits will be issued until one of the outstanding permits is surrendered, voided, or not renewed.

The proposed rule included a requirement for a January 1, 1978, residency to be eligible for a year-round resident permit. Major objection to this requirement was voiced because it would not permit turnover among the year-round residents, which would be critical as people age and their needs and lifestyles change. It was further argued that periodic infusion of younger residents was necessary for continued community viability. For these reasons, the proposed date of January 1, 1978 has been dropped in the Final Rule.

In another change from the Proposed Rule, year-round residents will be permitted to make two round trips per day. At present, year-round residents requiring a second round trip must phone ahead and obtain permission from the District Ranger. The number of requests are minimal and usually granted. The change of one round to two round trips is not expected to increase traffic. This change will relieve tension between year-round residents and Park Service staff in that residents will no longer have to ask permission to conduct personal business. This two round-trip restriction has been accepted by those who objected to the proposed dropping of any restrictions on number of trips for anyone.

2. Part-Time Residents

Part-time resident permits are limited to those people who held resident permits as of January 1, 1978. In 1985, there were 85 part-time resident permits. 32 of those are for travel west of the Sunken Forest Preserve/Sailors Haven, 53 for travel east of the Sunken Forest Preserve/Sailors Haven. This is a category in which vehicle use will be reduced over time. These permits are not transferable. If a permit is not annually renewed, it is terminated. As residents move off the island, decide to drop the part-time permit, etc., the total number of permits and subsequent vehicle travel will be gradually reduced. No objections to this restriction were raised either in public meetings or in comments on the proposed rule.

3. Holders of Reserved Rights of Use and Occupancy

In acquiring land in the 8-mile zone (the land east of Ocean Ridge), the Park Service was authorized to grant landowners, whose property was condemned by the Federal government, retained rights of use and occupancy with guaranteed access to their homes. The last use and occupancy rights in the eight-mile zone will expire in 1992, ending any residential use in the area. Part of the area of the 8-mile zone north of the toe of the dune was designated as a National Wilderness Area in 1980. After 1992, when residential use is ended, all contractor, service, and utility vehicle use will end in the wilderness area. Also, all official vehicle use will end in this area. Thus, the wilderness portion of the 8-mile zone will become vehicle free. Outside the 8-mile zone, there have been land purchases negotiated with retained use and occupancy rights. Where vehicle access has been granted, the duration of the use and access varies with the terms of each conveyance.

4. Public Utility and Service Vehicles

Public utilities need to have some access independent of scheduled ferries to take care of electric and telephone service on the island. Trash collection, heating fuel, and bottled gas delivery are also necessary services and vehicle use may be required. Presently, 21 permits have been issued for these purposes. The Final Rule allows 30 permits for these purposes. These permits are issued for specific periods of time and use on a per vehicle basis so that a business with six vehicles must hold six permits. However, for the Long Island Lighting Company (electricity) and New York Telephone (telephone), a single permit is issued for each utility because it is impractical to permit each utility company vehicle individually.

Discussions held with utility companies, villages, and communities about the needs of the communities determined that 30 permits would provide for the basic services required by the communities and public use areas.

5. Construction Permits and Business Vehicles

Construction, reconstruction, and various business activities are essential for continued community vitality. Adequate ferry service is more available in the off season to mainland contractors than to year-round residents. Two of the three ferry companies operate a ferry that leaves Long Island between 7:00 and 8:00 a.m. with a Fire Island departure between 4:00 and 5:00 p.m. Many contractors park a vehicle on the island for travel between the ferry docks and job sites and have their work crews commute across the bay by ferry. However, access is sometimes necessary throughout the winter when ferry service is not available.

In the Final Rule, construction and business permits are limited to 80 permits at any one time. Contractor and business permits are issued for a limited period of time (e.g. January and February) and to a specific location where work is being performed via a specific route. In 1985, 147 contractor permits were issued. The maximum of 80 permits was issued by February 22, all of which expired before March 1. No new construction permits were issued until March 1. After March 1, the permits which were issued authorized access to fewer communities than during the January and February period because the ferry service increased as of March 1. The 135 number may include the same vehicle more than once. For example, a

contractor could receive a permit to do work in Fire Island Pines for January and February. Then, in April, he may be permitted to drive to a job site in Water Island, which is not serviced by ferry. Then, in December, he could receive a permit to perform work in Davis Park. This would be counted as three permits, even though each was of limited duration.

The limit of 80 permits is based on historical-use patterns. No negative comments or objections to this number have been received.

6. Municipal Employees

An increase in use of homes year round: renovation and construction work being concentrated in the off season; and a need for better security and fire protection for the large number of uninhabited homes during the off season have increased the demand for year-round municipal employees involved in fire protection, security, building permit supervision, and other municipal services. The category of municipal employees was developed to take care of this need. Up to 5 permits per community are permitted and could result in up to 85 permits. However, the requirement that the individuals be year-round residents and full-time employees of a community will probably result in a far lower number of permits actually issued. A small community like Water Island is unlikely to use all five allotted permits. Ocean Beach, a larger community, probably will require more than its allotment. At present there are 10 outstanding municipal permits. No objections were raised regarding this proposal during the public comment period on the proposed rule.

7. Recreation Permits

Surf fishing is permitted the entire length of Fire Island, any time of the year, via pedestrian or ferry access. During the summer and year round in front of the communities, individuals interested in fishing must walk to the areas where they want to fish. Individuals interested in using vehicles for fishing are limited to the beach, south of the toe of the dune, between Smith Point West and Long Cove, which is the eastern border of the Watch Hill public use area. This six-mile stretch of beach runs parallel to the Wilderness Area. The primary reason for obtaining a recreation permit is for surf fishing.

The 1977 rule limited ORV travel to specific periods of time. No vehicle travel was permitted during the summer from 9:00 a.m. to 6:00 p.m. on weekdays and from 6:00 p.m. on Fridays to 9:00 a.m. the following Monday. Weekend travel is also restricted in the spring and fall. These time periods will continue to apply to all vehicle categories. The Final Rule amends these regulations by restricting recreation vehicles to the area east of Long Cove and closing the beach to recreation vehicles for two, three-month periods—January 1 to March 31, and June 14 to September 14. This change will eliminate any possible conflicts with evening and night-time beach walkers or swimmers during the summer months. During the winter the beach is at its narrowest and most susceptible to erosion as a result of vehicle travel and is the most hazardous for driving. The winter months are also the least productive for fishing. To reduce the possibility of environmental damage and reduce driving hazards during the winter, the beach will now be closed to recreation vehicles.

From January 1 through March 31, the beach is not, however, closed to other categories of permit holders. Relative to possible environmental damage caused by traveling the winter beach, the Park Service has determined that the mainland access needs of year-round residents are more compelling than winter recreation needs.

Although consideration was given to increasing the time period for weekend use in September and October by allowing recreational vehicles to enter the island until 11:00 a.m., this change was not implemented. The deadline for entering the island remains 9:00 a.m. for all categories of vehicles and no additional vehicles may enter until after 6:00 p.m.

The Seashore's GMP and EIS called for a maximum of 30 recreational vehicles on the beach at any one time. Under the 1977 rule, the vehicle season on Fire Island ran from mid-September to mid-June and during the summer permitted night-time weekday travel. Assuming a maximum of 30 vehicles per day, just during the September to June period and 30 days per month for that period, the annual volume would be 8100 vehicles. The Final Rule adopts a limit on recreational vehicles of 5000 one-way trips (i.e. 2500 round trips) per year. This will be easier to administer because counts will be made only of vehicles passing through the check station. Conflicts with the public will be reduced because recreationists will be able to come and go without waiting because of a beach limitation. With the recreational vehicle limit, the summer and winter closures, and the Rhizome Rule, there should be a reduction in the total impact of recreational vehicles on the Seashore.

In 1985 (January to December), 1593 recreational vehicle permits were issued. Under the Final Rule, the recreational vehicle count will begin in September of each year and conclude the following May or when 5000 trips have occurred. Because the year's count for recreational vehicles will begin in September, this will accommodate recreational visitors throughout the fishing seasons. Anyone can obtain a permit and use it as much as possible within the limitation of 5000 trips. Once the 5000 trips are reached, there are no more recreational trips permitted by any permit holder. By counting trips rather than limiting the number of permits, visitors are not discriminated against in obtaining a permit.

Where required, no application for a permit will be processed without prior approval from the Towns of Islip or Brookhaven and/or the incorporated Villages of Ocean Beach or Saltaire.

The National Park Service considered the possibility of allowing permits to be transferred. During the numerous public meetings, this issue was raised. The National Park Service determined that this choice to be impractical because control of beach access would be lost. Under the proposed permit system, only individuals with particular needs will have access to the Island. This policy is in keeping with the Congressional intent, as interpreted by Federal courts, to limit access in an effort to preserve and protect the resources of Fire Island.

A summary of comments to the proposed rule and the Environmental Assessment follows:

Written Response to Proposed Regulations

(Prior to December 1983 Assessment)

1. In favor of proposed regulations	275
2. Do an Environmental Assessment	40
3. Limit recreational vehicle permits	38
4. One round trip for recreational vehicles	32
5. Limit number of vehicles on beach at any one time	33
6. Public hearings	9
7. No unlimited recreational vehicles	8
8. Limits not be put in regulations	7
9. No increase in recreational vehicles	6
10. No vehicles on beach	6
11. Two round trips for recreational and year-round vehicles	4
12. National Park Service should have discretion to close beach if overcrowded	3
13. One round trip for residential use	3
14. Miscellaneous suggestions of one item	19
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Written Response to December 1983 Assessment

1. Alternative A, No Action	0

Written Response to Proposed Regulations—Continued

2. Alternative B, Establish Permit Limits on All Except Recreation Vehicles	156
3. Alternative C, Limit All ORV Permits Including Recreation Vehicles, Define Toe of Dune	22
4. Decrease All ORV Use	25
5. Limit All ORV Use	22
6. Remove January 1978 cutoff for year-round residents	8
7. Ban all ORV use	4
8. Continue present limits	4
9. Limit residential vehicles	2
10. Miscellaneous suggestions of one item	19
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Drafting Information

The following individuals participated in the writing of the regulations:

Donald H. Weir, Karl C. Soller, and John A. Hauptman, all of Fire Island National Seashore.

Paperwork Reduction Act

The information collection requirements contained in this rulemaking have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1024–0026.

Compliance With Other Laws

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 (February 19, 1981), 46 FR 13193, and 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.*), nor does this rulemaking require preparation of a regulatory analysis. This conclusion is based on the finding that no substantial costs, if any, should result for any small entity.

Pursuant to the National Environmental Policy Act (42 U.S.C. 4332 *et seq.*), the Service has prepared an Environmental Assessment and a Finding of No Significant Impact for this rulemaking. Both documents and the Record of Decision prepared in conjunction with this rulemaking are available for review at the address noted at the beginning of this rulemaking.

List of Subjects in 36 CFR Part 7

National Parks, Reporting and recordkeeping requirements.

In consideration of the foregoing, 36 CFR Chapter I is amended as follows:

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

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

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

2. Section 7.20 is amended as follows:

a. By revising paragraphs (a)(1)(ix), (a)(1)(x) introductory text and (a)(1)(x)(B), removing paragraphs (a)(1)(x) (C) and (D) and adding paragraph (a)(1)(xii) to read as set forth below.

b. By revising paragraphs (a)(2) (i) and (ii), removing paragraph (a)(2)(iii) and redesignating paragraphs (a)(2) (iv) and (v) as paragraphs (a)(2) (iii) and (iv), respectively, to read as set forth below.

c. By revising paragraphs (a)(5) (ii), (iii), and (v), and adding paragraph (a)(5)(vi) to read as set forth below.

d. By revising paragraph (a)(8) to read as set forth below.

e. By revising paragraph (a)(10)(ii) introductory text, redesignating paragraphs (a)(10) (iii) through (ix) as paragraphs (a)(10) (iv) through (x) and adding a new paragraph (a)(10)(iii) to read as set forth below.

f. By revising redesignated paragraph (a)(10)(vi) to read as set forth below.

§ 7.20 Fire Island National Seashore.

(a) * * *

(1) * * *

(ix) "Part-time residents" means those persons who physically and continuously reside in their homes on the Island for less than 12 months of the year.

(x) "Essential service vehicle" means any motor vehicle other than a public utility vehicle whose use on the Island is essential to the continued use of residences on the Island. This may include vehicles used for the following purposes, while in use for such purposes:

* * * * *

(B) Sanitation or refuse removal.

* * * * *

(xii) "Construction and business vehicle" means any motor vehicle other than a public utility vehicle or essential service vehicle involved in construction, maintenance, or repair of structures on the Island or the transportation of materials or supplies to retail business establishments on the Island.

* * * * *

(2) * * *

(i) Along the Atlantic Ocean on the south shore of Fire Island, within the Seashore boundaries between the water's edge and 20 feet seaward of the beach grass (*Ammophila breviligata*) line. If the water is higher than this 20-foot line, no vehicle travel is permitted.

(ii) A 1-mile route in the interior of the Island, crossing the "Lighthouse Tract" from the easterly end of the paved road in Robert Moses State Park to the eastern boundary of the Tract, which is the western boundary of the community of Lighthouse Shores-Kismet Park.

* * * * *

(5) * * *

(ii) Those persons who held part-time permits prior to January 1, 1978.

(iii) Those persons, firms, partnerships, corporations, organizations, or agencies which provide services essential to public facilities and the occupancy of residences on the Island.

* * * * *

(v) Those owners of estates in real property located on the Island who have a demonstrated need for temporary access to that property on days when there is no alternative transportation.

(vi) Holders of reserved rights of use and occupancy.

* * * * *

(8) *Limitations on number of permits.*

(i) The Superintendent may limit the total number of permits for motor vehicle travel on Seashore lands, and/or limit the number of permits issued for each category of eligible applicants listed in paragraph (a)(5) of this section as the Superintendent deems necessary for resource protection, public safety, or visitor enjoyment. In establishing or revising such limits, the Superintendent shall consider such factors as the type of use or purpose for which travel is authorized, the availability of other means of transportation, limits established by local jurisdictions, historic patterns of use, conflicts with other users, existing multiple permits held by individuals or a household, aesthetic and scenic values, visitor uses, safety, soil, weather, erosion, terrain, wildlife, vegetation, noise, and management capabilities. A revision of these limitations shall be published as a rule in the **Federal Register** except in emergency situations when closures may be imposed in accordance with the provisions of § 1.5 and § 1.7 of this chapter.

(ii) Limitations on permits for motor vehicle travel on Seashore lands, according to eligible applicant category, are as follows:

(A) *Year-round residents.* No more than 145 permits at any time are issued to year-round residents. A year-round resident who is denied a permit because the limit has been reached is placed on a

waiting list. When the number of outstanding permits drops below 145, permits are issued in order of the date of receipt of the application. When multiple applications are received on the same day, priority is given to persons both living and working full time on the Island. One year-round resident permit is allowed per household. Permit applications are mailed by the Superintendent by December 1 of each year to those year-round residents eligible to renew their permit. The deadline for receipt of completed applications is January 31 of the permit year. Applications received after January 31 are not considered as renewals of existing permits. Should the 145 limit be reached, late applications are placed at the end of the waiting list.

(B) *Part-time residents.* Permits are issued only to part-time residents who held a residential permit as of January 1, 1978. No more than 100 part-time resident permits are issued. A part-time resident who becomes a year-round resident is eligible to apply for a year-round resident permit in accordance with paragraph (a)(8)(ii)(A) of this section. A year-round resident permit holder as of January 1, 1978, who no longer qualifies as a year-round resident, may be eligible to obtain a part-time resident permit as long as the 100 limit is not exceeded and the part-time resident definition is satisfied.

(C) *Holders of reserved rights of use and occupancy.* A holder of a reserved right of use and occupancy, or a lessee thereof, occupying a property acquired by the National Park Service in the eight-mile area described in the Act, is issued a permit consistent with the terms under which the right of use and occupancy is retained.

(D) *Public utility and essential service vehicles.* No more than 30 permits at any time are issued to public utility and essential service vehicles. After consultation with the property owners' association of the appropriate unincorporated community or the village clerk for the Villages of Ocean Beach and Saltaire, the Superintendent may apportion permits to allow minimal service needs to each community.

(E) *Construction and business vehicles.* No more than 80 permits at any time are issued to construction and business vehicles. An operator of a construction or business vehicle who is denied a permit because the limit has been reached is placed on a waiting list. When the number of outstanding permits drops below 80, permits are issued in order of the date of receipt of the application. An operator of a construction or business vehicle may apply for either a 30-day-per-job permit or a one-year letter permit. Only a year-round construction firm or a year-round business is eligible for a one-year letter permit and only as long as the firm or business remains in year-round operation. Notwithstanding possession of either a 30-day permit or a one-year letter permit, when water transportation is available, a firm or business shall accomplish all transportation of materials, supplies, and crews by use of the nearest available ferry, freight, or other overwater transportation method. When water transportation is available, vehicles permitted under a 30-day permit may remain at the job site but must be removed upon the completion of the job.

(F) *Municipal employees.* A year-round resident who is a full-time employee of one of the two villages or of one of the 15 unincorporated communities identified in the Act is eligible for a permit if such employment necessitates year-round Island residence. Five (5) municipal employee permits are available for each village or community except on the basis of documented community need.

(G) *Recreational vehicles.* Recreational vehicles may travel between Smith Point and Long Cove along the route described in paragraph (a)(2)(i) of this section. A total of 5000 one-way trips per year are available for the recreational vehicle category. Permits for recreational vehicles may be obtained from the Smith Point Visitor Center. Annual recreational vehicle trip counts commence in September of each year and conclude the following June or when the 5000 trip limit is reached, whichever occurs first.

* * * * *

(10) * * *

(ii) Except as provided in paragraph (a)(10)(iii) of this section, on any day on which travel by motor vehicle is authorized due to a lack of alternative transportation, travel shall be limited to not more than one round trip per vehicle per day between the mainland and the Island, and may be performed at any time except the following periods:

* * * * *

(iii) *Exceptions.* (A) From the Monday after Labor Day through the Friday before Memorial Day, a year-round resident may make no more than two round trips per day for residential purposes.

(B) The Seashore is closed to all recreational vehicles from January 1 through March 31 and from June 14 through September 14. During the periods when the Seashore is open for recreational vehicle traffic, an operator of a recreational vehicle may make no more than two round trips per day. On weekend days in September and October, a recreational vehicle may enter the Island until 9:00 a.m. A recreational vehicle that has entered the Island may then remain or may depart but may not re-enter the Island until after 6:00 p.m.

* * * * *

(10) * * *

(vi) Recurring travel conducted pursuant to paragraph (a)(10) (iv) or (v) of this section is authorized only pursuant to the terms and conditions of the original permit issued by the Superintendent; single occasion travel is authorized only pursuant to the terms and conditions of a permit issued by the Superintendent on a case by case basis.

* * * * *

3. By adding a new paragraph (c) to § 7.20 to read as follows:

§ 7.20 [Amended]

* * * * *

(c) *Information collection.* The information collection requirements contained in this section have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1024–0026. This information is being collected in order for the superintendent to issue permits and grant administrative benefits. The obligation to respond is required in order to obtain a benefit.

Dated: January 29, 1987.

P. Daniel Smith,

Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 87–4821 Filed 3–9–87; 8:45 am]

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federal register

Tuesday
March 10, 1987

Part III

Department of Education

34 CFR Parts 502, 504, and 524

Bilingual Education; Academic Excellence Program; Proposed Rule and New Awards Notice

DEPARTMENT OF EDUCATION

34 CFR Parts 502, 504, and 524

Bilingual Education; Academic Excellence Program

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary of Education proposes to issue regulations to govern the Academic Excellence Program. These proposed regulations would implement those provisions of the Education Amendments of 1984 that added a new authority for an Academic Excellence Program to the Bilingual Education Act, Title VII of the Elementary and Secondary Education Act (Title VII of the Act).

DATES: Comments must be received on or before April 24, 1987.

ADDRESSES: All comments concerning these proposed regulations should be addressed to Carol Pendas Whitten, Director, Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education, 400 Maryland Avenue, SW. (Room 421, Reporters Building), Washington, DC 20202.

A copy of any comments that concern information collection requirements should also be sent to the Office of Management and Budget at the address listed in the Paperwork Reduction Act section of this preamble.

FOR FURTHER INFORMATION CONTACT: Dr. Mary T. Mahony, Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education, 400 Maryland Avenue, SW. (Room 421, Reporters Building), Washington, DC 20202. Telephone (202) 447-9228.

SUPPLEMENTARY INFORMATION:

Major Objectives of These Regulations

These proposed regulations are intended to establish procedures for identifying exemplary programs of transitional bilingual education, developmental bilingual education, or special alternative instruction, and for funding projects to disseminate information about these exemplary programs. Under these proposed regulations, the focus of the Academic Excellence Program will change from the prior approach of directly funding local instructional programs to a new approach of supporting projects to disseminate successful programs to new sites.

The Academic Excellence Program authorizes grants to local educational agencies (LEAs) and institutions of higher education (IHEs) applying jointly with one or more LEAs for the dissemination of information concerning exemplary programs that meet the statutory requirements of programs of transitional bilingual education, developmental bilingual education, or special alternative instruction; that have an established record of providing effective academically excellent instruction; and that are designed to serve as models. These programs need not previously have received Title VII funds. When adopted in final form, the proposed regulations will apply to new awards made in fiscal year 1987.

The proposed regulations describe the eligibility requirements, definitions, application procedures, and selection procedures for the program. The proposed regulations require an applicant's program to be nominated by the State educational agency (SEA) or approved by the Department of Education Joint Dissemination Review Panel (JDRP), which was created to assist with project selection in the Department's National Diffusion Network. The JDRP is a panel of Federal and non-Federal experts, appointed by the Secretary, that examines educational programs, products, or practices for evidence of their effectiveness and potential value to educators. The JDRP review focuses on the program's effectiveness in achieving significant educational gains, the accuracy of the program's description and evaluation, and whether the program is cost effective and can be replicated, as described under the definition of "JDRP Approval" in the National Diffusion Network regulations, 34 CFR 796.3.

Applications will be evaluated using specified selection criteria, with a maximum possible score of 100 points. The Secretary then may distribute an additional 15 points among the factors listed in § 524.32.

This document will also remove 34 CFR Part 502 (Bilingual Education: Demonstration Projects), and 34 CFR Part 504 (Bilingual Education: Support Services Projects) because they are obsolete.

Executive Order 12291

These proposed regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the Order.

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations will not have a significant economic impact on a substantial number of small entities. To the extent that these proposed regulations affect small entities, they are intended to impose minimal burdens on applicants and grantees. The selection criteria and other requirements are designed to relieve regulatory and paperwork burden on small entities participating in the programs.

Paperwork Reduction Act of 1980

Section 524.20 contains information collection requirements. As required by section 3504(h) of the Paperwork Reduction Act of 1980, the Department of Education will submit a copy of these proposed regulations to the Office of Management and Budget (OMB) for its review. Organizations and individuals desiring to submit comments on the information collection requirements should direct them to the Office of Information and Regulatory Affairs, OMB, Room 3208, New Executive Office Building, Washington, DC 20503; Attention: Joseph F. Lackey, Jr.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79. The objective of Executive Order 12372 is to foster an inter-governmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the Order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding these proposed regulations. All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in Room 421, Reporters Building, 300 7th Street, SW., Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and their overall requirement of reducing regulatory burden, public comment is invited on whether there may be further opportunities to reduce any regulatory burdens found in these proposed regulations.

Assessment of Educational Impact

The Secretary particularly requests comments on whether the regulations in this document would require transmission of any information that is already being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Parts 502, 504, and 524

Bilingual education, Colleges and universities, Dissemination, Education, Elementary and secondary education, Grant programs—education, Reporting and recordkeeping requirements, Teachers.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these proposed regulations.

(Catalog of Federal Domestic Assistance Number 84.003, Bilingual Education: Academic Excellence Program)

Dated: February 18, 1987.

William J. Bennett,

Secretary of Education.

The Secretary proposes to amend Title 34 of the Code of Federal Regulations as follows:

1. By removing Part 502.

2. By removing Part 504.

3. By adding a new Part 524 to read as follows:

PART 524—BILINGUAL EDUCATION: ACADEMIC EXCELLENCE PROGRAM

Subpart A—General

Sec.

Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?

Subpart C—How Does One Apply for an Award?

Subpart D—How Does the Secretary Make an Award?

Subpart E—What Conditions Must Be Met by a Recipient?

Authority: 20 U.S.C. 3221–3236, unless otherwise noted.

Subpart A—General

§ 524.1 Academic Excellence Program.

The Academic Excellence Program identifies and disseminates information about programs of transitional bilingual education, development bilingual education, or special alternative instruction that—

(a) Have an established record of providing effective, academically excellent instruction; and

(b) Are designed to—

(1) Serve as models of exemplary bilingual education programs; and

(2) Facilitate the dissemination of effective bilingual educational practices.

(Authority: 20 U.S.C. 3223(a)(8))

§ 524.2 Who is eligible to apply for assistance?

(a) Subject to the limitations in paragraph (b) of this section, the following parties are eligible for assistance under this part:

(1) Local educational agencies (LEAs).

(2) Institutions of higher education (IHEs), including junior or community colleges, that apply jointly with one or more LEAs.

(b) In the case of an application submitted by an IHE jointly with one or more LEAs, an LEA must be designated as the applicant in the group agreement required under 34 CFR 75.128.

(c) In order to be considered for assistance under this part, an applicant must administer a program of transitional bilingual education, developmental bilingual education, or special alternative instruction that is either—

(1) Nominated by its State educational agency (SEA) in accordance with § 524.20; or

(2) Approved by the Joint Dissemination Review Panel (JDRP), in accordance with 34 CFR 796.3 and 796.13.

(Authority: 20 U.S.C. 3231(b)(1)(A), 3223(a)(8))

§ 524.3 What regulations apply?

The following regulations apply to the Academic Excellence Program:

(a) The regulations identified in 34 CFR 500.3.

(b) The regulations in this Part 524.

(Authority: 20 U.S.C. 3231(a)(4))

§ 524.4 What definitions apply?

The following definitions apply to the Academic Excellence Program:

(a) The definitions identified in 34 CFR 500.4.

(b) The definition of "Joint Dissemination Review Panel" and "JDRP Approval" set forth in 34 CFR 796.3.

(c) "Adoption" means implementation of the applicant's program of transitional bilingual education, developmental bilingual education, or special alternative instruction in a new setting.

(Authority: 20 U.S.C. 3231(a)(4))

Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?

§ 524.10 What are the project activities?

(a) A project must—

(1) Develop material—

(i) To inform LEAs and other service providers such as private schools or institutions of higher education conducting an elementary or secondary education program about the grantee's program; and

(ii) To use for training in conjunction with adoption of the program;

(2) Conduct outreach activities to inform potential users about the grantee's program and the availability of assistance from the grantee in its adoption;

(3) Make necessary arrangements to inform interested LEAs and other educational service providers about the exemplary program;

(4) Assist in adoption by providing training and technical assistance to educational personnel in the preparation, implementation, and evaluation stages of an adoption; and

(5) Evaluate the quality and effectiveness of the activities listed in paragraphs (a) (1), (2), (3), and (4) of this section.

(b) Assistance under this part may not be used to pay for direct instructional services to children.

(Authority: 20 U.S.C. 3231(a)(4))

Subpart C—How Does One Apply for an Award?

§ 524.20 How does an applicant apply for a grant under this program?

(a) Prior to submitting its application, an applicant must obtain—

(1) JDRP approval of its program of transitional bilingual education, developmental bilingual education, or special alternative instruction; or

(2) The nomination of its program of transitional bilingual education, developmental bilingual education, or special alternative instruction by the SEA of the State in which the program is located.

(b) An application must document compliance with paragraph (a) of this section and include—

(1) The information required under Section 721(c)(4) of the Act; and

(2) Assurances that the exemplary program is currently operating at a local site.

(Authority: 20 U.S.C. 3231(a)(4))

§ 524.21 How does an SEA nominate an applicant under this program?

(a) The SEA of the State in which the program is located may nominate up to six programs under this part.

(b) In nominating programs, the SEA shall consider—

(1) Documented evidence of the established record of effectiveness of the program in teaching English to LEP students;

(2) Exemplary features of the program; and

(3) Other relevant information provided by the applicant.

(c) The SEA shall provide assurances to the Secretary that—

(1) The program has been reviewed with respect to each of the factors referred to in section 721(c)(4)(A)–(D) of the Act and the criterion in § 524.31(a); and

(2) The program is exemplary.

(Authority: 20 U.S.C. 3231(a)(4))

Subpart D—How Does the Secretary Make an Award?

§ 524.30 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application for a new grant on the basis of the criteria listed in § 524.31. The Secretary awards a maximum of 100 points for all the criteria. The maximum possible score for each criterion is indicated in parentheses after the criterion heading.

(b) The Secretary then applies the additional factors listed in § 524.32.

(Authority: 20 U.S.C. 3231(a)(4))

§ 524.31 What selection criteria does the Secretary use?

The Secretary uses the following selection criteria in evaluating each application:

(a) *Educational significance.* (30 points) The Secretary reviews each application to determine the significance of the program in—

(1) Teaching English to LEP children;

(2) Using techniques that are suitable for adoption in identified areas in great need of effective programs.

(b) *Project design and objectives.* (25 points)

(1) The Secretary considers the extent to which the project has specific and quantifiable objectives including—

(i) An effective plan of management that ensures the proper and efficient administration of the project; and

(ii) Effective strategies for—

(A) Developing and disseminating information about the exemplary program;

(B) Training and assisting potential users in adoption of the program;

(C) Monitoring and evaluating adoption of the program; and

(D) Using resources and personnel to achieve each objective.

(2) The Secretary considers the extent to which the project will help to meet identified areas of need.

(3) The Secretary reviews each application to determine the ability of the applicant to maintain the exemplary program.

(c) *Quality of key personnel.* (15 points)

(1) The Secretary reviews each application to determine the quality of the key personnel the applicant plans to use on the project including—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (c)(1)(i) and (ii) of this section will commit to the project; and

(iv) How the applicant, as part of its nondiscriminatory employment practices, will ensure that its personnel are selected for employment without regard to race, color, national origin, gender, age, or handicapping condition.

(2) To determine personnel qualifications under paragraph (c)(1) of this section, the Secretary considers—

(i) Experience and training, in fields related to the objectives of the project; and

(ii) Any other qualifications that pertain to the quality of the project.

(d) *Evaluation plan.* (10 points)

(1) The Secretary reviews each application to determine the quality of the evaluation plan for the project, including the extent to which the applicant's methods of evaluation—

(i) Are appropriate to the project; and

(ii) Produce objective and quantifiable data including the evaluation of the performance of students who have received instruction at the adoption sites. The evaluation should, if possible, include per- and post-adoption testing of English language proficiency.

(2) The Secretary reviews the relationship of the evaluation plan to the goals of the project and the activities conducted to attain those goals.

Cross-Reference. See 34 CFR 75.590 Evaluation by the grantee.

(e) *Coordination.* (5 points) The Secretary reviews each application to determine the extent to which the applicant will coordinate activities with SEAs, Multifunctional Resource Centers, the National Clearinghouse on Bilingual Education, and other providers of technical assistance serving programs for limited English proficient persons.

(f) *Budget and cost effectiveness.* (10 points) The Secretary reviews each application to determine the extent to which—

(1) the budget is adequate to support the project; and

(2) Costs are reasonable in relation to the objectives of the project.

(g) *Commitment and capacity.* (5 points) The Secretary reviews each application to determine the applicant's commitment to the dissemination and adoption of the exemplary program in the past, and the likelihood of the applicant's continued efforts to disseminate and achieve the adoption of the exemplary program when Federal assistance under ths part ends.

(Authority: 20 U.S.C. 3231(a)(4))

§ 524.32 What additional factors does the Secretary consider?

(a) The Secretary considers the following additional factors in awarding grants:

(1) The need to assist LEP children who have been historically underserved by programs for limited English proficient persons.

(2) The need to provide funding according to the distribution of LEP children throughout the Nation, and within each of the States.

(3) The relative numbers of children from low-income families likely to be benefited by the project.

(b) The Secretary distributes an additional 15 points among the factors listed in paragraph (a) of this section. The Secretary indicates how these 15 points are distributed in the application notice published in the **Federal Register**.

(Authority: 20 U.S.C. 3231)

§ 524.33 What is the length of the project period?

The Secretary approves a project period of three years for an award under the Academic Excellence Program.

(Authority: 20 U.S.C. 3231(d)(2))

Subpart E—What Conditions Must Be Met by a Recipient?

§ 524.40 What requirements must a grantee meet concerning a model site?

A grantee funded under the Academic Excellence Program shall maintain a model site where—

(a) Visitors can observe the exemplary program; and

(b) There are educational staff who are experienced and knowledgeable about the program.

(Authority: 20 U.S.C. 3231(a)(4))

[FR Doc. 87-5036 Filed 3-9-87; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF EDUCATION

[CFDA No.: 84.003G]

Notice Inviting Applications for New Awards Under the Bilingual Education; Academic Excellence Program for Fiscal Year 1987

Purpose

Provides grants to local educational agencies and institutions of higher education applying jointly for projects to disseminate exemplary programs of transitional bilingual education, developmental bilingual education, or special alternative instuction.

Deadline for Transmittal of Applications: April 29, 1987
Deadline for Intergovernmental Review Comments: June 29, 1987
Applications Available: March 13, 1987
Available Funds: $5,000,000
Estimated range of Awards: $100,000–$175,000
Estimated average size of awards: $150,000
Estimated Number of awards: 33
Project Period: 36 Months

Applicable Regulations

(a) When adopted in final, regulations governing the Bilingual Education: Academic Excellence Program (34 CFR Part 524). (A notice of proposed rulemaking for Part 524 is published in this issue of the **Federal Register.** Applicants should prepare their applications based on the proposed regulations. If there are any substantive changes made in the regulations when published in final form, applicants will be given the opportunity to amend or resubmit their applications), (b) the Education Department General Administrative Regulations (EDGAR) 34 CFR Parts 74, 75, 77, 78, and 79.

For Applications or Information Contact: Dr. Mary T. Mahony, Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education, 400 Maryland Avenue, SW., (Room 421, Reporters Building), Washington, DC 20202. Telephone: (202) 447–9228.

Program Authority: 20 U.S.C. 3221–3262.

Dated: March 3, 1987.

Carol Pendas Whitten,

Director, Office of Bilingual Education and Minority Languages Affairs.

[FR Doc. 87–5037 Filed 3–9–87; 8:45 am]
BILLING CODE 4000–01–M

federal register

Tuesday
March 10, 1987

Part IV

Department of Education

Research in Education of the Handicapped; Funding Priorities; Notice

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services

Research in Education of the Handicapped

AGENCY: Department of Education.

ACTION: Notice of final biennial funding priorities.

SUMMARY: The Secretary announces biennial funding priorities for the Research in Education of the Handicapped program. To ensure wide and effective use of program funds, the Secretary selects from among ten priorities in order to direct funds to the areas of greatest need for fiscal years 1987 and 1988. A separate competition will be established for each selected priority.

EFFECTIVE DATE: These final biennial funding priorities take effect either 45 days after publication in the **Federal Register** or later if Congress takes certain adjournments. If you want to know the effective date of these final biennial funding priorities, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Linda Glidewell, Division of Innovation and Development, Office of Special Education Programs, Department of Education, 400 Maryland Avenue, SW. (Switzer Building, Room 3094—M/S 2313), Washington, DC 20202. Telephone: (202) 732–1099.

SUPPLEMENTARY INFORMATION: The Research in Education of the Handicapped program, authorized by sections 641–644 of Part E of the Education of the Handicapped Act (20 U.S.C. 1441–1444), supports research, surveys, and demonstration projects relating to the educational needs of handicapped children. Under this program, the Secretary makes awards to eligible parties for research and related activities, to assist special education personnel, related services personnel, and other appropriate persons, including parents, in improving the education and related services for handicapped children and youth, and to conduct research, surveys, or demonstrations relating to the education of handicapped children and youth. Research and related activities supported under this program must be designed to increase knowledge and understanding of handicapping conditions and services for handicappted children and youth, including physical education or recreation.

Under section 641(c) of the Education of the Handicapped Act, the Secretary is expressly required to publish proposed research priorities in the **Federal Register** every two years, to analyze and consider any public comments received, and then to publish final reseach priorities.

Summary of Comments and Responses

A notice of proposed biennial funding priorities was published in the **Federal Register** on August 25, 1986 at 51 FR 30320. The public was given sixty days to comment on the proposed priorities. Five comments were received in response to the notice of proposed biennial funding priorities. The comments and the Department's responses are summarized below:

Comment: One commenter was very concerned that the wording of priorities (d) "Educating Learning Disabled and Mildly Handicapped Students in General Education Classrooms", and (f) "Synthesis, Validation, and Dissemination of Research Methods for Mainstreamed Settings" could be interpreted to mean that students with learning disabilities are not handicapped. The commenter emphasized that specific learning disabilities is a handicapping condition under the Education of the Handicapped Act, and that the condition can occur in a range of mild to severe degree.

Response: A change has been made. The title of priority (d) and the descriptive language of priorities (d) and (f) have been revised to ensure that they will not be misinterpreted to imply that specific learning disability is not a handicapping condition. Nor did the Department mean to imply that, as a general matter, specific learning disability does not occur in a range from mild to severe in degree. However, the focus of this priority is on the education of mildly handicapped students, including students who are mildly handicapped because of specific learning disabilities, in general education classrooms. Moreover, the EHA requires an individual educational placement decision based upon the unique needs of the child who is handicapped. Any type of categorical placement without regard to the individual needs of a handicapped child would not be permitted by the Act. Placements for children with specific learning disabilities, as well as other children with handicaps, must meet these requirements.

Comment: One commenter recommended that priority (j) "Research on Special Education and Related Services Personnel Shortages" be selected as a priority for fiscal year 1987. The commenter felt that the recruitment and retention of qualified personnel is one of the most important issues facing State and local educational agencies as they try to provide appropriate special education and related services for all handicapped children. The commenter also stated that the information obtained from this project would be of immediate use to all educational agencies.

Response: No change has been made. The Secretary will consider including priority (j) in the schedule for fiscal year 1987 competitions; and, if the decision is made to do so, a notice inviting applications will be published in the **Federal Register.**

Comment: One commenter recommended that a new priority (k) be added that would provide support for research that uses data collected from multiple State and local educational agencies to determine the kinds and extent of services provided the speech, language, and hearing impaired in the schools.

Response: No change has been made. This type of research activity could be done under priority (g) "Extant Data base Projects."

Comment: One commenter suggested that there is a need for research studies in the area of effective instructional design and effective methodologies for the instructional use of media and materials with students with handicapping conditions. Also, there is the need to collect information on types of materials that work well with specific populations with varying handicapping conditions and listing the characteristics and attributes of "the intervention design" parameters of those materials.

Response: No change has been made. The Education of the Handicapped Act Amendments of 1986, Pub. L. 99–457, added a new Part G titled: "Technology, Educational Media, and Materials for the Handicapped". It is anticipated that a priority will be announced in the **Federal Register** under this new Part G authority that will focus on the activities suggested by the commenter.

Comment: One commenter recommended that prioirty (c), "Research Implementation and Demonstration", needed to be expanded to include preschool-aged projects in addition to school-aged projects.

Response: No change has been made. Research projects dealing with preschool-aged implementation issues are the focus of the proposed priority "Research on Early Childhood Program Features" published in the **Federal Register** on September 23, 1986 (51 FR 33850).

Other Changes

In the notice of proposed biennial funding priorities, the **Federal Register** omitted two words contained in the final typed document that was submitted for printing by the Department. Priority (e), "Research for Educating Seriously Emotionally Disturbed Students", has been corrected to include adolescents as well as pre-adolescents as specified in the language of the original and correct document. It should be noted that the application packages mailed to interested applicants contained the final typed document, not a copy of the actual **Federal Register** notice. Therefore, all potential applicants received the correct information.

Also, some additional technical and clarifying changes have been made in the priorities.

Priorities

(a) Field-Initiated Research Projects

This priority provides support for a broad range of field-initiated research projects focusing on the education of handicapped children and youth consistent with the purpose of the program as stated in 34 CFR 324.1.

(b) Student-Initiated Research Projects

This priority provides support to postsecondary students to initiate and direct a broad range of research and research-related projects focusing on the education of handicapped children consistent with the purpose of the program as stated in 34 CFR 324.1.

(c) Research Implementation and Demonstration

This priority supports projects which involve collaboration between local educational agencies and researchers in translating validated research findings into new or improved approaches for educating school-aged handicapped children. This translation must include the development and verification of information and materials necessary to implement these new approaches, and must determine the effectiveness and applicability of these approaches in various settings and among subgroups of handicapped children. The translation of research findings into demonstrable practice must provide the informational bridge necessary to move research into schools and classrooms and reduce the time lag between research and practice. These projects must disseminate and make visible new or innovative approaches and provide the information necessary for other educational agencies to incorporate those advancements into their administrative and instructional practices. Applications submitted under this priority must present the specific research findings that will be used to develop; new approaches for educating handicapped students.

(d) Educating Mildly Handicapped Students in General Education Classrooms

Projects supported under this priority must study the effect of modified classroom instruction and management practices on mildly handicapped students, including students who are mildly handicapped because of specific learning disabilities (as defined at 34 CFR 300.5(b)(9)), in general education classrooms. Such studies must include: (1) A translation of research findings into classroom instruction and management practice; (2) a strategy for modifying current classroom instruction or management practice to deliver the special education and related services needed by mildly handicapped students, including students who are mildly handicapped because of specific learning disabilities, within the general education classroom; and (3) identification of the types of mildly handicapped students, including students who are mildly handicapped because of specific learning disabilities, for whom the modified classroom instruction or management practice is effective. Outcome measures for the projects must include measures of progress in meeting the goals and objectives in the individualized education plans (IEPs). Applications submitted under this priority must provide a conceptual framework that is based on previous research and shows the relationship among the following: (1) Characteristics of mildly handicapped children, including children who are mildly handicapped because of specific learning disabilities; (2) special education needs of mildly handicapped children, including children who are mildly handicapped because of specific learning disabilities; (3) instructional and management characteristics of the general education classroom; (4) requisite special education services; and (5) anticipated outcomes for handicapped and nonhandicapped students. Though applications should propose specific research variables, measures, and instruments, all projects funded under this priority will be required to adopt certain common variables, measures, and instruments in order to facilitate the synthesis of results among projects.

(e) Research for Educating Seriously Emotionally Disturbed Students

This priority supports research projects that develop and test intervention strategies or components for educating seriously emotionally disturbed students (pre-adolescents and adolescents), and translate research findings into demonstrable practices. Strategies would be developed within general education settings. Outcome measures for the projects would include successful integration of seriously emotionally disturbed students into general education programs. Applications submitted under this priority must provide a conceptual framework, based on previous research, that shows the validated and hypothesized relationships between the intervention variables and the outcome measures included in the proposed research activities.

(f) Synthesis, Validation, and Dissemination of Research Methods for Maintstreamed Settings

This priority supports a project whose goal is to obtain consensus among researchers on variables, measures, and instrumentation for researching the effective education of mildly handicapped students, including students who are mildly handicapped because of specific learning disabilities (as defined at 34 CFR 300.5(b)(9)), in general education settings. This consensus would then be used as the basis for common measures that projects under Priority (d) would be required to include in their studies. A project under this priority (f) must: (1) Synthesize current practice in measurement and instrumentation relevant to the research area; (2) provide a strategy for obtaining agreement or consensus on common variables, measurement, and instrumentation; and (3) provide a strategy to disseminate information regarding the variables, measures, and instrumentation to projects under Priority (d) as well as other researchers. This strategy will include on-site assistance, if needed, to projects funded under Priority (d).

(g) Extant Data Base Projects

This priority supports projects that use existing records and information as the subject of research focusing on issues related to the education of handicapped children. Applications submitted under this priority must provide documentation regarding the availability, completeness, and usefulness of existing records for the proposed research.

(h) Home and School Cooperation in Social and Motivational Development

This priority supports research projects that identify strategies and

experiences to promote the social and personal development of handicapped students in the elementary grades. Projects must explore practices and experiences at home, in school, and in the community that result in the development of self-esteem, feelings of self-confidence and independence which have been found to be related to the achievement of handicapped students. Projects must research the cooperative involvement of parents, educational personnel, and guidance and other related service personnel in planning and implementing those strategies and experiences. Applications submitted under this priority must provide a conceptual framework based on previous research,that shows the hypothesized relationships between the home, school, and community practices and experiences to be studied and the development of self-esteem, self-confidence, and independence by handicpapped students. Procedures and instruments that will be used to measure self-esteem, self-confidence and independence must also be specified.

(i) The Impact of Effective School Reforms on Handicapped Students

This priority supports projects that examine the effects on handicapped children in general education classes of: (a) Instructional practices that research has shown as effective in general education, or (b) changes to more rigorous curricula and graduation requirements. Applications submitted under this priority must identify the specific instructional, curricular, and graduation practices that will be studied, and must provide a research design that allows effects on handicapped students to be attributed to the specified practices.

(j) Research on Special Education and Related Service Personnel Shortages

This priority supports research projects that use demographic statistics from multiple State or local educational agencies to identify and validate patterns, and explanations for patterns associated with special education and related service personnel entering, remaining in, and exiting employment in educational agencies. These projects must be designed to enhance the effectiveness of educational agencies in the recruitment and retention of special education and related service personnel, or to provide information useful in directing resources toward relieving shortages of personnel. Applications submitted under this priority must document the completeness and reliability of the demographic statistics that will be used for the research.

(20 U.S.C. 1441–1444)
(Catalog of Federal Domestic Assistance Number 84.023; Research in Education of the Handicapped)

Dated: February 24, 1987.

William J. Bennett,

Secretary of Education.

[FR Doc. 87–5038 Filed 3–9–87; 8:45 am]
BILLING CODE 4000–01–M

federal register

Tuesday
March 10, 1987

Part V

Department of Transportation

Federal Aviation Administration

14 CFR Part 71

Establishment of Airport Radar Service Areas; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 86-AWA-39]

Establishment of Airport Radar Service Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action designates Airport Radar Service Areas (ARSA) at Columbia Metropolitan Airport, SC; Greer Greenville-Spartanburg Airport, SC; Knoxville McGhee Tyson Airport, TN; and Reno Cannon International Airport, NV. The locations designated are public airports at which a nonregulatory Terminal Radar Service Area (TRSA) is currently in effect. Establishment of these ARSA's will require that pilots maintain two-way radio communication with air traffic control (ATC) while in the ARSA. Implementation of ARSA procedures at these locations will reduce the risk of midair collision in terminal areas and promote the efficient control of air traffic.

EFFECTIVE DATE: 0901 UTC, April 9, 1987.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Burns, Airspace and Air Traffic Rules Branch (ATO-230), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9253.

SUPPLEMENTARY INFORMATION:

History

On April 22, 1982, the National Airspace Review (NAR) plan was published in the **Federal Register** (47 FR 17448). The plan encompassed a review of airspace use and the procedural aspects of the air traffic control (ATC) system. The FAA published NAR Recommendation 1-2.2.1, "Replace Terminal Radar Service Areas (TRSA) with Model B Airspace and Service (Airport Radar Service Areas)," in Notice 83-9 (48 FR 34286, July 28, 1983) proposing the establishment of ARSA's at Columbus, OH, and Austin, TX. Those locations were designated ARSA's by SFAR No. 45 (48 FR 50038, October 28, 1983) in order to provide an operational confirmation of the ARSA concept for potential application on a national basis. The original expiration dates for SFAR 45, December 22, 1984, for Austin and January 19, 1985, for Columbus were extended to June 20, 1985 (49 FR 47176, November 30, 1984).

On March 6, 1985, the FAA adopted the NAR recommendation and amended Parts 71, 91, 103 and 105 of the Federal Aviation Regulations (14 CFR Parts 71, 91, 103 and 105) to establish the general definition and operating rules for an ARSA (50 FR 9252), and designated Austin and Columbus airports as ARSA's as well as the Baltimore/Washington International Airport, Baltimore, MD (50 FR 9250). Thus far the FAA has designated 69 ARSA's as published in the **Federal Register** in the implementation of this NAR recommendation.

On September 19, 1986, the FAA proposed to designate ARSA's at Columbia Metropolitan Airport, SC; Greer Greenville-Spartanburg Airport, SC; Knoxville McGhee Tyson Airport, TN; and Reno Cannon International Airport, NV, (51 FR 33490). This rule designates ARSA's at these airports. Interested parties were invited to participate in this rulemaking proceeding by submitting comments on the proposal to the FAA. Additionally, the FAA has held informal airspace meetings for each of these proposed airports.

Discussion of Comments

The FAA has received comments on the basic ARSA program as well as comments directed toward the proposed individual designation. Additionally, several of the comments on individual designation are common or speak to the basic program itself. Discussion of the comments is divided into two sections. The first addresses common and ARSA program comments, the second addresses comments on the proposal at each specific airport.

ARSA Program Comments

Aircraft Owners and Pilots Association (AOPA) and others commented that, notwithstanding the statement by the FAA in the Regulatory Evaluation contained in the notice, increased air traffic controller personnel and equipment would be needed to handle the increased traffic expected due to the mandatory provisions of the ARSA. FAA's experience with the current ARSA's has been that while there is an increase in the amount of traffic being handled by controllers, this increase is significantly offset by the reduction in the amount of control instructions that must be issued under ARSA procedures as compared to TRSA procedures. However, the FAA recognizes that the potential exists for a need to establish additional controller positions at some facilities due to increased workload should the expected efficiency improvements in handling traffic not fully offset the increased number of aircraft handled. Further, FAA does not expect to incur additional equipment costs in implementing the ARSA program. In some instances, previously adopted plans to replace or modify older existing equipment may be rescheduled to accommodate the ARSA program. However, no new equipment is expected to be required as a result of the ARSA program.

Several commenters, including AOPA, disagreed with the FAA's conclusion that the additional air traffic could be accommodated with existing manpower at locations where TRSA participation was low. The FAA's conclusion for the total program was in part based upon the fact that participation in the existing TRSA's was quite high and, therefore, an increase from the present levels to 100% would not be a significant change. The commenters, while not agreeing with this conclusion, claimed that the FAA's rationale did not apply where participation was low and thus additional manpower would be needed at these locations if ARSA was designated. The FAA recognizes that participation in the TRSA program is relatively low at some of the candidate locations. However, this is in large part due to the controllers' walkout of 1981 and the subsequent reduction in fully qualified controllers which led to the discontinuance of TRSA services. A sufficient number of controllers is assigned at the facilities to which the commenters refer and those facilities are ready to provide the service to the increased number of pilots. This factor was considered by the FAA in its initial evaluation of the ARSA program.

The Soaring Society of America (SSA) objected to the ARSA program because it does not provide the same level of safety and service to all classes of aviation. As with other regulations, this rule affects different operators in different ways depending on their respective need to operate in controlled airspace or near the airports involved. The FAA does not agree that this variation in impact is reason not to adopt a rule which benefits the majority of users.

AOPA and others claim the FAA is changing the criteria that an operating control tower is the only requirement for an airport to be eligible for an ARSA. The FAA has not departed from the NAR criteria which would replace TRSA with ARSA at airports with an operating control tower served by a Level III, IV, or V radar approach control facility.

The SSA claimed that the ARSA rule should state that the ultimate responsibility for separation from other aircraft operating in visual flight rule (VFR) conditions rests with the pilot. While the FAA agrees that such is the case, the agency does not agree that the ARSA rule must so state. Unless a new or amending provision to the Federal Aviation Regulations (FAR) specifically deletes, amends, or supersedes existing sections, the existing regulations still apply. The ARSA rule (50 FR 9252, 9257, March 6, 1985) did not alter the sections of the FAR that establish that level of responsibility.

AOPA faulted the FAA's implementation of the ARSA program. The FAA stated in the proposal that the benefits of standardization and simplicity were nonquantifiable, and that the safety benefits anticipated by the FAA were not attributable to any given candidate but were based upon implementation of the program on a national basis. According to AOPA this evidenced the need to further evaluate the program at the current locations so that benefits could be individually assessed and each candidate evaluated accordingly. The FAA does not agree. The benefits of standardization and simplicity would always be nonquantifiable regardless of the amount of evaluation, yet they received considerable emphasis by the NAR Task Group. Overall national midair collision accident rates are relatively low, and accident rates within individual categories of airspace are lower still. Additionally, accidents at specific locations are random occurrences. Therefore, estimates of potential reductions in absolute accident rates resulting from the ARSA program cannot realistically be disaggregated below the national level. Additionally, the FAA does not believe that these considerations should be cause for delaying a program that was recommended by a majority of the members of the National Airspace Review, and which has already produced positive results at most of the designated locations.

Numerous commenters also objected to the proposals based upon their belief that the volume of air traffic in several of the proposed locations was too great for the ARSA program. The FAA believes that such a point argues strongly for the establishment of an ARSA rather than the converse.

Some commenters, including AOPA, predicted that user costs incurred due to delays will be greater than expected by the FAA, and that these costs will be experienced more at some sites than at others. In the NPRM, FAA acknowledged that initial delay problems would vary from site to site, that at some facilities the transition process is expected to go very smoothly, and that at other sites delay problems will dominate the initial adjustment period. Any delay that may result is expected to be transitory in nature in that actual delays will be reduced as pilots and controllers become experienced with ARSA procedures. This has been the experience at those locations where ARSA's have been in effect for the longest period of time, and is the trend at most of the locations that have been more recently designated.

Several comments claimed that some aircraft would have to purchase two-way radios in order to enter the ARSA and land at or depart from airports within the ARSA. The FAA does not agree. Each primary airport receiving ARSA designation has an airport traffic area requiring the two-way radio communications at present. Therefore, no additional cost will be incurred for purchase of radios for aircraft landing at or departing from primary airports receiving ARSA designation.

Further, some commenters, including AOPA, expressed concern that older 360 channel transceivers would not be adequate to operate within an ARSA. Frequencies compatible with 360 channel transceivers are available at all ARSA locations. Therefore, operators of 360 channel equipment will not need to install new radios to operate within an ARSA.

AOPA and other commenters stated that the proposed ARSA's would derogate rather than improve safety, as a result of increased frequency congestion, pilots concentrating on their instruments and placing too much reliance upon ATC rather than "see and avoid," and the compression of air traffic into narrow corridors as pilots elect to circumnavigate an ARSA rather than receive ARSA services. In addition to increasing the risk of aircraft collision, the commenters claimed that compression would increase the impact of aircraft noise on underlying communities and cause aircraft to be flown closer to obstructions.

As indicated above, while an increased number of aircraft will be using radio frequencies, the amount of "frequency time" needed for each aircraft is reduced in an ARSA compared to the current TRSA. This has been the experience of the FAA at the current ARSA facilities.

AOPA claims that since the communications and readback procedures in ARSA's do not differ from those utilized in TRSA's there would be no reduction in "frequency time" needed for each pilot to acknowledge instructions or information, and thus, the partial offset indicated by the FAA was not justified. The offset is based upon fewer as well as shorter transmissions for each pilot, thus the FAA does not agree with this claim.

The FAA evaluated the flow of air traffic around the Austin, TX, and Columbus, OH, ARSA's during the confirmation period to determine if compression was occurring. This evaluation was performed by observing the radar at Austin, TX, and by both radar observations and the use of extracted computer data at Columbus, OH. Following the designation of an ARSA at Baltimore/Washington International Airport (BWI), the FAA evaluated the flow of air traffic there for a period of 90 days by observing the radar and extracting computer data to determine if compression was occurring. Additionally, the FAA has continually monitored for the possibility of compression at all recently designated locations. Compression has not been detected at any of these locations. However, compression of air traffic is a site-specific effect that could occur at a particular location regardless of its absence elsewhere. Thus, although the FAA does not believe compression of traffic will occur at any of the proposed airports, the agency will continue to monitor each designated ARSA and make adjustments if necessary.

AOPAD, and other commenters claimed that the FAA provided no demonstrable evidence that the ARSA program would improve aviation safety. The FAA continues to believe the implementation of the ARSA program will enhance aviation safety. The program requires two-way radio communication between ATC and all pilots within the designated areas. Air traffic controllers will thus be in a much improved position to issue complete traffic information to the pilots involved, and thus, safety will be improved.

AOPA, and several other commenters, requested that VFR corridors be established at several of the subject locations along routes that are currently contained within an airport traffic area (ATA). The NAR Task Group noted in their evaluation of the TRSA program that under FAR § 91.87 pilots operating under VFR to or from a satellite airport within an ATA are excluded from the two-way radio communications requirement. The Task Group noted that this was acceptable until the volume of air traffic at the primary airport dictated the installation of a radar approach

control. The Task Group recommended, and the FAA adopted, the ARSA program as a safety improvement addressing this problem. Thus, the FAA does not believe provisions for VFR corridors that penetrate an ATA in most cases are warranted or in keeping with that recommendation.

One commenter claimed that the grouping of ARSA's such as that adopted in the Sacramento Valley area would create "squeezing" of traffic in the corridors between the blocks of ARSA airspace. One area in question, between Sacramento and Beale Air Force Base (AFB), is approximately 20 miles wide. The FAA does not agree that "squeezing" will occur in this area. Additionally, other user organizations have requested VFR corridors between adjacent or grouped ARSA's and these ARSA's have been modified to accommodate this request.

AOPA and others commented that several of the proposals will require pilots to violate FAR 91.79 (14 CFR 91.79) regarding minimum safe altitudes. The section states in part, "Except when necessary for takoff or landing, no person may operate an aircraft below . . . an altitude of 1,000 feet above the highest obstacle within a horizontal radius of 2,000 feet of the aircraft [when over any congested area of a city, town, or settlement, or over any open air assembly of persons]." The commenters claim that the 1,200-foot base altitude of the 5- to 10-mile portion of the ARSA will force pilots to violate FAR 91.79 where obstacles extend more than 200 feet above the ground. There are two alternatives available to pilots in such a situation which permit compliance with the regulation. Namely, pilots may participate in ARSA services and thus not be limited to the 1,200-foot base, and secondly, a pilot may deviate 2,000 feet horizontally from the obstacle.

Furthermore, AOPA claims that the above response does not adequately respond to the issue. They claim that deviations of 2,000 feet horizontally would increase workload and reduce the efficiency of see-and-avoid, and thus, potentially reduce safety. The FAA does not encourage deviation but encourages participation which will not require deviation and will result in controllers providing radar assistance for see-and-avoid.

Several commenters noted that the proposal did not contain an environmental assessment. Under existing environmental regulations the proposed establishment of a Terminal Control Area (TCA) or a TRSA does not require an environmental assessment. The agency environmental regulations have not yet been amended to reflect ARSA procedures. However, because the potential environmental impact and regulatory effects of ARSA designation fall between those of the TCA and TRSA designations, the FAA finds that no environmental assessment is required for an ARSA designation.

AOPA, the Experimental Aircraft Association (EAA), and other commenters indicated that the FAA had failed to demonstrate a need for the ARSA program itself, as well as a need for several of the individual proposed locations. Additionally, comments were received that faulted some of the features of the ARSA. Most of these comments went beyond the scope of the subject proposal and were addressed when the FAA adopted the recommendation of National Airspace Review (NAR) Task Group 1–2.2 (50 FR 9252, March 6, 1985). However, the FAA believes the need for the ARSA program was adequately demonstrated by the task group that reviewed the TRSA program and recommended the ARSA as the former's replacement. The task group faulted the TRSA program in several of its aspects and through consensus agreement determined the preferred features of the ARSA prior to making their recommendation to the FAA. Justification for the ARSA program has been the subject of previous FAA rulemaking, and the program was adopted after consideration of public comment. Response to comments on ARSA's at particular locations is made below.

AOPA, EAA, and others commented that several of the proposed ARSA's failed to meet the criteria for designation. The criteria for this airport was recommended by the NAR Task Group and adopted by the FAA. Namely, ". . . excluding TCA locations, all airports with an operational airport traffic control tower and currently contained within a TRSA serviced by a Level III, IV, or V radar approach control facility shall have [an ARSA] designated; unless a study indicates that such designation is inappropriate for a particular location." (49 FR 47184, November 30, 1984).

Several commenters suggested the top of the ARSA be lowered from 4,000 feet above field elevation. Absent strong justification for lowering this altitude, the FAA has not adopted these recommendations. The agency's rationale for nonadoption is set forth immediately above.

Several commenters, including AOPA and EAA, indicated that at several of the proposed ARSA's the TRSA was working quite well and that there was no need to change something that was working. The FAA acknowledges that TRSA's are functional and beneficial, to a point. However, the NAR Task Group did not fault individual TRSA locations but the TRSA program itself and recommended its replacement. The FAA concurred with that assessment and has determined that the ARSA program is an improvement over the TRSA program from the standpoints of both safety and service. Thus, the quality of service being provided at TRSA locations should not constitute a roadblock to improvement.

Several commenters claimed the reduced separation standards of the ARSA program would derogate rather than enhance safety. The elimination of the Stage III separation requirements was recommended by users, all of whom are vitally interested in aviation safety, and adopted by the FAA. This aspect of the ARSA program received considerable FAA attention during the confirmation period at Austin, TX, and Columbus, OH. The FAA agrees with the task group that the Stage III separation standards are not needed for safety in a mandatory participation area.

Several commenters requested that the ARSA be described in statute rather than nautical miles. Numerous user organizations and the NAR itself have recommended that the FAA adopt nautical-mile descriptions rather than statute. It is the intention of the FAA to establish all new descriptions according to that recommendation.

Several commenters objected to proposals where the ARSA was in proximity to other airports. According to these commenters pilots would not know whether they should be in contact with the ARSA approach control facility or in contact with the control tower at the secondary airport, or on unicom. The FAA does not view this situation as different from that existing at many of these locations today. Through pilot education programs and experience with ARSA procedures this situation will improve. Also, as at present, when a pilot contacts the wrong FAA facility the controllers will give appropriate instructions.

AOPA, and other commenters objected to several of the proposed ARSA's based upon the claim that the FAA had failed to evaluate the cumulative effect of the proposed ARSA's and other regulatory airspace. The evaluation for each ARSA included all factors known to the FAA, including the proximity of other regulatory airspace.

Underlying a great many of the comments received was the idea that some provision should be made so that

pilots could continue their current practices without contacting the responsible ATC facility. While the FAA has made modifications from the standard ARSA in cases where circumstances warrant, the basic thrust of the ARSA program is to require two-way communication with the responsible approach control facility, and not to make modifications in the program to provide for nonparticipation.

Information on ARSA's following the establishment of a new site will be disseminated at aviation safety seminars conducted throughout the country by various district offices. These seminars are regularly provided by the FAA to discuss a variety of aviation safety issues, and, therefore, will not involve additional costs strictly as a result of the ARSA program.

SSA faulted the FAA for using the aviation safety seminars for pilot education on ARSA's. They claim these seminars do not reach many pilots and the seminars are reserved during this year for the FAA "Back to Basics" program. The FAA does not agree. The aviation safety seminars are for all pilots and for education on all aspects of aviation which would include the ARSA program.

Additionally, no significant costs are expected to be incurred as a result of the follow-on user meetings. These meetings are being held at public or other facilities which are being provided free of charge or at nominal cost. Further, because these meetings are being conducted by local FAA facility personnel, no travel, per diem, or overtime costs will be incurred by regional or headquarters personnel.

SSA commented that the FAA should take into consideration the unique operating characteristics of gliders in defining the ARSA airspace at some locations. The FAA has modified the configurations of the ARSA at locations where glider operations would be adversely affected by a standard configuration.

Numerous commenters objected to the ARSA designations claiming they would simply provide the FAA with the basis for additional regulatory restrictions. The FAA does not believe this to be a valid objection. While the agency has no current plans for further regulatory action which imposes additional restrictions, such action if it should ever become a reality would be the subject of additional rulemaking and would of necessity be judged on its own merits, as should these proposals.

The Air Line Pilots Association (ALPA) concurred with the proposal as an improvement in operational efficiency and a significant contribution to a reduction of midair collision potential.

The Air Transport Association (ATA) endorsed the proposed designations as an improvement in safety with specific comments indicated below.

The General Aviation Manufacturers Association endorsed the ARSA's as an improvement in safety and concurred with the FAA's philosophy regarding some deviation from the standard model.

Comments were received which were supportive of each of the ARSA's addressed here as an improvement in aviation safety, and stating that participation by all pilots was only equitable and that normal safety concerns dictated mandatory two-way communications. The FAA agrees.

Comments on Specific Locations

Columbia Metropolitan Airport, SC

EAA and several other commenters expressed concern over their ingress and egress to Owens Field. The major concern is being restricted to altitudes below 1,800 feet MSL over the city and in the vicinity of a virtual "wall" of broadcast antenna north of Owens Field. Several commenters suggested eliminating the ARSA northeast of the Broad and Congaree Rivers or raising the base altitude of the ARSA over the city to at least 2,000 feet MSL. The FAA does not agree with elimination of the ARSA northeast of the rivers but does agree that some relief from the broadcast antennae is appropriate. For this reason, the FAA will raise the base altitude of the ARSA over the city to 2,000 feet MSL.

SSA stated that they are not aware of any glider operations or operators who routinely conduct training in close proximity to the proposed Columbia ARSA. However, they request assurance that, should any glider operators wish to locate in an area tangential to the ARSA, the local FAA personnel work closely with them to ensure a safe operation for all concerned. Additionally, SSA requested assurance that the local FAA personnel work closely with cross country glider flights from Bermuda High Soaring at Chester, SC, to ensure that they can continue to operate. As stated above, the FAA will continue to cooperate with local glider operators and cross country operations to ensure safety with the minimum impact on both operations.

Other commenters addressed general issues which have been discussed above.

ATA commented in strong support for an ARSA in Columbia.

Greer Greenville-Spartanburg Airport, SC

SSA stated that they are not aware of any glider operations or operators who routinely conduct training in close proximity to the proposed Greer ARSA. However, they request assurance that, should any glider operators wish to locate in an area tangential to the ARSA, the local FAA personnel work closely with them to ensure a safe operation for all concerned. Additionally, SSA requested assurance that the local FAA personnel work closely with cross country glider flights from Bermuda High Soaring at Chester, SC, to ensure that they can continue to operate. As stated above, the FAA will continue to cooperate with local glider operators and cross country operations to ensure safety with the minimum impact on both operations.

Some commenters stated that the ARSA is a good idea and thought all aircraft should have two-way radios in order to communicate with ATC.

ATA responded in support of the Greer ARSA, stating that it will add to the level of safety for all flight operations.

Knoxville McGhee Tyson Airport, TN

Several commenters claimed that the base of the ARSA between 5 and 10 miles northwest of the airport was too low to allow NORDO aircraft and those wishing to avoid the ARSA ingress and egress to Downtown Airport. Altitudes suggested by the commenters varied from 2,500 feet MSL to 3,500 feet MSL. The FAA agrees that some relief can be provided while maintaining the integrity of the ARSA and ARSA program. The FAA will raise the base of the ARSA to 2,500 feet instead of the originally proposed 2,200 feet.

Other commenters claimed that a practice area east of the airport in the vicinity of Shook's Gap would be negatively impacted and requested raising the base of the ARSA in this area to 3,500 feet MSL. The FAA does not agree that the altitude in this area should be raised from the proposed 2,500 feet. Since the proposed base altitude is the normal radar vector altitude in this area, a safer environment can be maintained by requiring communications of all aircraft in this area.

SSA stated that they are not aware of any glider operations or operators who routinely conduct training in close proximity to the proposed Knoxville MeGhee Tyson ARSA. However, they request assurance that, should any glider operators wish to locate in an

area tangential to the ARSA, the local FAA personnel work closely with them to ensure a safe operation for all concerned. Additionally, SSA requested assurance that the local FAA personnel work closely with cross country glider flights from Chilhowee Gliderport and Johnson City, TN, to ensure that they can continue to operate. As stated above, the FAA will continue to cooperate with local glider operators and cross country operations to ensure safety with the minimum impact on both operations.

Several commenters made claims that were general in nature and have been addressed above.

ATA also responded in favor of the Knoxville ARSA as a definite improvement in safety.

Reno Cannon International Airport, NV

Several commenters claimed that the proposed ARSA did not take into consideration the potential impact on the operation at Stead Airport. The FAA believes that there will be minimal or no impact on these operations. Stead Airport is well outside the lateral boundaries of the ARSA and aircraft will have free access to this airport either by circumnavigating or participating in the ARSA.

SSA and numerous other commenters commented extensively on the possible impact that the proposed ARSA may have on glider operations in the area. They claimed that if the ARSA was implemented as proposed, it would have an adverse effect on the training operations from Stead Airport, particularly Sierra Nevada Soaring. Several commenters who are members of SSA requested relief from the ARSA in this training area. The FAA believes that a safer operation for the gliders and for powered aircraft who would circumnavigate the ARSA can be maintained through a local agreement regarding use of the normal training area. This agreement could generally assure that aircraft in this area would be known by the local approach control and aircraft could be asked to avoid this area if it is contained in the ARSA. As stated above, the FAA will continue to cooperate with local glider operators and cross country operations to ensure safety with the minimum impact on both operations.

Several commenters made claims which indicated a lack of understanding of the national ARSA program. These comments and expressed concerns should be alleviated through the education program which is an integral part of the ARSA program.

ATA responded in support of the Reno ARSA claiming that the ARSA would be an improvement in aviation safety.

Additional comments were received which were general in nature and were discussed above under General Comments.

Other Comments

A number of other comments were received addressing matters beyond the scope of these proposals such as charting, the number of frequencies depicted on a chart, the general design features of an ARSA, etc. The FAA will give consideration to all of the points raised in these comments but will not address them as a part of this rulemaking.

Regulatory Evaluation

Those comments that addressed information presented in the Regulatory Evaluation of the notice have been discussed above. The Regulatory Evaluation of the notice, as clarified by the "Discussion of Comments" contained in the preamble to the final rule, constitutes the Regulatory Evaluation of the final rule. Both documents have been placed in the regulatory docket.

Briefly, the FAA finds that a direct comparison of the costs and benefits of this rule is difficult for a number of reasons. Many of the benefits of the rule are nonquantifiable, especially those associated with simplification and standardization of terminal airspace procedures. Further, the benefits of standardization result collectively from the overall ARSA program, and as discussed previously, estimates of potential reductions in absolute accident rates resulting from the ARSA program cannot realistically be disaggregated below the national level. Therefore, it is difficult to specifically attribute these benefits to individual ARSA sites. Finally, until more experience has been gained with ARSA operations, estimates of *both* the efficiency improvements resulting in time savings to aircraft operators, and the potential delays resulting from mandatory participation, will be quite preliminary.

ATC personnel at some facilities anticipate that the process will go very smoothly, that delays will be minimal, and that efficiency gains will be realized from the start. Other sites anticipate that delay problems will dominate the initial adjustment period.

FAA believes these adjustment problems will only be temporary, and that once established, the ARSA program will result in an overall improvement in efficiency in terminal area operations at those airports where ARSA's are established. These overall gains which FAA expects for the ARSA site established by this rule typify the benefits which FAA expects to achieve nationally from the ARSA program. These benefits are expected to be achieved without any additional controller staffing or radar equipment costs to the FAA.

In addition to these operational efficiency improvements, establishment of this ARSA site will contribute to a reduction in midair collisions. The quantifiable benefits of this safety improvement could range from less than $100 thousand, to as much as $300 million, for each accident prevented.

For these reasons, FAA expects that the ARSA site established in this rule will produce long term, ongoing benefits which will exceed their costs, which are essentially transitional in nature.

Regulatory Flexibility Determination

Under the terms of the Regulatory Flexibility Act, the FAA has reviewed this rulemaking action to determine what impact it may have on small entities. FAA's Regulatory Flexibility Determination was published in the NPRM. Some of the small entities which could be potentially affected by implementation of the ARSA program include the fixed-base operators, flight schools, agricultural operations and other small aviation businesses located at satellite airports located within five miles of the ARSA center. If the mandatory participation requirement were to extend down to the surface at these airports, where under current regulations participation in the TRSA and radio communication with ATC is voluntary, operations at these airports might be altered, and some business could be lost to airports outside of the ARSA core. Because FAA is excluding some satellite airports located within the five-mile ring to avoid adversely impacting their operations, and in other cases will achieve the same purposes through Letters of Agreement between ATC and the affected airports establishing special procedures for operating to and from these airports. FAA expects to virtually eliminate any adverse impact on the operations of small satellite airports which potentially could result from the ARSA program. Similarly, FAA expects to eliminate potential adverse impacts on existing flight training practice areas, as well as, soaring, ballooning, parachuting, ultralight, and banner towing activities, by developing special procedures which will accommodate these activities through local agreements between ATC

facilities and the affected organizations. For these reasons, the FAA has determined that this rulemaking action is not expected to affect a substantial number of small entities. Therefore, the FAA certifies that this regulatory action will not result in a significant economic impact on a substantial number of small entities.

The Rule

This action designates Airport Radar Service Areas (ARSA) at Columbia Metropolitan Airport, SC; Greer Greenville-Spartanburg Airport, SC; Knoxville McGhee Tyson Airport, TN; and Reno Cannon International Airport, NV. Each location designated is a public airport at which a nonregulatory Terminal Radar Service Area (TRSA) is currently in effect. Establishment of these ARSA's will require that pilots maintain two-way radio communication with air traffic control (ATC) while in the ARSA. Implementation of ARSA procedures at these locations will reduce the risk of midair collision in terminal areas and promote the efficient control of air traffic.

For the reasons discussed above, the FAA has determined that this regulation (1) is not a "major rule" under Executive Order 12291; and (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

List of Subjects in 14 CFR Part 71

Aviation safety, Airport radar service areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for Part 71 continues to read as follows:

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

§ 71.501 [Amended]

2. Section 71.501 is amended as follows:

Columbia Metropolitan Airport, SC [New]

That airspace extending upward from the surface to and including 4,200 feet MSL within a 5-mile radius of the Columbia Metropolitan Airport (lat. 33°56'25"N., long. 81°07'10"W.) excluding that airspace within a 2-mile radius of the Columbia Owens Downtown Airport (lat. 33°58'28"N., long. 80°59'55"W.); and that airspace extending upward from 2,000 feet MSL to 4,200 feet MSL within a 10-mile radius of the Columbia Metropolitan Airport from the 004° bearing from the airport clockwise to the 094° bearing from the airport, and that airspace extending upward from 1,800 feet MSL to 4,200 feet MSL within a 10-mile radius of the airport from the 094° bearing from the airport clockwise to the 004° bearing from the airport. This airport radar service area is effective during the specific days and times of operation of the Columbia Metropolitan Tower and Approach Control Facility as established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

Greer Greenville-Spartanburg Airport, SC [New]

That airspace extending upward from the surface to and including 5,000 feet MSL within a 5-mile radius of the Greenville-Spartanburg Airport (lat. 34°53'47"N., long. 82°13'07"W.) and that airspace extending upward from 2,200 feet MSL to 5,000 feet MSL within a 10-mile radius of the airport from the 024° bearing from the airport clockwise to the 233° bearing from the airport and that airspace extending upward from 3,100 feet MSL to 5,000 feet MSL within a 10-mile radius of the airport from the 223° bearing from the airport clockwise to the 023° bearing from the airport. This airport radar service area is effective during the specific days and times of operation of the Greer Tower and Approach Control Facility as established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

Knoxville McGhee Tyson Airport, TN [New]

That airspace extending upward from the surface to and including 5,000 feet MSL within a 5-mile radius of the McGhee Tyson Airport (lat. 35°48'45"N., long. 83°59'34"W.) excluding that airspace within a 1-mile radius of the Sky Ranch Airport (lat. 35°53'08"N., long. 83°57'28"W.) and that airspace extending upward from 2,500 feet MSL to 5,000 feet MSL within a 10-mile radius of McGhee Tyson Airport from the 207° bearing from the airport clockwise to the 090° bearing from the airport, and that airspace extending upward from 3,500 feet MSL to 5,000 feet MSL within a 10-mile radius of the airport from the 090° bearing from the airport clockwise to the 207° bearing from the airport.

Reno Cannon International Airport, NV [New]

That airspace extending upward from the surface to and including 8,400 feet MSL within a 5-mile radius of the Reno Cannon International Airport (lat. 39°29'52"N., long. 119°46'04"W.) and that airspace extending upward from 7,200 feet MSL to and including 8,400 feet MSL within a 10-mile radius of the airport excluding that airspace between a 5- and 10-mile radius of the airport from the 202° bearing clockwise to the 268° bearing from the airport and that airspace between a 7- and 10-mile radius of the airport from the 291° bearing clockwise to the 317° bearing from the airport.

Issued in Washington, DC, on March 5, 1987.

Daniel J. Peterson,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 87–5112 Filed 3–9–87; 8:45 am]

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H.J. Res. 53/Pub. L. 100-8

To recognize the week beginning March 1, 1987, as "Federal Employees Recognition Week." (Mar. 5, 1987; 101 Stat. 98; 1 page) Price: $1.00