4-1-87
Vol. 52 No. 62
Pages 10357-10556

Federal Register

Wednesday
April 1, 1987

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers for $340.00 per year, or $170.00 for 6 months, payable in advance. The charge for individual copies is $1.50 for each issue, or $1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

There are no restrictions on the republication of material appearing in the **Federal Register.**

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

How To Cite This Publication: Use the volume number and the page number. Example: 52 FR 12345.

Contents

Federal Register

Vol. 52, No. 62

Wednesday, April 1, 1987

Separate Parts In This Issue

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

CFR PARTS AFFECTED IN THIS ISSUE

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

Rules and Regulations

Federal Register
Vol. 52, No. 62
Wednesday, April 1, 1987

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 87-037]

Mediterranean Fruit Fly; Interim Rule

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: We are amending the "Domestic Quarantine Notices" by adding a new Supart 301.78, captioned "Mediterranean Fruit Fly." These regulations quarantine portions of Dade County in Florida because of the Mediterranean fruit fly, and restrict the interstate movement of regulated articles from the quarantined portions of Dade County. This action is necessary on an emergency basis to prevent the artificial spread of the Mediterranean fruit fly into noninfested areas of the United States.

DATES: Interim rule effective March 26, 1987. Comments must be received on or before June 1, 1987.

ADDRESSES: Send written comments to Steven B. Farbman, Assistant Director, Regulatory Coordination, APHIS, USDA, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket Number 87-037. Comments received may be inspected at Room 728 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Milton C. Holmes, Acting Assistant Director, Survey and Emergency Response Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 611 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-6365.

SUPPLEMENTARY INFORMATION:

Emergency Action

William F. Helms, Deputy Administrator of the Animal and Plant Health Inspection Service for Plant Protection and Quarantine, has determined that an emergency situation exists, which warrants publication of this interim rule without prior opportunity for public comment. Due to the possibility that Mediterranean fruit fly could be spread artificially to noninfested areas of the United States, a situation exists requiring immediate action to prevent the spread of this pest.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this interim rule are impracticable and contrary to the public interest; and good cause is found for making this interim rule effective upon signature. Comments will be solicited for 60 days after publication of this document, and a final document discussing comments received and any amendments required will be published in the **Federal Register** as soon as possible.

Background

The Mediterranean fruit fly, *Ceratitis capitata* (Wiedemann), is one of the world's most destructive pests of numerous fruits and vegetables, especially citrus fruits. The Mediterranean fruit fly can cause serious economic losses. Heavy infestations can cause complete loss of crops, and losses of 25 to 50 percent are not uncommon. Its short life cycle permits the rapid development of serious outbreaks.

Recent trapping surveys by inspectors of the Florida Department of Agriculture and Consumer Services and by inspectors of Plant Protection and Quarantine (PPQ), a unit within the Animal and Plant Health Inspection Service (APHIS), U.S. Department of Agriculture (USDA), reveal that Hialeah in Dade County, Florida, is infested with the Mediterranean fruit fly. Specifically, on March 2, 1987, inspectors collected five fruit flies in a Jackson trap in a Calamondin tree at 201 East 48th Street in Hialeah. On March 3, 1987, they were positively identified as male Mediterranean fruit flies. Since then, one mature Mediterranean fruit fly larva was found at a location one block from the original site. The Mediterranean fruit fly is not known to occur anywhere else in the United States, except in Hawaii.

Officials of USDA and State agencies of Florida have begun an intensive Mediterranean fruit fly eradication program in the quarantined area in Florida. Also, as explained below, Florida has taken action to impose restrictions on the intrastate movement of certain articles from the quarantined area in order to prevent the artificial spread of the Mediterranean fruit fly within Florida. However, it is also necessary to impose restrictions on the interstate movement of certain articles from the quarantined area in order to prevent the artificial spread of the Mediterranean fruit fly to noninfested areas in other States. Accordingly, it is necessary as an emergency measure to establish Federal regulations for the purpose of preventing the artificial spread of the Mediterranean fruit fly. These regulations are described below by section.

Restrictions on Interstate Movement of Regulated Articles (Section 301.78)

Section 301.78(b) prohibits any common carrier or other person from moving interstate from any quarantined area any regulated article except in accordance with conditions prescribed in § 301.78-4. A footnote has been added for informational purposes. This footnote (footnote 1) references the authority of an inspector to stop and inspect, seize, quarantine, treat, and otherwise dispose of regulated articles in accordance with the Federal Plant Pest Act (7 U.S.C. 150dd, 150ff) and the Plant Quarantine Act (7 U.S.C. 164a).

Definitions (Section 301.78-1)

Sections 301.78-1 contains, for informational purposes, definitions of the following terms: "Certificate," "Compliance Agreement," "Deputy Administrator," "Infestation," "Inspector," "Interstate," "Limited permit," "Mediterranean fruit fly," "Moved," "Person," "Plant Protection and Quarantine," "Quarantined Area," "Regulated article" and "State." These terms are defined in accordance with definitions and authority set forth in the Plant Quarantine Act (7 U.S.C. 161, 162) and the Federal Plant Pest Act (7 U.S.C.

150dd, 150ee). These definitions are the same definitions that are used in other plant quarantine regulations under this chapter.

Regulated Articles (Section 301.78–2)

The regulations impose conditions on the interstate movement of those articles that present a significant risk of spreading Mediterranean fruit fly if moved without restrictions from quarantined areas into or through noninfested areas. Such articles are designated as regulated articles. Regulated articles are prohibited from moving interstate from quarantined areas except in accordance with conditions specified in §§ 301.78–4 through 301.78–10.

Section 301.78–2 designates as regulated articles a number of fruits, nuts, vegetables, and berries, soil within the drip line of plants that produce the fruits, nuts, vegetables, or berries, and any other product, article, or means of conveyance, when it is determined by an inspector that it presents a risk of spread of the Mediterranean fruit fly and the person in possession of the article has actual notice that the product, article, or means of conveyance is subject to the restrictions in the regulations. This last provision for "any other product, article, or means of conveyance" allows an inspector who discovers a risk of spreading Mediterranean fruit fly (e.g., a truck with Medfly pupae in cracks in the floorboards) to regulate the affected articles on the spot, by informing the person in possession of the articles that they are being regulated.

Articles that are canned, dried, or frozen below −17.8°C. (0°F.) are not included as regulated articles since the Mediterranean fruit fly could not survive under those conditions. Otherwise, based on research and experience, the articles listed in § 301.78–2(a) and (b) as regulated articles are articles that are likely to cause the artificial spread of the Mediterranean fruit fly. In addition, since other products, articles, or means of conveyance could, under certain circumstances, be found to present a risk of spreading the Mediterranean fruit fly, these articles are regulated by paragraph (c). These articles would have to be determined to present a risk by an inspector on a case-by-case basis since it cannot be anticipated specifically which other products, articles, or means of conveyance, if any, would present a risk. There is authority to regulate nonlisted products, articles, or means of conveyance as set forth in § 301.78–2(c) on an emergency basis in sections 105 and 106 of the Federal Plant Pest Act. If it appears that these additional products, articles, or means of conveyance generally present a risk of spreading Mediterranean fruit fly, we will consider an amendment to this rule to include these items in the list of regulated articles.

Quarantined Areas (Section 301.78–3)

As stated in § 301.78–3(a), it is necessary to designate as quarantined areas, areas in which the Mediterranean fruit fly has been found, areas in which the Deputy Administrator has reason to believe the Mediterranean fruit fly is present, and areas deemed necessary to regulate because of their proximity to the Mediterranean fruit fly or their inseparability for quarantine enforcement purposes from localities where Mediterranean fruit flies have been found.

Section 301.78–3(a) further provides that less than an entire State will be designated as quarantined area only if the Deputy Administrator determines that (1) the State has adopted and is enforcing a quarantine or regulation that imposes restrictions on the intrastate movement of the regulated articles that are substantially the same as those imposed by Federal regulations on the interstate movement of these articles; and (2) the designation of less than the entire State as a quarantined area will be adequate to prevent the artificial interstate spread of the Mediterranean fruit fly. If these determinations are made, it appears unnecessary to designate the entire State as a quarantined area in order to protect against the spread of the Mediterranean fruit fly. It appears that these activities would confine infestations to the quarantined areas.

Section 301.78–3(b) provides that the Deputy Administrator or an inspector may designate an area as a quarantined area temporarily without publication in the **Federal Register** if there is a basis for listing the area as a quarantined area under § 301.78–3(a) and if the owner or person in possession of the area to be quarantined is given written notice of this action. This is necessary in order to prevent artificial spread of the Mediterranean fruit fly before restrictions can be published in the **Federal Register** concerning the interstate movement of regulated articles from the designated area.

On March 3, 1987, an infestation of Mediterranean fruit fly was determined to exist in Hialeah, Florida. This area in Dade County remains infested. The area to be quarantined because of this infestation is specifically described in § 301.78–3 and is designated as a "quarantined area." The area in Dade County designated as a quarantined area is described as follows:

Dade County—That portion of the County beginning at a point where NW 7th Avenue intersects with Biscayne Canal; then south along NW 7th Avenue (also known as US 441 and State Road 7) (and including premises that adjoin both sides of NW 7th Avenue) to the intersection of NW 54th Street; then west along NW 54th Street (and including premises that adjoin both sides of NW 54th Street) to the intersection of NW 17th Avenue; then south along NW 17th Avenue (and including premises that adjoin both sides of NW 17th Avenue) to the intersection of NW 36th Street; then west along NW 36th Street, continuing when it becomes NW 36th Street extension, to the intersection with Palmetto Expressway (State Road 826); then north along Palmetto Expressway (State Road 826) to the intersection of NW 58th Street; then west along NW 58th Street (and including premises that adjoin both sides of NW 58th Street) to the intersection of the western section line of sec. 16, T. 53 S., R. 40 E.; then north along the western section lines of secs. 16, 9 and 4, T. 53 S., R. 40 E., and sec. 33, T. 52 S., R. 40 E. to the intersection of the Gratigny Canal; then north and then east along the Gratigny Canal to the intersection of NW 87th Avenue; then north along NW 87th Avenue to the intersection of the SW corner of sec. 15, T. 52 S., R. 40 E.; then north along the western section line of sec. 15, T. 52 S., R. 40 E., to the NW corner of sec. 15, T. 52 S., R. 40 E.; then east along the north section line of sec. 15, T. 52 S., R. 40 E. to the NE corner of sec. 15, T. 52 S., R. 40 E.; then south along the eastern section line of sec. 15, T. 52 S., R. 40 E. to its intersection with the Palmetto Expressway (State Road 826); then east along the Palmetto Expressway (State Road 826) to the intersection of Red Road (NW 57th Avenue); then north along Red Road (NW 57th Avenue) to the intersection of Miami Gardens Drive (NW 183rd Street); then east along Miami Gardens Drive (NW 183rd Street) to the intersection of NW 37th Avenue; then south along NW 37th Avenue to the intersection of Palmetto Expressway (State Road 826); then east along Palmetto Expressway (State Road 826) to the intersection of NW 22nd Avenue; then south along NW 22nd Avenue (and including premises that adjoin both sides of NW 22nd Avenue) to the intersection with the Biscayne Canal; then east along the Biscayne Canal to the point of beginning.

It is necessary to designate this portion of Dade County as a quarantined area because it is an area in which the Mediterranean fruit fly has been found, or in which the Deputy Administrator has reason to believe the Mediterranean fruit fly is present, or an area necessary to regulate because of its proximity to the Mediterranean fruit fly or its inseparability for quarantine enforcement purposes from localities where Mediterranean fruit fly has been found.

Florida has adopted and is enforcing regulations imposing restrictions on the

intrastate movement of the regulated articles that are substantially the same as those imposed by Federal regulations on the interstate movement of these articles; in addition, there does not appear to be any reason for designation of any area in Florida as quarantined areas other than those areas specified above.

Conditions Governing the Interstate Movement of Regulated Articles from Quarantined Areas (Sections 301.78–4 Through 301.78–10)

Section 301.78–4

Section 301.78–4(a) requires regulated articles moved interstate from quarantined areas to be accompanied by a certificate or limited permit issued and attached as prescribed by §§ 301.78–5 through 301.78–10 or unless moved as prescribed in § 301.78–4(b).

Specifically, § 301.78–4(b) allows a regulated article to move interstate without a certificate or limited permit if the article originates outside of a quarantined area, if it is moved directly through the quarantined area without stopping, except for brief refueling or for normal traffic conditions such as traffic lights and stop signs, if it is shipped in an enclosed vehicle or is completely covered so as to prevent access by Mediterranean fruit flies, if the point of origin is clearly indicated by shipping documents, and if the identity of the article is maintained.

Also, § 301.78–4(c) allows the Department to move interstate regulated articles without a certificate or limited permit for experimental or scientific purposes. However, they must be moved in accordance with a permit issued by the Deputy Administrator to prevent dissemination of Mediterranean fruit fly.

In § 301.78–4, a footnote (number 2) is added to remind persons of other applicable domestic plant quarantine and regulation requirements that need to be met during an interstate movement.

Section 301.78–5

Under Federal domestic plant quarantine programs there is a difference between the use of certificates and limited permits. Certificates are issued for regulated articles upon a finding by the Department that, because of certain conditions (e.g. the article is free of Mediterranean fruit fly), there is an absence of a pest risk prior to movement. Regulated articles accompanied by a certificate can be moved interstate without further restrictions being imposed. Limited permits are issued for regulated articles when the Department has determined that, because of a possible pest risk, such articles may be safely moved interstate only subject to further restrictions, e.g., movement to limited areas and movement for limited purposes. Section 301.78–5 explains the conditions for issuing a certificate or limited permit.

Specifically, § 301.78–5(a) provides that a certificate shall be issued by an inspector for the movement of a regulated article if: (1) The inspector determines that the article has been treated under direction of an inspector in accordance with § 301.78–10, or if it comes from a premise of origin which is free from Mediterranean fruit fly or the inspector determines that the regulated article is free of Mediterranean fruit fly; and (2) the inspector determines that it will be moved in compliance with any additional emergency conditions deemed necessary to prevent the spread of Mediterranean fruit fly pursuant to section 105 of the Federal Plant Pest Act; and (3) the inspector determines that it is eligible for unrestricted movement under all other Federal domestic plant quarantines and regulations applicable to such article.

A footnote (number 3) is added which explains that USDA can, pursuant to section 105 of the Federal Plant Pest Act (7 U.S.C. 150dd), take emergency actions against any article moving into or through the United States or interstate which is believed to be infested or infected by plant pests.

Section 301.78–5(b) provides for the issuance of a limited permit (in lieu of a certificate) by an inspector for movement of a regulated article if, after consultation with the Deputy Administrator, it is determined that such article is to be moved to a specified destination for specified handling, utilization or processing, and upon evaluation of all of the circumstances involved, the movement will not result in the spread of Mediterranean fruit fly.

Section 301.78–5(c) allows any person who has entered into and is operating under a compliance agreement to execute and issue a certificate or limited permit for the interstate movement of a regulated article once an inspector has made an initial determination that such article is eligible for a certificate or limited permit in accordance with § 301.78–5 (a) or (b). Because of their nature and complexity, these initial determinations concerning the eligibility of articles for issuance of a certificate or limited permit are limited to inspectors.

Also, § 301.78–5(d) contains provisions for the withdrawal of a certificate or limited permit by an inspector upon a determination that the holder thereof has not complied with conditions for the use of the document. This section also contains provisions for notifying the holder of the reasons for the withdrawal and for holding a hearing if there is any conflict concerning any material fact.

Section 301.78–6

Section 301.78–6 provides for the issuance and cancellation of compliance agreements. Specifically, compliance agreements can be entered into by any person engaged in the business of growing, handling, or moving regulated articles who agrees in writing to comply with the provisions of subpart 301.78 and any conditions imposed pursuant thereto. Compliance agreements are provided for the convenience of persons who, because of their business, are involved in frequent shipments of regulated articles from quarantined areas and are written to ensure that persons issuing certificates or limited permits are knowledgeable with respect to the requirements of subpart 301.78 and have agreed to comply with them.

Section 301.78–6 also provides that a compliance agreement may be cancelled by an inspector supervising its enforcement whenever the inspector finds that a person who has entered into such an agreement has failed to comply with any of the provisions of the regulations. The holder of the compliance agreement shall be notified of the reasons for cancellation and shall be given an opportunity for a hearing to resolve a conflict as to any material fact. A footnote (number 5) is added to explain where compliance agreement forms can be obtained.

Sections 301.78–7, 301.78–8 and 301.78–9

Section 301.78–7 provides that any person who desires a certificate or limited permit to move regulated articles should request inspection by an inspector as far in advance as possible (no less than 48 hours before the desired movement). A footnote (number 4) is added for informational purposes to indicate how to contact the inspectors for inspection or how to obtain additional information from offices of Plant Protection and Quarantine.

Section 301.78–8 requires the certificate or limited permit issued for the movement of the regulated article to be attached to the regulated article, or to a container carrying the regulated article, or to the accompanying waybill or other shipping document during the interstate movement. These provisions are necessary for enforcement purposes and to ensure that persons desiring inspection services can obtain them before the intended movement date.

Section 301.78–9 explains the Department's policy that services of an inspector which are needed to comply with the provisions of the quarantine and regulations in subpart 301.78 are provided without cost during normal business hours, but that any other incidental costs or charges will not be the responsibility of the Department.

Section 301.78–10

Section 301.78–10 sets forth treatments and treatment schedules for certain regulated articles that must be met if the articles are to be certified through treatment prior to movement as provided in § 301.78–5(a)(1)(i). Research has determined that any of these treatments—hot water vapor or methyl bromide for certain fruits and vegetables, or diazinon for soil—would be adequate to destroy the Mediterranean fruit fly with little or no effect on the regulated article. Treatment schedules have not been developed for all regulated articles; however, an individual may obtain a certificate or limited permit for the interstate movement of some regulated articles by complying with the inspection provisions of § 301.78–5(a)(1)(ii) or (iii), as an alternative to treatment of those articles.

Executive Order 12291 and Regulatory Flexibility Act

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

This amendment affects the interstate movement of regulated articles from a portion of Dade County, Florida. It appears that there is very little commercial activity affected by this rule that occurs in the quarantined area. Specifically, the quarantined area is comprised of private residences and small shops. The small entities in the quarantined area that may be affected by this regulation appear to consist of approximately 70 nurseries, 40 retail stores, 90 street vendors and open fruit stands, and 20 premises with orchards and vegetable plots (ranging in size from ¼ acre to ten acres). Although these are small entities, they sell regulated articles primarily for local intrastate, not interstate, movement. Also, many of the retail shops and nurseries sell other items in addition to the regulated articles so that the effect, if any, that this regulation will have on these entities appears to be minimal. Further, the number of affected entities mentioned above is small compared with the thousands of small entities that move these articles interstate from nonquarantined areas in Florida and many more thousands of small entities that move them interstate from other States.

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

Paperwork Reduction Act

The regulations in this subpart contain no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507 *et seq.*).

List of Subjects in 7 CFR Part 301

Agricultural commodities, Mediterranean Fruit Fly Plant diseases, Plant pests, Plants (Agriculture), Quarantine, Transportation.

PART 301—DOMESTIC QUARANTINE NOTICES

Accordingly 7 CFR Part 301 is amended as follows:

1. The authority citation for Part 301 continues to read as follows:

Authority: 7 U.S.C. 150dd, 150ee, 150ff; 161, 162, and 164–167; 7 CFR 2.17, 2.51, and 371.2(c).

2. Part 301 is amended by adding a new "Subpart-Mediterranean Fruit Fly" to read as follows:

Subpart—Mediterranean Fruit Fly

Sec.

Subpart—Mediterranean Fruit Fly

§ 301.78 Restrictions on interstate movement of regulated articles.[1]

No common carrier or other person shall move interstate from any quarantined area any regulated article except in accordance with the conditions prescribed in this subpart.

§ 301.78–1 Definitions.

Terms used in the singular form in this subpart shall be construed as the plural and vice versa, as the case may demand. The following terms, when used in this supart, shall be construed, respectively, to mean:

Certificate. A document which is issued for a regulated article by an inspector or by a person operating under a compliance agreement, and which represents that such article is eligible for interstate movement to any destination.

Compliance agreement. A written agreement between Plant Protection and Quarantine and a person engaged in the business of growing, handling, or moving regulated articles, wherein the person agrees to comply with the provisions of this subpart and any conditions imposed pursuant thereto.

Deputy Administrator. The Deputy Administrator of the Animal and Plant Health Inspection Service for Plant Protection and Quarantine, or any officer or employee of the Department to whom authority to act in his or her stead has been or may hereafter be delegated.

Infestation. The presence of the Mediterranean fruit fly or the existence of circumstances that make it reasonable to believe that the Mediterranean fruit fly is present.

Inspector. Any employee of Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or other person authorized by the Deputy Administrator in accordance with law to enforce the provisions of this subpart.

Interstate. From any State into or through any other State.

Limited permit. A document which is issued for a regulated article by an inspector or by a person operating under a compliance agreement, and which represents that such regulated article is

[1] Any properly identified inspector is authorized to stop and inspect persons and means of conveyance, and to seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of regulated articles as provided in section 10 of the Plant Quarantine Act (7 U.S.C. 164a) and sections 105 and 107 of the Federal Plant Pest Act (7 U.S.C. 164a) and sections 105 and 107 of the Federal Plant Pest Act (7 U.S.C. 150dd, 150ff).

eligible for interstate movement in accordance with § 301.78–5(b).

Mediterranean fruit fly. The insect known as Mediterranean fruit fly (*Ceratitis capitata* (Wiedemann)) in any stage of development.

Moved. Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved by any means.

Movement or move. The act of shipping, offering for shipment to a common carrier, receiving for transportation or transporting by a common carrier, or carrying, transporting, moving, or allowing to be moved by any means.

Person. Any individual, partnership, corporation, company, society, association, or other organized group.

Plant Protection and Quarantine. The organizational unit within the Animal and Plant Health Inspection Service, United States Department of Agriculture, delegated responsibility for enforcing provisions of the Plant Quarantine Act, the Federal Plant Pest Act, and related legislation, and quarantines and regulations promulgated thereunder.

Quarantined area. Any State, or any portion thereof, listed in § 301.78–3(c) or otherwise designated as a quarantined area in accordance with § 301.78–3(b).

Regulated article. Any article listed in § 301.78–2 or otherwise designated as a regulated article in accordance with § 301.78–2(c).

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

§ 301.78–2 Regulated articles.

(a) The following fruits, nuts, vegetables and berries are regulated articles, except that the list does not include any fruits, nuts, vegetables, or berries that are canned or dried or have frozen below −17.8°C. (0°F.):

Akee (*Blighia sapida*)
Almond with husk (*Prunus dulcis P. amygdalus*))
Apple (*Malus sylvestris*)
Apricot (*Prunus armeniaca*)
Argan tree (*Argania sideroxylon* (*A. spinosa*))
Avocado (*Persea americans*)
Barbados cherry (*Malpighia glabra*)
Bourbon organge (*Ochrosia elliptica*)
Canistel (*Pouteria campechiana*)
Cattley guava (*Psidium cattleianum*)
Ceylon gooseberry (*Dovyalis herbecarpa*)
Chanar (*Geoffroea decorticans*)
Cherimoya (*Anonna cherimola*)
Cherries (*sweet and sour*(Prunus avium, P. cerasus)
Citrus citron (*Citrus medica*)
Coffee (*Coffee arabica*)
Custard apple (*Annona reticulata*)
Dat (*Phoenix dactylifera*)
Dwarf papaya (*Carica quercifolia*)
Fig (*Ficus carica*)
Golden plum (*Prunus americana x P. salicina*)
Gourka (*Garcinia xanthochymus*)
Grape (*Vitis* spp.)
Grapefruit (*Citrus paradisi*)
Guava (*Psidium guajava*)
Hawthorne (*Crataegus* spp.)
Hog plum (*Spondias mombin*)
Japanese persimmon (*Diospyros kaki*)
Japanese plum (*Prunus salicina*)
Jocote (*Spondias purpurea*)
Kei apple (*Dovyalis caffra*)
Kiwi (*Actinidia chinensis*)
Kumquat (*Fortunella japonica*)
Lemon (*Citrus limon*) except Eureka, Lisbon, and Villa Franca cultivars (smooth-skinned sour lemon)
Lima, sweet (*Citrus limetioides*)
Longan (*Euphoria longan*)
Loquat (*Eriobotrya japonica*)
Lychee nut (*Lychee chinensis*)
Mammee, sapote (*Pouteria sapota*)
Mandarin orange (*Citrus reticulata*) (tangerine)
Mango (*Mangifera indica*)
Mock orange (*Murraya paniculata*)
Mombin (*Spondias* spp.)
Mountain apple (*Syzigium malaccense* (*Eugenia malaccensis*))
Myrobalan nut (*Terminalia cherbula*)
Natal plum (*Carissa grandiflora*)
Nectarine (*Prunus persica* var. *nectarina*)
Olive (*Olea europea*)
Opuntia cactus (*Opuntia* spp.)
Orange, calamondin (*Citrus riticulata* x. *Fortunella*)
Orange, Chinese (*Fortunella japonica*)
Orange, king (*Citrus reticulata* x. *C. sinensis*)
Orange, sweet (*Citrus sinensis*)
Orange, Unshu (*Citrus reticulata* var. *Unshu*)
Papaya (*Carica papaya*)
Passionfruit (*Passiflora edulis*) (yellow lilikoi)
Peach (*Prunus persica*)
Pear (*Pyrus communis*)
Pepper (*Capsicum frutescens, C. annuum*)
Pineapple guava (*Feijoa sellowiana*)
Plum (*Prunus americana*)
Pomegranate (*Punica granatum*)
Pomiform guajava (*Psidium guajava Pomiform*)
Pond apple (*Annona glabra*)
Prune (*Prunus domestica*)
Pummelo (*Citrus grandis*)
Pyriform guajava (*Psidium guajava Pyriform*)
Quince (*Cydonia oblonga*)
Red mombin (*Spondias purpurea*)
Rose apple (*Eugenia jambos*)
Sapodilla (*Manilkara zapota*)
Sour orange (*Citrus aurantium*)
Soursop (*Annona muricata*)
Spanish cherry Medlar (*Mimusops elengi*)
Spanish cherry (Brazilian plum) (*Eugenia dombeyi* (*E. brasiliensis*))
Spanish plum (*Spondias mombin*)
Star apple (*Chrysophyllum cainito*)
Strawberry guava (*Psidium cattleianum*)
Sugar apple (*Annona squamosa*)
Sugarplum (*Arenga pinata*)
Surinam cherry (*Eugenia uniflora*)
Tomato (sweet and red ripe) (*Lycopersicon esculentum*)
Tree tomato (*Cyphomandra betacea*)
Tropical almond (*Terminalia catappa*)
Walnut with husk (*Juglans* spp.)
White sapote (*Casimiroa edulis*)
Yellow oleander (Bestill) (*Thevetia peruviana*)

(b) Soil within the drip area of plants which produce the fruits, nuts, vegetables, or berries listed in paragraph (a) of this section; and

(c) Any other product, article, or means of conveyance, of any character whatsoever, not covered by paragraphs (a) or (b) of this section, when it is determined by an inspector that it presents a risk of spread of the Mediterranean fruit fly and the person in possession thereof has actual notice that the product, article, or means of conveyance is subject to the restrictions of this subpart.

§ 301.78–3 Quarantined areas.

(a) Except as otherwise provided in paragraph (b) of this section, the Deputy Administrator shall list as a quarantined area in paragraph (c) of this section, each State, or each portion thereof, in which the Mediterranean fruit fly has been found by an inspector, or in which the Deputy Administrator has reason to believe that the Mediterranean fruit fly is present, or each portion of a State which the Deputy Administrator deems necessary to regulate because of its proximity to the Mediterranean fruit fly or its inseparability for quarantine enforcement purposes from localities in which the Mediterranean fruit fly occurs. Less than an entire State will be designated as a quarantined area only if the Deputy Administrator determines that:

(1) The State has adopted and is enforcing a quarantine or regulation that imposes restrictions on the intrastate movement of the regulated articles that are substantially the same as those imposed by this subpart on the interstate movement of these articles; and

(2) The designation of less than the entire State as a quarantined area will be adequate to prevent the artificial interstate spread of the Mediterranean fruit fly.

(b) The Deputy Administrator or an inspector may temporarily designate any nonquarantined area in a State as a quarantined area in accordance with the criteria specified in paragraph (a) of this section for listing such area. Written notice of such designation shall be given to the owner or person in possession of such nonquarantined area, and, thereafter, the interstate movement of

any regulated article from such area shall be subject to the applicable provisions of this subpart. As soon as practicable, such area shall be added to the list in paragraph (c) of this section or such designation shall be terminated by the Deputy Administrator or an inspector, and notice thereof shall be given to the owner or person in possession of the area.

(c) The areas described below are designated as quarantined areas:

Florida

Dade County—That portion of the county beginning at a point where NW. 7th Avenue intersects with Biscayne Canal; then south along NW. 7th Avenue (also known as US 441 and State Road 7) (and including premises that adjoin both sides of NW. 7th Avenue) to the intersection of NW. 54th Street; then west along NW. 54th Street (and including premises that adjoin both sides of NW. 54th Street) to the intersection of NW. 17th Avenue; then south along NW. 17th Avenue (and including premises that adjoin both sides of NW. 17th Avenue) to the intersection of NW. 36th Street; then west along NW. 36th Street, continuing when it becomes NW. 36th Street extension, to the intersection with Palmetto Expressway (State Road 826); then north along Palmetto Expressway (State Road 826) to the intersection of NW. 58th Street; then west along NW. 58th Street (and including premises that adjoin both sides of NW. 58th Street) to the intersection of the western section line of sec. 16, T. 53 S., R. 40 E.; then north along the western section lines of secs. 16, 9 and 4, T. 53 S., R. 40 E., and sec. 33, T. 52 S., R. 40 E. to the intersection of the Gratigny Canal; then north and then east along the Gratigny Canal to the intersection of NW. 87th Avenue; then north along NW. 87th Avenue to the intersection of the SW. corner of sec. 15, T. 52 S., R. 40 E.; then north along the western section line of sec. 15, T. 52 S., R. 40 E., to the NW. corner of sec. 15, T. 52 S., R. 40 E.; then east along the north section line of sec. 15, T. 52 S., R. 40 E. to the NE. corner of sec. 15, T. 52 S., R. 40 E.; then south along the eastern section line of sec. 15, T. 52 S., R. 40 E. to its intersection with the Palmetto Expressway (State Road 826); then east along the Palmetto Expressway (State Road 826) to the intersection of Red Road (NW. 57th Avenue); then north along Red Road (NW. 57th Avenue) to the intersection of Miami Gardens Drive (NW. 183rd Street); then east along Miami Gardens Drive (NW. 183rd Street) to the intersection of NW. 37th Avenue; then south along NW. 37th Avenue to the intersection of Palmetto Expressway (State Road 826); then east along Palmetto Expressway (State Road 826) to the intersection of NW. 22nd Avenue; then south along NW. 22nd Avenue (and including premises that adjoin both sides of NW. 22nd Avenue) to the intersection of the Biscayne Canal; then east along the Biscayne Canal to the point of beginning.

§ 301.78-4 Conditions governing the interstate movement of regulated articles from quarantined areas.[2]

Any regulated article may be moved interstate from a quarantined area only if moved under the following conditions:

(a) With a certificate or limited permit issued and attached in accordance with §§ 301.78-5 and 301.78-8;

(b) Without a certificate or limited permit, if:

(1) The article originated outside of any quarantined area and is moved directly through (without stopping except for brief refueling, or for normal traffic conditions, such as traffic lights or stop signs) the quarantined area in an enclosed vehicle or is completely enclosed by a covering adequate to prevent access by Mediterranean fruit flies (such as canvas, plastic, or closely woven cloth) while moving through the quarantined area, or

(2) The article is part of a shipment originating outside of any quarantined area which is moved into the quarantined area for packing or processing at a facility which an inspector has determined will not expose the article to Mediterranean fruit flies, and the article is moved to and from the facility under the conditions of paragraph (b)(1) of this section.

(3) The point of origin of the article is clearly indicated by shipping documents and its identity has been maintained.

(c) Without a certificate or limited permit, if:

(1) Moved by the United States Department of Agriculture for experimental or scientific purposes;

(2) Moved pursuant to a permit issued by the Deputy Administrator;

(3) Moved in accordance with conditions specified on the permit and found by the Deputy Administrator to be adequate to prevent the dissemination of the Mediterranean fruit fly, i.e., conditions of treatment, processing, shipment, disposal, and

(4) Moved with a tag or label securely attached to the outside of the container containing the article or securely attached to the article itself if not in a container, and with such tag or label bearing a permit number corresponding to the number of the permit issued for such article.

§ 301.78-5 Issuance and cancellation of certificates and limited permits.

(a) A certificate shall be issued by an inspector for the interstate movement of a regulated article if such inspector:

(1)(i) Determines that it has been treated under the direction of an inspector in accordance with § 301.78-10; or

(ii) Determines, based on inspection of the premises of origin, that the premises are free from Mediterranean fruit fly and the article has not been exposed to Mediterranean fruit fly; or

(iii) Determines, based on inspection of the article, that it is free of Mediterranean fruit fly; and

(2) Determines that it is to be moved in compliance with any additional emergency conditions necessary to prevent the spread of the Mediterranean fruit fly pursuant to section 105 of the Federal Plant Pest Act (7 U.S.C. 150dd); [3] and

(3) Determines that it is eligible for unrestricted movement under all other Federal domestic plant quarantines and regulations applicable to such articles.

(b) A limited permit shall be issued by an inspector [4] for the movement of a regulated article if such inspector:

(1) Determines, in consultation with the Deputy Administrator, that it is to be moved to a specified destination for specified handling, utilization, or processing (such destination and other conditions to be specified in the limited permit), and when upon evaluation of all of the circumstances involved in each case, it is determined that such movement will not result in the spread of the Mediterranean fruit fly because

[2] Requirements under all other applicable Federal domestic plant quarantines and regulations must also be met.

[3] Section 105 of the Federal Plant Pest Act (7 U.S.C. 150dd) provides, among other things, that the Secretary of Agriculture may, whenever he deems it necessary as an emergency measure in order to prevent the dissemination of any plant pest new to or not therefore known to be widely prevalent or distributed within and throughout the United States, seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of, in such manner as he deems appropriate, any product or article of any character whatsoever, or means of conveyance, which is moving into or through the United States or interstate, and which he has reason to believe is infested or infected by or contains any such plant pest; or which has moved into the United States or interstate, and which he has reason to believe was infested or infected by or contained any such plant pest at the time of such movement.

[4] Inspectors are assigned to local offices of Plant Protection and Quarantine which are listed in telephone directories. Information concerning such local offices may also be obtained from the Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, Federal Building, Hyattsville, Maryland, 20782.

life stages of the pest will be destroyed by such specified handling, utilization, or processing;

(2) Determines that it is to be moved in compliance with any additional emergency conditions necessary to prevent the spread of the Mediterranean fruit fly pursuant to section 105 of the Federal Plant Pest Act (7 U.S.C. 150dd); and

(3) Determines that it is eligible for such movement under all other Federal domestic plant quarantines and regulations applicable to such articles.

(c) Certificates and limited permits for use for movement of regulated articles may be issued by an inspector [4] or person engaged in the business of growing, handling, or moving regulated articles provided such person is operating under a compliance agreement. Any such person may execute and issue a certificate for the interstate movement of a regulated article if the inspector has made the determination that such article is otherwise eligible for a certificate in accordance with paragraph (a) of this section. Any such person may execute and issue a limited permit for interestate movement of a regulated article when the inspector has made the determination that such article is eligible for a limited permit in accordance with paragraph (b) of this section.

(d) Any certificate or limited permit which has been issued or authorized may be withdrawn by an inspector orally or in writing, if such inspector determines that the holder thereof has not complied with all conditions under the regulations for the use of such document. If the cancellation is oral, the decision and the reasons for the withdrawal shall be confirmed in writing as promptly as circumstances allow. Any person whose certificate or limited permit has been withdrawn may appeal the decision in writing to the Deputy Administrator within ten (10) days after receiving the written notification of the withdrawal. The appeal shall state all of the facts and reasons upon which the person relies to show that the certificate or limited permit was wrongfully withdrawn. The Deputy Administrator shall grant or deny the appeal, in writing, stating the reason for such decision, as promptly as circumstances allow. If there is a conflict as to any material fact, a hearing shall be held to resolve such conflict. Rules of practice concerning such a hearing will be adopted by the Deputy Administrator.

§ 301.78–6 Compliance agreement and cancellation thereof.

(a) Any person engaged in the business of growing, handling, or moving regulated articles may enter into a compliance agreement to facilitate the movement of regulated articles under this subpart.[5] The compliance agreement shall be a written agreement between a person engaged in such a business and Plant Protection and Quarantine, wherein the person agrees to comply with the provisions of this subpart and any conditions imposed pursuant thereto.

(b) Any compliance agreement may be cancelled orally or in writing by the inspector who is supervising its enforcement whenever the inspector finds that such person has failed to comply with the provisions of this subpart or any conditions imposed pursuant thereto. If the cancellation is oral, the decision and the reasons therefor shall be confirmed in writing, as promptly as circumstances allow. Any person whose compliance agreement has been cancelled may appeal the decision, in writing, within ten (10) days after receiving written notification of the cancellation. The appeal shall state all of the facts and reasons upon which the person relies to show that the compliance agreement was wrongfully cancelled. The Deputy Administrator shall grant or deny the appeal, in writing, stating the reasons for such decision, as promptly as circumstances allow. If there is a conflict as to any material fact, a hearing shall be held to resolve such conflict. Rules of practice concerning such a hearing will be adopted by the Deputy Administrator.

§ 301.78–7 Assembly and inspection of regulated articles.

(a) Any person (other than a person authorized to issue certificates or limited permits under § 301.78–5(c)), who desires to move interstate a regulated article accompanied by a certificate or limited permit shall, as far in advance as possible (should be no less than 48 hours before the desired movement), request an inspector [4] to take necessary action under this subpart prior to movement of the regulated article.

(b) Such article shall be assembled at such point and in such manner as the inspector designates as necessary to comply with the requirements of this subpart.

§ 301.78–8 Attachment and disposition of certificate and limited permits.

(a) A certificate or limited permit required for the interstate movement of a regulated article, at all times during such movement, shall be securely attached to the outside of the container containing the regulated article, securely attached to the article itself if not in a container, or securely attached to the consignee's copy of the accompanying waybill or other shipping document: *Provided however,* that the requirements of this section may be met by attaching the certificate or limited permit to the consignee's copy of the waybill or other shipping documents only if the regulated article is sufficiently described on the certificate, limited permit, or shipping document to identify such article.

(b) The certificate or limited permit for the movement of a regulated article shall be furnished by the carrier to the consignee at the destination of the shipment.

§ 301.78–9 Costs and charges.

The services of the inspector during normal business hours shall be furnished without cost. The United States Department of Agriculture will not be responsible for any costs or charges incident to inspections or compliance with the provisions of the regulations in this subpart, other than for the services of the inspector.

§ 301.78–10 Treatments.

The treatment schedules for regulated articles are as follows:

(a) Avocado: Fumigation with methyl bromide at normal atmospheric pressure with 32/gm^3 for 2½ hours at 21°C. (70°F.) or above followed by refrigeration for 7 days at 7.22°C. (45°F) or below. The 7 day period may include up to 24 hours precooling time. Time between fumigation and start of cooling not to exceed 24 hours, but must include at least 30 minutes aeration.

(b) Tomato: Fumigation with methyl bromide at normal atmospheric pressure with 32 g/m^3 for 3½ hours at 21°C. (70°F.) or above.

(c) Bell pepper and tomato: Heat the article by saturated water vapor at 44.44°C. (112°F.) until approximate center of article reaches 44.44°C. (112°F.), and maintain at 44.44°C. (112°F.) for 8¾ hours, then immediately cool.

Note: Commodities should be tested by the shipper at the 44.44°C. (112°F.) temperature to determine each commodity's tolerance to the treatment before commercial treatments are attempted. Pretreatment conditioning is

[5] Compliance agreement forms are available without charge from the Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, Federal Building, Hyattsville, MD 20782, and from local offices of the Plant Protection and Quarantine (Local offices are listed in telephone directories).

optional. Such conditioning is the responsibility of the shipper and would be conducted in accordance with procedures the shipper believes necessary. It is common to perform pretreatment conditioning.

(d) Apple, apricot, cherry, grape, peach, pear, and plum: Fumigation with 32 g/m³ methyl bromide at 21°C. (70°F.) or above (chamber load not to exceed 80 percent of volume), and at normal atmospheric pressure, followed by refrigeration, as set forth below.

Fumigation exposure time	Refrigeration
2 hours	4 days at 0.55°–2.7°C. (33°–37°F.); or 11 days at 6.11°–8.3°C. (43°–47°F.)
2½ hours	4 days at 3.33°–4.44°C. (38°–40°F.); or 6 days at 5.0°–8.33°C. (41°–47°F.); or 10 days at 8.88°–13.33°C. (48°–56°F.)
3 hours	3 days at 6.11°–8.33°C. (43°–47°F.); or 6 days at 8.88°13.33°C. (48°–56°F.)

Minimum concentrations for above fumigations:
(25 g minimum gas concentration at ½ hr.)
(18 g minimum gas concentration at 2 or 2½ hrs.)
(17 g minimum gas concentration at 3 hrs.)

Aerate all fruit at least 2 hours following fumigation. Time lapse between fumigation and start of cooling not to exceed 24 hours.

Note: Some varieties of fruit may be injured by the 3-hour exposure. Shippers should test treat before making commercial shipments.

(e) Bell peppers: Fumigation with methyl bromide at normal atmospheric pressure with 32 g/m³ for 3½ hours at 21°C (70°F) or above.

Note: Bell peppers have been found marginally tolerant to methyl bromide fumigation. Shelf life after treatment is reduced to between 5 to 7 days. Injury may appear as pitting on the skin of the pepper, darkening of the seed and placental material, and internal decay resulting from killing of the stem calyx.

(f) Apple, apricot, Calamondin orange, cherry, citrus citron, grape, grapefruit, kiwi, mandarin orange, nectarine, peach, pear, plum, prune, sour orange, and sweet orange: Cold treat the article according to one of the following:

10 days at 0°C. (32°F.) or below
11 days at 0.55°C. (33°F.) or below
12 days at 1.11°C. (34°F.) or below
14 days at 1.66°C. (35°F.) or below
16 days at 2.22°C. (36°F.) or below.

(g) Almond with husk, grape, kiwi, opuntia cactus, and walnut with husk.

Fumigation with methyl bromide at normal atmospheric pressure with 32 g/m³ for 3½ hours at 21°C (70°F) or above.

Minimum concentration for above fumigations:
26 g minimum gas concentration at first ½ hours
22 g minimum gas concentration at 2 or 2½ hours
21 g minimum gas concentration at 3½ hours.

(h) Grape: Fumigation with methyl bromide at normal atmospheric pressure with 32 g/m³ for 4 hours at 18°C (65°F) or above.

Minimum concentration for above fumigations:
26 g minimum gas concentration at first ½ hour
22 g minimum gas concentration at 2 or 2½ hours
19 g minimum gas concentration at 4 hours.

(i) Soil: Soil within the drip line of plants which are producing or have produced the fruits, nuts, vegetables, and berries listed in § 301.78–2(a): Apply diazinon at the rate of 5 pounds actual ingredient per acre to the soil within the drip line of host plants. The diazinon is to be mixed with sufficient water to wet the soil to at least a depth of ½ inch. Both immersion and pour on treatment procedures are acceptable. Soil treated with diazinon shall be eligible for certification only during the first 7 days following treatment.

Done at Washington, DC, this 26th day of March, 1987.

D. Husnik,

Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 87–7092 Filed 3–31–87; 8:45 am]
BILLING CODE 3410–34–M

---

7 CFR Part 354

[Docket No. 86–350]

Commuted Traveltime Periods

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations in 7 CFR Part 354, which prescribe commuted traveltime allowances, by adding or removing commuted traveltime periods in Georgia, Iowa, Kentucky, Louisiana, Massachusetts, Missouri, Nebraska, New Hampshire, Oklahoma, Pennsylvania, and Puerto Rico. Commuted traveltime periods reflect the time necessarily spent in reporting to, and returning from, the place at which an employee of Plant Protection and Quarantine performs Sunday, holiday, or unscheduled overtime duty.

EFFECTIVE DATE: April 1, 1987.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Eggert, Director, National Administrative Planning Staff, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 614, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–7250.

SUPPLEMENTARY INFORMATION:

Background

We are amending the regulations in 7 CFR Part 354, entitled "Overtime Services Relating to Imports and Exports" (referred to below as the regulations), which set forth provisions for obtaining inspection, laboratory testing, certification, or quarantine services pertaining to the importation and exportation of plants, plant products, animals, animal products, or other commodities during Sundays, holidays, or other times outside the regular tour of duty of Plant Protection and Quarantine (PPQ) employees who perform these services.

The regulations provide that, under certain circumstances, the charges for services of a PPQ employee shall include charges for a commuted traveltime period. Section 354.2 of the regulations contains administrative instructions prescribing commuted traveltime periods, which reflect, as nearly as is practicable, the time required for a PPQ employee to travel to, and return from, the place where he or she performs the Sunday, holiday, or unscheduled overtime duty.

We are amending § 354.2 of the regulations by adding or removing commuted traveltime periods in Georgia, Iowa, Kentucky, Louisiana, Massachusetts, Missouri, Nebraska, New Hamsphire, Oklahoma, Pennsylvania, and Puerto Rico. (The amendments are set forth in the rule portion of this document.) This action is necessary to inform the public where PPQ employees are available to perform Sunday, holiday, or unscheduled overtime duty and to inform the public of the commuted traveltime periods for this travel.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will not have a significant effect on the economy; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic

regions; and will not cause adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

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

The number of articles and commodities requiring inspection and other services of a PPQ employee on a Sunday, holiday, or unscheduled overtime basis at the affected locations represents an insignificant portion of the total number that requires these services at locations in the United States.

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

Effective Date

The commuted traveltime periods appropriate for employees performing services at ports of entry, and the features of the reimbursement plan for recovering the cost of furnishing port of entry services, depend upon facts within the knowledge of the Department of Agriculture. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, pursuant to the administrative procedure provisions of 5 U.S.C. 553, we find for good cause that prior notice and other public procedure with respect to this rule are impracticable and unnecessary; we also find for good cause that this rule be made effective less than 30 days after publication of this document in the Federal Register.

Executive Order 12372

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

List of Subjects in 7 CFR Part 354

Agricultural commodities, Government employees, Imports, Plants (Agriculture), Quarantine, Transportation.

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Under the circumstances described above, 7 CFR Part 354 is amended as follows:

1. Authority citation for Part 354 continues to read as follows:

Authority: 7 U.S.C. 2260, 49 U.S.C. 1741; 7 CFR 2.17, 2.51, and 371.2(c).

2. Section 354.2 is amended by removing or adding in alphabetical order, the information as shown below:

§ 354.2 Administrative instructions prescribing commuted traveltime.

* * * * *

COMMUTED TRAVELTIME ALLOWANCES

[In hours]

Location covered	Served from—	Metropolitan area	
		Within	Outside
Remove:			
Arkansas:			
Little Rock AFB	Little Rock	1	
Iowa:			
Des Moines	Boone		3
Massachusetts:			
Westover AFB	Hadley		1
Missouri:			
Kansas City International Airport.	Boone, IA		6
Oklahoma:			
Port of Muskogee	Tulsa		1
Undesignated ports	Tulsa		3
Pennsylvania:			
Undesignated ports	Dallas, GAP, or Sybertsville.		3
Puerto Rico:			
Aguirre	Ponce		2
Guayama	Ponce		2
Add:			
Arkansas:			
Little Rock, AFB		2	
Georgia:			
Brunswick		2	
St. Mary's	Brunswick		3
Hawaii:			
Barking Sands NAS	Lihue		3
Kaanapali, Lahaina (Maui).	Honolulu		6
Kailua-Kona	Keahole	1	
Kapaa	Lihue		2
Keahole	Honolulu		5
Lihue Airport	Lihue	1	
Mahaiula	Keahole		2
Napili-Kapalua	Maui		3
Nawiliwili	Lihue	1	
Poipu	Lihue		3
Port Allen	Lihue		3
Princeville	Lihue		3
Wailea-Makena	Maui		2
Iowa:			
Des Moines		1	

COMMUTED TRAVELTIME ALLOWANCES—Continued

[In hours]

Location covered	Served from—	Metropolitan area	
		Within	Outside
Kentucky:			
Louisville	Erlanger		4
Greater Cincinnati Airport.	Louisville		4
Louisiana:			
Barksdale AFB	Shreveport		1½
Massachusetts:			
Westover AFB	Hadley		1½
Missouri:			
Johnson County Industrial.	Kansas City		2
Topeka	Kansas City		3
Topeka	Wichita		6
Witchita		1½	
Nebraska:			
Omaha (including Offutt AFB).	Lincoln		3
New Hampshire:			
Lebanon	Manchester		5
Undesignated ports	Manchester		3
Oklahoma:			
Oklahoma City	Tulsa		6
Port of Muskogee	Tulsa		2
Tulsa		1	
Undesignated ports			3
Pennsylvania:			
Allentown/Bethlehem	Dallas		5
Easton Airport	Gap		5
Harrisburg International Airport.	Dallas		6
Harrisburg International Airport.	Gap		4
Wilkes-Barre/Scranton International Airport.	Dallas		2
Undesignated ports	Dallas or Gap		3
Puerto Rico:			
Aguirre	Ponce		3
Guayama	Ponce		3

Done at Washington, DC, this 26th day of March, 1987.

D. Husnik,

Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 87-7093 Filed 3-31-87; 8:45 am]

BILLING CODE 3410-34-U

FEDERAL RESERVE SYSTEM

12 CFR Part 203

[Reg. C; Docket No. R-0598]

Home Mortgage Disclosure; Order Terminating New York Exemption

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Order.

SUMMARY: In 1976, the Board granted state-chartered depository institutions that were subject to the New York mortgage disclosure law an exemption from the federal Home Mortgage Disclosure Act. The exemption was based on a determination that the state law and regulations (Supervisory Procedure G107) provided for substantially similar disclosures and adequately provided for enforcement. In 1982, the Board continued the exemption, following changes to both the federal and the state law.

The Board has learned that Supervisory Procedure G107 expired and was not renewed by the New York State Banking Department; the Board has therefore issued an order formally terminating the New York exemption.

EFFECTIVE DATE: March 31, 1987.

FOR FURTHER INFORMATION CONTACT: Heather Hansche, Staff Attorney, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System Washington, DC 20551, (202–452–2412).

For the hearing-impaired *only*, Telecommunication Device for the Deaf, Earnestine Hill or Dorothea Thompson (202/452–3544), Board of Governors.

SUPPLEMENTARY INFORMATION: (1) *Introduction.* The Home Mortgage Disclosure Act (12 U.S.C. 2801 *et seq.*), as implemented by Regulation C (12 CFR Part 203), requires depository institutions that have more than $10 million in assets and that are located in metropolitan statistical areas or primary metropolitan statistical areas to compile and disclose information on the geographic distribution of their mortgage and home improvement loans.

Under the act and regulation, the Board may grant exemptions to state-chartered institutions that are subject to state mortgage disclosure laws that are substantially similar to the federal law and that contain adequate provision for enforcement.

In response to an application by the New York State Banking Department, on December 8, 1976, the Board granted an exemption from the disclosure requirements of the act and Regulation C to New York chartered financial institutions that were subject to similar New York law. The exemption was based on the requirements of Supervisory Procedure G107, which the Board determined to be substantially similar to the requirements imposed under the Home Mortgage Disclosure Act. The exemption was renewed in 1982 following changes in the federal act and regulation and corresponding changes in the state law.

An exemption is subject to revocation if the Board determines that state law does not impose requirements substantially similar to the Federal law or does not adequately ensure enforcement. Supervisory Procedure G107 is no longer in effect. Accordingly, revocation of the New York exemption is mandated by the act and regulation.

Notice of this action has not been published for comment. Under paragraph (e)(5) of Appendix B to Regulation C, the Board may omit procedures it finds unnecessary. Publication for comment is unnecessary in this case since Supervisory Procedure G107 has expired and there is no longer any basis for the exemption.

(2) *Order of termination.* The following order sets forth the termination of the New York exemption.

Order

The Board granted an exemption to New York-chartered depository institutions from the federal Home Mortgage Disclosure Act in 1976 based on the existence of substantially similar requirements imposed by state law. The exemption was supplemented by an order in 1977 and renewed in 1982 following changes in the federal act and regulation and corresponding changes in the state law.

Because the New York State Banking Department's Supervisory Procedure G107 has expired, there is no longer a state law basis for the New York exemption. The Board is therefore terminating the New York exemption. New York-chartered depository institutions previously exempted from the federal law shall comply with the federal act and regulation, beginning with the data required by the act and Regulation C for loans originated or purchased in calendar year 1986.

By order of the Board of Governors of the Federal Reserve System, March 26, 1987.

William W. Wiles,

Secretary of the Board.

[FR Doc. 87–7063 Filed 3–31–87; 8:45 am]

BILLING CODE 6210–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 381

[Docket Nos. RM82–25–000 et al.]

Fees Applicable to Producer Matters, Natural Gas Pipeline Matters, etc.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule; update of Commission filing fees.

SUMMARY: In accordance with § 381.104 of the Commission's regulations, the Commission issues this update of its filing fees. This notice provides the yearly update by using data under the Commission's Time Distribution Reporting System to calculate the new fees.

EFFECTIVE DATE: May 1, 1987.

FOR FURTHER INFORMATION CONTACT: Kenneth F. Plumb, Secretary, (202) 357–8400.

SUPPLEMENTARY INFORMATION:

In the matter of Fees Applicable to Producer Matters Under the Natural Gas Act, Docket No. RM82–25–000.

Fees Applicable to Natural Gas Pipeline Rate Matters, Docket No. RM83–2–000.

Fees Applicable to the Natural Gas Policy Act, Docket No. RM82–30–000.

Fees Applicable to General Activities, Docket No. RM82–35–000.

Fees Applicable to Natural Gas Pipelines, Docket No. RM82–31–000.

Fees Applicable to Electric Utilities, Cogenerators and Small Power Producers, Docket No. RM82–38–000; Notice of Update of Commission Filing Fees.

March 27, 1987.

Under § 381.104 of the Commission's regulations,[1] the Commission by its designee the Executive Director is updating its filing fees. This notice provides the yearly update by using data under the Commission's Time Distribution Reporting System (TDRS) to calculate the new fees.

The new fee schedule is as follows:

Fees Applicable to Producer Matters Under the Natural Gas Act (NGA), RM82–25–000

1. Review of Application for a Blanket Certificate for a Small Producer.....$500
2. Application for Large Producer Certificate of Public Convenience and Necessity.....$2,400
3. Change in Producer Rate Schedule.....$400

Fees Applicable to Natural Gas Pipeline Rate Matters, RM83–2–000

1. Tariff Filings for General Changes in Rates and for Changes other than Rates.....$4,700
2. Tariff Filings—Tracking.....$5,100

Fees Applicable to the Natural Gas Policy Act, RM82–30–000

1. Staff Adjustments.....$3,500
2. Jurisdictional Agency Determinations.....$35
3. Petitions for Rate Approval Pursuant to Section 284.123(b)(2).....$4,900
4. Initial or Extension Reports for Title III Transactions.....$600
5. Interpretations of the NGPA by the Office of the General Counsel.....$35

[1] 18 CFR 381.104 (1985).

Fees Applicable to General Activities, RM82-35-000

1. Petitions for Issuance of Declaratory Orders (except under Part I of the Federal Power Act)..... $4,000
2. Review of Department of Energy Denial of Adjustment.

Amount in Controversy	=	Fee
$0–9,999	=	$100
$10,000–29,999	=	600
$30,000–above	=	5,800

3. Review of Department of Energy Remedial Order.

Amount in Controversy	=	Fee
$0–9,999	=	$100
$10,000–29,999	=	600
$30,000–above	=	7,300

4. Requests for Written Interpretations by the Office of Chief Accountant..... $100

Fees Applicable to Natural Gas Pipelines, RM82-31-000

1. Pipeline Certificates (applications for authorization under NGA, Section 311(a); and application for declaration of Hinshaw exemption under NGA, Section 1(c)..... $15,000
2. Curtailment Filings..... $7,200
3. Request under Blanket Certificate..... $1,500

Fees Applicable to Electric Utilities, Cogenerators and Small Power Producers, RM82-38-000

1. Rate Schedule Filings with no Rate Impact or a Decrease..... $1,100
2. Rate Schedule Filings with Rate Impact, but not Supported by Period II..... $3,100
3. Rate Schedule Filings Involving Rate Increases, and Supported by Period II..... $8,900
4. Certification of Qualifying Status..... $1,300
5. Extension of Equipment Test Period Filings..... $1,900
6. Authorization to Issue Equity or LongTerm Debt Securities Competitively or to Issue Short-Term Debt Securities..... $1,200
7. Authorization for the Negotiated Placement Securities or Authorization to Assume an Obligation or Liability as a Guarantor..... $2,900
8. Review of Corporate Application Involving One or More Jurisdictional Utilities Under Section 203 of the FPA..... $10,300
9. Authorization to Hold Interlocking Positions..... $2,700

In consideration of the foregoing, the Commission amends Chapter I, Title 18 of the Code of Federal Regulations, as set forth below.

List of Subjects in 18 CFR Part 381

General fees.

Vincent E. Mason,

Acting Executive Director.

1. The authority citation for Part 381 is revised to read as follows:

Authority: Department of Energy Organization Act, 42 U.S.C. 7101–7352 (1982); Executive Order 12009, 3 C.F.R. 142 (1978); Independent Offices Appropriations Act, 31 U.S.C. 9701 (1982); Natural Gas Act, 15 U.S.C. 717–717w (1982); Federal Power Act, 16 U.S.C. 791–828c (1982); Public Utility Regulatory Policies Act, 16 U.S.C. 2601–2645 (1982); Interstate Commerce Act, 49 U.S.C. 1–27 (1976).

PART 381—[AMENDED]

2. Part 381 is amended as follows:

§ 381.201 [Amended]

(a) Section 381.201 is amended by removing the number "$600" and inserting, in its place, the number "$500".

§381.202 [Amended]

(b) Section 381.202 is amended by removing the number "$2,800" and inserting, in its place, the number "$2,400".

§ 381.204 [Amended]

(c) Section 381.204 is amended by removing the number "$3,400" and inserting, in its place, the number "$4,700".

§ 381.205 [Amended]

(d) Section 381.205 is amended by removing the number "$4,000" and inserting, in its place, the number "$5,100".

§ 381.207 [Amended]

(e) Section 381.207(b) is amended by removing the number "$12,100" and inserting, in its place, the number "$15,000".

§ 381.208 [Amended]

(f) Section 381.208 is amended by removing the number "$1,400" and inserting, in its place, the number "$1,500".

§ 381.209 [Amended]

(g) Section 381.209(b) is amended by removing the number "$5,200" and inserting, in its place, the number "$7,200".

§ 381.302 [Amended]

(h) Section 381.302(a) is amended by removing the number "$1,700" and inserting, in its place, the number "$4,000".

§ 381.303 [Amended]

(i) Section 381.303(a) is amended by removing the number "$4,600" and inserting, in its place, the number "$7,300".

§ 381.304 [Amended]

(j) Section 381.304(a) is amended by removing the number "$4,900" and inserting, in its place, the number "$5,800".

§ 381.401 [Amended]

(k) Section 381.401 is amended by removing the number "$3,200" and inserting, in its place, the number "$3,500".

§ 381.402 [Amended]

(l) Section 381.402 is amended by removing the number "$25" and inserting, in its place, the number "$35".

§ 381.403 [Amended]

(m) Section 381.403 is amended by removing the number "$2,600" and inserting, in its place, the number "$4,900".

§ 381.405 [Amended]

(n) Section 381.405 is amended by removing the number "$400" and inserting, in its place, the number "$35".

§ 381.505 [Amended]

(o) Section 381.505 is amended by removing the number "$1,400" and inserting, in its place, the number "$1,300".

§ 381.506 [Amended]

(p) Section 381.506 is amended by removing the number "$2,400" and inserting, in its place, the number "$1,900".

§ 381.507 [Amended]

(q) Section 381.507 is amended by removing the number "$3,400" and inserting, in its place, the number "$2,900".

§ 381.508 [Amended]

(r) Section 381.508 is amended by removing the number "$1,300" and inserting, in its place, the number "$1,200".

§ 381.509 [Amended]

(s) Section 381.509 is amended by removing the number "$4,400" and inserting, in its place, the number "$10,300".

§ 381.510 [Amended]

(t) Section 381.510 is amended by removing the number "$1,700" and inserting, in its place, the number "$2,700".

[FR Doc. 87–7064 Filed 3–31–87; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1, 5f and 602

[T.D. 8129]

Information Reporting for Tax-Exempt Bond Issues; Income Tax Regulations Under TEFRA 1982; OMB Control Numbers; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Corrections to temporary regulations and final regulations.

SUMMARY: This document contains corrections to temporary regulations and final regulations that were published in the **Federal Register** on Wednesday, March 11, 1987 (52 FR 7408) as Treasury Decision 8129. The rules affect issuers and purchasers of tax-exempt bonds.

FOR FURTHER INFORMATION CONTACT: Robert Beatson, 202–566–3459 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The regulations that are the subject of these corrections reflect rules implementing the provisions of section 1301(a) of the Tax Reform Act of 1986, which added section 149(e) to the Internal Revenue Code of 1986.

Need For Corrections

As published, Treasury Decision 8129 contains several typographical errors that, if not corrected, might cause confusion to taxpayers and practitioners.

Corrections of Publication

Accordingly, the publication of Treasury Decision 8129, which was the subject of FR Doc. 87–4980, is corrected as follows:

Paragraph 1. References to "sections 103(1)" and "section 103(1)" are corrected to read "sections 103(l)" and "section 103(l)", respectively, in the following locations:

1. On page 7409, first column, in the first sentence of the second and third paragraphs under the "Explanation of Provisions" heading.

§ 1.149 [Corrected]

2. In § 1.149(e)–1T, paragraph (e)(3)(iii), page 7411, second column.

Par. 2. On page 7409, first column, in the third paragraph under the "Explanation of Provisions" heading, the last sentence of that paragraph, the reference "Section 1.103A–2(1)" is corrected to read "Section 1.103A–2(l)".

Par. 3. In § 1.149(e)–1T, paragraph (e)(3)(ii), page 7411, second column, the reference to "paragraph (d)(2) (ii) and (iii)" is corrected to read "paragraph (e)(2) (ii) and (iii)".

Par. 4. On page 7411, second column, the instructional paragraphs that are numbered 3, 4, 4 (sic) and 5 are redesignated 4, 5, 6 and 7, respectively.

§ 601.101 [Corrected]

Par. 5. On page 7411, second column, immediately preceding redesignated instructional paragraph 7, the heading that reads "§ 601.101 [Amended]" is corrected to read "§ 602.101 [Amended]".

Par. 6. On page 7411, second column, in redesignated instructional paragraph 7, the language "Section 601.101(c)" is corrected to read "Section 602.101(c)".

Donald E. Osteen,

Director, Legislation and Regulations Division.

[FR Doc. 87–7132 Filed 3–31–87; 8:45 am]

BILLING CODE 4830–01–M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2644

Notice and Collection of Withdrawal Liability; Adoption of New Interest Rate

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This is an amendment to the Pension Benefit Guaranty Corporation's regulation on Notice and Collection of Withdrawal Liability. That regulation incorporates certain interest rates published by another Federal agency. The effect of this amendment is to add to the appendix of that regulation a new interest rate to be effective from April 1, 1987, to June 30, 1987.

EFFECTIVE DATE: April 1, 1987.

FOR FURTHER INFORMATION CONTACT: John Foster, Attorney, Regulations Division, Corporate Policy and Regulations Department (35100), Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, DC 20006; telephone 202–778–8850 (202–778–8859 or TTY and TDD). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Under section 4219(c) of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), the Pension Benefit Guaranty Corporation ("the PBGC") promulgated a final regulation on Notice and Collection of Withdrawal Liability. That regulation, codified at 29 CFR Part 2644, deals with the rate of interest to be charged by multiemployer pension plans on withdrawal liability payments that are overdue or in default, or to be credited by plans on overpayments of withdrawal liability. The regulation allows plans to set rates, subject to certain restrictions. Where a plan does not set the interest rate, § 2644.3(b) of the regulation provides that the rate to be charged or credited for any calendar quarter is the average quoted prime rate on short-term commercial loans for the fifteenth day (or the next business day if the fifteenth day is not a business day) of the month preceding the beginning of the quarter, as reported by the Board of Governors of the Federal Reserve System in Statistical Release H.15 ("Selected Interest Rates").

Because the regulation incorporates interest rates published in Statistical Release H.15, that release is the authoritative source for the rates that are to be applied under the regulation. As a convenience to persons using the regulation, however, the PBGC collects the applicable rates and republishes them in an appendix to Part 2644. This amendment adds to this appendix the interest rate of 7½ percent, which will be effective from April 1, 1987, through June 30, 1987. This rate is the same rate as was in effect for the first quarter of 1987. See 52 FR 256 (January 5, 1987). This rate is based on the prime rate in effect on March 16, 1987.

The appendix to 29 CFR Part 2664 does not prescribe interest rates under the regulation; the rates prescribed in the regulation are those published in Statistical Release H.15. The appendix merely collects and republishes the rates in a convenient place. Thus, the interest rates in the appendix are informational only. Accordingly, the PBGC finds that notice of the public comment on this amendment would be unnecessary and contrary to the public interest. For the above reasons, the PBGC also believes that good cause exists for making this amendment effective immediately.

The PBGC has determined that this amendment is not a "major rule" within the meaning of Executive Order 12291, because it will not have an annual effect on the economy of $100 million or more; nor create a major increase in costs or prices for consumers, individual industries, or geographic regions, nor have significant adverse effects on competition, employment, investment, innovation or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects in 29 CFR Part 2644

Employee benefit plans, Pensions.

In consideration of the foregoing, Part 2644 of Subchapter F of Chapter XXVI of Title 29, Code of Federal Regulations, is amended as follows:

PART 2644—NOTICE AND COLLECTION OF WITHDRAWAL LIABILITY

1. The authority citation for Part 2644 continues to read as follows:

Authority: Secs. 4002(b)(3) and 4219(c), Pub. L. 93–496, as amended by secs. 403(1) and 104 (respectively), Pub. L. 96–364, 94 Stat. 1208, 1302 and 1236–1238 (29 U.S.C. 1302(b)(3) and 1399(c)(6)).

Appendix A—[Amended]

2. Appendix A is amended by adding to the end of the table of interest rates therein the following new entry:

From	To	Date of quotation	Rate (percent)
*	*	*	*
04/01/87	06/30/87	03/16/87	7.50

Issued at Washington, DC, on this 26th day of March 1987.

Kathleen P. Utgoff,

Executive Director.

[FR Doc. 87–7167 Filed 3–31–87; 8:45 am]

BILLING CODE 7708–01–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 914

Approval of Permanent Program Amendment From the State of Indiana Under the Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSMRE), Interior.

ACTION: Final rule.

SUMMARY: OSMRE is announcing the approval of amendments to the Indiana Permanent Regulatory Program (hereinafter referred to as the Indiana program) received by OSMRE pursuant to the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

On June 11, 1986, Indiana submitted amendments to its program consisting of Senate Enrolled Act No. 41 which amends the Indiana Surface Mining Law and House Enrolled Act No. 1339, the new State Administrative Adjudication Act which will replace the current law at IC 4–22–1.

After providing opportunity for public comment and conducting a thorough review of the program amendments, the Director, OSMRE, has determined that the amendments meet the requirements of SMCRA and the Federal regulations with the exception of two provisions, discussed in the Findings below. Accordingly, the Director is approving the amendments but deferring action on the two deficient provisions. The Federal rules at 30 CFR Part 914 which codify decisions concerning the Indiana program are being amended to implement this action.

This final rule is being made effective immediately in order to expedite the State program amendment process and encourage States to conform their programs to the Federal standards without undue delay; consistency of the State and Federal standards is required by SMCRA.

EFFECTIVE DATE: April 1, 1987.

FOR FURTHER INFORMATION CONTACT: Mr. Richard D. Rieke, Director, Indianapolis Field Office, Office of Surface Mining Reclamation and Enforcement, Room 300, Minton-Capehart Federal Building, 575 Pennsylvania Street, Indianapolis, Indiana 46204. Telephone: (317) 269–2600.

SUPPLEMENTARY INFORMATION:

I. Background

Information regarding the general background on the Indiana State program, including the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Indiana program can be found in the July 26, 1982 **Federal Register** (47 FR 32071–32108). Subsequent actions concerning the Indiana program are identified in 30 CFR 914.15 and 30 CFR 914.16.

II. Discussion of Proposed Amendment

On June 11, 1986, the Indiana Department of Natural Resources submitted to OSMRE pursuant to 30 CFR 732.17, proposed State program amendments for approval. The amendments are contained in Senate Enrolled Act No. 41, which makes a number of changes to the Indiana Surface Mining Law at IC 13–4.1; and in House Enrolled Act No. 1339, which establishes the new State Administrative Adjudication Act at IC 4–21.5.

On July 3, 1986, OSMRE published a notice in the **Federal Register** announcing receipt of the proposed program amendments and procedures for the public comment period and for requesting a public hearing on the substantive adequacy of the proposed amendments (51 FR 24388). The public comment period ended August 4, 1986. The public hearing scheduled for July 28, 1986, was not held because no one requested the opportunity to testify.

On October 6, 1986, OSMRE sent a letter to Indiana identifying some concerns with certain provisions of the amendments. Indiana responded on November 7, 1986, by submitting additional information and explanation concerning the proposed amendments. On December 15, 1986, OSMRE reopened the comment period for 15 days ending December 30, 1986, to provide for public comments on the additional information (51 FR 44926). In response to a request for additional response time from a commenter, OSMRE again reopened the comment period for an additional 15 days ending January 28, 1987 (January 13, 1987, 52 FR 1339.

III. Director' Findings

The Director finds, in accordance with SMCRA and 30 CFR 732.15 and 732.17, that the program amendments submitted by Indiana on June 11, 1986, and modified on November 7, 1986, meet the requirements of SMCRA and 30 CFR Chapter VII with the exception of two provisions on which action is being deferred. Only those areas of particular interest are discussed below in the specific findings. Discussion of only those provisions for which findings are made does not imply any deficiency in any provision not discussed.

Senate Enrolled Act No. 41

Senate Enrolled Act No. 41 amends various sections of the Indiana Code (IC).

1. IC 13–4–6–9 is amended to delete the language concerning operator appeals and to add language to apply IC 4–22–1, the Indiana Administrative Adjudication Act, to the Chapter. The Director finds that the deleted language is adequately covered in IC 4–22–1 which has previously been approved by the Director as part of the Indiana program. Therefore, the Director finds the amendment no less effective than the Federal rules for hearings and appeals at 43 CFR Part 4.

2. The definition of "surface coal mining operations" at IC 13–4.1–1–3(12) is amended to clarify that these operations include the extraction of coal

from coal refuse piles. A minor editorial change is also made. Although the Federal definition of "surface coal mining operations" in section 701(28) of SMCRA does not specifically list extraction from coal refuse piles, such operations are not excluded by the Federal definition. The Director, therefore, finds the amendment consistent with and no less stringent than the Federal definition.

3. IC 13–4.1–1–5 is amended to delete language which stated that article 13–4.1 was not applicable unless approved by the Office of Surface Mining or if SMCRA was held unconstitutional or invalid. It is also amended to delete language concerning applicability of the 1981 amendments to article 13.4–1 in regard to changes to corresponding Federal requirements. The Director finds that deletion of these provisions does not lessen the effectiveness or stringency of the program nor does it change the applicability of program provisions.

4. IC 13–4.1–3–3 is amended to require, in paragraph (a)(15)(E) that permit applications include a chemical analysis down to and including the deeper of either the stratum immediately below the lowest coal seam to be mined or any aquifer below the lowest coal seam to be mined that may be adversely impacted by mining. The Director finds the amended language no less stringent than section 507(b)(15) of SMCRA and no less effective than the Federal permitting requirements in 30 CFR 780.22(b) and 784.22(b) which require such chemical analysis.

The section is further amended in paragraph (a)(20) to require the permit application to contain a listing of all notices of violation, and their final resolution, of Federal and State statutes and regulations incurred by the applicant or any subsidiary, affiliate, or person controlled by or under common control with the applicant for the three year period prior to the date of application. The Director finds the amended language consistent with and no less effective than the Federal requirements for listing of violation notices at 30 CFR 778.14(c).

IC 13–4.1–3–3 is further amended in paragraph (b) to add "the nature and location of archeological resources on public land and Indian land as required under the Archeological Resources Protection Act of 1979 (16 U.S.C. 470)" to the types of permit information to be kept confidential. The Director finds the amended provision to be consistent with and no less effective than the Federal rules at 30 CFR 773.13(d)(3) which include "information on the nature and location of archeological resources . . ." in the listing of confidential information.

5. A new section, IC 13–4.1–3–6, is added to the Indiana Code to provide that the regulatory authority shall, to avoid duplication, provide for the coordination of review and issuance of permits for surface coal mining and reclamation operations with applicable requirements of the Endangered Species Act of 1973, the Fish and Wildlife Coordination Act, the Migratory Bird Treaty Act of 1918, the National Historic Preservation Act, and the Bald Eagle Protection Act. The Director finds the amendment no less effective than 30 CFR 773.12 which similarly provides for coordination of review.

6. IC 13–4.1–4–1 is amended in paragraph (b) to require the director, IDNR, upon receipt of a permit application to give notice to Federal and State agencies with authority to issue permits and licenses applicable to the proposed operation in accordance with IC 13–4.1–3–6 and agencies with an interest in the proposed operations including the U.S. Department of Agriculture Soil Conservation Service, the local U.S. Army Corps of Engineers district engineer, the National Park Service, State and Federal fish and wildlife agencies, and the historic preservation officer. The Director finds the amendment to be consistent with and no less effective than the Federal requirements at 30 CFR 773.13(a)(3)(ii).

7. Indiana has amended IC 13–4.1–4–3(a) (6), (7), (8) and (9) to modify the requirements for permit findings. Paragraph (a)(6) is modified to require that the operator demonstrate and the regulatory authority find that any operation owned or controlled "by either the applicant or a person who owns or controls the applicant" is not currently in violation of applicable State and Federal laws. The Director finds this amended provision no less effective than the Federal provision at 30 CFR 773.15(b) which contains similar requirements.

Paragraph (a)(7) requires a finding in the permit review that the applicant has satisfied requirements for approval of a long term, intensive agricultural postmining land use, if applicable. The Director finds this added provision no less effective than the Federal rule requiring this finding at 30 CFR 773.15(c)(9).

Paragraph (a)(8) of IC 13–4.1–4–3 requires a finding that the applicant has paid all reclamation fees from previous and existing operations as required by 30 CFR Part 870 (Abandoned Mine Land fees). The Director finds this provision no less effective than the Federal rule at 30 CFR 773.15(c)(7) which contains this requirement.

Paragraph (a)(9) of IC 13–4.1–4–3 requires a finding that the operation would not affect the continued existence of endangered or threatened species or result in destruction or adverse modification of their critical habitats, as determined under the Endangered Species Act of 1973. This is the same as the Federal requirement at 30 CFR 773.15(c)(10); therefore, the Director finds it no less effective than the Federal rule.

8. Paragraph IC 13–4.1–4–3(c) is amended to add violations to SMCRA and any State statute enacted in response to SMCRA, to the list of violations for which a pattern of violations may be found to prohibit permit issuance. The Director finds the amended provision consistent with pattern-of-violations provisions in section 521(a)(4) of SMCRA and no less effective than the permit application violation information requirements at 30 CFR 778.14(c).

9. IC 13–4.1–4–7 is added to provide that permits are subject to conditions imposed by the regulatory authority including at a minimum the requirement for the operator to pay OSMRE all fees owed under 30 CFR 870 (Abandoned Mine Land fees). The Director finds the amended provision consistent with and no less effective than the Federal rule at 30 CFR 773.17(g) which establishes a similar permit condition.

10. IC 13–4.1–7–1 is amended to require that coal exploration operations comply with the revegetation requirements of IC 13–4.1–8–1 concerning all lands disturbed. The Federal rules at 30 CFR 815.15(e) establish standards for revegetation for all areas distrubed by coal exploration activities. The Director finds the Indiana amendment consistent with and no less effective than the Federal rule.

11. IC 13–4.1–7–5 is amended to require that persons engaged in coal exploration are subject to IC 13–4.1–11 and IC 13–4.1–12 as if they were permittees. The referenced sections contain statutory provisions for inspections, monitoring and enforcement of coal mining operations and for fines and penalties. The Director finds the amended provisions no less stringent that those in section 512 of SMCRA and no less effective than the Federal rules at 30 CFR Part 815 for coal exploration.

12. IC 13–4.1–7–6 is added to the statutory requirements for coal exploration to provide that habitats of unique or unusually high value for fish and wildlife and other related environmental values and critical

habitats of threatened or endangered species shall not be disturbed during coal exploration. The Director finds the added provision to be similar to and no less effective than the Federal provision in 30 CFR 815.15(a).

13. IC 13–4.1–8–1 is amended in paragraph (25) to provide that nothing in the article "shall be construed as affecting in any way the right of any person to enforce or protect, under applicable law, the person's interest in water resources affected by a surface coal mining operation." This amended provision reflects language in section 717(a) of SMCRA and the Director finds if no less stringent than the Federal provision.

14. IC 13–4.1–11–5 is amended in paragraph (c)(3) to provide that the effectiveness of a cessation order may be more or less than the prescribed 30 days if an informal public hearing is held. The Director finds this amendment consistent with section 521(a)(5) of SMCRA and no less effective than the rule at 30 CFR 843.15(b) which provides that the cessation order shall not expire at 30 days if the informal public hearing is held later than 30 days after service of the order.

15. IC 13–4.1–11–6 is amended to delete language which states that a person may request the director to grant temporary relief under IC 13–4.1–11–8(c) pending completion of a hearing. In a letter to Indiana dated October 6, 1986, OSMRE expressed concern that this deletion would be inconsistent with section 525(c) of SMCRA which provides the opportunity to request such temporary relief. In its response of November 7, 1986, Indiana stated that the deleted language applies only to temporary relief from show cause orders and that the deletion therefore would not be inconsistent with Federal requirements. The Director agrees that the deletion is not inconsistent with Federal requirements since the opportunity for temporary relief continues to be provided in IC 13–4.1–11–8(e), for notice of violation and cessation orders.

16. IC 13–4.1–11–8 contains editorial changes in paragraph (a) which clarify the rule concerning the request for review of notices of violation and cessation orders within 30 days from the date issued. The amendment does not change the effect of the provision, which the Director continues to find no less effective than 30 CFR 843.16(a) and no less stringent than section 525(a)(1) of SMCRA.

17. IC 13–4.1–11–8 is amended in paragraph (d) to provide that the director of the IDNR is required to issue a decision on a review of a cessation order within 30 days of receipt of the application for review, only if the cessation order has directly or indirectly ordered the ceasing of mining activities. The Director finds that the amendment is consistent with and no less stringent than section 525(b) of SMCRA.

18. Section 12 is added to IC 13–4.1–11 to provide intervention rights to persons who have a right to request a hearing under IC 4–22–1 or who have an interest that may be adversely affected by the outcome of a hearing under IC 4–22–1. This amendment is submitted in response to a requirement at 30 CFR 914.16(c)(1) which required an amendment to Indiana's regulatory provision at 310 IAC 0.5–1.14(a) to allow intervention by a person who has an interest which is or may be adversely affected by the outcome of the proceeding. The Director finds that the statutory changes are consistent with the amendment required by 30 CFR 914.16(c)(1), and provide statutory authority for Indiana to promulgate the required rule change.

19. Changes are made to IC 13–2–2.5–2, IC 13–2–2.5–3 and IC 4–21–7–1, and IC 14–4–2 is repealed. These changes do not pertain directly to the approved Indiana surface coal mining regulatory program and, therefore, do not require the Director's approval.

House Enrolled Act No. 1339

House Enrolled Act No. 1339 establishes Indiana's new Administrative Adjudication Act, IC 4–21.5, and will replace the current law, IC–22–1. The statute will take effect July 1, 1987.

20. Chapter 1 of Article 21.5 would establish definitions to apply throughout the article. The following terms are defined: administrative law judge, agency, agency action, court, final agency action, law, license, order, party, person, political subdivision, proceeding, rule and ultimate authority. The Director finds that these definitions do not conflict with the Federal rules for hearings and appeals procedures at 43 CFR Part 4.

21. Chapter 2 of Article 21.5 provides application provisions and creates minimum procedural rights and imposes minimum procedural duties. It provides for waiver of rights conferred by the article upon a person, by that person. It applies the article to an agency except where specifically provided otherwise.

The Chapter exempts the following agencies from the article: the governor, the State board of accounts, the State educational institutions, the employment security division and its review board, the industrial board, military officers or boards, the public service commission of Indiana, the department of State revenue and the State board of tax commissioners. It excludes certain agency actions and determinations from the article.

The Director finds that the applicability of the article is consistent with and no less effective than the applicability of 43 CFR Part 4 insofar as it applies to hearings and appeals under SMCRA.

22. Chapter 3 of IC 4–21.5 establishes adjudicative proceedings. Section 1 establishes requirements for the giving of any notice and the service of motions, rulings, orders or other filed items in an administrative proceeding under the article. Section 2 sets forth the manner in which time periods will be computed. Section 3 of the chapter requires agencies to give notice concerning an order under sections 4, 5, 6 or 8 of the chapter. It describes when an order becomes effective. Sections 4, 5 and 6 of Chapter 3 cover when notice shall be given and include such requirements as: what the notice shall include, when it becomes effective, procedures for petition for review of an order or stay of effectiveness of an order, and preliminary hearing to determine whether an order should be stayed. Section 7 of Chapter 3 establishes actions necessary to petition for review under sections 4, 5 or 6 of the chapter. Section 8 provides that an agency may issue a sanction or terminate a legal right or interest only after conducting the prescribed proceedings. The provision does not preclude an agency from issuing emergency or temporary orders.

Section 9 discusses who may act as an administrative law judge. It sets restrictions on who may serve as an administrative law judge and how he or she may qualify or be disqualified. Section 10 of Chapter 3 establishes factors that would disqualify a person to serve as administrative law judge. Section 11 establishes restrictions on ex parte communication by an administrative law judge. Section 12 lists actions of an administrative law judge that may result in disqualification. Section 13 further defines who may or may not serve as administrative law judge. Section 14 requires an administrative law judge to keep a record of proceedings, and discusses burden of proof for an affirmative defense.

Section 15 discusses who may participate in a proceeding. Section 16 covers interpreters for persons who cannot speak English. Section 17 of Chapter 3 concerns opportunity to file pleadings, motions and objections and

to submit offers of settlement. Sections 18 and 19 of Chapter 3 cover prehearing conferences.

Section 20 sets forth requirements for setting a time and place for a hearing and for giving notice of a hearing. Section 21 establishes procedures for granting intervention. Section 22 covers issuance of subpoenas, discovery orders and protective orders by the administrative law judge. Section 23 establishes provisions for motions for summary judgment and opposing affidavits. Section 24 covers default or dismissal orders. Sections 25 and 26 govern the conduct of any hearing held by an administrative law judge. Section 27 sets forth requirements for final orders. Section 28 sets requirements for conduct of proceedings under section 29, 30 and 31. Section 29 specifies actions for the ultimate authority, following an administrative law judge order. Section 30 covers review of final order of an agency, by another agency. Section 31 concerns agency jurisdiction to modify a final order. Section 32 covers public availability of records; section 33, agency requirements to maintain records. Section 34 encourages agencies to adopt procedures. Section 35 allows an agency to grant procedural rights to other persons than those conferred by the article. Sections 36 and 37 concerns Class A misdemeanors in connection with the article.

With the exception of certain provisions to be discussed below, the Director finds the chapter to be consistent with no less effective than counterpart or similar provisions of 43 CFR Part 4 as regards hearings and appeals under SMCRA.

In a letter to Indiana dated October 6, 1986, OSMRE raised some concerns with certain provisions of Chapter 3, as discussed in Findings 23–25 below.

23. Paragraph (d) of Chapter 3, section 6 provides that an order described in subsection (a) of the section becomes effective 15 days after the order is served, unless a petition for review of the order has been filed, in which case it becomes effective after all petitions filed for review have been denied. The orders described in subsection (a) would include notices of violations and cessation orders written on coal mine operations under the Indiana program. In its letter to Indiana, OSMRE noted that section 521(a)(3) of SMCRA and 30 CFR Subchapter L do not provide for such time lapse between the discovery of a violation and the issuance of a notice of violation. Indiana responded that it agreed with OSMRE's assessment and had already prepared preliminary draft legislation to correct the problem.

In order to allow Indiana to process this corrective legislation and submit it for OSMRE approval, the Director is deferring action on the provision at IC 4–21.5–3–6(d). When Indiana submits an amendment to modify the requirements, the comment period will be reopened on this provision.

24. In the same letter OSMRE expressed concern that Section 21 of Chapter 3 of House Enrolled Act No. 1339 established intervention rights that may be more exclusionary than those in 43 CFR 4.1110. In its November 7, 1986 response to OSMRE's concerns, Indiana said that "Chapter 3, section 21 of House Enrolled Act No. 1339 does not subtract from, or alter in any other way, the intervention provision already enacted by the General Assembly, IC 13–4.1–11–12."

The Director finds that Indiana's response adequately addresses OSMRE's concern. The amendment at IC 13–4.1–11–12 is discussed in Finding 18 above.

25. In its October 6, 1986 letter, OSMRE indicated concern with House Enrolled Act No. 1339, IC 4–21.5, section 25(d). This section allows the administrative law judge to impose conditions upon the parties to avoid unreasonably burdensome or repetitious presentations. Paragraph (d)(2) of the section allows the limitation of "the party's use of discovery, cross-examination, and other procedures so as to promote the orderly, prompt, and just conduct of the proceeding." Under 43 CFR 4.1121, although the administrative law judge has great latitude during pre-trial procedures, such latitude would not extend to the trial itself and a Federal administrative law judge could not limit cross-examination. Since cross-examination is itself limited to matters raised during direct examination, attempts to further limit the right to cross-examination may infringe on a party's right to due process, resulting in reversible error.

Further, paragraph (d)(3) authorizes a State administrative law judge to order two or more parties to combine their presentations of evidence and argument, cross-examination, discovery and other participation in a proceeding. By doing so, the judge could adversely affect the due process rights of the litigants, thereby also creating reversible error. Under the Federal procedures, although a judge may limit the presentation time of the parties involved, he does not have the authority to force litigants to combine their arguments and presentations (See 43 CFR 4.1121).

In its November 7 response, Indiana agreed to "seek an amendment to remedy the problem," and submitted a copy of draft proposed language to address it. Therefore, the Director is deferring action on provisions in IC 4–21.5–3–25(d) to allow Indiana to submit further amendments to the provision. When the amendments are submitted, the comment period will be reopened for consideration of the amended provisions.

26. Chapter 4 of IC 4–21.5 establishes requirements for special proceedings and emergency and other temporary orders. Chapter 5, Judicial Review, "establishes the exclusive means for judicial review of an agency action." Chapter 6 establishes means to pursue civil enforcement of orders issued under the article. The Director finds these provisions consistent with 43 CFR Part 4.

27. Section 2 of House Enrolled Act No. 1339 repeals IC 4–22–1, the existing administrative adjudication act. The Director finds that article IC 4–21.5 added by section 1 of House Enrolled Act No. 1339 provides a replacement for IC 4–22–1 that is consistent with Federal provisions 43 CFR Part 4.

28. Section 3 of House Enrolled Act No. 1339 provides that the act "governs all proceedings, and all proceedings for judicial review or civil enforcement of agency action, commenced after June 30, 1987." The Director finds no conflict with this effective date.

29. Section 4 of the act provides that, after June 30, 1987, references to IC 4–22–1 shall be construed as references to IC 4–21.5. Section 5 provides for the introduction of legislation to correct certain references and to revise any statute that is inconsistent with the act. Section 6 establishes a committee to study the effects of pooling administrative law judges in a single agency. Section 7 establishes the effective date of sections 1 through 4 of the act as July 1, 1987, and for sections 5 and 6 as May 1, 1986. the Director finds no conflict with Federal requirements.

IV. Public Comments

There were no comments received on the proposed amendments.

V. Director's Decision

The Director, based on the above findings, is approving the Indiana statutory amendments as submitted on June 11, 1986, and modified on November 7, 1986, under the provisions of 20 CFR 732.17. The Federal rules at 30 CFR Part 914 are being amended to implement this decision. As noted in Findings 23 and 25 above, the Director is deferring action on two provisions: IC 4–21.5–3–6(d) and IC 4–21.5–3–25(d).

VI. Procedural Matters

1. Compliance with the National Environmental Policy Act

The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. Executive Order No. 12291 and the Regulatory Flexibility Act

On August 28, 1981, the Office of Management and Budget (OMB) granted OSMRE an exemption from sections 3, 4, 7 and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB. the Department of the Interior has determined that this rule 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.*). This rule will not impose any new requirements; rather, it will ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 914

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: March 27, 1987.

James W. Workman,

Deputy Director, Operations and Technical Services.

PART 914—INDIANA

30 CFR Part 914 is amended as follows:

1. The authority citation for Part 914 continues to read as follows:

Authority: Pub. L. 95–87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).

2. 30 CFR 914.15 is amended by adding a new paragraph (p) as follows:

§ 914.15 Approval of regulatory program admendments.

* * * * *

(p) the following amendments are approved effective April 1, 1987: revisions to the Indiana Code as contained in Senate Enrolled Act No. 41 and House Enrolled Act No. 1339 submitted June 11, 1986, as modified on November 7, 1986, with the exception of the provisions at IC 4–21.5–3–6(d) and IC 4–21.5–3–25(d) on which action is deferred. Senate Enrolled Act No. 41 amends provisions at IC 13–4–6–9, IC 13–4.1–1–3, IC 13–4.1–1–5, IC 13–4.1–3–3, IC 13–4.1–3–4, IC 13–4.1–3–6, IC 13–4.1–4–1, IC 13–4.1–4–3, IC 13–4.1–4–7, IC 13–4.1–7–1, IC 13–4.1–7–5, IC 13–4.1–7–6, IC 13–4.1–8–1, IC 13–4.1–11–5, IC 13–4.1–11–6, IC 13–4.1–11–8, IC 13–4.1–11–12 and IC 13–4.1–14–1. House Enrolled Act No. 1339, effective July 1, 1987, replaces IC 4–22–1 with the new State Administrative Adjudication Act at IC 4–21.5.

[FR Doc. 87–7143 Filed 3–31–87; 8:45 am]
BILLING CODE 4310–05–M

---

30 CFR Part 914

Approval of Permanent Program Amendment From the State of Indiana Under the Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSMRE), Interior.

ACTION: Final rule.

SUMMARY: OSMRE is announcing the approval of an amendment to the Indiana Permanent Regulatory Program (hereinafter referred to as the Indiana program) received by OSMRE pursuant to the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

On December 29, 1986, Indiana submitted an amendment to its program to amend the Indiana regulations covering applications and renewals for certification for blasters, and accompanying fees.

After providing opportunity for public comment and conducting a thorough review of the program amendments, the Director, OSMRE, has determined that the amendment meets the requirements of SMCRA and the Federal regulations. Accordingly, the Director is approving the amendment. The Federal rules at 30 CFR Part 914 which codify decisions concerning the Indiana program are being amended to implement this action.

This final rule is being made effective immediately in order to expedite the State program amendment process and encourage States to conform their programs to the Federal standards without undue delay; consistency of the State and Federal standards is required by SMCRA.

EFFECTIVE DATE: April 1, 1987.

FOR FURTHER INFORMATION CONTACT: Mr. Richard D. Rieke, Director, Indianapolis Field Office, Office of Surface Mining Reclamation and Enforcement, Room 300, Minton-Capehart Federal Building, 575 N. Pennsylvania Street, Indianapolis, Indiana 46204. Telephone: (317) 269–2600.

SUPPLEMENTARY INFORMATION:

I. Background

Information regarding the general background on the Indiana State program, including the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Indiana program can be found in the July 26, 1982 **Federal Register** (47 FR 32071–32108). Subsequent actions concerning the Indiana program are identified in 30 CFR 914.15 and 30 CFR 914.16.

II. Discussion of Proposed Amendment

On December 29, 1986, the Indiana Department of Natural Resources (IDNR) submitted to OSMRE pursuant to 30 CFR 732.17, a proposed State program amendment for approval. The amendment modifies the Indiana regulations at 310 IAC 12–8–4 to require that an application for certification as a certified blaster be accompanied by a non-refundable fee of $80, and at 310 IAC 12–8–8 to require that blaster certification renewals be accompanied by a $25 fee. Other minor changes are made for clarification.

OSMRE published a notice in the **Federal Register** on February 10, 1987, announcing receipt of the proposed program amendments and procedures for the public comment period and for requesting a public hearing on the substantive adequacy of the proposed amendments (52 FR 4156). The public comment period ended March 12, 1987. There was no request for a public hearing and the hearing scheduled for March 9, 1987, was not held.

III. Director's Findings

The Director finds, in accordance with SMCRA and 30 CFR 732.15 and 732.17, that the program amendments submitted by Indiana on December 29, 1986, meet the requirements of SMCRA and 30 CFR Chapter VII. Indiana has amended its rules at 310 IAC 12–8–4 to provide that an application for certification as a certified blaster shall be accompanied by a non-refundable fee of $80. Indiana has amended 310 IAC 12–8–8 to provide that a certified blaster's request for renewal of certification shall be accompanied by a non-refundable fee of $25. Other changes are made in both rules, but the changes are of an editorial nature and do not change the requirements of the rules. The Director finds the addition of fee requirements

does not lessen the effectiveness of the rules; therefore, the rules remain no less effective than the Federal rules at 30 CFR 850.15(a) and (c) which concern certification and recertification of blasters.

IV. Public Comment

No comments were received in response to the Director's request for comments.

V. Director's Decision

The Director, based on the above findings, is approving the Indiana regulatory amendment as submitted on December 29, 1986, under the provisions of 30 CFR 732.17. The Federal rules at 30 CFR Part 914 are being amended to implement this decision.

VI. Procedural Matters

1. Compliance with the National Environmental Policy Act

On August 28, 1981, the Office of Management and Budget (OMB) granted OSMRE an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB. The Department of the Interior has determined that this rule 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.*). This rule will not impose any new requirements; rather, it will ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

2. Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 914

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: March 27, 1987.

James W. Workman,

Deputy Director, Operations and Technical Services.

PART 914—INDIANA

30 CFR Part 914 is amended as follows:

1. The authority citation for Part 914 continues to read as follows:

Authority: Pub. L. 95–87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).

2. 30 CFR 914.15 is amended by adding a new paragraph (q) as follows:

§ 914.15 Approval of regulatory program amendments.

* * * * *

(q) Amendments to the Indiana regulations at 310 IAC 12–8–4 and 12–8–8 concerning blaster certification application and renewal, submitted by the Indiana Department of Natural Resources to OSMRE on December 29, 1986, are approved effective April 1, 1987.

[FR Doc. 87–7142 Filed 3–31–87; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Secretary of the Navy has determined that USS THOMAS S. GATES (CG–51) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS without interfering with its special function as a naval cruiser. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: March 18, 1987.

FOR FURTHER INFORMATION CONTACT: Captain P.C. Turner, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332–2400, Telephone number: (202) 325–9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS THOMAS S. GATES (CG–51) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS, Annex I, section 3(a), pertaining to the location of the forward masthead light in the forward quarter of the ship, the placement of the after masthead light, and the horizontal distance between the forward and after masthead lights, without interfering with its special function as a Navy ship. The Secretary of the Navy has also certified that the aforementioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this ship in a manner differently from that prescribed herein will adversely affect the ship's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR Part 706 is amended as follows:

1. The authority citation for 32 CFR Part 706 continues to read:

Authority: 33 U.S.C. 1605.

2. Table Five of § 706.2 is amended by adding the following vessel:

TABLE 5

Vessel	Number	Forward masthead light less than the required height above hull. Annex I, section 2(a)(i)	Aft masthead light less than 4.5 meters above forward masthead light. Annex I, section 2(a)(ii)	Masthead lights not over all other lights and obstructions. Annex I, section 2(f)	Vertical separation of masthead lights used when towing less than required by Annex I, section 2(a)(i)	Aft masthead lights not visible over forward light 1,000 meters ahead of ship in all normal degrees of trim. Annex I, section 2(b)	Forward masthead light not in forward quarter of ship. Annex I, section 3(a)	After masthead light less than ½ ship's length aft of forward masthead light. Annex I, section (3)(a)	Percentage horizontal separation attained
USS THOMAS S. GATES	CG-51						X	X	38

Dated: March 18, 1987.

Approved:

John Lehman,

Secretary of the Navy.

[FR Doc. 87-7086 Filed 3-31-87; 8:45 am]

BILLING CODE 3810-AE

POSTAL SERVICE

39 CFR Part 10

Express Mail; International Service to Indonesia

AGENCY: Postal Service.

ACTION: Final action on Express Mail International Service to Indonesia.

SUMMARY: Pursuant to an agreement with the postal administration of Indonesia, the Postal Service intends to begin Express Mail International Service with Indonesia at postage rates indicated in the tables below. Service is scheduled to begin on May 1, 1987.

EFFECTIVE DATE: May 1, 1987.

FOR FURTHER INFORMATION CONTACT: Leon W. Perlinn, [202] 268-2673.

SUPPLEMENTARY INFORMATION: By a notice published in the **Federal Register** on February 25, 1987 [52 FR 5551], the Postal Service announced that it was proposing to begin Express Mail International Service to Indonesia. Comments were invited on published rate tables, which are proposed amendments to the International Mail Manual (incorporated by reference in the Code of Federal Regulations, 39 CFR 10.1], and which are to become effective on the date service begins. No comments were received. Accordingly, the Postal Service states that it intends to begin Express Mail International Service with Indonesia on May 1, 1987 at the rates indicated in the table below.

Lists of Subjects in 39 CFR Part 10

Postal Service, Foreign relations.

PART 10—[AMENDED]

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

Authority: 5 U.S.C. 552[a], 39 U.S.C. 401, 404, 407, 408.

INDONESIA—EXPRESS MAIL INTERNATIONAL SERVICE

Custom designed service [1] [2] up to and including—		On demand service [2] up to and including—	
Pounds	Rate	Pounds	Rate
1	$31.00	1	$23.00
2	36.90	2	28.90
3	42.80	3	34.80
4	48.70	4	40.70
5	54.60	5	46.60
6	60.50	6	52.50
7	66.40	7	58.40
8	72.30	8	64.30
9	78.20	9	70.20
10	84.10	10	76.10
11	90.00	11	82.00
12	95.90	12	87.90
13	101.80	13	93.80
14	107.70	14	99.70
15	113.60	15	105.60
16	119.50	16	111.50
17	125.40	17	117.40
18	131.30	18	123.30
19	137.20	19	129.20
20	143.10	20	135.10
21	149.00	21	141.00
22	154.90	22	146.90

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

A transmittal letter making these changes in the pages of the International Mail Manual will be published in the **Federal Register** as provided in 39 CFR 10.3 and will be transmitted to subscribers automatically.

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 87-7062 Filed 3-31-87; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 5F3271/R862; FRL-3176-5]

Pesticide Tolerance for Permethrin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the combined residues of the insecticide permethrin and its metabolites in or on the raw agricultural commodity cherries. This regulation to establish a maximum permissible level for the combined residues of permethrin was requested pursuant to petitions by FMC Corp.

EFFECTIVE DATE: Effective on April 1, 1987.

ADDRESS: Written objections, identified by the document control number [PP 5F3271/R862], may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT:

By mail: George LaRocca, Product Manager (PM) 15, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Office location and telephone number: Rm. 204, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, 703-557-2400.

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of August 21, 1985 (50 FR 33840), which announced that FMC Corp., Agricultural Chemical Group, 2000 Market Street, Philadelphia, PA 19103, had submitted pesticide petition 5F3271 proposing to establish tolerances in or on the raw agricultural commodities cherries and plums, respectively, for the combined residues of the insecticide permethrin [(3-phenoxyphenyl)methyl-3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropanecarboxylate] and

its metabolites (±)-*cis, trans*-3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropanecarboxylic acid (DCVA) and 3-phenoxyphenyl methanol (3-PBA). On May 21, 1986, the company withdrew the request for a tolerance on plums.

There were no comments or requests for referral to an advisory committee received in response to the notice of filing.

The data submitted and other relevant material have been evaluated and discussed in detail in a final rule document on permethrin published in the **Federal Register** of October 13, 1982 (47 FR 45008).

Granting this tolerance will increase the theoretical maximum residue contribution from 0.028854 to 0.028904 milligrams/kg per day. This increase is slight, and thus the discussion of the toxicological concerns applies without revision to the newly listed commodity. The percentages of the acceptable daily intake used will increase from 57.71 to 57.81.

The metabolism of permethrin is adequately understood, and an adequate analytical method, gas-liquid chromatography with an electron capture detector or a mass spectrometer detector, is available for enforcement purposes. No actions are pending against continued registration of permethrin, nor are any other considerations involved in establishing the tolerances.

The tolerance established by amending 40 CFR 180.378 will be adequate to cover residues in cherries. There are no feed items associated with cherries, and label restrictions preclude the grazing of livestock in treated orchards or the feeding of cover crops from treated orchards to livestock. There is no reasonable expectation of secondary residues in meat, milk, poultry, and eggs as a result of this use.

The pesticide is considered useful for the purpose for which the tolerance is sought. It is concluded that the tolerance will protect the public health, and it is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601 through 612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

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

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: March 16, 1987.

Douglas D. Campt,

Director, Office of Pesticide Programs.

Therefore, 40 CFR Part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation continues to read as follows:

Authority: 21 U.S.C. 346a.

2. Section 180.378(b) is amended by adding and alphabetically inserting the following commodity, to read as follows:

§ 180.378 Permethrin; tolerances for residues.

* * * * *

(b) * * *

Commodities	Parts per million
* * * * *	
Cherries	3.0
* * * * *	

[FR Doc. 87-6716 Filed 3-31-87; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 4F3108/R856A; FRL 3178-7]

Pesticide Tolerances for Fenarimol

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; confirmation of effective date.

SUMMARY: This rule confirms the effective date for tolerances for the fungicide fenarimol in or on certain raw agricultural commodities published in the **Federal Register** of October 30, 1986.

EFFECTIVE DATE: Effective on December 1, 1986.

FOR FURTHER INFORMATION CONTACT:

By mail: Lois Rossi, Product Manager (PM) 21, Registration Division (TS-767C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 227, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-1900).

SUPPLEMENTARY INFORMATION: EPA issued a final rule in 40 CFR 180.421, published in the **Federal Register** of October 30, 1986 (51 FR 39660), which established tolerances for the fungicide fenarimol [alpha(2-chlorophenyl)-alpha-(4-chloro-phenyl)-5-pyrimidinemethanol] in or on certain raw agricultural commodities.

In that document, the Agency stated that because the proposed tolerance for milk at .003 part per million petitioned by Elanco Products Co., 740 South Alabama St., Indianapolis, IN 46285 was inadvertently omitted in the proposed rulemaking published in the **Federal Register** of August 8, 1984 (49 FR 31756), the Agency deferred the effective date of the regulation to December 1, 1986 to give interested parties the opportunity to comment or file objection to the regulation.

There were no comments or objections filed in response to the regulation and accordingly the final rule is effective as of December 1, 1986.

List of Subjects in 40 CFR Part 180

Administrative practice and procedures, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 23, 1987.

Edwin F. Tinsworth,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 87-7125 Filed 3-31-87; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 5E3244/R874; FRL 3178-6]

Pesticide Tolerance for Oxytetracycline

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule amends the currently established tolerance regulation for residues of the

oxytetacycline calcium complex and oxytetracycline hydrochloride in or on pears. This amendment removes the 0.1 part per million (ppm) tolerance for residues of oxytetracycline complex in or on pears resulting from application of the pesticide up to 60 days before harvest and retains a 0.35 ppm tolerance for residues of oxytetracycline in or on pears. This regulation was requested by the Interregional Research Project No. 4 (IR-4).

EFFECTIVE DATE: Effective on April 1, 1987.

ADDRESS: Written objections, identified by the document control number [PP 5E3244/R874], may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT:

By mail: Hoyt Jamerson, Emergency Response and Minor Use Section (TS-767C), Registration Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington DC 20460.

Office location and telephone number: Rm. 718, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-2310).

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule, published in the **Federal Register** of January 29, 1987 (52 FR 2955), which announced that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, submitted pesticide petition 5E3244 to EPA on behalf of Dr. Robert Kupelian, National Director, IR-4 Project and the Agricultural Experiment Stations of California and Washington which proposed that the established tolerance for residues of the pesticide oxytetracycline calcium complex in or on the raw agricultural commodity pears be amended by deleting reference to the minimum number of days the pesticide may be applied prior to harvest. The tolerance is currently established in 40 CFR 180.337 at a level of 0.1 ppm in or on the raw agricultural commodity pears from spray applications of the pesticide up to 60 days before harvest. 40 CFR 180.337 also lists a tolerance for residues of oxytetracycline on pears at 0.35 ppm resulting from application of oxytetracycline hydrochloride as a tree infusion after harvest and prior to formation of new blooms. The petitioner proposed that the preharvest interval (i.e., "up to 60 days prior to harvest") be deleted from the tolerance expression and instead be regulated as part of the pesticide product labeling. The Agency concludes that it is not necessary to include the method of application and the time at which treatment may occur in the tolerance rule for oxytetracycline since these limitations are regulated as part of the labeling for the pesticide product. Additionally, the Agency concludes that the tolerance should be expressed as residues of oxytetracycline rather than oxytetracycline hydrochloride and the oxytetracycline complex as currently expressed. The modification which revises the manner in which residues are expressed obviates the need for two separate tolerances for pears. Consequently, only the higher tolerance level of 0.35 ppm will be retained. The existing tolerance for peaches is expressed as residues of oxytetracycline, thus, such a revision would make 40 CFR 180.337 more consistent.

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted and other relevant information have been evaluated and discussed in the proposed rulemaking. Based on the data and information considered, the Agency concludes that the regulation will protect the public health. Therefore the regulation is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 23, 1987.

Edwin F. Tinsworth,

Acting Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR Part 180 is amended as follows:

1. The authority citation for Part 180 continues to read as follows:

Authority: 21 U.S.C. 346a.

2. Section 180.337 is revised to read as follows:

§ 180.337 Oxytetracycline; tolerances for residues.

Tolerances are established for residues of the pesticide oxytetracycline in or on the following raw agricultural commodities:

Commodities	Parts per million
Peaches	0.1
Pears	0.35

[FR Doc. 87-7126 Filed 3-31-87; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 799

[OPTS-47002G; FRL-3178-8]

Chlorinated Benzenes; Final Test Rule; Modification

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: In accordance with 40 CFR 790.55, EPA is modifying the test rule reporting requirements for submission of study plans for the reproductive effects testing of 1,2- and 1,4-dichlorobenzene and the reporting requirements for submission of the final test data for the developmental toxicity testing of 1,2,4,5-tetrachlorobenzene promulgated under section 4 of the Toxic Substances Control Act (TSCA).

EFFECTIVE DATE: Effective on April 1, 1987.

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

SUPPLEMENTARY INFORMATION: EPA promulgated a final test rule in the **Federal Register** of July 8, 1986 (51 FR 24657) requiring health effects testing of certain chlorinated benzenes. EPA is

modifying the reporting requirements for the dichlorobenzenes (DCBs) test rule at 40 CFR 799.1052 and for the 1,2,4,5-tetrachlorobenzene (1,2,4,5-TCB) test rule at 40 CFR 799.1054.

I. Dichlorobenzenes

On November 7, 1986, the Chlorobenzene Producers Association (CPA) and the Chemical Manufacturers Association Chlorobenzenes Program Panel (CMA–CPP) petitioned EPA under section 21 of TSCA to reconsider and withdraw the July 8, 1986 test rule for reproductive effects testing of 1,2- and 1,4-dichlorobenzene (Ref. 1). The Agency denied the CPA and CMA–CPP petition. The basis for the Agency's decision was published in the **Federal Register** of February 13, 1987 (52 FR 4622).

The petitioners also requested an extension of the reporting deadline for submission of test data (Ref. 1). The petitioners suggested that the Agency delay the deadline date for submission of final reports until a date 29 months after a decision was reached on the petition, thereby preserving the original period between the effective date of the rule and the deadline for final reports. The Agency believes that there is sufficient time to conduct the reproductive studies on the DCBs and to submit the final reports by the existing reporting deadline of January 21, 1989. Therefore, in the notice denying the petition, EPA also denied the petitioners' request for an extension of the reporting deadline for submission of test data for the reproductive effects studies on the DCBs. However, the Agency decided to waive the requirement that the study plans be submitted no later than 45 days before the start of the studies in order to allow the test sponsors to begin the studies immediately. Instead, the study plans would be submitted no later than the start of the studies.

Because the modification to the reporting requirements for submission of the study plans for the reproductive effects studies for the DCBs clearly does not pose any substantive issues, the Agency in accordance with the procedures in 40 CFR 790.55 approved this modification without public comment so as not to delay the conduct of the testing. In accordance with the procedures in 40 CFR 790.55, EPA is publishing the modification to the reporting requirements for submission of the study plans for the reproductive effects studies for the DCBs in the **Federal Register** through this document.

II. 1,2,4,5-Tetrachlorobenzene

On August 18, 1986, a letter on behalf of Standard Chlorine Chemical Co., Inc. was submitted to EPA requesting reconsideration of the July 8, 1986 test rule for developmental toxicity and reproductive effects testing of 1,2,4,5-TCB (Ref. 2). On January 7, 1987, EPA responded by letter that the Agency had decided not to reopen the rulemaking for 1,2,4,5-TCB (Ref. 3).

Standard Chlorine also requested an extension of the reporting deadlines for submission of the final test data from the date of EPA's decision on its reconsideration request (Ref. 4). Because of the time necessary to respond to their letter, the Agency stated in its January 1987 letter that EPA had decided to extend the reporting deadline for submission of the final report for the developmental toxicity study for 1,2,4,5-TCB by 4 months (i.e., to December 21, 1987) to allow sufficient time for conduct of this study and submission of the final report. EPA believes that there is sufficient time for the conduct of the reproductive effects study for 1,2,4,5-TCB and submission of the final report by the existing deadline of January 21, 1989, and therefore decided not to extend the reporting deadline for this study.

The Agency determined that obtaining comment on the modification to the reporting requirement for submission of the final test data for the developmental toxicity study for 1,2,4,5-TCB would be impracticable and would further delay the start of testing. Therefore, the Agency approved this modification without public comment. In accordance with the procedures in 40 CFR 790.55, EPA is publishing in this **Federal Register** notice the modification to the reporting requirements for submission of the final test data from the developmental toxicity study on 1,2,4,5-TCB.

III. Public Record

A. Supporting Documentation

EPA has established a public record for this rulemaking [docket number OPTS–47002G]. The record includes the information considered by the Agency in developing this decision.

B. References

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

(2) Paul, Hastings, Janofsky and Walker. Letter from Charles A. Patrizia to Edwin Tinsworth, U.S. EPA. (August 18, 1986).

(3) U.S. Environmental Protection Agency. Letter from Charles L. Elkins to Charles A. Patrizia of Paul, Hastings, Janofsky and Walker. (January 7, 1987).

(4) Paul Hastings, Janofsky and Walker. Letter from R. Bruce Dickson to Charles Elkins, U.S. EPA. (October 11, 1986)

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

List of Subjects in 40 CFR Part 799

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

Dated: March 24, 1987.

John A. Moore,

Assistant Administrator for Pesticides and Toxic Substances.

PART 799—[AMENDED]

Therefore, 40 CFR Part 799 is amended as follows:

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

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

2. In § 799.1052 by adding new paragraph (d)(1)(ii)(C), to read as follows:

§ 799.1052 Dichlorobenzenes.

* * * * *

(d) * * *

(1) * * *

(ii) * * *

(C) Study plans shall be submitted to the Agency no later than the initiation of each of the tests.

* * * * *

3. In § 799.1054 by revising paragraph (c)(2)(ii)(A), to read as follows:

§ 799.1054 1,2,4,5-Tetrachlorobenzene.

* * * * *

(c) * * *

(2) * * *

(ii) * * *

(A) The developmental toxicity testing shall be completed and the final results submitted to the Agency within 16 months of the effective date of the test rule.

* * * * *

[FR Doc. 87–7127 Filed 3–31–87; 8:45 am]

BILLING CODE 6560–50–M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 201-32

[FIRMR Amendment 3]

GSA Board of Contract Appeals ADP Protests

AGENCY: Information Resources Management Service, GSA.

ACTION: Final rule.

SUMMARY: This regulation prescribes policies and procedures for all Federal agencies involved with GSA Board of Contract Appeals (GSBCA) automatic data processing (ADP) protests authorized under Pub. L. 98-369 as amended by Pub. L. 99-500 (40 U.S.C. 759(f), as amended). The regulation addresses responsibilities of all Federal agencies in GSBCA ADP protest cases. The intent is to provide policies and procedures applicable to all Federal agencies involved with GSBCA ADP protests.

EFFECTIVE DATE: June 1, 1987, but may be observed earlier.

FOR FURTHER INFORMATION CONTACT: William R. Loy, Regulations Branch (KMPR), Information Resources Management Service, telephone (202) 566-0194 or FTS, 566-0194.

SUPPLEMENTARY INFORMATION: (1) Section 2713 of the Competition in Contracting Act of 1984 (Pub. L. 98-369), as amended by Pub. L. 99-500 (40 U.S.C. 759(f), as amended), provided that protests involving certain procurements for ADP resources may be filed by interested parties with the GSBCA. The GSBCA issued its "Rules of Procedure" which govern proceedings for ADP protest cases in 48 CFR Part 6101.

(2) General procurement and contracting implementation provisions covering all protests against Executive agencies were published in the Federal Acquisition Regulation (FAR) at 48 CFR Part 33.

(3) A new Subpart 201-32.4, GSA Board of Contract Appeals ADP Protests, is added to the FIRMR. The FIRMR contains the special procurement and contracting provisions governing all procurements by Federal agencies for ADP resources that are subject to GSBCA protest resolution. It is therefore appropriate that the FIRMR also contain the provisions applicable to all Federal agencies regarding GSBCA protests involving these procurements. The special provisions of the new FIRMR subpart are necessary notwithstanding the general provisions regarding GSBCA protests in FAR 33.105 which are applicable only to Executive agencies (see § 201-32.400).

(4) A notice of proposed rulemaking for this Amendment was published in the **Federal Register** (50 FR 43258, October 24, 1985) indicating the availability of the issuance for review and comments by interested parties. No comments were received.

(5) Explanation of the provisions being added by this issuance follows:

a. The table of contents of Part 201-32 is amended by adding entries for Subpart 201-32.4 and §§ 201-32.400 through 201-32.404.

b. Section 201-32.400 sets forth the scope of the new subpart, notwithstanding the provisions in FAR 33.105 which are applicable only to Executive agencies.

c. Section 201-32.401 references the GSBCA authorization.

d. Section 201-32.402, with five subsections, incorporates the GSBCA "Rules of Procedure" by reference and provides brief outlines regarding the parties, conference, suspension hearing, merits hearing, and decision.

e. Section 201-32.403, with eight subsections, addresses agency responsibilities regarding protest notice, conference participation, suspension decision, protest file, protest answer, merits hearing participation, merits decision, and costs award.

f. Section 201-32.404 outlines the GSBCA rule regarding GSA participation in the protest procedure.

(6) The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981. GSA decisions are based on adequate information concerning the need for and consequences of the rule. The rule is written to ensure maximum benefits to Federal agencies. This is a Governmentwide management regulation that will have little or no cost effect on society. Therefore, the rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

List of Subjects in 41 CFR Part 201-32

Information resources activities, Government procurement, Hearing and appeal procedures, Computer technology, Competition. Chapter 201 of Title 41 of the Code of Federal Regulations is amended as set forth below:

PART 201-32—CONTRACTING FOR ADP RESOURCES

1. The table of contents of Part 201-32 is amended by adding entries for Subpart 201-32.4 and §§ 201-32.400 through 201-32.404; and the authority citation for the part is revised to read as follows:

Subpart 201-32.4 GSA Board of Contract Appeals ADP Protests

Authority: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c) and Sec. 101(f), 99 Stat. XXX; 40 U.S.C. 751(f).

2. Part 201-32 is amended by adding Subpart 201-32.4 to read as follows:

Subpart 201-32.4—GSA Board of Contract Appeals ADP Protests

§ 201-32.400 Scope of subpart.

This subpart prescribes policies and procedures applicable to all Federal agencies involved with ADP protests filed by interested parties with the GSA Board of Contract Appeals (GSBCA), notwithstanding the general provisions in FAR 33.105 which are applicable only to Executive agencies.

Note: Other general procurement and contracting rules in the FAR pertaining to protests apply (including use of the provision at FAR 52.233-2 and the clause at FAR 52.233-3).

§ 201-32.401 GSBCA authorization.

Under Pub. L. 98-369, as amended (40 U.S.C. 759(f) as amended), the GSBCA is authorized to hear and decide protests by interested parties involving any procurements for ADP resources by Federal agencies subject to section 111 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 759), including procurements subject to GSA delegations of procurement authority (see also § 201-1.102 and Subpart 201-23.1).

§ 201-32.402 GSBCA rules.

The GSBCA "Rules of Procedure," applicable to all parties concerned with a GSBCA protest case, appear in 48 CFR Part 6101. The GSBCA rules are incorporated herein by reference.

§ 201-32.402-1 Parties.

(a) Within specified time limits, an interested party may file a protest with the GSBCA before or after award of a contract for ADP resources. The GSBCA is authorized (40 U.S.C. 759(f)(1)) to review any decision by a Federal agency contracting officer that is alleged to violate a statute or regulation (see GSBCA Rules 3, 5, 7, and 8—48 CFR 6101.3, 6101.5, 6101.7, and 6101.8).

(b) On the same day a protest is filed with the GSBCA, the protester must serve a copy of the protest on the contracting officer whose decision or action is being protested.

(c) Other potential parties may also participate in the protest case by filing for intervention with the GSBCA within specified time limits.

(d) The GSBCA may dismiss a protest that it determines is frivolous, untimely filed, or fails to state a valid basis for protest.

§ 201-32.402-2 Conference.

The GSBCA will ordinarily hold a conference of the parties within 6 working days after the protest is filed (see GSBCA Rules 10 and 15—48 CFR 6101.10 and 6101.15).

§ 201-32.402-3 Suspension hearing.

An interested party may request the GSBCA, within specified time limits, to hold a hearing on suspension of procurement authority pending a decision on the merits of a protest. The suspension hearing will be held within 10 calendar days after the protest is filed (see GSBCA Rules 19 and 21—48 CFR 6101.19 and 6101.21).

§ 201-32.402-4 Merits hearing.

Within specified time limits, a party may request the GSBCA to hold a hearing on the merits of a protest. The merits hearing will be held within 25 working days after the protest is filed (see GSBCA Rules 9, 19 and 21—48 CFR 6101.9, 6101.19, and 6101.21).

§ 201-32.402-5 Decision.

(a) The GSBCA decision on the merits of a protest will be issued within 45 working days after the protest is filed. However, the GSBCA Chairman may determine that circumstances require a longer period (see GSBCA Rules 29—48 CFR 6101.29).

(b) The GSBCA is authorized (40 U.S.C. 759(f)(5)(B)) to decide that a protested Federal agency action violates a statute, regulation, or the conditions of a GSA delegation of procurement authority.

(c) The GSBCA is also authorized (40 U.S.C. 759(f)(5)) to award protest costs, including reasonable attorney fees and bid and proposal preparation costs, to an appropriate interested party (see GSBCA Rules 35 and 36—48 CFR 6101.35 and 6101.36).

(d) A GSBCA decision may be appealed to the United States Court of Appeals for the Federal Circuit (see GSBCA Rule 37—48 CFR 6101.37).

§ 201-32.403 Agency responsibilities.

(a) The GSBCA Rules of Procedures provide the specific responsibilities of a Federal agency involved with a GSBCA protest case. A single copy is available upon request to the GSBCA, telephone (202) 566-0116 or FTS, 566-0116. The GSBCA rules require expeditious agency responses to an ADP protest case.

(b) When a Federal agency files a document with the GSBCA, it must serve a copy on every other party within 1 working day after the document is filed. Documents filed *in camera* need not be served on other parties (see GSBCA Rules 3 and 12—48 CFR 6101.3 and 6101.12).

§ 201-32.403-1 Protest notice.

(a) Within 1 working day after receipt of a copy of the protest, the Federal agency contracting officer shall give oral or written notice of the protest to other potential parties in the case (see GSBCA Rule 5—48 CFR 6101.5).

(b) Within 1 working day after receipt of a copy of the protest, the contracting officer shall also give oral written notice of the protest to the General Services Administration, Attention: Director, Authorizations and Management Reviews Division (KMA), 18th and F Streets, NW, Washington, DC 20405, telephone (202) 566-1126 or FTS, 566-1126. (The GSBCA rules also provide that this notice may alternatively be given to the GSA official delegating procurement authority to the agency.)

(c) Within 5 working days after receipt of the protest, the contracting officer shall give the GSBCA written notification as to whether the required protest notice was provided. A list of all parties notified shall be included.

§ 201-32.403-2 Conference participation.

The Federal procuring agency is responsible for participating in any conference of the parties that the GSBCA will ordinarily hold within 6 working days after the protest is filed (see GSBCA Rules 10 and 15—48 CFR 6101.10 and 6101.15).

§ 201-32.403-3 Suspension decision.

(a) Upon request of an interested party, the GSBCA is authorized (40 U.S.C. 759(f)(2)(b)) to suspend procurement authority unless the Federal procuring agency establishes (at the suspension hearing held within 10 calendar days after the protest is filed) that: (See GSBCA Rules 19 and 21—48 CFR 6101.19 and 6101.21.)

(1) Absent GSBCA action, contract award (if already made) is likely to occur within 10 calendar days; and

(2) Urgent and compelling circumstances which significantly affect interests of the United States will not permit waiting for the GSBCA decision.

(b) The GSBCA suspension decision may be oral, to be reduced to writing as soon as practicable.

(c) Upon a GSBCA decision to suspend procurement authority pending a decision on the merits of a protest, the Federal procuring agency is responsible for taking any necessary actions to fully comply with the GSBCA's suspension decision including, as appropriate:

(1) Withholding contract award; or

(2) Suspending contract performance. (Under 40 U.S.C. 759(f)(3)(B), procurement authority shall be suspended for any ADP resources under a contract which are not previously delivered and accepted before the GSBCA suspension decision.)

§ 201-32.403-4 Protest file.

(a) The Federal agency contracting officer is responsible for submitting a protest file to the GSBCA within 10 working days after the protest is filed. The protest file exhibits shall consist of all documents (and other tangible things) relevant to the protest and the contracting officer's decision which has been protested. The GSBCA may postpone or dispense with the submission of any or all protest file exhibits (see GSBCA Rules 4 and 12—48 CFR 6101.4 and 6101.12).

(b) The protest file exhibits shall include:

(1) The contracting officer's decision, if any, from which the protest is taken;

(2) The contract, if any, including modifications, specifications, plans, drawings;

(3) All correspondence between or among the parties that is relevant to the protest, if any;

(4) Affidavits or statements of any witnesses on the matter under protest, and transcripts of any testimony taken before the filing of the protest;

(5) All documents and other tangible things which the contracting officer relied in making the decision or in taking the action protested, including a copy of the agency procurement request, the GSA delegation of procurement authority (if any) and any correspondence relating thereto;

(6) The abstract of bids, if any;

(7) A copy of the solicitation, protester's offer (submit *in camera* as necessary), and a copy of any bid relevant to the protest if bid opening has occurred and no contract has been awarded;

(8) In a protest of a negotiated procurement when no award has been made, a copy of any offer being considered for award and which is relevant to the protest (ordinarily, these documents will be submitted *in camera*);

(9) Any existing additional evidence or information deemed necessary to determine the merits of the protest; and

(10) A list identifying the specific documents filed with the GSBCA giving sufficient details necessary for their recognition. (However, the list must not reveal the number and identity of the offerors whose proposals are filed *in camera* and should include an identifying statement, e.g., "Proposal(s) being considered for award.")

(c) The contracting officer is responsible for serving a copy of the protest file on all other parties at the same time it is filed with the GSBCA. A copy of the protest file exhibit listing documents filed with the GSBCA shall be included. However, copies of documents submitted *in camera* to the GSBCA or documents previously furnished need not be served on other parties.

§ 201-32.403-5 Protest answer.

The Federal procuring agency is also responsible for filing its agency protest answer with the GSBCA within 15 working days after the protest is filed. The protest answer shall contain the agency's defenses, findings, actions, and recommendations in the matter. At the same time, the Federal agency shall serve a copy of the protest answer on all other parties (see GSBCA Rule 7—48 CFR 6101.7).

§ 201-32.403-6 Merits hearing participation.

The Federal procuring agency is responsible for participating in any hearing on the merits of a protest held within 25 working days after the protest is filed (see GSBCA Rules 9, 19 and 21—48 CFR 6101.9, 6101.19, and 6101.21).

§ 201-32.403-7 Merits decision.

(a) The Federal procuring agency will receive a copy of the GSBCA decision on the merits of the protest. This decision will ordinarily be issued within 45 working days after the protest is filed (see GSBCA Rule 29—48 CFR 6101.29).

(b) The Federal procuring agency is responsible for taking any necessary actions to fully comply with the GSBCA decision including, as appropriate:

(1) Amendment or cancellation of a solicitation; or

(2) Modification or termination of a contract. (Under 40 U.S.C. 759(f)(6)(B), a contract shall be presumed valid as to all ADP resources delivered and accepted under the contract before the GSBCA decision.)

§ 201-32.403-8 Costs award.

(a) The GSBCA is authorized (40 U.S.C. 759(f)(5)) to award protest costs to an appropriate interested party. Within 30 calendar days after a decision sustaining a protest, an interested party may submit a motion for payment to the GSBCA. The Federal procuring agency will have 20 calendar days after this submission for a response (see GSBCA Rules 35 and 36—48 CFR 6101.35 and 6101.36).

(b) The GSBCA will issue its determination for the amount of protest costs allowed. Payment of these GSBCA awards may be made in accordance with 31 U.S.C. 1304.

§ 201-32.404 GSA participation.

(a) GSA may make a request to the GSBCA to participate in a protest case against any Federal procuring agency. GSA is eligible to intervene on the question of whether a delegation of procurement authority (DPA) is required, or whether the Federal procuring agency has failed to meet any condition of a DPA granted by specific request or by regulation (see GSBCA Rule 5—48 CFR 6101.5).

(b) When GSA procures ADP resources for another Federal agency, the requiring agency may be permitted by the GSBCA to participate in a protest case against that GSA procurement action.

(c) Information and asistance regarding the GSBCA ADP protest process covered by this Subpart 201-32.4 may be obtained by contacting GSA's Information Resources Management Service (KMA), Washington, DC 20405, telephone (202) 566-1126 or FTS, 566-1126.

Dated: February 24, 1987.

T.C. Golden,

Administrator of General Services.

[FR Doc. 87-7110 Filed 3-31-87; 8:45 am]

BILLING CODE 6820-25-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 86-268; RM-5265]

Radio Broadcasting Services; Livingston, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 222C2 for Channel 221A at Livingston, Texas, and modifies the license of Station KETX-FM to specify operation on the new frequency, at the request of Polk County Broadcasting Company. A site restriction 4.3 kilometers (2.7 miles) west of the community is required. With this action, this proceeding is terminated.

EFFECTIVE DATE: May 11, 1987.

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 86-268, adopted February 26, 1987, and released March 26, 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 is amended, under Texas, by revising Channel "221A" to read "222C2" for Livingston.

Mark N. Lipp,

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

[FR Doc. 87-7147 Filed 3-31-87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 86-108; RM-5008]

Television Broadcasting Services; Bad Axe, MI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document assigns UHF Television Channel 41– to Bad Axe, Michigan, in response to a petition filed by Bad Axe Broadcasting. There is a site restriction 4 miles northeast of the community to prevent a conflict with Station WUHQ–TV, Battle Creek, Michigan. Since Bad Axe is located within 250 miles of the common U.S.-Canadian border, Canadian concurrence has been obtained. Assignment of UHF Channel 41– to Bad Axe could provide the community with its first commercial television channel.

With this action, this proceeding is terminated.

EFFECTIVE DATE: May 11, 1987.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 86–108, adopted February 10, 1987, and released March 26, 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

Television broadcasting.

PART 73—[AMENDED]

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

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

§ 73-606(b) [Amended]

2. In § 73.606, the Table of Assignments, the entry for Bad Axe, Michigan, is revised to add Channel 41–.

Mark N. Lipp,

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

[FR Doc. 87–7148 Filed 3–31–87; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1207 and 1249

[No. 38904]

Elimination of Accounting and Reporting Requirements for Motor Carriers of Property

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: Subsequent to Notice of Proposed Rulemaking (50 FR 7201, February 21, 1985) and comment, the Commission has decided to adopt new accounting and reporting regulations for motor carriers of property. The Uniform System of Accounts (49 CFR Part 1207) will remain in the Code of Federal Regulations for reference purposes but no longer will be prescribed as the basis for motor carrier accounting. The quarterly report form will be reduced to a one-page format with only summary data elements. The annual report form will be reduced to only ten pages. Motor carriers which are not Instruction 27 carriers will not be required to complete the expense matrix schedule.[1] Only Class I motor carriers will be required to file the new report forms with the Commission. Class I contract motor carriers that derive 100 percent of their operating revenues from contract carriage shall be exempt from reporting. Nonreporting motor carriers shall notify the Commission when annual operating revenues reach the Class I level and when conditions change to subject them to Commission reporting.

The effect of these changes is to assure that financial information used regularly and frequently by the Commission are reported. This should result in significant cost savings and the reduction of over 535,000 burden hours annually in Commission reporting.

DATES: The rules are effective for the reporting year beginning January 1, 1987.

FOR FURTHER INFORMATION CONTACT: Andrew J. Lee, (202) 275–7510.

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.

[1] Instruction 27 motor carriers (49 CFR 1207, Instruction 27) are those which derive 75 percent or more of their revenues from intercity transportation of general commodities.

This action will not significantly affect either the quality of the human environment or energy conservation. This rule will not have a significant economic impact on a substantial number of small entities.

This revision will be submitted to the Office of Management and Budget (OMB) for review under section 3504(h) of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35). Respondents may direct comments to OMB by addressing them to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Desk Officer for Interstate Commerce Commission, Washington, DC 20503.

List of Subjects in 49 CFR Parts 1207 and 1249

Motor carriers, Uniform System of Accounts, Reporting and Recordkeeping Requirements.

Authority: 49 U.S.C. 11142 and 11145; and 5 U.S.C. 553.

Decided: March 13, 1987.

By the Commission, Chairman Gradison, Vice Chairman Lamboley, Commissioners Sterrett, Andre, and Simmons. Chairman Gradison concurred in the decision and commented with a separate expression. Vice Chairman Lamboley and Commissioner Simmons dissented with separate expressions.

Noreta R. McGee,

Secretary.

Parts 1207 and 1249 of Title 49 of the **Code of Federal Regulations are amended as follows:**

PART 1207—CLASS I AND CLASS II COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

1. In 49 CFR Part 1207, the authority citations following Definitions; Class I and Class II Motor Carrier Instructions, numbers 2, 8, 15, 19, 22, 23, 28, 29, 30, 31, 35, and 36; Class I and Class II Motor Carrier Balance Sheet Account Explanations, numbers 1170, 1321, 1449, 1520, 2010, 2021, 2161, 2190, 2311, 2321, 2331, 2332, 2334, 2420, 2511, 4400, 4690, 4810, 4830, 4840, 4890, 7990, 8660, 8690, 8700, 8720, and 8400/9400 are removed, and the authority citation for Part 1207 is revised to read as follows:

Authority: 49 U.S.C. 10321, 10751, 11142 and 11145; 5 U.S.C. 553.

2. The existing text of Part 1207 is designated as new § 1207.2 *Uniform System of Accounts for common and contract motor carriers of property.*

3. New § 1207.1 *Uniform System of Accounts for motor carriers of property not prescribed,* is added to Part 1207 as follows:

§ 1207.1 Uniform System of Accounts for common and contract motor carriers of property not prescribed.

The Uniform System of Accounts for motor carriers of property found at § 1207.2, *Uniform System of Accounts for common and contract motor carriers of property,* shall not be prescribed for regulated motor carriers. The Uniform System of Accounts is herein left in place for reference purposes only for motor carrier accounting. Motor carriers may follow generally accepted accounting principles for all accounting matters. For the reporting requirements for regulated motor carriers, see §§ 1249.1 and 1249.2 of Title 49, Code of Federal Regulations. This provision is effective beginning January 1, 1987 and thereafter.

PART 1249—REPORTS OF MOTOR CARRIERS

1. The authority citation for Part 1249 is revised to read as follows:

Authority: 49 U.S.C. 10311, 10321, 11144, and 11145 and 5 U.S.C. 553.

2. Section 1249.1 is revised to read as follows:

§ 1249.1 Annual and quarterly reports of Class I motor carriers of property, Class I motor carriers of household goods, and Class I dual authority carriers.

(a) All Class I motor carriers of property shall complete and file Motor Carrier Quarterly Report Form QFR (Form QFR) and Annual Report Form M (Form M) as required. This shall apply to Class I motor carriers of property, including household goods and dual authority carriers. Class I contract motor carriers of property that derive 100 percent of operating revenues from contract carriage shall be exempt from filing Form M. Class II and Class III motor carriers of property are not required to file Form M or Form QFR.

(b) Motor Carrier Annual Report Form M shall be used to file annual selected motor carrier data. Motor Carrier Quarterly Report Form QFR shall be used to file quarterly summary data. The quarterly accounting period shall end on March 31, June 30, September 30, and December 31. The quarterly report shall be filed within 30 days after the end of the reporting quarter. The annual report shall be filed on or before March 31 of the year following the year to which it relates. The annual accounting period shall be based either (1) on the 31st day of December in each year, or (2) an accounting year of thirteen 4-week periods ending at the close of the last seven days of each calendar year. A carrier electing to adopt an accounting year of thirteen 4-week periods shall file with the Commission a statement showing the day on which its accounting year will close. A subsequent change in the accounting period may not be made except by authority of the Commission.

(c) Form M and Form QFR shall be filed in duplicate to The Bureau of Accounts, Interstate Commerce Commission, Washington, DC 20423.

3. Section 1249.2 is revised to read as follows:

§ 1249.2 Classification of carriers—motor carriers of property, household goods carriers, and dual property carriers.

(a) Common and contract motor carriers of property subject to the Interstate Commerce Act are grouped into the following three classes:

Class I. Carriers having annual carrier operating revenues (including interstate and intrastate) of $5 million or more after applying the revenue deflator formula shown in Note A.

Class II. Carriers having annual carrier operating revenues (including interstate and intrastate) of $1 million but not more than $5 million after applying the revenue deflator formula in Note A.

Class III. Carriers having annual carrier operating revenues (including interstate and intrastate) of less than $1 million after applying the revenue deflator formula in Note A.

(b)(1) The class to which any carrier belongs shall be determined by annual carrier operating revenues after applying the revenue deflator formula in Note A. Upward and downward reclassification will be effected as of January 1 of the year immediately following the third consecutive year of revenue qualification.

(2) Any carrier which begins new operations by obtaining operating authority not previously held or extends its existing authority by obtaining additional operating rights shall be classified in accordance with a reasonable estimate of its annual carrier operating revenues after applying the revenue deflator formula shown in Note A.

(3) When a business combination occurs such as a merger, reorganization, or consolidation, the surviving carrier shall be reclassified effective as of January 1 of the next calendar year on the basis of the combined revenues for the year when the combination occurred after applying the revenue deflator formula shown in Note A.

(4) Carriers shall notify the Commission of any change in classification or when their annual operating revenues exceeds the Class I limit by writing to the Bureau of Accounts, Interstate Commerce Commission, Washington, DC 20423. In extraordinary extenuating circumstances, where the classification regulations will unduly burden the carrier, such as partial services, the carrier may request the Commission for a waiver from these regulations. This request shall be in writing specifying the conditions justifying the waiver. The Commission shall notify carriers of any change in classification.

(c) For classification purposes, the Commission shall publish in the **Federal Register** annually an index number which shall be used for adjusting gross annual operating revenues. The index number (deflator) is based on the Producer Price Index of Finished Goods and is used to eliminate the effects of inflation from the classification process. See Note A that follows:

Note A—Each carrier's operating revenues will be deflated annually using the Producers Price Index (PPI) of Finished Goods before comparing them with the dollar revenue limits prescribed in paragraph (a). The PPI is published monthly by the Bureau of Labor Statistics. The foumula to be applied is as follows:

$$\text{Current Year's annual operating revenues} \times \frac{\text{1980 average PPI}}{\text{Current year's average PPI}} = \text{Adjusted annual operating revenues.}$$

§ 1249.3 [Removed and Reserved]

4. Section 1249.3 is removed and reserved for future use.

5. Section 1249.5, Records, is added to read as follows:

§ 1249.5 Records.

Books, records and carrier operating documents shall be retained as prescribed in 49 CFR Part 1220, Preservation of Records.

§ 1249.12 [Removed]

6. Section 1249.12 is removed.

[FR Doc. 87-7094 Filed 3-31-87; 8:45 am]
BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 52, No. 62
Wednesday, April 1, 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.

RAILROAD RETIREMENT BOARD

20 CFR Part 200

Regulation To Implement the Provisions of the Freedom of Information Reform Act of 1986; Fees

AGENCY: Railroad Retirement Board.

ACTION: Proposed rule.

SUMMARY: The Railroad Retirement Board proposes to amend its regulations on FOIA fees because the Freedom of Information Reform Act of 1986 requires that agencies publish final rules of fees, subject to public notice and comment, by April 25, 1987.

DATE: Comments must be submitted on or before April 13, 1987.

ADDRESS: Send written comments to Beatrice Ezerski, Secretary to the Board, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois, 60611.

FOR FURTHER INFORMATION CONTACT: LeRoy Blommaert, Privacy Act/FOIA Officer, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois, 60611, (312) 751–4548 (FTS 387–4548).

SUPPLEMENTARY INFORMATION: The Freedom of Information Reform Act of 1986 requires agencies to amend their regulations on FOIA fees in accordance with OMB guidelines on uniform FOIA fees issued pursuant to this Act. This proposed rule provides for compliance by the Railroad Retirement Board with this Act.

The Railroad Retirement Board has determined that this is not a major rule for purposes of Executive Order 12291. Therefore, no Regulatory Impact Analysis is required. In addition, this part does not impose any requirement for the collection of information within the meaning of the Paperwork Reduction Act of 1980. Because the Freedom of Information Reform Act of 1986 requires that agencies publish final rules of fees, subject to public notice and comment, by April 25, 1987, the Board is claiming an exemption to the OMB prior review provisons of Executive Order 12291. The Board has determined that allowing a 10 day OMB review period before publication in the **Federal Register** would jeopardize the agency's ability to meet the April 25, 1987, statutory deadline.

List of Subjects in 20 CFR Part 200

Railroad retirement, Railroad unemployment insurance, Freedom of Information.

PART 200—[AMENDED]

Title 20 CFR Part 200 is proposed to be amended as follows:

1. The authority citation for Part 200 continues to read as follows:

Authority: 445 U.S.C. 231f and 45 U.S.C. 362, unless otherwise noted.

2. The authority citation for § 200.4 continues to read as follows:

Authority: 5 U.S.C. 552.

3. Section 200.4(g) is revised to read as follows:

§ 200.4 Protection of privacy of records maintained on individuals.

* * * * *

(g) The RRB may charge the person or persons making a request for records under paragraph (f) of this section a fee in an amount not to exceed the costs actually incurred in complying with the request and not to exceed the cost of processing a check for payment. Depending on the category into which the request falls, a fee may be assessed for the cost of searching for documents, reviewing documents to determine whether any portion of any located documents is permitted to be withheld, duplicating documents, and the cost of postage if the documents are mailed to the requester.

(1) *Fee Schedule.* To the extent that the following are chargeable, they are chargeable according to the following schedule:

(i) The charge for making a manual search for records shall be $8.00 per hour;

(ii) The charge for reviewing documents to determine whether any portion of any located document is permitted to be withheld shall be $21.00 per hour;

(III) The charge for making photocopies of any size document shall be $.10 per copy per page.

(iv) The charge for computer generated listings or labels shall include the direct cost to the RRB of analysis and programming, where required, plus the cost of computer operations to produce the listings or labels. The maximum computer search charge shall be $268.00 per hour ($4.50 per minute). Search time shall not include the time expended in analysis or programming where these operations are required.

(2) *Categories of requesters.* For the purpose of assessing fees, requesters shall be classified into one of the following four groups:

(i) *Commercial use requesters.* Commercial use requesters are requesters who seek information for a use or purpose that is related to commerce, trade, or profit as these phrases are commonly known or have been interpreted by the courts in the context of the Freedom of Information Act. For such requesters, the RRB will fully charge for the cost of searching, reviewing and copying and shall not consider a requester for waiver or reduction of fees based upon an assertion that disclosure would be in the public interest; however, the RRB will not charge a fee if the total cost for searching, reviewing, and copying is less than $10.00.

(ii) *Educational and Non-Commercial Scientific Institution Requesters.* Educational requesters are accredited institutions of higher learning engaged in scholarly research. Non-commercial scientific institutions are independent non-proft institutions whose purpose is to conduct scientific research. To be eligible for inclusion in this category, requesters must show that the request is being made under the auspices of a qualifying institution and that the records are not sought for a commercial use, but are sought in furtherance of scholarly (if the request is from an educational institution) or scientific (if the request is from a non-commercial scientific institution) research. For requesters in this category, the RRB shall charge for the cost of reproduction alone, excluding the first 100 pages, for which no charge will be made. If after excluding the cost of the first 100 pages of reproduction, there remain costs to be assessed, the RRB will not charge for such costs if such costs total less than $10.00. If the cost is $10.00 or more, the RRB may waive the charge or reduce it if it determines that disclosure of the information is in the public interest because it is likely to contribute

significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester. To be eligible for free search time, these requesters must reasonably describe the records sought.

(iii) *Requesters who are Representatives of the News Media.* The term "representative of the news media" refers to any representative of established news media outlets, i.e., any organization such as a television or radio station, or a newspaper or magazine of general circulation, or person working for such organization which regularly publishes information for dissemination to the general public whether electronically or in print. In the case of "freelance" journalists, they may be regarded as working for a news organization if they can demonstrate a solid basis for expecting publication through that organization, even though not actually employed by it. For requesters in this category the RRB shall charge for the cost of reproduction alone excluding the cost of the first 100 pages, for which no charge will be made. If, after excluding the cost of the first 100 pages of reproduction, there remain costs to be assessed, the RRB will not charge for such costs if such costs total less than $10.00. If the cost is $10.00 or more, the RRB may waive the charge or reduce it if it determines that disclosure is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester. To be eligible for free search time, these requesters must reasonably describe the recrod sought.

(iv) *All other requesters.* For requesters who do not fall within the purview of paragraphs (g)(2) (i), (ii), or (iii) of this section, the RRB will charge the full direct cost of searching for and reproducing records that are responsive to the request, except that the first 100 pages of reproduction and the first two hours of search time shall be provided without charge. If, after excluding the cost of the first 100 pages of reproduction and the first two hours of search time, there remain costs to be assessed for either or both of these operations, the RRB will not charge for such costs if the total is less than $10.00. If the total cost is $10.00 or more, the RRB may waive the charge or reduce it if it determines that disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.

(3) *Charges for unsuccessful searches.* Where search time is chargeable, the RRB may assess charges for time spent searching, even if the RRB fails to locate the records, or if located, the records are determined to be exempt from disclosure.

(4) *Aggregating requests.* When the RRB reasonably believes that a requester or group of requesters is attempting to break a request into a series of requests for the purpose of evading the assessment of fees, the RRB will aggregate any such requests and charge accordingly.

(5) *Advance payments.*

(i) When the RRB estimates or determines that the allowable charges that a requester may be required to pay are likely to exceed $250.00, the RRB may require the requester to make an advance payment of the entire fee before continuing to process the request.

(ii) Where the requester has previously failed to pay a fee charged in a timely fashion (i.e., within 30 days of the date of the billing), the RRB shall require the requester to pay the full amount owed plus any applicable interest as provided for in these regulations and to make an advance payment of the full amount of the estimated fee before the agency begins to process a new request or a pending request from that requester.

(iii) When the Board acts under paragraphs (g)(5) (i) or (ii) of this section, the administrative time limits prescribed in subsection (a)(6) of the Freedom of Information Act (5 U.S.C. 552(a)(6)) (i.e., 10 working days from receipt of initial requests and 20 working days from receipt of appeals from initial denials, plus permissible extensions of these time limits) will begin only after the Board has received the fee payments described in said paragraphs (g)(5) (i) or (ii) of this section.

(6) *Charging interest.* Interest may be charged to any requester who fails to pay fees charged within 30 days of the date of billing. Interest will be assessed on the 31st day following the day on which the bill for fees was sent. Interest will be at the rate prescribed in section 3717 of Title 31 of the United States Code Annotated.

(7) *Collection of fees due.* Whenever it is appropriate in the judgment of the Board in order to encourage repayment of fees billed in accordance with these regulations, the Board will use the procedures authorized by the Debt Collection Act of 1982 (Pub. L. 97–365), including disclosure to consumer reporting agencies and use of collection agencies.

David D. Lucci,

Legislative Counsel.

[FR Doc. 87–7198 Filed 3–31–87; 8:45 am]

BILLING CODE 7905-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Parts 5 and 6

Implementation of Freedom of Information Reform Act; Changes to Freedom of Information Act and Privacy Act Fee Schedules

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule and request for public comments.

SUMMARY: The Federal Emergency Management Agency (FEMA) proposes to amend its Freedom of Information Act (FOIA) regulations to incorporate the recent changes to the FOIA regarding requests for agency enforcement records and regarding establishments of fees to be charged for search, review and duplication of records in response to FOIA requests. These proposed rules follow the guidelines established by the Office of Management and Budget. In addition, FEMA proposes to amend its Privacy Act regulations regarding fees to ensure consistency with appropriate changes proposed to the FOIA fee regulations.

DATES: Comments are due on or before April 17, 1987, so that FEMA can meet its statutory requirements to publish revised FOIA fee regulations in final form no later than April 25, 1987. FEMA would normally provide a 60-day public comment period. However, the FEMA Director has determined that a shorter comment period is appropriate in light of the fact that FEMA's regulations directly follow, almost verbatim, the OMB final guidance. The affected public received notice through OMB's proposed guidance that agencies would be required to issue implementing regulations based on OMB's final guidance. OMB provided a 30-day public comment period to address the specific issues raised in their proposed guidance and did, in fact, receive 80 comments which were considered prior to publication of OMB's final guidance.

ADDRESS: Address comments to the Rules Docket Clerk, Federal Emergency Management Agency, 500 C Street SW., Room 840, Washington, DC 20472. Comments received will be available for public inspection at the above address

from 8:30 a.m. to 3:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Linda M. Keener, FOIA/Privacy Specialist, (202) 646–3840.

SUPPLEMENTARY INFORMATION: The Freedom of Information Reform Act of 1986 (Reform Act) requires the Office of Management and Budget (OMB) to promulgate guidelines containing a uniform schedule of FOIA fees that are applicable to all agencies. On January 16, 1987, OMB published a notice of proposed guidance on the establishment of fees under the Freedom of Information Act (FOIA) in the **Federal Register**, 52 FR 1992. On March 27, 1987, OMB published a final publication of fee schedule and guidelines implementing certain provisions of the Freedom of Information Reform Act of 1986 (Pub. L. 99–370). The final guideline incorporated changes deemed appropriate as a result of public comments received. The purpose of this notice is to issue proposed implementing regulations in conformance with OMB's final guidance to fulfill the mandate of the Reform Act requiring that each agency's regulations must be issued in final form no later than April 25, 1987.

FEMA has determined that this document is not a major rule under E.O. 12291 since it has no significant economic effect upon the economy, nor does it affect prices of economic competition. This document has no significant impact on the environment and preparation of an environmental impact statement is not necessary.

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

The publication of this notice is made in accordance with the requirements of 5 U.S.C. 553 of the Administrative Procedure Act.

List of Subjects in 44 CFR Parts 5 and 6

Freedom of Information Act, Production or disclosure of information, Privacy Act.

Accordingly, for reasons set out in the preamble it is proposed to amend 44 CFR Chapter I, Subchapter A, as set forth below:

PART 5—[AMENDED]

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

Authority: 5 U.S.C. 552 as amended by sections 1801–1804 of the omnibus Anti-Drug Abuse Ac tof 1986 which contains the Freedom of Information Reform Act of 1986 (Pub. L. 99–570); Reorganization Plan No. 3 of 1978; and E.O. 12127.

2. Section 5.42 is revised to read as follows:

§ 5.42 Fees to be charged—categories of requesters.

(a) There are four categories of FOIA requesters: commercial use requesters; representatives of news media; educational and noncommercial scientific institutions; and all other requesters. The time limits for processing requests shall only begin upon receipt of a proper request which reasonably identifies records being sought and which identifies the specific category of the requester. The Freedom of Information Reform Act of 1986 prescribes specific levels of fees for each of these categories:

(1) When records are being requested for commercial use, the fee policy of FEMA is to levy full allowable direct cost of searching for, reviewing for release, and duplicating the records sought. Commercial users are not entitled to two hours of free search time nor 100 free pages of reproduction of documents nor waiver or reduction of fees based on an assertion that disclosure would be in the public interest. The full allowable direct cost of searching for and reviewing records will be charged even if there is ultimately no disclosure of records. Commercial use is defined as a use that furthers the commercial, trade or profit interests of the requester or person on whose behalf the request is made. In determining whether a requester falls within the commercial use category, FEMA will look to the use to which a requster will put the documents requested. Where a requester does not explain his/her purpose, or where his/her purpose is insufficient, FEMA shall require the requester to provide information regarding the use to be made of the information prior to accepting the request for processing and the time limits for processing and response shall not begin until such information is adequately received. Requesters must reasonably describe the records sought.

(2) When records are being requested by representatives of the news media, the fee policy of FEMA is to levy reproduction charges only, excluding charges for the first 100 pages. Representatives of the news media refers to any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public. The term "news" means information that is about current events or that would be of current interest to the public. Examples of news media entities include television or radio stations broadcasting to the public at large, and publishers of periodicals (but only in those instances where they can qualify as disseminators of "news") who make their products available for puchase or subscription by the general public. These examples are not in tended to be all-inclusive. As traditional methods of news delivery evolve (e.g. electronic dissemination of newspapers through telecommunications services), such alternative media would be included in this category. In the case of "freelance" journalists, they may be regarded as working for a news organization if they can demonstrate a solid basis for expecting publication through that organization, even though not actually employed by it. A publication contract would be the clearest proof, but FEMA may also look to the past publication record of a requester in making this determination. To be eligible for inclusion in this category, requesters must meet the criteria specified in this section and his or her request must not be made for a commercial use basis as that term is defined under paragraph (a)(1) of this section. Requesters must reasonably describe the records sought.

(3) When records are being requested by an educational or noncommercial scientific institution whose purpose is scholarly or scientific research, the fee policy of FEMA is to levy reproduction charges only, excluding charges for the first 100 pages. Educational institution refers to a preschool, a public or private elementary or secondary school, an institution of graduate higher education, an institution of undergraduate higher education, an institution of professional education and an institution of vocational education, which operates a program or programs of scholarly research. Noncommercial scientific institution refers to an institution that is not operated on a commercial basis as that term is defined under paragraph (a)(1) of this section and which is operated solely for the purpose of conducting scientific research, the results of which are not intended to promote any particular product or industry. To be eligible for inclusion in this category, requesters must show that the request is being made under the auspices of a qualifying institution and that the records are not sought for a commercial use, but are sought in furtherance of scholarly (if the request is from an educational institution) or scientific (if the request is from a noncommercial scientific institution) research. Requesters must reasonably describe the records sought.

(4) For any other request which does not meet the criteria contained in paragraphs 5.42(a) (1) through (3) of this

section, the fee policy of FEMA is to levy full reasonable direct cost of searching for and duplicating the records sought, except that the first 100 pages of reproduction and the first two hours of search time shall be furnished without charge. The first two hours of computer search time is based on the hourly cost of operating the central processing unit and the operator's hourly salary plus 16 percent. When the cost of the computer search, including the operator time and the cost of operating the computer to process the request, equals the equivalent dollar amount of two hours of the salary of the person performing the search, i.e., the operator, FEMA shall begin assessing charges for computer search. Requests from individuals requesting records about themselves filed in FEMA's systems of records shall continue to be treated under the provisions of the Privacy Act of 1974 which permit fees only for reproduction. Requesters must reasonably describe the records sought.

(b) Except for requests that are for a commercial use, FEMA may not charge for the first two hours of search time or for the first 100 pages of reproduction. However, a requester may not file multiple requests at the same time, each seeking portions of a document or documents, solely in order to avoid payment of fees. When FEMA believes that a requester or, on rare occasions, a group of requesters acting in concert, is attempting to break a request down into a series of requests for the purpose of evading the assessment of fees, FEMA may aggregate any such requests and charge accordingly. For example, it would be reasonable to presume that multiple requests of this type made within a 30-day period had been made to avoid fees. For requests made over a longer period, however, FEMA must have a solid basis for determining that aggregation is warranted in such cases. Before aggregating requests from more than one requester, FEMA must have a concrete basis on which to conclude that the requesters are acting in concert and are acting specifically to avoid payment of fees. In no case may FEMA aggregate multiple requests on unrelated subjects from one requester.

(c) In accordance with the prohibition of section (4)(A)(iv) of the Freedom of Information Act, as amended, FEMA shall not charge fees to any requester, including commercial use requesters, if the cost of collecting a fee would be equal to or greater than the fee itself.

(1) For commerical use requesters, if the direct cost of searching for, reviewing for release, and duplicating the records sought would not exceed $30.00, FEMA shall not charge the requester any costs.

(2) For requests from representatives of news media or educational and noncommercial scientific institutions, excluding the first 100 pages which are provided at no charge, if the duplication cost would not exceed $30.00, FEMA shall not charge the requester any costs.

(3) For all other requests not falling within the category of commercial use requests, representatives of news media, or educational and noncommercial scientific institutions, if the direct cost of searching for and duplicating the records sought, excluding the first two hours of search time and first 100 pages which are free of charge, would not exceed $30.00, FEMA shall not charge the requester any costs.

3. Section 5.43 is revised to read as follows:

§ 5.43 Waiver or reduction of fees.

(a) FEMA may waive all fees or levy a reduced fee when disclosure of the information requested is deemed to be in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the Federal Government and is not primarily in the commercial interest of the requester.

(b) A fee waiver request shall indicate how the information will be used, to whom it will be provided, whether the requester intends to use the information for resale at a fee above actual cost, any personal or commercial benefits that the requester reasonably expects to receive by the disclosure, provide justification to support how release would benefit the general public, the requester's and/or intended user's identity and qualifications, expertise in the subject area and ability and intention to disseminate the information to the public.

4. Section 5.44 is revised to read as follows:

§ 5.44 Prepayment of fees over $250.

(a) When FEMA estimates or determines that allowable charges that a requester may be required to pay are likely to exceed $250.00, FEMA may require a requester to make an advance payment of the entire fee before continuing to process the request.

(b) When a requester has previously failed to pay a fee charged in a timely fashion (i.e., within 30 days of the date of the billing), FEMA may require the requester to pay the full amount owned plus any applicable interest as provided in § 5.46(d), and to make an advance payment of the full amount of the estimated fee before the agency begins to process a new request or a pending request from that requester.

(c) When FEMA acts under paragraph (a) or (b) of this section, the administrative time limits prescribed in subsection (a)(6) of the FOIA (i.e., 10 working days from the receipt of initial requests and 20 working days from receipt of appeals from initial denial, plus permissible extensions of these time limits) will begin only after FEMA has received fee payments under paragraph (a) or (b) of this section.

5. Section 5.46 is revised to read as follows:

§ 5.46 Fee schedule.

(a) *Manual Searches for Records.* FEMA will charge at the salary rate(s), (i.e., basic pay plus 16.1 percent) of the employee(s) conducting the search. FEMA may assess charges for time spent searching, even if the agency fails to locate the records or if records located are determined to be exempt from disclosure. FEMA may assess charges for time spent searching, even if FEMA fails to locate the records or if records located are determined to be exempt from disclosure.

(b) *Computer Searches for Records.* FEMA will charge the actual direct cost of providing the service. This will include the cost of operating the central processing unit (CPU) for that portion of operating time that is directly attributable to searching for records responsive to a FOIA request and operator/programmer salary apportionable to the search. FEMA may assess charges for time spent searching, even if FEMA fails to locate the records or if records located are determined to be exempt from disclosure.

(c) *Duplication Costs.* (1) For copies of documents reproduced on a standard office copying machine in sizes up to 8½ x 14 inches, the charge will be $.15 per page.

(2) The fee for reproducing copies of records over 8½ x 14 inches or whose physical characteristics do not permit reproduction by routine electrostatic copying shall be the direct cost of reproducing the records through Government or commercial sources. If FEMA estimates that the allowable duplication charges are likely to exceed $25, it shall notify the requester of the estimated amount of fees, unless the requester has indicated in advance his/her willingness to pay fees as those anticipated. Such a notice shall offer a requester the opportunity to confer with agency personnel with the objective of reformulating the request to meet his/her needs at a lower cost.

(3) For copies prepared by computer, such as tapes or printouts, FEMA shall charge the actual cost, including

operator time, of production of the tape or printout. If FEMA estimates that the allowable duplication charges are likely to exceed $25, it shall notify the requester of the estimated amount of fees, unless the requester has indicated in advance his/her willingness to pay fees as high as those anticipated. Such a notice shall offer a requester the opportunity to confer with agency personnel with the objective of reformulating the request to meet his/her needs at a lower cost.

(4) For other methods of reproduction or duplication, FEMA shall charge the actual direct costs of producing the document(s). If FEMA estimates that the allowable duplication charges are likely to exceed $25, it shall notify the requester of the estimated amount of fees, unless the requester has indicated in advance his/her willingness to pay fees as high as those anticipated. Such a notice shall offer a requester the opportunity to confer with agency personnel with the objective of reformulating the request to meet his/her needs at a lower cost.

(d) Interest may be charge to those requesters who fail to pay fees charged. FEMA may begin assessing interest charges on the amount billed starting on the 31st day following the day on which the billing was sent. Interest will be at the rate prescribed in section 3717 of Title 31 U.S.C. and will accrue from the date of the billing.

(e) FEMA shall use the most efficient and least costly methods to comply with requests for documents made under the FOIA. FEMA may choose to contract with private sector services to locate, reproduce and disseminate records in response to FOIA requests when that is the most efficient and least costly method. When documents responsive to a request are maintained for distribution by agencies operating statutory-based fee schedule programs, such as, but not limited to, the Government Printing Office or the National Technical Information Service, FEMA will inform requesters of the steps necessary to obtain records from those sources.

6. Section 5.71 is amended by revising paragraph (g) and adding a new paragraph (j) to read as follows:

§ 5.71 Categories of records exempt from disclosure under 5 U.S.C. 552.

* * * * *

(g) Records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information:

(1) Could reasonably be expected to interfere with enforcement proceedings;

(2) Would deprive a person of a right to a fair trial or an impartial adjudication;

(3) Could reasonably be expected to constitute an unwarranted invasion of personal privacy;

(4) Could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source;

(5) Would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law; or

(6) Could reasonably be expected to endanger the life or physical safety of any individual.

* * * * *

(j) Whenever a request is made which involves access to records described in paragraph (g)(1) of this section and the investigation or proceeding involves a possible violation of criminal law; and there is reason to believe that the subject of the investigation or proceeding is not aware of its pendency, and disclosure of the existence of the records could reasonably be expected to interfere with enforcement proceedings, FEMA may, during only such time as that circumstance continues, treat the records as not subject to the requirements of 5 U.S.C. 552 and this subpart.

PART 6—[AMENDED]

1. The authority citation for Part 6 continues to read as follows: Authority: 5 U.S.C. 552a; Reorganization Plan No. 3 of 1978; and E.O. 12127.

§ 6.82 [Amended]

2. In § 6.82, remove "50" and add "300" in place thereof.

3. Section 6.83 is revised to read as follows:

§ 6.83 Prepayment of fees over $250.

(a) When FEMA estimates or determines that allowable charges that a requester may be required to pay are likely to exceed $250.00, FEMA may require a requester to make an advance payment of the entire fee before continuing to process the request.

(b) when a requester has previously failed to pay a fee charged in a timely fashion (i.e., within 30 days of the date of the billing), FEMA may require the requester to pay the full amount owed plus any applicable interest as provided in § 6.85(d), and to make an advance payment of the full amount of the estimated fee before the agency begins to process a new request or a pending request from that requester.

(c) When FEMA acts under § 5.44(a) or (b), the administrative time limits prescribed in subsection (a)(6) of the FOIA (i.e., 10 working days from the receipt of initial requests and 20 working days from receipt of appeals from initial denial, plus permissible extensions of these time limits) will begin only after FEMA has received fee payments described under § 5.44(a) or (b).

4. Section 6.85 is revised to read as follows:

§ 6.85 Reproduction fees.

(a) *Duplication Costs.* (1) For copies of documents reproduced on a standard office copying machine in sizes up to 8½ x 14 inches, the charge will be $.15 per page.

(2) The fee for reproducing copies of records over 8½ x 14 inches or whose physical characteristics do not permit reproduction by routine electrostatic copying shall be the direct cost of reproducing the records through Government or commercial sources. If FEMA estimates that the allowable duplication charges are likely to exceed $25, it shall notify the requester of the estimated amount of fees, unless the requester has indicated in advance his/her willingness to pay fees as high as those anticipated. Such a notice shall offer a requester the opportunity to confer with agency personnel with the objective of reformulating the request to meet his/her needs at a lower cost.

(3) For other methods of reproduction or duplication, FEMA shall charge the actual direct costs of producing the document(s). If FEMA estimates that the allowable duplication charges are likely to exceed $25, it shall notify the requester of the estimated amount of fees, unless the requester has indicated in advance his/her willingness to pay

fees as high as those anticipated. Such a notice shall offer a requester the opportunity to confer with agency personnel with the objective of reformulating the request to meet his/her needs at a lower cost.

(b) Interest may be charge to those requesters who fail to pay fees charged. FEMA may begin assessing interest charges on the amount billed starting on the 31st day following the day on which the billing was sent. Interest will be at the rate prescribed in section 3717 of Title 31 U.S.C.A.

Dated: March 27, 1987.

Julius W. Becton, Jr.,

Director.

[FR Doc. 87-7224 Filed 3-31-87; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[PR Docket No. 87-5]

Private Operational-Fixed Microwave Radio Service; Multiple Address Systems

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule; extension of comment/reply comment period.

SUMMARY: The Commission has received a motion from Motorola, Inc. seeking an extension of time to comment on the *Notice of Proposed Rulemaking*, Docket No. 87-5, 52 FR 4161 (February 10, 1987), concerning Multiple Address Systems. By this action the Commission has granted the motion.

EFFECTIVE DATE: Comments are now due on April 7, 1987, and reply comments on April 22, 1987.

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

FOR FURTHER INFORMATION CONTACT: Molly Nichols or Herb Zeiler, Private Radio Bureau, Land Mobile and Microwave Division, Rules Branch, (202) 634-2443.

Federal Communications Commission.

Richard J. Shiban,

Acting Chief, Private Radio Bureau.

[FR Doc. 87-7163 Filed 3-31-87; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 52, No. 62
Wednesday, April 1, 1987

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

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

March 27, 1987.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96–511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 404–W Admin. Bldg., Washington, DC 20250, (202) 447–2118.

Comments on any of the items listed should be submitted directly to: Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attn: Desk Officer for USDA.

If you anticipate commenting on a submission but find that preparation time will prevent you from doing so promptly, you should advise the OMB Desk Officer of your intent as early as possible.

New

• Food and Nutrition Service.

Food Stamp Program: Striker Provisions.
Monthly.
State or local governments; 636 responses; 93,516 hours; not applicable under 3504(h)
Margaret Werts Batko (703) 756–3471.

Extension

• National Agricultural Statistics Service.

June and December Enumerative Surveys—
Annually.
Farms; 155,340 responses; 53,937 hours; not applicable under 3504(h)
Larry Gambrell (202) 447–7737.

Revision

• Farmers Home Administration.

7 CFR 1924–C, Planning and Performing Site Development Work, FmHA 1924–20
On occasion.

Individuals or households; State or local governments; Businesses or other for-profit; Non-profit institutions; Small businesses or organizations; 4,300 responses; 18,012 hours; not applicable under 3504(h).

Jack Holston (202) 382–9736.

• Farmers Home Administration.

7 CFR 1924–B, Management Advice to Individual Borrowers and Applicants, FmHA 431–1, –2, –4; 432–1, –2, and 10—
On occasion.

Individuals or households; Farms; Businesses or other for-profit; Small businesses or organizations; 281,500 responses; 2,332,305 hours; not applicable under 3504(h).

Jack Holston (202) 382–9736.

Larry K. Roberson,

Acting Departmental Clearance Officer.

[FR Doc. 87–7090 Filed 3–31–87; 8:45 am]

BILLING CODE 3410–01–M

Cooperative State Research Service

Committee of Nine; Meeting

In accordance with the Federal Advisory Committee Act of October 6, 1972, (Pub. L. 92–463, 86 Stat. 770–776), the Cooperative State Research Service announces the following meeting:

Name: Committee of Nine.

Date, Time, & Place: May 20, 1987, 8:30 a.m.–5:00 p.m., Rm. 104A Admin. Bldg., May 21, 1987, 8:30 a.m.–3:00 p.m., Rm. 107A Admin. Bldg., Department of Agriculture, Washington, DC.

Type of Meeting: Open to the public. Persons may participate in the meeting as time and space permit.

Comments: The public may file written comments before or after the meeting with the contact person listed below.

Purpose: To evaluate and recommend proposals for cooperative research on problems that concern agriculture in two or more States, and to make recommendations for allocation of regional research funds appropriated by Congress under the Hatch Act for research at the State agricultural experiment stations.

Contact Person for Agenda and More Information: Dr. Edward M. Wilson, Executive Secretary, U. S. Department of Agriculture, Cooperative State Research Service, Room 223 Justin Smith Morrill Building, Washington, DC 20251–2200 Telephone: 202/447–4587.

Done at Washington, DC, this 23rd day of March 1987.

John Patrick Jordan,

Administrator, Cooperative State Research Service.

[FR Doc. 87–7091 Filed 3–31–87; 8:45 am]

BILLING CODE 3410–22–M

Federal Grain Inspection Service

Designation Renewal of the Chattanooga Agency (TN)

AGENCY: Federal Grain Inspection Service (Service), USDA.

ACTION: Notice.

SUMMARY: This notice announces the designation renewal of Chattanooga Grain Inspection Company, Inc., as an official agency responsible for providing official services under the U.S. Grain Standards Act, as Amended (Act).

EFFECTIVE DATE: May 1, 1987.

ADDRESS: James R. Conrad, Chief, Review Branch, Compliance Division, FGIS, USDA, 1400 Independence Avenue, SW., Room 1647 South Building, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447–8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and

Departmental Regulation 1512.1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

The Service announced that Chattanooga's designation terminates on April 30, 1987, and requested applications for official agency designation to provide official services within a specified geographic area in the November 3, 1986, **Federal Register**, (51 FR 39881). Applications were to be postmarked by December 3, 1986. Chattanooga was the only applicant for designation in its geographic area and applied for designation renewal in the area currently assigned to that agency.

The Service announced the applicant name in the January 2, 1987, **Federal Register** (52 FR 118) and requested comments on the designation renewal of Chattanooga. Comments were to be postmarked by February 16, 1987; none were received.

The Service evaluated all available information regarding the designation criteria in section 7(f)(1)(A) of the Act, and in accordance with section 7(f)(1)(B), determined that Chattanooga is able to provide official services in the geographic area for which the Service is renewing its designation. Effective May 1, 1987, and terminating April 30, 1990, Chattanooga will provide official inspection and Class X or Class Y weighing services in its entire specified geographic area, previously described in the November 3 **Federal Register**.

A specified service point, for the purpose of this notice, is a city, town, or other location specified by an agency for the performance of official inspection or Class X or Class Y weighing services and where the agency and one or more of its inspectors or weighers is located. In addition to the specified service points within the assigned geographic area, an agency will provide official services not requiring an inspector or weigher to all locations within its geographic area.

Interested persons may receive a listing of an agency's specified service points by contacting either the Review Branch, Compliance Division, at the address listed above or the agency at the following address: Chattanooga Grain Inspection Company, Inc., Judd Road, P.O. Box 16711, Chattanooga, TN 37416.

(Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*))

Dated: March 24, 1987.

J.T. Abshier,

Director, Compliance Division.

[FR Doc. 87–7105 Filed 3–31–87; 8:45 am]

BILLING CODE 3410–EN–M

Request for Comments on Designation Applicants in the Geographic Area Currently Assigned to the State of Georgia and Schneider Agency (IN)

AGENCY: Federal Grain Inspection Service (Service), USDA.

ACTION: Notice.

SUMMARY: This notice requests comments from interested parties on the applicants for official agency designation in the geographic area currently assigned to the Georgia Department of Agriculture (Georgia) and Schneider Inspection Service, Inc. (Schneider).

DATE: Comments to be postmarked on or before May 18, 1987.

ADDRESS: Comments must be submitted in writing to Lewis Lebakken, Jr., Information Resources Staff, FGIS, USDA, Room 1661 South Building, 1400 Independence Avenue, SW., Washington, DC 20250.

Telemail users may respond to [IRSTAFF/FGIS/USDA] telemail.

Telex users may respond as follows: TO: Lewis Lebakken, TLX:7607351, ANS:FGIS UC.

All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., telephone (202) 382–1738.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

The Service requested applications for official agency designation to provide official services within specified geographic areas in the February 3, 1987, **Federal Register** (52 FR 3300). Applications were to be postmarked by March 5, 1987. Georgia and Schneider were the only applicants for designation in their geographic area and each applied for designation renewal in the area currently assigned to that agency. Georgia is currently designated for inspection and weighing services; however, there have been no requests for official weighing services for the past few years. Accordingly, Georgia applied for designation renewal for inspection services only. Based upon available information, it has been determined there is no need for weighing services within the State of Georgia.

This notice provides interested persons the opportunity to present their comments concerning the designation applicants and the official services to be provided within the State of Georgia. All comments must be submitted to the Information Resources Staff, Resources Management Division, at the above address.

Comments and other available information will be considered in making a final decision. Notice of the final decision will be published in the **Federal Register**, and the applicants will be informed of the decision in writing.

(Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*))

Dated: March 24, 1987.

J.T. Abshier,

Director, Compliance Division.

[FR Doc. 87–7106 Filed 3–31–87; 8:45 am]

BILLING CODE 3410–EN–M

Request for Designation Applicants To Provide Official Services in the Geographic Area Currently Assigned to the State of Oregon and Southern Illinois Agency (IL)

AGENCY: Federal Grain Inspection Service (Service), USDA.

ACTION: Notice.

SUMMARY: Pursuant to the provisions of the U.S. Grain Standards Act, as Amended (Act), official agency designations shall terminate not later than triennially and may be renewed according to the criteria and procedures prescribed in the Act. This notice announces that the designation of two agencies will terminate, in accordance with the Act, and requests applications from parties, including the agencies currently designated, interested in being designated as the official agency to provide official services in the geographic area currently assigned to the specified agencies. The official agencies are the Oregon Department of Agriculture and Southern Illinois Grain Inspection Service, Inc.

DATE: Applications to be postmarked on or before May 1, 1987.

ADDRESS: Applications must be submitted to James R. Conrad, Chief, Review Branch, Compliance Division, FGIS, USDA, 1400 Independence Avenue, SW., Room 1647 South Building, Washington, DC 20250. All applications received will be made available for public inspection at this address during regular business hours.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447–8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and

determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

Section 7(f)(1) of the Act specifies that the Administrator of the Service is authorized, upon application by any qualified agency or person, to designate such agency or person to provide official services after a determination is made that the applicant is better able than any other applicant to provide official services in an assigned geographic area.

Oregon Department of Agriculture (Oregon), Agriculture Building, 635 Capitol St., NE., Salem, OR 97310–0110, and Southern Illinois Grain Inspection Service, Inc., 5900 North Illinois Street, P.O. Box 3099, Fairview Heights, IL 62208, were each designated under the Act as an official agency to provide inspection functions on October 1, 1984.

Each official agency's designation terminates on September 30, 1987. Section 7(g)(1) of the Act states that official agencies' designations shall terminate not later than triennially and may be renewed according to the criteria and procedures prescribed in the Act.

The geographic area presently assigned to Oregon, pursuant to section 7(f)(2) of the Act, which may be assigned to the applicant selected for designation, is as follows: The entire State of Oregon, except export port locations within the State.

The geographic area presently assigned to Southern Illinois in the State of Illinois, pursuant to section 7(f)(2) of the Act, which may be assigned to the applicant selected for designation, is as follows:

Bounded on the North along a straight line from the junction of State Route 111 and the northern Macoupin County line southeast to the junction of Interstate 55 and State Route 16; State Route 16 east-northeast to a point approximately 1 mile northeast of Irving; a straight line from this point to the northern Fayette County line; the northern Fayette, Effingham, and Cumberland County lines; the northern and eastern Jasper County lines south to State Route 33; State Route 33 east-southeast to U.S. Route 50; U.S. Route 50 east to the eastern Lawrence County line;

Bounded on the East by the eastern Lawrence, Wabash, Edwards, White, and Gallatin County lines;

Bounded on the South by the southern Gallatin, Saline, and Williamson County lines; the southern Jackson County line west to U.S. Route 51; U.S. Route 51 north to State Route 13; State Route 13 northwest to State Route 149; State Route 149 west to State Route 3; State Route 3 northwest to State Route 51; State Route 51 south to the Mississippi River; and

Bounded on the West by the Mississippi River north to Interstate 270; Interstate 270 east to Interstate 70; Interstate 70 east to State Route 4; State Route 4 north to Macoupin County; the southern and eastern Macoupin County lines.

The following location, outside of the foregoing contiguous geographic area, is presently assigned to Southern Illinois and is part of this geographic area assignment: Sigel Elevator Company, Inc., Sigel, Shelby County.

Interested parties, including Oregon and Southern Illinois are hereby given opportunity to apply for official agency designation to provide the official services in each geographic area, as specified above, under the provisions of section 7(f) of the Act and § 800.196(d) of the regulations issued thereunder. Designation in each specified geographic area is for the period beginning October 1, 1987, and ending September 30, 1990. Parties wishing to apply for designation should contact the Review Branch, Compliance Division, at the address listed above, for forms and information.

Applications and other available information will be considered in determining which applicant will be designated to provide official services in a geographic area.

(Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*))

Dated: March 24, 1987.

J.T. Abshier,

Director, Compliance Division.

[FR Doc. 87–7107 Filed 3–31–87; 8:45 am]

BILLING CODE 3410–EN–M

Cancellation of Designation Issued to Cedar Rapids Grain Service, Inc., and Request for Designation Applicants (IA)

AGENCY: Federal Grain Inspection Service (Service), USDA.

ACTION: Notice.

SUMMARY: This notice announces that the Cedar Rapids Grain Service, Inc., has requested the cancellation of its designation, effective September 31, 1987. A request for designation applicants is also included in this notice.

DATE: Applications to be postmarked on or before May 1, 1987.

ADDRESS: Applications must be submitted to James R. Conrad, Chief, Review Branch, Compliance Division, FGIS, USDA, 1400 Independence Avenue, SW., Room 1647 South Building, Washington, DC 20250. All applications received will be made available for public inspection at this address during regular business hours.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447–8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

This notice announces that the Cedar Rapids Grain Service, Inc., has requested the cancellation of its designation, effective September 31, 1987. A request for designation applicants is also included in this notice.

Section 7(f)(1) of the Act specifies that the Administrator of the Service is authorized, upon application by any qualified agency or person, to designate such agency or person to provide official services after a determination is made that the applicant is better able than any other applicant to provide official services in an assigned geographic area.

Section 7(g)(1) of the Act states that official agencies' designations shall terminate not later than triennially and may be renewed according to the criteria and procedures prescribed in the Act.

The geographic area in the State of Iowa,which is available for assignment to the applicant selected for designation, is as follows:

Bounded on the North by the northern Blackhawk County line; the northern and eastern Buchanan County lines; the northern Linn County line; the northern Jones County line;

Bounded on the East by the eastern Jones County line; the eastern Cedar County line south to State Route 130;

Bounded on the South by State Route 130 west to State Route 38; State Route 38 south to Interstate 80; Interstate 80 west to U.S. Route 63; and

Bounded on the West by U.S. Route 63 north to State Route 8; State Route 8 east to State Route 21; State Route 21 north to D38; D38 east to State Route 297; State Route 297 north to V49; V49 north to Blackhawk County.

Interested parties are hereby given opportunity to apply for official agency designation to provide the official services in the geographic area, as specified above, under the provisions of section 7(f) of the Act and § 800.196(d)

of the regulations issued thereunder. Designation in the specified geographic area is for the period beginning October 1, 1987, not to exceed a 3-year period. Parties wishing to apply for designation should contact the Review Branch, Compliance Division, at the address listed above, for forms and information.

Applications and other available information will be considered in determining which applicant will be designated to provide official services in a geographic area.

(Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*))

Dated: March 24, 1987.

J.T. Abshier,

Director, Compliance Division.

[FR Doc. 87–7408 Filed 3–31–87; 8:45 am]

BILLING CODE 3410-EN-M

Soil Conservation Service

West Branch of Brandywine Creek Watershed; PA

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of availability of a record of decision.

SUMMARY: James H. Olson, State Conservationist, responsible Federal official for projects administered under the provisions of Pub. L. 83–566, 16 U.S.C. 1001–1008, in the State of Pennsylvania, is hereby providing notification that a record of decision to proceed with the installation of the West Branch of Brandywine Creek Watershed project is available. Single copies of this record of decision may be obtained from James H. Olson, State Conservationist, at the address shown below.

FOR FURTHER INFORMATION CONTACT: James H. Olson, State Conservationist, Soil Conservation Service, 228 Walnut Street, Room 850, Box 985 Federal Square Station, Harrisburg, Pennsylvania 17108, telephone (717) 782–4453.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention. State and local review procedures for of federal and federally assisted programs and projects are applicable)

Dated: March 24, 1987.

James H. Olson,

State Conservationist.

[FR Doc. 87–7109 Filed 3–31–87; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 341]

Approval for Expansion of Foreign-Trade Zone No. 50, for a Site in Santa Ana, CA, Within the Los Angeles-Long Beach Customs Port of Entry

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 of Harbor Commissioners of the City of Long Beach, California, Grantee of Foreign-Trade Zone No. 50, has applied to the Board for authority to expand its general-purpose zone to include an industrial park site in Santa Ana, California, within the Los Angeles-Long Beach Customs port of entry;

Whereas, the application was accepted for filing on March 27, 1985 (Docket No. 5–85, 50 FR 14000, 4/9/85) and was amended on April 2, 1986 (51 FR 12189, 4/9/86);

Whereas, notice of said application has been given, and full opportunity has been afforded all interested parties to be heard;

Whereas, an examiners committee has investigated the application in accordance with the Board's regulations and recommends approval;

Whereas, the expansion is necessary to improve and expand zone services in the greater Los Angeles area; and

Whereas, the Board has found that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that approval of the application is in the public interest;

Now, Therefore, the Board hereby orders:

That the Grantee is authorized to expand its zone in accordance with the application filed March 27, 1985, and amended on April 2, 1986. The grant does not include authority for manufacturing operations, and the Grantee shall notify the Board for approval prior to the commencement of any manufacturing or assembly operations. The authority given in this Order is subject to settlement locally by the District Director of Customs and the District Army Engineer regarding compliance with their respective requirements relating to foreign-trade zones.

Signed at Washington, DC, this 25th day of March 1987.

Paul Freedenberg,

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

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 87–7136 Filed 3–31–87; 8:45 am]

BILLING CODE 3510-DS-M

[Order No. 340]

Approval for Amendment of Zone Plan of Foreign-Trade Zone No. 84, Harris County, Texas, Within the Houston Customs Port of Entry

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 Port of Houston Authority (PHA), Grantee of Foreign-Trade Zone No. 84, has applied to the Board for authority to amend its zone plan by adding 5 new private sites, located in Harris County, Texas, within the Houston Customs port of entry;

Whereas, The application was accepted for filing on March 7, 1986, and notice inviting public comment was given in the **Federal Register** on April 22, 1986 (Docket No. 13–86, 51 FR 15029);

Whereas, an examiners committee has investigated the application in accordance with the Board's regulations and recommends approval;

Whereas, the Board has found that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations would be satisfied if approval is given subject to the conditions stated below;

Now, Therefore, the Board hereby orders:

That the Grantee is authorized to amend its zone plan in accordance with the application filed March 7, 1986, subject to the conditions in Board Order 214, July 15, 1983 (48 FR 34792), including the same time limitation (July 15, 1988), and the numbering system assigned by the Board, as amended (Table I, amended January 12, 1986. The grant does not include authority for manufacturing operations, and the Grantee shall notify the Board for approval prior to the commencement of any manufacturing or assembly operations. The authority given in this Order is subject to settlement locally by the District Director of Customs and the

District Army Engineer regarding compliance with their respective requirements relating to foreign-trade zones.

Signed at Washington, DC, this 25th day of March 1987.

Paul Freedenberg,

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

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 87-7137 Filed 3-31-87; 8:45 am]

BILLING CODE 3510-DS-M

International Trade Administration

[A-122-605, A-588-609, A-580-605, and A-559-601]

Postponement of Preliminary Antidumping Duty Determinations; Color Picture Tubes From Canada, Japan, Korea, and Singapore

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

ACTION: Notice.

SUMMARY: This notice informs the public that we have received a request from the petitioners in these investigations to postpone the preliminary determinations as permitted by section 733(c)(1)(A) of the Tariff Act of 1930, as amended (the Act). Based on this request, we are postponing our preliminary determinations of whether sales of color picture tubes from Canada, Japan, Korea, and Singapore have occurred at less than fair value until not later than May 26, 1987.

EFFECTIVE DATE: April 1, 1987.

FOR FURTHER INFORMATION CONTACT: John Brinkmann, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230 (202) 377-3965.

SUPPLEMENTARY INFORMATION: On December 22, 1986 (51 FR 45785, Canada; 51 FR 45786, Japan; 51 FR 45787, Korea; and 51 FR 45787, Singapore) we published the initiations of antidumping duty investigations to determine whether color picture tubes from Canada, Japan, Korea, and Singapore are being, or are likely to be, sold in the United States at less than fair value. The notices stated that we would issue our preliminary determinations by May 5, 1987.

As detailed in the notices, the petition alleged that imports of color picture tubes from Canada, Japan, Korea, and Singapore are being, or are likely to be sold in the United States at less than fair value. On March 23, 1987, counsel for petitioners, the International Association of Machinists and Aerospace Workers, the International Brotherhood of Electrical Workers, the International Union of Electronic, Electrical, Technical, Salaried and Machine Workers (AFL-CIO/CLC), the United Steelworkers of America (AFL-CLO), and the Industrial Union Department (AFL-CIO), requested that the Department extend the period for the preliminary determinations until not later than 180 days after the date of receipt of the petition in accordance with section 733(c)(1) of the Act. Accordingly, the period for determinations in these cases is hereby extended. We intend to issue preliminary determinations not later than May 26, 1987.

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

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

March 26, 1987.

[FR Doc. 87-7144 Filed 3-31-87; 8:45 am]

BILLING CODE 3510-05-M

Switching Subcommittee of the Telecommunications Equipment Technical Advisory Committee; Closed Meeting

A meeting of the Switching Subcommittee of the Telecommunications Equipment Technical Advisory Committee will be held April 21, 1987, 1:30 p.m. Herbert C. Hoover Building, Room B841, 14th Street and Constitution Avenue, NW., Washington, DC. The Switching Subcommittee was formed to study computer controlled switching equipment with the goal of making recommendations to the Office of Technology & Policy Analysis relating to the appropriate parameters for controlling exports for reasons of national security.

The Committee will meet only in Executive Session to discuss matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM program and strategic criteria related thereto.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 10, 1986, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Telephone: (202) 377-4217. For further information or copies of the minutes, call Betty Ferrell at (202) 377-4959.

Dated: March 26, 1987.

Margaret A. Cornejo,

Director, Technical Support Staff, Office of Technology & Policy Analysis.

[FR Doc. 87-7138 Filed 3-31-87; 8:45 am]

BILLING CODE 3510-DT-M

Telecommunications Equipment, Technical Advisory Committee; Partially Closed Meeting

A meeting of the Telecommunications Equipment Technical Advisory Committee will be held April 21, 1987, 9:30 a.m. Herbert C. Hoover Building, Room B-841, 14th Street and Constitution Avenue, NW., Washington, DC. The Committee advises the Office of Technology and Policy Analysis with respect to technical questions that affect the level of export controls applicable to telecommunications and related equipment or technology.

Agenda:

1. Introduction of attendees and opening remarks by the Chairman.
2. Review and approval of the minutes of March 10, 1987.
3. Presentation of papers or comments by the public.
4. Consideration of additional responses to **Federal Register** notice of December 5, 1987, requesting comments on the annual review of the Commodity Control List.

Executive Session

5. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The general session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may

be submitted at any time before or after the meeting.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 10, 1986, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government in the Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Telephone: (202) 377–4217. For further information or copies of the minutes, call Betty Ferrell at (202) 377–4959.

Dated: March 26, 1987.

Margaret A. Cornejo,

Director, Technical Support Staff, Office of Technology and Policy Analysis.

[FR Doc. 87–7139 Filed 3–31–87; 8:45 am]

BILLING CODE 3510-DT-M

Applications for Duty-Free Entry of Scientific Instruments; Harbor Branch Foundation, Inc., et al.

Pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897; 15 CFR Part 301), we invite comments on the question of whether instruments of equivalent scientific value for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with §§ 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 AM., and 5:00 P.M. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket number: 86–312R. Applicant: Harbor Branch Foundation, Inc., RR 1, Box 196, Fort Pierce, FL 33450. Instrument: Remotely Operated Vehicle System, HYSUB–40. Manufacturer: I.S.E. Gulf Inc., Canada. Original notice of this resubmitted application was published in the **Federal Register** of September 30, 1986.

Docket number: 87–010R. Applicant: The University of Oklahoma, 660 Parrington Oval, Room 321, Norman, OK 73019. Instrument: Mass Spectrometer, Model Delta E. Manufacturer: Finnigan MAT, West Germany. Original notice of this resubmitted application was published in the **Federal Register** of November 5, 1986.

Docket number: 87–114. Applicant: University of Missouri-Columbia, Department of Geology, Columbia, MO 65211. Instrument: Mass Spectrometer System, Model Delta E. Manufacturer: Finnigan MAT, West Germany. Intended use: The instrument is intended to be used for studies of high-temperature materials including carbonates, sulfates, sulfides, silicates, hydrous minerals and waters. Investigations will be conducted to determine the source of fluids involved in the formation of metallic ore deposits and to determine the extent of water-rock interaction as it relates to ore-formation. In addition, the instrument will be used for educational purposes in the courses: Geology 340—Economic Geology, Geology 414—Stable Isotope Geochemistry and Geology 428—Trace Element Geochemistry. Application received by Commissioner of Customs: February 27, 1987.

Docket number: 87–121. Applicant: Yale University, Deparment of Geology and Geophysics, P.O. Box 6666, New Haven, CT 06511. Instrument: Mass Spectrometer, Model MAT 251 EM and Accessories. Manufacturer: Finnigan MAT, West Germany. Intended use: The instrument is intended to be used for stable isotopic analyses on petrologically defined samples in order to trace the fluid and fluid-rock interactions histories in hydrothermal systems, metamorphic rock systems and in deformed rock systems. The overall objective is to determine the nature of fluid-rock interactions in rock systems. Microsample studies will determine whether different fluids were present in a given rock and their relative timing. The instrument will also be used for educational objectives in the courses: G&G 618b Petrology of Light Stable Isotopes, G&G 930 Research in Geochemistry, Petrology or Mineralogy and G&G 302a/502a Principles and Systematics of Isotope Petrology. Application received by Commissioner of Customs: March 4, 1987.

Docket number: 87–123. Applicant: Case Western Reserve University, School of Medicine, 2119 Abington Road, Cleveland, OH 44106. Instrument: Electon Microscope, Model JEM–1200EX/SEG/DP/DP. Manufacturer: JEOL, Japan. Intended Use: The instrument is intended to be used for the study of the following: (1) Structure and function of synapses and astrocytes in mammalian brain, prepared for freeze-fracture or thin-sectioning, (2) Development of neurotransmitter-related properties, using thin-sectioned material, (3) Distribution of motility-related proteins in algae, protozoa, and higher animal cells and (4) Characteristics of blood vessels in mammalian brains. Application received by Commissioner of Customs: March 9, 1987.

Docket number: 87–124. Applicant: The University of Texas Health Science Center at San Antonio, Department of Biochemistry, 7703 Floyd Curl Drive, San Antonio, TX 78284–7760. Instrument: Accessories for Nanosecond Fluorometer System 2000. Manufacturer: Photochemical Research Associates, Inc., Canada. Intended use: The instruments are accessories to an existing fluorometer system produced by the same manufacturer, Fluorescence probes will be used in chemical solutions and lipids, membranes and proteins. The enzyme rhodanese will be labelled and fluoroescence measurements of functionally related flexibilty will be measured. Studies will be conducted to obtain a basic understanding of molecular processes in this experiment. Application received by Commissioner of Customs: March 9, 1987.

Docket number: 87–125. Applicant: University of Chicago, 5841 S. Maryland, Box 420, Chicago, IL 60637. Instrument: Electron Microscope, Model JEM–100CX and Assessories. Manufacturer: JEOL Ltd., Japan. Intended Use: Research and teaching in the general areas of thrombosis and hemostasis and cancer research. Specific areas of research include: (1) Studies of the topographic relationship and vertical organization of adhesive proteins in three model systems (i) isolated cytoskeletons of aggregated platelets, (ii) platelets stimulated in suspension and (iii) platelets allowed to adhere to a variety of solid supports. (2) Evaluation of the distribution of retained membrane and adhesive glycoproteins in isolated cytoskeletons and intact, aggregated platelets. (3) Visualization of the vertical organization of platelet attachments to various substrata including: collagen, Fn, laminin, and exposed endothelial cell matrix by examining immunolabelled, perpendicular sections of adherent platelets. Educational purposes consist of training postdoctoral students and Hematology fellows in specialized research techniques using transmission electron microscopy. Application received by Commissioner of Customs: March 9, 1987.

Docket number: 87–127. Applicant: University of Washington, Materials Science and Engineering, Roberts Hall, FB–10, Seattle, WA 98195. Instrument: Electron Microscope, Model EM 430T and Accessories. Manufacturer: N.V. Philips, The Netherlands. Intended use: The instrument is intended to be used for studies of microstructural properties of advanced ceramics, advanced ceramic-metal composites, advanced metals, organic and inorganic polymers, ceramic-polymer composites and biocrystals. The experiments to be conducted involve conventional imaging of the microstructure for morphological analysis, diffraction experiments for crystallographic information, contrast experiments for defect analysis, and experiments involving spectroscopy compositional and chemical state information. In addition, the instrument will be used for educational purposes in the course Theory and Application of Transmission Electron Microscopy and Advanced Transmission Electron Microscopy Techniques. Application received by Commissioner of Customs: March 11, 1987.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 87–7140 Filed 3–31–87; 8:45 am]

BILLING CODE 3510-DS-M

Withdrawal of Application for Duty-Free Entry of Scientific Instruments; Parkland College

Parkland College has withdrawn Docket Number 87–075, an application for duty-free entry of a planetarium projector system. We have discontinued processing in accordance with section 301.5(g) of 15 CFR Part 301.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 87–7141 Filed 3–31–87; 8:45 am]

BILLING CODE 3510-DS-M

National Bureau of Standards

[Notice 1]

National Fire Codes: Request for Comments on NFPA Technical Committee Reports

AGENCY: National Bureau of Standards, DOC.

ACTION: Notice of request for comments.

SUMMARY: The National Fire Protection Association (NFPA) revises existing standards and adopts new standards twice a year. At its Fall Meeting in November or its Annual Meeting in May, the NFPA acts on recommendations made by its technical committees.

The purpose of this notice is to request comments on the technical reports that will be presented at NFPA's 1987 Annual Meeting. The publication of this notice by the National Bureau of Standards (NBS) on behalf of NFPA is being undertaken as a public service; NBS does not necessarily endorse, approve, or recommend any of the standards referenced in the notice.

DATE: The technical committee reports were available as of February 13, 1987 for distribution. Comments received on or before May 1, 1987, will be considered by the NFPA before final action is taken on the proposals.

ADDRESS: *The 1987 Annual Technical Committee Reports* is available from NFPA, Publications Department, Batterymarch Park, Quincy, Massachusetts 02269. (The single copy price is $5.00 to cover postage and handling.) Comments on the reports should be submitted to Arthur E. Cote, P.E., Secretary, Standards Council, NFPA, Batterymarch Park, Quincy, Massachusetts 02269.

FOR FURTHER INFORMATION CONTACT: Arthur E. Cote, P.E., Secretary, Standards Council, at above address, (617) 770–3000.

SUPPLEMENTARY INFORMATION:

Background

Standards developed by the technical committees of the National Fire Protection Association (NFPA) have been used by various Federal agencies as the basis for Federal regulations concerning fire safety. The NFPA standards are known collectively as the National Fire Codes. Often, the Office of the Federal Register approves the incorporation by reference of these standards under 5 U.S.C. 522(a) and 1 CFR Part 51.

Revisions of existing standards and adoption of new standards are reported by the technical committees at the NFPA's Fall Meeting in November or at the Annual Meeting in May of each year. The NFPA invites public comment on its technical committee reports.

Request for Comments

Interested persons may participate in the revisions of these reports by submitting written data, views, or arguments to Arthur E. Cote, P.E., Secretary, Standards Council, NFPA, Batterymarch Park, Quincy, Massachusetts 02269. Commentors may use the forms provided for comments in the *The 1987 Annual Technical Committee Reports*.

Each person submitting a comment should include his or her name and address, identify the document and give reasons for any recommendations.

Comments received on or before May 1, 1987 will be considered by the NFPA before final action is taken on the proposals.

Copies of all written comments received and the disposition of those comments by the NFPA committees will be published as *The Technical Committee Documentation* by September 25, 1987, prior to the Fall Meeting.

A copy of *The Technical Committee Documentation* will be sent automatically to each commentor. Action by NFPA members on the technical committee reports (adoption or rejection) will be taken at the Fall Meeting, November 9–12, 1987, at the Red Lion Inn Lloyd Center, Portland, Oregon, by NFPA members.

Ernest Ambler,

Director, National Bureau of Standards.

1987 Fall Meeting Technical Committee Reports

Documents and the action proposed on each document follow:

Action code: C–Complete revision; P–Partial amendments; N–New; T–Tentative adoption; R–Reconfirmation; W–Withdrawal

NFPA 10	Portable Fire Extenguishers	P
NFPA 10L	Model Enabling Act for the Sale or Leasing & of Portable Fire Extinguishers.	R
NFPA 11	Low Expansion Foam & Combined Agent Systems.	C
NFPA 11A	Medium & High Expansion Foam Systems.	P
NFPA 40	Cellulose Nitrate Motion Picture Film.	C
NFPA 68	Explosion Venting	C
NFPA 72H	Testing Procedures for Signaling Systems.	P
NFPA 92A	Mechanical Smoke Control System.	N
NFPA 97M	Standard Glossary of Terms Relating to Chimneys, Vents & Heat-Producing Appliances.	P
NFPA 101	Life Safety Code	P
NFPA 101M	Systems Approach to Life Safety.	N
NFPA 110	Emergency and Standby Power Systems.	C
NFPA 130	Fixed Guideway Transit Systems.	P
NFPA 211	Chimneys, Fireplaces, Vents & Solid Fuel Burning Appliances.	P
NFPA 214	Water-Cooling Towers	P
NFPA 306	Control of Gas Hazards on Vessels.	P
NFPA 701	Standard Methods of Fire Tests for Flame-Resistant Textiles & films.	C
NFPA 1002	Fire Apparatus Driver/Operator Professional Qualifications.	C
NFPA 1221	Installation, Maintenance and Use of Public Fire Service Communication Systems.	C
NFPA 1410	Training Standard on Initial Fire Attack.	C
NFPA 1452	Training Fire Dept. Personnel to Make Dwelling Fire Safety Surveys.	C
NFPA 1962	Care, Use, & Maintenance of Fire Hose Including Connections & Nozzles.	P
NFPA 1964	Fire Stream Nozzles	N

[FR Doc. 87–7179 Filed 3–31–87; 8:45 am]

BILLING CODE 3510-13-M

[Notice 2]

National Fire Codes; Request for Proposals for Revisions of Standards

AGENCY: National Bureau of Standards, DOC.

ACTION: Notice of request for proposals.

SUMMARY: The National Fire Protection Association (NFPA) proposes to revise some of its fire safety standards and requests proposals from the public to amend existing NFPA fire safety standards. The purpose of this request is to increase public participation in the system used by NFPA to develop its standards. The publication of this notice of request for proposals by the National Bureau of Standards (NBS) on behalf of NFPA is being undertaken as a public service; NBS does not necessarily endorse, approve, or recommend any of the standards referenced in the notice.

DATES: Interested persons may submit proposals on or before the dates listed with the standards.

ADDRESS: Arthur E. Cote, P.E., Secretary, Standards Council, NFPA, Batterymarch Park, Quincy, Massachusetts 02269.

FOR FURTHER INFORMATION CONTACT: Arthur E. Cote, P.E., Secretary, Standards Council, at the above address, (617) 770–3000.

SUPPLEMENTARY INFORMATION:

Background

The National Fire Protection Association (NFPA) develops fire safety standards which are known collectively as the National Fire Codes. Federal agencies frequently use these standards as the basis for developing Federal regulations concerning fire safety. Often, the Office of the Federal Register approves the incorporation by reference of these standards under 5 U.S.C. 552(a) and 1 CFR Part 51.

Request for Proposals

Interested persons may submit amendments supported by written data, views, or arguments to Arthur E. Cote, P.E., Secretary, Standards Council, NFPA, Batterymarch Park, Quincy, Massachusetts 02269. Proposals should be submitted on forms available from the NFPA Standards Administration Office. Each person must include his or her name and address, identify the document and give reasons for the proposal. Proposals received before or by 5:00 E.D.S.T. on the closing date indicated will be acted on by the Committee. The NFPA will consider any proposal that it receives on or before the date listed with the standard.

At a later date each NFPA technical committee will issue a report that will include a copy of written proposals that have been received and an account of their disposition. Each person who has submitted a written proposal will receive a copy of the report.

Dated: March 27, 1987.

Ernest Ambler,

Director, National Bureau of Standards.

Committees Soliciting Proposals

The following Committees are planning to meet to begin preparation of their respective reports. In accordance with the regulations governing committee projects, Committees are now accepting proposals for recommendations on document content on the documents listed below. Proposals received by 5:00 E.D.S.T. on the closing date indicated will be acted on by Committee, and that action will be published in the Committee's Report. Proposals must be submitted to Arthur E. Cote, Assistant Vice President/ Standards, on proposal forms available from the NFPA Standards Administration Office.

NFPA 12–1985, Carbon Dioxide...July 17, 1987.
NFPA 13–1987, Installation of Sprinkler Systems.....July 17, 1987.
NFPA 13D–1984, Sprinkler Systems for One & Two Family Dwellings & Mobile Homes.....July 17, 1987.
NFPA 13E–1984, Fire Department Operations in Properties Protected by Sprinkler and Standpipe...July 17, 1987.
NFPA 36–1985, Solvent Extraction Plants.....March 1, 1987.
NFPA 50A–1984, Gaseouers Hydrogen Systems at Consumer Sites...May 29, 1987.
NFPA 50B–1985, Liquefied Hydrogen Systems at Consumer Sites...May 29, 1987.
NFPA 51A–1984, Acetylene Cylinder Charging Plants.....May 29, 1987.
NFPA 58–1984, Liquefied Petroleum Gases.....Sept 25, 1987.
NFPA 59–1984, Liquefied Petroleum Gases at Utility Gas Plants...Sept 25, 1987.
NFPA 61A–1984, Manufacturing & Handling Starch.....July 17, 1987.
NFPA 61C–1984, Fire & Dust Explosions in Feed Mills.....July 17, 1987.
NFPA 61D–1984, Fire & Dust Explosions in the Milling of Agricultural Commodities for Human Comsumption.....July 17, 1987.
NFPA 70–1987, National Electrical Code.....Nov 6, 1987.
NFPA 72F–1985, Emergency Voice/ Alarm Communication Systems...July 17, 1987.
NFPA 72G–1985, Notification Appliances for Protective Signaling Systems.....July 17, 1987.
NFPA 75–1987, Electronic Computer/ Data Processing Equipment...July 17, 1987.
NFPA 80–1986, Fire Doors & Windows.....July 17, 1987.
Proposed NFPA 85H, Prevention of Combustion Hazards in Atmospheric Fluidized Bed Combustion Systems.....July 17, 1987.
Proposed NFPA 851, Stoker Operations.....July 17, 1987.
NFPA 90A–1985, Air Conditioning & Ventilating Systems.....July 17, 1987.
NFPA 90B–1984, Warm Air Heating & Air Conditioning Systems.....July 17, 1987.
NFPA 105–1985, Smoke & Draft Control Door Assemblies.....July 17, 1987.
NFPA 120–1984, Coal Preparation Plants.....March 1, 1987.
Proposed NFPA 264, Heat Release Rates Using Oxgen Consumption Calorimeter.....July 17, 1987.
Proposed NFPA 298, Chemicals & Wildland Fire Control.....July 17, 1987.
Proposed NFPA 299, Fire Hazard Assessment & Development Standards for Wildland Fire Areas.....July 17, 1987.
NFPA 302–1984, Motor Craft.....July 17, 1987.
NFPA 395–2984, Storage of Flammable & Combustible Liquids on Farms and Isolated Construction Project...March 1, 1987.
NFPA 402M–1984, Aircraft Rescue Fire Fighting Procedures.....Oct 1, 1987.
NFPA 407–1985, Aircraft Fuel Servicing.....Oct 1, 1987.
NFPA 408–1984, Aircraft Hand Fire Extinguishers.....Oct 1, 1987.
NFPA 409–1985, Aircraft Hangers...Oct 1, 1987.
NFPA 414–1984, Aircraft Rescue & Fire Fighting Vehicles.....Oct 1, 1987.
NFPA 422M–1984, Aircraft Fire Investigators Manual.....Oct 1, 1987.
Proposed NFPA 471, Professional Competence for Hazardous Materials Response Personnel...July 17, 1987.
Proposed NFPA 472, Hazardous Materials Management.....July 17, 1987.
Proposed NFPA 473, Hazardous Materials Incident Management...July 17, 1987.
NFPA 496–1986, Purged and Pressurized Enclosures for Electrical Equipment in Hazardous Locations.....July 17, 1987.
Proposed NFPA 820, Waste Water Treatment Plants.....July 17, 1987.
NFPA 1231–1984, Water Supplies for Suburban & Rural Fire Fighting...July 17, 1987.
NFPA 1401–1983, Training Reports and Records.....July 17, 1987.

[FR Doc. 87–7180 Filed 3–31–87; 8:45 am]
BILLING CODE 3510-3-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Establishment of Import Limits and Guaranteed Access Levels for Certain Cotton and Man-Made Fiber Textiles and Textile Products From Jamaica

March 27, 1987.

The Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 31, 1972, as amended, and the President's February 20, 1986 announcement of a Special Access Program for textile products assembled in participating Caribbean Basin beneficiary countries from fabric formed and cut in the United States, and pursuant to the requirements set forth in 51 FR 21208 (June 11, 1986), has issued the directive published below to the Commissioner of Customs, effective April 2, 1987. For further information, contact Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port. For information on embargoes and quota reopenings, please call (202) 377–3715.

Background

On November 21, 1986, a notice was published in the **Federal Register** (51 FR 42128) announcing import limits for certain cotton and man-made fiber textile products, produced or manufactured in Jamaica and exported during the period which began on September 1, 1986 and extends through December 31, 1987.

A further notice was published in the **Federal Register** on February 27, 1987 (52 FR 6049) announcing guaranteed access levels in accordance with the Bilateral Cotton, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Agreement of August 27, 1986 and under the Special Access Program for certain properly certified textile products assembled in Jamaica from fabric formed and cut in the United States.

During recent consultations between the Governments of the United States and Jamaica, agreement was reached to amend the bilateral textile agreement to delete Categories 338/339 and 347/348 and to create combined Categories 338/339/638/639 and 347/348/647/648.

New designated consultation levels were established for cotton and man-made fiber textile products in combined Categories 338/339/638/639 and 347/348/647/648, produced or manufactured in Jamaica and exported during the sixteen-month period which began on September 1, 1986 and extends through December 31, 1987.

The two governments further agreed to establish new guaranteed access levels for the newly combined Categories 338/339/638/639 and 347/348/647/648 for properly certified textile products assembled in Jamaica from fabric formed and cut in the United States and exported from Jamaica during the sixteen-month period which began on September 1, 1986 and extends through December 31, 1987.

Textile products in Categories 338/339/638/639 and 347/348/647/648 exported from Jamaica before March 1, 1987, shall not be denied entry for lack of a visa or certification. Exports from Jamaica of products in Categories 338/339/638/639 and 347/348/647/648, qualifying for the Special Access Program for entry under TSUSA 807.0010, exported on or after September 1, 1986 must be accompanied by a properly completed CBI Export Declaration (Form ITA–370P).

In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to control imports of cotton and man-made fiber textile products in Categories 338/339/638/639 and 347/348/647/648 at the designated consultation levels and to establish new guaranteed access levels for properly certified textile products assembled in Jamaica from fabric formed and cut in the United States and exported from Jamaica in Categories 338/339/638/639 and 347/348/647/648.

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), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the *Tariff Schedules of the United States Annotated (1987).*

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

March 27, 1987.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229

Dear Mr. Commissioner: This directive amends, but does not cancel, the directives issued to you by the Chairman for the Implementation of Textile Agreements on November 17, 1986 and February 19, 1987, which established import restraint limits and guaranteed access levels for certain cotton and man-made fiber textile products from Jamaica.

Effective on April 2, 1987, the directive of November 17, 1986 is hereby amended to combine Categories 338/339 and 347/348 with Categories 638/639 and 647/648, respectively, and to establish the following new limits for combined Categories 338/339/638/639 and 347/348/647/648, produced or manufactured in Jamaica and exported during the sixteen-month period which began on September 1, 1986 and extends through December 31, 1987.[1]

Category	16-mo restraint limit
338/339/638/639.	500,000 doz.
347/348/647/648.	695,000 doz.

Also effective on April 2, 1987, you are directed to charge the following amounts to the import restraint limits established in this directive for Categories 338/339/638/639 and 347/348/647/648. These charges are for merchandise imported during the period September 1, 1986 through January 31, 1987.

Category	Charges
638	0
639	1,887 doz.
647	28,900 doz.
648	10,947 doz.

Merchandise charged to the import restraint limits for Categories 338/339 and 347/348 are to be charged to the limits established in this directive.

Also effective on April 2, 1987, the directive of February 27, 1987 is hereby amended to combine categories 338/339 and 347/348 with categories 638/639 and 647/648, respectively, and to establish the following guaranteed access levels for textile products properly certified textile products assembled in Jamaica from fabric formed and cut in the United States and exported from Jamaica during the period September 1, 1986 through December 31, 1987:

Category	Guaranteed access level
338/339/638/639.	850,000 doz.
347/348/647/648.	1,547,000 doz.

[1] These limits have not been adjusted to account for imports exported after August 31, 1986.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-7135 Filed 3-31-87; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Department of the Navy

Chief of Naval Operations, Executive Panel Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app.), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel Advisory Committee Navy Training Task Force will meet April 14–15, 1987, from 9 a.m. to 5 p.m. each day, at 4401 Ford Avenue, Alexandria, Virginia. All sessions will be closed to the public.

The purpose of this meeting will include an examination of Navy training to assess how best to organize and manage training to accommodate future requirements, and related intelligence. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and is, in fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting, contact Lieutenant Paul G. Butler, Executive Secretary of the CNO Executive Panel Advisory Committee, 4401 Ford Avenue, Room 601, Alexandria, Virginia 22302-0268. Phone (703) 756-1205.

Dated: March 26, 1987.

Harold L. Stoller,

Commander, JAGC, U.S. Naval Reserve Federal Register Liaison Officer.

[FR Doc. 87-7082 Filed 3-31-87; 8:45 am]

BILLING CODE 3810-AE-M

Secretary of the Navy Health Care Advisory Committee; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app.), notice is hereby given that the Secretary of the Navy Health Care Advisory Committee will meet April 21, 22 and 23, 1987 from 8 a.m. to 4 p.m. in the conference room at the Naval Medical Command, Mid-Atlantic Region, Norfolk, Virginia. All sessions will be open to the public.

The purpose of the meeting is to provide guidance concerning resource management in the Navy Medical Department. The agenda for the meeting will consist of a series of briefings from the Naval Medical Command concerning Graduate Medical Education and fiscal and personnel resources in Navy medicine today.

For further information concerning this meeting, contact Captain Joseph J. Smith, MC, USN, (202) 653-1730.

Dated: March 23, 1987.

Harold Stoller,

Commander, JAGC, U.S. Navy Federal Register Liaison Officer.

[FR Doc. 87-7083 Filed 3-31-87; 8:45 am]

BILLING CODE 3810-AE-M

Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app.), notice is hereby given that the Naval Research Advisory Committee Panel on U.S. Marine Corps Command and Control Systems Interoperability will meet on April 29 and 30, 1987, at the Arlington Annex, Columbia Pike and South Gate Road, Arlington, Virginia. The meeting will commence at 9:00 A.M. and terminate at 3:30 P.M. on April 29; and commence at 9:00 A.M. and terminate at 3:00 P.M. on April 30, 1987. All sessions of the meeting will be closed to the public.

The purpose of the meeting is to review interservice command and control systems requirements for naval forces in the near and mid-term, and identify future communications and command and control systems architecture features with a view toward improving interoperability. The agenda will include executive sessions to discuss technical briefings received to date which addressed development programs and interoperability procedures, and begin preparation of a final report. These discussions will contain classified information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and is in fact properly classified pursuant to such Executive order. The classified and nonclassified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander T.C. Fritz, U.S. Navy, Office of Naval Research (Code 100N), 800 North Quincy Street, Arlington, VA 22217-5000, Telephone number (202) 696-4870.

Dated: March 26, 1987.

Harold L. Stoller, Jr.,

Commander, JAGC, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 87-7084 Filed 3-31-87; 8:45 am]

BILLING CODE 3810-AE-M

Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app.), notice is hereby given that the Naval Clothing and Textile Research and Facility (NCTRF) Review Team of the Naval Research Advisory Committee Panel on Laboratory Oversight will meet on April 30 and May 1, 1987, at the Naval Clothing and Textile Research Facility, 21 Strathmore Road, Natick, Massachusetts. The meeting will commence at 8:00 A.M. and terminate at 4:00 P.M. on April 30; and commence at 8:30 A.M. and terminate at 3:30 P.M. on May 1, 1987. All sessions of the meeting will be closed to the public.

The purpose of the meeting is to examine the scientific, technical and engineering health of NCTRF. The agenda for the meeting will consist of technical briefings and tours conducted by functional sponsors and laboratory management related to the scientific, technical and engineering health of the facility. These briefings and tours will contain classified information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and is in fact properly classified pursuant to such Executive order. The classified and nonclassified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander T.C. Fritz, U.S. Navy, Office of Naval

Research (Code 100N), 800 North Quincy Street, Arlington, VA 22217–5000, Telephone number (202) 696–4870.

Dated: March 26, 1987.

Harold L. Stoller, Jr.,

Commander, JAGC, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 87–7085 Filed 3–31–87; 8:45 am]

BILLING CODE 3810–AE–M

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services

Notice of Arbitration Panel Decision Under the Randolph-Sheppard Act

AGENCY: Department of Education.

ACTION: Notice of Arbitration Panel Decision under the Randolph-Sheppard Act.

SUMMARY: Notice is hereby given that on February 25, 1986, an arbitration panel rendered a decision in the matter of Geraldine Jackson, vendor, vs the State of Massachusetts, Massachusetts Commission for the Blind, State Licensing Agency (Docket No. R–S 85–7). This panel was convened by the Secretary of the Department of Education pursuant to 20 U.S.C. 107d-1(a), upon receipt of a complaint filed by petitioner Geraldine Jackson on March 19, 1985.

Under this section of the Act, a blind licensee dissatisfied with the State's operation or administration of the vending facility program may request a full evidentiary hearing from the State Licensing Agency. If the licensee is dissatified with the State Agency decision, the licensee may complain to the Secretary, who is then required to convene an arbitration panel to resolve the dispute.

A synopsis of the panel's decision is appended. The full text of the decision can be obtained from the contact listed below.

FOR FURTHER INFORMATION CONTACT: Elizabeth Arroyo, Acting Chief, Vending Facility Branch, Division for Blind and Visually Impaired, Rehabilitation Services Administration, Room 3232, Mary E. Switzer Building, Department of Education, 330 C Street SW., Washington, DC 20201, Area Code (202) 732–1303 or TTY (202) 732–1298.

Dated: March 27, 1987.

Madeleine Will,

Assistant Secretary for Special Education and Rehabilitative Services.

Synopsis of Arbitration Panel Decision

A blind vendor, Geraldine Jackson, grieved a determination by the Massachusetts Commission for the Blind, State Licensing Agency (SLA). The issue was whether the Massachusetts Commission for the Blind (MCB), in its decision of November 29, 1984 had properly determined that the seniority of Ms Jackson ceased accruing as of September 7, 1984.

The vendor, licensed by MCB, began operating a vending facility on June 11, 1983 at the Sears retail store in Natick, Massachusetts under a contract between MCB and Sears. The contract gave Sears the right to request a new vendor at any time—a right exercised by Sears on August 7, 1984. On August 8, MCB informed the vendor claimant of Sears' request at which time she gave thirty days oral notice that she would vacate the facility on September 7, 1984. This notice was later confirmed in writing on August 24, 1984. MCB requested that she stay until a new vendor took over, but she declined, citing the need to take care of personal and business matters before October 1984, the effective date for her assignment to a new facility. Ms. Jackson advised MCB that she saw no reason for any interruption of seniority.

MCB reiterated in a letter of August 29, 1984 that Sears wanted a smooth transition between the claimant and the new vendor and estimated that this would extend into late September or early October. MCB further advised calimant that vacating the Sears facility on September 7, 1984 would constitute abandonment without giving the thirty (30) day written notice required by MCB's regulations. MCB suggested to Ms. Jackson that she could protect her seniority status by sending a second notice to vacate and remain at Sears until she became the vendor of record at her new facility. The grievant, however, did not do this and vacated the Sears facility on September 7, 1984.

On November 29, 1984, the Commissioner of MCB ruled that Ms. Jackson's seniority as a vendor ceased accruing as of September 7, 1984 and would begin again only when she started to operate another facility. Claimant appealed this decision and argued before the arbitration panel that MCB should have applied regulations at 111 CMR Section 3.07(11) to her situation—regulations which protect the seniority status of a vendor who "is operating a vending facility that is lost to the Vending Facilities Program through no fault of the vendor—." The panel rejected her argument, finding that her facility was not in fact lost to the program. The panel further found that MCB had correctly applied the regulation at Section 3.07(10) which provides, except in certain instances not applicable to Ms. Jackson's situation, that vendor seniority is gained "only by the number of days that the vendor has actually operated a vending facility. . . ." The panel stated that Ms. Jackson's complaint had considerable equitable appeal, noting that MCB's regulations "fail to protect a vendor who is involuntarily terminated by the owner of a program vending facility through no fault of the vendor."

The panel therefore upheld the November 29, 1984 decision rendered by the Commissioner of MCB.

[FR Doc. 87–7177 Filed 3–31–87; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER87–329–000 et al.]

Tucson Electric Power Co. et al.; Electric Rate and Corporate Regulation Filings

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

1. Tucson Electric Power Company

[Docket No. ER87–329–000]

March 24, 1987.

Take notice that on March 19, 1987, Tucson Electric Power Company ("Tucson") tendered for filing a Notice of Cancellation of the Loop Flow Agreement between the Western Systems Coordinating Council ("WSCC") and its participating members and Tucson, FERC Rate Schedule No. 51.

Tucson requests termination of said Agreement as of August 31, 1985 as the date when said Agreement expired pursuant to its terms, and also requests waiver of the notice requirements of 18 CFR 35.15.

Copies of this filing have been served upon all of WSCC's participating members.

Comment date: April 7, 1987, in accordance with Standard Paragraph E at the end of this notice.

2. Bangor Hydro-Electric Company

[Docket No. ER87–334–000]

March 26, 1987.

Take notice that the Bangor Hydro-Electric Company ("BHE") on March 20, 1987, tendered for filing as an initial rate schedule, a Unit Exchange and Energy Banking Agreement ("Agreement") dated as of December 23, 1986 among BHE, Boston Edison Company ("BECO"), and Down East Peat L.P.

("DEP"). For administering the Agreement, BHE would receive approximately $48,000 per year.

Under the Agreement, beginning on or after the commencement date of operation of the DEP Qualifying Facility located in Deblois, Maine, BHE will mitigate that the risks to DEP of revenue interruptions in DEP's power sales contract with BECO, which interruptions or other cost penalties may otherwise result from transmission constraints on the north-south transmission path between DEP's qualifying small power production facility in Deblois, Maine and BECO. Copies of the filing have been served upon BECO and DEP.

Comment date: April 9, 1987, in accordance with Standard Paragraph E at the end of this notice.

3. The Dayton Power and Light Company and The Ohio Edison Company

[Docket No. ER87-333-000]

March 26, 1987.

Take notice that The Dayton Power and Light Company (on March 20, 1987, tendered for filing, on its own behalf, and on behalf of The Ohio Edison Company, revisions to their Interconnection Agreement. The proposed changes incorporate individual schedules for Emergency Power, Short-Term Power, Economy Power and Non-Displacement Power, revise the Short-Term Power rate, incorporate a demand charge in Non-Displacement Power transactions and introduce a minimum charge on Emergency Power. These changes are being made to introduce flexibility in demand rates to meet market conditions.

This filing was served upon the Public Utilities Commission of Ohio.

Comment date: April 9, 1987, in accordance with Standard Paragraph E at the end of this notice.

4. Duke Power Company

[Docket No. ER87-228-000]

March 26, 1987.

Take notice that on March 23, 1987, Duke Power Company (Duke) tendered for filing an amendment to the January 23, 1987 filing in this docket, concerning the Interconnection Agreement between Duke and Carolina Power and Light Company, which provides for general interconnection services between Duke and CP&L.

Comment date: April 9, 1987, in accordance with Standard Paragraph E at the end of this notice.

5. Florida Power & Light Company

[Docket No. ER87-332-000]

March 26, 1987.

Take notice that on March 20, 1987, Florida Power & Light Company ("FPL") tendered for filing a document entitled Agreement to Provide Specified Transmission Service Between Florida Power & Light Company and Utility Board of the City of Key West, Florida ("City") and documents entitled Schedule TF Operating Agreement Between Florida Power & Light Company and Utility Board of the City of Key West, Florida, and Schedule TX Operating Agreement Between Florida Power & Light Company and Utility Board of the City of Key West, Florida which documents supplement the Agreement to Provide Specified Transmission Service.

FPL states that under the Agreement to Provide Specified Transmission Service Between Florida Power & Light Company and Utility Board of the City of Key West, Florida ("Agreement"), FPL will transmit power and energy for City as is required in implementation of its interchange agreements with Florida Municipal Power Agency, Florida Power Corporation; Fort Pierce Utilities Authority; City of Gainesville, Florida; City of Homestead, Florida; Jacksonville Electric Authority; Kissimmee Utility Authority; City of Lakeland, Florida; City of Lake Worth; Utilities Commission, City of New Smyrna Beach; Orlando Utilities Commission; Sebring Utilities Commission; Seminole Electric Cooperative, Inc.; City of St. Cloud; City of Starke; Tampa Electric Company and City of Vero Beach, Florida.

FPL further states that the Schedule TF Operating Agreement and Schedule TX Operating Agreement define the methodology used to determine the additional incremental cost under sections F.4 and F.4 of the Agreement.

FPL requests that waiver of § 35.3 of the Commission's Regulations be granted and that the proposed Agreement be made effective on the in-service date of the 138 kV transmission line connecting the City to the mainland, estimated to be on or about April 1, 1987. FPL is authorized to represent that the City supports this request for a waiver. FPL states that copies of the filing were served on City.

Comment date: April 9, 1987, in accordance with Standard Paragraph E at the end of this notice.

6. Monongahela Power Co., et al

[Docket No. ER87-330-000]

March 26, 1987.

Take notice that on March 19, 1987, Allegheny Power Service Corporation submitted for filing under Part 35.12 of the Commission's regulations three related agreements concerning (1) long-term capacity and energy service among Monongahela Power Company, West Penn Power Company and The Potomac Edison Company (the APS Group) and Potomac Electric Power Company (Pepco), (2) equivalent long-term capacity and energy service among Ohio Edison Company and Pennsylvania Power Company (the OE Group) and the APS Group, and (3) sale of the long-term capacity and energy entitlement underlying the foregoing transactions by the OE Group to Pepco.

The agreements together provide for the purchase by Pepco through APS Group of firm capacity and associated energy, initially 200 megawatts commencing June 1, 1987, increasing in 1989 to 450 megawatts, for a total of nearly nineteen years of such service (through 2005).

The parties state that the agreements are beneficial to all parties and their customers and are in the public interest, and that charges for the aforesaid services were negotiated at arms' length in a competitive environment and are mutually advantageous. The parties request an effective date of June 1, 1987, and request waiver of the Commission's notice requirements if necessary therefor.

Comment date: April 9, 1987, in accordance with Standard Paragraph E at the end of this notice.

7. Montaup Electric Company

[Docket No. ER85-106-006]

March 26, 1987.

Take notice that on February 25, 1987, Montaup Electric Company (the Company) tendered for filing a compliance report as specified by the Commission's order of January 30, 1987.

Comment date: April 9, 1987, in accordance with Standard Paragraph E at the end of this notice.

8. Montaup Electric Company

[Docket No. ER85-106-005]

March 26, 1987.

Take notice that on February 10, 1987, Montaup Electric Company (the Company) tendered for filing revised sheets implementing the settlement in this docket accepted by the Commission on January 30, 1987. The Company states that the revised sheets provide for (1) a one-time credit applied to the

power bills for January 1987, (2) a reduction in M–11 base demand charge of $0.06224 to be effective from January 1, 1987 through June 30, 1987, and (3) effective July 1, 1987 a further reduction in the base demand charge of $0.04868 takes place until either the M–11 rate is superseded or Seabrook No. 2 losses are recovered per settlement.

Comment date: April 9, 1987, in accordance with Standard Paragraph E at the end of this notice.

9. Montaup Electric Company

[Docket No. ER85–106–008]

March 26, 1987.

Take notice that on February 17, 1987, Montaup Electric Company (Montaup) tendered for filing compliance reports in support of credits issued to Montaup's M–Rate customers, pursuant to article 1–2 of the subject Settlement Agreement. Montaup states that credits for the second adjustment period from March 1, 1986 through December 31, 1986, including interest accrued through January 31, 1987 were applied to M–Rate customers billings for the month of January 1987 on February 12, 1987.

Comment date: April 9, 1987, in accordance with Standard Paragraph E at the end of this notice.

10. Nantahala Power and Light Company

[Docket No. EL82–20–003]

March 26, 1987.

Take notice that on March 18, 1987, Nantahala Power and Light Company (the Company) tendered for filing a revised PL–(COSAC) rate tariff conforming with Opinion No. 255, issued by the Commission on November 25, 1986 in Docket No. EL82–20–000, by eliminating the normalization adjustment for wartime accelerated depreciation.

Comment date: April 9, 1987, in accordance with Standard Paragraph E at the end of this notice.

11. Utah Power & Light Company

[Docket No. ER87–331–000]

March 26, 1987.

Take notice that on March 20, 1987, Utah Power & Light Company (Utah) tendered for filing new Service Agreements providing for sales under Service Schedules UTAH–1B and UTAH–1C of Volume 2 of Utah's FERC Electric Tariff under which Utah sells and delivers non-firm energy to electric utilities. The new Service Agreements are with the following:

City of Anaheim, Public Utilities Department
City of Burbank, Public Service Department
Deseret Generation & Transmission Cooperative
City of Glendale, Public Service Department
City of Pasadena
City of Provo
City of Vernon

Utah requests that the agreements under Schedule UTAH–1B with City of Burbank, Deseret Generation & Transmission Cooperative, City of Glendale, City of Pasadena, and City of Provo be made effective retroactively as of December 16, 1986, August 19, 1986, October 13, 1986, December 16, 1986, and October 3, 1986, respectively, the dates of first delivery under such agreements, and that the notice requirements of § 35.3 be waived. Utah also requests that the agreements under Schedule UTAH–1C with City of Burbank, City of Glendale, and City of Pasadena be made effective retroactively as of November 10, 1986, October 17, 1986, and December 17, 1986, respectively, the dates of first delivery under such agreements, and that the notice requirements of section 35.3 be waived. No sales have been made under any of the other agreements not specifically stated above, and Utah requests that those agreements be made effective either May 19, 1987, or the date service actually commences, whichever occurs first.

Copies of this filing were served on the parties listed above, and upon the Pacific Service Commission of Utah.

Comment date: April 9, 1987, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87–7155 Filed 3–31–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. QF87–320–000 et al.]

Overland Energy Corporation et al.; Small Power Production and Cogeneration Facilities; Qualifying Status; Certificate Applications, etc.

Comment date: Thirty days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

March 26, 1987

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

1. Overland Energy Corporation

[Docket Nos. QF87–320–000]

On March 10, 1987, Overland Energy Corporation (Applicant), of P.O. Box 967, Keokuk, Iowa 52632 submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Hannibal, Missouri. The facility will consist of two natural gas fired engine generators. Heat recovered from the jacket cooling water and exhaust will be used by the Great River Gas Company during the winter for space heating, and during the summer, via an absorption chiller for building air conditioning. The net electric power production capacity of the facility will be 1,210 kW. Installation of the facility will begin approximately in May 1987.

2. The Ralph M. Parsons Company

[Docket Nos. QF87–293–000]

March 26, 1987.

On March 9, 1987, The Ralph M. Parsons Company (Applicant), of 100 West Walnut Street, Pasadena, California submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The combined-cycle cogeneration facility will be located at Saugus, California. The facility will consist of a combustion turbine generation unit, a heat recovery steam generator and an extraction/condensing steam turbine generating unit. Steam produced by the facility will be used for process, cooling and space heating. The maximum net electric power production capacity of the facility will be 27,168 kW. The primary energy source will be natural gas. Installation of the facility will begin in March 1988.

3. Solar Turbines Incorporated

[Docket No. QF87-321-000]

March 26, 1987.

On March 12, 1987, Solar Turbines Incorporated (Applicant), of 2200 Pacific Highway, San Diego, California 92138-5376 submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Albany, New York. The facility will consist of three (3) combustion turbine generator sets, three (3) heat recovery steam generating units and a single extraction/condensing steam turbine-generator. The steam extracted from the turbine will be delivered to the Albany Medical Center for air conditioning and space and domestic water heating. The primary energy source will be natural gas. The net electric power production capacity will be 15.46 megawatts. Installation of the facility will begin in July 1987.

4. Cogeneration Technology and Development Company

[Docket No. QF85-284-001]

March 26, 1987.

On March 9, 1987, Cogeneration Technology and Development Company (Applicant), of 257 East 200 South, Suite 800, Salt Lake City, Utah 84111, submitted for filing an application for recertification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

Recertification of the facility is requested due to an increase in the size of the greenhouse complex from 6 acres to 12 acres, and a change in crop from roses to tomatoes and other vegetable crops. All of the other facility's characteristics remain the same as originally proposed and certified (Docket No. QF85-284-000, 31 FERC ¶ 61,299).

5. Long Island Cogeneration Limited Partnership

[Docket No. QF87-322-000]

March 26, 1987.

On March 17, 1987, Long Island Cogeneration Limited Partnership (Applicant), of 187 Mountain Avenue, Summit, New Jersey 07901, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Suffolk County, New York. The facility will consist of a combustion turbine generating unit, a waste heat recovery steam generator and a steam turbine generator. Steam recovered from the facility will be used for heating, drying and sanitizing in an industrial process and, also, for heating and cooling buildings. The electric power production capacity will be 79 MW. The primary energy source will be natural gas. Installation of the facility will be in 1988.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-7156 Filed 3-31-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EL87-23-000]

Connecticut Yankee Atomic Power Co. Order Instituting Compliant and Establishing Hearing Procedures

Issued March 26, 1987.

Before Commissioners: Martha O. Hesse, Chairman; Anthony G. Sousa, Charles G. Stalon, Charles A. Trabandt and C. M. Naeve.

Connecticut Yankee Atomic Power Company (Connecticut Yankee) has on file with the Commission a formula rate [1] for service from a nuclear generating unit to sponsoring utility companies which own stock in Connecticut Yankee. The formula rate includes a rate of return on common equity component. The equity return component is currently set at 17%.

During the last year, the cost of capital has declined significantly.[2] As a result, the Commission believes that the current 17% equity return reflected in Connecticut Yankee's formula rate may result in rates which are unjust and unreasonable.

In the circumstances, the Commission believes that it is appropriate to institute a proceeding pursuant to section 206 of the Federal Power Act to determine whether Connecticut Yankee's formula rate results in rates which are unjust and unreasonable and, if such a finding is made, to establish rates which are just and reasonable. Since any change to the equity return component will be possible only on a prospective basis, we shall direct the presiding judge to expedite the hearing and briefing so that an initial decision may be issued no later than July 10, 1987. We shall also direct Commission trial staff to file its direct testimony within 10 days of issuance of this order. A prehearing conference to establish all other procedural dates by the presiding judge shall be held within 5 days of the filing of staff's testimony. We shall also direct the parties to submit briefs on exceptions within 14 days of the initial decision and briefs opposing exceptions within 14 days from the filing of briefs on exceptions. Finally, we note that once the record is before the Commission, it is our intent to expedite our review of the issues raised in order that a final resolution of this case can be made at the earliest date possible.

Under current Commission precedent, formula rates may be designed to automatically track all cost changes, except changes to the equity return, without the necessity of a filing pursuant to Part 35 of the Commission's regulations. 18 CFR Part 35 (1986). Automatic changes in the equity return component have not been allowed because this aspect of a utility's rates requires an assessment of market conditions.[3] However, this results in formula rates not properly tracking equity costs. In view of this and of the fact that rate relief with respect to the equity return component of formula rates is available only on a prospective basis under section 206 of the Federal Power Act, a modification in formula rates may be appropriate. Since formula rates require waiver of the notice and review provisions of the Federal Power

[1] Connecticut Yankee Rate Schedule FPC No. 1.

[2] For example, the Commission's Generic Rate of Return on Common Equity has decreased from 13.68% to 11.2%.

[3] *See* New England Power Company, 31 FERC ¶ 61,378 (1985); Southwestern Electric Power Company, 31 FERC ¶ 61,389 (1985).

Act, the Commission wishes to consider, in the hearing ordered herein, whether it should henceforth condition the use of Connecticut Yankee's formula rate upon a requirement that the utility periodically justify its equity component under a procedure which affords refund protection. Accordingly, the parties shall also address this issue.

Any person desiring to be heard should file a protest or motion to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. (18 CFR 385.211 and 385.214 (1986)). All such protests or motions should be filed within 10 days of issuance of this order.

The Commission Orders

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly section 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR., Chapter I), a public hearing shall be held concerning the justness and reasonableness of Connecticut Yankee's formula rate.

(B) The Commission's trail staff shall file testimony concerning the appropriate rate of return on common equity and appropriate modifications to connecticut Yankee's formula rate regarding the periodic filings described above within 10 days of the date of this order.

(C) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding within approximately 5 days of the date of the filing of staff's testimony, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426. The Presiding Judge is authorized to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure. The Presiding Judge is hereby directed to establish a procedural schedule which will permit an initial decision to be issued no later than July 10, 1987.

(D) The parties are hereby directed to file briefs on exceptions within 14 days of the initial decision and briefs opposing exceptions within 14 days of the filing of briefs on exceptions.

(E) Subdocket 000 of Docket No. EL87–23 is hereby terminated. Docket No. EL87–23–001 is hereby assigned to the evidentiary proceeding ordered herein.

(F) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–7065 Filed 3–31–87; 8:45am]

BILLING CODE 6717-01-M

[Docket No. EL87–22–000]

Vermont Yankee Nuclear Power Corp; Order Instituting Complaint and Establishing Hearing Procedures

Issued March 26, 1987.

Before Commissioners: Martha O. Hesse, Chairman; Anthony G. Sousa, Charles G. Stalon, Charles A. Trabandt and C. M. Naeve.

Vermont Yankee Nuclear Power Corporation (Vermont Yankee) has on file with the Commission a formula rate [1] for service from a nuclear generating unit to sponsoring utility companies which own stock in Vermont Yankee. The formula rate includes a rate of return on common equity component. The equity return component is currently set at 15%.

During the last year, the cost of capital has declined significantly.[2] As a result, the Commission believes that the current 15% equity return reflected in Vermont Yankee's formula rate may result in rates which are unjust and unreasonable.

In the circumstances, the Commission believes that it is appropriate to institute a proceeding pursuant to section 206 of the Federal Power Act to determine whether Vermont Yankee's formula rate results in rates which are unjust and unreasonable and, if such a finding is made, to establish rates which are just and reasonable. Since any change to the equity return component will be possible only on a prospective basis, we shall direct the presiding judge to expedite the hearing and briefing so that an initial decision may be issued no later than July 10, 1987. We shall also direct Commission trial staff to file its direct testimony within 10 days of issuance of this order. A prehearing conference to establish all other procedural dates by the presiding judge shall be held within 5 days of the filing of staff's testimony. We shall also direct the parties to submit briefs on exceptions within 14 days of the initial decision and briefs opposing exceptions within 14 days from the filing of briefs on exceptions. Finally, we note that once the record is before the Commission, it is our intent to expedite our review of the issues raised in order that a final resolution of this case can be made at the earliest date possible.

Under current Commission precedent, formula rates may be designed to automatically track all cost changes, except changes to the equity return, without the necessity of a filing pursuant to Part 35 of the Commission's regulations. 18 CFR Part 35 (1986). Automatic changes in the equity return component have not been allowed because this aspect of a utility's rates requires an assessment of market conditions.[3] However, this results in formula rates not properly tracking equity costs. In view of this and of the fact that rate relief with respect to the equity return component of formula rates is available only on a prospective basis under section 206 of the Federal Power Act, a modification in formula rates may be appropriate. Since formula rates require waiver of the notice and review provisions of the Federal Power Act, the Commission wishes to consider, in the hearing ordered herein, whether it should henceforth condition the use of Vermont Yankee's formula rate upon a requirement that the utility periodically justify its equity component under a procedure which affords refund protection. Accordingly, the parties shall also address this issue.

Any person desiring to be heard should file a protest or motion to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. (18 CFR 385.211 and 385.214(1986)). All such protests or motions should be filed within 10 days of issuance of this order.

The Commission Orders

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly section 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the

[1] Vermont Yankee Rate Schedule FPC No. 1.

[2] For example, the Commission's Generic Rate of Return on Common Equity has decreased from 13.68% to 11.2%.

[3] *See* New England Power Company, 31 FERC ¶ 61,378 (1985); Southwestern Electric Power Company, 31 FERC ¶ 61,389 (1985).

Federal Power Act (18 CFR Chapter I), a public hearing shall be held concerning the justness and reasonableness of Vermont Yankee's formula rate.

(B) The Commission's trial staff shall file testimony concerning the appropriate rate of return on common equity and appropriate modifications to Vermont Yankee's formula rate regarding the periodic filings described above within 10 days of the date of this order.

(C) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding within approximately 5 days of the date of the filing of staff's testimony, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. The Presiding Judge is authorized to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure. The Presiding Judge is hereby directed to establish a procedural schedule which will permit an initial decision to be issued no later than July 10, 1987.

(D) The parties are hereby directed to file briefs on exceptions within 14 days of the initial decision and briefs opposing exceptions within 14 days of the filing of briefs on exceptions.

(E) Subdocket 000 of Docket No. EL87-22 is hereby terminated. Docket No. EL87-22-001 is hereby assigned to the evidentiary proceeding ordered herein.

(F) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-7066 Filed 3-31-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EL87-21-000]

Order Instituting Complaint and Establishing Hearing Procedures; Yankee Atomic Electric Co.

(Issued March 26, 1987.)

Before Commissioners: Martha O. Hesse, Chairman; Anthony G. Sousa, Charles G. Stalon, Charles A. Trabandt and C.M. Naeve.

Yankee Atomic Electric Company (Yankee Atomic) has on file with the Commission a formula rate [1] for service from a nuclear generating unit to sponsoring utility companies which own stock in Yankee Atomic. The formula rate includes a rate of return on common equity component. The equity return component is currently set at 14.5%.

During the last year, the cost of capital has declined significantly.[2] As a result, the Commission believes that the current 14.5% equity return reflected in Yankee Atomic's formula rate may result in rates which are unjust and unreasonable.

In the circumstances, the Commission believes that it is appropriate to institute a proceeding pursuant to section 206 of the Federal Power Act to determine whether Yankee Atomic's formula rate results in rates which are unjust and unreasonable and, if such a finding is made, to establish rates which are just and reasonable. Since any change to the equity return component will be possible only on a prospective basis, we shall direct the presiding judge to expedite the hearing and briefing so that an initial decision may be issued no later than July 10, 1987. We shall also direct Commission trial staff to file its direct testimony within 10 days of issuance of this order. A prehearing conference to establish all other procedural dates by the presiding judge shall be held within 5 days of the filing of staff testimony. We shall also direct the parties to submit briefs on exceptions within 14 days of the initial decision and briefs opposing exceptions within 14 days of the initial decision and briefs opposing exceptions within 14 days from the filing of briefs on exceptions. Finally, we note that once the record is before the Commission, it is our intent to expedite our review of the issues raised in order that a final resolution of this case can be made at the earliest date possible.

Under current Commission precedent, formula rates may be designed to automatically track all cost changes, except changes to the equity return, without the necessity of a filing pursuant to Part 35 of the Commission's regulations. 18 CFR Part 35 (1986). Automatic changes in the equity return component have not been allowed because this aspect of a utility's rates requires an assessment of market conditions.[3] However, this results in formula rates not properly tracking equity costs. In view of this and of the fact that rate relief with respect to the equity return component of formula rates is available only on a prospective basis under section 206 of the Federal Power Act, a modification in formula rates may be appropriate. Since formula rates require waiver of the notice and review provisions of the Federal Power Act, the Commission wishes to consider, in the hearing ordered herein, whether it should henceforth condition the use of Yankee Atomic's formula rate upon a requirement that the utility periodically justify its equity component under a procedure which affords refund protection. Accordingly, the parties shall also address this issue.

Any person desiring to be heard should file a protest or motion to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. (18 CFR 385.211 and 385.214 (1986)). All such protests or motions should be filed within 10 days of issuance of this order.

The Commission Orders

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly section 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of Yankee Atomic's formula rate.

(B) The Commission's trial staff shall file testimony concerning the appropriate rate of return on common equity and appropriate modifications to Yankee Atomic's formula rate regarding the periodic filing described above within 10 days of the date of this order.

(C) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding within approximately 5 days of the date of the filing of staff's testimony, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426. The Presiding Judge is authorized to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure. The Presiding Judge is hereby directed to establish a procedural schedule which will permit an initial decision to be issued no later than July 10, 1987.

(D) The parties are hereby directed to file briefs on exceptions within 14 days of the initial decision and briefs on exceptions.

---

[1] Yankee Atomic Rate Schedule FPC No. 1.

[2] For example, the Commission's Generic Rate of Return on Common Equity has decreased from 13.68% to 11.2%.

[3] *See* New England Power Company, 31 FERC ¶ 61,378 (1985); Southwestern Electric Power Company, 31 FERC ¶ 61,389 (1985).

(E) Subdocket 000 of Docket No. EL87–21 is hereby terminated. Docket No. EL87–21–001 is hereby assigned to the evidentiary proceeding ordered herein.

(F) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–7067 Filed 3–31–87; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPP–180728; FRL–3.77–5]

Receipt of Applications for Specific Exemptions To Use Clofentezine; Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received specific exemption requests from the Michigan, Ohio, and West Virginia Departments of Agriculture and the Virginia Department of Agriculture and Consumer Services (hereafter referred to individually by State or collectively as "Applicants") for use of the unregistered pesticide product Apollo to control European red mites on apples. Apollo, manufactured by Nor-Am Chemical Company, contains the unregistered active ingredient clofentezine (3,6-bis(2-chlorophenyl)-1,2,4,5-tetrazine). EPA is soliciting comment before making the decision whether or not to grant these specific exemption requests.

DATE: Comments must be received on or before April 16, 1987.

ADDRESS: Three copies of written comments, bearing the identifying notation "OPP–180728," 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, CM#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 not 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 CONTACT: By mail: Jack E. Housenger, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 716C, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703–557–7889).

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 registration provision of FIFRA if he determines that emergency conditions exist which require such exemption.

The Applicants have requested the Administrator to issue specific exemptions to permit the use of the unregistered pesticide product Apollo to control European red mites on apples. Information in accordance with 40 CFR Part 166 was submitted as part of these requests.

Virginia and West Virginia have requested authorization to make one complete or two "alternate row middle spray" applications with Apollo. A maximum of four ounces of formulated product (0.125 pound active ingredient) is proposed to be applied per acre by ground equipment as a dilute or concentrate spray. The time of treatment extends from "tight cluster" until 45 days before harvest.

Michigan and Ohio have requested authorization to make a maximum of two applications using up to eight ounces of formulated product (0.25 pound active ingredient) per acre per application. Ground or aerial application is proposed. The times of treatment are from delayed dormant through petal fall as an early season control or before population levels exceed three mites per leaf as a summer mite control. No treatment would be allowed 45 days prior to harvest.

Michigan proposes to treat a maximum of 45,000 acres of apples primarily in the western portion of the state. A maximum of 5625 gallons of product would be needed under the proposed exemption.

Ohio proposes to treat a maximum of 7,500 acres of apples throughout the state. A maximum of 937.5 gallons of Apollo will be needed.

Virginia proposes to treat a maximum of 18,000 acres of apples in Frederick, Nelson, Clarke, Rockingham, Shenandoah, Albemarle, Rappahannock, Franklin, Smyth, Carroll, Botetourt, Patrick, Bedford, Warren, Madison and Roanoke Counties. A maximum of 562.5 gallons of Apollo will be needed.

West Virginia proposes to treat a maximum of 7,500 acres of the counties of Morgan, Hampshire, Berkeley, and Jefferson. A maximum of 437.5 gallons of Apollo will be needed.

All applications are proposed to be made by or under the direct supervision of certified applicators. The Applicants have requested authorization to make treatments through July 1987, except Michigan which expects the need for treatments to continue until September 15, 1987.

The Applicants claim that European red mites developed resistance to Plictran (cyhexatin) which historically has been used for control of mites. Dicofol has also been used in the past, however, resistance appears to have developed to this pesticide as well. Additionally, dicofol contains DDT-related contaminants making its use undesirable. Other acaricides such as formetanate hydrochloride, oxamyl and propargite are not effective, toxic to beneficials or otherwise not appropriate for mite control at various times. The Applicants additionally expect extremely severe European red mite populations because of the need to control the periodical cicada this year. The pesticides usually applied for cicada control decimate natural enemies of the mite.

The Applicants state that the result of not having an effective control of the European red mite would be decreased fruit size, loss of fruit set and reduced fruit quality. Michigan, Virginia, and West Virginia estimate that losses of up to $165 per acre for fresh market apples and $100 per acre for processing apples can be expected using the registered alternatives. The use of Apollo would reduce these losses to $40 and $25 per acre, respectively. Ohio estimates the benefits from the use of Apollo to be $2.25 million for the 1987 growing season.

This notice does not constitute a decision by EPA on the application itself. The regulations governing section 18 require that the Agency publish notice in the **Federal Register** and solicit public comment on applications involving an unregistered active ingredient. 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 April 16, 1987, and should bear the identifying notation "OPP-180728." All written comments filed pursuant to this notice will be available for public inspection in Rm. 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, from 8 a.m. to 4 p.m., Monday through Friday, excluding 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 Michigan, Ohio, Virginia and West Virginia.

Dated: March 23, 1987.

Edwin F. Tinsworth,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 87-6887 Filed 3-31-87; 8:45 am]

BILLING CODE 6560-50-M

[OPP-180726; FRL-3178-5]

Receipt of Applications for Specific Exemptions To Use Clofentezine; Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received specific exemption requests from the Oregon, Pennsylvania, and Delaware Departments of Agriculture (hereafter referred to individually by State or collectively as "Applicants") for use of the unregistered product Apollo to control spider mites on apples and pears in Oregon and European red mites on apples in Pennsylvania and Delaware. Apollo, manufactured by Nor-Am Chemical Company, contains the unregistered active ingredient clofentezine (3,6-bis (2-chlorophenyl)-1,2,4,5-tetrazine). EPA is soliciting comment before making the decision whether or not to grant these specific exemption requests.

DATES: Comments must be received on or before April 16, 1987.

ADDRESSES: Three copies of written comments, bearing the identifying notation "OPP-180726," 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, CM#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 not 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 CONTACT: By mail:

Jack E. Housenger, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

Office location and telephone number: Rm. 716C, CM#2, 1921 Jefferson Davis Highway, Arlington, VA (703-557-7889).

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 registration provision of FIFRA if he determines that emergency conditions exist which require such exemption.

The Applicants have requested the Administrator to issue specific exemptions to permit the use of the unregistered product, Apollo. Delaware and Pennsylvania are requesting exemptions to control European red mites on apples and Oregon is requesting an exemption for control of spider mites on pears and on pears interplanted with apples. Information in accordance with 40 CFR Part 166 was submitted as part of these requests.

Delaware and Pennsylvania have requested authorization to make one complete or two "alternate row middle spray" applications with Apollo. A maximum of four ounces of formulated product (0.125 pound active ingredient) is proposed to be applied per acre as a ground application using an airblast sprayer. Either dilute or concentrate sprays are proposed. The time of treatment extends from "tight cluster" until 45 days before harvest.

Oregon has requested authorization to make a maximum of two applications using up to eight ounces of formulated product (0.25 pound active ingredient) per acre per application. Ground application using an airblast sprayer is proposed. The time of treatment extends from the first sign of mite activity until 45 days before harvest for interplanted pear and apple orchards and 21 days before harvest for pear orchards.

Delaware proposes to treat a maximum of 750 acres of apples in Delaware, Kent and Sussex Counties. A maximum of 23.4 gallons of Apollo will be needed.

Oregon proposes to treat a maximum of 18,000 acres of pears and 500 acres of pears interplanted with apples. A maximum of 2,312.5 gallons of product would be needed under the proposed exemption.

Pennsylvania proposes to treat a maximum of 23,270 acres of apples in 55 counties. A maximum of 727 gallons of Apollo will be needed.

All applications are proposed to be made by or under the direct supervision of certified applicators. The Applicants have requested authorization to make treatments through July 1987.

Oregon claims that spider mites developed resistance to cyhexatin and later to hexakis due to the extensive use of these pesticides through the 1970's. This resistance was measured at between 100- to 2000-fold by 1983 when compared to nonresistant strains. According to Oregon, the carbamate acaricides (i.e., formetanate hydrochloride and oxamyl) provide for rapid knockdown of spider mites followed by a rapid resurgence in numbers. These pesticides are also very toxic to predaceous mites which further contributes to the control problems exhibited by these materials.

In an effort to obtain control of spider mites, Oregon growers started combining one of the organotin acaricides (i.e., cyhexatin or hexakis) with a carbamate acaricide in 1983. This proved to be effective until last year. Other pesticides registered for spider mite control on apples and pears will not provide adequate control, are not compatible with an integrated pest control program, or are otherwise inappropriate for use, according to Oregon.

Delaware and Pennsylvania make similar claims regarding the ineffectiveness of registered pesticides. Specifically, resistance and/or high toxicity to predatory mites are the main reasons these states claim that registered pesticides will not effectively control the European red mite. Additionally, Delaware and Pennsylvania expect extremely severe European red mite populations because of the need to control the periodical cicada this year. The pesticides usually

applied for cicada control decimate natural enemies of the mite.

The Applicants state that the result of not having an effective control of spider mites would be decreased fruit size, loss of fruit set and reduced fruit quality. Oregon's loss estimates range up to $2 million for decreased fruit size to $3.5 million due to quality reduction. Delaware and Pennsylvania estimate losses of over $100 per acre.

This notice does not constitute a decision by EPA on the application itself. It is the Agency's policy to solicit public comment on applications involving an unregistered active ingredient. 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 April 16, 1987, and should bear the identifying notation "OPP-180726." All written comments filed pursuant to this notice will be available for public inspection in Rm. 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, from 8 a.m. to 4 p.m., Monday through Friday, excluding 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 the Delaware, Oregon and Pennsylvania Departments of Agriculture.

Dated: March 10, 1987.

James W. Akerman,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 87-6992 Filed 3-31-87; 8:45 am]

BILLING CODE 6560-50-M

[OPP-180729; FRL-3177-3]

Receipt of Application for Specific Exemption To Use Iprodione; Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received a specific exemption request from the California Department of Food and Agriculture (hereafter referred to as "Applicant") for use of the product Rovral to control postharvest fruit decay on sweet cherries. Rovral, manufactured by Rhone-Poulenc, Inc., contains the active ingredient iprodione. EPA is soliciting comment before making the decision whether or not to grant this specific exemption request.

DATE: Comments must be received on or before April 16, 1987.

ADDRESS: Three copies of written comments, bearing the identifying notation "OPP-180729," 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, D.C. 20460. In person, bring comments to: Rm. 236, CM#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 not 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 CONTACT: By mail: Jack E. Housenger, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460. Office location and telephone number: Rm. 716C, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-7889).

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 registration provision of FIFRA if he determines that emergency conditions exist which require such exemption.

The Applicant has requested the Administrator to issue a specific exemption to permit the use of iprodione to control postharvest fruit decay on sweet cherries. Information in accordance with 40 CFR Part 166 was submitted as part of this request.

The Applicant has requested a maximum of one postharvest treatment using up to one pound of active ingredient per 100 gallons of water. Application to fruit will be made as a spray or dip without rinsing. Rovral may be tank mixed with an appropriately EPA-labeled DCNA product. A maximum of 30,000 tons of sweet cherries are proposed to be treated.

The Applicant has requested that applications under the exemption be allowed from April 23 until August 1.

The Applicant claims that emergency conditions exist due to postharvest fruit decay caused by *Monilinia laxa, Monilinia fructicola,* and *Botrytis cinerea.* These fungi severely shorten the storage and shelf-life of cherries which do not receive protective treatments.

The historical means of controlling fruit decay was through the use of benomyl. However, this use was deleted from the product label by the manufacturer in 1985 due to the development of resistant strains of the causal organisms of fruit decay. Thiophanate-methyl, also registered for this use, is a benzimidazole fungicide like benomyl and has experienced similar resistance problems. Captan is also registered for this use, however, potential health concerns from use of this fungicide by Canada, which imports sweet cherries from California, have precluded this use, according to the Applicant. Significant losses can be expected to occur without the use of iprodione.

This notice does not constitute a decision by EPA on the application itself. The regulations governing section 18 require that the Agency publish notice in the **Federal Register** and provide an opportunity for public comment when an emergency exemption has been requested or granted for that use for any previous three years and a complete application for registration of that use and/or a petition for a tolerance for residues in or on the commodity has not been submitted to the Agency. This use of iprodione on sweet cherries has been requested and authorized under section 18 to California since 1984 and no application for registration/petition for tolerance has been submitted. 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 April 16, 1987, and should bear the identifying notation "OPP-180729." All written comments filed pursuant to this notice will be available for public inspection in Rm. 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

The Agency, accordingly, will review and consider all comments received during the comment period in determining whether to issue the emergency exemption requested by the California Department of Food and Agriculture.

Dated: March 23, 1987.

Edwin F. Tinsworth,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 87-6888 Filed 3-31-87; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-41026; FRL-3178-9]

Chemicals To Be Reviewed by the Toxic Substances Control Act Interagency Testing Committee; Public Meeting and Request for Information

AGENCY: Toxic Substances Control Act Interagency Testing Committee.

ACTION: Notice.

SUMMARY: The Toxic Substances Control Act (TSCA) Interagency Testing Committee (ITC) will hold a public meeting to review comments and information on a new list of chemicals selected for review by the ITC. The method of scoring and selecting chemicals for inclusion on the list will be described. The public is also invited to submit to the ITC, after the meeting, written comments and technical data on the listed chemicals. The chemicals on the list are candidates for possible recommendation to the Administrator of the U.S. Environmental Protection Agency (EPA), to be given priority consideration for the promulgation of testing rules pursuant to section 4(a) of TSCA.

DATES: The meeting will be held on June 18, 1987, at 10:30 a.m.

Oral comments may be presented at the meeting. Written comments, data, and information should be sent to the Executive Secretary, ITC, no later than June 1, 1987.

ADDRESSES:

The meeting will be held at: EPA Headquarters, Rm. 103 NE Mall, 401 M St., SW., Washington, DC 20460.

Written comments and information by mail to: Robert H. Brink, Executive Secretary, TSCA Interagency Testing Committee (TS-792), Environmental Proection Agency, 401 M St. SW., Washington, DC 20460. Office location and telephone number: Rm. E-535, (202-382-3820)

FOR FURTHER INFORMATION CONTACT: Robert H. Brink, (202-382-3820).

SUPPLEMENTARY INFORMATION: The TSCA Interagency Testing Committee will hold a public meeting to receive comments and gather information on a new list of chemical substances for review under section 4(e) of TSCA

I. Background

The Toxic Substances Control Act, 15 U.S.C. 2601 *et seq.* (TSCA), authorizes the Administrator of the Environmental Protection Agency to require testing of chemicals in commerce if the Administrator makes certain findings that are set forth in section 4(a) of TSCA. Section 4(e) established the TSCA Interagency Testing Committee. The ITC is charged with recommending to the EPA Administrator chemical substances or mixtures (chemicals) to which EPA should give priority consideration for promulgating health and environmental effects testing rules under section 4(a) of TSCA. The EPA Administrator must respond to the ITC recommendations by initiating a proceeding under section 4(a) of TSCA for the recommended chemicals or publishing in the **Federal Register** the reasons for not doing so.

Eight Federal agencies are specified in section 4(e)(2)(A) of TSCA as statutory members of ITC. The agencies are: Council on Environmental Quality, Department of Commerce, Environmental Protection Agency, National Cancer Institute, National Institute of Environmental Health Sciences, National Institute for Occupational Safety and Health, National Science Foundation, and Occupational Safety and Health Administration.

The ITC has invited six other Federal agencies and one national program, with activities related to the control of toxic substances, to participate in a liaison capacity. They are: Consumer Product Safety Commission, Department of Agriculture, Department of Defense, Department of the Interior, Food and Drug Administration, National Library of Medicine, and National Toxicology Program. Staff support is provided by the Environmental Protection Agency.

In developing its recommendation the ITC is directed by section 4(e)(1)(A) of TSCA to consider, together with all other relevant information, the following priority factors with respect to chemicals under consideration:

1. Quantities that are or will be manufactured.
2. Quantities which are entering or will enter the environment.
3. Occupational exposure.
4. Non-occupational human exposure.
5. Similarity in chemical structure to other substances which are known to present an unreasonable risk of injury to health or the environment.
6. Existence of data concerning health and environmental effects.
7. The extent to which testing will develp useful data on the risk of injury to health or the environment.
8. The reasonably foreseeable availability of testing facilities and personnel.

The ITC is also directed by section 4(e)(1)(A) of TSCA to give priority attention, in establishing its list of recommended chemicals, to those chemicals which are known to cause or contribute to or which are suspected of causing or contributing to cancer, gene mutations or birth defects.

Section 4(e) requires that the ITC revise its list of recommended chemicals as necessary at least once ever 6 months. The initial report of the ITC to the EPA Administrator was published in the **Federal Register** of October 12, 1977 (42 FR 55026). This report contains a description of the Committee's scoring and review processes, together with the initial list of recommended chemicals. Eighteen subsequent reports have been issued by the ITC.

The ITC completed its Sixth Scoring Exercise in January 1987. This exercise was designed to select additional chemicals which warrant detailed review to determine which should be recommended to the EPA Administrator for priority consideration. This scoring exercise produced a list of 40 chemicals to be reviewed by the ITC during the next 12 to 18 months. The chemicals are listed in the following Table 1:

TABLE 1.—1987 LIST OF CHEMICALS SELECTED FOR REVIEW BY TSCA INTERAGENCY TESTING COMMITTEE

CAS No.	Chemical name
78-85-3	Methacrolein.
88-53-9	2-Amino-5-chloro-4-methylbenzenesulfonic acid
96-48-0	Butyrolactone.
98-16-8	3-(Trifluoromethyl) aniline.
101-80-4	4,4'-Oxybisaniline.
101-86-0	2-(Phenylmethylene)octanal.
107-13-1	Acrylonitrile.
107-20-0	Chloroacetaldehyde.
111-44-4	Dichloroethyl ether.
112-26-5	Triethylene glycol dichloride.
112-57-2	Tetraethylenepentamine.
115-96-8	Phosphoric acid, tris(2-chlorethyl) ester.
119-93-7	o-Tolidine.
120-71-8	p-Cresidine.
121-50-6	2-Chloro-5-(trifluoromethyl) aniline.
123-38-6	Propionaldehyde.
134-32-7	1-Naphthalenamine.
143-23-7	Dihexylenetriamine.
298-06-6	Phosphorodithioic acid, o,o-diethyl ester.
534-52-1	2-Methyl-4,6-dinitrophenol.
611-19-8	1-Chloro-2-(chloromethyl) benzene.
623-36-9	2-Methyl-2-pentenal.
756-80-9	Phosphorodithioic acid, o,o-dimethyl ester.
836-30-6	4-Nitro-N-phenylbenzenamine.
842-07-9	1-(Phenylazo)-2-naphthalenol.
847-51-8	N-(4-amino-2-hydroxyphnyl)-2,2,3,3,4,4,4-heptafluorobutanamide.
872-50-4	1-Methyl-2-pyrrolidinone.
1616-88-2	2-Methoxyethanol carbamate.
2051-18-5	1-(Chloromethyl)-4-(1-methylethyl) benzene.
2253-43-2	Phosphorodithioic acid, o,o-dipropyl ester.
2253-52-3	Phosphorodithioic acid, o,o-bis(2-methylpropyl) ester.
2760-98-7	1,3-Benzenedicarboxylic acid, dihydrazide.
4097-89-6	Triaminotriethylamine.
4170-30-3	Crotonaldehyde.
5810-88-8	Phosphorodithioic acid, o,o-bis (2-ethylhexyl) ester.
6375-47-9	N-(3-amino-4-methoxyphenyl) acetamide.
7722-73-8	1,1',1''-(1,3,5-Benzenetriyltricarbonyl) tris [2-ethylaziridine].

TABLE 1.—1987 LIST OF CHEMICALS SELECTED FOR REVIEW BY TSCA INTERAGENCY TESTING COMMITTEE—Continued

CAS No.	Chemical name
17741-62-7	4-[4-[(2,6-Dichloro-4-nitrophenyl) azo]-phenyl] thiomorpholine, 1,1-dioxide.
25026-97-5	2-Amino-5-nitrobenzenecarbothioamide.
33125-86-9	Phosphoric acid, 1,2-ethanediyl tetrakis (2-chloroethyl)ester.
39638-32-9	2,2'-oxybis(2-chloropropane).
59191-99-0	N-(5-amino-2-chlorophenyl)-4,4-dimethyl-3-oxopentanamide.

II. Public Meeting and Request For Comments

A public meeting of the ITC will be held in Washington, DC, at the time and place designated under DATES. At this meeting a representative of the ITC will describe the chemical-scoring and selection process used by the Committee. Interested persons are invited to present relevant oral comments on the process and on chemicals listed in Table 1. Additional comments and information may be submitted in writing to the Executive Secretary, TSCA Interagency Testing Committee, at the address shown at the beginning of this notice. The kinds of information that would be most helpful to the ITC in assessing the need for testing are those related to the eight priority factors listed in Part I and those noted in the following:

1. Technical bulletins.
2. Material safety data sheets.
3. Current annual production data and trends.
4. Number of workers exposed, concentrations, controls, use of open versus closed systems, etc.
5. Use data (types of uses, percent of production by use, etc.).
6. Environmental release data (waste control procedures, pollution potential, fraction released to the environment, route of environmental entry).
7. Chemical fate data such as water solubility, vapor pressure, density, melting/boiling point, octanol/water partition coefficient, potential transformation processes and rates.
8. Toxicological data (for example, metabolism and toxicokinetics, acute effects, oncogenicity, neurotoxicity, epidemiology).
9. Ecological effects data (for example, acute, subchronic and chronic effects on non-human biota, behavioral effects, ecosystem processes effects, bioconcentration and food-chain transport).
10. For some of the chemicals listed in Table 1, the ITC believes that it needs only certain kinds of health or ecological effects data for its review. Those chemicals and the effects data being requested are listed in the following Table 2:

TABLE 2.—CHEMICALS FOR WHICH ONLY CERTAIN KINDS OF HEALTH OR ECOLOGICAL EFFECTS DATA ARE BEING REQUESTED

CAS No.	Effects information being requested	
	Health effects	Ecological effects
96-48-0	None	All.
101-80-4	Chronic effects other than oncogenicity and mutagenicity.	All.
107-13-1	None	All.
107-20-0	None	All.
111-44-4	Chronic effects other than oncogenicity.	All.
115-96-8	Neurotoxicity only	All.
119-93-7	None	All.
120-71-8	None	All.
121-50-6	All	None.
134-32-7	None	All.
842-07-9	None	All.
872-50-4	None	All.
4170-3	None	All.
33125-86-9	None	All.

While the kinds of effects information specified in Table 2 are believed to be those needed for the ITC review of the listed chemicals, interested persons are welcome to provide other effects information to the ITC for its review and consideration.

The ITC would appreciate receiving notification if a listed chemical is no longer being manufactured or disturbed.

The information submitted will become part of the public record of the ITC review process unless it is clearly designated as Confidential Business Information (CBI). Submitters should separate CBI from other information and mark such information clearly as "TSCA-CBI." It will be treated in accordance with procedures outlined in the "TSCA Confidential Business Information Security Manual."

Any person wishing to make an oral presentation at the June 18, public meeting should notify the Executive Secretary, ITC not later than June 1, at the address or telephone number set forth in this notice. Respondents are requested to provide the CAS registry number and the name of any chemical they wish to comment on. Oral presentation will be limited to 10 minutes per person.

Written comments, data, and information on chemicals should be submitted to the Executive Secretary, ITC, not later than June 1, in order to be assured timely review by the ITC.

Dated: March 20, 1987.

James K. Selkirk,

Chairperson, TSCA Interagency Testing Committee.

[FR Doc. 87-7128 Filed 3-31-87; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

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

March 25, 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, 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: 3060-0321

Title: Section 73.68, Sampling Systems for Antenna Monitors

Action: Revision

Respondents: AM radio broadcast stations

Frequency of Response: On occasion

Estimated Annual Burden: 200 Responses; 400 Hours

Needs and Uses: The Commission requires the licensee of an existing AM radio broadcast station with a directional antenna system to obtain approval of the antenna sampling system by submitting an informal request to the Commission. The request must contain enough information to demonstrate compliance with the Commission's requirements for antenna sampling systems. The information is used to ensure compliance with the Commission's Rules and to ensure that the system will not cause interference to other broadcast facilities.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87-7149 Filed 3-31-87; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Hearing; Big Island Broadcasting Company, Ltd., et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant	City/State	File No.	MM Docket No.
A Big Island Broadcasting Company, ltd.	Hilo, Hawaii	BPH-841011IA.	87-63
B. Carmen D. Dwight.	Hilo, Hawaii	BPH-850531ME.	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue heading	Applicant(s)
1. Environmental Impact	A
2. Air Hazard	B
3. Comparative	A, B
4. Ultimate	A, B

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC. 20037. (Telephone (202) 857-3800).

W. Jan Gey,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 87-7150 Filed 3-31-87; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Hearing; Dad's Clipping Service et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, City and State	File No.	MM Docket No.
A. Dad's Clipping Service, Sac City, IA.	BPH-860313MU	87-66
B. Iowa Radio Associates, Sac City, IA.	BPH-860317NE	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading Applicant(s)

1. Air Hazard, B
2. Comparative, A, B
3. Ultimate, A, B

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037. (Telephone (202) 857-3800).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 87-7151 Filed 3-31-87; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Hearing; Richard L. Oberdorfer et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, City and State	File No.	MM Docket No.
Richard L. Oberdorfer, Bend OR.	BPH-850710MJ	87-62
B. Louise Alda McCourtney, Bend OR.	BPH-850711NK	
C. John Jay Spillane & Sara Jane Spillane, A General Partnership, Bend OR.	BPH-850711QG	
D. Deschutes Broadcasting, Ltd., An Oregon Limited Partnership, Bend, OR.	BPH-850712QG	
E. Clearwater Broadcasting Company, Bend OR.	BPH-850712QJ	
F. Suzanne Marie McLain, Bend, OR.	BPH-850712QM	
G. Kitsap Communications Corporation, Bend, OR.	BPH-850712QO	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading Applicant(s)

1. Environmental Impact, B, C, D, E, F, G
2. Comparative, All.
3. Ultimate, All.

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037 (Telephone (202) 857-3800).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 87-7152 Filed 3-31-87; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Hearing; Charles J. Saltzman et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, City and State	File No.	MM Docket No.
A. Charles J. Saltzman, Smyrna, DE.	BPH-851223MM	87-65
B. A.P. Communications Limited Partnership, Smyrna, DE.	BPH-851230MO	
C. Smyrna Radio Limited Partnership, Smyrna, DE.	BPH-851231MU	
D. Kenneth L. Brennan & Pennsylvania Communications, Corp. d/b/a, Delaware Communication Co., Smyrna, DE.	BPH-860102NR	

Applicant, City and State	File No.	MM Docket No.
E. The Baltimore Radio Show, Inc., Smyrna, DE.	BPH-860102NT	
F. Genesis Communications, Inc., and Judith L. Randolph, Smyrna, DE.	BPH-860102NU	
G. Benjamin Macwan, Smyrna, DE.	BPH-860102NV	
H. Jeffrey M. Vadakin & Patricia J. Clarke d/b/a Radio Smyrna Partners, Smyrna, DE.	BPH-860102NW	
I. First State Broadcasting, Inc., Smyrna, DE.	BPH-860102NX	
J. C.G. Associates of Smyrna, a limited partnership, Smyrna, DE.	BPH-860102NY	
K. Cynthia Johnson Richardson, Smyrna, DE.	BPH-860102NZ	
L. Smyrna Broadcasters Limited Partnership, Smyrna, DE.	BPH-860102OA	
M. Central Delaware Broadcasting Co., Smyrna, DE.	BPH-860102OB	
N. Smyrna Radio, Inc., Smyrna, DE.	BPH-860102OC	
O. Rick A. Gold, Smyrna, DE.	BPH-851230MP	(Dismissed).
P. Daniel L. Henning, Smyrna, DE.	BPH-860102NS	(Dismissed).

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading Applicants

1. Environmental Impact, A, B, C, D, E, F, G, H, I, J, K, L, M, N
2. Air Hazard, A, B, C, D, E, F, G, H, I, J, K, L, M, N
3. Comparative, A, B, C, D, E, F, G, H, I, J, K, L, M, N
4. Ultimate, A, B, C, D, E, F, G, H, I, J, K, L, M, N

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037. (Telephone (202) 857–3800).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 87–7153 Filed 3–31–87; 8:45 am]

BILLING CODE 6712–01–M

Applications for Consolidated Hearings; Stevens Point Communications Corporation; et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, City and State	File No.	MM Docket No.
A. Stevens Point Communications Corporation, Stevens Point, WI.	BPH-850711OY	87–64
B. Altcom of Wisconsin, Inc., Stevens Point WI.	BPH-850712YN	
C. Peoria Satellite Radio Corporation, Stevens Point, WI.	BPH-850712YP	
D. Marylyn P. Kotas, Stevens Point, WI.	BPH-850712YO (Dismissed).	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19,347 (May 29, 1986). The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading Applicants

1. Air Hazard, A,B
2. Comparative, A,B,C
3. Ultimate, A,B,C

3. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037. (Telephone (202) 857–3800).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 87–7154 Filed 3–31–87; 8:45 am]

BILLING CODE 6712–01–M

GENERAL SERVICES ADMINISTRATION

Proposing To Change the Method of Procurement

ACTION: Notice.

The General Services Administration is proposing to change the method of procurement under Federal Supply Schedule 62, Part I, "Lighting Fixtures and Lamps: Household and Quarters Use", from a single award to a multiple award schedule. The proposed implementation date will be November 1, 1987. 179 lamp styles would be affected. Industry and agency comments are welcome and should include consideration of the potential impact on small business concerns. Comments are requested within 30 calendar days from date of this publication, and should be forwarded to: Ms. Norma Carey, Contracting Officer, General Services Administration, Furniture Commodity Center, FCNH–A, Washington, DC 20406.

Dated: March 17, 1987.

Patricia A. Gooding-Luper,

Director, Household and Industrial Furniture, Procurement Division, Furniture Commodity Center, Federal Supply Service.

[FR Doc. 87–7111 Filed 3–31–87; 8:45 am]

BILLING CODE 6820–24–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 83F–0409]

Economics Laboratory, Inc.; Amended Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is amending the filing notice for a food additive petition filed by Economics Laboratory, Inc., to provide for the safe use of the sodium methyl and dimethyl naphthalene sulfonates in sanitizing solutions for use on food-contact surfaces. The previous filing notice is amended to make clear that the sanitizing solution contains decanoic acid, octanoic acid, and a mixture of (1) the sodium salt of naphthalene sulfonic acid; (2) the methyl, dimethyl, and trimethyl derivatives of the sodium salt of naphthalene sulfonic acid; and (3) a mixture of the sodium salt of

naphthalene sulfonic acid, and the methyl, dimethyl, and trimethyl derivatives of the sodium salt of naphthalene sulfonic acid alkylated at 3 percent by weight with C_6–C_9 linear olefins. The methyl and dimethyl substituted derivatives (described in (2) above) constitute no less than 70 percent by weight of the mixture of naphthalene sulfonates.

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

SUPPLEMENTARY INFORMATION: In the Federal Register of April 26, 1984 (49 FR 18044), FDA published a notice that a petition (FAP 3H3756) had been filed by Economics Laboratory, Inc., Osborn Bldg., St. Paul, MN 55102, proposing that § 178.1010 *Sanitizing solutions* (21 CFR 178.1010) be amended in paragraphs (b)(27) and (c)(22) to provide for the safe use of sodium mono- and dimethyl naphthalene sulfonates for use on food-contact surfaces. Subsequently, Economics Laboratory, Inc., amended the petition to correct the chemical name of this additive to a mixture of (1) the sodium salt of naphthalene sulfonic acid; (2) the methyl, dimethyl, and trimethyl derivatives of the sodium salt of naphthalene sulfonic acid; and (3) a mixture of the sodium salt of naphthalene sulfonic acid, and the methyl, dimethyl, and trimethyl derivatives of the sodium salt of naphthalene sulfonic acid alkylated at 3 percent by weight with C_6–C_9 linear olefins. The methyl and dimethyl substituted derivatives (described in (2) above) constitute no less than 70 percent by weight of the mixture of naphthalene sulfonates.

The previous notice is also being amended to include decanoic and octanoic acid as components of the sanitizing solution and to omit the specific amendment of paragraphs (b)(27) and (c)(22).

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857 between 9 a.m. and 4 p.m., Monday through Friday. Under FDA's regulations implementing the National Environmental Policy Act (21 CFR Part 25), an action of this type would require an environmental assessment under 21 CFR 25.31a(a).

Dated: March 24, 1987.

Sanford A. Miller,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 87–7070 Filed 3–31–87; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 84P–0346]

Surgical Simplex™ P Antibiotic Bone Cement; Hearing Before an Ad Hoc Advisory Committee

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the date, time, and location of the first hearing before an ad hoc Public Advisory Committee, established under 21 U.S.C. 360e(g)(2), to review the agency's denial of approval of an application for premarket approval (PMA) for Howmedica, Inc.'s, Surgical Simplex™ P Antibiotic Bone Cement. This notice also summarizes the procedures for the hearing and the methods by which interested persons may participate in the hearing.

DATES: The hearing will begin on April 27, 1987, at 9 a.m.; notices of participation by April 15, 1987.

ADDRESSES: The hearing will be held in Conference Rm. J, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857; notices of participation to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Timothy C. Sottek, Office of Health Affairs (HFY–20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1382.

SUPPLEMENTARY INFORMATION: By order dated June 29, 1984, the Director of the Office of Device Evaluation of FDA's Center for Devices and Radiological Health (CDRH) denied approval of a PMA for the Surgical Simplex™ P Antibiotic Bone Cement filed by Howmedica, Inc., 235 East 42d St., New York, NY 10017. This device, which includes two antibiotics, is intended for use in attaching prostheses to living bone in orthopedic surgical procedures and in pathological fractures. The addition of antibiotics to the bone cement is proposed to help reduce the risk of localized infection during the intraoperative and postoperative period. CDRH's denial was based on the applicant's failure to satisfy the safety and effectiveness requirements of section 515(d)(2) (A) and (B) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(2) (A) and (B)).

In response to CDRH's order, the applicant filed a petition, under section 515(g) of the act, for administrative review of the decision. The petitioner requested that the Commissioner of Food and Drugs refer CDRH's denial of approval of the PMA to an advisory committee of experts established under section 515(g)(2)(B) of the act, for a report and recommendation with respect to the denial. Accordingly, in the Federal Register of May 30, 1986 (51 FR 19610), FDA announced that it intended to establish such an advisory committee and invited interested persons to nominate to the committee individuals with expertise in the technical fields associated with the scientific issues relating to CDRH's order.

In the Federal Register of February 6, 1987 (52 FR 3865), FDA announced the establishment by the Commissioner of the Ad Hoc Public Advisory Committee to Review the Denial of Premarket Approval for Surgical Simplex™ P Antibiotic Bone Cement. In the February 6 notice, FDA advised that the agency would announce in a future issue of the Federal Register the date, time, and place for the hearing in the matter.

On March 27, 1987, under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463), section 515(g)(2) of the act, and 21 CFR Part 14 of FDA's regulations governing public hearings before a public advisory committee, the Commissioner appointed the following individuals to serve as members of the advisory committee: C. McCollister Evarts, M.D. (Chairperson), David J. Schurman, M.D., Carmelita V. Tuazon, M.D., John Wanzer Drane, P.E., Ph.D., and Raphael Dolin, M.D. Under § 14.40(f)(4) of FDA's regulations, the Executive Secretary and the Alternate Executive Secretary for the committee are FDA employees, Timothy Sottek and James Weixel, respectively.

In accordance with § 14.20 of FDA's regulations, FDA advises that the Ad Hoc Public Advisory Committee to Review the Denial of Premarket Approval for Surgical Simplex™ P Antibiotic Bone Cement will hold a public hearing beginning at 9 a.m., on April 27, 1987, in Conference Rm. J, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857. The hearing will be transcribed and will be open to the public in accordance with § 14.22(e). If time is not sufficient to complete the public hearing and for the committee to conduct its deliberations on April 27, 1987, it will be continued on April 28,

1987, at a time designated by the chairperson of the committee.

The function of the committee is to provide to the Commissioner a report and recommendation on whether CDRH, in denying premarket approval for Surgical Simplex™ P Antibiotic Bone Cement, was correct in its determination in this case that an adequate and well-controlled investigation in humans is necessary to satisfy the safety and effectiveness requirements of section 515(d)(2) (A) and (B) of the act. The committee's report and recommendation should be based on consideration of the following questions:

1. Is a well-controlled clinical investigation in humans necessary in this case to demonstrate a reasonable assurance that the device is safe and effective as labeled?

2. Assuming that a well-controlled investigation in humans is necessary, what parameters should be investigated in such a study to demonstrate a reasonable assurance that the device will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the device's labeling?

3. Can clinical studies in humans (reported in the literature or in an individual surgeon's case reports) of bone cement with concentrations of antibiotic different from the concentrations of antibiotic in the device subject to the PMA demonstrate a reasonable assurance of safety and effectiveness to support a PMA approval?

4. Does the PMA contain studies that adequately demonstrate that the device will fix prostheses to living bone in orthopedic surgical procedures in humans?

5. Does the PMA contain studies that adequately demonstrate that the leaching out of antibiotic from the bone cement will not adversely affect the cement's long-term function in humans?

6. Does the PMA contain studies or evidence that adequately demonstrate that when the product is used as recommended in the labeling, adequate amounts of antibiotic will be delivered to the operative site in humans to eliminate those bacteria commonly found to cause infections associated with implant surgery?

7. Does the PMA adequately demonstrate that a reasonable assurance of safety and effectiveness is present for those persons most likely to be exposed to the device (e.g., the elderly) when the device is used as labeled?

In short, the task of the advisory committee is to decide whether CDRH's order is consistent with the scientific evidence that was before the Center at the time that it made the decision embodied in the order.

The parties to the hearing are Howmedica, Inc., and CDRH. Under § 14.35 of FDA's regulations, the parties are each requested to provide to the Dockets Management Branch by April 6, 1987, 10 copies of a concise, well-organized, written summary of relevant information for review by the committee members. One copy of the summary along with a proposed agenda outlining the topics to be covered during the hearing and identifying the participating staff members or consultants that will present each topic is to be submitted directly to the Executive Secretary (address above). Insofar as practical, each party will be provided 90 minutes during the first portion of the hearing to present relevant information or views orally. The parties may use the allotted time as desired, consistent with an orderly hearing, and may be accompanied by additional persons, who may present such relevant information or views.

Following presentations by the parties, other interested persons may, at the discretion of the chairperson, be permitted to present relevant information or views orally or in writing.

Any interested person who wishes to make an oral presentation is requested to file a written notice of participation with the Dockets Management Branch (address above) April 15, 1987. Such a notice shall include the docket number appearing in the heading of this notice, the name of the participant, address, phone number, affiliation, if any, general nature of the presentation, and the approximate amount of time requested for the presentation. To facilitate identification, the envelope containing any notice of participation submitted by mail should be clearly labeled "Surgical Simplex Advisory Committee Hearing." All written information to be discussed by that person at the hearing should be furnished to the Dockets Management Branch together with the notice of participation. This material will be distributed by FDA to the committee members in advance of the hearing. In accordance with § 14.35, 10 copies of all written submissions are to be provided.

Before the hearing, the Executive Secretary will determine the amount of time allocated to each person who has filed a notice of participation for oral presentation and the time that the presentation is to begin. Each person will be so informed in writing, if time permits, or by telephone. FDA may require persons with common interests to make joint presentations.

If a person is absent at the time specified for that person's presentation, the persons following will appear in order. An attempt will be made to hear the person at the conclusion of the hearing. Interested persons attending the hearing who did not request an opportunity to make an oral presentation may be given an opportunity to do so at the discretion of the chairperson.

The chairperson and other members of the committee may question any person concerning the information or views presented by the person or concerning any other information relevant to the matter pending before the committee. No other person, however, may question the person. The chairperson may allot additional time when it is in the Public interest, but may not reduce the time allotted without consent of the person.

Participants may question a committee member only with that member's permission and only about matters before the committee.

The hearing is informal, and the rules of evidence do not apply. No participant may interrupt the presentation of another participant.

Public hearings are subject to FDA's guideline (Subpart C of 21 CFR Part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under Part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

This notice is issued under the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)), 21 U.S.C. 360e(g)(2), and FDA's regulations (21 CFR Part 14) on advisory committees.

Dated: March 27, 1987.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 87–7173 Filed 3–27–87; 4:10 pm]

BILLING CODE 4160-01-M

Office of Human Development Services

Fiscal Year 1988 Federal Allotment Percentages to States for Development Disabilities Basic Support and Protection and Advocacy Formula Grant Programs

AGENCY: Administration on Developmental Disabilities, Office of Human Development Services, Department of Health and Human Services.

ACTION: Notification of Fiscal Year 1988 federal allotment percentages for States for Developmental Disabilities Basic Support and Protection and Advocacy Formula Grant Programs.

SUMMARY: This notice sets forth the individual allotment percentages for States for Fiscal Year 1988 pursuant to section 125 of the Developmental Disabilities Assistance and Bill of Rights Act (Act). This notice assumes that Congress will reauthorize this Act. Current authorization for these programs expires on September 30, 1987. The allotment percentages for the States published herein are based upon the Fiscal Year 1987 funding levels, and are contingent upon Congressional appropriation action for Fiscal Year 1988. (Data for Fiscal Year 1987 are shown for comparative purposes only.) If Congress appropriates and the President approves an amount different from the Fiscal Year 1987 funding level, adjustments will be made accordingly. For example, should the funding level change, the statutory minimum funding provision would require changes to the percentages for individual States.

EFFECTIVE DATE: October 1, 1987.

FOR FURTHER INFORMATION CONTACT: Bettye Mobley, Chief, Formula Grants Management Branch, Division of Grants and Contracts Management, Office of Human Development Services, Department of Health and Human Services, 200 Independence Avenue, SW., Room 341F–4, Washington, DC 20201, telephone (202) 245–7220.

SUPPLEMENTARY INFORMATION: Section 125(a)(2), of the Act requires that adjustments in the amounts of State allotments may be made not more often than annually and that States are to be notified not less than six (6) months before the beginning of any fiscal year of any adjustments to take effect in that fiscal year.

The Administration on Developmental Disabilities has updated the data for issuance of Fiscal Year 1988 formula grants. The data elements used in the update are:

A. The Number of Beneficiaries in each State and Territory under the Childhood Disabilities Beneficiary Program, December 1984, are from Table 132 of the "Social Security Bulletin: Annual Statistical Supplement 1986" issued by the Social Security Administration, U.S. Department of Health and Human Services. The numbers for the Northern Mariana Islands and the Trust Territory of the Pacific Islands (the Federated States of Micronesia, the Marshall Islands, and Palau), included under 'Abroad' in the Table, were obtained from the Social Security Administration.

B. State data on Average Per Capita Income, 1983–85, are from Table 2, page 25, of the "Survey of Current Business", August 1986, issued by the Bureau of Economic Analysis, U.S. Department of Commerce; comparable data for the Trust Territories also were obtained from that Bureau; and

C. State data on Total Population and Working Population (ages 18–64) as of July 1, 1985, are from Table 4 of "Current Population Reports: Population Estimates and Projections," Series P–25, Number 998, issued December 1986 by the Bureau of the Census, U.S. Department of Commerce. The Territories' estimated total populations are from Table 1 of "Current Population Reports: Population Estimates and Projections," Series P–25, Number 997, issued November 1986 by the Bureau of the Census, U.S. Department of Commerce. New data elements are not available for the Trust Territory of the Pacific Islands since each of the three areas contained therein (The Federated States of Micronesia, The Marshall Islands, and Palau) have either negotiated compacts of free association with the United States or severed their previous relationship with the Trust Territory. Therefore, the FY 1987 data base was used as the basis for the FY 1988 allocation.

The above data are the most recent satisfactory data available at this time. The adjusted percentages are set forth below.

FISCAL YEAR 1988 FEDERAL ALLOTMENT PERCENTAGES—ADMINISTRATION ON DEVELOPMENTAL DISABILITIES

	Basic support		
	Fiscal year 1987		Fiscal year 1988 percent
	Amount	Percent	
Total	$56,500,000	100.0000	100.0000
Alabama	1,147,505	2.0310	2.0438
Alaska	300,000	0.5310	0.5310

FISCAL YEAR 1988 FEDERAL ALLOTMENT PERCENTAGES—ADMINISTRATION ON DEVELOPMENTAL DISABILITIES—Continued

	Basic support		
	Fiscal year 1987		Fiscal year 1988 percent
	Amount	Percent	
Arizona	622,859	1.1024	1.1343
Arkansas	667,074	1.1807	1.1734
California	4,512,401	7.9860	7.9968
Colorado	533,043	0.9434	0.9438
Connecticut	586,689	1.0384	1.0436
Delaware	300,000	0.5310	0.5310
District of Columbia	300,000	0.5310	0.5310
Florida	2,204,123	3.9011	3.9379
Georgia	1,407,259	2.4907	2.5179
Hawaii	300,000	0.5310	0.5310
Idaho	300,000	0.5310	0.5310
Illinois	2,322,179	4.1101	4.1181
Indiana	1,301,182	2.3030	2.3140
Iowa	703,968	1.2460	1.2629
Kansas	500,585	0.8860	0.9019
Kentucky	1,078,564	1.9090	1.9221
Louisiana	1,130,054	2.0001	1.9977
Maine	309,705	0.5482	0.5475
Maryland	816,300	1.4448	1.4439
Massachsuetts	1,177,210	2.0836	2.0616
Michigan	2,094,991	3.7079	3.7017
Minnesota	880,298	1.5580	1.5812
Mississippi	822,822	1.4563	1.4603
Missouri	1,176,101	2.0816	2.0596
Montana	300,000	0.5310	0.5310
Nebraska	359,921	0.6370	0.6450
Nevada	300,000	0.5310	0.5310
New Hampshire	300,000	0.5310	0.5310
New Jersey	1,406,440	2.4893	2.4426
New Mexico	349,263	0.6182	0.6273
New York	3,742,915	6.6246	6.4993
North Carolina	1,607,863	2.8458	2.8629
North Dakota	300,000	0.5310	0.5310
Ohio	2,507,674	4.4384	4.4407
Oklahoma	729,200	1.2906	1.2920
Oregon	578,436	1.0238	1.0047
Pennsylvania	2,822,225	4.9951	4.8935
Rhode Island	300,000	0.5310	0.5310
South Carolina	900,829	1.5944	1.6165
South Dakota	300,000	0.5310	0.5310
Tennessee	1,275,736	2.2579	2.2583
Texas	3,178,822	5.6262	5.6994
Utah	407,593	0.7214	0.7116
Vermont	300,000	0.5310	0.5310
Virginia	1,189,333	2.1050	2.1054
Washington	838,727	1.4845	1.4723
West Virginia	642,124	1.1365	1.1287
Wisconsin	1,108,327	1.9616	1.9702
Wyoming	300,000	0.5310	0.5310
Puerto Rico	2,039,763	3.6102	3.6398
American Samoa	160,000	0.2832	0.2832
Guam	160,000	0.2832	0.2832
No. Mariana Islands	160,000	0.2832	0.2832
Trust Territories	279,897	0.4954	0.4900
Virgin Islands	160,000	0.2832	0.2832

FISCAL YEAR 1988 FEDERAL ALLOTMENT PERCENTAGES—ADMINISTRATION ON DEVELOPMENTAL DISABILITIES

	Protection and Advocacy		
	Fiscal year 1987		Fiscal year 1988 percent
	Amount	Percent	
Total	$15,550,000	100.0000	100.0000
Alabama	284,185	1.8335	1.8456
Alaska	150,000	0.9677	0.9677
Arizona	169,117	1.0911	1.1184
Arkansas	165,280	1.0663	1.0601
California	1,118,991	7.2202	7.2320
Colorado	154,192	0.9948	0.9963
Connecticut	156,845	1.0119	1.0151
Delaware	150,000	0.9677	0.9677
District of Columbia	150,000	0.9677	0.9677
Florida	546,598	3.5264	3.5610
Georgia	348,707	2.2497	2.2750
Hawaii	150,000	0.9677	0.9677
Idaho	150,000	0.9677	0.9677
Illinois	575,344	3.7119	3.7202

FISCAL YEAR 1988 FEDERAL ALLOTMENT PERCENTAGES—ADMINISTRATION ON DEVELOPMENTAL DISABILITIES—Continued

	Protection and Advocacy		
	Fiscal year 1987		Fiscal year 1988 percent
	Amount	Percent	
Indiana	322,407	2.0800	2.0906
Iowa	174,327	1.1247	1.1404
Kansas	150,000	0.9677	0.9677
Kentucky	267,011	1.7227	1.7351
Louisiana	279,921	1.8059	1.8041
Marine	150,000	0.9677	0.9677
Maryland	202,302	1.3052	1.3047
Massachusetts	291,473	1.8805	1.8610
Michigan	518,815	3.3472	3.3422
Minnesota	218,105	1.4071	1.4285
Mississippi	203,838	1.3151	1.3191
Missouri	291,314	1.8794	1.8601
Montana	150,000	0.9677	0.9677
Nebraska	150,000	0.9677	0.9677
Nevada	150,000	0.9677	0.9677
New Hampshire	150,000	0.9677	0.9677
New Jersey	348,335	2.2473	2.2056
New Mexico	150,000	0.9677	0.9677
New York	926,544	5.9777	5.8656
North Carolina	398,323	2.5698	2.5863
North Dakota	150,000	0.9677	0.9677
Ohio	621,055	4.0068	4.0099
Oklahoma	180,739	1.1661	1.1677
Oregon	154,800	0.9987	0.9825
Pennsylvania	698,751	4.5081	4.4173
Rhode Island	150,000	0.9677	0.9677
South Carolina	223,212	1.4401	1.4606
South Dakota	150,000	0.9677	0.9677
Tennessee	316,023	2.0389	2.0400
Texas	788,366	5.0862	5.1545
Utah	150,000	0.9677	0.9677
Vermont	150,000	0.9677	0.9677
Virginia	249,643	1.9009	1.9018
Washington	208,014	1.3420	1.3312
West Virginia	169,303	1.0923	1.0487
Winsconsin	274,475	1.7708	1.7791
Wyoming	150,000	0.9677	0.9677
Puerto Rico	505,534	3.2615	3.2893
American Samoa	80,000	0.5161	0.5161
Guam	80,000	0.5161	0.5161
No. Mariana Island	80,000	0.5161	0.5161
Trust Territories	83,111	0.5362	0.5314
Virgin Islands	80,000	0.5161	0.5161

Dated: March 25, 1987.

Robert E. Stovenour,

Acting Commissioner, Administration on Developmental Disabilities.

Approved: March 26, 1987.

Jean K. Elder,

Assistant Secretary for Human Development Services-Designate.

[FR Doc. 87-7129 Filed 3-27-87; 8:45 am]

BILLING CODE 4130-01-M

President's Committee on Mental Retardation; Notice of Meeting

Agency Holding the Meeting: President's Committee on Mental Retardation

Time and Date:

Executive Committee—Sunday May 3, 1987

1:00 p.m.–5:00 p.m.

Full Committee—May 4, 1987

9:00 a.m.–5:00 p.m., May 4, 1987

9:00 a.m.–5:00 p.m., May 5, 1987

9:00 a.m.–5:00 p.m., May 6, 1987

Place: Omni Shoreham Hotel, 2500 Calvert Street NW., Washington, DC 20008

Status: Meetings are open to the public. An interpreter for the deaf will be available upon advance request. All locations are barrier free.

Matters to be Considered: Reports by members of the Executive Committee of the President's Committee on Mental Retardation (PCMR) will be given. The Committee plans to discuss critical issues concerning prevention, family and community services, full citizenship, public awareness and other issues relevant to the PCMR's goals.

The PCMR: (1) Acts in an advisory capacity to the President and the Secretary of the Department of Health and Human Services on matters relating to programs and services for persons who are mentally retarded; and (2) is responsible for evaluating the adequacy of current practices in programs for the retarded, and reviewing legislative proposals that affect the mentally retarded.

Contact Person for More Information: Susan Gleeson, R.N., M.S.N., 330 Independence Ave., SW., Room 4725—North, Washington, DC 20201, (202) 245–7635.

Dated: March 25, 1987.

Susan Gleeson,

R.N., M.S.N., Executive Director, PCMR.

[FR Doc. 87-7130 Filed 3-31-87; 8:45 am]

BILLING CODE 4130-01-M

DEPARTMENT OF THE INTERIOR

Office of Acquisition and Property Management

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Department's clearance officer at the telephone number listed below. Comments and suggestions on the requirement should be made within 30 days directly to the Department's clearance officer and to the Office of Management and Budget, Interior Department Desk Officer, Washington, DC 20503, telephone 202–395–7340.

Title: "Brand Name or Equal" Provision.

Abstract: The provision requires bidders to provide a description of their "or equal" products if they are proposing them in response to a "Brand Name or Equal" solicitation. The information will be used to ensure the Department's needs are satisfied.

Bureau Form Number: None.

Frequency: One time, with bid.

Description of Respondents: Contractors bidding on solicitations utilizing "Brand Name or Equal" specifications or purchase descriptions.

Annual Responses: 300.

Annual Burden Hours: 300.

Office of the Secretary Clearance Officer: John Strylowski, (202) 343–6191.

Dated: March 20, 1987.

Colonel C. Armstrong,

Chief, Division of Acquisition and Grants, Office of Acquisition and Property Management.

[FR Doc. 87-7112 Filed 3-31-87; 8:45 am]

BILLING CODE 4310-10-M

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Department's clearance officer at the telephone number listed below. Comments and suggestions on the requirement should be made within 30 days directly to the Department's clearance officer and to the Office of Management and Budget, Interior Department Desk Officer, Washington, DC 20503, telephone 202–395–7340.

Title: Indian Preference Program—Department of the Interior.

Abstract: Respondents with contracts over $50,000 provide a semiannual report on activities under the preference program including the number and types of positions filled and the dollar amount of all subcontracts awarded to Indian organizations and Indian-owned economic enterprises, and to all other firms.

Bureau Form Number: None.

Frequency: Semi-annual.

Description of Respondents: Contractors with contracts in excess of $50,000 awarded pursuant to Pub. L. 93–638, Indian Education and Self-Determination Act.

Annual Responses: 2,500.

Annual Burden Hours: 5,000.

Office of the Secretary Clearance Officer: John Strylowski, (202) 343–6191.

Dated: March 20, 1987.

Colonel C. Armstrong,

Chief, Division of Acquisition and Grants, Office of Acquisition and Property Management.

[FR Doc. 87–7113 Filed 3–31–87; 8:45 am]

BILLING CODE 4310–10–M

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Department's clearance officer at the telephone number listed below. Comments and suggestions on the requirement should be made within 30 days directly to the Department's clearance officer and to the Office of Management and Budget, Interior Department Desk Officer, Washington, DC 20503, telephone 202–395–7313.

Title: Buy American Act Notice—Department of the Interior.

Abstract: The provision requires bidders to provide information and cost of foreign materials proposed for use in Government construction contracts. The information will be used to determine the reasonableness of the cost of domestic materials.

Bureau Form Number: None.

Frequency: One time, with bid.

Description of Respondents: Contractors bidding on construction contracts subject to the Buy American Act.

Annual Responses: 250.

Annual Burden Hours: 250.

Office of the Secretary Clearance Officer: John Strylowski, 202–343–6191.

Dated: March 20, 1987.

Colonel C. Armstrong,

Chief, Division of Acquisition and Grants, Office of Acquisition and Property Management.

[FR Doc. 87–7114 Filed 3–31–87; 8:45 am]

BILLING CODE 4310–10–M

Bureau of Land Management

[AA–620–4211–12–24–10]

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be contained by contacting the Bureau's clearance officer and to the Office of Management and Budget desk office, at (202) 395–7340.

Title:

Information Collection Requirements under 43 CFR 3000–3120 OMB No. 1004 0145

Information Collection Requirements under 43 CFR 3200 OMB No. 1004 0074

Abstract: Respondents supply information which will be used to determine the eligibility of an applicant to hold, explore for, and produce oil and gas and geothermal resources on Federal lands. The information supplied allows the Bureau of Land Management to determine whether an applicant is qualified to hold a lease to obtain a benefit under the terms of the Mineral Leasing Act of 1920.

Bureau Form Number: N/A.

Frequency: On Occasion.

Description of Respondents: General public, small businesses, and oil companies.

Annual Responses 0004–0145: 1,476.

Annual Responses 0004–0074: 443.

Annual Burden Hours 0004–0145: 1,476.

Annual Burden Hours 0004–0074: 886.

Bureau Clearance Officer: Rick Iovine (202) 653–8853.

Dated: March 20, 1987.

Robert H. Lawton,

Director.

[FR Doc. 87–7115 Filed 3–31–87; 8:45 am]

BILLING CODE 4310–84–M

[AK–060–07–4111–10]

Realty Action; Request for Public Comments on Competitive Leasing; National Petroleum Reserve in Alaska

The public is requested to give comments on its interest in competitive leasing in the National Petroleum Reserve in Alaska (NPR–A) during the calendar year 1989 for the purpose of determining a general and relative level of interest. Specific public comments are requested regarding future NPR–A lease sales, in addition to current lease terms and stipulations:

1. If a 1989 lease sale were scheduled in the NPR–A, would you submit a bid at such a sale?

2. Please comment on whether any of the tracts selected to be offered in the 1985 sale, which was not held, should be deleted from consideration from a 1989 lease sale, and identify any additional tracts of specific interest which have not been previously offered or you would like to have re-offered in 1989.

3. What is your timing preference for the next NPR–A lease sale?

a. If not in the year 1988 or 1989, when might leasing in the NPR–A be most preferable?

b. Past lease sales have been scheduled during the summer (usually July). The summer lease sale date was selected to provide sufficient sale preparation time for both industry and the Bureau of Land Management. Present policy is to notify industry of preliminary lease tracts and proposed stipulations 7 months prior to a sale (December), in the belief that this timing will provide sufficient opportunity for gathering and analyzing geophysical data specific to the proposed tracts. Does this practice provide such an opportunity or should BLM's NPR–A leasing process be adjusted to reflect a different schedule?

4. What other leasing opportunities in Alaska or the Alaska Outer Continental Shelf (OCS) are you considering during 1989? Please identify these leasing opportunities.

5. What priority would you place on NPR–A leasing relative to other leasing opportunities in Alaska?

6. Are there any terms, conditions, stipulations or other factors currently imposed on NPR–A lease sales and leases that you would like to see changed if a sale were offered in 1989?

Comments that contain proprietary information should be so marked, and, to the extent possible under the Freedom of Information Act, will be treated confidentially.

Comments should be submitted by May 1, 1987.

Direct questions and responses to: M. Thomas Dean, Arctic District Office, Bureau of Land Management, 1541 Gaffney Road, Fairbanks, Alaska 99703, Tel: (907)356–5130.

M. Thomas Dean,

Manager, Arctic District.

[FR Doc. 87–6935 Filed 3–31–87; 8:45 am]

BILLING CODE 4310–JA–M

[OR-38215; OR-943-07-4220-11: GP-07-136]

Conveyance of Public Land; Order Providing for Opening of Land in Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This action informs the public of the conveyance of 480 acres of public land out of Federal ownership. This action will also open 156.40 acres of reconveyed land to surface entry, mining and mineral leasing.

EFFECTIVE DATE: May 4, 1987.

FOR FURTHER INFORMATION CONTACT: Champ Vaughan, BLM Oregon State Office, P.O. Box 2965, Portland, Oregon 97208, (Telephone 503–231–6905).

SUPPLEMENTARY INFORMATION: 1. Notice is hereby given that in an exchange of lands made pursuant to section 206 of the Act of October 21, 1976, 90 Stat. 2756, 43 U.S.C. 1716, a patent has been issued transferring 480 acres of land in Lake County, Oregon, from Federal to private ownership.

2. In the exchange, the following described land has been reconveyed to the United States:

Willamette Meridian

T. 40 S., R. 24 E.,
Sec. 25, SW¼NE¼, SE¼NW¼, NE¼SW¼, and NW¼SE¼, excepting 3.6 acres deeded to Lake County for roadway purposes.

The area described contains 156.40 acres in Lake County.

3. At 8:30 a.m., on May 4, 1987, the land described in paragraph 2 will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 8:30 a.m., on May 4, 1987, will be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

4. At 8:30 a.m., on May 4, 1987, the land described in paragraph 2 will be open to location and entry under the United States mining laws. Appropriation of land under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. sec. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

5. At 8:30 a.m., on May 4, 1987, the land described in paragraph 2 will be open to applications and offers under the mineral leasing laws.

Dated: March 20, 1987.

Robert E. Mollohan,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 87–7116 Filed 3–31–87; 8:45 am]

BILLING CODE 4310-33-M

[AZ-020-07-4212-13; A-21015]

Realty Action; Public Land Exchange in Mohave County, AZ

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action—Exchange, Public Land, Mohave County, Arizona.

SUMMARY: The following described lands and interests therein have been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Gila and Salt River Meridian

T. 22 N., R. 17 W.,
Sec. 2, lots 1 and 2, S½NE¼, E½SW¼, and SE¼ (all lands lying east of centerline of Stockton Hill Road).
T. 24 N., R. 15 W.,
Sec. 28, all.

Containing 944.00 acres, more or less.

In exchange for these lands, the United States will acquire the following described lands from Claude K. and Rita B. Neal, Trustees, Claude K. Neal Family Trust of Kingman, Arizona:

Gila and Salt River Meridian

T. 23 N., R. 17 W.,
Sec. 5, lot 3, SW¼NE¼, S½NW¼, SW¼, W½SE¼, and SE¼SE¼;
Sec. 7, NE¼NE¼;
Sec. 8, NW¼SE¼, S½SE¼NE¼ (portion);
Sec. 9, SW¼;
Sec. 29, SE¼NE¼.

Containing 739.58 acres, more or less.

The public land to be transferred will be subject to the following terms and conditions:

1. Reservations to the United States: (a) Right-of-way for ditches and canals pursuant to the Act of August 30, 1890; and (b) all the oil and gas and with it the right to prospect for, mine, and remove same (Sec. 28, only).

2. Subject to: (a) A right-of-way to the Mohave County Board of Supervisors for Stockton Hill Road (A–20910; Sec. 2, only); (b) A reservation of all minerals to the State of Arizona (Sec. 2, only); and (c) Restrictions that may be imposed by the Mohave County Board of Supervisors in accordance with county floodplain regulations established under Resolution No. 84–10 adopted on December 3, 1984.

Private lands to be acquired by the United States will be subject to the following reservations:

1. All minerals to the Santa Fe Pacific Railroad Company together with the right to prospect for, mine, and remove same (affects sections 5,7,9 and 29).

2. Such rights for transmission line purposes as the Mountain States Telephone and Telegraph Company may have under the Act of March 4, 1911.

3. An easement for ingress, egress and utilities (undefined).

The purpose of the exchange is twofold: (1) Acquire lands for the consolidation of federal ownership in the Cerbat Mountains; and (2) Acquire a developed spring for the benefit of mule deer and wild horses.

Publication of this Notice will segregate the subject lands from all appropriations under the public land laws, including the mining laws, but not mineral leasing laws. This segregation will terminate upon the issuance of a patent or two years from the date of publication of this Notice in the **Federal Register** or upon publication of a Notice of Termination.

Detailed information concerning this exchange can be obtained from the Kingman Resource Area Office, 2475 Beverly Avenue, Kingman, Arizona 86401. For a period of forty-five (45) days from the date of publication of this Notice in the **Federal Register**, interested parties may submit comments to the District Manager, Phoenix District Office, 2015 West Deer Valley Road, Phoenix, Arizona 85027. Any adverse comments will be evaluated by the State Director who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

Dated: March 24, 1987.

Henri R. Bisson,

Acting District Manager.

[FR Doc. 87–7077 Filed 3–31–87; 8:45 am]

BILLING CODE 4310-32-M

[AZ-020-07-4211-11; A-22653]

Notice of Realty Action; Lease or Conveyance of Public Lands for Public Purposes

SUMMARY: The following described lands located in the city of Nogales, Santa Cruz County, Arizona, have been found suitable for lease or conveyance to Santa Cruz County Board of Supervisors under the Recreation and Public Purposes Act of June 14, 1926 as amended (44 Stat. 741; U.S.C. 869 et seq.). The transfer is in accordance with Public Law 99-632 November 7, 1986. These lands are currently withdrawn by Executive Order No. 1398, dated August 15, 1911. This withdrawal will be revoked in its entirety, effective the date of patent.

Gila and Salt River Meridian, Arizona

T. 24 S., R. 14 E.,
Sec. 5, S½NW¼;
Sec. 6, Lots 10 and 11.
Comprising 94.8 acres.

Santa Cruz County Board of Supervisors proposes to construct and operate a new county government and recreational/cultural complex approved by the citizens of the county in an election held November 4, 1986. The lease or conveyance of the lands would be subject to the following conditions:

1. Provisions of the Recreation and Public Purposes Act and to all applicable regulations of the Secretary of the Interior.
2. All terms of the agreement entered into by and between Santa Cruz County and the U.S. Forest Service.
3. Relinquishment of R&PP Lease No. A-18083 from the city of Nogales, Arizona.
4. Transmission Line right-of-way A-6482 (50 ft centerline).
5. Telephone and Telegraph Line right-of-way A-1071 (10 ft centerline).
6. Electric and Gas Distribution Pipeline right-of-way A 16468 (5 ft. centerline).
7. Highway right-of-way A-758.

Upon publication of this notice in the **Federal Register**, this parcel of land will be segregated from all forms of appropriation under the public land laws, including general mining laws, except as provided for in this notice.

For a period of forty-five (45) days from the date of publication of this Notice, interested parties may submit comments to the District Manager, Phoenix District Office, 2015 W. Deer Valley Road, Phoenix, Arizona 85027. Further information concerning this realty action may be obtained from the Phoenix Resource Area Manager (602-863-4464).

Dated: March 24, 1987.

Henri R. Bisson,

Acting District Manager.

[FR Doc. 87-7117 Filed 3-31-87; 8:45 am]

BILLING CODE 4310-32-M

[CA-940-07-4212-13; CA 18105]

California; Exchange of Public and Private Lands in San Bernardino County

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of issuance of land exchange conveyance document.

SUMMARY: The purpose of this exchange was to acquire the non-Federal lands for use in Federal recreation programs in the Southern California Desert. The exchange was consistent with the Bureau's planning for the lands involved. The public interest was well served through completion of this exchange.

FOR FURTHER INFORMATION CONTACT: Viola Andrade, California State Office, (916) 978-4815.

The United States issued an exchange conveyance document to the Southern Pacific Land Company on December 30, 1986, under section 206 of the Act of October 21, 1976 (43 U.S.C. 1716), for the following described lands:

San Bernardino Meridian, California

T. 4 N., R. 14 E.,
Sec. 2, All;
Sec. 3, All;
Sec. 4, All;
T. 5 N., R. 14 E.,
Sec. 8, All;
Sec. 18, All;
Sec. 19, All;
Sec. 20, All;
Sec. 22, All;
Sec. 23, All;
Sec. 24, All;
Sec. 26, NE¼, W½, and N½SE¼;
Sec. 27, All;
Sec. 28, All;
Sec. 32, All;
Sec. 34, All;
Sec. 35, All;
T. 5 N., R. 15 E.,
Sec. 8, All;
Sec. 18, All;
containing 11,389.22 acres of public land.

In exchange for these lands the United States acquired the following described lands from the Southern Pacific Land Company.

San Bernardino Meridian, California

T. 2 N., R. 15 E.,
Sec. 1, All;
T. 2 N., R. 16 E.,
Sec. 5, All;
Sec. 9, All;
Sec. 17, N½, SW¼;
T. 3 N., R. 15 E.,
Sec. 13, All;
Sec. 25, All;
T. 5 N., R. 11 E.,
Sec. 1, All;
T. 8 N., R. 13 E.,
Sec. 1, All;
T. 8 N., R. 14 E.,
Sec. 5, All;
T. 9 N., R. 11 E.,
Sec. 1, Lot 1 of NW¼, SW¼, S½SE¼;
Sec. 5, All;
Sec. 9, All;
Sec. 13, All;
Sec. 17, All;
Sec. 21, All;
T. 9 N. R. 12 E.,
Sec. 7, Lots 1-4, E½SW¼, W½SE¼;
Sec. 17, W½NW¼, SW¼, W½SE¼;
T. 9 N., R. 13 E.,
Sec. 25, All;
T. 9 N., R. 14 E.,
Sec. 5, Lots 1, 2, 5, 6, 7, W½SW¼, SE¼, S½NE¼;
Sec. 7, Lots 2, 3, 4, E½;
Sec. 21, E½, SE¼NW¼, E½SW¼;
Sec. 33, All;
T. 10 N., R. 11 E.,
Sec. 19, Lots 1 and 2 of NW¼, Lots 1 and 2 of SW¼, W½NE¼, SE¼NE¼, SE¼;
Sec. 21, SW¼SW¼;
Sec. 27, W½SW¼;
Sec. 29, All;
Sec. 33, All;
Sec. 35, SW¼NW¼, W½SW¼, SE¼SW¼, SW¼SE¼;
T. 10 N., R. 14 E.,
Sec. 1, Lots 1 and 2;
T. 10 N., R. 15 E.,
Sec. 5, Lots 1-4;
Sec. 9, All;
Sec. 17, All;
T. 11 N., R. 15 E.,
Sec. 13, (Tract 38);
Sec. 25, (Tract 41);
Sec. 29, Lot 1, S½NE¼, S½SW¼, NE¼SE¼, W½SE¼;
T. 11 N., R. 21 E.,
Sec. 5, (Tract 37);
T. 12 N., R. 17 E.,
Sec. 9, (Tract 67);
Tract 79;
containing 19,214.89 acres of non-Federal land.

The values of the public lands and non-Federal lands in this exchange were equal.

Inquiries concerning the land should be addressed to the Bureau of Land Management, Room E-2841, 2800 Cottage Way, Sacramento, California 95825.

Dated: March 23, 1987.

Sharon N. Janis,

Chief, Branch of Adjudication and Records.

[FR Doc. 87-7079 Filed 3-31-87; 8:45 am]

BILLING CODE 4310-40-M

Fish and Wildlife Service

Receipt of Applications for Endangered Species Permits

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*)

PRT-716431

Applicant: International Animal Exchange, Ferndale, MI

The applicant requests a permit to purchase in foreign commerce two male and one female brown hyenas (*Hyaena brunnea*) all born in captivity at the de Wildt Cheetah Research Center, De Wildt, South Africa, to sell in foreign commerce and ship to the Taipei Municipal Zoo in Taipei, Taiwan. The applicant contends that these hyenas will be used in unspecified conservation education activities and propagation, and thereby enhance the survival of the species.

PRT-716510

Applicant: Raymond Allison, Springville, CA

The applicant requests a permit to import a trophy of a bontebok (*Damaliscus dorcas dorcas*) which was a member of a captive herd maintained by F. Bowker, Grahamstown, South Africa. The herd is maintained for the purpose of sport hunting. The applicant contends that permission to import this trophy will enhance the likelihood of the continued maintenance of this herd and thereby enhance the likelihood of the survival of the species.

PRT-716508

Applicant: Michael David Larson, Porterville, CA

The applicant requests a permit to import a trophy of a bontebok (*Damaliscus dorcas dorcas*) which was a member of a captive herd maintained by F. Bowker, Grahamstown, South Africa. The herd is maintained for the purpose of sport hunting. The applicant contends that permission to import this trophy will enhance the likelihood of the continued maintenance of this herd and thereby enhance the likelihood of the survival of the species.

PRT-716770

Applicant: Sunset Zoological Park, Manhattan, KS

The applicant requests a permit to import two 5-month old female ocelot (*Felis pardalis*) kittens that were taken from the wild after their mother was found dead. These cats are to be included in a breeding program in the United States upon reaching maturity.

PRT-702631

Applicant: U.S. Fish & Wildlife Service, Regional Director—Region 1, Portland, OR

The applicant requests an amendment to their current permit for take (live-trap) and translocation of the desert pupfish (*Cyprinodon macularius)* for scientific purposes and the enhancement of propagation or survival in accordance with procedures outlined in the Desert Pupfish Management Plan

PRT-716913, 716914, 716917

Applicant: George Carden Circus Int'l Inc., Willard, MO

The applicant requests a permit to export and reimport three female Asian elephants (*Elephas maximus*) for the purpose of enhancement of survival through public display and conservation education. These three elephants were imported into the U.S. prior to December of 1973 and have been held in captivity since their importations.

PRT-716519

Applicant: National Zoological Park, Washington, DC

The applicant requests a permit to import 2 female Great Indian 1-horned rhinoceros (*Rhinoceros unicornis*) taken from the wild in Nepal for the purposes of captive propagation, scientific research and conservation education through public exhibition. The 2 females would be bred with a male currently at the Zoo.

Documents and other information submitted with these applications are available to the public during normal business hours (7:45 am to 4: 15 pm) Room 611, 1000 North Glebe Road, Arlington, Virginia 22201, or by writing to the Director, U.S. Fish and Wildlife Service of the above address.

Interested persons may comment on any of these applications within 30 days of the date of this publication by submitting written views, arguments, or data to the Director at the above address. Please refer to the appropriate PRT number when submitting comments.

Dated March 27, 1987.

R. K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 87-7134 Filed 3-31-87; 8:45 am]

BILLING CODE 4310-55-M

National Park Service

National Park System Advisory Board; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (86 Stat. 770, 5 U.S.C. App. 1, as amended by the Act of September 13, 1976, 90 Stat. 1247), that a meeting of the National Park System Advisory Board will be held near Marco, Florida April 7-10, 1987.

The general business session will start at 8:00 am, Thursday morning, April 9; and conclude about noon on Friday, April 10. It will be held in the Egret Room of Port of the Islands Resort, Route 41, Marco, Florida (telephone 813-394-3101 or toll-free 1-800-237-4173). The Advisory Board will consider potential National Historic Landmark nominations, plus a variety of matters relating to the National Park System. The meeting will follow an orientation tour and briefings on issues at Everglades National Park and Big Cypress National Preserve.

The business meetings will be open to the public. Space and facilities to accommodate members of the public are limited and persons will be accommodated on a first-come, first-served basis. Anyone may file with the Advisory Board a written statement concerning this meeting or who wish to submit written statements may contact Mr. David L. Jervis, National Park Service, P.O. Box 37127, Washington, DC 20013-7127 (telephone 202-343-2163).

Draft summary minutes of the meeting will be available for public inspection about 8 weeks after the meeting in Room 3328 Interior Building, 18th and C Street, NW., Washington, DC.

James W. Stewart,

Acting Associate Director, Planning and Development, National Park Service.

[FR Doc. 87-7131 Filed 3-31-87; 8:45 am]

BILLING CODE 4310-70-M

DEPARTMENT OF JUSTICE

Antitrust Division

Metal Casting Technology, Inc.; Filing of Notification

Notice is herby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301, *et seq.*, ("the Act"), Metal Castings Technology, Inc. ("MCT") has filed a written notification simultaneously with the Attorney General and the Federal

Trade Commission disclosing: (1) The identities of the parties of MCT and (2) the nature and objectives of MCT. The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties to MCT and its general areas of planned activity are given below.

The parties to MCT are General Motors Corporation and Hitchiner Manufacturing Co., Inc.

The purpose of MCT is to engage in the development of cost effective, advanced metal casting technology to promote improved precision and near-net-shape castings with superior appearance, increased strength-to-weight ratios, and reduced weight. MCT will develop: (1) New and existing processes; (2) materials and equipment for the commercial implementation of such processes; and (3) new product applications for such processes, including such products and automotive exhaust manifolds, valve bodies, camshafts, and connecting rods as well as super alloy gas turbine engine components. Research will initially center upon countergravity casting techniques and include such projects as: (1) Developing melting techniques for the countergravity casting of titanium; (2) developing countergravity process for manufacturing directionally solidfied airfoils; and (3) developing processes for casting superthin walls and passages.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 87-7164 Filed 3-31-87; 8:45 am]

BILLING CODE 4410-01-M

National Cooperative Research Act of 1984; Southwest Research Institute; Notification

Notices is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301, *et seq.*, ("the Act"), Southwest Research Institute has filed a written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing the addition of Allied Signal, Garrett Turbocharger Division; Degussa Corporation; Stemco, Inc. and Volkswagenwerk AG Wolfsburg as parties to the group research project.

The notification identifying the original parties to the project, and describing the nature and objectives of that project, is published at 51 FR 5813 (February 18, 1986).

The additional notification was filed for the purpose of extending the protections of the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the current identities of the parties to the group research project are given below.

The parties to this group research project are:

Cummins Engine Company
Isuzu Motors, Ltd.
Volvo Truck Corporation
Nissan Diesel Motor Co.
NGK Insulators, Ltd.
John Deere Company
Nippon Shokubai Kagaku Kogyo Company, Ltd.
Babcock & Wilcox
Caterpillar Tractor Company
Mitsubishi Motors
Corning Glass Works
Hino Motors Ltd.
Saab-Scania
General Motors Corporation (AC Spark Plug Division)
Ford Tractor Operations
Exxon Chemical Company
International Harvester
Donaldson Company
Isolite Babcock Refractories Company, Ltd.
Tsuchiya Seisakusho
Fuel Tech Inc.
Mitsui Mining & Smelting Co., Ltd.
Chevron Corporation
Fiat Research Center
Allied Signal, Garrett Turbocharger Division
Degussa Corporation
Stemco, Inc.
Volkswagenwerk AG Wolfsburg

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 87-7165 Filed 3-31-87; 8:45 am]

BILLING CODE 4410-01-M

Office of Justice Programs

Crime Victim Assistance Grants

AGENCY: Office of Justice Programs, Justice.

ACTION: Final Guidelines (Revised).

SUMMARY: The Office of Justice Programs, Office for Victims of Crime is publishing guideline revisions for the crime victim assistance grant provisions of the Victims of Crime Act of 1984.

EFFECTIVE DATE: April 1, 1987.

FOR FURTHER INFORMATION CONTACT: Charles M. Hollis, Program Manager, Office for Victims of Crime, (202) 724-5947. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: On October 23, 1985, the Office of Justice Programs (OJP) published in the **Federal Register** a Program Guideline for crime victim assistance grants. The guideline implemented the crime victim assistance grant provisions of the Victims of Crime Act of 1984, Pub. L. 98-473, Title II, Chap. XIV, 42 U.S.C. 10601, *et seq.*, which was signed into law by President Reagan on October 12, 1984.

The Act authorizes the Attorney General to make annual grants from a Crime Victims Fund established in the United States Treasury. In 1986 the Victims of Crime Act (VOCA) was amended by the Children's Justice and Assistance Act, Pub. L. 99-401. Under the provisions of the Act, as amended, 49.5 percent of the amount in the Fund is allocated for grants to State crime victim compensation programs. Funds permitting, compensation programs will receive 35% of their prior year's victim compensation awards. The remainder of the Fund is allocated for grants to the States for crime victim assistance programs (45%), The Children's Justice Act (4.5%) and 1% of the Fund can be expended it for the purpose of providing training and technical assistance to eligible applicants and also services to victims of Federal crimes.

In addition to wrttten comments on the guideline, OJP solicited and received oral comments at four regional meetings attended by representatives of crime victim compensation boards, other units of State and local government, and victims assistance organizations. All of these comments were considered by OJP in preparing the final guideline.

This notification revised, in part, the FY86 Final Guideline. The revisions are based on the experience of the first year of program implementation. These experiences include four (4) regional technical assistance meetings conducted by OJP during the summer of 1986 which were attended by State VOCA Administrators and program staff. Analysis of the issues raised at the TA meetings and of the many questions directed to OJP staff by the States during the first phase of implementation of the Victim Assistance Grant Program underscores the need to define and clarify areas which have proven to be troublesome to the States.

Also during this first cycle of grant funding, OJP has conducted an initial review of the funding patterns. Our preliminary analysis of available data from the State indicates that significant areas of victim services have not been included in the States' distribution of VOCA grant funds.

The collective experiences of the first cycle of grant funding and the issues raised by the States suggest a need to consider and discuss in more detail the legislative rationales of the Victims of Crime Act of 1984. The revisions in this guideline are not intended to impose any new or additional requirements on the States, nor to interfere with the States' discretion to determine which projects

should receive VOCA funding; rather, they reflect the efforts of OJP to respond to requests from the States to discuss and explain further the intent of the Act to enhance their planning and project funding decisions efforts.

Discussion of The Intent and Purpose of the Act

The Crime Victim Assistance Program of the Victims of Crime Act of 1984 has as a primary objective to provide hands-on assistance directly to victims of crime by assisting local units of government and private non-profit organizations to enhance or expand direct services to victims of crime, to encourage the States to improve their assistance to crime victims and to promote the development of comprehensive services to all victims of crime across the Nation.

The Act gives primary responsibility for the selection of programs to be funded to the States, with only minimal Federal requirements, to assure the delivery of quality services by responsible, experienced victim assistance organizations.

A review of the Indexed Legislative History of the Victims of Crime Act of 1984, (U.S. Department of Justice, Office of Justice Programs, Office of the General Counsel, hereafter referred to as Legislative History) is helpful in understanding Congressional intent with respect to victim assistance. Among the stated purposes, the Act is intended to address the devastating psychological and emotional consequences experienced by the victims of crime and their families; to establish a safe, welcome environment for victims within the criminal justice system, thus increasing the public's respect for the law and willingness to participate in the criminal justice process; and to improve the Federal Government's assistance to Victims of Federal Crime.

Priority Programs

The Victims of Crime Act requires each State to certify that "priority" will be given to program serving victims of sexual assault, spousal abuse, and child abuse.

While there is significant guidance in the Legislative History of the "priority" provision to indicate the intent of Congress that the priority programs would receive special emphasis, there is equally significant indication that Congress recognized the compelling needs of elderly victims, survivors of homicide, victims of Federal crimes, victims of violence and their families. There is no discussion in the legislative history to suggest it was the intent of Congress to imply that the needs or suffering of one category of crime victim is greater than the other; rather, the history indicates that the problems of the priority victims are exacerbated by societal attitudes or vulnerability which require special attention. In determining the funding needs of programs serving priority victims, the State should consider other funding options that may be available or in place for these priority program areas, as well as the needs and availability of services in their State for other categories of crime victims. These three victim service areas should be accorded the funding priority to which the statute entitles them, but not to the degree to which other crime victims would be denied the availability of a minimum level of service.

Training

Prior to publishing the Victim Assistance Final Guideline, the Office of Justice Programs (OJP) amended the Draft Guidelines to include training and reasonable related expenses as an allowable cost for VOCA subgrant recipients. The rationale for including training was to provide skill development to project staff to enable them to effectively and directly assist individual crime victims, a rationale that is within the Congressional intent of the Act to "assure the delivery of quality services" to crime victims.

After consideration of the experience of the first year and careful review of the Legislative History, OJP has modified the guidelines to delete "training" under Section III(d)(6) as an "eligible service", while expanding Section V.C. to retain financial support for staff development as an *allowable* cost for the individual projects receiving Victim Assistance subgrant funds.

To include training as a "service" is not justified under the provisions of the Act or its legislative history. As currently stated in the guidelines, the language may be interpreted to allow the development of costly training programs requiring a substantial and disproportionate amount of a State's grant funding as compared to the intended, more limited use of VOCA grant funds for staff development of direct service providers in individual projects. The provision allowing for the necessary and reasonable travel expenses related to staff participation in eligible training programs has been retained.

Although this subject was discussed at each of the technical assistance workshops for state administrators conducted by OJP, there continues to be some ambiguity in the application of program guidelines to this type of activity as an allowable cost to be charged to a victim assistance grant.

The program guidelines provide that training can be supported by victim assistance grant funds. This is intended to be training for direct service providers in individual programs, to enhance their skills directly relating to the services they provide to crime victims. To make such training cost effective, the guidelines provide for training activities to be held on a state-wide basis or on a similar geographical basis, i.e., attend a training session at a site in a bordering state that may be closer (less expensive) than a site within a project's "home" state. Expenses related to travel beyond this geographical scope are outside the program guidelines.

While the guidelines are less than clear on what constitutes "training", we stated at each of our workshops the rationale used for including training in the final victim assistance program guidelines, i.e., "provide skill development to project staff to enable them to effectively and directly assist individual crime victims." In our view, the use of victim assistance grant funds to support the attendance of a project director and perhaps one or more staff members at national conferences and meetings is not consistent with the intent of the guidelines, i.e., to support skill development training activities for *all* volunteer and paid project staff who are direct service providers. Correspondingly, the awarding of a victim assistance subgrant solely for the purpose of supporting a training activity or program is not consistent with the intent of the Act.

While the program guidelines clearly set geographical limitations on grant supported travel for training purposes, the determination as to what activities constitute "training" is left to the determination of the State Administrator. OJP strongly suggests that all requests for charges to subgrants related to travel, per diem and conference fees be carefully reviewed and justified as conforming to the program guideline for training prior to approval by the States.

We believe this revision to the program guideline will provide an appropriate balance between use of VOCA funds for direct services to victims and resources needed for the training and development of the direct service providers in eligible projects who are subgrant recipients. Section V.C.(2) has been revised as follows:

"Training: An eligible subgrantee of crime victim assistance grant funds may include as a budget item the cost of staff

development for those persons (salaried or volunteer staff) who provide direct services to crime victims. Also included as allowable costs are the necessary and reasonable travel expenses related to the participation of direct service staff in eligible training programs. Such costs are, however, permitted only within the State or a comparable geographic region."

Similarly, the "printing and distribution of brochures and similar announcements" has been deleted under Section III(d)(7) as an "eligible service". The reasonable costs of printing for eligible projects receiving VOCA funds however is an allowable project cost. Section V.C.(3) discusses this allowable cost item.

Project Selection

In determining whether a project is eligible for funding as a victim assistance project the States should consider whether direct services to crime victims is the primary mission of the project within the context of the following discussion:

Generally, a victim assistance or victim witness project is a separate, self-contained unit established exclusively to provide services directly to crime victims generally or to any specific category of crime victims generally or to a specific category of crime victims. The services provided, e.g. crisis intervention, assistance to victims in determining the status of, and participating in criminal justice proceedings, and assistance in securing victims compensation benefits must be related to the effect of the criminal event on the victim and to support on behalf of the victim in the criminal justice process. Criminal Justice support must be primarily directed to the needs of the victim and not to the system.

Agencies or organizations whose only function is administrative or legislative oversight, or coordinaton, or groups defined as coalitions were no direct services are a part of the organization's function, are not eligible to receive funding under the Act. If the designated State agency uses one of the above-described organizations as a "conduit" for the Federal crime victim assistance funds to aid in the selection of qualified recipients or to reduce their administrative costs, the "conduit" agency may not be the subgrantee and may not receive reimbursement for related costs from the State VOCA grant. The designated State agency is still responsible for all programmatic and financial requirements pursuant to this Guidelines.

As second factor in establishing selection criteria that the States may consider is the immediacy of the criminal event to the services being provided. The legislative history provides significant guidance as to the intent of Congress to provide appropriate assistance to victims of crime as soon as possible after the crime occurs in order to reduce the severity of the psychological consequences, to improve the victims willingness to cooperate with the criminal justice process, and to restore the victims' faith in the criminal justice system.

This type of early intervention to all victims of crime should be the most critical component of a comprehensive system of services in every community, the results of which benefit both the victim and the criminal justice system. Appropriate crisis intervention services are a major factor in reducing the need for services in later stages of the victimization process and are a major factor in lessening the victims' trauma.

A third factor which may be considered in establishing selection criteria in a State is the availability of a comprehensive "system" of services for crime victims, i.e., the coordinated, cooperative efforts of several agencies and/or organizations to provide a continuum of services and support to all crime victims from the time the crime occurs throughout the criminal justice process.

Whatever funding criteria are selected by the States to guide their planning process, the legislative history clearly supports the autonomy of the States to choose which direct service projects should be funded within the requirements and intent of the Act.

Other Revisions

Under Program Requirements, Section III. (5), we have included the Federal Victim Witness Coordinators in the United States Attorneys' Offices as an integral part of the coordinated, community efforts to provide services to crime victims. Many local service providers routinely provide assistance to victims of Federal crimes; however, the essential link between local victim assistance programs and the Federal justice system is the Federal Victim Witness Coordinator. This cooperative effort on behalf of victims of Federal Crimes is entirely consistent with the intent of the Act.

An explanatory note has been added to the discussion of the confidentiality provison, clarifying that the clause is not intended to override or repeal, in effect, a State's existing law governing the disclosure of information that is supportive of the Act's fundamental goal of helping crime victims. Finally, minor organizational changes have also been made at several places in the guideline.

Guideline for Crime Victim Assistance Grants

I. General Provisions

Eligible Applicants: All States, (including the District of Columbia, the Commonwealth of Puerto Rico, and all territories and possessions), are eligible to apply for and receive grants. Section 1404(d)(1).

State Office: The chief executive of each participating State shall designate or establish a State office for the purpose of preparing an application for funds and administering the funds received including fund accounting and disbursement, monitoring, reporting, and audit.

II. Allocation of Funds

Fund Availability: Section 1404(a)(1) of the Victims of Crime Act provides that crime victim assistance grants shall be made from the portion of the Fund not used for crime victim compensation grants or reserved for training and technical assistance activities, or for financial support to victims of Federal crime (Section 1404(c)(1) or for grants under the Childrens Justice Act (Section 1404A). Funds are available for expenditures in the Federal fiscal year of award and in the next succeeding fiscal year.

Allocation to States: Each State, the District of Columbia and Puerto Rico, shall receive a base amount of $100,000. Each State, the District of Columbia, Puerto Rico, and all territories and possessions shall receive a portion of the available remaining monies based on its share of total population using the most recent data of the U.S. Bureau of the Census.

Allocation of Funds within the States: Funds granted to the States are further subgranted to the State to eligible crime victim services programs. The State has sole discretion as to which programs providing services to victims receive funds, so long as the eligibility requirements set out in the Act and enumerated in this guideline are met.

III. Program Requirements

(a) Under the Act, the chief executive of the State must certify that the State will give priority to eligible crime victim assistance programs providing assistance to victims of sexual assault, spousal abuse, or child abuse. Section 1404(a)(2)(A). To meet this requirement, the State must adopt one of the following practices with respect to the subgranting of crime victim assistance funds and must inform the Office of

Justice Programs (OJP) in its application of the practice adopted. The State may select a different option in their FY87 application for funds. Regardless of the option selected, the State must include in its semi-annual performance report to OJP a statement describing how the State has assured that priority has been given to programs that serve victims of sexual assault, spousal abuse or child abuse. The three options are:

(1) Allocate at least ten percent of the total crime victim assistance funds granted to the State to each of the three priority categories, unless the State convincingly demonstrates that (A) a particular category is receiving significant amounts of financial assistance from the State or other fund sources and (B) a smaller amount of financial assistance or no assistance for that category is needed from the crime victim assistance grant funds. A program should be included in a priority category only if a principal mission of the program is to serve that particular category of priority victims.

(2) Develop criteria for allocating funds that assure that programs serving each category of victims receive a share of crime victim assistance funds commensurate with: the special needs of the crime victims in question; the level, quality, and availability of existing services to them; and the overall distribution of victim services funding from all sources within the State. In addition, described in the semi-annual performance report to OJP the amount of funds awarded to priority programs; changes in the level, quality or availability of services; and any continuing unmet needs.

(3) Require every program receiving crime victim assistance funds to include, as a principal mission or component of its program, services to at least one category of priority victims unless and to the extent the State determines that other programs are providing adquate services of a similar nature to priority victims in the community in question.

(b) The chief executive of the State must certify that crime victim assistance grant funds will not be used to supplant State and local funds that would otherwise be available for crime victim assistance services. Section 1404(a)(2)(B). Grant funds are intended to enhance or expand services, not substitute for other sources of support.

(c) States must use crime victim assistance grant funds to support programs that provide services to crime victims. Each individual victim assistance project receiving a crime victim assistance subgrant must meet the following eligibility requirements:

(1) Be operated by a public agency or non-profit organization, or a combination thereof, that provides services to crime victims.

(2) If it is an existing program, have a record of providing effective services to victims of crime and financial support from other sources. In determining whether or not a program has a "record of providing effective services," the State shall consider whether the program has been providing services to victims for a minimum of one year, the support and approval of its services by the community, and whether or not an analysis of its activities and financial history shows that it achieves its intended results in a cost-effective manner. An existing program shall be considered to have "financial support from other sources" if at least one-fourth of its support (including in-kind contributions) is from sources other than the State's crime victim assistance grant. Section 1404(b)(1)(B)(i).

(3) If it is a new program that has not yet demonstrated a record of effective services as required under (2) above, it may be eligible for funding if it demonstrates substantial financial support from other sources. "Substantial financial support" means that at least fifty percent (50%) of its budget is in the form of cash from sources other than the Federal crime victim assistance grant. Section 1404(b)(1)(B)(ii).

(4) Utilize volunteers unless and to the extent the State chief executive determines compelling reasons exist to waive this requirement. A "compelling reason" may include statutory or contractual provisions that bar the use of volunteers for certain positions or a lack of persons volunteering after a sustained and aggressive recruitment effort has been conducted.

(5) Promote within the community served coordinated public and private efforts to aid crime victims. Section 1404(b)(1)(D). Because of the various kinds of services needed by victims of crime, services are usually provided by a variety of agencies. Therefore, it is essential that these services be coordinated to insure continuity of support to the victim. In determining whether or not a program meets this requirement, the State shall consider the extent to which the program demonstrates that it will coordinate its activities with other service providers in the community, including Federal victim witness coordinators, so that the best interests of the crime victim are served and interagency communication enhanced.

(6) Assist victims in seeking available crime victim compensation benefits. Section 1404(b)(1)(E). Such assistance may be achieved by identifying and notifying potential recipients of the compensation program and assisting them with application forms and procedures. An eligible program must demonstrate that it will coordinate its activities with the State compensation program, where one exists.

(d) Crime victim assistance funds shall be used only to provide services to victims of crime. Section 1404(b)(2). "Services to victims of crime" means those activities that directly benefit individual crime victims, including the required and necessary coordination of such activities, i.e., coordination of volunteers and/or coordination of services to the victim which must be provided by other community agencies. Activities unrelated or only tangentially related to the provision of direct services to victims are not eligible for support.

Examples of ineligible activities include:

(1) Crime prevention programs (other than those prevention efforts specifically included in providing emergency assistance after a victimization incident).

(2) Lobbying for particular victim legislation or administrative reform. Programs that are focused primarily on legislative advocacy or raising public awareness concerning a particular issue or cause or programs that focus primarily on general community/state victim education programs do not qualify as "direct services to crime victims."

(3) General criminal justice agency improvements or programs where crime victims are not the sole or primary beneficiaries.

(4) Witness management or notification programs. Victim/witness assistance programs which provide both victim services and witness notification services can receive funding support only for that portion of the program that provides direct services to crime victims.

(5) Programs that are primarily focused on counseling the perpetrator of the crime. "Services to victims of crime" includes, but is not limited to, the following:

(1) Crisis intervention services that meet urgent emotional or physical needs of crime victims. Crisis intervention services may include the operation of a 24-hour hotline that provides counseling or referral for crime victims.

(2) Emergency services that provide temporary shelter for crime victims who cannot safely remain in their current lodgings; offer measures such as repair of locks or boarding up of windows to

prevent the immediate reburglarization of a home or an apartment; or provide crime victims petty cash for meeting immediate needs related to transportation, food, shelter, and other necessities.

(3) Support services that include follow-up counseling (for other than crisis reactions), reassurance and empathetic listening, and guidance for resolving practical problems created by the victimization experience; acting on the crime victim's behalf vis a vis other social services and criminal justice agencies; assistance in obtaining the swift return of property being kept by police as evidence; intervention, as appropriate, with landlords or employers; and referral to other sources of assistance, as needed.

(4) Court-related services that assist crime victims in participating in criminal justice proceedings including transportation to court, child care, and escort services.

(5) Payment of all reasonable costs for a forensic medical examination of a crime victim, to the extent that such costs are not otherwise reimbursed or paid by third parties. Funds may only be used to pay for those forensic medical examinations that conform to standards adopted by the State or meet the evidentiary requirements of the local prosecutor.

(e) As stated in section (d) above, crime victim assistance funds shall be used only to provide services to victims of crime. Section 1404(b)(2). A State may not use assistance funds to pay for costs it incurs in applying for, administering or auditing grant funds. The State must establish procedures to assure that funds subgranted to an eligible crime victim assistance program are expended only for providing services to victims of crime. These procedures shall require a program to demonstrate to the State that the assistance funds it requests are directly related to the delivery of services to crime victims. Any costs not directly related to service delivery for victims must not be charged to the subgrant. Programs that serve both victims and non-victims must reasonably prorate their costs to assure that crime victim funds are used only for victims services.

IV. Application Requirements

(a) Applications from the State for FY 1987 crime victim assistance grants must be submitted on Standard Form 424, Application for Federal Assistance, no later than August 31, 1987. The Office of Justice Programs will provide an "Application Kit" to the States that includes SF 424, a list of assurances, a table of fund allocations, and additional guidance on how to prepare and submit an application for crime victim assistance grants. Applications should be submitted to the following address: Control Desk, Office of the Comptroller, Office for Victims of Crime, OJP, 633 Indiana Avenue, NW., Washington, DC 20531.

(b) Applications from the State need not specify the subgrants the State intends to make with the Federal crime victim assistance funds it receives. However, the application must contain the following certifications and assurances:

(1) A certification that the State shall give priority to programs aiding victims of sexual assault, spousal abuse, or child abuse and a statement of the practice the State will adopt in allocating funds to assure that this requirement is met;

(2) A certification that funds will be awarded only to eligible crime victim assistance programs and will not be used to supplant State and local funds that would otherwise be available for crime victim assistance;

(3) An assurance that the State will provide for accounting, auditing, and monitoring procedures, and keep such records as prescribed in these guidelines so as to assure fiscal control, proper management, and efficient disbursement of Federal funds;

(4) An assurance that the State will comply with all applicable non-discrimination requirements and that in the event a Federal or State court or Federal or State administrative agency make a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex or handicap against the State, it will forward a copy of the finding to the Office of Justice Programs, Office of Civil Rights Compliance (OCRC);

(5) An assurance that the State will comply with all Federal laws and regulations applicable to Federal assistance programs and with the provisions of 28 CFR applicable to grants and cooperative agreements including Part 11, Applicability of Office of Management and Budget Circulars; and

(6) An assurance that the State will comply, and its subgrantees will comply, with the applicable provisions of the Victims of Crime Act, the guidelines for crime victim assistance grants, and the requirements of the "Financial and Administrative Guide for Grants," Guideline Manual OJP M7100.1C, Office of Justice Programs.

(c) Applications from the State must include the name of a civil rights contact person who has lead responsibility in insuring that all applicable civil rights requirements are met and who shall act as liaison in civil rights matters with the Office of Civil Rights Compliance.

(d) Applications from the State must include the date of the last audit of the State agency, the anticipated date of the next audit, and the date that audit will be filed with the cognizant Federal agency.

(e) The State is required to notify the Office of Justice Programs immediately upon the award of a subgrant and provide the following information: the name of the subgrantee and the address; the title of the program; the amount of Federal crime victim assistance funds awarded; the amount of financial support from other sources; the subgrant period; classification of the program by service category; and a summary description of the subgrant objectives and services. This information is required on each individual project which receives Federal crime victim assistance funds.

V. Financial Requirements

A. *Payment of Grant Funds.*

1. *Annual Requirement Under $120,000.* Grantees whose annual fund requirement is less than $120,000 will receive Federal funds on a "Check Issued" basis. Upon receipt, review and approval of a REQUEST FOR ADVANCE OR REIMBURSEMENT, H-3, Report (Form 7160/3) by the grantor agency, a voucher and a schedule for payment is prepared for the amount approved. This schedule is forwarded to the U.S. Treasury requesting issuance and mailing of the check directly to the grantee or its designated fiscal agent. A request must be limited to the grantee's immediate cash needs and submitted at least monthly.

2. *Annual Requirement Over $120,000.* Grantees whose annual fund requirement exceeds $120,000 generally receive Federal funds by utilizing the "Letter of Credit" procedures. This funding method is a cash management process prescribed by the U.S. Treasury for all major grant-in-aid recipients.

3. *Check Issuance.* All checks drawn for the payment of fund requests, either under the "Check Issued" or the "Letter of Credit" process, are prepared and disbursed by the U.S. Treasury and not by the grantor agency.

4. *Termination of Advance Funding.* If a grantee organization receiving cash advances by letter of credit or by direct Treasury check demonstrates an unwillingness or inability to establish procedures that will minimize the time elapsing between cash advances and disbursement, the grantor agency may terminate advance financing and require

the grantee organization to finance its operations with its own working capital. Payments to the grantee will then be made by the direct Treasury check method to reimburse the grantee for actual cash disbursements. It is essential that grantee organizations maintain a minimal amount of cash on hand and that drawdowns of cash are made only when necessary for disbursement.

B. *Financial Status Report.* A Financial Status Report (Form H–1) is required for all grants. This report shall be submitted by the grantee within 45 days after the end of the calendar quarter. Final reports are due 90 days after the end of the grant. Failure to comply with this requirement may result in administrative action such as the withholding of payments, cancellation of a Letter of Credit, or noncertification of new grant awards. In lieu of using the standard H–1 Report, grantees may satisfy the financial reporting requirements by completing an H–1 turnaround document. This document is a facsimile of the H–1 extracted from the grantor agency's computer files and sent directly to each grantee. Pertinent information such as grantee name and address, grant number and the previously submitted financial information (if any) is printed on the form by the computer.

C. *Cost Allowability.* (For guidance see, Office of Justice Programs, "Financial and Administrative Guide for Grants," Guideline Manual OJP M7100.1C, Chapter 5.) The Victims of Crime Act specifically states that Crime Victims Assistance grant funds may be used only for providing services to victims of crime. Only those costs directly related and essential to providing direct service to crime victims can be charged to VOCA funded subgrant. The following items require specific discussion.

(1) *Audit costs:* Although under OMB Circular A–128 audit costs are generally allowable charges under Federal grants, audit costs incurred at the grantee (state) level are determined to be an administrative expense and therefore cannot be paid for with crime victim assistance grant funds. Reasonable audit costs incurred at the subgrantee level are, however, considered directly related and essential to the operation of the program and may be reimbursed as allowable costs.

(2) *Training:* An eligible subgrantee of crime victim assistance grant funds may include as a budget item the reasonable cost of staff development for those persons (salaried or volunteer staff) who provide direct services to crime victims. Also included as allowable costs are the necessary and reasonable travel expenses related to the participation of direct service staff in eligible training programs. Such costs are, however, permitted only within the State or a comparable geographic region.

(3) *Printing:* An eligible subgrantee of crime victim assistance grant funds may include as a budget item reasonable costs of printing and distribution of brochures and similar announcements to describe their program's victim services and how to obtain these services.

D. *Audit Responsibilities.* Pursuant to Office Management and Budget Circular A–128, "Audits of State and Local Governments", grantees, subgrantees and subrecipients have the responsibility to provide for an audit of their activities. These audits shall be made annually, unless the State or local government has, by January 1, 1987, a constitutional or statutory requirement for less frequent audits. Grantees, as well as their subgrantees, contractors or other organizations under cooperative agreements or purchase of service contracts are to arrange for examinations in the form of independent audits in conformance with OMB Circular A–128.

These audits shall be made by an independent auditor in accordance with generally accepted government auditing standards governing financial and compliance audits. The required audits are to be performed on an organization-wide basis as opposed to a grant-by-grant basis. The audit reports must include:

(1) The auditor's report on financial statements of the recipient organization, and a schedule of financial assistance, showing the total expenditures for each Federal assistance program;

(2) The auditor's report on compliance containing: (A) A statement of positive assurance with respect to those items tested for compliance, including compliance with law and regulations pertaining to financial reports and claims for advances and reimbursements; (B) a negative assurance of those items not tested, and a summary of all instances of noncompliance; and (C) the auditor's report on the study and evaluation of internal control systems, which must identify the organization's significant internal accounting controls, and those controls designed to provide reasonable assurance that Federal programs are being managed in compliance with applicable laws and regulation. It must also identify the controls that were evaluated, the controls that were not evaluated, and the material weaknesses identified as a result of that evaluation.

E. *Audit Objectives.* Grants and other agreements are awarded subject to conditions of fiscal, program and general administration to which the recipient expressly agrees. Accordingly, the audit objective is to review the recipient's administration of grant funds and required non-Federal contributions for the purpose of determining whether the recipient has:

(1) Financial statements of the government, department, agency, or establishment that present fairly its financial position and the results of its financial operations in accordance with generally accepted accounting principles;

(2) The organization has internal accounting and other control systems to provide reasonable assurance that it is managing Federal financial assistance programs in compliance with applicable laws and regulation; and

(3) The organization has complied with laws and regulations that may have material effect on its financial statements and on each Federal assistance program.

F. *Audit Implementation.* Grantees are required to specify their arrangement for complying with the provision of OMB Circular A–128 and include in their grant application, to the extent possible, the following information:

(1) The identity of the organization that will conduct the audit;

(2) Approximate timing of when the audit will be performed;

(3) Audit coverage to be provided. Where the audit will not provide the coverage requirements as specified previously, the audit policy or procedure must describe the specific arrangements for obtaining audit services that will meet the requirements;

(4) An identification of the audit standards, if any, with which the grantees will not comply;

(5) Receipt and appropriate distribution of the resultant audit report; and

(6) Audit resolution policies and procedures to be followed in resolving the audit report.

G. *Fund Suspension or Termination.* If, after notice and opportunity for a hearing, OJP finds that a State has failed to substantially comply with the Victims of Crime Act or any implementing regulations or guidelines, OJP must suspend or terminate funding to the State, or take other appropriate action. Only States may request a hearing; subgrantees in the State may not.

VI. Civil Rights

A. *General.* The Act provides that no person shall be excluded from

participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with any activity receiving funds under the Act on the basis of race, age, color, religion, national origin, handicap, or sex. Section 1407(e). Recipients of funds under the Act are also subject to Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d (prohibiting discrimination in Federally-funded programs on the basis of race, color, or national origin), Section 504 of the Rehabilitation Act of 1973, 2 U.S.C. 794 (prohibiting discrimination in such programs on the basis of handicap), the Age Discrimination Act of 1975, 42 U.S.C. 6101, et seq., and the Department of Justice Nondiscrimination Regulations, 28 CFR Part 42, Subparts, C, D, and G.

B. *Required Assurances and Information.* To be eligible for funding under the Act, a crime victim assistance program must submit the following assurances and information:

(1) An assurance that the program will comply with all applicable nondiscrimination requirements;

(2) An assurance that in the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing, on the ground of race, color, religion, national origin, sex, age or handicap against the program, the program will forward a copy of the finding to the OJP office of Civil Rights Compliance (OCRC); and

(3) The name of a civil rights contact person who has lead responsibility in insuring that all applicable civil rights requirements are met and who shall act as liaison in civil rights matters with OCRC.

(4) An assurance that programs will maintain information on victim services provided by race, national origin, sex, age, and handicap.

VII. Confidentiality of Research Information

No recipient of monies under the Victims of Crime Act shall use or reveal any research or statistical information furnished under this program by any person and identifiable to any specific private person for any purpose other than the purpose for which such information was obtained in accordance with this program and Act. Such information shall be immune from legal process and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial, legislative, or administrative proceeding. Section 1407(d). This provision is intended, among other things, to assure the confidentiality of information provided by crime victims to crisis intervention counselors working for victim services programs receiving funds provided under this Act. Whatever the scope of application given this provision, it is clear that there is nothing in the Act or its legislative history to indicate that Congress intended to override or repeal, in effect, a State's existing law governing the disclosure of information which is supportive of the Act's fundamental goal of helping crime victims. For example, this provision would not act to override or repeal, in effect, a State's existing law pertaining to the mandatory reporting of suspected child abuse. *See Pennhurst State School and Hospital v. Halderman, et al,* 451 U.S.1 (1981).

VIII. Reporting Requirements

Each victim assistance program receiving funds under the Act is required to submit a semi-annual performance report to the State Victim Assistance Office. The State Office is responsible for compiling the information and submitting a report to OJP on the effect the Federal funds have had on services to victims of crime in its State. OJP has prepared a form for the semi-annual report for the purpose of soliciting the information required in the most convenient manner possible. The reports are due in OPJ each *November 1,* for the preceding April 1–September 30 reporting period, and each *May 1,* for the preceding October 1–March 31 reporting period.

A. Each victim assistance program will be asked to provide the following information to the State:

1. Service jurisdiction (County, City, Circuit, etc.).

2. Type of program (Rape Crisis Center (non-medical), Rape Treatment Center (medical); Domestic Violence—Shelter; Domestic Violance Program (non-shelter) Victim Services-Law Enforcement; Victim Witness-Prosecutor; Victim Assistance-Community; Other (specify)).

3. Summary Program Statement (Purpose, Goals, Objectives).

4. Amount and each source of funding for the program.

5. Victim statistics (Total number of victims served by program; by type of crime; by type of services provided; by criminal justice status; e.g., reporting/non-reporting, prosecution/non-prosecution).

6. Staff information (Number of hours contributed during reporting period by professional and clerical staff, paid and volunteer; interns; number of hours of training received by staff by type of training program).

7. Program information and activities (Number and source of referrals to program; number of referrals to other agencies by type of agency; number of hours of training presented by type of training and type of audience; numbers of hours of public information and education programs presented).

8. Changes which have been made in the program since receiving the Federal grant which will benefit victims of crime.

9. A short description of how the programs funded have coordinated their activities with other service providers in the community.

10., A short description of how the programs funded have assisted crime victims in seeking available crime victim compensation benefits.

Optional

Program evaluation results, case histories, victim satisfactory surveys, anecdotal information.

B. Each State Victim Assistance Office will be required to provide the following information to OJP:

1. The amount and each source of funding for victim assistance in the State, including other Federal grant programs.

2. Numbers of awards by type of program and amount of money awarded to each type of program, (Rape Crisis Center (non-medical); Rape Treatment Center (medical; Domestic Violence-Shelter; Domestic Violence Program (non-shelter); Victim Services—Law Enforcement; Victim Witness-Prosecutor; Victim Assistance-Community; Other (specify)).

3. Changes in victim services in the State as a result of Victims of Crime Act funds.

4. The aggregate of items 4,5,6, and 7 under Section A by type of program.

5. Total number of victims who are directly assisted by the State Office (where applicable).

6. Statement describing how the State has given priority to programs that serve victims of sexual assualt, spousal abuse, or child abuse and indicting the number of amount of crime victim assistance subgrants awarded to programs that provide services to a category of priority victim as a principle component of their operations.

Optional

States are encouraged to submit a brief narrative report containing anecdotal information, accomplishments, unmet needs, or other

information which may be helpful to OJP in evaluating the effectiveness of Victims of Crime Act funding. Of particular interest to OJP are the achievements of local programs whose use of funds have resulted in significant changes in the treatment of crime victims in their community.

Richard B. Abell,

Acting Assistant Attorney General Office of Justice Programs.

[FR Doc. 87-7171 Filed 3-31-87; 8:45 am]

BILLING CODE 4410-18-M

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on February 19, 1987, Smithkline Chemicals, Division Smithkline Beckman Company, 900 River Road, Conshohocken, Pennsylvania 19428, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

	Schedule
Drug:	
4-Methoxyamphetamine (7411)	I
Amphetamine, its salts, optical isomers, and salts of its optical isomers (1100).	II
Phenylacetone (8501)	II

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, NW., Washington, DC 20537, Attention: DEA Federal Register Representative (Room 1112), and must be filed no later than May 1, 1987.

Dated: March 25, 1987.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 87-7068 Filed 3-31-87; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Agency Information Collection Under OMB Review

AGENCY: National Endowment for the Humanities.

ACTION: Notice.

SUMMARY: The National Endowment for the Humanities (NEH) 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 on or before May 1, 1987.

ADDRESSES: Send comments to Ms. Ingrid Foreman, Management Assistant, National Endowment for the Humanities, Administrative Services Office, Room 202, 1100 Pennsylvania Avenue, NW., Washington, DC 20506 (202-786-0233) and Mr. Joseph Lackey, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, NW., Room 3208, Washington, DC 20503 (202-395-7316).

FOR FURTHER INFORMATION CONTACT: Ms. Ingrid Foreman, National Endowment for the Humanities, Administrative Services Office, Room 202, 1100 Pennsylvania Avenue, NW., Washington, DC 20506 (202) 786-0233 from whom copies of forms and supporting documents are available.

SUPPLEMENTARY INFORMATION: All of the entries are grouped into new forms, revisions, or extensions. Each entry is issued by NEH and contains the following information: (1) The title of the form; (2) the agency form number, if applicable; (3) how often the form must be filled out; (4) who will be required or asked to report; (5) what form will be used for; (6) an estimate of the number of responses; (7) an estimate of the total number of hours needed to fill out the form. None of these entries are subject to 44 U.S.C. 3504(h).

Category: Revision

Title: Applications and Instruction Forms of the Conferences Category.

Form Number: Not applicable.

Frequency of Collection: Twice a year.

Respondents: Humanities researchers and institutions.

Use: Application for funding.

Estimated Number of Respondents: 114 per year.

Estimated Hours for Respondents to Provide Information: 60 per respondent.

Susan Metts,

Assistant Chairman for Administration.

[FR Doc. 87-7166 Filed 3-31-87; 8:45 am]

BILLING CODE 7536-61-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-315 and 50-316]

Indiana and Michigan Electric Co.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of 10 CFR Part 50, Appendix R, Section III.J, Emergency Lighting, to the Indiana and Michigan Electric Company (the licensee) for the Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2, located at the licensee's site in Berrien County, Michigan. The exemption was requested by the licensee by letter dated March 6, 1987.

Environmental Assessment

Identification of Proposed Action

The exemption would permit the outdoor yard area adjacent to the nitrogen regulator valves to be lighted during a postulated fire emergency by the backup security diesel generator. The Appendix R, Section III.J requires eight-hour battery powered emergency lighting for fire protection. The emergency remote shutdown procedures at the D.C. Cook Nuclear Plant include provisions for operating the steam generator power-operated relief valves during a postulated Appendix R fire and the backup power for the valves is the nitrogen tanks located in the yard area. Manual control of the nitrogen regulator valves should not be necessary but some monitoring may be required.

The Need for the Proposed Action

The proposed exemption is needed to permit the licensee to operate the plant without being in violation of the Commission's requirements.

Environmental Impact of the Proposed Action

The proposed exemption is from the specific requirement for eight hour battery power to meet the emergency lighting provision of Appendix R, Section III.J. There is no change proposed for the nitrogen source or control system or for the operation to the steam generator power-operated relief valves. In the case of an electrical

black-out in the area of the nitrogen source, the emergency security diesel will provide power for outdoor lighting and security systems. The security emergency lighting system already exists and no changes are necessary to continue providing the lighting for the nitrogen source area. There are no changes in plant operation or effluents to be considered with the proposed exemption. Therefore, in consideration of the above, the exemption does not involve a significant environmental impact.

Alternative To Proposed Action

Because the staff has concluded that there is no significant impact associated with the proposed exemption, any alternative to the exemption will have either no environmental impact or greater environmental impact. The installation of an eight hour battery lighting system would result in an additional cost to the licensee without adding any benefits already available from the emergency security lighting system.

Alternative Use of Resources

The proposed exemption is on the basis of an acceptable alternative use of resources; the security emergency lighting system. This alternative will save the licensee and consumers the cost of the eight hour battery system and the cost of maintenance/surveillance. The level of protection will be maintained with the existing systems and the intent of the specific requirement of Appendix R, Section III.J, Emergency Lighting, will be met.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request that supports the proposed exemption. The NRC staff did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption.

Based upon the environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For details with respect to this action, see the request for exemption dated March 6, 1987, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the Maude Preston Polenske Memorial Library, 500 Market Street, Saint Joseph, Michigan 49085.

Dated at Bethesda, Maryland, this 26th day of March 1987.

For the Nuclear Regulatory Commission.

B.J. Youngblood,

Director, PWR Project Directorate #4, Division of PWR Licensing—A.

[FR Doc. 87-7160 Filed 3-31-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. STN 50-530]

Palo Verde Nuclear Generating Station, Unit 3; Arizona Public Service Co. et al.; Issuance of Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission), has issued Facility Operation License No. NPF-65 (License), to Arizona Public Service Company, Salt River Project Agricultural Improvement and Power District, El Paso Electric Company, Southern California Edison Company, Public Service Company of New Mexico, Los Angeles Department of Water and Power, and Southern California Public Power Authority. This License authorizes operation of the Palo Verde Nuclear Generating Station, Unit 3 (facility) at reactor core power levels not in excess of 3800 megawatts thermal in accordance with the provisions of the License, the Technical Specifications and the Environmental Protection Plan. However, the License contains one condition which currently limits operation to five percent of full power (190 megawatts thermal). Authorization to operate at greater than five percent will require specific Commission approval. In addition, operation above Mode 5 is restricted until successful testing and operability of Emergency Diesel Generators in accordance with 10 CFR Part 50, Appendix A, General Design Criterion 17, is achieved.

Palo Verde Nuclear Generating Station, Unit 3 is a pressurized water reactor which utilizes a CESSAR standard plant design and is located at the licensees' site in Maricopa County, Arizona approximately 36 miles west of the city of Phoenix.

The application for the license, as amended, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the License. Prior public notice of the overall action involving the proposed issuance of an operating license was published in the **Federal Register** on July 11, 1980 (45 FR 46941) as clarified in a notice published July 25, 1980 (45 FR 49732).

The Commission has determined that the issuance of this License will not result in any environmental impact other than those evaluated in the Final Environemtnal Statement since the activity authorized by the License is encompassed by the overall action evaluated in the Final Environmental Statement.

For further details with respect to this action, see (1) Facility Operating License No. NPF-65, with Technical Specifications (NUREG-1248) and Environmental Protection Plan; (2) the report of the Advisory Committee on Reactor Safeguards dated December 15, 1981; (3) the Commission's Safety Evaluation Report on Palo Verde dated November 1981; Supplement Nos. 1 through 11, dated February 1982, May 1982, September 1982, March 1983, November 1983, October 1984, December 1984, May 1985, December 1985, April 1986 and March 1987, respectively; (4) the Commission's related Safety Evaluation Report on CESSAR dated November 1981; Supplement No. 1 dated March 1983; Supplement No. 2 dated September 1983; (5) the Final Safety Analysis Report and amendments thereto; (6) the Environmental Report and supplements thereto; (7) the Draft Environmental Statement dated October 1981, (8) the Final Environmental Statement dated March 1982; and (9) the Initial Decision and Order Dismissing Proceeding issued by the Atomic Safety and Licensing Board, dated December 30, 1982, and July 22, 1985, respectively and the Decision issued by the Atomic Safety and Licensing Appeal Board, dated February 15, 1983.

These documents are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and the Phoenix Public Library, Business, Science and Technology Department, 12 East McDowell Road, Phoenix, Arizona 85004. A copy of Facility Operating License No. NPF-65 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of PWR Licensing-B. Copies of the Safety Evaluation Report and its Supplements 1 through 11 (NUREG-0857), the Final Environmental Statement (NUREG-0841) and the Technical Specifications (NUREG-1248) may be purchased by calling (202) 275-2060 or (202) 275-2171 or by writing to the Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37082, Washington, DC 20013-7082. NUREG-0857 may also be purchased from the National Technical Information

Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

Dated at Bethesda, Maryland, the 25th day of March 1987.

For the Nuclear Regulatory Commission.

George W. Knighton,

Director, PWR Project Directorate No. 7, Division of PWR Licensing-B.

[FR Doc. 87-7161 Filed 3-31-87; 8:45 am]

BILLING CODE 7590-01-M

PEACE CORPS

Agency Information Collection Activities Under OMB Review

AGENCY: Peace Corps.

ACTION: Notice of submission of public use form review request to the Office of Management and Budget.

SUMMARY: Pursuant to the Paperwork Reduction Act of 1981 (44 U.S.C. Chapter 35), the Peace Cops has submitted to the Office of Management and Budget, a request to approve the use of the Decline Information Card through June 30, 1990. The card is completed voluntarily by those invited to Peace Corps training who permanently decline the invitation. The card provides information concerning the reasons for declining an invitation as well as suggestions as to how the Volunteer Delivery System could be improved. This information is necessary for Peace Corps to evaluate the effectiveness of the Volunteer Delivery System. The information provided will not/cannot be used to identify specific individuals who have filled out the card. Information about the form:

Agency Address: Peace Corps, 806 Connecticut Avenue, NW., Washington, DC 20526.

Title: Decline Information Card.

Type of Request: Extension of a Currently Approved Collection.

Frequency of Collection: On occasion.

General Description of Respondent: Individuals who were extended invitations to Peace Corps Volunteer training, who permanently declined the invitations.

Estimated Number of Responses: 300 annually, Estimated Hours for

Respondents to Furnish information: Fifteen (15) minutes each.

Respondents' Obligation to reply: Vountary

Comments: Comments on this form request should be directed to Francine Picoult, Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503. A copy of the form may be obtained from Phillip Seder, Office of Placement, Peace Corps, 806 Connecticut Avenue, NW., Room 906, Washington, DC 20526. Mr. Seder may be called at 202-632-6596.

This is not a request to which 44 U.S.C. 3504(h) applies. This notice is issued in Washington DC on March 26, 1987.

Linda Rae Gregory,

Associate Director for Management

[FR Doc. 87-7157 Filed 3-31-87; 8:45 am]

BILLING CODE 6051-01-M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

AGENCY: Railroad Retirement Board.

ACTION: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

Summary of Proposal(s):

(1) Collection title: Representative Payee Monitoring.

(2) Form(s) submitted: G-99a, G-99c.

(3) Type of request: Revision of a currently approved collection.

(4) Frequency of use: On occasion.

(5) Respondents: Individuals or households.

(6) Annual responses: 6,725.

(7) Annual reporting hours: 1,111.

(8) Collection description: Under Section 12(a) of the RRA, the Board is authorized to select, make payments to, and conduct transactions with an annuitant's relative or some other person willing to act on behalf of the annuitant as a representative payee. The collection obtains information needed to determine if a representative is handling benefit payments in the best interests of the annuitant.

Additional Information or Comments

Copies of the proposed forms and supporting documents can be obtained from Pauline Lohens, the agency clearance officer (312-751-4692). Comments regarding the information collection should be addressed to Pauline Lohens, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 and the OMB reviewer, Judy Egan (202-395-6880), Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Pauline Lohens,

Director of Information and Data Management.

[FR Doc. 87-7118 Filed 3-31-87; 8:45 am]

BILLING CODE 7905-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-24240; File No. SR-Amex-87-6]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change by American Stock Exchange, Inc., Relating to an Extension of the Rule 126(g) Precedence Based on Size Pilot Program

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on February 12, 1987, the American Stock Exchange ("Amex" or "Exchange") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Amex proposes to extend the Rule 126(g) precedence based on size pilot program, set forth in SR-Amex-86-14, until May 1, 1987.[1]

The text of the proposed rule change is available at the Office of the Secretary, Amex, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received

[1] The Commission approved the Exchange's size precedence pilot program for a three month period in Securities Exchange Act Release No. 23693, October 9, 1986, 51 FR 37358.

On March 11, 1987, the Amex filed Amendment No. 1 to File No. SR-Amex-87-6 changing the date of the requested extension of the Amex size precedence pilot program from April 1, 1987 to May 1, 1987.

on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

(1) Purpose

In October 1986, the Amex adopted a three-month pilot program under Rule 126(g) during which orders to cross blocks of 50, shares or more would be permitted to have precedence over other bids and offers.[2]

When the Commission approved the pilot program, the Exchange agreed to monitor trading under the pilot and to compile information such as the number of bids and offers accorded size precedence under the pilot, the number of shares in those bids and offers and their dollar value; the types of bids and offers which the subject block orders took precedence over, including the number of shares of these bids and offers and their dollar value; the number and type of block orders which were sent to Amex but which, during the period of this pilot, continued to be rerouted for execution at regional exchanges, including their size and dollar value; and data providing some indication of the impact of the pilot on the number of block orders which are sent to Amex and then rerouted to regional exchanges. The Amex agreed to submit this data to the Commission for its review and assessment of the pilot program.

Dues to relatively infrequent use of the new precedence procedures, there is insufficient data for analysis of the pilot program at present. Therefore, extension of the pilot program for an additional two months will enable the Exchange's Trading analysis Division to study the pilot program for a period of time sufficient to adequately assess the effectiveness of the program.

(2) Basis

The proposed rule change is consistent with section 6(b) of the Act in general and furthers the objectives of section 6(b)5 in particular in that it is intended to remove impediments to and perfect the mechanism of a free and open market and a national market system and to facilitate transactions in securities.

[2] *See* note 1.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will impose no burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to file number SR-Amex-87-6 and should be submitted by April 22, 1987.

IV. Commission Findings and Order Granting Accelerated Approval

As noted above, the Amex is conducting a pilot program under Rule 126(g) that allows orders to cross blocks of 50,000 shares or more to have precedence over other bids and offers.[3]

This pilot program was developed in response to Amex's concern that an increasing number of block transactions in Amex listed securities were being conducted on regional exchanges rather than on the Amex. In the release approving the pilot program,[4] the Commission noted that Amex indicated that it would carefully monitor the pilot program and provide the Commission with information regarding the operation of the pilot and its impact on the routing of block orders from Amex to regional exchanges.

[3] Under the Amex pilot program, size precedence is only a factor in determining the sequence of execution where no other bid or offer has price or time priority.

[4] *See* note 1.

Amex has stated, due to the relatively infrequent use of the pilot program's procedures, that it currently does not have sufficient information to enable it to evaluate the effectiveness of the pilot program. For this reason, the Amex has requested an extension of the pilot program until May 1, 1987 to give the Exchange additional time to collect information, assess the effectiveness of the pilot program and provide the Commission with the agreed upon information.

The Commission believes that it is appropriate to extend, until May 1, 1987, the Amex size precedence pilot program in order to allow the Exchange to collect additional information regarding the operation and effectiveness of the pilot, thereby enabling the Exchange to adequately assess the effectiveness of the program.

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.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof so that the Amex's pilot program under Rule 126(g) may continue on an uninterrupted basis.

It is Therefore Ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: March 20, 1987.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-7175 Filed 3-31-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 24254; File No. SR-BSE-87-3]

Self-Regulatory Organizations; Proposed Rule Change by Boston Stock Exchange, Inc., Relating to Amendments to Boston Stock Exchange Rules

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, ("Act") 15 U.S.C. 78s(b)(1), notice is hereby given that on February 6, 1987, the Boston Stock Exchange, Incorporated ("BSE") or ("Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed changes as described in Items I, II, and III below,

which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement on the Terms of Substance of the Proposed Rule Change

(a) The proposed rules introduce additional requirements for Alternate Specialists concerning their registration and dealings on the Exchange. The proposed rules establish guidelines and procedures for: (1) Alternate Specialist registration (including eligibility and capital requirements, factors to be considered by the Exchange's Market Performance Committee in reviewing applications for Alternate Specialist registration, and withdrawal of Alternate Specialist registration); (2) mergers between Regular Specialists registered as Alternate Specialists and other member organizations; (3) expansion of the list of stocks in which an Alternate Specialist is registered; and (4) permissible margin levels for Alternate Specialists. In addition, the proposed rule defines gross negligence in connection with the performance of a Regular or Alternate Specialist and subjects such negligence to penalties and/or disciplinary action.

(b) With regard to Regular Specialists, the proposed rule change will permit Regular Specialists, under certain conditions, to facilitate the execution of orders in the specialty stocks of other Regular Specialists in order to contribute toward the maintenance of price continuity with reasonable depth and to minimize the effects of temporary disparities between supply and demand.[1]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements governing the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

[1] The exact text of the proposed rule changes is available from the Commission, at the address noted in Section IV below, and the BSE.

(A) Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for, the Proposed Rule Change

(a) The purpose of the proposed rules is to increase the effectiveness of Alternate Specialists by introducing additional requirements relative to their registration and dealings. In addition, the proposed rule change will permit Regular Specialists to facilitate the execution of orders in the stocks of other Regular Specialists, under certain conditions, in order to contribute toward the maintenance of price continuity with reasonable depth and to minimize the effects of temporary disparities between supply and demand.

(b) The basis under the Act for the proposed rule changes is Section 6(b)(5) in that the rules encourage cooperation among specialists in facilitating transactions in securities.

(B) Self-Regulatory Organization's Statement on Burden on Competition

No burden on competition is perceived by the adoption of the proposed rules.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(a) By order approve such proposed change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW, Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the BSE. All submissions should refer to the file number in the caption above and should be submitted by April 22, 1987.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: March 24, 1987.

Jonthan G. Katz,

Secretary.

[FR Doc. 87-7104 Filed 3-31-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-24246; File No. SR-CBOE-87-04]

Self-Regulatory Organizations; Chicago Board Options Exchange, Inc.; Notice of Filing and Order Granting Accelerated Approval To Proposed Rule Change

On February 20, 1987, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") submitted to the Securities and Exchange Commission ("Commission"), pursuant to section 19(b)(1) under the Securities Exchange Act of 1934 ("Act") [1] and Rule 19b-4 thereunder,[2] a proposed rule change to extend the index option escrow receipt pilot through June 30, 1987.

The index option escrow receipt program is intended to provide a workable mechanism through which index call options can be written in a cash account.[3] The Commission approved the market index option escrow receipt subject to a one year pilot, which ended on August 19, 1986. The pilot was subsequently extended to February 20, 1987, in order to provide sufficient time for the Exchange to review the data compiled during the pilot period. A report on the pilot was submitted to the Commission by the CBOE on February 6, 1987. Based on the experience of the pilot, the Exchange believes that the pilot should be made a permanent program and has requested

[1] 15 U.S.C. 78s(b)(1) (1982).

[2] 17 CFR 240.19b-4 (1985).

[3] *See* Securities Exchange Act Release No. 22323, 50 FR 33439 (August 19, 1985) for a description of the pilot.

that the pilot be approved on a permanent basis.[4] The present filing is made to continue the pilot for an interim period until the Commission acts on the CBOE's proposal for permanent approval of the program.

In order to permit the Commission to conclude its evaluation of the CBOE report on the operation of the pilot to date, the Commission is extending the pilot program through June 30, 1987. The Commission notes that it appears that the pilot program has been successful in reducing the operational difficulties of banks and trust companies in preparing escrow receipts for short index options cash accounts.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of the proposal in the **Federal Register** in that the pilot has operated effectively to date and has benefited many market participants.

It Is Therefore Ordered, pursuant to section 19(b)(2) of the Act,[5] that the proposed rule change is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[6]

Dated: March 23, 1987.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-7176 Filed 3-31-87; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-24252; File No. SR-CBOE-86-40]

Self-Regulatory Organizations; Chicago Board Options Exchange, Inc., Order Approving Proposed Rule Change

On December 30, 1986, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange"), pursuant to section 19(b)(1) under the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b-4 thereunder,[2] submitted to the Securities and Exchange Commission ("Commission") a proposal to amend its rules relating to disciplinary procedures.

The proposal was published for comment in Securities Exchange Act Release No. 24031 (January 28, 1987), 52 FR 3724. No comments were received on the proposed rule change.

The first amendment would prohibit ex parte communications between members of the Business Conduct Committee ("BCC") and CBOE members or their associated persons concerning a pending disciplinary proceeding. According to CBOE, this amendment would codify a longstanding policy of the Exchange.

The second amendment would authorize the CBOE Board of Directors to review a decision of the BCC not to initiate formal disciplinary proceedings against a member. Board review would occur upon application of the president made within 30 days of the BCC's decision. Any Board review would be based on the record of the proceedings before the BCC and the minutes relating to the BCC's reasons for not initiating charges, supplemented by whatever statement the BCC submits in justification of its decision. The Board would be empowered to remand the matter to the BCC with an instruction to initiate charges.

The Commission believes that the proposed amendments will enhance the administration of the Exchange. The first amendment will eliminate any conflict of interest or appearance of impropriety that could arise from allowing ex parte communications between BCC members and CBOE members concerning a pending disciplinary proceeding. The second amendment will establish an important review procedure necessary to ensure the validity of BCC decisions not to initiate charges. The amendment will allow the CBOE president to ensure that erroneous BCC decisions can be reviewed and, where appropriate, remanded for a new hearing. The Commission therefore 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[3] and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[4] that the proposed rule change is approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Dated: March 24, 1987.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-7099 Filed 3-31-87; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-24253; File No. SR-CBOE-87-03]

Self-Regulatory Organizations; Proposed Rule Change by the Chicago Board Options Exchange, Inc., Relating to Index Option Escrow Receipt Pilot Program

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on February 20, 1987, the Chicago Board Options Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Text of the Proposed Rule Change

The index option escrow receipt pilot program, set forth in Exchange Rule 24.11(d), is made a permanent program.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below and is set forth in sections (A), (B), and (C) below.

(A) Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

The purpose and statutory basis for the proposed rule change were to provide a workable mechanism through which index call options could be written in a cash account. See SR-CBOE-84-28, SEC Release 34-22323, 50 FR 33439 (August 19, 1985) in which the Commission approved the market index option escrow receipt ("MIOER") for a one year pilot program. The pilot was subsequently extended through February 20, 1987 in order to provide sufficient time for the Exchange to review the data compiled during the pilot period. Under separate cover, on February 6, 1987, the Exchange submitted its report on the pilot program. An additional extension to June 30, 1987 has been sought to allow consideration of this proposed rule change to make the program permanent. See SR-CBOE-87-04.

---

[4] *See* File No. SR-CBOE-87-03.

[5] 15 U.S.C. 78s(b)(2)(1982).

[6] 17 CFR 200.30-3(a)(12) (1985).

[1] 15 U.S.C. § 78s(b)(1) (1984).

[2] 17 CFR § 240.19b-4 (1986).

[3] 15-U.S.C. F 78f (1984).

[4] 15 U.S.C. 78s(b)(2) (1984).

To summarize, the MIOER may be collateralized by cash; cash equivalents; one or more marginable equity securities; or any combination thereof, provided the customer maintains a diversified securities portfolio.

The MIOER concept provides a custodian bank with flexibility in identifying specific escrow receipt collateral and through its monitoring and notification provisions insures that assignment will be met on a timely basis.

After a thorough review of the pilot data, the Exchange has determined that the MIOER is a successful and workable concept, and should be approved for use on a permanent basis with the Options Clearing Corporation remaining the sole valid distributor of MIOER agreements.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that this proposed rule change will impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Though solicited, no formal comments were received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submission should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by April 22, 1987.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: March 24, 1987.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-7098 Filed 3-31-87; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-24251; File No. SR-PSE-86-33]

Self-Regulatory Organizations; Pacific Stock Exchange, Inc., Order Approving Proposed Rule Change

On December 22, 1986, the Pacific Stock Exchange, Inc. ("PSE" or "Exchange"), pursuant to section 19(b)(1) under the Securities Exchange Act of 1934 ("Act") [1] and Rule 19b-4 thereunder,[2] submitted to the Securities and Exchange Commission ("Commission") a proposal to amend its rule relating to recording and reporting options transaction to the Exchange.

The proposal was published for comment in Securities Exchange Act Release No. 24032 (January 28, 1987), 52 FR 3725. No comments on the proposed rule change were received.

The proposed rule change would amend PSE's transaction reporting rule to require buyers from multiple sellers to time-stamp and submit trading tickets. Currently, Exchange rules require that the seller in a transaction time-stamp and submit trade tickets. This procedure has proved cumbersome when a floor broker buys from several market makers. Floor tickets used by market makers to record transactions for their own accounts differ significantly from those used by floor brokers acting in an agency capacity. Specifically, a market maker's ticket can show only one contra side to a trade. A floor broker's ticket, however, can show multi-party contra sides. Consequently, in a multi-party transaction involving a floor broker buying from numerous selling market makers, the floor broker can record all selling contra sides on his/her ticket. The PSE believes that in such transactions, it is more efficient to have the floor broker collect the tickets from the contra sides, match them with his/her ticket and submit them to the Exchange. To do otherwise would require the floor broker to write up separate "partial" tickets and hand them to each of the selling market makers. In turn, each of the selling market makers would then have to match up each partial transaction and hand all of the tickets in to the Exchange.

The proposed amendment will promote efficiency in the reporting of options transactions on the Exchange floor, thereby facilitating transactions in securities. The Commission therefore 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(b)(5) [3] and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[4] that the proposed rule change is approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Dated: March 24, 1987.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-7100 Filed 3-31-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-24255; File No. SR-Phlx-86-47]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc; Order Approving Proposed Rule Change

The Philadelphia Stock Exchange, Inc. ("Phlx" or "Exchange") submitted on December 10, 1986, copies of a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78(b)(1) and Rule 19b-4 thereunder to establish a six month pilot program to attract additional equity specialist interest to the Phlx. The proposal would permit the Exchange to assemble and circulate, for a thirty day period, a list of stocks available for allocation and reallocation to Exchange specialists.[1]

---

[1] 15 U.S.C. 78s(b)(1) (1984).

[2] 17 CFR 240.19b-4 (1986).

[3] 15 U.S.C. 78f (1984).

[4] 15 U.S.C. 78s(b)(2) (1984).

[1] The list of available stocks would be compiled from (i) stocks listed on other exchanges for which the Phlx has yet to seek unlisted trading privileges; (ii) Phlx cabinet stocks; (iii) Phlx stocks currently allocated to equity specialists but not included on PACE; and (iv) PACE stocks that specialists would volunteer to make available to new specialists.

Under the proposal, a specialist would be permitted to apply for new stock from the list of eligible stocks. In addition, during the thirty day circulation period, specialists with non-PACE committed stock would be permitted to place those stocks onto the PACE system. Failure to do so within the thirty day period would result in reallocation of the non-PACE committed stock.[2] The specialist would be entitled to appeal the reallocation of the stock to the Exchange Board of Governors under Phlx Rule 11–1(a).

Notice of the proposal together with its terms of substance was given by the issuance of a Commission release (Securities Exchange Act Release No. 24050, February 3, 1987) and by publication in the **Federal Register** (52 FR 4553, February 12, 1987). No comments were received regarding the proposal.

According to the Phlx, the pilot should increase the number of stocks eligible for automatic execution on the Phlx's PACE system, which should benefit public investors. Phlx believes the pilot will facilitate a broader and deeper inter-market competition. By increasing the number of stocks eligible for allocation, the pilot should also attract additional equity specialists to the Phlx floor.

After careful review, the Commission has concluded that the proposed rule change is a reasonable effort by the Phlx to attract more specialists to the Exchange, expand its capital base, and increase the volume of equity issues traded on the Exchange consistent with the public interest and investors and its PACE system. As a pilot program, the Exchange will be better able to analyze the rule to determine its effectiveness and to discover any weaknesses in the application of the rule and make the necessary adjustments thereto prior to requesting permanent approval of the proposal. 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 above-mentioned proposed rule change be, and is, hereby approved for a six month pilot period.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: March 24, 1987.

Jonathan G. Katz,

Secretary.

[FR Doc. 87–7103 Filed 3–31–87; 8:45 am]

BILLING CODE 8010–01–M

[2] During the thirty day circulation period, another specialist could challenge his competitor and take away the stock if he is willing to place the stock onto the PACE system. However, the specialist to which the stock was originally allocated can escape such a loss if he agrees to put the stock onto the PACE system when the challenge occurs.

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Inc.

March 26, 1987.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following securities:

Colonial Municipal Income Trust
Shares of Beneficial Interest, No Par Value (File No. 7–9862)

Valero Natural Gas Partners L.P.
Preference Units Representing Limited Partner Interest (File No. 7–9863)

Applied Magnetics Corporation (Delaware)
Common Stock, $0.10 Par Value (File No. 7–9864)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before April 16, 1987 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87–7097 Filed 3–31–87; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Pacific Stock Exchange, Inc.

March 26, 1987.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following stock:

Consolidated Rail Corporation—
Common Stock, $1.00 Par Value (File No. 7–9861)

This security is listed and registered on one or more other national securities exchange and is reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before April 16, 1987 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87–7096 Filed 3–31–87; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications of Philadelphia Stock Exchange, Inc., for Unlisted Trading Privileges and of Opportunity for Hearing

March 25, 1987.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following securities:

American International Group, Inc.
Common Stock, $2.50 Par Value (File No. 7–9853)

Conston Corporation
Class A Common Stock, $.12½ Par

Value (File No. 7–9854)
Fruit of the Loom, Inc.
Class A Common Stock, $.01 Par Value (File No. 7–9855)
MCorp
Common Stock, $5.00 Par Value (File No. 7–9856)
Measurex Corporation
Common Stock, No Par Value (File No. 7–9857)
MFS Multimarket Income Trust
Shares of Beneficial Interest, No Par Value (File No. 7–9858)
Paco Pharmaceutical Services, Inc.
Common Stock, $.01 Par Value (File No. 7–9859)
The United States Shoe Corporation
Common Stock, No Par Value (File No. 7–9860)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before April 15, 1987, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87–7101 Filed 3–31–87; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications of Cincinnati Stock Exchange, Inc., for Unlisted Trading Privileges and of Opportunity for Hearing

March 25, 1987.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following securities:

CTS Corp.
Common Stock, No Par Value (File No. 7–9838)
Commonwealth Mortgage Association
Common Stock, No Par Value (File No. 7–9839)
Decision/Capital Fund, Inc.
Common Stock, $.01 Par Value (File No. 7–9840)
Ferror Corp.
Common Stock, $1.00 Par Value (File No. 7–9841)
Harland (J.H.) Co.
Common Stock, $1.00 Par Value (File No. 7–9842)
Harper & Row Publishers Inc.
Common Stock, $.10 Par Value (File No. 7–9843)
Imo Dalaval Inc.
Common Stock, $1.00 Par Value (File No. 7–9844)
LLC Corp.
Common Stock, $1.00 Par Value (File No. 7–9845)
National Mine Service Co.
Common Stock, $1.00 Par Value (File No. 7–9846)
Smucker (J.M.) Co.
Common Stock, No Par Value (File No. 7–9847)
SOO Line Corp.
Common Stock, $1⅓ Par Value (File No. 7-9848)
Todd Shipyards Corp.
Common Stock, $1.00 Par Value (File No. 7–9849)
Tosco Corp.
$0.44 Cumulative A Preferred Votlng, $1.00 Par Value (File No. 7–9850)
Fairmont Financial Inc.
Common Stock, No Par Value (File No. 7–9851)
Intelligent System Master L.P.
Common Stock, $.05 Par Value (File No. 7–9852)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before April 15, 1987, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87–7102 Filed 3–31–87; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; Sacramento County, CA

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice Of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement (EIS) will be prepared for a proposed highway project in Sacramento County, California.

FOR FURTHER INFORMATION CONTACT: Michael A. Cook, District Engineer, Federal Highway Administration, P.O. Box 1915, Sacramento, California 95809, Telephone (916) 551–1307.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation (CALTRANS) and the City of Sacramento will prepare an EIS on a proposal to construct the following projects:

(1) Proposed Truxel Road Interchange on Interstate 80 and the extension of Truxel Road to San Juan Road.

(2) Proposed North Market Blvd. Interchange on Interstate 5.

(3) Three new overcrossings on Interstate 5.

(4) Improvements to existing interchanges at Del Paso Road on Interstate 5, and Northgate Blvd. on Interstate 80.

The proposal will improve safety and traffic service by providing access to the Interstate highway system for the North and South Natomas areas of the City of Sacramento which were recently approved for urbanization by the City Council.

Alternatives for this project presently consist of: (1) No project; (2) alternative locations; (3) alternative designs.

An informal public meeting was held in Sacramento, California on March 16, 1987, to receive comments from public and private organizations and from individuals.

Additional scoping meetings will be arranged with all responsible/cooperating agencies and with special interest groups upon request. In addition

at the time of Draft EIS circulation, a public hearing will be held. Public notice will be given as to the time and place of the hearing. To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal Programs and activities apply to this program.)

Issued on: March 20, 1987.

Michael A. Cook,

District Engineer, Sacramento, California.

[FR Doc. 87-7119 Filed 3-31-87; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Dated: March 26, 1987.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 15th and Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545-0160.
Form Number: 3520-A.
Type of Review: Extension.
Title: Annual Return of Foreign Trust with U.S. Beneficiaries.
Description: Internal Revenue Code 6048 requires that foreign trusts with one or more U.S. beneficiaries file an annual information return. Regulation section 404.6048-1 states that the information should be submitted on Form 3620-A. IRS uses the information to determine if any of the U.S. beneficiaries of the foreign trust have to report income from the trust.
Respondents: Businesses.
Estimated Burden: 500 hours.
OMB Number: 1545-0240.
Form Number: 6118.
Type of Review: Extension.
Title: Claim of Income Tax Return Preparers.
Description: Form 6118 is used to file for refund of penalties overpaid by preparers. The information enables the Service to process the claim and have the refund issued to the tax return preparers.
Respondents: Businesses.
Estimated Burden: 8,000 hours.
OMB Number: 1545-0678.
Form Number: 637A.
Type of Review: Extension.
Title: Registration for Tax-Free Sales and Purchases of Fuel Used in Aircraft.
Description: Certain sellers and purchasers are exempt from the Internal Revenue Code section 4041(c) excise tax on aviation fuel if they use this form to register for tax-free transactions. The data collected is used to determine if the applicants qualify for exemption from excise taxes.
Respondents: Individuals, Farms, Businesses.
Estimated Burden: 2,829 hours.

Clearance Officer: Garrick Shear (202) 566-6150, Internal Revenue Service, 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 Officer.

[FR Doc. 87-7088 Filed 3-31-87; 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; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to announcement.

SUMMARY: This document contains corrections to the publication of adjustment factor and reference price for calendar year 1986, which was announced in the **Federal Register** for Tuesday, March 10, 1987 (52 FR 7365). 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.

FOR FURTHER INFORMATION CONTACT: Robert O'Keefe, 202-376-0720 (not a toll-free number).

Need For Corrections

As announced, the publication of the inflation adjustment factor and reference price for calendar year 1986 incorrectly includes the word "information" instead of "inflation" in one location and includes an incorrect telephone number for one of the contact persons.

Correction of Publication

Accordingly, the publication of the announcement that was the subject to FR Doc. 87-4982 is corrected as follows:

Paragraph 1. In the first line below the caption that reads **"FOR FURTHER INFORMATION CONTACT"**, the word "information" is corrected to read "inflation".

Paragraph 2. In the text of the paragraph that is captioned "*For the reference price*", the telephone number is corrected to read "202-566-3928".

Donald E. Osteen,

Director, Legislation and Regulations Division.

[FR Doc. 87-7133 Filed 3-31-87; 8:45 am]

BILLING CODE 4830-01-M

UNITED STATES INFORMATION AGENCY

Exchange Visitor Program

AGENCY: United States Information Agency.

ACTION: Amendment to Exchange Visitor Skills List.

SUMMARY: The amendment to our Exchange Visitor Skills List, published in the **Federal Register** at 52 FR 8700, March 19, 1987, contained an incorrect date.

DATES: This notice is effective immediately upon publication in the **Federal Register.**

ADDRESS: Comments and requests for further information should be addressed to: Richard L. Fruchterman, Assistant General Counsel, Office of the General Counsel and Congressional Liaison, USIA, Suite 700, 301 Fourth Street SW., Washington, DC 20547, telephone (202) 485-7976.

SUPPLEMENTARY INFORMATION: Pursuant to the provisions of section 212(e) of the Immigration and Nationality Act, as amended (8 U.S.C. 1182(e)), the Secretary of State designated on April 25, 1972, a list of fields of specialized knowledge or skill (referred to as the Exchange Visitor Skills List) and those countries which clearly required the services of persons engaged in one or more of such fields. Any alien who was

a national resident of one of those countries and obtained an exchange visitor visa and/or became a participant in an Exchange Visitor Program involving a designated field of specialized knowledge or skill after the effective date of that notice was subject to the 2-year foreign residence (home-country physical presence) requirement of section 212(e) of said Immigration and Nationality Act as provided by said section and 22 CFR 41.65(b).

Pursuant to the provisions of Reorganization Plan No. 2 of 1977, section 217 of United States Information Agency Authorization Act of August 24, 1982 (Pub. L. 97–241) and Executive Orders Nos. 12048 (March 27, 1978) and 12388 (October 14, 1982) the Director, United States Information Agency, on June 12, 1984 further amended the 1972 Exchange Visitor Skills List, as revised in 1978, to increase the designated fields of specialized knowledge of skills. The 1984 amendment gave notice of the addition of China and the deletion of Cambodia, Iran and Viet-Nam from the skills list as well as the indefinite suspension of Afghanistan. The Exchange Visitor Skills List, as amended in 1984, is used in conjunction with the two prior existing lists.

The Exchange Visitor Skills List, as amended in 1984, is further amended by the following changes:

1. South Africa is deleted from the list. Since South Africa was erroneously placed in the list in 1984, the change will take effect retroactively. Those exchange visitors from that country who entered the United States after July 12, 1984, are not subject to the residence requirement pursuant to the skills list. (Note: this date was formerly listed as June 12, 1984).

2. With regard to the deletion of South Africa and the corrections in the Chinese skills list for the Peoples's Republic of China, this notice shall be retroactive to July 12, 1984. (Note: this date was formerly listed as June 12, 1986).

This notice amends Public Notice No. 356–37, 37 FR 8099–8177, April 25, 1972, Public Notice No. 591, 43 FR 5910–5912, February 10, 1978, Public Notice No. 49 FR 24194–24242, June 12, 1984, 51 FR 34701, September 30, 1986, and 52 FR 8700, March 19, 1987.

Dated: March 24, 1987.

C. Normand Poirier,

Acting General Counsel and Congressional Liaison.

[FR Doc. 87–7078 Filed 3–31–87; 8:45 am]

BILLING CODE 8230–01–M

VETERANS ADMINISTRATION

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances, that a hearing is scheduled for April 16, 1987 at 10:00 a.m. at the Denver Regional Office for Station Committee on Educational Allowances, in the Adjudication Hearing room, Room 504, of the Denver Veterans Administration Regional Office, 44 Union Boulevard, Denver, Colorado, to determine whether Veterans Administration benefits for all eligible persons enrolled in the Accounting Clerk Course offered by R.C.L. Companies, Inc., 1009 Grant Street #203, Denver, CO 80203, should be discontinued as provided in 38 CFR 21.4134, because a requirement of the law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: March 24, 1987.

Donald M. Twitty,

Director, VA Regional Office.

[FR Doc. 87–7074 Filed 3–31–87; 8:45 am]

BILLING CODE 8320–01–M

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances, that a hearing is scheduled for April 14, 1987 at 8:30 a.m. at the Denver Regional Office for Station Committee on Educational Allowances, in the Adjudication Hearing room, Room 504, of the Denver Veterans Administration Regional Office, 44 Union Boulevard, Denver, Colorado, to determine whether Veterans Administration benefits for all eligible persons enrolled in the Management Training Program offered by Broadway Publishing Associates, 38 Broadway, Denver, CO 80203, should be discontinued as provided in 38 C.F.R. 21.4134, because a requirement of the law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: March 24, 1987.

Donald M. Twitty,

Director.

[FR Doc. 87–7075 Filed 3–31–87; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 52, No. 62
Wednesday, April 1, 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).

FOREIGN CLAIMS SETTLEMENT COMMISSION

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings and oral hearings for the transaction of Commission business and other matters specified, as follows:

Date and Time, Subject Matter

Tues., April 14, 1987 at 10:00 a.m.—Oral Hearing on objection to decision issued under the Ethiopian Claims Program: E-010, E-044—Federal Motorship Corporation, et. al.

Tues., April 14, 1987 at 2:00 p.m.—Consideration of Proposed Decisions on claims under the Ethiopian Claims Program and Final Decisions on objections filed to Proposed Decisions on claims under the Ethiopian Claims Program.

Subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 1111-20th Street, NW., Washington, DC. Requests for information, or advance notices of intention to observe a meeting, may be directed to: Administrative Officer, Foreign Claims Settlement Commission, 1111-20th Street, NW., Room 400, Washington, DC 20579. Telephone: (202) 653-6155.

Dated at Washington, DC, on March 30, 1987.

Judith H. Lock,

Administrative Officer.

[FR Doc. 87-7245 Filed 3-30-87; 2:04 pm]

BILLING CODE 4410-01-M

INTERNATIONAL TRADE COMMISSION

TIME AND DATE: Monday, April 6, 1987 at 2:30 p.m.

PLACE: Room 117, 701 E Street, NW., Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda
2. Minutes
3. Ratifications
4. Petitions and Complaints:
   Certain dental prophylaxis equipment and methods (Docket Number 1383).
5. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

Kenneth R. Mason,

Secretary.

March 26, 1987.

[FR Doc. 87-7186 Filed 3-30-87; 9:42 am]

BILLING CODE 7020-02-M

Corrections

Federal Register
Vol. 52, No. 62
Wednesday, April 1, 1987

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing-Federal Housing Commissioner

[Docket No. N-1668; FR-2299]

Transitional Housing Demonstration Program; Proposed Guidelines

Correction

In notice document 87-3761 beginning on page 5587 in the issue of Wednesday, February 25, 1987, make the following corrections:

1. On page 5590, in the second column, in the first complete paragraph, in the 12th line "D.2.(ii)" should read "D.2.(iii)".

2. On page 5592, in the second column, in the fifth through seventh lines remove "HUD would consider to be, available to them. In making this determination,".

3. On page 5596, in the third column, in the second complete paragraph, in the seventh line, "operating" should read "operations" and "commended" should read "commenced".

BILLING CODE 1505-01-D

OFFICE OF MANAGEMENT AND BUDGET

The Freedom of Information Reform Act of 1986; Uniform Freedom of Information Act Fee Schedule and Guidelines

Correction

In notice document 87-6951 beginning on page 10012 in the issue of Friday, March 27, 1987, make the following correction:

On page 10017, in the first column, in the last line, insert "certain" between "recover" and "of".

BILLING CODE 1505-01-D

federal register

Wednesday
April 1, 1987

Part II

Department of Housing and Urban Development

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

Housing Development Grant Program; List of Designated Eligible Areas; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-87-1669; FR-2324]

Housing Development Grant Program; List of Designated Eligible Areas

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

ACTION: Notice.

SUMMARY: In accordance with the 24 CFR 850.13, this notice lists those political jurisdictions that the Secretary has determined meet the minimum standards for designated eligible areas under the Housing Development Grant Program. It also provides an appeals process for jurisdictions that were previously designated as eligible areas but failed to meet the vacancy rate thresholds imposed by HUD's appropriations Act for fiscal year 1987. This notice is being published at this time to enable jurisdictions made ineligible by the new thresholds to appeal HUD's determination, if they so choose. HUD will publish any additions to this list of eligible areas with the Invitation for Applications.

FOR FURTHER INFORMATION CONTACT: Jessica Franklin, Director, Housing Development Grant Division, Room 6110, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410-8000, telephone (202) 755-6142. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Section 301 of the Housing and Urban-Rural Recovery Act of 1983 (Pub. L. 98-181, approved November 30, 1983) added a new section 17 to the United States Housing Act of 1937 (the 1937 Act) (42 U.S.C. 1437(o)) which, among other things, established the Housing Development Grant Program.

Under the Program, HUD is authorized to make grants to cities, counties and other general purpose political subdivisions of a State, or to a State, acting on behalf of units of general local government, to be used to support the new construction or substantial rehabilitation of primarily residential rental projects. An application must fall within one of three categories to receive consideration for funding. The application must either (1) be from an applicant located in a designated eligible area, (2) meet a special housing need, or (3) advance a particular neighborhood preservation purpose.

This Notice concerns designated eligible areas, which section 17(d)(2) of the 1937 Act defines as an area determined by HUD to be experiencing a severe shortage of decent rental housing opportunities for families and individuals without other reasonable and affordable housing alternatives in the private market.

Section 17(d)(2) of the 1937 Act requires HUD to establish minimum standards for determining designated eligible areas, taking into account certain statutory conditions and other objectively measurable conditions specified by the Secretary. These conditions are set out in 24 CFR 850.13, which also provides that from time to time HUD will publish a notice in the **Federal Register** listing those areas that have been so determined. This notice is published in accordance with this requirement.

In addition to the standards in 24 CFR 850.13, HUD's FY 1987 appropriations Act (see section 101(g) of Pub. L. 99-590, approved October 18, 1986) adds a new threshold test for determining a Designated Eligible Area for the 1987 HDG funding round. The new threshold test (§ 850.13 as modified by Pub. L. 99-590) requires that an eligible area have both an overall rental vacancy rate and a duration of vacancy rate (units vacant more than two months) which are less than the national average rates.

The List of Designated Eligible Areas published with this notice was developed by applying vacancy rate thresholds (developed as described below) to jurisdictions that were included in the List of Designated Eligible Areas published June 5, 1986, at 51 FR 20581. The national average overall rental vacancy rate and the national average duration of vacancy rate thresholds were derived from the Bureau of the Census H-111 surveys for the most recent four quarters (4th quarter, 1985 through 3rd quarter, 1986). Overall rental vacancy rates and duration of vacancy rates were determined for each of the jurisdictions based upon 1980 Census data (the most recent generally available data). The national thresholds were determined to be 7.10 percent for the overall rental vacancy rate and 3.73 percent for the duration of vacancy rate. Only jurisdictions which, according to the 1980 Census data, have overall rental vacancy rates and duration of vacancy rates below the respective thresholds are on this List of Designated Eligible Areas.

Appeal Procedures

Because the vacancy rates for all jurisdictions were derived from 1980 Census data, they may be higher or lower than if they had been derived from more current data. Therefore, those jurisdictions that were previously designated as eligible areas, but failed to meet the new threshold, may submit to HUD more recent information to show that their current overall rental vacancy and duration of vacancy rates are less than the respective national averages. If the HUD review of this information determines that the appealing jurisdiction meets both the overall rental vacancy and vacancy duration test, HUD will redesignate the jurisdictions as eligible before publishing the Invitation for Applications for Fiscal Year 1987.

A jurisdiction must appeal its threshold results no later than May 1, 1987 so that it can be placed on the List of Designated Eligible Areas. All final determinations will be made by HUD Headquarters. The local analysis, however, must be addressed to the Field Office Manager, ATTENTION: Field Office Economic Market Analysis Staff. This notice includes a listing of the addresses of HUD's local field offices.

A jurisdiction appealing its threshold overall rental vacancy and duration of vacancy rates must provide the following:

(1) The overall rental vacancy rate from the 1980 Census;

(2) The locally calculated current overall rental vacancy rate;

(3) The rental vacancy rate for units vacant two or more months, from the 1980 Census; and

(4) The locally calculated current rental vacancy rate for units vacant two or more months.

A jurisdiction that believes it should be included on the List of Designated Eligible Areas may also include any other information on current rental market conditions or trends in rental housing construction or absorption that would indicate that the vacancy rates have declined since 1980 to the levels claimed by the jurisdictions.

A jurisdiction must calculate its 1980 vacancy rates using the 1980 Census HCI-A Volume for the applicable State and the following table for the type of jurisdiction: for places of 50,000 or more population—Table 18, for places of 10,000 to 50,000—Table 29 or 29a, for places of 2,500 to 10,000—Table 36 or 36a, and for counties—Table 46.

The 1980 vacancy rates must be calculated as follows:

(1) Overall Rental Vacancy Rate:

Vacant Housing Units for Rent

Renter Occupied Housing Units + Vacant Housing Units For Rent

(2) Duration of Vacancy Rate:

Total Vacant Housing Units For Rent—Vacant For Rent Housing Units Less Than 2 Months

---

Renter Occupied Housing Units + (Total Vacant Housing Units For Rent—Vacant For Rent Housing Units Less Than Two Months)

The locally calculated current overall rental vacancy rate must be derived using either (1) current local source data for a substantial portion of the units in the rental inventory (including a cross section of units of all types and sizes) that would be representative of the market conditions in the jurisdiction as a whole, or (2) a historical series of local source data on the trend in overall rental vacancy rate from 1980 to the present which would, using the 1980 Census rental vacancy rate as the benchmark, show a reduction to the locally calculated current rate. The current rental vacancy rate must represent the rate for all rental units, not just the rate for any one type of unit, e.g., multifamily structures.

Jurisdictions are encouraged to discuss their data and methods of updating the overall rental vacancy and duration of vacancy rates with the local field office prior to preparation. The locally calculated duration of vacancy rate for units vacant two or more months should be derived by either (1) determining the ratio of the 1980 duration of vacancy rate to the 1980 overal rental vacancy rate and multiplying this ratio by the current locally calculated overall rental vacancy rate or (2) using current local source data on the length of time both new and existing units remain vacant that would indicate a decrease in the number or percent of units vacant for two or more months.

In order to be redesignated as an eligible area the jurisdiction must demonstrate that it meets both of the national thresholds, namely, it must have less than a 7.10 percent overall rental vacancy rate and less than a 3.73 percent duration of vacancy rate.

This appeal procedure does not exempt applicants from providing vacancy and market information required under Section G, "Shortage of Housing" in an HDG application, nor does HUD's approval of the area as a Designated Eligible Area constitute prior approval of a specific vacancy rate for purposes of technical processing and the selection of actual applications.

Jurisdictions that fail to be redesignated as eligible areas are not precluded from submitting applications. They may still submit applications under the special housing needs or neighborhood preservation criteria as specified in 24 CFR 850.15.

The information collection requirements concerning this appeals procedure have been approved by the Office of Management and Budget under OMB Control Number 2502–0363.

How To Read The Designated Eligible Area List

With the exception of eligible counties, all eligible areas may be found by identifying first the State, second the county in which the desired area is located and finally the community (city, town, village, etc.). Eligible counties, by State, are found on a separate listing at the end of the list for all other areas.

Dated March 17, 1987.

James E. Schoenberger,

Acting General Deputy Assistant Secretary for Housing—Federal Housing Commissioner.

List of Designated Eligible Areas Other Than Eligible Counties

State of Alabama

Autauga County

Autaugaville

Baldwin County

Bay Minette
Daphne
Foley
Summerdale

Barbour County

Blue Springs
Clio

Bibb County

Brent

Blount County

Blountsville
Cleveland
County Line
Nectar
Rosa
Snead

Butler County

Georgiana
McKenzie

Calhoun County

Blue Mountain
Ohatchee

Chambers County

Five Points

Cherokee County

Gaylesville

Chilton County

Maplesville
THorsby

Choctaw County

Gilbertown
Needham
Pennington
Silas
Toxey

Clarke County

Fulton

Cleburne County

Edwardsville
Fruithurst

Coffee County

New Brockton

Colbert County

Sheffield

Coosa County

Goodwater
Rockford

Covington County

Carolina
County Line
Red Level
Sanford

Crenshaw County

Luverne

Cullman County

Colony
Garden City
Hanceville
West Point

Dale County

Ariton
Grimes

Dallas County

Orrville
Selma

DeKalb County

Hammondville
Mentone
Pine Ridge
Valley Head

Elmore County

Eclectic

Escambia County

Flomaton
Pollard

Etowah County

Mountainboro
Reece City

Fayette County

Berry
Glen Allen

Franklin County

Hodges
Vina

Geneva County

Black
Coffee Springs
Malvern
Samson

Greene County

Boligee
Forkland
Union

Hale County

Greensboro

Henry County

Haleburg

Houston County

Cottonwood
Kinsey
Webb

Jackson County

Langston

Jefferson County

Adamsville
Birmingham
Brighton
Maytown
Mulga
North Johns
Trafford
Warrior

Lamar County

Detroit

Lauderale County

Anderson
Waterloo

Lawrence County

Hillsboro
North Courtland

Lee County

Auburn

Limestone County

Lester
Mooresville

Lownes County

Benton
Mosses

Macon County

Franklin

Madison County

Owens Cross Roads

Marengo County

Dayon
Linden
Myrtlewood
Providence
Sweetwater

Marshall County

Douglas

Mobile County

Bayou La Batre
Prichard
Satsuma

Monroe County

Vredenburgh

Montgomery County

Montgomery

Morgan County

Somerville

Perry County

Marion

Pickens County

Ethelsville
Memphis

Pike County

Brundidge
Goshen

Randolph County

Wadley
Wedowee

Russell County

Hurtsboro

St Clair County

Springsville
Whites Chapel

Shelby County

Helena

Sumter County

Emelle
Gainesville
Geiger

Talladega County

Oak Grove
Sylacauga
Talladega
Talladega Springs

Tallapoosa County

Daviston
Goldville
Jackson's Gap
New Site

Walker County

Carbon Hill
Dora

Wilcox County

Oak Hill
Pine Hill

Winston County

Addison

State of Alaska

Aleutian Islands Census

King Cove
Unalaska

Bethel Census Area

Akiachak
Akiak
Nunapitchuk
Atmautluak
Chefornak
Chuathbaluk
EEK
Goodnews Bay
Kasigluk
Lower Kalskag
Napaskiak
Newtok
Nightmute
Quinhagak
Toksook Bay
Tuluksak
Tununak

Dillingham Census Area

Clark's Point
Ekwok
Manokotak
Newhalen
New Stuyahok
Port Heiden
Togiak

Kenai Peninsula Borough

Kachemak

Kobuk Census Area

Ambler
Deering
Kiana
Kivalina
Kobuk
Noorvik
Selawik
Shungnak

Kodiak Island Borough

Akhiok
Old Harbor
Ouzinkie
Port Lions

Nome Census Area

Brevig Mission
Diomede
Elim
Gambell
Golovin
Koyuk
St Michael
Savoonga
Shaktoolik
Shishmaref
Stebbins
White Mountain

North Slope Borough

Nuiqsut

Prince of Wales-Outer Ke

Kasaan

Skagway-Yakutat-Angoon C

Hoonah

Southeast Fairbanks Census Area

Eagle

Wade Hampton Census Area

Fortuna Ledge
Hooper Bay
Kotlik
Russian Mission
Scammon Bay
Sheldon Point

Yukon-Koyukuk Census Area

Allakaket
Anvik
Holy Cross
Kaltag
Koyukuk
Nikolai
Tanana

State of Arizona

Maricopa County

Buckeye
Gilbert
Goodyear

Navajo County

Holbrook

Pima County

Marana

Pinal County

Kearny
Superior

Santa Cruz County

Nogales

Yuna County

Somerton

State of Arkansas

Arkansas County

De Witt
St Charles

Ashley County

Hamburg
Parkdale
Portland

Baxter County

Big Flat

Benton County

Avoca

Boone County

Bergman
Omaha
South Lead Hill

Bradley County

Hermitage

Calhoun County

Hampton
Harrell
Thornton

Carroll County

Beaver
Blue Eye

Chicot County

Eudora

Clark County

Gum Springs
Okolona

Clay County

Corning
Peach Orchard

Cleveland County

Rison

Conway County

Oppelo

Craighead County

Brookland
Cash
Lake City
Monette

Crawford County

Alma
Rudy
Van Buren

Crittenden County

Earle
Edmondson
West Memphis

Cross County

Hickory Ridge
Parkin
Wynne

Dallas County

Sparkman

Desha County

Dumas
Watson

Drew County

Monticello

Faulkner County

Enola
Greenbrier
Guy
Mount Vernon
Vilonia

Fulton County

Mammoth Spring

Garland County

Lonsdale
Mountain Pine

Grant County

Leona
Poyen
Prattsville

Greene County

Lafe
Oak Grove Heights

Hempstead County

Fulton
Ozan
Patmos

Hot Spring County

Malvern
Perla
Rockport

Independence County

Cushman
Newark
Oil Trough

Izard County

Melbourne
Mount Pleasant
Pineville

Jackson County

Beedeville
Campbells Station
Grubbs
Jacksonport
Tupelo

Jefferson County

Pine Bluff
Sherrill
Wabbaseka

Johnson County

Clarksville

Lafayette County

Bradley
Lewisville

Lawrence County

Alicia
Minturn
Portia
Powhatan
Sedgwick
Smithville

Lee County

Aubrey
Haynes
Marianna
Moro
Rondo

Little River County

Winthrop

Logan County

Morrison Bluff
Ratcliff
Scranton
Subiaco

Lonoke County

Austin
Carlisle
Coy
Keo

Madison County

St Paul

Mississippi County

Burdette
Dyess
Leachville
Marie
Wilson

Monroe County

Clarendon
Roe

Montgomery County

Black Springs
Mount Ida
Oden

Nevada County

Bluff
Bodcaw
Emmet
Rosston

Newton County

Jasper
Western Grove

Ouachita County

Camden
Louann

Perry County

Adona
Casa
Houston
Perry

Phillips County

Elaine
Lake View
Marvell
West Helena

Pike County

Antoine
Daisy
Delight
Murfreesboro

Poinsett County

Lepanto

Polk County

Cove

Prairie County

De Valls Bluff
Biscoe Town
Ulm

Randolph County

Biggers
Maynard
O'Kean
Reyno

St Francis County

Caldwell
Forrest City
Hughes
Widener

Saline County

Bauxite
Haskell
Traskwood

Scott County

Waldron

Searcy County

Gilbert
Leslie

Sebastian County

Midland

Sharp County

Evening Shade

Stone County

Fifty Six

Union County

Strong

Van Buren County

Damascus

Washington County

Farmington

White County

Beebe
Garner
Higginson
Kensett
Letona
McRae
Russell
West Point

Woodruff County

Augusta
Hunter
McCrory

Yell County

Belleville
Havana

State of California

Alameda County

Berkeley
Newark
Oakland

Amador County

Plymouth

Butte County

Biggs

Colusa County

Williams

Contra Costa County

Brentwood
Richmond
San Pablo

Fresno County

Firebaugh
Fowler
Huron
Kingsburg
Mendota
Orange Cove
Parlier
Reedley
Sanger
Selma

Imperial County

Calexico

Kern County

Arvin
Delano
Tehachapi
Wasco

Kings County

Corcoran
Hanford

los Angeles County

Artesia
Azusa
Baldwin Park
Bell
Bell Gardens
Carson
Commerce
Compton
Cudahy
El Monte
Gardena
Hawaiian Gardens
Huntington Park
Industry
Inglewood
Irwindale
Lawndale
Los Angeles
Lynwood
Maywood
Montebello
Monterey Park
Norwalk
Paramount
Pasadena
Pico Rivera
Pomona
Rosemead
San Fernando
San Gabriel
Santa Fe Springs
South El Monte
South Gate

Madera County

Chowchilla

Marin County

Ross

Mendocino County

Fort Bragg
Point Arena

Monterey County

Gonzales
King City
Marina
Sand City
Seaside
Soledad

Nevada County

Nevada City

Orange County

Buena Park
Garden Grove
Placentia
Stanton

Riverside County

Blythe
Coachella

San Benito County

Hollister
San Juan Bautista

San Diego County

Imperial Beach
National City
San Diego

San Francisco County

San Francisco

San Joaquin County

Ripon

San Luis Obispo County

Grover City

San Mateo County

Daly City
Redwood City
South San Francisco

Santa Barbara County

Guadalupe

Santa Clara County

Gilroy
Milpitas
San Jose

Santa Cruz County

Santa Cruz
Scotts Valley

Siskiyou County

Fort Jones

Stanislaus County

Newman
Patterson

Tulare County

Dinuba
Exeter
Tulare
Woodlake

Ventura County

Fillmore
Oxnard
Santa Paula

Yolo County

Winters

State of Colorado

Adams County

Brighton

Alamosa County

Alamosa
Hooper

Baca County

Pritchett
Vilas

Boulder County

Lyons
Superior
Ward

Conejos County

Antonito
La Jara
Sanford

Costilla County

Blanca

Crowley County

Sugar City

Custer County

Silver Cliff
Westcliffe

Delta County

Orchard City

Douglas County

Larkspur
Parker

Elbert County

Elizabeth

El Paso County

Ramah

Fremont County

Brookside
Coal Creek
Prospect Heights
Rockvale
Williamsburg

Kiowa County

Haswell

Las Animas County

Starkville

Phillips County

Haxtun
Paoli

Prowers County

Hartman

San Miguel County

Sawpit

Weld County

Fort Lupton
Frederick
Keenesburg
La Salle
Milliken

State of Connecticut

Fairfield County

Bridgeport

Hartford County

Hartford
Hartland Town

Litchfield County

North Canaan Town
Salisbury Town

Middlesex County

Deep River Town

New Haven County

New Haven
Woodbridge Town

Tolland County

Union Town
Vernon Town

State of Delaware

Kent County

Clayton
Frederica
Little Creek
Magnolia
Smyrna

New Castle County

Arden
Ardencroft
Odessa
Townsend

Sussex County

Frankford
Greenwood
Laurel

District of Columbia

Washington, DC–MD–VA MSA

Washington

District of Columbia

State of Florida

Alachua County

Archer
La Crosse

Baker County

Glen St Mary

Bradford County

Hampton

Brevard County

Palm Shores

Broward County

North Lauderdale

Calhoun County

Altha
Blountstown

Collier County

Everglades

Dade County

Hialeah
Indian Creek
Medley
Miami
Miami Beach
South Miami
Sweetwater
West Miami

Escambia County

South Flomaton

Flagler County

Bunnell

Gadsden County

Havana

Gulf County

Port St Joe
Ward Ridge

Hamilton County

Jennings

Hardee County

Zolfo Springs

Hernando County

Brooksville

Highlands County

Avon Park

Hillsborough County

Tampa

Holmes County

Noma

Jackson County

Alford
Bascom
Campbellton
Cottondale
Grand Ridge
Greenwood
Malone
Marianna

Lake County

Astatula
Mascotte
Montverde

Levy County

Otter Creek

Martin County

Ocean Breeze Park

Nassau County

Callahan

Orange County

Bay Lake
Eatonville

Palm Beach County

Mangonia Park
South Bay
West Palm Beach

Pasco County

St Leo

Polk County

Mulberry
Polk City

Putnam County

Interlachen
Welaka

Sumter County

Bushnell

Volusia County

Oak Hill
Pierson

State of Georgia

Baker County

Newton

Barrow County

Auburn
Carl
Winder

Bartow County

Euharlee
Taylorsville
White

Berrien County

Alapaha

Bibb County

Macon
Payne

Brantley County

Hoboken

Brooks County

Morven
Quitman

Bulloch County

Brooklet
Portal
Register

Burke County

Sardis
Waynesboro

Butts County

Jenkinsburg

Calhoun County

Edison
Leary
Morgan

Candler County

Metter

Carroll County

Villa Rica

Chatham County

Savannah

Chattooga County

Lyerly

Cherokee County

Ball Ground
Canton
Holly Springs
Waleska

Clarke County

Athens
Winterville

Cobb County

Powder Springs

Coffee County

Nicholls

Colquitt County

Doerun
Norman Park

Cook County

Cecil
Lenox

Coweta County

Grantville
Newnan
Turin

Crawford County

Roberta

Crisp County

Cordele

Dawson County

Dawsonville

Decatur County

Attapulgus
Bainbridge
Brinson

De Kalb County

Lithonia
Pine Lake

Dodge County

Chauncey

Dooly County

Pinehurst
Vienna

Dougherty County

Albany

Early County

Damascus
Jakin

Effingham County

Guyton

Elbert County

Elberton

Emanuel County

Nunez
Summertown

Fayette County

Brooks
Fayetteville

Forsyth County

Cumming

Franklin County

Lavonia

Gilmer County

East Ellijay
Ellijay

Glascock County

Edge Hill
Mitchell

Gordon County

Calhoun
Resaca

Grady County

Whigham

Greene County

Woodville

Gwinnett County

Dacula
Lawrenceville
Rest Haven

Habersham County

Baldwin

Hall County

Clermont
Lula

Haralson County

Buchanan

Hart County

Bowersville

Heard County

Franklin

Houston County

Perry

Jackson County

Arcade
Jefferson

Jasper County

Shady Dale

Jeff Davis County

Denton
Hazlehurst

Jefferson County

Avera
Bartow
Wadley

Jones County

Gray

Lamar County

Aldora
Milner

Laurens County

Dudley
Montrose

Lee County

Leesburg

Liberty County

Gumbranch City
Riceboro
Walthourville

Lowndes County

Hahira
Lake Park
Remerton

McDuffie County

Dearing
Thomson

Macon County

Ideal
Marshallville
Montezuma

Madison County

Comer
Ila

Marion County

Buena Vista

Meriwether County

Gay
Manchester

Mitchell County

Camilla
Pelham
Sale City

Monroe County

Forsyth

Montgomery County

Higgston
Uvalda

Morgan County

Bostwick
Buckhead
Madison
Rutledge

Murray County

Eton

Newton County

Covington
Newborn
Porterdale

Oconee County

Bishop
North High Shoals

Oglethorpe County

Maxeys

Peach County

Fort Valley

Pickens County

Talking Rock

Pierce County

Patterson

Pike County

Concord
Meansville

Polk County

Aragon
Cedartown
Rockmart

Pulaski County

Hawkinsville

Randolph County

Cuthbert
Shellman

Schley County

Ellaville

Screven County

Oliver
Rocky Ford

Spalding County

Griffin
Orchard Hill
Sunny Side

Stewart County

Omaha

Sumter County

Americus
De Soto

Talbot County

Geneva
Junction City
Woodland

Taliaferro County

Sharon

Tattnall County

Collins

Telfair County

Jacksonville
Scotland

Terrell County

Dawson

Thomas County

Coolidge
Meigs
Pavo

Tift County

Omega
Tifton
Ty Ty

Towns County

Young Harris

Troup County

Hogansville
La Grange
West Point

Turner County

Ashburn
Rebecca

Twiggs County

Jeffersonville

Union County

Blairsville

Upson County

The Rock
Thomaston
Yatesville

Walker County

La Fayette
Linwood

Walton County

Loganville
Monroe
Social Circle
Walnut Grove

Warren County

Norwood
Warrenton

Washington County

Harrison
Oconee
Riddleville
Tennille

Wheeler County

Alamo

White County

Cleveland
Helen

Whitfield County

Cohutta
Tunnel Hill
Varnell

Wilcox County

Pitts

Wilkes County

Rayle
Washington

Wilkinson County

McIntyre

Worth County

Sylvester

State of Hawaii

State of Idaho

Adams County

Council

Bannock County

Arimo

Benewah County

Plummer

Bonner County

Kootenai

Cassia County

Oakley

Franklin County

Clifton
Oxford

Fremont County

Newdale
Teton

Idaho County

Stites

Jefferson County

Lewisville

Jerome County

Eden

Kootenai County

Dalton Gardens
Hayden Lake
Huetter

Latah County

Onaway

Lemhi County

Leadore

Lewis County

Reubens

Minidoka County

Acequia

Owyhee County

Marsing

Twin Falls County

Hollister

Valley County

Donnelly

State of Illinois

Adams County

Beverly Township
Concord Township
Columbus
Liberty Township
La Prairie

Bond County

Mulberry Grove
Old Ripley
Old Ripley Township
Sorento
Pierron

Boone County

Spring Township

Brown County

Buckhorn Township
Cooperstown Township
Pea Ridge Township
Ripley Township
Versailles
Versailles Township

Bureau County

Arispie Township
Dover
Buda
Ladd
Wheatland Township

Calhoun County

Hamburg
Hardin

Carroll County

Cherry Grove-Shannon
Tow
Elkhorn Grove Township
Wysox Township
Thomson

Cass County

Arenzville
Arenzville Township
Newmansville Township
Philadelphia Township
Sangamon Valley
Township

Champaign County

Broadlands
Ayers Township
Crittenden Township
Ivesdale
Royal
Sadorus
Stanton Township

Christian County

Palmer
Bear Creek Township
Greenwood Township
King Township
Mosquito Township
Mount Auburn Township
Ricks Township
Jeiseyville

Clark County

Douglas Township
Johnson Township
Parker Township

Clay County

Bible Grove Township
Flora

Clinton County

Albers
Wheatfield Township

Coles County

Ashmore
Ashmore Township
Hutton Township
Morgan Township
Seven Hickory Township

Cook County

Chicago
Franklin Park
Willow Springs
Hodgkins
Summit
Robbins
Maywood
Stone Park

Crawford County

Licking Township
Martin Township
Montgomery Township
Stoy

Cumberland County

Cottonwood Township
Crooked Creek
Township

DeKalb County

Pierce Township
Somonauk Township
South Grove Township

DeWitt County

Creek Township
Rutledge Township

Douglas County

Hindsboro
Sargent Township

Edgar County

Edgard Township
Shiloh Township
Metcalf
Young America
Township

Edwards County

Bone Gap

Effingham County

Shumway

Fayette County

Bear Grove Township
Carson Township
Hurricane Township
Loudon Township
Ramsey
Seminary Township
Shafter Township
Bingham
South Hurricane
Township

Ford County

Pella Township

Franklin County

Hanaford
Royalton

Fulton County

Banner
St David
Joshua Township
Lee Township
Liverpool
Orion Township

Gallatin County

Bowlesville Township
Eagle Creek Township
Omaha
Omaha Township
Old Shawneetown

Greene County

Kane Township
Hillview
Wilmington
Patterson Township
Walkerville Township
White Hall Township

Grundy County

Carbon Hill
Goose Lake Township
Kinsman
Highland Township
Nettle Creek Township

Hamilton County

Belle Prairie City
Knight Prairie Township
Macedonia
South Flannigan
Township

Hancock County

Bear Creek Township
Durham Township
Bently
Rock Run Township
West Point
Plymouth
St Mary Township

Hardin County

Rosiclare

Henderson County

Lomax Township
Rozetta Township

Henry County

Alba Township
Andover
Andover Township
Annawan
Cornwall Township
Loraine Township
Bishop Hill
Weller Township
Yorktown Township

Iroquois County

Ash Grove Township
Ashkum
Concord Township
Iroquois Township
Love Joy Township
Papineau
Papineau Township

Jackson County

Ava
Degognia Township
Grand Tower
Grand Tower Township
Kinkaid Township
Levan Township

Jasper County

Hidalgo
Hunt City Township
Wheeler
Smallwood Township

Jefferson County

Blissville Township
Grand Prairie Township

Jersey County

RuyleTownship

JoDaviess County

Apple River
Apple River Township
Berreman Township
Council Hill Township
Rice Township
Stockton
Wards Grove Township

Johnson County

New Burnside

Kane County

Burlington
Elburn
Pingree Gorove

Kankakee County

Aroma Park
Sun River Terrace
Reddick

Kendall County

Plano

Knox County

Chestnut Township
Elba Township
Henderson
Victoria
Maquon
Maquon Township
Victoria Township

Lake County

Hainesville
Long Grove
Newport Township

LaSalle County

Leland
Dimmick Township
Freedom Township
Grand Rapids Township
Meriden Township
North Utica
Utica Township

Lawrence County

Allison Township
Birds
Bond Township
Sumner
Christy Township
Russellville
Russell Township

Lee County

Bradford Township
East Grove Township
Hamilton Township
South Dixon Township
Viola Township

Livingston County

Fayette Township
Reading Township
Waldo Township

Logan County

Eminence Township
Hartsburg

Mclean County

Cropsey Township
Downs Township
Lawndale Township
West Township

Macon County

Oakley Township

Macoupin County

Barr Township
Wilsonville
Dorchester
Mount Clare
Royal Lakes
Honey Point Township
Scottville
Scottville Township

Madison County

Alhambra
South Roxana
Foster Township
Pontoon Beach
Nameoki Township
New Douglas
New Douglas Township
Williamson

Marion County

Alma
Alma Township
Central City
Foster Township
Kinmundy
Kinmundy Township
Stevenson Township

Marshall County

Hopewell Township
La Prairie Township
Whitefield Township

Mason County

Allen Grove Township
Havana
Havana Township
Kilbourne Township
Pennsylvania Township
Topeka
Sherman Township

Mercer County

Duncan Township
Keithsburg
Keithsburg Township
Joy
Millersburg Township
Perryton Township
Sherrard

Monroe County

Columbia
Maeystown
Valmeyer
Waterloo

Montgomery County

Ohlman
Fillmore Township
Donnellson
Grisham Township
Irving
Irving Township
Witt
Walshville
Witt Township

Morgan County

Chapin
Woodson

Moultrie County

Sullivan
Gays
Whitley Township

Ogle County

Brookville Township
Grand Detour Township
Leaf River
Leaf River Township
Lincoln Township
Adeline
Monroe Township
Davis Junction

Peoria County

Mapleton
Hollis Township
Bartonville
Millbrook Township
Trivoli Township

Perry County

St Johns

Pike County

Atlas Township
Chambersburg Township
Derry Township
Detroit
Florence
Valley City
Flint Township
Hadley Township
Time
Hardin Township
Montesuma Township
Perry
Perry Township
New Canton
Ross Township
Nebo

Pope County

Eddyville

Pulaski County

Mound
Olmstead

Randolph County

Rockwood

Richland County

Claremont

Rock Island County

Bowling Township
Buffalo Prairie Township
Carbon Cliff
Rural Township

St Clair County

Prairie Du Long Township
Brooklyn
East Carondelet

Saline County

Cottage Township
Independence Township
Long Beach Township
Mountain Township
Raleigh
Rector Township

Sangamon County

Illiopolis
Illiopolis Township
Berlin
Grandview

Schuyler County

Brooklyn Township
Browning
Camden
Browing Township
Camden Township
Huntsville Township
Littleton Township
Oakland Township
Woodstock Township

Scott County

Alsey

Shelby County

Cold Spring Township
Holland Township
Penn Township

Stark County

Valley Township

Stephenson County

Winslow

Tazewell County

Malone Township

Union County

Alto Pass

Vermilion County

Carroll Township
Muncie
Pilot Township
Henning

Warren County

Roseville
Swan Township
Tompkins Township

Washington County

Bolo Township
New Minden
Lively Grove Township

Wayne County

Berry Township
Keith Township
Mount Erie

Whiteside County

Coleta
Genesee Township
Deer Grove
Hahnaman Township
Portland Township
Tampico Township
Ustick Township

Will County

Custer Township
Florence Township
Romeoville
Godley

Williamson County

Bush
Colp
Creal Springs

Winnebago County

Durand
Durand Township
Machesney Park

Woodford County

Kansas Township
Bay View Gardens

State of Indiana

Adams County

Blue Creek Township
Wabash Township

Allen County

Springfield Township

Bartholomew County

German Township

Benton County

Ambia
Parish Grove Township
Earl Park
Richland Township
Union Township

Boone County

Advance
Washington Township

Carroll County

Camden

Clark County

Washington Township

Clay County

Harmony
Washington Township

Clinton County

Kirklin Township
Owen Township

Crawford County

Alton
Carefree
Ohio Township
Milltown
Whiskey Run Township

Daviess County

Cannelburg
Montgomery
Barr Township
Bogard Township
Elnora
Elmore Township
Alfordsville
Reeve Township
Van Buren Township

Dearborn County

West Harrison
Harrison Township
Jackson Township
Greendale
Manchester Township
Moores Hill

Decatur County

Milford
Clay Township
Jackson Township
Newpoint

De Kalb County

Butler Township
Newville Township
Corunna
Richland Township
Stafford Township

Delaware County

Muncie

Dubois County

Boone Township

Fountain County

Hillsboro
Kingman
Newtown
Wabash Township

Franklin County

Bath Township
Oldenburg
Mount Carmel
Springfield Township

Fulton County

Fulton
Kewanna
Wayne Township

Gibson County

Patoka

Grant County

Green Township
Upland

Greene County

Newberry
Cass Township
Switz City
Smith Township
Stafford Township

Hancock County

Jackson Township

Harrison County

Boone Township
Mauckport
Taylor Township
New Amsterdam
Washington Township

Hendricks County

Pittsboro

Henry County

Mooreland
Straughn
Dudley Township
Greensboro
Cadiz

Huntington County

Polk Township
Union Township
Wayne Township

Jackson County

Driftwood Township
Grassy Fork Township
Owen Township
Salt Creek Township

Jasper County

Barkley Township
Hanging Grove Township
Walker Township

Jay County

Bear Creek Township
Noble Township
Pennville
Wabash Township

Jefferson County

Graham Township
Brooksburg

Jennings County

Bigger Township
Center Township
Lovett Township
Marion Township
Sand Creek Township

Knox County

Oaktown
Johnson Township
Wheatland
Vincennes
Vincennes Township
Bruceville
Widner Township

Kosciusko County

Claypool
Burket

Lagrange County

Clearspring Township
Newbury Township

Lake County

Lowell
St John

La Porte County

Johnson Township

Lawrence County

Bond Township
Perry Township
Spice Valley Township

Marion County

Castleton

Martin County

Lost River County

Miami County

Union Township

Monroe County

Bloomington Township
Polk Township

Montgomery County

Brown Township
New Market
Alamo

Morgan County

Adams Township
Bethany

Newton County

Mount Ayr
McClellan Township

Ohio County

Union Township

Orange County

Northeast Township
Orangeville Township
Stampers Creek Township

Owen County

Franklin Township
Harrison Township
Marion Township
Morgan Township
Gosport
Wayne Township

Parke County

Greene Township
Mecca
Judson

Perry County

Oil Township
Troy
Union Township

Pike County

Clay Township
Lockhart Township
Madison Township

Porter County

Kouts

Posey, County

Griffin
Bethel Township
Point Township

Pulaski County

Beaver Township
Franklin Township
Harrison Township
Jefferson Township
Rich Grove Township
Medaryville
White Post Township

Randolph County

Jackson Township

Rush County

Jackson Township
Noble Township
Glenwood
Richland Township
Walker Township
Washington Township

St Joseph County

Indian Village
Roseland

Scott County

Lexington Township

Shelby County

Morristown

Starke County

Railroad Township

Steuben County

Orland
Richland Township
Hudson

Sullivan County

Fairbanks Township

Switzerland County

Pleasant Township
Patriot

Tippecanoe County

Battle Ground
West Lafayette

Union County

Brownsville Township
Harmony Township
Harrison Township

Vermillion County

Fairview Park
Universal
Vermillion Township

Warren County

Adams Township
Medina Township

Warrick County

Campbell Township

Washington County

Gibson Township
Howard Township
Madison Township
Monroe Township
Vernon Township

Wayne County

Greene Township
Harrison Township
Mount Auburn
Fountain City
Economy
Perry Township

Wells County

Liberty Township

White County

West Point Township

Whitley County

Union Township

State of Iowa

Adams County

Carbon

Allamakee County

Harpers Ferry
Waterville

Appanoose County

Cincinnati
Exline
Moulton
Mystic
Numa
Rathbun
Udell
Unionville

Benton County

Norway
Shellsburg

Black Hawk County

Evansdale

Boone County

Fraser
Pilot Mound

Bremer County

Janesville
Plainfield
Waverly

Buchanan County

Aurora
Brandon
Lamont
Stanley

Butler County

New Hartford

Calhoun County

Farnhamville
Knierim
Pomeroy
Rinard
Somers
Yetter

Carroll County

Ralston
Willey

Cass County

Griswold

Cerro Gordo County

Rock Falls
Swaledale

Cherokee County

Quimby
Washta

Chickasaw County

New Hampton

Clay County

Peterson

Clayton County

Strawberry Point
Volga

Clinton County

Andover
Toronto
Welton
Wheatland

Crawford County

Buck Grove
Ricketts
Schleswig

Davis County

Drakesville
Floris
Pulaski

Decatur County

Decatur City
Garden Grove
Weldon

Delaware County

Delhi
Dundee
Edgewood
Hopkinton
Manchester

Dickinson County

West Okoboji

Dubuque County

Farley
Graf
Luxemburg
New Vienna
Sherrill
Zwingle

Emmet County

Dolliver

Floyd County

Marble Rock

Franklin County

Alexander
Pope Joy

Fremont County

Sidney

Greene County

Paton

Guthrie County

Bagley

Hardin County

Steamboat Rock

Harrison County

Dunlap

Henry County

Hillsboro
Rome

Humboldt County

Bradgate
Hardy
Renwick

Ida County

Arthur

Iowa County

Marengo

Jackson County

Andrew
Baldwin
Green Island
Hurstville
Springbrook

Jasper County

Valeria

Johnson County

Shueyville

Jones County

Morley
Onslow

Keokuk County

Hayesville
Richland
Thornburg

Kossuth County

Swea City

Linn County

Coggon
Prairieburg

Louisa County

Columbus City
Cotter
Oakville

Lucas County

Derby
Lucas
Williamson

Lyon County

Doon

Madison County

Winterset

Mahaska County

University Park

Marion County

Bussey
Hamilton
Marysville

Marshall County

St. Anthony

Mills County

Henderson
Pacific Junction

Mitchell County

Osage

Monona County

Castana

Montgomery County

Coburg
Elliott
Grant

Muscatine County

Conesville
Nichols

Page County

Coin
Northboro

Palo Alto County

Curlew
Cylinder

Pocahontas County

Palmer

Polk County

Runnells

Pottawattamie County

Carson
Oakland

Poweshiek County

Brooklyn

Ringgold County

Beaconsfield
Delphos
Diagonal
Tingley

SAC County

Auburn

Scott County

Buffalo
Donahue
Maysville
New Liberty
Plain View

Shelby County

Westphalia

Sioux County

Chatsworth

Story County

Collins
Maxwell

Tama County

Elberon
Vining

Taylor County

Conway
Gravity
New Market
Sharpsburg

Union County

Afton
Arispe
Cromwell
Kent
Shannon City
Thayer

Van Buren County

Birmingham
Milton
Mount Sterling

Wapello County

Kirkville

Warren County

Lacona
New Virginia
St Marys

Washington County

Ainsworth
Crawfordsville

Wayne County

Millerton
Promise City

Webster County

Callender
Clare

Winnebago County

Scarville

Winneshiek County

Ossian

Woodbury County

Bronson
Hornick
Lawton

Worth County

Kensett

Wright County

Galt

State of Kansas

Allen County

Bassett

Anderson County

Lincoln Township
Monroe Township
North Rich Township
Reeder Township

Atchinson County

Muscotah
Kapioma Township
Huron
Lancaster

Barber County

Deerhead Township
Eagle Township
Elm Mills Township
Lake City Township
Moore Township
Nippawalla Township
Sun City

Barton County

Beaver Township
Cheyenne Township
Clarence Township
Eureka Township
Lakin Township
Logan Township
North Homestead Township
Albert
Walnut Township
Wheatland Township

Bourbon County

Fulton
Freedom Township
Redfield
Marmaton Township
Pawnee Township
Mapleton
Timberhill Township

Brown County

Horton
Padonia Township
Robinson Township
Fairview
Walunt Township

Bulter County

Bloomington Township
Chelsea Township
Hickory Township
Lincoln Township
Logan Township
Murdock Township
Cassoday

Chase County

Bazaar Township
Cedar Township
Cottonwood Township
Elmdale
Homestead Township
Toledo Township

Chautauqua County

Harrison Township
Elgin
Lafayette Township
Niotaze
Little Caney Township

Cherokee County

Cherokee Township
Lowell Township
Neosho Township
Ross Township
Salamanca Township
Scammon
Spring Valley Township
Weir

Cheyenne County

Calhoun Township
Cherry Creek Township
Jaqua Township
Orlando Township

Clay County

Athelstane Township
Blaine Township
Bloom Township
Chapman Township
Clay Center Township
Goshen Township
Oak Hill
Oakland Township
Sherman Township
Union Township

Cloud County

Arion Township
Lawrence Township
Lyon Township
Meredith Township
Oakland Township
Sibley Township

Coffey County

Lebo
Lincoln Township
Pleasant Township
Waverly
Spring Creek Township
Star Township

Cowley County

Cedar Township
Fairview Township
Grant Township
Harvey Township
Richland Township
Tisdale Township
Cambridge
Windsor Township

Crawford County

Cherokee
Arma

Decatur County

Allison Township
Bassettville Township
Beaver Township
Center Township
Custer Township
Dresden
Dresden Township
Finley Township
Logan Township
Lyon Township
Roosevelt Township
Sappa Township
Sherman Township

Dickinson County

Cheever Township
Holland Township
Sherman Township
Union Township
Wheatland Township
Willowdale Township

Doniphan County

Troy
Independence Township
Denton
Union Township
Wayne Township
Leona
Serverance

Douglas County

Lecompton Township

Edwards County

Belpre
Belpre Township
Franklin Township
Lincoln Township
South Brown Township
Lewis
Wayne Township

Elk County

Liberty Township
Oak Valley Township
Painterhood Township

Ellis County

Buckeye Township
Catherine Township
Ellis Township
Wheatland Township

Ellsworth County

Ash Creek Township
Black Wolf Township
Clear Creek Township
Columbia Township
Garfield Township
Lincoln Township
Sherman Township

Finney County

Terry Township

Ford County

Royal Township
Sodville Township

Franklin County

Hayes Township
Richmond
Williamsburg
Williamburg Township

Geary County

Jackson Township
Smoky Hill Township

Gove County

Gaeland Township
Grinnell

Graham County

Bryant Township
Happy Township
Morlan Township
Nicodemus Township
Pioneer Township

Gray County

Ingalls
Ingalls Township

Greenwood County

Fall River Township
Hamilton
Janesville Township
Otter Creek Township
Pleasant Grove Township
Quincy Township
Fall River
Salt Springs Township
South Salem Township
Spring Creek Township

Hamilton County

Bear Creek Township
Coolidge
Coolidge Township
Kendall Township

Harper County

Township No. 2
Danville

Harvey County

Garden Township
Highland Township
Lake Township

Haskell County

Lockport Township

Hodgeman County

Benton Township
Sterling Township
Valley Township

Jackson County

Adrian Township
Mayetta
Hoyt
Denison
Circleville

Jewell County

Allen Township
Browns Creek Township
Calvin Township
Erving Township
Esbon Township
Highland Township
Ionia Township
Jackson Township
Montana Township
Vicksburg Township
White Mound Township

Johnson County

MacCamish Township

Kearny County

Deerfield
Kendall Township
Southside Township
West Hibbard Township

Kingman County

Allen Township
Norwich
Bennett Township
Dale Township
Dresden Township
Eagle Township
Galesburg Township
Cunningham
Kingman Township
Peters Township
Richland Township
Zenda
Rochester Township
Union Township
Valley Township

Labette County

Canada Township
Fairview Township
Labette
Liberty Township

Lane County

Alamota Township
Cleveland Township
White Rock Township

Lincoln County

Battle Creek Township
Cedron Township
Franklin Township
Grant Township
Hanover Township
Highland Township
Madison Township
Orange Township

Linn County

Paris Township
Prescott
Sheridan Township
Stanton Township
Valley Township

Logan County

Elkader Township
McAlliater Township
Russell Springs
Russell Springs Township

Lyon County

Bushong
Waterloo Township

McPherson County

Battle Hill Township
Harper Township
Hayes Township
New Gottland Township
Spring Valley Township

Marion County

Clark Township
Lincolnville
Clear Creek Township
Colfax Township
Durham
Durham Park Township
Grant Township
Liberty Township
Logan Township
Lost Springs

Marshall County

Bigelow Township
Clear Fork Township
Elm Creek Township
Herkimer Township
Logan Township
Axtell
Vermillion
Summerfield
Rock Township
St Bridget Township
Walnut Township
Wells Township

Meade County

Logan Township
Mertilla Township

Miami County

Richland Township
Stanton Township

Michell County

Center Township
Hunter

Custer Township
Tipton
Pittsburg Township
Salt Creek Township
Solmon Rapids Township
Turkey Creek Township

Montgomery County

Cherryvale Township
Tyro
Drum Creek Township
Elk City
Louisburg Township

Morris County

Dunlap
Township No. 8

Morton County

Richfield

Nemaha County

Adams Township
Center Township
Clear Creek Township
Goff
Harrison Township
Corning
Mitchell Township
Neuchatel Township
Red Vermillion Township
Beilly Township
Richmond Township
Wetmore
Wetmore Township

Neosho County

Ladore Township
Mission Township
Shiloh Township

Ness County

Eden Township
Highpoint Township

Norton County

Harrison-District 6 Town

Osage County

Arvonia Township
Barclay Township
Grant Township
Olivet
Olivet Township
Scranton
Scranton Township

Osborne County

Bloom Township
Corinth Township
Delhi Township
Hawkeye Township
Liberty Township
Round Mound Township
Winfield Township

Ottawa County

Blaine Township
Chapman Township
Concord Township
Fountain Township
Garfield Township
Grant Township
Sherman Township
Stanton Township

Pawnee County

Ash Valley Township
Conkling Township
Keysville Township
Lincoln Township
Morton Township
Orange Township
Pawnee Township
Sawmill Township

Phillips County

Arcade Township
Bow Creek Township
Crystal Township
Dayton Township
Deer Creek Township
Glenwood Township
Granite Township
Greenwood Township
Mound Township
Rushville Township
Glade
Solomon Township
Sumner Township
Towanda Township
Valley Township

Pottawatomie County

Center Township
Clear Creek Township
Havensville
Grant Township
Onaga
Mill Creek Township
Pottawatomie Township
St Clere Township
St George
Sherman Township

Rawlings County

Achilles Township
Jefferson Township

Reno County

Albion Township
Bell Township
Castleton Township
Partridge
Center Township
Enterprise Township
Grove Township
Hayes Township
Turon
Miami Township
Plevna
Roscoe Township
Troy Township
Abbyville

Republic County

Narka
Farmington Township
Grant Township
Liberty Township
White Rock Township

Rice County

Bell Township
Center Township
East Washington Township
Galt Township
Mitchell Township
Odessa Township
Sterling Township
Alden
Wilson Township

Riley County

Center Township
Fancy Creek Township
Randolph
Jackson Township
Madison Township
May Day Township
Swede Creek Township

Rooks County

Township No 4
Palco
Township No 8
Zurich

Rush County

Alexander
Alexander-Belle Prairie
Bison
Lone Star Township
Pleasantdale Township
Union Township

Russell County

Fairfield Township
Grant Township
Luray
Luray Township
Waldo
Winterset Township

Saline County

Assaria
Solomon Township
Washington Township

Scott County

Beaver Township
Michigan Township

Seward County

Seward Township

Sheridan County

Adell Township
Prairie Dog Township
Solomon Township
Union Township

Sherman County

Logan Township
Smoky Township
Kanorado

Smith County

Beaver Township
Cora Township
Dor Township
Garfield Township
Martin Township
Pawnee Township
Pleasant Township
Swan Township

Stafford County

Byron Township
Cleveland Township
Richland Township
Rose Valley Township
Union Township
West Cooper Township
York Township

Sumner County

Avon Township
Bluff Township
Chikaskia Township
Creek Township
Falls Township
Hunnewell
Valverde Township
Wellington Township

Thomas County

Barrett Township
Menlo
Menlo Township
North Randall Township
Rexford
Smith Township

Wabaunsee County

Mission Creek Township

Wallace County

Harrison Township
Weskan Township

Washington County

Charleston Township
Coleman Township
Franklin Township
Grant Township
Kimeo Township
Lincoln Township
Logan Township
Palmer
Sherman Township
Mahaska

Wilson County

Altoona
Cedar Township
Chetopa Township
Buffalo
Clifton Township
Duck Creek Township
Fredonia
Benedict
Guilford Township
Coyville
Webster Township

Woodson County

Eminence Township
Liberty Township
Owl Creek Township

State of Kentucky

Adair County

Columbia

Ballard County

Kevil

Barren County

Hiseville

Bath County

Owingsville
Sharpsburg

Boyd County

Catlettsburg

Boyle County

Junction City

Bracken County

Augusta
Brooksville

Breckinridge County

Hardinsburg

Calloway County

Hazel

Campbell County

Bellevue
California
Dayton

Carlisle County

Arlington

Carroll County

Sanders
Worthville

Clark County

Winchester

Edmonson County

Brownsville

Elliott County

Sandy Hook

Estill County

Irvine
Ravenna

Fleming County

Ewing
Flemingsburg

Floyd County

Martin

Gallatin County

Warsaw

Grant County

Corinth

Graves County

Mayfield

Green County

Greensburg

Hardin County

Upton

Harlan County

Evarts

Hart County

Bonnieville

Hickman County

Columbus

Hopkins County

Dawson Springs, Earlington

Jefferson County

Middletown City, Minor Land Heights

Jessamine County

Nicholasville

Kenton County

Latonia Lakes, Visalia
Ludlow

Larue County

Hodgenville

Lee County

Beattyville

Letcher County

Whitesburg

Lincoln County

Stanford

Livingston County

Salem

Logan County

Adairville

McLean County

Calhoun, Sacramento

Martin County

Inez, Warfield

Mason County

Sardis, Washington

Meade County

Ekron

Mercer County

Harrodsburg

Montgomery County

Camargo, Mount Sterling
Jeffersonville

Morgan County

West Liberty

Muhlenberg County

Bremen, Drakesboro
Central, Powderly

Nelson County

Bloomfield, New Haven
Fairfield

Nicholas County

Carlisle

Ohio County

Beaver Dam, Hartford
Fordsville, McHenry

Owen County

Owenton

Pike County

Elkhorn City

Powell County

Clay City

Pulaski County

Eubank, Science Hill

Robertson County

Mount Olivet

Rockcastle County

Brodhead, Livingston

Russell County

Russell Springs

Scott County

Stamping Ground

Simpson County

Franklin

Warren County

Bowling Green, Oakland

Washington County

Mackville, Willisburg
Springfield

Webster County

Clay, Wheatcroft

Woodford County

Midway

State of Louisiana

Acadia Parish

Crowley, Rayne

Allen Parish

Reeves

Ascension Parish

Sorrento

Avoyelles Parish

Bunkie, Evergreen
Cottonport, Mansura

Bienville Parish

Bryceland, Lucky
Castor, Saline

Caddo Parish

Gilliam, Oil City
Hosston

Caldwell Parish

Columbia

Catahoula Parish

Jonesville

Clariborne Parish

Lisbon

De Sota Parish

Longstreet, South Mansfield
Mansfield, Stanley

East Feliciana Parish

Clinton, Slaughter

Evangeline Parish

Basile

Franklin Parish

Winnsboro

Grant Parish

Dry Prong, Pollock

Iberia Parish

Jeanerette, New Iberia

Iberville Parish

Grosse Tete, White Castle
Maringouin

Jefferson Davis Parish

Fenton, Jennings

Lafayette Parish

Carencro, Youngsville
Duson

LaFourche Parish

Lockport, Thibodaux

La Salle Parish

Olla

Livingston Parish

Springfield

Natchitoches Parish

Clarence, Natchez
Goldonna, Rodeline

Orleans Parish

New Orleans

Pointe Coupee Parish

Livonia

Rapides Parish

Alexandria

St Helena Parish

Greensburg

St James Parish

Lutcher

St Landry Parish

Grand Coteau, Opelousas
Melville

St Mary Parish

Baldwin, Morgan City
Franklin, Patterson

St Tammany Parish

Covington

Tangipahoa Parish

Independence
Ponchatoula

Tensas Parish

Newellton

Terrobonne Parish

Houma

Union Parish

Marion

Vermilion Parish

Delcambre
Gueydan
Kaplan

Vernon Parish

Anacoco

Webster Parish

Heflin
Shongaloo

West Carroll Parish

Pioneer

West Feliciana Parish

St Francisville

State of Maine

Androscoggin County

Sabattus Town

Aroostook County

Bancroft Town
Blaine Town
Bridgewater Town
Caribou
Cary Plantation
Crystal Town
Cyr Plantation
Easton Town
Fort Fairfield Town
Frenchville Town
Garfield Plantation
Haynesville Town
Hersey Town
Linneus Town
Ludlow Town
Merrill Town
Monticello Town
Moro Plantation
Nashville Plantation
New Canada Town
New Limerick Town
Oakfield Town
Orient Town
Reed Plantation
St Agatha Town
St John Plantation
Smyrna Town
Washburn Town
Westfield Town
Westmanland Plantation
Winterville Plantation

Cumberland County

Brunswick Town
Freeport Town
Harrison Town
Pownal Town
Westbrook

Franklin County

Chesterville Town
Madrid Town
Phillips Town
Strong Town
Temple Town

Hancock County

Amherst Town
Aurora Town
Frenchboro Town
Mariaville Town
Osborn Plantation
Sedgwick Town
Surry Town
Tremont Town
Waltham Town

Kennebec County

Chelsea Town
Windsor Town

Knox County

Appleton Town
Camden Town
Cushing Town
Hope Town
Isle Au Haut Town
Owls Head Town
Rockland
Vinalhaven Town

Lincoln County

Alna Town
Bristol Town
Edgecomb Town
Jefferson Town
Monhegan Plantation
Somerville Town
Waldoboro Town

Oxford County

Byron Town
Greenwood Town
Hebron Town
Mexico Town
Newry Town
Upton Town

Penobscot County

Burlington Town
Chester Town
Corinna Town
Drew Plantation
Edinburg Town
Howland Town
Kenduskeag Town
Lagrange Town
Lakeville Plantation
Lee Town
Levant Town
Mount Chase Plantation
Orono Town
Patten Town
Penobscot Indian Island
Prentiss Plantation
Springfield Town
Stetson Town
Webster Plantation
Winn Town

Piscataquis County

Abbot Town
Blanchard Plantation
Lake View Plantation
Medford Town
Parkman Town
Wellington Town
Willmantic Town

Sagadahoc County

Arrowsic Town
Bowdoin Town
Phippsburg Town

Somerset County

Brighton Plantation
Cambridge Town
Caratunk, Plantation
Embden Town
Harmony Town
Highland Plantation
New Portland Town
Ripley Town
St Albans Town
Starks Town
West Forks Plantation

Waldo County

Frankfort Town
Jackson Town
Knox Town
Monroe Town
Northport Town
Palermo Town
Prospect Town
Troy Town

Washington County

Alexander Town
Beals Town
Beddington Town
Centerville Town
Charlotte Town
Crawford Town
Cutler Town
Deblois Town
Dennysville Town
Grand Lake Stream Planta
Harrington Town
Machiasport Town
Marshfield Town
Northfield Town
Pembroke Town
Plantation No 21
Wesley Town
Whitneyville Town

York County

Newfield Town
Parsonsfield Town

State of Maryland

Allegany County

Barton
Midland

Calvert County

North Beach

Caroline County

Denton
Greensboro
Marydel
Ridgely

Carroll County

Manchester
Mount Airy

Dorchester County

Cambridge
Church Creek
East New Market

Garrett County

Deer Park

Kent County

Chestertown

Montgomery County

Laytonsville

Prince George's County

Colmar Manor
District Heights
Morningside
Seat Pleasant

Queen Anne's County

Queen Anne

Somerset County

Crisfield

Talbot County

St Michaels
Trappe

Washington County

Hancock
Keedysville
Smithsburg

Wicomico County

Fruitland

Independent City

Baltimore

State of Massachusetts

Berkshire County

Lanesborough Town
Lenox Town
North Adams
Sandisfield Town
Savoy Town
Sheffield Town
Washington Town

Bristol County

Dighton Town
Fall River
New Bedford
Swansea Town

Essex County

Essex Town
West Newbury Town

Franklin County

Leverett Town
Shelburne Town
Sunderland Town
Warwick Town

Hampden County

Russell Town
Springfield

Hampshire County

Amherst Town
Hadley Town
Hatfield Town
Middlefield Town
Northampton

Middlesex County

Cambridge

Norfolk County

Holbrook Town

Plymouth County

Brockton
Marion Town

Suffolk County

Chelsea

Worcester County

Hardwick Town
Millbury Town
Paxton Town

State of Michigan

Alcona County

Caledonia Township
Curtis Township
Lincoln
Hawes Township
Haynes Township

Allegan County

Ganges Township
Heath Township
Manlius Township
Douglas
Trowbridge Township
Wayland Township

Alpena County

Long Rapids Township

Antrim County

Central Lake
Chestonia Township
Echo Township
Bellaire
Jordan Township
Torch Lake Township

Arenac County

Adams Township
Arenac Township
Au Gres Township
Sterling
Deep River Township
Lincoln Township
Twining

Baraga County

Spurr Township

Barry County

Barry Township
Freeport
Woodland

Bay County

Bay City
Gibson Township
Mount Forest Township

Benzie County

Blaine Township
Honor
Thompsonville
Joyfield Township

Berrien County

Bainbridge Township
Galien Township
Oronoko Township

Branch County

Gilead Township
Sherwood

Calhoun County

Springfield

Cass County

La Grange Township
Marcellus
Vandalia

Charlevoix County

Chandler Township
Hudson Township
Marion Township
Norwood Township
St James Township
Wilson Township

Cheboygan County

Forest Township
Grant Township
Hebron Township
Munro Township

Chippewa County

Drummond Township

Clare County

Redding Township

Clinton County

Fowler
Eagle
Lebanon Township
Riley Township
St Johns

Crawford County

Maple Forest Township

Delta County

Cornell Township
Ensign Township
Garden
Garden Township
Maple Ridge Township
Masonville Township
Nahma Township

Dickinson County

Breen Township

Eaton County

Benton Township
Chester Township
Sunfield
Sunfield Township

Genesee County

Atlas Township

Gladwin County

Bourrett Township
Gladwin
Gladwin Township
Grim Township

Gogebic County

Erwin Township

Grand Traverse County

Mayfield Township
Kingsley
Paradise Township
Whitewater Township

Gratiot County

Emerson Township
Perrinton
New Haven Township
North Shade Township
Pine River Township
St Louis

Hillsdale County

Adams Township
Camden
Montgomery
Camden Township
Jonesville
Fayette Township
Litchfield Township
Moscow Township
Pittsford Township
Woodbridge Township

Houghton County

Duncan Township
Houghton
Laird Township
Quincy Township

Huron County

Ubly
Bingham Township
Bloomfield Township
Owendale
Brookfield Township
Chandler Township
Dwight Township
Gore Township
Kinde
Meade Township
Paris Township
Port Hope
Rubicon Township
Sand Beach Township
Sebewaing
Sebewaing Township
Sheridan Township
Verona Township

Ingham County

Aurelius Township
Bunker Hill Township
Webberville
Leslie Township
Locke Township
Stockbridge
Stockbridge Township
White Oak Township

Ionia County

Danby Township
Keene Township
Pewamo
Lake Odessa
Odessa Township

Iosco County

Reno Township
Whittemore

Iron County

Gaastra
Mansfield Township

Isabella County

Denver Township
Gilmore Township
Wise Township

Jackson County

Hanover
Hanover Township
Henrietta Township
Leoni Township

Kalamazoo County

Galesburg
Kalamazoo
Vicksburg

Kalkaska County

Blue Lake Township
Kalkaska
Orange Township
Springfield Township

Kent County

Courtland Township
Gaines Township
Lowell Township
Nelson Township
Sparta

Keweenaw County

Ahmeek
Grant Township
Sherman Township

Lake County

Pinora Township
Yates Township

Lapeer County

Clifford
Marathon Township
Columbiaville
Rich Township

Leelanau County

Centerville Township

Lenawee County

Clayton
Madison Township
Cement City
Medina Township
Raisin Township
Britton

Livingston County

Handy Township

Luce County

Columbus Township
Pentland Township

Mackinac County

Bois Blanc Township
Hendricks Township
Hudson Township
Marquette Township

Macomb County

Ray Township

Manistee County

Copemish
Stronach Township

Marquette County

Ewing Township
Turin Township
Wells Township

Mason County

Eden Township
Sherman Township

Mecosta County

Big Rapids
Fork Township
Millbrook Township

Menominee County

Faithorn Township
Gourley Township
Meyer Township
Carney
Powers
Stephenson Township

Midland County

Geneva Township
Porter Township

Missaukee County

Aetna Township
Butterfield Township
Clam Union Township
Lake Township
Norwich Township
Riverside Township

Monroe County

Carleton
Dundee
Dundee Township
Maybee
La Salle Township

Montcalm County

Bloomer Township
Bushnell Township
McBride
Day Township
Evergreen Township
Edmore
Pierson
Richland Township
Winfield Township

Montmorency County

Rust Township

Muskegon County

Blue Lake Township
Dalton Township
Moorland Township
Casnovia
Muskegon Heights
Ravenna
Ravenna Township

Newaygo County

Beaver Township
Ensley Township
Goodwell Township
Troy Township

Oakland County

Leonard
Ortonville

Oceana County

Colfax Township
Crystal Township
Rothbury
New Era
Walkerville
Leavitt Township
Otto Township
Shelby
Shelby Township

Ogemaw County

Goodar Township
Klacking Township
Logan Township
Prescott
Rose Township
Rose City
West Branch

Ontonagon County

Matchwood Township

Osceola County

Burdell Township
Marion
Marion Township

Otsego County

Chester Township

Ottawa County

Allendale Township
Holland Township
Wright Township
Zeeland
Zeeland Township

Presque Isle County

Millersburg
Krakow Township
Metz Township
Moltke Township
Ocqueoc Township
Pulawski Township

Roscommon County

Gerrish Township
Nester Township
Richfield Township

Saginaw County

Chapin Township
Fremont Township
Lakefield Township
Marion Township
St Charles Township
Swan Creek Township

St Clair County

Berlin Township
Capac
Mussey Township
Port Huron
Port Huron Township
Wales Township

St Joseph County

Burr Oak Township
Colon
Florence Township
Centreville
Nottawa Township
White Pigeon

Sanilac County

Austin Township
Flynn Township
Fremont Township
Greenleaf Township
Lamotte Township
Maple Valley Township
Deckerville
Minden City
Minden Township
Melvin
Speaker Township
Applegate

Schoolcraft County

Doyle Township
Thompson Township

Shiawassee County

Fairfield Township
New Haven Township
Rush Township
Bancroft
Vernon

Tuscola County

Arbela Township
Unionville
Akron
Elkland Township
Ellington Township
Gagetown
Kingston Township
Kingston
Millington Township

Van Buren County

Almena Township
Breedsville
Decatur
Decatur Township
Gobles
Hamilton Township
Hartford Township
Porter Township

Washtenaw County

Bridgewater Township
Ypsilanti

Wayne County

Grosse Ile Township

Wexford County

Hanover Township
Slagle Township
Wexford Township

State of Minnesota

Aitkin County

Balsam Township
Glen Township
Haugen Township
Hill
Kimberly Township
Lee Township
Libby Township
McGregor
Malmo Township
Palisade
Rice River Township
Salo Township
Spalding Township
Tamarack
Turner Township
Verdon Township
White Pine Township
Williams Township
Workman Township

Anoka County

Bethel
Burns Township

Becker County

Atlanta Township
Callaway
Callaway Township
Carsonville Township
Evergreen Township
Green Valley Township
Ogema
Pine Point Township
Riceville Township
Richwood Township
Runeberg Township
Savannah Township
Shell Lake Township
Spring Creek Township
Spruce Grove Township
Walworth Township
White Earth Township
Wolf Lake
Wolf Lake Township

Beltrami County

Battle Township
Bemidji
Bemidji Township
Benville Township
Blackduck
Buzzle Township
Cormant Township
Eckles Township
Hornet Township
Jones Township
Kelliher
Kelliher Township
Lee Township
Maple Ridge Township
Moose Lake Township
Northern Township
O'Brien Township
Roosevelt Township
Spruce Grove Township
Steenerson Township
Tenstrike
Turtle River
Turtle River Township
Woodrow Township

Benton County

Alberta Township
Gilman
Gilmanton Township
Graham Township
Granite Ledge Township
Mayhew Lake Township
Maywood Township
St George Township

Big Stone County

Akron Township
Artichoke Township
Beardsley
Correll
Foster Township
Johnson
Moonshine Township
Odessa
Odessa Township
Otrey Township
Prior Township

Blue Earth County

Cambria Township
Ceresco Township
Danville Township
Decoria Township
Judson Township
Le Ray Township
McPherson Township
Mapleton Township
Pleasant Mound Township
Shelby Township
Vernon Center

Brown County

Bashaw Township
Burnstown Township
Cobden
Evan
Home Township
Leavenworth Township
Mulligan Township
Prairieville Township
Sigel Township
Stately Township

Carlton County

Atkinson Township
Automba Township
Beseman Township
Blackhoof Township
Carlton
Holyoke Township
Silver Township
Split Rock Township
Wright

Carver County

Cologne
Hancock Township

Cass County

Ansel Township
Becker Township
Bena
Blind Lake Township
Boy River
Boy River Township
Bull Moose Township
Bungo Township
Byron Township
Cass Lake
Fairview Township
Federal Dam
Gould Township
Hiram Township
Home Brook Township
Inguadona Township
Loon Lake Township
McKinley Township
Maple Township
May Township
Meadow Brook Township
Pine River
Pine River Township
Ponto Lake Township
Poplar Township
Remer
Rogers Township
Salem Township
Slater Township
Torrey Township
Trelipe Township
Turtle Lake Township
Wahnena Township
Wilkinson Township

Chippewa County

Big Bend Township
Havelock Township
Kragero Township
Lone Tree Township
Louriston Township
Mandt Township
Maynard
Rosewood Township
Stoneham Township
Tunsberg Township
Woods Township

Chisago County

Amador Township
Fish Lake Township
Shafer Township
Sunrise Township

Clay County

Elmwood Township
Georgetown Township
Goose Prairie Township
Hagen Township
Humboldt Township
Keene Township
Kragnes Township
Parke Township
Tansem Township
Ulen Township
Viding Township

Clearwater County

Bear Creek Township
Clearbrook
Clover Township
Dudley Township
Eddy Township
Holst Township
Itasca Township
La Prairie Township
Leon Township
Moose Creek Township
Popple Township
Rice Township
Shevlin Township

Cottonwood County

Ann Township
Carson Township
Dale Township
Germantown Township
Jeffers
Midway Township
Mountain Lake Township
Springfield Township
Storden
Storden Township

Crow Wing County

Deer Lake Township
Gail Lake Township
Garrison
Irondale Township
Long Lake Township
Manhattan Beach
Nokay Lake Township
Perry Lake Township
Platte Lake Township
Ross Lake Township
St Mathias Township
Timothy Township
Trommald

Dakota County

Castle Rock Township
Douglas Township
Hampton
Marshan Township
New Trier
Randolph Township

Dodge County

Canisteo Township
Ellington Township
Mantorville Township
Milton Township
Vernon Township

Douglas County

Brandon Township
Evansville Township
Hudson Township
Leaf Valley Township
Lund Township
Millerville
Miltona
Moe Township
Osakis
Solem Township

Faribault County

Barber Township
Clark Township
Delavan
Dunbar Township
Rome Township
Seely Township
Verona Township

Fillmore County

Arendahl Township
Bloomfield Township
Carimona Township
Carrolton Township
Forestville Township
Fountain Township
Jordan Township
Mabel
Norway Township
Preston Township
Rushford (Village)
Wykoff

Freeborn County

Conger
Freeborn Township
Hartland Township
Manchester Township
Mansfield Township
Moscow Township
Newry Township
Riceland Township
Shell Rock Township

Goodhue County

Bellchester
Belle Creek Township
Belvidere Township
Dennison
Goodhue
Hay Creek Township
Holden Township
Roscoe Township
Wanamingo Township

Grant County

Elbow Lake Township
Elk Lake Township
Erdahl Township
Land Township
Norcross
Pelican Lake Township
Wendell

Hennepin County

Corcoran
Dayton
Minnetrista

Houston County

Brownsville
Brownsville Township
Caledonia Township
Jefferson Township
Mayville Township
Mound Prairie Township
Sheldon Township
Spring Grove
Spring Grove Township
Wilmington Township
Yucatan Township

Hubbard County

Akeley
Badoura Township
Clover Township
Fern Township
Guthrie Township
Hart Lake Township
Hubbard Township
Lake George Township
Lake Hattie Township
La Porte
White Oak Township

Isanti County

Maple Ridge Township
Oxford Township

Itasca County

Alvwood Township
Bearville Township
Bovey
Carpenter Township
Deer River
Feeley Township
Good Hope Township
Grattan Township
Iron Range Township
Lawrence Township
Moose Park Township
Nore Township
Oteneagen Township
Stokes Township
Third River Township
Wabana Township

Jackson County

Alba Township
Alpha
Belmont Township
Delafield Township
Des Moines Township
Ewington Township
La Crosse Township
Round Lake Township
Sioux Valley Township
Weimer Township
Wisconsin Township

Kanabec County

Ann Lake Township
Grass Lake Township
Hay Brook Township
Kanabec Township
Kroschel Township
Quamba
South Fork Township
Whited Township

Kandiyohi County

Arctander Township
Colfax Township
East Lake Lillian Twp
Fahlun Township
Lake Elizabeth Township
Lake Lillian Township
Regal
Roseland Township
Roseville Township
St Johns Township
Sunburg
Whitefield Township

Kittson County

Arveson Township
Caribou Township
Donaldson
Granville Township
Hazelton Township
Hill Township
McKinley Township
Norway Township
Pelan Township
Percy Township
Poppleton Township
Richardville Township
St Joseph Township
Spring Brook Township
Tegner Township

Koochiching Township

Mizpah

Lac Qui Parle County

Arena Township
Augusta Township
Cerro Gordo Township
Garfield Township
Hantho Township
Louisburg
Manfred Township
Marietta
Maxwell Township
Nassau
Providence Township
Walter Township

Lake of the Woods County

Williams

Le Sueur County

Cleveland Township
Kasota
Kilkenny
Kilkenny Township
Ottawa Township
Sharon Township
Waterville Township

Lincoln County

Diamond Lake Township
Drammen Township
Hendricks Township
Limestone Township
Marble Township
Marshfield Township
Verdi Township

Lyon County

Coon Creek Township
Custer Township
Eidsvold Township
Florence
Grandview Township
Lucas Township
Monroe Township
Rock Lake Township
Sodus Township
Stanley Township
Westerheim Township

McLeod County

Bergen Township
Collins Township
Glencoe Township
Hutchinson Township
Rich Valley Township
Round Grove Township

Mahnomen County

Beaulieu Township
Chief Township
Clover Township
Heier Township
Lake Grove Township
Mahnomen
Marsh Creek Township
Rosedale Township
Twin Lakes Township
Waubun

Marshall County

Bloomer Township
Cedar Township
Como Township
Comstock Township
East Valley Township
Eckvoll Township
Espelie Township
Excel Township
Fork Township
Holt Township
Huntly Township
Linsell Township
Moylan Township
Nelson Park Township
New Maine Township
Parker Township
Spruce Valley Township
Veldt Township
Wanger Township
Whiteford Township
Wright Township

Martin County

Center Creek Township
East Chain Township
Elm Creek Township
Fairmont Township
Fraser Township
Galena Township
Lake Fremont Township
Nashville Township
Pleasant Prairie Township
Rolling Green Township
Silver Lake Township
Waverly Township
Westford Township

Meeker County

Acton Township
Cedar Mills
Cedar Mills Township
Danielson Township
Forest Prairie Township
Kingston Township
Manannah Township

Mille Lacs County

Bock
Dailey Township
Hayland Township
Lewis Township
Pease
Wahkon

Morrison County

Agram Township
Bellevue Township
Bowlus
Buh Township
Culdrum Township
Darling Township
Elmdale
Elmdale Township
Flensburg
Genola
Harding
Hillman
Hillman Township
Lastrup
Little Falls
Morrill Township
Mount Morris Township
Pierz Township
Pike Creek Township
Platte Township
Pulaski Township
Richardson Township
Sobieski
Swan River Township
Swanville Township
Two Rivers Township

Mower County

Austin Township
Brownsdale
Le Roy Township
Mapleview
Marshall Township
Nevada Township
Pleasant Valley Township
Taopi

Murray County

Belfast Township
Bondin Township
Des Moines River Twp
Ellsborough Township
Fenton Township
Holly Township
Lake Sarah Township
Leeds Township
Lowville Township
Mason Township
Murray Township
Skandia Township
Slayton Township

Nicollet County

Brighton Township
Courtland Township
Granby Township
Nicollet Township
Ridgely Township
Traverse Township
West Newton Township

Nobles County

Adrian
Bloom Township
Dundee
Elk Township
Grand Prairie Township
Hersey Township
Kinbrae
Larkin Township

Lismore
Lismore Township
Little Rock Township
Lorain Township
Ransom Township
Seward Township
Summit Lake Township
Westside Township
Worthington Township

Norman County

Anthony Township
Bear Park Township
Flom Township
Fossum Township
Green Meadow Township
Hegne Township
Home Lake Township
Lake Ida Township
McDonaldsville Township
Mary Township
Perley
Pleasant View Township
Rockwell Township
Shelly
Shelly Township
Strand Township
Sundal Township
Waukon Township

Olmsted County

Eyota Township
Pleasant Grove Township

Otter Tail County

Aastad Township
Bluffton
Bluffton Township
Candor Township
Carlisle Township
Clitherall
Corliss Township
Deer Creek Township
Dent
Dora Township
Eagle Lake Township
Eastern Township
Effington Township
Elizabeth
Elmo Township
Erhard
Folden Township
Henning
Henning Township
Inman Township
Leaf Lake Township
Lida Township
Maplewood Township
Nidaros Township
Norwegian Grove Township
Parkers Prairie Township
Richville
Rush Lake Township
St Olaf Township
Star Lake Township
Tordenskjold Township
Tumuli Township
Vergas
Vining
Western Township
Woodside Township

Pennington County

Clover Leaf Township
Goodridge
Goodridge Township
Mayfield Township
Numedal Township
Polk Centre Township

Pine County

Arlone Township
Birch Creek Township
Bremen Township
Brook Park Township
Bruno Township
Chengwatana Township
Clover Township
Dell Grove Township
Denham
Fleming Township
Henriette
Nickerson Township
Norman Township
Park Township
Pine City Township
Pine Lake Township
Rock Creek
Royalton Township
Sturgeon Lake Township
Willow River

Pipestone County

Aetna Township
Altona Township
Burke Township
Eden Township
Edgerton
Elmer Township
Grange Township
Gray Township
Hatfield
Jasper
Holland
Ihlen
Ruthton

Polk County

Belgium Township
Beltrami
Brandsvold Township
Brandt Township
Brislet Township
Bygland Township
Columbia Township
Fanny Township
Fisher Township
Garfield Township
Godfrey Township
Grand Forks Township
Grove Park Township
Gully
Hill River Township
Hubbard Township
Johnson Township
King Township
Lengby
Lessor Township
McIntosh
Mentor
Parnell Township
Queen Township
Reis Township
Rhinehart Township
Rosebud Township
Russia Township
Sandsville Township
Sletten Township
Sullivan Township
Tilden Township
Tynsid Township
Winger
Winger Township

Pope County

Barsness Township
Blue Mounds Township
Cyrus
Farwell
Gilchrist Township
Grove Lake Township
New Prairie Township
Nora Township
Reno Township
Rolling Forks Township
Sedan
Walden Township
Westport
Westport Township

Ramsey County

Falcon Heights

Red Lake County

Browns Creek Township
Equality Township
Garnes Township
Gervais Township
Lambert Township
River Township
Terrebonne Township
Wylie Township

Redwood County

Brookville Township
Delhi
Gales Township
Johnsonville Township
Kintire Township
Lamberton Township
North Hero Township
Paxton Township
Redwood Falls Township
Sheridan Township
Springdale Township
Sundown Township
Swedes Forest Township
Vesta Township

Renville County

Boon Lake Township
Cairo Township
Camp Township
Hector Township
Henryville Township
Kingman Township
Martinsburg Township
Melville Township
Norfolk Township
Palmyra Township
Wang Township
Wellington Township

Rice County

Dundas
Morristown Township
Warsaw Township
Wells Township
Wheatland Township
Wheeling Township

Rock County

Battle Plain Township
Kanaranzi Township
Kenneth
Luverne Township
Magnolia Township
Martin Township

Roseau County

Barnett Township
Cedarbend Township
Dewey Township
Falun Township
Hereim Township
Huss Township
Jadis Township
Laona Township
Lind Township
Mickinock Township
Nereson Township
Pohlitz Township
Polonia Township
Poplar Grove Township
Reine Township
Soler Township
Strathcona

St Louis County

Alborn Township
Angora Township
Arrowhead Township
Bassett Township
Beatty Township
Cook
Culver Township
Ellsburg Township
Field Township
Gnesen Township
Halden Township
Mckinley
Meadowlands Township
Morcom Township
Northland Township
Payne Township
Prairie Lake Township
Stoney Brook Township
Van Buren Township

Scott County

Belle Plaine
New Market Township

Sherburne County

Becker
Clear Lake
Santiago Township
Zimmerman

Sibley County

Alfsborg Township
Bismarck Township
Cornish Township
Green Isle
Green Isle Township
Henderson Township
Jessenland Township
Kelso Township
Severance Township
Sibley Township
Washington Lake Township

Stearns County

Ashley Township
Cold Spring
Crow River Township
Farming Township
Getty Township
Grove Township
Krain Township
Lake George Township
Lake Henry Township
Luxemburg Township
Maine Prairie Township
Meire Grove
New Munich
North Fork Township
Oak Township
Rockville Township
Roscoe
St Anthony
St Martin
St Rosa
Sauk Centre
Spring Hill
Zion Township

Steele County

Berlin Township
Blooming Prairie Township
Lemond Township

Stevens County

Donnelly Township
Eldorado Township
Everglade Township
Pepperton Township
Rendsville Township
Scott Township
Synnes Township

Swift County

Appleton Township
Benson Township
Camp Lake Township
Clontarf Township
Danvers
De Graff
Edison Township
Fairfield Township
Hayes Township
Holloway
Kerkhoven
Marysland Township
Murdock
Pillsbury Township
Swenoda Township
West Bank Township

Todd County

Bartlett Township
Bruce Township
Burnhamville Township
Fawn Lake Township
Germania Township
Hartford Township
Iona Township
Staples
Reynolds Township
Stowe Prairie Township
Villard Township
Ward Township
West Union

Traverse County

Arthur Township
Browns Valley
Leonardsville Township
Monson Township
Tara Township
Walls Township
Windsor Township

Wabash County

Chester Township
Elgin Township
Glasgow Township
Millville
Pepin Township
Plainville Township
West Albany Township
Zumbro Falls

Wadena County

Aldrich
Leaf River Township
Lyons Township
Meadow Township
Nimrod
Red eye Township

Waseca County

Alton Township
Byron Township
Freedom Township
St Mary Township
Vivian Township
Waldorf
Woodville Township

Washington County

Bayport
Lake Elmo

Watonwan County

Antrim Township
Butterfield
Butterfield Township
La Salle
Lewisville
Long Lake Township
Riverdale Township
Rosendale Township
South Branch Township

Wilkin County

Akron Township
Atherton Township
Bradford Township
Connelly Township
Deerhorn Township
Foxhome
Foxhome Township
Meadows Township
Mitchell Township
Nashua
Nordick Township
Sunnyside Township
Tanberg Township

Winona County

Altura
Norton Township
Pleasant Hill Township
St Charles Township
Saratoga Township
Whitewater Township
Wiscoy Township

Wright County

Middleville Township

Yellow Medicine County

Burton Township
Echo
Fortier Township
Hammer Township
Lisbon Township
Minnesota Falls Township
Omro Township
Oshkosh Township
Posen Township
St Leo
Stony Run Township
Swede Prairie Township
Wergeland Township

State of Mississippi

Adams County

Natchez

Alcorn County

Rienzi

Amite County

Gloster

Attala County

Ethel
McCool
Sallis

Benton County

Ashland

Bolivar County

Alligator
Beulah
Duncan
Merigold
Rosedale
Shaw
Shelby

Calhoun County

Big Creek
Bruce
Calhoun City
Derma
Pittsboro
Vardaman

Chickasaw County

Woodland

Choctaw County

Ackerman
French Camp

Clarke County

Enterprise
Pachuta
Quitman

Coahoma County

Clarksdale
Coahoma
Lyon

Copiah County

Beauregard

Covington County

Seminary

De Soto County

Horn Lake
Newport
Olive Branch

Greene County

State Line

Hinds County

Terry

Holmes County

Cruger
Goodman
West

Humphreys County

Isola
Silver City

Jasper County

Louin
Montrose

Jefferson County

Fayette

Jefferson Davis County

Bassfield

Kemper County

De Kalb

Lamar County

Sumrall

Lauderdale County

Marion
Meridian

Lawrence County

Silver Creek

Leake County

Lena

Leflore County

Greenwood
Itta Bena
Morgan City
Schlater

Lincoln County

Brookhaven

Lowndes County

Columbus
Crawford

Monroe County

Gattman
Hatley

Noxubee County

Macon

Oktibbeha County

Sturgis

Panola County

Batesville
Como
Courtland
Pope
Sardis

Perry County

Richton

Pike County

McComb
Summit

Pontotoc County

Thaxton

Prentiss County

Baldwyn

Quitman County

Falcon
Sledge

Rankin County

Florence
Flowood
Puckett

Simpson County

Braxton

Smith County

Mize
Sylarena

Sunflower County

Doddsville
Drew
Indianola
Moorhead
Sunflower

Tallahatchie County

Charleston
Glendora
Sumner
Webb

Tate County

Senatobia

Tippah County

Dumas

Tishomingo County

Tishomingo

Tunica County

Tunica

Union County

Blue Springs
New Albany

Washington County

Greenville

Webster County

Eupora
Mantee

Wilkinson County

Crosby

Yazoo County

Eden
Yazoo City

State of Missouri

Adair County

Millard

Andrew County

Cosby
Rea

Audrain County

Rush Hill

Barton County

Barton City Township
Doylesport Township
Golden City
Leroy Township
Milford
Milford Township
Burgess
Mindenmines
Union Township

Bates County

East Boone Township
Elkhart Township
Hume
Lone Oak Township
West Boone Township

Benton County

Ionia

Bollinger County

Zalma

Boone County

Hartsburg

Buchanan County

Agency

Caldwell County

Gomer Township
Mirabile Township

Callaway County

Auxvasse

Camden County

Macks Creek
Stoutland
Sunrise Beach

Cape Girardeau County

Delta
Pocahontas
Whitewater

Carroll County

Cherry Valley Township
Hill Township
Hale
Leslie Township
Prairie Township
Bosworth
Ridge Township
Rockford Township
Stokes Mound Township
Trotter Township
Wakenda Township

Carter County

Grandin

Cass County

Lake Annette
Strasburg

Chariton County

Bee Branch Township
Dalton
Chariton Township
Clark Township
Cockrell Township
Triplett
Triplett Township
Wayland Township

Clark County

Alexandria
Kahoka
Luray

Clay County

Birmingham
Glenaire
Holt
Mosby

Clinton County

Turney

Cole County

Centertown

Cooper County

Prairie Home

Dade County

Grant Township
Pilgrim Township
Smith Township
South Greenfield

Daviess County

Colfax Township
Altamont
Liberty Township
Coffey
Salem Township

De Kalb County

Osborn
Colfax Township

Dunklin County

Hornersville
Arbyrd
Holcomb
Kennett
Independence Township

Franklin County

Berger

Gentry County

Darlington
Howard Township
Wilson Township

Greene County

Brookline

Grundy County

Harrison Township
Jackson Township
Jefferson Township
Liberty Township
Lincoln Township
Brimson
Laredo

Harrison County

Butler Township
Clay Township
Blythedale
Colfax Township
Jefferson Township
Sherman Township
Washington Township
New Hampton
White Oak Township

Henry County

Bethlehem Township
La Due
Deer Creek Township
Urich
Honey Creek Township
Brownington
Springfield Township
Tebo Township
Walker Township

Hickory County

Cross Timbers
Hermitage

Holt County

Corning

Howard County

Franklin

Jackson County

Lone Jack
Sibley

Jasper County

Aville
Carytown
La Russell
Neck City
Oakland Park
Oronogo
Reeds

Jefferson County

Kimmswick

Knox County

Baring
Hurdland
Novelty

Lafayette County

Concordia
Corder
Waverly

Lawrence County

Freistatt
Halltown
Hoberg
Marionville

Lewis County

Lewistown

Lincoln County

Hawk Point

Linn County

Grantsville Township
Jackson Township
Linneus
Locust Creek Township
North Salem Township

Livingston County

Fairview Township
Jackson Township
Medicine Township
Ludlow
Monroe Township
Mooresville Township
Sampsel Township

McDonald County

Lanagan

Macon County

Elmer
Ethel

Madison County

Cobalt City
Fredericktown
Marquand

Mercer County

Lindley Township
Madison Township
Mercer
South Lineville
Marion Township
Medicine Township

Miller County

Bagnell
Lakeside
St Elizabeth

Mississippi County

Charleston

Moniteau County

Clarksburg
Lupus

Monroe County

Holliday
Stoutsville

Morgan County

Stover
Syracuse

New Madrid County

Catron

Newton County

Diamond
Newtonia
Ritchey
Shoal Creek Drive

Nodaway County

Green Township
Clyde
Lincoln Township
White Cloud Township

Osage County

Westphalia

Permiscot County

Hayward
Pascola

Perry County

Lithium

Pettis County

Houstonia

Platte County

Northmoor
Weatherby Lake

Polk County

Aldrich
Halfway

Pulaski County

Dixon

Putnam County

Grant Township
Livonia
Lincoln Township
Sherman Township
Powersville
York Township

Ralls County

Center

Randolph County

Clark
Higbee

Ray County

Lawson

Reynolds County

Ellington

Ripley County

Doniphan

St. Charles County

Augusta
New Melle

St. Clair County

Appleton City
Roscoe
Vista

Ste. Genevieve County

Bloomsdale
St. Mary's

St. Francois County

Elvins
Esther
Fairview Acres
Flat River
Leadwood

St. Louis County

Kinloch
Pagedale
Sycamore Hills
Valley Park

Saline County

Blackburn
Emma
Grand Pass
Miami
Mount Leonard

Schuyler County

Lancaster

Scotland County

Rutledge
South Gorin

Scott County

Diehlstadt
Kelso
Vanduser

Shelby County

Leonard

Stoddard County

Dudley
Bell City
Penermon

Stone County

Lakeview

Sullivan County

Duncan Township
Morris Township
Green City
Milan
Polk Township
Taylor Township

Texas County

Boone Township
Summersville
Jackson Township
Ozark Township
Sherrill Township

Vernon County

Harwood
Schell City
Bacon Township
Blue Mound Township
Dover Township
Milo
Stotesbury
Lake Township
Metz
Metz Township
Montevallo Township
Osage Township
Richards
Richland Township
Virgil Township
Walker
Washington Township

Washington County

Irondale
Potosi

Wayne County

Mill Spring

Worth County

Allendale

Wright County

Elk Creek Township
Gasconade Township
Union Township
Van Buren Township
Wood Township

State of Montana

Big Horn County

Hardin

Custer County

Ismay

Dawson County

Richey

Fallon County

Plevna

Fergus County

Winifred

Glacier County

Browning

Golden Valley County

Ryegate

Hill County

Hingham

Lake County

St Ignatius

Lincoln County

Rexford
Troy

Musselshell County

Melstone

Roosevelt County

Poplar

Sheridan County

Outlook

Butte-Silver Bow County

Walkerville

Yellowstone County

Broadview

State of Nebraska

Adams County

Holstein
Hanover Township
Ayr
Kenesaw
Little Blue Township
Logan Township
Silver Lake Township

Antelope County

Cedar Township
Eden Township
Elgin Township
Brunswick
Ellsworth Township
Elm Township
Frenchtown Township
Neligh Township
Oakdale
Royal
Royal Township
Sherman Township
Verdigris Township
Willow Township

Arthur County

Arthur

Boone County

Primrose

Boyd County

Lynch
Lynch Township
Morton Township

Buffalo County

Miller
Armanda Township
Beaver Township
Cherry Creek Township
Gardner Township
Garfield Township
Amherst
Grant Township
Harrison Township
Platte Township
Schneider Township
Scott Township
Sharon Township
Thornton Township

Burt County

Arizona Township
Logan Township
Riverside Township
Summit Township
Tekamah

Butler County

Octavia
Bone Creek Township
Center Township
Franklin Township
Olive Township
Surprise
Dwight
Bruno
Skull Creek Township
Summit Township
Union Township

Cass County

South Bend

Cedar County

Belden
Hartington
Obert
St Helena

Cherry County

Crookston
Merriman

Cheyenne County

Lodgepole

Clay County

Deweese
Inland Township
Lewis Township
Lone Tree Township
Spring Ranch Township

Colfax County

Richland

Cuming County

Bancroft
Bancroft Township
Bismarck Township
Blaine Township
Cleveland Township
Cuming Township
Garfield Township
Lincoln Township
Logan Township
Monterey Township

Custer County

Mason City
Algernon Township
Broken Bow Township
Corner Township
Callaway
East Custer Township
Elk Creek Township
Garfield Township
Grant Township
Loup Township
Milburn Township
Myrtle Township
Ryno Township
Triumph Township
Wayne Township
West Union Township

Dakota County

Hubbard
Jackson

Dawes County

Whitney

Dixon County

Dixon
Daily Township
Maskell
Hooker Township
Logan Township
Newcastle
Newcastle Township
Silver Creek Township
Wakefield Township

Dodge County

Uehling
Logan Township
Pleasant Valley Township
Union Township

Douglas County

Boys Town

Fillmore County

Strang
Belle Prairie Township
Bennett Township
Chelsea Township
Exeter
Exeter Township
Glengary Township
Grafton
Grafton Township
Madison Township
Momence Township
West Blue Township

Franklin County

Upland
Antelope Township
Grant Township
Lincoln Township
Macon Township
Riverton
Washington Township

Frontier County

Curtis

Furnas County

Hendley
Wilsonville

Gage County

Barneston Township
Elm Township
Barneston
Glenwood Township
Grant Township
Hanover Township
Pickrell
Holt Township
Island Grove Township
Liberty
Liberty Township
Logan Township
Paddock Township
Virginia
Sherman Township
Sicily Township

Greeley County

Greeley Center

Hall County

Cameron Township
Jackson Township
Lake Township
Mayfield Township
Prairie Creek Township

Harlan County

Albany Township
Alma Township
Eldorado Township
Fairfield Township
Ragan
Republican City Township
Scandinavia Township
Turkey Creek Township

Hitchcock County

Stratton

Holt County

Antelope Township
Cleveland Township
Coleman Township
Conley Township
Deloit Township
Dustin Township
Francis Township
Golden Township
Green Valley Township
Holt Creek Township
Iowa Township
McClure Township
Rock Falls Township
Scott Township
Shamrock Township
Sheridan Township
Steel Creek Township
Swan Township
Willowdale Township
Wyoming Township

Jefferson County

Reynolds

Johnson County

Sterling

Kearney County

Liberty Township
Norman
May Township
Wilcox
Oneida Township
Sherman Township

Knox County

Addison Township
Central Township
Columbia Township
Creighton Township
Dolphin Township
Harrison Township
Logan Township
Winnetoon
Santee
Santee Township
Spade Township
Sparta Township
Union Township
Valley Township
Verdigre
Verdigre Township
Walnut Grove Township
Western Township

Lancaster County

Davey

Madison County

Tilden

Merrick County

Central Township
Lone Tree Township
Palmer
Loup Township
Milland Township
Prairie Creek Township

Nance County

Beaver Township
Cedar Township
Cottonwood Township
East Newman Township
Genoa
Genoa Township
Loup Ferry Township

Nemaha County

Nemaha

Nuckolls County

Hardy

Otoe County

Burr
Douglas
Lorton

Pawnee County

Burchard

Phelps County

Anderson Township
Center Township
Cottonwood Township
Union Township
Williamsburg Township

Pierce County

McLean

Platte County

Tarnov
Burrows Township
Grand Prairie Township
Granville Township
Humphrey Township
Joliet Township
Monroe Township
Lindsay

Red Willow County

Indianola

Richardson County

Dawson

Saunders County

Bohemia Township
Weston
Chapman Township
Chester Township
Memphis
Prague
Douglas Township
Malmo
Mariposa Township
Morse Bluff Township
Valparaiso
Oak Creek Township
Rock Creek Township
Ithaca

Scotts Bluff County

Terrytown

Seward County

Garland
Staplehurst
Utica

Sherman County

Ashton
Elm Township
Hazard
Rockville
Rockville Township
Scott Township

Sioux County

Harrison

Stanton County

Pilger

Thayer County

Chester

Thomas County

Halsey

Thurston County

Anderson Township
Bryan Township
Rosalie
Merry Township
Winnebago
Winnebago Township

Valley County

Geranium Township

Washington County

Kennard
Herman

Wayne County

Sholes
Winside

Webster County

Cowles
Guide Rock

Wheeler County

Ericson

York County

Bradshaw
Lushton

State of Nevada

State of New Hampshire

Belknap County

Center Harbor Town

Carroll County

Brookfield Town
Eaton Town
Sandwich Town

Cheshire County

Gilsum Town
Nelson Town
Sullivan Town
Surry Town
Troy Town

Coos County

Columbia Town
Dalton Town
Pittsburg Town

Grafton County

Bath Town
Benton Town
Dorchester Town
Groton Town
Hanover Town
Lyman Town
Piermont Town

Hillsborough County

Francestown Town
Mont Vernon Town
Sharon Town
Wilton Town

Merrimack County

Allenstown Town
Chichester Town
Hill Town
Pittsfield Town
Sutton Town

Rockingham County

North Hampton Town
Sandown Town

Strafford County

Durham Town

Sullivan County

Claremont
Lempster Town
Newport Town
Springfield Town

State of New Jersey

Atlantic County

Buena
Egg Harbor City
Mullica Township

Bergen County

Wyckoff Township

Burlington County

Beverly
Fieldsboro
New Hanover Township
Springfield Township

Cumberland County

Bridgeton
Commercial Township
Greenwich Township
Maurice River Township
Upper Deerfield Township

Essex County

Belleville Township
Bloomfield Township
East Orange
Irvington Township
Newark
North Caldwell Township

Gloucester County

Clayton
National Park
South Harrison Township
Woolwich Township

Hudson County

Harrison
Hoboken
Kearny
Union City
Weehawken Township
West New York

Hunterdon County

Clinton Township

Middlesex County

New Brunswick
Perth Amboy
South Amboy

Monmouth County

Keyport
Millstone Township
Union Beach

Morris County

Dover
Montville Township
Rockaway
Victory Gardens

Ocean County

Eagleswood Township
Ocean Gate
South Toms River

Passaic County

Haledon
Passaic
Paterson

Somerset County

Bedminster Township

Sussex County

Andover
Hamburg
Ogdensburg

Union County

Elizabeth

Warren County

Hardwick Township
Washington

State of New Mexico

Bernalillo County

Tijeras

Chaves County

Lake Arthur

Curry County

Grady

Eddy County

Hope

Lea County

Jal
Tatum

Lincoln County

Capitan

McKinley County

Gallup

Roosevelt County

Dora
Floyd

Union County

Des Moines
Folsom
Grenville

State of New York

Albany County

Green Island
Green Island Town
Altamont

Allegany County

Alfred
Allen Town
Bolivar
Bolivar Town
Caneadea Town
Centerville Town
Grove Town
Richburg
Independence Town
Rushford Town
Ward Town

Broome County

Binghamton

Cattaraugus County

Cold Spring Township
Conswango Town
South Dayton
Dayton Town
East Otto Town
Farmersville Town
East Randolph
Portville Town
Randolph
Randolph Town

Cayuga County

Part Byron
Mentz Town
Throop Town
Victory Town

Chautauqua County

Arkwright Town
Clymer Town
Dunkirk Town
French Creek Town
Panama
Harmony Town
Fredonia
Pomfret Town
Brocton
Portland Town
Cassadaga

Chemung County

Catlin Town
Erin Town
Van Etten Town

Chenango County

Coventry Town
Lincklaen Town
McDonough Town
Pharsalia Town
Preston Town

Clinton County

Chazy Town
Plattsburgh
Saranac Town

Columbia County

Taghkanic Town

Cortland County

Cortland
McGraw
Homer
Lapeer Town
Solon Town

Delaware County

Andes Town
Margaretville

Dutchess County

Poughkeepsie

Erie County

East Aurora
Springville
Hamburg

Essex County

Minerva Town

Franklin County

Bangor Town
Bombay Town
Brandon Town
Burke
Burke Town
Constable Town
Malone
Malone Town

Fulton County

Broadalbin Town
Ephratah Town
Oppenheim Town

Genesee County

Byron Town

Greene County

Athens
Halcott Town

Herkimer County

Ilion
German Flatts Town
Herkimer
Ohio Town
Webb Town

Jefferson County

Adams
Dexter
Ellisburg
Philadelphia Town
Watertown
Deferiet
Herrings
Worth Town

Kings County

New York

Lewis County

Groghan Town
Greig Town
Pinckney Town
Turin

Livingston County

Geneseo
Geneseo Town
Leicester Town
Dansville

Madison County

Georgetown Town
Lincoln Town

Monroe County

Brockport
Churchville

Montgomery County

Ames
Charleston Town
Glen Town
Nelliston
Palatime Town

Nassau County

Freeport
Great Neck Estates
Russell Gardens
Muttontown

Niagara County

Cambria Town
Wheatfield Town

Oneida County

Oriskany Falls
Bridgewater
Bridgewater Town
Camden Town
Marshall Town
Clayville
Waterville
Oriskany
Whitesboro

Onondaga County

Camillus
Fabius Town
Skaneateles

Orange County

Cornwall on Hudson
Crawford Town
Middletown
Kiryas Joel
Monroe Town

Orleans County

Clarendon Town

Oswego County

Boylston Town
Cleveland
Hannibal
Redfield Town
Phoenix

Otsego County

Exeter Town
Oneonta

Rensselaer County

Rensselaer

Rockland County

Haverstraw
Haverstraw Town
Grand View-on-Hudson
Hillburn

St Lawrence County

Richville
De Kalb Town
De Peyster Town
Edwards
Gouverneur
Gouverneur Town
Hopkinton Town
Lisbon Town
Macomb Town
Madrid Town
Massena Town
Ogdensburg
Heuvelton
Rossie Town

Schoharie County

Blenheim Town

Schuyler County

Burdett
Montour Falls
Montour Town

Seneca County

Junius Town
Tyre Town

Steuben County

Bath
Bath Town
Cameron Town
Caton Town
Riverside
Rathbone Town
Thurston Town
Troupsburg Town
West Union Town
Woodhull

Suffolk County

Patchogue
Shoreham

Sullivan County

Cochecton Town
Wurtsboro

Tompkins County

Caroline Town
Ithaca

Washington County

Cambridge Town
Dresden Town
Hebron Town
Putnam Town
Salem Town

Wayne County

Huron Town
Rose Town
Savannah Town
Sodus

Westchester County

Buchanan
Elmsford
Larchmont
Mount Vernon
New Rochelle
Port Chester
Rye Town

Wyoming County

Eagle Town
Pike

Yates County

Italy Town
Penn Yan
Milo Town

State of North Carolina

Alamance County

Alamance

Alexander County

Taylorsville

Anson County

Lilesville
McFarlan
Peachland
Wadesboro

Avery County

Elk Park
Newland

Beaufort County

Aurora
Pantego

Bertie County

Askewville
Powellsville
Windsor

Bladen County

Clarkton
Dublin

Brunswick County

Navassa

Burke County

Glen Alpine

Catawba County

Newton

Cherokee County

Andrews
Murphy

Chowan County

Edenton

Cleveland County

Fallston
Grover
Shelby

Columbus County

Brunswick
Fair Bluff

Craven County

Dover
Havelock
New Bern

Cumberland County

Godwin
Linden
Wade

Duplin County

Teachey
Warsaw

Edgecombe County

Pinetops

Franklin County

Bunn

Gaston County

McAdenville
Mount Holly

Graham County

Robbinsville

Granville County

Creedmoor
Oxford

Greene County

Walstonburg

Halifax County

Enfield
Roanoke Rapids

Harnett County

Angier
Coats
Dunn

Hertford County

Cofield
Como
Murfreesboro

Iredell County

Statesville

Johnston County

Benson
Four Oaks
Pine Level
Princeton
Selma
Smithfield

Jones County

Pollocksville

Lenoir County

Pink Hill

Madison County

Hot Springs

Martin County

Hamilton
Hassell
Oak City
Robersonville

Montgomery County

Biscoe
Mount Gilead

Moore County

Cameron
Robbins
Vass

Nash County

Castalia
Middlesex
Spring Hope

Northampton County

Conway
Garysburg
Jackson
Seaboard
Severn
Woodland

Orange County

Hillsborough

Pamlico County

Alliance
Bayboro
Mesic
Stonewall
Vandemere

Pasquotank County

Elizabeth City

Pitt County

Ayden
Falkland

Randolph County

Archdale
Staley

Richmond County

Ellerbe
Norman

Robeson County

Fairmont
Orrum
Proctorville
Raynham
Rennert
Rowland

Rockingham County

Reidsville

Rowan County

Landis
Rockwell

Rutherford County

Bostic
Spindale

Sampson County

Autryville
Roseboro
Turkey

Scotland County

East Laurinburg
Gibson

Stokes County

Walnut Cove

Surry County

Mount Airy

Union County

Marshville
Monroe

Vance County

Kittrell
Middleburg

Wake County

Holly Springs
Zebulon

Warren County

Norlina
Warrenton

Washington County

Roper

Wayne County

Eureka
Mount Olive

Wilkes County

Ronda

Wilson County

Saratoga
Wilson

Yadkin County

East Bend

State of North Dakota

Adams County

Clermont Township
Gilstrap Township
Holden Township
North Lemmon Township
Orange Township
Scott Township
Taylor Butte Township
Whetstone Township
Wolf Butte Township

Barnes County

Ashtabula Township
Dazey Township
Getchell Township
Grand Prairie Township
Greenland Township
Hemen Township
Lake Town Township
Meadow Lake Township
Nelson Township
Nome
Oakhill Township
Oriska Township
Pierce Township
Potter Township
Rogers Township
Rosebud Township
Sanborn
Sibley Trail Township
Skandia Township
Spring Creek Township
Stewart Township
Valley Township
Weimer Township

Benson County

Albert Township
Arne Township
Aurora Township
Beaver Township
Brinsmade
Butte Valley Township
East Fork Township
Impark Township
Knox Township
Lake Ibsen Township
Lallie Township
Normania Township
Oberon Township
Rich Valley Township
Rock Township
South Viking Township
Twin Tree Township
Warwick Township
West Antelope Township
West Bay Township
York

Bottineau County

Amity Township
Antler Township
Bentinck Township
Blaine Township
Cecil Township
Cordelia Township
Dalen Township
Elms Township
Elysian Township
Gardena
Haram Township
Hastings Township
Kane Township
Kramer
Landa
Lewis Township
Newborg Township
Oak Creek Township
Oak Valley Township
Pickering Township
Renville Township
Sergius Township
Sherman Township
Tacoma Township
Wayne Township
Wellington Township
Whitby Township

Bowman County

Amor Township
Boyesen Township
Buena Vista Township
Gem Township
Goldfield Township
Haley Township
Hart Township
Minnehala Township
Rhame Township
Scranton Township
Star Township
Talbot Township

Burke Township

Bowbells Township
Cleary Township
Dale Township
Flaxton
Garness Township
Harmonous Township
Kandiyohi Township
Lakeview Township
Larson
Lignite
North Star Township
Portal Township
Powers Lake
Richland Township
Roseland Township
Soo Township
Vale Township
Ward Township

Burleigh County

Canfield Township
Clear Lake Township
Cromwell Township
Estherville Township
Florence Lake Twp
Frances Township
Ghylin Township
Gibbs Township
Grass Lake Township
Harriett Township
Hazel Grove Township
Lein Township
Logan Township
Long Lake Township
McKenzie Township
Menoken Township
Missouri Township
Morton Township
Painted Woods Township
Rock Hill Township
Sibley Butte Township
Steiber Township
Taft Township
Telfer Township
Wild Rose Township

Cass County

Addison Township
Alice
Arthur Township
Ayr Township
Buffalo
Buffalo Township
Clifton Township
Dows Township
Durbin Township
Eldred Township
Gardner
Highland Township
Hill Township
Lake Township
Leonard
Leonard Township
Maple River Township
Noble Township
Pontiac Township
Rich Township
Rush River Township
Watson Township

Cavalier County

Alma Township
Alsen
Billings Township
Calio
Cypress Township
Dresden Township
Easby Township
East Alma Township
Fremont Township
Glenila Township
Gordon Township
Grey Township
Hannah
Hay Township
Hope Township
Langdon Township
Loam Township
Milton
Minto Township
Moscow Township
Sarles
Mount Carmel Township
Nekoma Township
North Loma Township
North Olga Township
Osford Township
Perry Township
Seivert Township
South Dresden Township
Waterloo Township

Dickey County

Ada Township
Albertha Township
Clement Township
Divide Township
Ellendale Township
Elm Township
Fullerton
German Township
Hamburg Township
Hudson Township
Kentner Township
Keystone Township
Lovell Township
Monango
Port Emma Township
Porter Township
Riverdale Township
Valley Township
Wright Township
Young Township

Divide County

Ambrose Township
Blooming Valley Township
Coalfield Township
Fillmore Township
Gooseneck Township
Hayland Township
Palmer Township
Smoky Butte Township
Stoneview Township
Troy Township
Westby Township

Eddy County

Cherry Lake Township
Columbia Township
Eddy Township
Gates Township
Hillsdale Township
Lake Washington Township
Munster Township
New Rockford Township
Rosefield Township
Sheldon Township
Tiffany Township

Emmons County

Braddock
Buchanan Valley Township
Campbell Township
Danbury Township
Hague
Harding Township
Hazelton Township
Lincoln Township
Prairie View Township

Foster County

Birtsell Township
Bordulac Township
Bucephalia Township
Eastman Township
Florance Township
Glenfield Township
Haven Township
Grace City
McHenry Township
McKinnon Township
Nordmore Township
Rolling Prairie Township
Rose Hill Township
Wyard Township

Golden Valley County

Delhi Township
Golva
Lone Tree Township
Saddle Butte Township

Grand Forks County

Agnes Township
Chester Township
Elm Grove Township
Falconer Township
Gilby Township
Grace Township
Hegton Township
Inkster
Levant Township
Lind Township
Moraine Township
Niagara Township
Oakville Township
Strabane Township
Turtle River Township
Walle Township
Washington Township
Wheatfield Township

Grant County

Elm Township
Fisher Township
Lark Township
Leipzig Township
Minnie Township
Otter Creek Township
Pretty Rock Township
Raleigh Township
Rock Township
Schultz Township
Winona Township

Griggs County

Ball Hill Township
Bartley Township
Bryan Township
Hannaford
Helena Township
Kingsley Township
Lenora Township
Mabel Township
Romness Township
Sverdrup Township
Tyrol Township
Washburn Township

Hettinger County

Acme Township
Alden Township
Berry Township
Black Butte Township
Campbell Township
Cannon Ball Township
Chilton Township
Farina Township
Highland Township
Madison Township
Merrill Township
Mott Township
Odessa Township
Rifle Township
St Croix Township
Steiner Township
Wagendorf Township

Kidder County

Allen Township
Atwood Township
Baker Township
Buckeye Township
Bunker Township
Clear Lake Township
Crystal Springs Township
Dawson
Excelsior Township
Frettim Township
Graf Township
Haynes Township
Kickapoo Township
Lake Williams Township
Manning Township
Merkel Township
Peace Township
Petersville Township
Pettibone Township
Pleasant Hill Township
Sibley Township
Tappen
Tappen Township
Tuttle Township
Valley Township
Vernon Township
Weiser Township
Westford Township
Williams Township
Woodlawn Township

La Moure County

Berlin
Black Loam Township
Dickey City
Glen Township
Glenmore Township
Grand Rapids Township
Greenville Township
Henrietta Township
Mikkelson Township
Nora Township

Norden Township
Pearl Lake Township
Pomona View Township
Roscoe Township
Russell Township
Ryan Township
Saratoga Township
Wano Township

Logon County

Bryant Township
Dixon Township
Fredonia
Gutschmidt Township
Haag Township
Red Lake Township
Sealy Township

McHenry County

Anamoose Township
Balfour Township
Bantry
Berwick Township
Bjornson Township
Brown Township
Cottonwood Lake Township
Deep River Township
Deering Township
Denbigh Township
Egg Creek Township
Falsen Township
Karlsruhe
Karlsruhe Township
Kief
Kottke Valley Township
Lake George Township
Lake Hester Township
Land Township
Layton Township
Mouse River Township
Newport Township
Normal Township
North Prairie Township
Odin Township
Olivia Township
Pratt Township
Rose Hill Township
Schiller Township
Spring Grove Township
Strege Township
Villard Township
Voltaire
Wagar Township

McIntosh County

Zeeland

McKenzie County

Alex Township
Alexander
Arnegard
Bear Den Township
Charbon Township
Elk Township
Elm Tree Township
Grail Township
Northfork Township
Randolph Township
Sioux Township
Twin Valley Township
Wilbur Township

McLean County

Amundsville Township
Andrews Township
Blackwater Township
Blue Hill Township
Butte Township
Byersville Township
Deepwater Township
Dogden Township
Douglas Township
Gate Township
Horseshoe Valley Township
Lake Williams Township
Loquemont Township
McGinnis Township
Malcolm Township
Max
Medicine Hill Township
Roseglen Township
Rosemont Township
St. Mary Township
Snake Creek Township
Turtle Lake
Victoria Township
Wise Township

Morton County

Almont
Engelter Township

Mountrail County

Alger Township
Austin Township
Burke Township
Clearwater Township
Cottonwood Township
Crane Creek Township
Crowfoot Township
Debing Township
Fertile Township
Howie Township
Kickapoo Township
Lowland Township
McAlmond Township
Model Township
Mountrail Township
Osloe Township
Palermo
Palermo Township
Powers Lake Township
Ross Township
Sidonia Township
Sikes Township
Sorkness Township
Spring Coulee Township
Van Hook Township

Nelson County

Adler Township
Bergen Township
Field Township
Forde Township
Lakota
Lakota Township
McVille
Melvin Township
Nesheim Township
Ora Township
Petersburg Township
Rugh Township
Sarnia Township

Pembina County

Advance Township
Beaulieu Township
Crystal
Crystal Township
Elora Township
Hamilton Township
Joliette Township
Midland Township
Neche Township
Park Township
Pembina Township
Thingvalla Township

Pierce County

Alexander Township
Antelope Lake Township
Balta
Barton
Elling Township
Hagel Township
Jefferson Township
Meyer Township
Reno Valley Township
Truman Township
White Township

Ramsey County

Bartlett Township
De Groat Township
Dry Lake Township
Fancher Township
Freshwater Township
Harding Township
Klingstrup Township
Lawton Township
Lillehoff Township
Minnewaukan Township
Noonan Township
Northfield Township
Odessa Township
Overland Township
Royal Township
South Minnewaukan Township
Starkweather
Triumph Township

Ransom County

Aliceton Township
Alleghany Township
Big Bend Township
Casey Township
Coburn Township
Elliott
Fort Ransom
Fort Ransom Township
Greene Township
Hanson Township
Isley Township
Liberty Township
Moore Township
Owego Township
Preston Township
Rosemeade Township
Sandoun Township
Scoville Township
Shenford Township
Springer Township
Sydna Township

Renville County

Brandon Township
Eden Valley Township
Fairbanks Township
Grassland Township
Grover Township
Hamlet Township
Hurley Township
Ivanhoe Township
Lockwood Township
McKinney Township
Muskego Township
Prosperity Township
Rockford Township
Stafford Township
Tolley

Richland County

Abercrombie Township
Belford Township
Brightwood Township
Center Township
Danton Township
Devillo Township
Dexter Township
Duerr Township
Elma Township
Freeman Township
Garborg Township
Grant Township
Great Bend
Greendale Township
Homestead Township
Ibsen Township
Mantador
Moran Township
Sheyenne Township
Viking Township

Rolette County

Maryville Township
Mylo
Shell Valley Township
South Valley Township

Sargent County

Cogswell
Dunbar Township
Hall Township
Harlem Township
Herman Township
Rutland Township
Sargent Township
Shuman Township
Southwest Township
Tewaukon Township

Sheridan County

Berlin Township
Boone Township
Denhoff Township
Fairview Township
Goodrich Township
Highland Township
Holmes Township
Lincoln Dale Township
Martin
Martin Township
Mauch Township
New Germantown Township
Pickard Township
Streeseburg Township

Sioux County

Selfridge
Solen

Slope County

Connor Township
Sand Creek Township

Stark County

Richardson City
South Heart City

Steele County

Beaver Creek Township
Colgate Township
Edendale Township
Franklin Township
Greenview Township
Hugo Township
Melrose Township
Primrose Township
Sharon Township

Stutsman County

Alexander Township
Ashland Township
Corinne Township
Cusator Township
Eldridge Township
Gerber Township
Glacier Township
Griffin Township
Hidden Township
Jim River Valley Township
Kensal
Kensal Township
Lenton Township
Lowery Township
Lyon Township
Marston Moor Township
Medina
Montpelier Township
Paris Township
Peterson Township
Pingree
Pingree Township
Pipestem Valley Township
Rose Township
Severn Township
Sharlow Township
Stirton Township
Strong Township
Valley Spring Township
Walters Township
Weld Township
Ypsilanti Township

Towner County

Armourdale Township
Atkins Township
Coolin Township
Dash Township
Grainfield Township
Hansboro
Lansing Township
Mount View Township
Paulson Township
Rocklake Township
Sidney Township
Smith Township
Springfield Township
Teddy Township
Twin Hill Township
Victor Township

Traill County

Belmont Township
Clifford
Garfield Township
Herberg Township
Norman Township
Portland
Stavanger Township
Viking Township

Walsh County

Acton Township
Adams Township
Ardoch Township
Cleveland Township
Dewey Township
Dundee Township
Eden Township
Edinburg
Fairdale
Farmington Township
Fertile Township
Fordville
Forest River Township
Glenwood Township
Golden Township
Grafton Township
Kensington Township
Lampton Township
Latona Township
Martin Township
Norton Township
Perth Township
Prairie Center Township
Pulaski Township
Rushford Township
St. Andrews Township
Sauter Township
Shepherd Township
Silvesta Township
Tiber Township
Walshville Township

Ward County

Brillian Township
Carbondale Township
Carpio Township
Denmark Township
Elmdale Township
Freedom Township
Greely Township
Greenbush Township
Lund Township
Mandan Township
Maryland Township
Mayland Township
Ree Township
Rolling Green Township
Rushville Township
Sauk Prairie Township
Sawyer Township
Shealey Township
Torning Township
Vang Township
Waterford Township
Willis Township

Wells County

Berlin Township
Bilodeau Township
Bowdon
Bull Moose Township
Cathay
Chaseley Township
Crystal Lake Township
Delger Township
Fairville Township
Hamberg
Hawksnest Township
Heimdal Township
Hillsdale Township
Lynn Township
Manfred Township
Norway Lake Township
Pony Gulch Township
St. Anna Township
Sykeston Township
Valhalla Township
Western Township
West Norway Township
W. Ontario Township
Woodward Township

Williams County

Alamo
Big Meadow Township
Big Stone Township
Blue Ridge Township
Bonetraill Township
Climax Township
Dry Fork Township
East Fork Township
Equality Township
Farmvale Township
Hardscrabble Township
Hebron Township
Lindahl Township
Mont Township
Round Prairie Township
Scorio Township
Springbrook Township
Strandahl Township
Truax Township
View Township
West Bank Township
Wheelock

State of Ohio

Adams County

Franklin Township
Green Township
Jefferson Township
Peebles
Meigs Township
West Union
Oliver Township
Tiffin Township

Allen County

Sugar Creek Township

Ashland County

Clear Creek Township
Jackson Township
Sullivan Township
Troy Township

Ashtabula County

Pierpont Township
Richmond Township
Windsor Township

Athens County

Athens
Canaan Township
Carthage Township
Dover Township
Jacksonville
Trimble
Trimble Township
Buchtel

Auglaize County

Salem Township

Belmont County

Colerain Township
Flushing
Holloway
Flushing Township
Bridgeport
Washington Township
Wayne Township
Wheeling Township

Brown County

Hamersville
Russellville
Jefferson Township
Fayetteville
Perry Township
Georgetown
Pleasant Township
Scott Township
Ripley
Washington Township

Butler County

Hamilton
Liberty Township
Somerville
New Miami
Jacksonburg

Carroll County

Dellroy
Washington County

Champaign County

Harrison Township

Clark County

Lawrenceville

Clermont County

Batavia
Chilo
Felicity
Franklin Township

Clinton County

Adams Township
New Vienna
Green Township
Midland
Jefferson Township
Port William
Sabina
Richland Township
Washington Township

Columbiana County

Summitville
Franklin Township
Washingtonville
East Palestine

Coshocton County

Clark Township
Linton Township
Newcastle Township
Perry Township
Tiverton Township
Tuscarawas Township
Washington Township

Crawford County

Tiro
Auburn Township
Chatfield
Chatfield Township
Dallas Township
Tod Township
Vernon Township

Cuyahoga County

Cleveland Heights
East Cleveland

Darke County

Gettysburg
Castine
Butler Township
Union City
Jackson Township
Palestine
Arcanum
York Township

Defiance County

Mark Township

Delaware County

Harlem Township
Ostrander
Sunbury

Erie County

Margaretta Township

Fairfield County

Amanda
Amanda Township
Stoutsville
Richland Township
Pleasantville
Millersport

Fayette County

Green Township
Milledgeville
Jasper Township
Jeffersonville
Madison Township
Paint Township
Bloomingburg
Washington

Franklin County

Lockbourne
Harrisburg

Fulton County

Chesterfield Township
Wauseon
Franklin Township
York Township

Gallia County

Harrison Township
Ohio Township

Geauga County

Troy Township

Greene County

Cedarville
Cedarville Township
Bowersville
Yellow Springs
Miami Township
Ross Township
Spring Valley

Guernsey County

Jefferson Township
Kimbolton
Liberty Township
Fairview
Londonderry Township
Quaker City
Salesville
Millwood Township
Monroe Township
Lore City
Oxford Township
Senecaville
Richland Township
Cumberland
Spencer Township
Valley Township
Washington Township
Wheeling Township

Hamilton County

Elmwood Place
Lincoln Heights
Cleves
Miami Township
St Bernard
Woodlawn

Hancock County

Vanlue
Blanchard Township
Cass Township
Arlington
Portage Township
Jenera
Van Buren Township

Hardin County

Goshen Township
Mount Victory
Lynn Township
McDonald Township
Taylor Creek Township
Washington Township

Harrison County

New Athens
Deersville
German Township
Hopedale
Green Township
Nottingham Township
Washington Township

Henry County

Flatrock Township

Highland County

Concord Township
Jackson Township
Greenfield
Madison Township
Marshall Township
Salem Township
Mowrystown

Hocking County

Laurelville
Perry Township

Holmes County

Berlin Township
Millersburg
Killbuck
Monroe Township
Paint Township
Prairie Township
Walnut Creek Township

Huron County

Clarksfield Township
Ripley Township
Sherman Township
Wakeman
Wakeman Township

Jackson County

Coalton
Coal Township
Hamilton Township
Jackson Township
Oak Hill
Madison Township
Milton Township
Washington Township

Jefferson County

Irondale
Saline Township
Amsterdam
Bloomingdale

Knox County

Butler Township
Harrison Township
Hilliar Township
Miller Township

Lawrence County

Decatur Township
Elizabeth Township
Hanging Rock
Lawrence Township
Mason Township

Licking County

Bowling Green Township
Kirkersville
Harrison Township
Hartford
Hartford Township
Hopewell Township
Alexandria

Logan County

West Liberty
Huntsville
Quincy
Miami Township
Perry Township
Pleasant Township
Union Township

Lorain County

Kipton
LaGrange Township
South Amherst
Sheffield

Lucas County

Harbor View
Spencer Township

Madison County

Canaan Township
Darby Township
Pike Township
Pleasant Township
South Solon
Stokes Township
Union Township

Mahoning County

Craig Beach

Marion County

Grand Township
Pleasant Township
Morral
Salt Rock Township

Medina County

Homer Township
Spencer

Meigs County

Bedford Township
Chester Township
Columbia Township
Letart Township
Olive Township
Orange Township
Rutland
Rutland Township
Pomeroy
Racine
Syracuse

Mercer County

Burkettsville
Montezuma
Hopewell Township

Miami County

Elizabeth Township
Pleasant Hill
Newton Township
Potsdam

Monroe County

Benton Township
Bethel Township
Stafford
Franklin Township
Miltonsburg
Perry Township
Seneca Township
Beallsville
Washington Township
Wayne Township

Morgan County

Penn Township
Union Township
York Township

Morrow County

Franklin Township
Peru Township

Muskingum County

Adams Township
Blue Rock Township
Cass Township
Gratiot
Madison Township
Meigs Township
Rich Hill Township
South Zanesville
Norwich

Noble County

Sarahsville
Center Township
Elk Township
Dexter City
Jefferson Township
Summerfield
Marion Township
Belle Valley
Stock Township

Paulding County

Blue Creek Township
Melrose
Broughton

Perry County

Clayton Township
Junction City
Jackson Township
Madison Township
Roseville
Rendville
New Lexington
Pike Township
Hemlock
Shawnee

Pickaway County

Circleville
Williamsport
Deer Creek Township
Madison Township
Perry Township
Tarlton
Wayne Township

Pike County

Beaver
Perry Township

Preble County

Dixon Township
Verona
West Elkton
Jefferson Township
Camden

Putnam County

Cloverdale
Dupont
Union Township
Belmore

Richland County

Blooming Grove Township
Butler Township
Lucas

Ross County

South Salem
Deerfield Township
Green Township
Harrison Township
Liberty Township
Bainbridge
Paxton Township

Sandusky County

Fremont
Riley Township

Scioto County

Bloom Township
Brush Creek Township
Madison Township
Morgan Township
Nile Township
Portsmouth
Rarden
Rarden Township
Rush Township
Valley Township
Washington Township

Seneca County

Bloomville
Hopewell Township

Shelby County

Russia
Turtle Creek Township
Kettlersville
Lockington

Stark County

Navarre
Wilmot

Summit County

Clinton

Trumbull County

West Farmington
Johnston Township
Orangeville

Tuscarawas County

Bucks Township
Clay Township
Barnhill
Gnadenhutten
Midvale
Salem Township
Union Township
Warren Township
Washington Township
Wayne Township

Union County

Richwood
Magnetic Springs
Millcreek Township
Union Township

Van Wert County

Scott
Elgin

Vinton County

Brown Township
Hamden
Harrison Township
Jackson Township
Knox Township
Swan Township

Warren County

Pleasant Plain
Harlan Township
Harveysburg
Massie Township
Morrow
Salem Township

Washington County

Macksburg
Barlow Township
Decatur Township
Matamora
Grandview Township
Independence Township
Ludlow Township
Palmer Township
Warren Township
Waterford Township
Wesley Township

Wayne County

Marshallville
Sugar Creek Township

Williams County

Blakeslee
Northwest Township

Wood County

Jerry City
Custar
Bradner
Portage Township

Wyandot County

Jackson Township
Kirby
Marseilles
Marseilles Township
Harpster
Pitt Township
Ridge Township
Sycamore
Sycamore Township

State of Oklahoma

Adair County

Stilwell

Alfalfa County

Aline
Burlington
Goltry
Jet

Atoka County

Wardville

Beaver County

Knowles

Bryan County

Bennington
Hendrix
Kemp

Coddo County

Bridgeport
Eakly

Carter County

Dickson
Ratliff City
Wilson

Cherokee County

Hulbert

Choctaw County

Soper

Coal County

Centrahoma
Phillips

Craig County

Big Cabin

Creek County

Kiefer
Oilton

Custer County

Aarpaho

Delaware County

Kansas
Oaks
West Siloam Springs

Ellis County

Gage

Garfield County

Carrier

Garvin County

Erin Springs
Stratford

Grady County

Norge

Grant County

Manchester
Pond Creek

Greer County

Granite

Harmon County

Gould

Harper County

May

Haskell County

Whitefield

Hughes County

Lamar

Jackson County

Elmer Olustee

Jefferson County

Cornish

Johnston County

Mannsville Ravia

Kingfisher County

Dover Okarche

Kiowa County

Cooperton Mountain Park
Gotebo

Le Flore County

Arkoma Howe
Bokoshe Shady Point
Cowlington

Lincoln County

Agra Tryon
Fallis Warwick

Logan County

Coyle Mulhall
Crescent Orlando
Meridian

Love County

Leon

McClain County

Rosedale Washington

McCurtain County

Broken Bow Harris
Garvin Valliant

McIntosh County

Hanna Stidham

Major County

Cleo

Marshall County

Kingston Woodville

Mayes County

Adair

Muskogee County

Council Hill Taft
Fort Gibson Wainwright
Porum Webbers Falls

Noble County

Marland

Nowata County

Delaware New Alluwe
Lenapah Wann

Oklahoma County

Harrah Smith Village

Okmulgee County

Bryant Grayson
Dewar

Ottawa County

Peoria

Pawnee County

Blackburn Terlton
Skedee

Payne County

Glencoe

Pittsburg County

Ashland

Pontotoc County

Francis Roff

Pottawatomie County

Brooksville St Louis
Earlsboro Tribbey
Johnson

Pushmataha County

Albion Rattan
Clayton

Rogers County

Foyil

Seminole County

Sasakwa

Sequoyah County

Gans Gore

Stephens County

Loco

Tillman County

Hollister Manitou

Tulsa County

Glenpool

Wagoner County

Tullahassee

Washington County

Ramona

Washita County

Foss

Woods County

Dacoma

Woodward County

Quinlan

State of Oregon

Baker County

Haines

Clackamas County

Molalla

Columbia County

Prescott Vernonia

Douglas County

Yoncalla

Gilliam County

Lonerock

Grant County

Monument

Jefferson County

Culver Metolius

Klamath County

Merrill

Linn County

Sodaville

Marion County

Gervais Scotts Mills
Jefferson Woodburn

Polk County

Falls City

Umatilla County

Echo

Wallowa County

Joseph

Washington County

Gaston North Plains

Wheeler County

Fossil

Yamhill County

Amity Dayton

State of Pennsylvania

Adams County

Bendersville Hamiltonban Township
Bonneauville Littlestown
Conewago Township Menallen Township
Hamilton Township Oxford Township

Allegheny County

Dravosburg Sharpsburg
Edgeworth South Versailles
Glenfield Township
Rankin Whitaker

Armstrong County

Apollo Manor Township
Atwood North Apollo
Bradys Bend Township Perry Township
Burrell Township Rayburn Township
Dayton Redbank Township
Ford City Valley Township

Beaver County

Eastvale Hanover Township
Fallston Patterson Heights
Frankfort Springs

Bedford County

Bloomfield Township Londonderry Township
Coaldale Manns Choice
Colerain Township Pleasantville
Hopewell Woodbury Township
Hopewell Township

Berks County

District Township Pike Township
Hamburg Upper Tulpehocken
Lyons Township

Blair County

Huston Township Tyrone
Newry Williamsburg

Bradford County

Armenia Township
Athens Township
Le Raysville
Monroe
Monroe Township
New Albany
Overton Township
Pike Township
Sayre
South Creek Township
Springfield Township
Standing Stone Township
Sylvania
Terry Township
Troy Township
West Burlington Township

Bucks County

Hulmeville
Langhorne
Tinicum Township

Butler County

Cherry Township
Cherry Valley
Donegal Township
Eau Claire
Jackson Township
Muddy Creek Township
Oakland Township
Venango Township

Cambria County

Ashville
Chest Township
Croyle Township
Elder Township
Gallitzin Township
Summerhill Township
Susquehanna Township
Wilmore

Carbon County

Lower Towamensing Township
Summit Hill
Towamensing Township

Centre County

Curtin Township
Penn Township
State College
Unionville

Chester County

Modena
New Garden Township
Upper Oxford Township
Upper Uwchlan Township
West Nottingham Township
West Sadsbury Township
West Vincent Township

Clarion County

Ashland Township
Foxburg
Hawthorne
Knox
Licking Township
Perry Township
Piney Township
Shippenville
Toby Township

Clearfield County

Bell Township
Bigler Township
Bloom Township
Chest Township
Girard Township
Irvona
Jordan Township
Karthaus Township
Lumber City
Mahaffey
Newburg
Ramey
Wallaceton

Clinton County

Beech Creek Township
Colebrook Township
Gallagher Township
Greene Township
Leidy Township
West Keating Township

Columbia County

Beaver Township
Benton Township
Bloomsburg
Catawissa Township
Locust Township
Madison Township
Mount Pleasant Township

Crawford County

Athens Township
Centerville
Conneaut Township
Greenwood Township
North Shenango TWP
Pine Township
Rome Township
Sparta Township
Titusville Township

Cumberland County

Lower Frankford Township
West Fairview

Dauphin County

East Hanover Township
Wiconisco Township

Delaware County

Lower Chichester Township
Tinicum Township
Trainer
Upland

Elk County

Highland Township
Johnsonburg

Erie County

Concord Township
Le Boeuf Township
North East
Platea

Fayette County

Brownsville Township
Connellsville
Connellsville Township
Dunbar
Everson
Fairchance
Masontown
Menallen Township
Perry Township
Redstone Township
Saltlick Township
Smithfield
Springfield Township
Springhill Township
Stewart Township

Forest County

Hickory Township
Kingsley Township
Tionesta

Franklin County

Fannett Township

Fulton County

Ayr Township
Belfast Township
Taylor Township

Greene County

Gray Township
Jefferson
Monongahela Township
Morris Township
Perry Township
Springhill Township
Washington Township
Wayne Township
Whiteley Township

Huntingdon County

Brady Township
Broad Top City
Carbon Township
Cassville
Clay Township
Coalmont
Cromwell Township
Dudley
Franklin Township
Marklesburg
Mill Creek
Morris Township
Saltillo
Shade Gap
Shirley Township
Shirleyburg
Tell Township
Three Springs
Tod Township

Indiana County

Black Lick Township
Conemaugh Township
East Wheatfield Township
Ernest
Grant Township
Green Township
Indiana
Marion Center
Pine Township
Plumville
Washington Township

Jefferson County

Clover Township
Porter Township
Timblin
Washington Township

Juniata County

Beale Township
Susquehanna Township
Turbett Township

Lackawanna County

Archbald
Elmhurst Township
Jefferson Township
La Plume Township

Lancaster County

Brecknock Township
Colerain Township
East Cocalico Township
Eden Township
Leacock Township
Lititz
Sadsbury Township
Salisbury Township
Strasburg Township
Terre Hill
Warwick Township
West Earl Township

Lawrence County

Enon Valley
Hickory Township
New Beaver
New Wilmington
Plain Grove Township
Volant
Wilmington Township

Lebanon County

Millcreek Township
North Londonderry TWP

Luzerne County

Butler Township
Courtdale
Dorrance Township
Nescopeck Township
Pittston
Rice Township

Lycoming County

Anthony Township
Bastress Township
Brown Township
Casade Township
Limestone Township
McHenry Township
McNett Township
Muncy Township
Plunketts Creek Township
Porter Township

McKean County

Liberty Township

Mercer County

Deer Creek Township
Delaware Township
Mill Creek Township
Salem Township
Sheakleyville
Wolf Creek Township

Mifflin County

Bratton Township
Kistler
Lewistown
Menno Township
Oliver Township
Wayne Township

Montgomery County

Green Lane
Telford
Upper Salford Township

Montour County

Anthony Township
Liberty Township
Limestone Township

Northampton County

East Bangor

Northumberland County

Delaware Township
Jordan Township
Lewis Township
Lower Mahanoy Township
Mount Carmel Township
Snydertown
West Cameron Township

Perry County

Blain
Centre Township
Landisburg
Liverpool Township
Miller Township
Northeast Madison TWP
Southwest Madison Township
Toboyne Township

Pike County

Milford

Potter County

Bingham Township
Hector Township
Keating Township
Oswayo
Roulette Township
Sharon Township
Shinglehouse
Summit Township
Sylvania Township
Wharton Township

Schuylkill County

Butler Township
Eldred Township
Foster Township
Gilberton
Gordon
Hegins Township
Hubley Township
Middleport
New Ringgold
Port Clinton
Reilly Township
South Manheim Township
Tremont
Tremont Township
Union Township
Upper Mahantonga Township

Snyder County

Adams Township
Center Township
McClure
Spring Township
Washington Township

Somerset County

Addison
Addison Township
Allegheny Township
Benson
Boswell
Casselman
Larimer Township
Lincoln Township
Middlecreek Township
Northampton Township
Shanksville
Somerset Township
Stonycreek Township
Ursina
Wellersburg

Sullivan County

Forks Township
Forksville

Susquehanna County

Apolacon Township
Brooklyn Township
Ararat Township
Forest Lake Township
Jessup Township
Lathrop Township

Tioga County

Bloss Township
Duncan Township
Elk Township
Gaines Township
Hamilton Township
Rutland Township
Union Township

Union County

Lewis Township
Limestone Township
White Deer Township

Venango County

Allegheny Township
Barkeyville
Emlenton
Pinegrove Township

Warren County

Bear Lake
Clarendon
Columbus Township
Sugar Grove Township
Youngsville

Washington County

Blaine Township
Cokeburg
Cross Creek Township
Deemston
Donora
Elco
Ellsworth
Finleyville
North Bethlehem Township
Smith Township
Washington
West Bethlehem Township
West Pike Run Township

Wayne County

Dyberry Township
Hawley
Lebanon Township
Manchester Township
Oregon Township
Scott Township

Westmoreland County

Allegheny Township
Arona
Bell Township
Donegal
Latrobe
Upper Burrell Township
Washington Township

Wyoming County

Clinton Township
Mehoopany Township
Meshoppen
Nicholson

York County

Fawn Township
Hallam
Lower Chanceford Township
Seven Valleys
Warrington Township
West Manheim Township
Wrightsville
York Haven

State of Rhode Island

Providence County

Foster Town

State of South Carolina

Abbeville County

Abbeville
Lowndesville

Aiken County

Burnettown

Anderson County

Anderson
Belton
Honea Path
Starr

Bamberg County

Ehrhardt
Govan
Olar

Barnwell County

Elko
Hilda
Kline
Snelling

Berkeley County

Jamestown
Moncks Corner

Calhoun County

Cameron
St Matthews

Charleston County

Charleston
Hollywood
Ravenel

Chester County

Fort Lawn
Richburg

Chesterfield County

Cheraw
Patrick

Clarendon County

Manning
Turbeville

Colleton County

Lodge
Williams

Darlington County

Darlington
Hartsville
Society Hill

Dillon County

Dillon

Dorchester County

Harleyville
St George

Fairfield County

Winnsboro

Florence County

Florence
Lake City
Scranton

Georgetown County

Andrews
Georgetown

Greenville County

Greer

Greenwood County

Greenwood
Hodges
Troy

Hampton County

Brunson
Gifford
Varnville

Jasper County

Ridgeland

Kershaw County

Camden

Laurens County

Waterloo

Lexington County

Gilbert
Leesville
Swansea

Marion County

Marion
Mullins
Sellers

Marlboro County

Blenheim
Clio
Tatum

Newberry County

Chappells
Silverstreet

Oconee County

West Union

Orangeburg County

Eutawville
Rowesville
Vance

Pickens County

Easley
Norris

Saluda County

Monetta

Spartanburg County

Pacolet
Spartanburg

Sumter County

Mayesville
Pinewood
Sumter

Union County

Carlisle

Williamsburg County

Lane

York County

Clover
Fort Mill
McConnells

State of South Dakota

Aurora County

Aurora Township
Belford Township
Bristol Township
Center Township
Cooper Township
Crystal Lake Township
Eureka Township
Firesteel Township
Gales Township
Lake Township
Plankinton Township
Pleasant Lake Township
Truro Township
Washington Township
White Lake Township

Beadle County

Allen Township
Altoona Township
Banner Township
Bonilla Township
Broadland
Burr Oak Township
Carlyle Township
Cavour Township
Clifton Township
Dearborn Township
Fairfield Township
Grant Township
Hartland Township
Iowa Township
Lake Byron Township
Nance Township
Pearl Creek Township
Richland Township
Theresa Township
Valley Township
Vernon Township
Virgil
Wessington Township
Wessington
Whiteside Township
Wolsey Township

Brookings County

Alton Township
Elkton Township
Eureka Township
Lake Hendricks Township
Laketon Township
Oak Lake Township
Oakwood Township
Preston Township
Sterling Township
Volga Township
Winsor Township

Brown County

Bath Township
Brainard Township
Cambria Township
Carlisle Township
Columbia Township
East Hanson Township
East Rondell Township
Franklyn Township
Frederick Township
Garden Prairie Township
Garland Township
Greenfield Township
Groton Township
Hecla Township
Henry Township
Highland Township
Lansing Township
Liberty Township
Lincoln Township
North Detroit Township
Oneota Township
Ordway Township
Osceola Township
Palmyra Township
Portage Township
Richland Township
Savo Township
Shelby Township
West Hanson Township
Westport
Westport Township
West Rondell Township

Brule County

America Township
Chamberlain Township
Cleveland Township
Eagle Township
Highland Township
Kimball
Kimball Township
Lyon Township
Ola Township
Plainfield Township
Pleasant Grove Township
Plummer Township
Red Lake Township
Richland Township
Smith Township
Torrey Lake Township
Union Township
Waldo Township
West Point Township
Wilbur Township
Willow Lake Township

Buffalo County

Elvira Township

Butte County

Nisland
Union Township

Campbell County

Artas
Herreid
Mound City
Pollock

Charles Mix County

Carroll Township
Choteau Creek Township
Darlington Township
Forbes Township
Goose Lake Township
Hamilton Township
Highland Township
Howard Township
Jackson Township
Kennedy Township
La Roche Township
Moore Township
Plain Center Township
Ree Township
Rhoda Township

Clark County

Ash Township
Bradley
Clark
Cottonwood Township
Darlington Township
Elrod Township
Fordham Township
Garden City
Garfield Township
Hague Township
Lake Township
Lincoln Township
Merton Township
Mount Pleasant Township
Naples
Pleasant Township
Raymond Township
Richland Township
Rosedale Township
Spring Valley Township
Thorp Township
Warren Township
Washington Township

Clay County

Glenwood Township
Spirit Mound Township
Star Township
Vermillion Township

Codington County

Dexter Township
Eden Township
Fuller Township
Graceland Township
Kampeska Township
Kranzburg Township
Leola Township
Phipps Township
South Shore
Wallace

Corson County

Custer Township
McLaughlin Township
Mahto Township
Mission Township
Morristown
Rolling Green Township
Sherman Township
Wakpala Township

Custer County

Hermosa
Pringle

Davison County

Badger Township
Baker Township
Beulah Township
Blendon Township
Lisbon Township
Mitchell Township
Tobin Township
Union Township

Day County

Butler
Butler Township
Grenville
Grenville Township
Highland Township
Homer Township
Independence Township
Kidder Township
Liberty Township
Lynn Township
Morton Township
Nutley Township
Oak Gulch Township
Racine Township
Raritan Township
Scotland Township
Valley Township
Webster Township
Wheatland Township
York Township

Deuel County

Altamont
Altamont Township
Blom Township
Brandt
Gary
Glenwood Township
Goodwin
Goodwin Township
Herrick Township
Hidewood Township
Lowe Township
Norden Township
Portland Township
Rome Township
Toronto

Douglas County

East Choteau Township
Garfield Township
Grandview Township
Holland Township
Indpendence Township
Iowa Township
Lincoln Township
Valley Township
Washington Township

Edmunds County

Belle Township
Bowdle Township
Bryant Township
Clear Lake Township
Cleveland Township
Cloyd Valley Township
Cortlandt Township
Cottonwood Lake Township
Glen Township
Glover Township
Hillside Township
Hosmer Township
Hudson Township
Huntley Township
Ipswich Township
Kent Township
Liberty Township
Madison Township
Modena Township
Montpelier Township
Odessa Township
Pembrook Township
Rosette Township
Union Township
Vermont Township

Fall River County

Antelope Township
Harmony Township

Faulk County

Arcade Township
Centerville Township
Clark Township
Devoe Township
Ellisville Township
Enterprise Township
Fairview Township
Lafoon Township
Myron Township
Orient
Orient Township
Pioneer Township
Seneca
Union Township
Wesley Township

Grant County

Adams Township
Blooming Valley Township
Grant Center Township
Kilborn Township
Lura Township
Madison Township
Marvin
Mazeppa Township
Osceola Township
Stockholm Township
Troy Township
Twin Brooks Township

Gregory County

Bonesteel
Burke Township
Carlock Township
Dallas
Dickens Township
Dixon Township
Edens Township
Ellston Township
Fairfax
Herrick
Jones Township
Landing Creek Township
Lone Star Township
St Charles Township
Schriever Township
Spring Valley Township
Star Valley Township
Whetstone Township

Hamlin County

Castlewood Township
Cleveland Township
Estelline Township
Florence Township
Garfield Township
Hayti Township
Norden Township

Hand County

Alden Township
Alpha Township
Bates Township
Burdette Township
Campbell Township
Carlton Township
Cedar Township
Como Township
Florence Township
Gilbert Township
Glendale Township
Grand Township
Greenleaf Township
Hiland Township
Holden Township
Howell Township
Hulbert Township
Linn Township
Logan Township
Ohio Township
Ontario Township
Park Township
Pearl Township
Plato Township
Pleasant Valley Township
Riverside Township
Rockdale Township
Rose Hill Township
St Lawrence Township
Spring Hill Township
Wheaton Township
York Township

Hanson County

Beulah Township
Fairview Township
Hanson Township
Plano Township
Pleasant Township
Rosedale Township
Taylor Township
Worthen Township

Harding County

Camp Crook

Hughes County

Logan Township
Raber Township

Hutchinson County

Clayton Township
Fair Township
Foster Township
Grandview Township
Kaylor Township
Pleasant Township
Sharon Township
Starr Township
Susquehanna Township
Tripp
Wolf Creek Township

Jackson County

Interior

Jerauld County

Alpena Township
Anina Township
Blaine Township
Cherry Township
Crow Township
Crow Lake Township
Dale Township
Franklin Township
Harmony Township
Lane
Logan Township
Viola Township

Jones County

Draper
Dunkel Township
Kolls Township
Morgan Township
Williams Creek Township

Kingsbury County

Manchester Township
Mathews Township
Spirit Lake Township
Whitewood Township

Lake County

Badus Township
Concord Township
Farmington Township
Franklin Township
Nunda
Nunda Township
Ramona
Summit Township
Wentworth Township
Winfred

Lawrence County

St Onge Township

Lincoln County

Eden Township
Fairview Township
Grant Township
Highland Township
La Valley Township
Lincoln Township
Norway Township

Lyman County

Bailey Township
Butte Township
Earling Township
Iona Township
Lund Township
Morningside Township
Oacoma Township
Presho Township
Reliance
Reliance Township
Rose Township

McCook County

Benton Township
Bridgewater Township
Canistota Township
Emery Township
Grant Township
Ramsey Township
Richland Township
Salem Township
Spring Valley Township

McPherson County

Hoffman Township
Weber Township

Marshall County

Buffalo Township
Dumarce Township
Eden
Fort Township
Hamilton Township
Lake City
McKinley Township
Newark Township
Nordland Township
Pleasant Valley Township
Sisseton Township
Stena Township
Veblen Township
Waverly Township
White Township
Wismer Township

Meade County

Lakeside Township
Union Township
Upper Red Owl Township

Mellette County

Bad Nation Township
Blackpipe Township
Corn Creek Township
Fairview Township
Mosher Township
Riverside Township
Rosebud Township
Running Bird Township
Surprise Valley Township
White River

Miner County

Beaver Township
Belleview Township
Canova Township
Carthage Township
Green Valley Township
Howard Township
Rock Creek Township
Roswell Township

Minnehaha County

Burk Township
Edison Township
Garretson
Logan Township
Palisade Township
Red Rock Township
Sherman
Split Rock Township
Sverdrup Township
Valley Springs Township
Wall Lake Township
Wellington Township

Moody County

Colman Township
Grovena Township
Ward Township

Pennington County

Ash Township
Cedar Butte Township
Huron Township
Lake Flat Township
Owanka Township
Peno Township
Rainy Creek Township
Scenic Township
Wasta
Wasta Township

Perkins County

Antelope Township
Bison
Bison Township
Burdick Township
Cash Township
Castle Butte Township
Chance Township
Clark Township
DeWitt Township
Flat Creek Township
Grand River Township
Horse Creek Township
Independence Township
Liberty Township
Lodgepole Township
Lone Tree Township
Meadow Township
Rainbow Township
Scotch Cap Township
Strool Township
Viking Township
Whitney Township
Wilson Township

Roberts County

Agency Township
Alto Township
Bossko Township
Bryant Township
Dry Wood Lake Township
Enterprise Township
Lawrence Township
Lee Township
Lien Township
Minnesota Township
Norway Township
One Road Township
Ortley
Ortley Township
Sisseton
Springdale Township
Summit Township
Wilmot

Sanborn County

Afton Township
Artesian Township
Benedict Township
Butler Township
Floyd Township
Letcher Township
Oneida Township
Silver Creek Township
Twin Lake Township
Union Township
Warren Township

Spink County

Antelope Township
Belle Plaine Township
Belmont Township
Benton Township
Beotia Township
Buffalo Township
Capitola Township
Clifton Township
Conde Township
Exline Township
Garfield Township
Great Bend Township
Harmony Township
La Prairie Township
Lincoln Township
Lodi Township
Mellette Township
Prairie Center Township
Richfield Township
Sumner Township
Tetonka Township
Three Rivers Township
Tulare Township
Turton Township
Union Township

Tripp County

Black Township
Carter Township
Condon Township
Curlew Township
Dog Ear Township
Elliston Township
Huggins Township
Irwin Township
King Township
Lake Township
Lone Tree Township
McNeely Township
New Witten
Plainview Township
Rames Township
Rosedale Township
Roseland Township
Star Prairie Township
Stewart Township
Valley Township
Weaver Township
Willow Creek Township
Wilson Township
Witten Township

Turner County

Dolton Township
Germantown Township
Home Township
Marion Township
Middleton Township
Monroe Township
Salem Township
Spring Valley Township
Turner Township
Viborg

Union County

Alcester
Big Springs Township
Virginia Township

Walworth County

Glenham

Yankton County

Gayville Township
Jamesville Township
Mayfield Township
Mission Hill
Utica

Ziebach County

Dupree

State of Tennessee

Anderson County

Lake City

Campbell County

Caryville
Jellico

Cannon County

Woodbury

Carroll County

Atwood
Huntingdon

Cheatham County

Pegram

Chester County

Enville

Claiborne County

Tazewell

Crockett County

Alamo
Gadsden

Cumberland County

Crab Orchard

Davidson County

Nashville-Davidson

Fayette County

La Grange
Oakland
Somerville
Williston

Fentress County

Allardt

Franklin County

Huntland
Winchester

Gibson County

Gibson
Milan
Yorkville

Giles County

Elkton
Minor Hill
Pulaski

Greene County

Baileyton
Mosheim

Grundy County

Altamont
Gruetli-Laager

Hardeman County

Hickory Valley
Toone

Hawkins County

Surgoinsville

Haywood County

Stanton

Henderson County

Lexington
Scotts Hill

Henry County

Henry

Hickman County

Centerville

Houston County

Erin

Jackson County

Gainesboro

Johnson County

Mountain City

Lake County

Ridgely
Tiptonville

Lauderdale County

Henning

Loudon County

Greenback Loudon

McMinn County

Englewood Niota

McNairy County

Finger Ramer

Macon County

Red Boiling Springs

Madison County

Denmark

Marion County

Powells Crossroads

Maury County

Columbia Spring Hill
Mount Pleasant

Monroe County

Vonroe

Morgan County

Oakdale

Obion County

Rives

Perry County

Lobelville

Polk County

Benton Ducktown

Putnam County

Monterey

Robertson County

Cedar Hill Orlinda
Cross Plains Springfield

Scott County

Oneida

Shelby County

Collierville Memphis

Tipton County

Burlison Gilt Edge
Garland Mason

Warren County

Centertown

Wayne County

Clifton

Weakley County

Sharon

White County

Sparta

Williamson County

Fairview

State of Texas

Andrews County

Andrews

Angelina County

Diboll

Austin County

Bellville Sealy

Bastrop County

Elgin

Bexar County

Elmendorf Grey Forest

Blanco County

Johnson City

Bosque County

Cransfills Gap

Brazoria County

Brazoria Clute City

Burnet County

Bertram

Caldwell County

Luling

Calhoun County

Seadrift

Callahan County

Cross Plains

Cameron County

Brownsville La Feria
Combes Port Isabel
Indian Lake Rio Hondo

Camp County

Rock Mound

Cass County

Bloomburg Douglasville

Castro County

Nazareth

Cherokee County

Alto Reklaw
Jacksonville Wells
New Summerfield

Clay County

Byers Dean

Coleman County

Coleman Novice

Collin County

Anna Lowery Crossing
Farmersville Westminister
Josephine

Colorado County

Columbus Weimar

Comanche County

Gustine

Cooke County

Valley View

Coryell County

Evant Oglesby

Dallas County

Sunnyvale Wilmer

Denton County

Aubrey Northlake
Hickory Creek

De Witt County

Cuero Nordheim

Dickens County

Spur

Donley County

Howardwick

Eastland County

Carbon

Ellis County

Bardwell Maypearl
Ferris Midlothian
Garrett

El Paso County

Anthony El Paso
Clint

Fannin County

Ector Trenton

Fayette County

Fayetteville Round Top

Floyd County

Lockney

Fort Bend County

Arcola Richmond
Fulshear Thompsons

Freestone County

Kirvin Streetman

Goliad County

Goliad

Gonzales County

Nixon Waelder

Gray County

McLean

Grayson County

Collinsville Tioga

Gregg County

Easton

Guadalupe County

Marion Seguin
New Berlin

Hale County

Edmonson Petersburg

Hall County

Lakeview

Hardeman County

Chillicothe

Harris County

Morgan's Point

Harrison County

Marshall Scottsville
Nesbitt

Haskell County

O'Brien Rule
Rochester Weinert

Hays County

Buda Kyle

Henderson County

Chandler
Coffee City
Malakoff
Moore Station
Murchison
Poynor

Hidalgo County

Alton
Donna
Edinburg
Elsa
Hidalgo
Pharr
Progreso Lakes
Weslaco

Hill County

Abbott
2Aquilla
Bynum
Covington
Malone
Mertens
Mount Calm

Hockley County

Ropesville

Hopkins County

Como
Tira

Houston County

Grapeland
Kennard

Hudspeth County

Dell City

Hunt County

Campbell
Celeste
Lone Oak
Neylandville
Wolfe City

Jack County

Bryson

Jefferson County

Nome

Jim Wells County

Alice
Orange Grove

Johnson County

Alvarado
Rio Vista
Venus

Karnes County

Falls City
Runge

Kaufman County

Kaufman
Mabank
Oak Ridge

Kinney County

Spofford

Lamar County

Roxton
Toco

Lamb County

Springlake

Lavaca County

Moulton
Shiner

Lee County

Giddings
Lexington

Leon County

Jewett
Leona

Liberty County

Kenefick

Limestone County

Tehuacana

McLennan County

Crawford
Hallsburg
Lorena
McGregor
Mart

Mason County

Mason

Maverick County

Eagle Pass

Milam County

Buckholts

Mills County

Mullin

Mitchell County

Westbrook

Montgomery County

Cut and Shoot

Moore County

Sunray

Nacogdoches County

Cushing
Garrison

Navarro County

Blooming Grove
Corsicana
Goodlow
Rice

Nueces County

Agua Dulce
Corpus Christi
Robstown

Orange County

Rose City

Parker County

Reno

Parmer County

Farwell

Pecos County

Iraan

Polk County

Seven Oaks

Rains County

Emory

Real County

Camp Wood

Red River County

Annona
Avery
Clarksville

Refugio County

Austwell
Woodsboro

Robertson County

Bremond
Calvert
Hearne

Rockwall County

Fate

Runnels County

Ballinger

Rusk County

New London

Sabine County

Pineland

San Jacinto County

Oakhurst

San Patricio County

Gregory
Lake City
Mathis
Sinton
Taft

Schleicher County

Eldorado

Shelby County

Timpson

Smith County

Whitehouse

Starr County

La Grulla
Roma

Stonewall County

Aspermont

Swisher County

Kress

Tarrant County

Blue Mound
Briar
Haslet

Terry County

Wellman

Travis County

Pflugerville

Van Zandt County

Fruit Vale

Victoria County

Victoria

Walker County

Riverside

Waller County

Hempstead
Pattison

Ward County

Barstow

Washington County

Burton

Webb County

Laredo

Wharton County

El Campo

Willacy County

Lyford
Raymondville
San Perlita

Williamson County

Taylor
Thrall

Wilson County

Floresville
Poth
Stockdale

Winkler County

Wink

Wise County

Aurora
Boyd
Chico
Lake Bridgeport
Newark
Rhome

State of Utah

Box Elder County

Deweyville
Portage
Snowville
Willard
Yost

Cache County

Lewiston
Millville
Newton
Providence
Richmond

Davis County

Farmington
West Point

Duchesne County

Myton

Emery County

Clawson
Cleveland
Elmo

Garfield County

Antimony
Hatch

Iron County

Brian Head
Kanarraville

Juab County

Mona

Kane County

Alton

Millard County

Hinckley
Lynndyl
Meadow
Oak City
Scipio

Piute County

Kingston

Salt Lake County

Alta
Bluffdale
South Jordan

Sanpete County

Fayette
Mount Pleasant
Spring City
Sterling
Wales

Sevier County

Aurora

Tooele County

Ophir
Vernon

Uintah County

Ballard

Utah County

Highland
Provo

Wasatch County

Charleston
Wallsburg

Washington County

Hildale
Toquerville
Virgin

Weber County

Harrisville

State of Vermont

Addison County

Bridport Town
Bristol
Lincoln Town
Orwell Town
Panton Town
Waltham Town
Weybridge Town
Whiting Town

Bennington County

Landgrove Town
Peru Town
Sandgate Town

Caledonia County

Barnet Town
Kirby Town
Newark Town
Sheffield Town
Stannard Town
Waterford Town
Wheelock Town

Chittenden County

Burlington
Huntington Town
Milton
Richmond Town
Williston Town
Winooski

Essex County

Canaan Town
East Haven Town
Granby Town
Lemington Town
Maidstone Town
Norton Town
Victory Town

Franklin County

Bakersfield Town
Enosburg Falls
Fairfax Town
Fairfield Town
Sheldon Town
Swanton
Swanton Town

Orange County

Thetford Town
Tunbridge Town

Orleans County

Albany
Albany Town
Barton
Barton Town
Craftsbury Town
Derby Center
Derby Town
Holland Town
Irasburg Town
Lowell Town
Morgan Town
Westmore Town

Rutland County

Brandon Town
Fair Haven Town
Ira Town
Middletown Springs Town
Mount Holly Town
Mount Tabor Town
Sudbury Town

Washington County

Duxbury Town
Roxbury Town
Worcester

Windham County

Brattleboro Town
Grafton Town
Marlboro Town
Westminster

Windsor County

Pomfret Town

State of Virginia

Accomack County

Hallwood
Onancock
Saxis
Tangier

Albemarle County

Scottsville

Alleghany County

Iron Gate

Charlotte County

Charlotte Court House

Craig County

New Castle

Fauquier County

The Plains

Fluvanna County

Columbia

Giles County

Glen Lyn

Grayson County

Troutdale

Greene County

Standardsville

Halifax County

Clover
Virgilina

Lee County

Pennington Gap
St Charles

Loudoun County

Lovettsville

Lunenburg County

Kenbridge

Mecklenburg County

Chase City
La Crosse
South Hill

Northampton County

Nassawadox

Nottoway County

Burkeville

Pittsylvania County

Chatham

Rockingham County

Mount Crawford

Scott County

Clinchport

Shenandoah County

Edinburg
Mount Jackson

Southampton County

Branchville
Capron
Newsoms

Sussex County

Waverly

Tazewell County

Cedar Bluff

Washington County

Glade Spring

Wise County

Appalachia
Pound

Wythe County

Wytheville

Independent Cities

Covington
Franklin
Petersburg
Richmond
Winchester

State of Washington

Adams County

Hatton

Asotin County

Clarkston

Douglas County

Rock Island

Grays Harbor County

Montesano

King County

Duvall
Seattle
Skykomish

Kittitas County

South Cle Elum

Klickitat County

Bingen

Lincoln County

Harrington

Okanogan County

Tonasket
Twisp

Pend Oreille County

Cusick

Pierce County

Carbonado
Roy
South Prairie

Skagit County

Sedro Woolley

Snohomish County

Granite Falls

Thurston County

Yelm

Walla Walla County

Prescott

Whitman County

Colton
Malden
Pullman
Tekoa

Yakima County

Grandview
Mabton

State of West Virginia

Berkeley County

Hedgesville

Boone County

Danville

Braxton County

Burnsville
Flatwoods
Gassaway

Calhoun County

Grantsville

Clay County

Clay

Fayette County

Ansted
Meadow Bridge
Thurmond

Gilmer County

Glenville
Layopolis

Grant County

Bayard

Greenbrier County

Falling Springs

Hampshire County

Capon Bridge
Romney

Hardy County

Wardensville

Harrison County

Lost Creek

Jackson County

Ripley

Jefferson County

Charles town
Ransen
Shepherdstown

Kanawha County

Cedar Grove
Clendenin

Lewis County

Weston

Lincoln County

Hamlin

McDowell County

Bradshaw
Iaeger

Marion County

Fairview

Mason County

Henderson

Mercer County

Bramwell
Oakvale

Mineral County

Elk Garden

Mingo County

Delbarton
Matewan
Williamson

Monongalia County

Blacksville

Monroe County

Peterstown

Ohio County

West Liberty

Pocahontas County

Cass
Durbin

Preston County

Albright
Reedsville
Tunnelton

Randolph County

Beverly
Womelsdorff

Ritchie County

Cairo
Pullman

Roane County

Reedy

Taylor County

Flemington
Grafton

Tucker County

Davis
Parsons

Upshur County

Buckhannon

Webster County

Camden-on-Gauley
Cowen

Wirt County

Elizabeth

State of Wisconsin

Adams County

Colburn Town
Friendship
Leola Town
Lincoln Town
Richfield Town
Springville Town

Ashland County

Ashland Town
Sanborn Town
Shanagolden Town
White River Town

Barron County

Bear Lake Town
Chetek Town
Crystal Lake Town
Dallas
Doyle Town
Maple Plain Town
Sioux Creek Town
Stanfold Town
Sumner Town
Turtle Lake Town
Vance Creek Town

Bayfield County

Delta Town
Eileen Town
Kelly Town
Lincoln Town
Mason
Oulu Town
Tripp Town

Brown County

Green Bay Town
Morrison Town

Buffalo County

Buffalo Town
Canton Town
Cross Town
Lincoln Town
Maxville Town
Mondovi Town
Naples Town
Nelson

Burnett County

Blaine Town
Daniels Town
La Follette Town
Scott Town
Siren Town
Webster

Calumet County

Brothertown Town
Charlestown Town

Chippewa County

Brich Creek Town
Cleveland Town
Cornell
Edson Town
Howard Town
Sigel Town
Tilden Town
Woodmohr Town

Clark County

Butler Town
Colby Town
Fremont Town
Granton
Green Grove Town
Hixon Town
Hoard Town
Mayville Town
Mentor Town
Neillsville
Reseburg Town
Seif Town
Unity Town
Weston Town

Columbia County

Caledonia Town
Courtland Town
Fountain Prairie Town
Lewiston Town
Scott Town
Springvale Town

Crawford County

Bell Center
Bridgeport Town
Clayton Town
Eastman Town
Eastman
Freeman Town
Gays Mills
Haney Town
Utica Town

Dane County

Primrose Town

Dodge County

Beaver Dam
Chester Town
Hubbard Town
Leroy Town
Shields Town
Trenton Town

Douglas County

Brule Town
Dairyland Town
Hawthorne Town
Highland Town
Solon Springs Town

Dunn County

Colfax Town
Grant Town
Knapp
Peru Town
Sheridan Town
Tiffany Town

Eau Claire County

Clear Creek Town
Otter Creek Town
Wilson Town

Florence County

Fence Town

Fond Du Lac County

Ashford Town
Calumet Town
Metomen Town
Oakfield Town

Forest County

Caswell Town
Crandon Town
Ross Town

Grant County

Beetown Town
Blue River
Boscobel Town
Harrison Town
Hazel Green Town
Liberty Town
Little Grant Town
Millville Town
Mount Hope Town
Muscoda Town
North Lancaster Town
Paris Town
Patch Grove Town
Platteville
Potosi Town
Smelser Town
Waterloo Town
Watterstown Town
Woodman Town
Wyalusing Town

Green County

Exeter Town
Jordan Town

Green Lake County

Berlin Town
Kingston Town
Kingston
Mackford Town
Manchester Town
Marquette Town
Marquette
Princeton

Iowa County

Avoca
Clyde Town
Eden Town
Moscow Town
Rewey
Ridgeway Town

Iron County

Gurney Town
Sherman Town

Jackson County

Adams Town
Albion Town
Alma Town
Bear Bluff Town
Cleveland Town
Franklin Town
Garfield Town
Irving Town
Knapp Town
Komensky Town
Manchester Town
Melrose Town
Millston Town
Springfield Town

Jefferson County

Aztalan Town
Ixonia Town
Milford Town
Sumner Town
Waterloo Town

Juneau County

Clearfield Town
Cutler Town
Fountain Town
Germantown Town
Hustler
Kildare Town
Kingston Town
Marion Town
Necedah
Summit Town

La Crosse County

Barre Town
Burns Town
Rockland

Lafayette County

Belmont Town
Benton
Blanchardville
Darlington Town
Seymour Town
Shullsburg
South Wayne
White Oak Springs Town
Willow Springs Town

Langlade County

Ackley Town
Ainsworth Town
Antigo Town
Evergreen Town
Langlade Town
Parrish Town
Peck Town
Polar Town
Rolling Town
Summit Town
Upham Town
Vilas Town
White Lake
Wolf River Town

Lincoln County

Harrison Town
Scott Town
Skanawan Town
Somo Town

Manitowoc County

Centerville Town
Eaton Town
Franklin Town
Two Creeks Town

Marathon County

Bern Town
Brighton Town
Cassel Town
Day Town
Eau Pleine Town
Elderon
Emmet Town
Frankfort Town
Green Valley Town
Guenther Town
Halsey Town
Hamburg Town
Hatley
Hull Town
McMillan Town
Norrie Town
Reid Town

Marinette County

Niagara Town
Peshtigo
Porterfield Town
Pound Town
Pound

Marquette County

Buffalo Town
Crystal Lake Town
Endeavor
Mecan Town
Montello
Moundville Township
Neshkoro Town
Neshkoro
Shields Town
Springfield Town

Menominee County

Menominee Town

Milwaukee County

Milwaukee

Monroe County

Angelo Town
Clifton Town
Grant Town
Greenfield Town
New Lyme Town
Oakdale Town
Ridgeville Town
Scott Town
Sheldon Town
Tomah Town
Warrens
Wellington Town
Wells Town
Wilton Town

Oconto County

Armstrong Town
Breed Town
How Town
Lena Town
Little River Town
Oconto Falls Town
Spruce Town
Stiles Town

Oneida County

Monico Town
Nokomis Town

Outagamie County

Bear Creek
Hortonville
Maine Town
Maple Creek Town
Nichols

Pepin County

Waubeck Town

Pierce County

Clifton Town
Elmwood
El Paso Town
Oak Grove Town
River Falls
Rock Elm Town
Salem Town
Union Town

Polk County

Alden Town
Balsam Lake Town
Laketown Town
Luck
Milltown
St Croix Falls Town
Sterling Town

Portage County

Almond Town
Nelsonville
New Hope Town

Price County

Catawba Town
Catawba
Emery Town
Georgetown Town
Hackett Town
Kennan Town
Ogema Town
Prentice Town
Prentice

Richland County

Akan Town
Cazenovia
Dayton Town
Orion Town
Richwood Town
Rockbridge Town
Willow Town

Rock County

Bradford Town
Harmony Town
Plymouth Town
Spring Valley Town

Rusk County

Atlanta Town
Conrath
Hawkins Town
Hawkins
Hubbard Town
Ladysmith
Lawrence Town
Richland Town
Rusk Town
Sheldon
Tony
True Town
Weyerhaeuser
Willard Town
Wilson Town

St Croix County

Baldwin Town
Cady Town
Cylon Town
Eau Galle Town
Emerald Town
Erin Prairie Town
Glenwood Town
Pleasant Valley Town
Rush River Town
Springfield Town

Sauk County

Fairfield Town
Honey Creek Town
Reedsburg Town
Spring Green Town
Troy Town
Washington Town
Westfield Town

Sawyer County

Bass Lake Town
Couderay Town
Hunter Town
Lenroot Town
Meadow Brook Town
Meteor Town
Ojibwa Town

Shawano County

Almon Town
Aniwa Town
Bartelme Town
Bowler
Fairbanks Town
Germania Town
Grant Town
Maple Grove Town
Mattoon
Seneca Town

Sheboygan County

Herman Town

Taylor County

Browning Town
Chelsea Town
Ford Town
Hammel Town
Little Black Town
Lublin
McKinley Town
Maplehurst Town
Pershing Town
Taft Town

Trempealeau County

Albion Town
Arcadia Town
Caledonia Town
Strum
Sumner Town
Trempealeau Town
Unity Town

Vernon County

Christiana Town
Clinton Town
De Soto
Greenwood Town
Hamburg Town
Harmony Town
Hillsboro Town
Kickapoo Town
La Farge
Liberty Town
Ontario
Readstown
Stark Town
Stoddard
Union Town
Viroqua Town
Webster Town
Whitestown Town

Walworth County

Darien Town
Richmond Town
Sharon Town
Whitewater

Washburn County

Beaver Brook Town
Birchwood Town
Frog Creek Town
Minong Town
Shell Lake
Stone Lake Town
Trego Town

Waupaca County

Dupont Town
Larrabee Town
Little Wolf Town
Royalton Town
Wyoming Town

Waushara County

Aurora Town
Bloomfield Town
Coloma Town
Hancock Town
Leon Town
Plainfield
Richford Town
Warren Town

Winnebago County

Nekimi Town
Rushford Town

Wood County

Arpin Town
Auburndale Town
Hiles Town
Lincoln Town
Marshfield Town
Pittsville
Port Edwards Township
Remington Town
Richfield Town
Rudolph Town

State of Wyoming

Big Horn County

Frannie

Fremont County

Hudson

Goshen County

La Grange
Yoder

Commonwealth of Puerto Rico

Aibonito Municipio
Arroyo Municipio
Catano Municipio
Coama Municipio
Guanica Municipio
Guayama Municipio
Las Marias Municipio
Las Piedras Municipio
Maricao Municipio
Quebradillas Municipio
San German Municipio
Santa Isabel Municipio
Toa Alta Municipio

List of Designated Eligible Areas That are Counties

State of Alabama

Dallas County
Greene County
Lamar County
Perry County

State of Alaska

Aleutian Islands Census

State of Arizona

Santa Cruz County

State of Arkansas

Arkansas County
Crittenden County
Cross County
Fulton County
Jefferson County
Johnson County
Lee County
Mississippi County
Pike County
St Francis County
Stone County
Yell County

State of California

Colusa County
Kings County
Los Angeles County
San Benito County
San Francisco County

State of Colorado

Custer County

State of Florida

Dade County

State of Georgia

Butts County
Candler County
Chattooga County
Cherokee County
Clay County
Colquitt County
Coweta County
Crisp County
Dawson County
Dooly County
Dougherty County
Echols County
Franklin County
Gilmer County
Gordon County
Habersham County
Jeff Davis County
Madison County
Marion County
Miller County
Mitchell County
Monroe County
Morgan County
Murray County
Oglethorpe County
Schley County
Spalding County
Sumter County
Tift County
Troup County
Turner County
Upson County
Walton County
White County
Wilkes County

State of Idaho

Adams County

State of Illinois

Cook County
Johnson County

State of Indiana

Jennings County
Knox County

State of Iowa

Delaware County
Fremont County
Lucas County

State of Kansas

Clay County

State of Kentucky

Bath County
Clark County
Estill County
Fleming County
Leslie County
Lyon County
McCreary County
McLean County
Montgomery County
Muhlenberg County
Nelson County
Nicholas County
Ohio County
Owsley County
Powell County
Rockcastle County
Spencer County
Woodford County

State of Louisiana

Acadia Parish
Avoyelles Parish
Iberia Parish
LaFourche Parish
Orleans Parish
St James Parish
St Landry Parish
Terrebonne Parish
West Feliciana Parish

State of Maine

Knox County

State of Maryland

Kent County

State of Minnesota

Beltrami County
Cottonwood County
Jackson County
Morrison County

State of Mississippi

Adams County
Attala County
Lauderdale County
Leflore County
Lincoln County
Lowndes County
Noxubee County
Pike County
Quitman County
Sunflower County
Tallahatchie County
Tate County
Washington County
Yazoo County

State of Missouri

Clark County
Reynolds County
Washington County

State of Montana

Glacier County
Golden Valley County

State of Nebraska

Arthur County
Banner County
Stanton County
Wheeler County

State of Nevada

Eureka County
Pershing County

State of New Jersey

Essex County
Hudson County
Passaic County

State of New Mexico

McKinley County

State of New York

Tompkins County
Yates County

State of North Carolina

Camden County
Franklin County
Gates County
Granville County

State of Ohio

Athens County
Clinton County
Holmes County
Jackson County
Meigs County
Vinton County

State of South Carolina

Abbeville County
Calhoun County
Chesterfield County
Georgetown County
Greenwood County
Marion County

State of South Dakota

Buffalo County
Campbell County

State of Tennessee

Cannon County
Chester County
Hancock County
Hickman County
Lawrence County
Lewis County
Maury County
Moore County
Robertson County
Scott County
Shelby County
White County

State of Texas

Anderson County
Andrews County
Crosby County
De Witt County
Dickens County
Ellis County
El Paso County
Gaines County
Goliad County
Hopkins County
Hudspeth County
Jim Hogg County
Jim Wells County
Kenedy County
King County
Lavaca County
Lee County
Lynn County
Martin County
Maverick County
Morris County
Navarro County
Parmer County
San Patricio County
Schleicher County
Sterling County
Stonewall County
Washington County
Webb County
Willacy County
Wilson County
Wise County

State of Utah

Morgan County
Utah County

State of Vermont

Chittenden County

State of Virginia

Accomack County
Bland County
Buckingham County
Carroll County
Charles City County
Dinwiddie County
Fluvanna County
Grayson County
Madison County
Richmond County
Southampton County

State of West Virginia

Boone County
Doddridge County
Gilmer County
Harrison County
Jefferson County
Lewis County
Mingo County
Monroe County
Pendleton County
Upshur County
Wetzel County

State of Wisconsin

Langlade County
Menominee County
Rusk County

Appendix A—HUD Field Offices

REGION I

Boston Regional Office

John F. Kennedy Federal Building, Room 800, Boston, Massachusetts 02203–0801, (617) 223–4066

Hartford Office

One Hartford Square West, Suite 204, 2943 Hartford, Connecticut 06106–2943, (203) 722–3638

Manchester Office

Norris Cotton Federal Building, 275 Chesnut Street, Manchester, New Hampshire 03101–2487, (603) 666–7681

Providence Office

John O. Pastore Federal Building and U.S. Post Office-Kennedy Plaza, Room 330, Providence, Rhode Island 02903, (401) 528–5351

REGION II

New York Regional Office

26 Federal Plaza, Rm. 32130, New York, New York 10278–0068, (212) 264–2401

Buffalo Office

Statler Building, Mezzanine, 107 Delaware Avenue, Buffalo, New York 14202–2986, (716) 846–5755

Caribbean Office

Federico Degetau Federal Building, U.S. Courthouse, Room 428, Carlos E. Chardon Avenue, Hato Rey, Puerto Rico 00918–2276, (809 753–4201

Newark Office

Military Park Building, 60 Park Place, Newark, New Jersey 07102–5504, (201) 877–1662

REGION III

Philadelphia Regional Office

Liberty Square Building, 105 S 7th St., Philadelphia, Pennsylvania 19106–3392, (215) 597–2560

Baltimore Office

The Equitable Building, 10 North Calvert Street, 3rd Floor, Baltimore, Maryland 21202–1865, (301) 962–2121

Charleston Office

405 Capitol Street, Suite 708, Charleston, West Virginia 25301–1795, (304) 347–7000

Pittsburgh Office

412-Old Post Office Courthouse, Building, 7th Ave. & Grant St., Pittsburgh, Pennsylvania 15219–1906, (412) 644–6428

Richmond Office

701 East Franklin Street, Richmond, Virginia 23219–2591, (804) 771–2721

Washington, D.C. Office

HUD Building, 451 Seventh Street, Room 3156, Washington, DC 20410–4500, (202) 453–4534

REGION IV

Atlanta Regional Office

Richard B. Russell Federal Building, 75 Spring Street, SW., Atlanta, Georgia 30303–3388, (404) 331–5136

Birmingham Office

Daniel Building, 15 South 20th Street, Birmingham, Alabama 35233–2096, (205) 254–1617

Columbia Office

Strom Thurmond Federal Building, 1835–45 Assembly Street, Columbia, South Carolina 29201–2480, (803) 765–5592

Greensboro Office

415 North Edgeworth Street, Greensboro, North Carolina 27401–2107, (919) 333–5361

Jackson Office

Doctos A.H. McCoy, Federal Building, 100 W. Capitol Street, Suite 1096, Jackson, Mississippi 39269–1096, (601) 965–4702

Jacksonville Office

325 West Adams Street, Jacksonville, Florida 32202, (904) 791–2626

Knoxville Office

One Northshore Building, 1111 Northshore Drive, Knoxville, Tennessee 37919–4090, (615) 558–1384

Louisville Office

601 West Broadway, P.O. Box 1044, Louisville, Kentucky 40201–1044, (502) 582–5251

Nashville Office

One Commerce Place, Suite 1600, Nashville, Tennessee 37239–1600, (615) 736–5213

REGION V

Chicago Regional Office

300 South Wacker Drive, Chicago, Illinois 60606–6765, (312) 353–5680

Cincinnati Office

Federal Office Building, 550 Main Street, Rm. 9002, Cincinnati, Ohio 45202, (513) 684–2884

Cleveland Office

One Playhouse Square, 1375 Euclid Avenue, Room 420, Cleveland, Ohio 44114–1670, (216) 522–4065

Columbus Office

200 North High Street, Columbus, Ohio 43215–2499, (614) 469–7345

Detroit Office

McNamara Federal Building, 477 Michigan Avenue, Detroit, Michigan 48226–2592, (313) 226–7900

Grand Rapids Office

2922 Fuller Avenue, NE., Grand Rapids, Michigan 49505–3409, (616) 456–2216

Indianapolis Office

151 North Delaware Street, P.O. Box 7047, Indianapolis, Indiana 46204–2526, (317) 269–6303

Milwaukee Office

Henry S. Reuss Federal Plaza, 310 West Wisconsin Avenue, Suite 1380, Milwaukee, Wisconsin 53203–2290, (414) 291–1493

Minneapolis-St. Paul Office

220 Second Street, South, Bridge Place Building, Minneapolis, Minnesota 55401–2195, (612) 349–3000

REGION VI

Fort Worth Regional Office

1600 Throckmorton, Post Office Box 2905, Fort Worth, Texas 76113–2905, (817) 885–5401

Houston Office

National Bank of Texas Bldg., 221 Norfolk, Suite 300, Houston, Texas 77098–4096, (713) 229–3950

Little Rock Office

Savers Building, 320 West Capitol, Suite 700, Little Rock, Arkansas 72201, (501) 378–5931

New Orleans Office

1661 Canal Street, P.O. Box 70288, New Orleans, Louisianna 70172–0288, (504) 569–2300

Oklahoma City Office

Murrah Federal Building, 200 NW., 5th Street, Oklahoma City, Oklahoma 73102–3202, (405) 231–4181

San Antonio Office

Washington Square Building, 800 Dolorosa, P.O. Box 9163, San Antonio, Texas 78285, (512) 229–6781

REGION VII

Kansas City Regional Office

Professional Building, 1103 Grand Avenue, Kansas City, Missouri 64104, (816) 374–2661

Des Moines Office

Federal Building, 210 Walnut Street, Room 259, Des Moines, Iowa 50309, (515) 284–4512

Omaha Office

Braiker/Brandeis Building, 210 South 16th Street, Omaha, Nebraska 68102–1622, (402) 221–3703

St. Louis Office

210 North Tucker Boulevard, St Louis, Missouri 63101–1997, (314) 425–4761

REGION VIII

Denver Regional Office

Executive Tower Building, 1405 Curtis Street, Denver, Colorado 80202–2349, (303) 844–4513

REGION IX

San Francisco Regional Office

Federal Building, 450 Golden Gate Avenue, Post Office Box 36003, San Francisco, California 94102–3448, (415) 556–4752

Honolulu Office

300 Ala Moana Boulevard, Room 3318, Honolulu, Hawaii 96850–4991, (808) 546–2136

Los Angeles

1615 W. Olympic Boulevard, Los Angeles, California 90015–3801, (213) 251–7122

Phoenix Office

One North First Street, 3rd Fl., Post Office Box 13468, Phoenix, Arizona 85002–3468, (602) 261–4434

Sacramento Office

777–12th Street, Suite 200, P.O. Box 1978, Sacramento, California 95809–1978, (916) 551–1351

REGION X

Seattle Regional Office

Arcade Plaza Building, 1321 Second Avenue, Seattle, Washington 98101–2054, (206) 442–5414

Anchorage Office

701 C Street, Box 64, Module G, Anchorage, Alaska 99513–0001, (907) 271–4170

Portland Office

Cascade Building, 520 Southwest Sixth Avenue, Portland, Oregon 97204–1596, (503) 221–2561

[FR Doc. 87–6217 Filed 3–31–87; 8:45 am]

BILLING CODE 4210–27–M

federal register

Wednesday
April 1, 1987

Part III

Department of Labor

Office of Workers' Compensation Programs

20 CFR Part 10

Claims for Compensation Under the Federal Employees' Compensation Act, as Amended; Final Rule

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

20 CFR Part 10

Claims for Compensation Under the Federal Employees' Compensation Act, as Amended

AGENCY: Office of Workers' Compensation Programs, Labor.

ACTION: Final rule.

SUMMARY: The Department of Labor is revising the regulations governing the administration of the Federal Employees' Compensation Act (FECA), which provides benefits to Federal employees injured or killed in the performance of duty. The final rule covers special categories of employees not previously addressed by regulation, amends sections which have proven ineffective, makes current the terminology used in the regulations, and updates provisions governing the release of information (Privacy Act and Freedom of Information Act). The chief effects of the final rule will be to make the claims process clearer and more orderly, to standardize the application of the Federal Employees' Compensation Act to classes of employees not previously expressly covered and to make more specific the duties and responsibilities of the various parties in the claims process. Major new provisions include restricting the procedures for using continuation of pay (COP), defining the term "subluxation," establishing procedures for reducing monetary compensation for failure or refusal to participate in vocational rehabilitation plan development efforts, defining the procedures for declaring and waiving overpayments, and establishing specific periods within which an injured worker may request reconsideration of a decision and submit medical bills for payment.

EFFECTIVE DATE: June 1, 1987.

FOR FURTHER INFORMATION CONTACT: Thomas M. Markey, Associate Director for Federal Employees' Compensation, Employment Standards Administration, U.S. Department of Labor, Room S-3229, Frances Perkins Building, 200 Constitution Avenue, NW., Washington, DC 20210; Telephone (202) 523-7552.

SUPPLEMENTARY INFORMATION: Proposed regulations were published in the **Federal Register** on June 6, 1986 (51 FR 20736) and provided for a 45-day period for comment. On July 28, 1986 (51 FR 26903), the comment period was reopened and extended through August 27, 1986, to allow additional time for comment. During the comment period, the Department of Labor received comments from twenty interested parties, including twelve Federal employing agencies, one Federal Executive Board, six labor organizations which represent Federal employees, and one Department of Labor employee.

This final rule is applicable to cases where the injury or death occurred prior to the effective date, but the provisions of those sections revised by this final rule are applicable only to initial decisions made on and after the effective date. The provisions of those sections revised by this final rule are not applicable to intital decisions made prior to the effective date, even where such decision is being reviewed under administrative appeal procedures, i.e., hearing before an OWCP representative, reconsideration under 5 U.S.C. 8128(a), or appeal to the Employees' Compensation Appeals Board.

On charge to the regulations which did not result from the comments received is the elimination of all references to Form CA-4, Claim for Compensation on Account of Occupational Disease. Form CA-4 will no longer be reprinted and will no longer be included in the inventory of "CA" forms. Form CA-7, renamed "Claim for Compensation Due to Traumatic Injury or Occupational Disease," is to be used in lieu of Form CA-4 in cases of occupational disease. The title of Form CA-2 was revised slightly during the most recent revision of the form. Section 10.20(b) is revised accordingly. One Federal agency questioned whether the title of Form CA-12, a form used exclusively by OWCP in death cases, should be "Claim for Continuing Compensation on Account of Death." The title as shown in the regulation is that on the form itself, and revision of the title is not considered necessary.

The Department's analysis of the comments received are set forth below by sections on which comment was received. Unless otherwise indicated, section references refer to the sections of the regulations as revised.

Section 10.1. One Federal agency suggested that the term "reasonable expense" as used in § 10.1(b), which is used instead of the previous language "full range of medical benefits and services," be defined. The term "reasonable expense" was used to avoid any misinterpretation that medical and related services would be furnished without regard to cost. For a large number of medical services, "reasonable expense" is defined by the schedule of maximum allowable medical charges used by the Office of Workers' Compensation Programs (OWCP) under the provisions of § 10.411.

A labor organization commented that the word "compensable" as used in the same subsection implied that medical and related services are payable only where compensation benefits are payable. The use of the term "compensable condition" does not represent a change in the earlier language of this subsection. However, recognizing the possibility of misinterpretation, § 10.1(b) is revised to refer to the "medical condition or conditions accepted as being employment related."

One labor organization noted the deletion of the language in § 10.1(d) (previously § 10.1(c)) concerning the payment of benefits to the victim of an employment-related latent or progressive disease or disability, and opposed such deletion if it was intended to signal a change in policy for handling occupational disease cases. The deletion of the language in question is not intended to signal a change in policy and should not be interpreted as such. The language was deleted for the reason that the FECA defines injury to include any employment-related latent or progressive disease or disability (e.g., asbestos-related diseases), and that regulatory language that "the provisions of the Act shall be construed to permit the payment of benefits" in such situations is unnecessary. Further, retention of such language could lead to the erroneous interpretation that the applicability of the FECA in such situations is dependent upon the regulations rather than the FECA itself.

Section 10.5. With regard to definitions under § 10.5, requests for additional definitions were received from three Federal agencies. The terms or phrases for which definitions were sought were "diagnosis," "in the performance of duty", "reasonable expenses" (as used in § 10.1(b) and which is discussed above), and "reasonable or justified" (as used in § 10.124). One of the Federal agencies also requested "a workable definition of medical evidence." The word "diagnosis" as used in the regulations has no connotation other than its common-use meaning. Therefore, definition of "diagnosis" by regulation is not viewed as necessary. The phase "in the performance of duty" embraces a large portion of the body of workers' compensation law and principles. There are a significant number of general rules concerning performance of duty, and the vast majority of these rules have significant exceptions. Whether an

injury occurred "in the performance of duty" is dependent upon the facts and circumstances in a given case and requires the application of the various rules and exceptions on a case-by-case basis. Therefore, a clear, concise regulatory definition of the phrase which would encompass all general rules and all possible exceptions to those rules is not feasible.

Section 10.124 provides that an employee who refuses or neglects to work after suitable work has been offered or secured for the employee has the burden of showing that the refusal or failure to work was reasonable or justified. Whether the reason for the refusal or failure to accept the offered work is reasonable or justified must be evaluated in the light of the circumstances which exist in the particular case. A reason which is found to be sufficient justification in one case may not be found to be sufficient in another. Thus, defining "reasonable or justified" by regulation is not practical. However, general guidelines concerning "reasonable or justified" have been established. As examples, refusal of an offer of employment would be considered reasonable or justified if there was a medically documented worsening of the employee's condition since initiation of the reemployment effort, if the employee had found other work which fairly and reasonably represents his or her earning capacity (in which case compensation would be adjusted or terminated based on the employee's actual earnings), if a medical condition of the claimant or a family member contraindicates return to the area of residence at the time of injury (in a case in which the employee had moved subsequent to termination from the employing agency's employment rolls), or if the employee is retired and is receiving a schedule award for permanent impairment at the time of the job offer. A refusal would not be considered reasonable or justified, for example, if based on the employee's personal dislike of the position or location offered or the work hours scheduled. Again, these examples are general and may not cover every reason or explanation given in justification of a refusal of offered employment. Thus, a determination as to whether a refusal of offered suitable work is reasonable or justified is made on a case-by-case basis.

With regard to a definition of "medical evidence," the information which may be required in a medical report is defined in § 10.410. A more specific definition of medical evidence based on completeness, timeliness, and proper authentication, as suggested by the commentator, is not practical. The required content of medical evidence changes as the circumstances and issues in the case change. The timely submission of medical evidence, while not inconsequential, is not as important as its content in determining its probative value. Further, as noted by other commentators, the submission of medical evidence is not generally within the total control of the injured employee. Thus, medical evidence which failed to meet a regulatory time standard for submission could result in an unnecessary and unjustified series of terminations and reinstatements of benefits. Finally, where a question arises as to the authenticity of medical evidence, appropriate actions are taken. However, to require authentication by actual signature in every instance is not realistic in today's medical community where the use of signature stamps is a common practice.

A Federal agency noted that the Environmental Science Services Administration, referenced at § 10.5(a)(11)(xx)(C), was replaced by the National Oceanic and Atmospheric Administration. The regulation is revised accordingly.

In response to one commentator's observation that the definition of "occupational disease or illness" is confusingly worded, § 10.5(a)(16) has been revised to make the wording clearer. However, the revision in no way indicates any change in the way we view or define occupational disease cases.

One Federal agency noted the deletion of the definition of "price index" (previously at § 10.5(a)(17)), and questioned the implication. At the time the proposed regulation was drafted, the price index to be used to compute cost-of-living increases was under review. Although the price index to be used was not changed, it is felt that inclusion of the definition in the regulations is unnecessary since the term is specifically defined by statute at 5 U.S.C. 8101(18).

A Federal agency opined that "disability" as defined at § 10.5(a)(17) should not be limited to the position held at the time of injury. We agree that the proposed language is, but was not intended to be, inconsistent with established law. Therefore, the paragraph has been revised to accurately reflect the intent of the FECA (see *Michael L. Shediwy*, 31 ECAB 1156).

It was suggested by one Federal agency that the definition of "pay rate for compensation purposes" include a brief explanation of what is included and excluded from the computation. Rather than establishing what is to be included and excluded by regulatory definition, further explanation will be provided through the Federal Personnel Manual issuance system.

A labor organization suggested that the definition of "representative" be revised to include a person designated by a claimant's legal guardian in the case where the claimant is physically or mentally incapable of making such a designation. Recognizing the potential for the situation described, § 10.5(a)(23) is revised consistent with the suggestion.

Definition of the term "reasonable cause" as used in § 10.5(a)(24) was requested by one Federal agency. The determination as to whether a husband or wife was living apart for reasonable cause is dependent on the circumstances which exist in a particular case. Accordingly, a clear, concise definition by regulation is not feasible.

Sections 10.10 and 10.12. With regard to § 10.10 and § 10.12, two Federal agencies requested guidance on the retention and disposition of copies of claims-related documents retained by Federal employing agencies for the purpose of monitoring the claims of their employees. The Office of Personnel Management (OPM) has recently issued final regulations and interim procedures concerning the establishment of an Employee Medical File System (EMFS) and an Employee Medical Folder (see 51 FR 33233, published September 19, 1986). In the supplementary information for those final regulations, OPM specifically commented on agency retention of copies of FECA claims-related documents and the EMFS, and thus agencies should be guided by those comments.

Three labor organizations commented that § 10.12 should be revised to make clear that an employing agency may provide an employee or beneficiary, or the representative, with copies of records pertaining to that employee's or beneficiary's claim under the FECA. We agree that, with the exceptions provided by 29 CFR 70a (e.g., the exception for direct release of medical records which may be harmful to the employee), an employee or beneficiary is entitled to a copy of the OWCP records pertaining to him or her, and that such right includes obtaining copies from the employing agency which has retained copies of records previously submitted to OWCP. Therefore, § 10.12 is revised by redesignating subsection (b) as subsection (c), and adding a new

subsection (b) in accordance with the above stated position.

Section 10.23. Two labor organizations suggested that the authority for the increased penalties provided for in § 10.23(a) be cited. The penalty previously cited in this section has its basis in 18 U.S.C. 1920. However, criminal prosecution for fraud may be sought under other appropriate Federal statutes, such as 18 U.S.C. 287 or 1001, which carry penalties as cited in the revised regulation. Since a person may be subject to prosecution under such other statutes, the intent of the revision is to advise of the possible maximum penalty. For the sake of clarification, the regulation is revised to include 18 U.S.C. 287 and 1001 as examples of "appropriate U.S. Criminal Code provisions."

Two Federal agencies recommended that the penalty should also apply to official superiors and other persons who knowingly make or certify to a false statement. We agree that the regulation should advise of the possible penalty for fraudulent activity by an official superior, representative, or any other person in connection with a claim under the FECA. Therefore, § 10.23(a) is revised to apply to any person who knowingly makes or certifies to a false statement in connection with a claim under the FECA. Also, 18 U.S.C. 286, which concerns conspiracy to defraud the Government with respect to claims, provides for a fine of not more than $10,000 or imprisonment for not more than ten years, or both. In view of this greater penalty, § 10.23 is further revised by redesignating subsection (b) as subsection (c) and deleting the reference to filing a false report, and by inserting a new subsection (b) concerning conspiracy in connection with a fraudulent claim under the FECA.

One Federal agency also suggested that any person who files a false claim should not receive any compensation on account of such claim, and that any compenstion already paid be declared an overpayment of compensation and subject to collection. Where a claim is false from its beginning, i.e., there is no entitlement to benefits under the FECA, compensation would not be payable, and any compensation already paid would be declared an overpayment of compensation and subject to collection. Similarly, a false claim for a period within an otherwise legitimate claim would not be payable, and any compensation already paid for that period would be declared an overpayment and subject to collection. However, in this latter situation, the Department has no authority to deny compensation for any period, past or future, for which no false claim has been filed or false statement submitted and for which period compensation is legitimately paid or payable.

Section 10.101. Clarification of the statement in § 10.101(a) that the failure to give notice of injury within 30 days "may" result in a loss of compensation rights was requested by one Federal agency and one labor organization. A second agency suggested the failure to give notice within 30 days should not result in loss of compensation rights where good cause is shown for the delay. The provisions of 5 U.S.C. 8119 do not provide for excusing the failure to meet the written notice requirement on the basis of good cause shown. However, the failure to file written notice within 30 days will not necessarily result in the loss of compensation rights. As provided by 5 U.S.C. 8122, the right to compensation would not be affected by the failure to file written notice of injury or death within 30 days if (1) a claim for compensation is filed within 3 years of the injury or death, or (2) the immediate supervisor had timely actual knowledge of the on-the-job injury or death. Therefore, given these provisions, it cannot be categorically stated that the failure to file written notice as required by 5 U.S.C. 8119 "will" result in the loss of compensation rights. On the other hand, if claim for compensation was not made within 3 years and the immediate supervisor did not have actual knowledge within 30 days, then the failure to give written notice within 30 days of the injury or death could result in the loss of compensation rights.

Because a claim for continuation of pay (COP) as provided by 5 U.S.C. 8118 is included in the notice of traumatic injury (i.e., Form CA–1), it may appear that the failure to file written notice within 30 days would deny the injured employee a compensation right, i.e., the right to COP. However, the claim for COP is contained in the CA–1 for the purposes of timeliness and convenience and not because written notice is a prerequisite to the receipt of COP. Under the provisions of 5 U.S.C. 8118, continuation of pay shall be authorized to an employee who has "filed a claim for a period of wage loss" within 30 days. The filing of Form CA–7 or CA–8 within 30 days would satisfy this requirement. Therefore, even with respect to COP, it would be incorrect to state that the failure to file written notice of injury or death within 30 days "will" result in the loss of compensation rights.

For the above reasons, § 10.101 states that the failure to file timely written notice "may" (not necessarily "will") result in a loss of compensation rights. To clarify the use of the word "may," each subjection of § 10.101 is revised to make reference to the provisions of 5 U.S.C. 8122 and § 10.105 concerning the timely filing of a claim for compensation.

Another Federal agency recommended that the time for filing notice be shortened from 30 days to 10 days. The 30-day period for filing written notice is established by statute (5 U.S.C. 8119) and is not subject to change by regulation.

Two labor organizations noted that each subsection should specify that written notice is necessary. Since 5 U.S.C. 8119(c) provides that notice of injury or death shall be in writing, this revision is appropriate. However, with regard to filing a claim for compensation, as was stated above, 5 U.S.C. 8122(a) provides that compensation may be payable even if written notice is not filed within 30 days, provided that the original claim is filed within three years of the date of injury or death, or the immediate superior had actual knowledge of the injury or death within 30 days.

Finally, the advice that failure to timely file written notice of injury may result in a loss of compensation rights is also appropriate in cases of occupational disease, but was inadvertently omitted. Subsection (b) is revised to correct this omission.

Section 10.102. Numerous comments were received regarding § 10.102. Two Federal agencies noted that Federal Personnel Manual Letter 293–20, issued August 13, 1984, requires agencies to establish and maintain an Employee Medical Folder (EMF), and identifies the CA–1 and CA–2 forms not submitted to the Department as records to be retained in the EMF rather than the employee's Official Personnel Folder. See also the final OPM regulations published in the **Federal Register** on September 19, 1986 (51 FR 33233–37). Thus, § 10.102(a) is revised to refer to the Employee Medical Folder.

Four labor organizations commented that the 10-day time frame for agency submission of the written report of injury is excessive, while one Federal agency remarked that the period was too short. Another Federal agency asked for clarification of the term "prolonged treatment." The four labor organizations also stated that the regulations should call attention to the official superior's responsibility to furnish the employee with the "Receipt of Notice of Injury" (or

Occupational Disease or Illness) which is attached to Forms CA–1 and CA–2, and suggested that the official superior should be authorized or required to furnish a copy of the completed claim form to the employee or the employee's representative. Previously, the Department had used a guideline of two days for agency submission of the notice of injury. However, the completion and submission of the report of injury by the employing agency frequently involves coordination between the employee's immediate supervisor and the agency's injury compensation specialist and/or other functions within the agency. Our experience has shown that two days was an unrealistically short period. We believe that 10 working days is a more realistic period for agency submission of the notice of injury. On occasion, an employee may sustain an injury which does not result in a loss of time from work and, because medical treatment may be provided at an agency medical facility, no medical expense may be incurred. However, if such injury results in "prolonged treatment," reporting of the injury to OWCP is required because continuing treatment is indicative of more than the most minor of injuries. Therefore, § 10.102(a) is revised to define "prolonged treatment" as more than two instances of medical treatment (i.e., initial examination and treatment and one follow-up examination to confirm full recovery). With respect to the "Receipt of Notice of Injury," subsection (a) is revised to make specific reference to the employing agency's responsibility to complete the receipt and furnish it to the employee. The addition of § 10.102(e) reflects the Department's agreement with the suggestion that it be made clear that the employing agency is authorized to furnish the employee or beneficiary, or their representative, with a copy of any notice, claim form, or other document concerning that employee or beneficiary completed and submitted to OWCP by the employing agency. This includes any notice, claim form, or document previously submitted to OWCP, a copy of which was retained by the employing agency. While the Department wishes to clarify that the employing agency is authorized to furnish such copies, it is not the intent of the Department to require such action on a routine basis in every case, although the employing agency may do so if it desires. However, where the employee or beneficiary, or their representative, makes a written request, the employing agency must furnish a copy of any such document, or copy thereof in its possession.

Two Federal agencies pointed out that where there is disagreement with any particular of the injury as reported by the employee, 10 days for submission of a written explanation of the disagreement by the official superior is not realistic, especially in cases of occupational disease. The intent of requiring the submission of a written explanation of disagreement at the same time as the CA–1 or CA–2 was to obtain such information and supporting documentation as promptly as possible. In the vast majority of traumatic injury cases, we believe that the explanation of disagreement can be submitted with the CA–1. However, we agree that in occupational disease cases the submission of the explanation with the CA–2 is less feasible, since many such cases involve activities such as researching past records of testing to establish exposure levels. Therefore, § 10.102(b) is revised to allow up to 30 days for the submission of an explanation of disagreement in occupational disease cases. However, this modification does not change the requirement that Form CA–2 is to be submitted to the Office within 10 working days following receipt from the employee. This subsection also revised to reflect our agreement with the comment of a labor organization that any such agency disagreement with the particulars of the injury as reported by the employee may not be used to delay the submission of the claim to OWCP or to pressure the claimant to change the claim.

A labor organization stated that the requirement in § 10.102(c) that the employing agency provide "statements from each co-worker who has firsthand knowledge about the employee's condition and its cause" is an unreasonable and unnecessary burden and should be deleted. This has been an instruction to the employing agency on Form CA–2 for a number of years, and is based on the fact that statements from witnesses with firsthand knowledge is very helpful in determining the conditions or factors of employment under which the claimant worked. Therefore, deletion of the requirement is not desirable. However, we expect that reasonableness would be exercised in complying with this requirement. For example, in cases of occupational diseases with long latency periods, the agency is not required to obtain statements from co-workers who have retired or otherwise left the employing agency. While not agreeing to deletion of the requirement, the regulation is revised to apply to co-workers with such firsthand knowledge who are currently employed by the agency.

Section 10.104. In commenting of § 10.104 concerning the report on the attending physician, one labor organization stated that because of OWCP's medical report forms do not specifically provide for the attending physician's medical reasons for his or her opinion, many employees' claims are jeopardized when no rationale is provided by the physician. Two of the more frequently used forms, CA–16 and CA–20, do provide space for the physician to make explanation where the relationship of the diagnosed condition to the history of injury is doubtful or not clear. However, the medical report forms in question are used primarily in connection with traumatic injury cases which frequently do not require significant rationale in support of an initial affirmative statement by the physician concerning the relationship between the diagnosed condition and the employment injury. For example, no rationale is necessary to explain an affirmative opinion that a broken leg is causally related to a fall down a flight of stairs. Where there is a need for rationalized medical opinion, the claimant is advised of such need and provided an opportunity to submit the evidence (see § 10.110(b) concerning advising the claimant of the defects of his or her claim). Thus, a claim is not jeopardized by the structure of the medical report forms. Another labor organization acknowledged that the injured employee has the burden of proof, but suggested that claimants be clearly advised of their responsibility to submit supporting medical evidence. Such advice will be included in various OWCP forms and pamphlets at the time of their next revision.

A Federal agency recommended that subsection (a) of § 10.104 be revised to provide that the report of the attending physician be submitted to OWCP through the employing agency within two days after the medical examination or treatment is received, and that subsection (b) be revised to provide that additional reports be submitted through the employing agency within seven days. The Department does not agree with the suggested requirement that medical reports be routed through the employing agency because such routing will inevitably lead to unnecessary delays in OWCP's receipt of the evidence with corresponding delays in the adjudication of the claim. However, the disagreement with the suggested requirement does not infer that employing agencies may not request medical evidence related to FECA

claims of their employees. An employing agency may request copies of such medical evidence from OWCP. Where the employing agency furnishes the medical report form to be used (as it frequently does with Form CA–16), the agency may, if it so desires, provide two copies of the form with a request that the original be forwarded directly to OWCP with the copy returned to the agency. Subsection (c) is added to § 10.104 to more clearly reflect the above stated positions.

Section 10.105. In commenting on § 10.105(e), one labor organization argued that there is no statutory justification for the non-survivability of a claim for compensation not filed by an employee while living, and that this subsection "would deny survivor benefits granted by law and . . . should be deleted." Survivor benefits are enumerated in 5 U.S.C. 8133 and disability benefits are not included. Specific exception is made at 5 U.S.C. 8109 for the balance of a schedule award. However, even here the law requires that the employee have "filed a valid claim in his lifetime." Therefore, the provisions of subsection (e) do not deny survivor benefits "granted by law" and are within the statutory provisions of the FECA. Further, the Employees' Compensation Appeals Board in the case of *Anna M. Hooper,* Docket No. 86–712, issued April 29, 1986, stated the following:

> The record shows that prior to his death, the employees did not file a claim for compensation. The Board has held that an award of disability compensation is personal to the recipient. There is no property right in an award of compensation which can survive in favor of heirs. Thus, only compensation accrued, but unpaid before death survives as an asset of the estate like any other debt. Appellant, as an eligible beneficiary under 5 U.S.C. 8133 is entitled to file for benefits on account of the death of her husband, however, she is excluded from filing for compensation owing to him since no claim for compensation was filed by him before his death.

Sections 10.106 and 10.122. One commentator noted that the provisions of § 10.106 and § 10.122 appear to make the official superior responsible for obtaining medical support for the claim, and that the instruction to separate the medical report form from the claim form results in the medical report form being in danger of being lost, misrouted, misfiled, or otherwise delayed. One Federal agency commented that the period within which the employing agency is to submit the claim as stated in § 10.106 should be changed from 5 days to 10 days, while one labor organization stated that the similar time frame in § 10.122 should be changed from 5 days to 2 or 3 days. We agree that the sections referred to could be interpreted as placing a responsibility on the official superior which in fact he or she does not have. The responsibility for submitting, or arranging for the submission of, medical evidence concerning the period claimed rests with the employee. However, the employing agency does have a responsibility to advise the employee of his or her responsibility to submit that evidence. The comments concerning the specific instructions for separating the medical report form from the claim form are also well taken. Whether or not a completed medical report form should be submitted with the CA–7 or CA–8 is often dependent on the circumstances which exist in a given case, e.g., whether medical evidence concerning the period of wage loss claimed has already been submitted to OWCP. Specific instruction by regulation concerning whether or not the medical report form should remain attached to the CA–7 or CA–8 is not considered necessary or appropriate. Therefore, § 10.106 and § 10.122 are revised by deleting the specific instructions concerning the medical report form and by adding a statement as to the employee's responsibility for the submission of medical evidence. With regard to the period within which the employing agency is to submit the claim to OWCP, previous regulations provided for submission within 2 work days; however, experience has shown that this is unrealistic. On the other hand, prompt submission by the employing agency is essential if income interruption is to be held to a minimum. The 5-day period is considered a more realistic time frame. Where existing agency procedures for completion of the agency's portion of the claim form consume significantly more than five work days, we believe it is more appropriate for the agency to take steps to streamline its process than the extend the period for submission. Also, in addition to holding income interruption of a minimum, the period within which an agency is to submit a claim for compensation is shorter than the 10-day period allowed by § 10.102(a) for submission of the notice of injury because, generally, the completion of the claim form is less time-consuming than exploration of the circumstances of an injury and completion of the notice, but more time-consuming than the 2 work days previously provided.

Section 10.107. Concerning § 10.107 which addresses application for augmented compensation, i.e., additional compensation payable on account of dependents, four labor organizations stated that the 30-day requirement for response to an OWCP request for information as to any dependents cited in subsection (c) was unreasonable and should be 45 or 60 days. The Department does not agree with the assessment made. The information requested concerning dependents should be readily known by the employee and easily provided. The 30-day period for response is considered more than adequate. No loss is sustained by the employee in the event of a late submission since augmented compensation will be paid for the entire period of eligibiltiy.

One Federal agency suggested that OWCP should be authorized to require proof of dependents by way of birth certificates or other authentication. Where the information provided by the employee concerning dependents is inconclusive additional documentation in support of the claim for augmented compensation is requested. Subsection (c) of § 10.107 is revised to reflect this procedure.

One Federal agency suggested that reinstatement of augmented compensation suspended under the provisions of § 10.107(c) should be made retroactive only to the date the requested information was received, while two agencies suggested that reinstatement should be made retroactive to the date of suspension only if satisfactory reasons for the delay are shown. We do not believe the suggested course of action is necessary or appropriate. The penalty of suspension of compensation for failure to timely furnish information relative to augmented compensation was proposed on order to minimize instances of claimants simply failing to respond to the request. The objective is to obtain the needed information, not to penalize the claimant where the evidence submitted supports the payment of augmented compensation but is submitted beyond 30 days from the request. Thus, where information supporting such benefit is received after 30 days, the benefit is properly reinstated retroactive to the date of suspension. The forfeiture of augmented compensation is too serve a penalty for late submission where the submission establishes entitlement to the benefit for the period in question.

Two Federal agencies stated that the right to recover overpayments of augmented compensation as provided by § 10.107(d) should not be limited to that provided by 5 U.S.C. 8129. The Department does not rely solely on the provisions of 5 U.S.C. 8129 in recovering overpayments, but makes use of other

appropriate statutes such as the Debt Collection Act. Subsection (d) is therefore revised to reflect this fact.

Section 10.110. With regard to § 10.110, three labor organizations commented that the 30-day period specified in subsection (b) for submitting additional evidence in support of the claim is unreasonable and should be 45 or 60 days. One organization noted further that the provision should be made for notification to the claimant whenever subsequent submissions of evidence are deemed insufficient to carry the burden of proof because to not so provide could result in injustice and an appearance of unfairness. The practice of allowing 30 days for submission of needed information at the time of initial adjudication has been followed by the OWCP for some time. Rather than hold up the issuance of a decision pending receipt of the evidence (which in some cases is never submitted), a decision denying the claim based on the failure of the claimant to meet his or her burden is issued. Often, the information is subsequently received and the claim is accepted. Where the evidence is not received, the decision denying the claim stands as is. The practice has not proven to be detrimental to the claimant, but has in our opinion, resulted in employees being more aware of their responsibilities and meeting them in a more timely manner. To provide notice of the same defect with an additional 30 days for response whenever subsequent submissions continue to be insufficient perpetuates a non-decision status and is viewed as unnecessary. This procedure differs from the where OWCP has the burden of justifying modification or termination of benefits. In those cases, the burden has shifted because the case has been accepted and compensation paid. However, in those cases which are the subject of § 10.110, the burden of proof still rests with the claimant. In summary, based on our experience, we believe the procedure being followed, and now formalized by regulation, is both reasonable and appropriate.

In commenting on § 10.110(c), two Federal agencies took the position that it is wrong for the burden of proof to shift to OWCP, contending that the burden should always be on the employee. The Employees' Compensation Appeals Board has held on numerous occasions that once a claim has been accepted and compensation paid, the OWCP has the burden of justifying termination or modification of that compensation. While one of the commentators suggested that a change in the regulation would cause a change in the decisions of the Appeals Board, we do not believe this to be necessarily true. Further, the position is not based solely on the decisions of the Appeal Board, but represents adherence to general workers' compensation principles. We see no sufficient reason or basis to act directly counter to these principles.

Section 10.120. One Federal agency found § 10.120 to be confusing in that Forms CA–1 and CA–2 do not provide appropriate spaces for days used and monies paid for continuation of pay and makes it appear that Form CA–3 is an optional form. There may be circumstances under which the use of Form CA–3 is not necessary, and § 10.120 is worded in an attempt to account for such circumstances. For example, if an employee sustained an injury which resulted in a medical expense but no loss of time beyond the date of injury, the date of return to work could be reported on Form CA–1. Since no continuation of pay would be involved in an occupational disease case, return to work following a short period of disability could be reported on Form CA–2. Also, where information concerning continuation of pay was previously provided to OWCP, subsequent return to work could be reported on Form CA–8. Therefore, if all needed information can be furnished through the use of other required forms, repetitious submission using Form CA–3 is unnecessary, and to that extent the use of Form CA–3 is optional.

Section 10.122. It was suggested by a Federal agency that § 10.122(e) should be revised to provide that the claim form and medical report must be submitted "to the Office, with a copy to the employing agency," before compensation may be paid. As previously stated, these regulations are in no way intended to prohibit or prevent employing agencies from obtaining copies of medical evidence submitted in connection with the claims from their employees. However, it is also not the intent of the regulations to establish a requirement that the employing agency must receive a copy of the medical evidence. Further, the commentator's proposal could be interpreted as requiring the agency to receive a copy of the claim and the medical evidence before compensation could be paid. There is not, and there should not be, any such requirement associated with the payment of compensation.

Section 10.123. Four labor organizations stated that the advice which is to be provided to the employee under § 10.123(a) concerning his or her obligation to return to work as soon as medically possible should be in writing, and two of the organizations suggested that this subsection require employee acknowledgment of receipt and understanding of the instruction. Written notification of an employee's basic responsibility concerning return to work is currently provided by various forms and letters. Additional information consistent with the responsibilities contained in these revised regulations will be provided through modification of existing forms when such forms are next revised or by other appropriate means. However, we do not believe that a regulatory requirement for employee acknowledgment of receipt and understanding of the notification is necessary. Pending appropriate forms revision, the official superior does have a responsibility to verbally advise the employee of his or her responsibilities with respect to returning to work.

Two of the labor organizations also stated that § 10.123 should clearly state what medical evidence must go to OWCP, and what, if any, other than CA–17, goes to the employing agency, as well as who at the employing agency is authorized and/or qualified to see such personal and private data. These two organizations went on to suggest that the regulations should state that employing agencies have no authority to conduct medical examinations for the purpose of verifying an employment-related disability, or for creating medical conflict or otherwise contesting the merit of an on-the-job injury claim. As previously indicated, all medical evidence from the employee's physician should be submitted directly to OWCP. While the Department has not adopted a commentator's suggested requirement that the medical evidence be submitted to OWCP through the employing agency, the employing agency may request copies of submitted medical evidence from OWCP. With regard to who at the employing agency can see the medical evidence, each agency has its own organizational structure with respect to processing injury claims. Thus, appropriate individuals could include the immediate supervisor, injury compensation specialists, personnel staff, medical staff, and even other supervisors who would be involved as a result of a reemployment effort. Therefore, medical evidence can be provided to any person within the agency having some responsibility for the processing of a claim for compensation or who has a need for such information in the fulfillment of their official duties. Finally, agency authority to conduct medical

examinations is provided by regulations issued by the Office of Personnel Management (see 5 CFR 339.301–339.304). These regulations provide limited authority for agency-conducted examinations of employees receiving workers' compensation benefits (see 5 CFR 339.301(b)), and provide no authority for the employing agency to require such employees to submit to medical examinations for the purpose of verifying the medical condition for which compensation is being paid (see the Supplementary Information at 49 FR 1323–4 (January 11, 1984)). Neither the FECA nor these revised regulations for the administration and enforcement of the FECA provide any further authority for agency-conducted medical examinations. In view of these facts, a negative statement in these regulations as suggested by the commentator is not necessary.

It was suggested by one Federal agency that the term "return to work" as used in § 10.123(c)(2) should be amplified so that it does not imply or require a return to the normal worksite, but could include other alternate locations. The term as used in § 10.123 was not intended to limit return to work to the normal worksite, and the section has been revised to reflect this fact.

Section 10.124. A number of comments were received from both Federal agencies and labor organizations concerning § 10.124. One Federal agency commented that more authority needs to be provided to OWCP to enforce § 10.124, such as routine scheduling of medical second opinion physicals and a routine scheduling of consultations with vocational rehabilitation counselors. Additional regulatory authority is not needed since sufficient authority to obtain medical examinations and vocational rehabilitation services is provided by the FECA at 5 U.S.C. 8123 and 8104, respectively. Further, the frequency with which such examinations and services are to be obtained is best determined based on a case-by-case basis, rather than on a fixed-time schedule.

Revision has been made to § 10.124(b) in response to comments from three labor organizations that the description of available alternative positions which the employee is to furnish to his or her attending physician should include the physical requirements of those positions. The phrase "description of such alternative positions" was intended to include the physical requirements since they are essential to the physician's assessment of the employee's ability to perform those positions. The revision is made to more clearly reflect the intent.

Concern was expressed by two Federal agencies that § 10.124 could be interpreted as meaning that communications with the physician are controlled by the employee, and that the employing agency may not communicate with the physician regarding possible job assignments and work limitations and restrictions. The intent of § 10.123 and § 10.124 is to equitably allocate the responsibilities for returning the injured employee to gainful employment as soon as possible, and to assure that both the employee and the employing agency are involved in preserving the injured worker's position as a Federal employee while permitting the healing process to continue without detrimental effect on the employee. Any interpretation that § 10.123 prohibits or prevents the employing agency from communicating with the employee's physician to request medical information needed to proceed with an effort to return the employee to suitable gainful employment would be inconsistent with this intent. While the comments arose in connection with § 10.124, it is believed that needed clarification is more appropriately made at § 10.123(b).

The limitations and restrictions to be taken into account in determining the suitability of offered employment as described in § 10.124(c) were the subject of comments from two labor organizations. Both organizations stated that an offer of suitable employment must also take into account limitations and restrictions which are incurred following the employment injury. While taking into account subsequently incurred limitations and restrictions in determining the suitability of offered employment may appear logical and reasonable, we have chosen not to specifically include such limitations and restrictions in § 10.124(c) because of the potential for the involvement of other principles which come into play in establishing an injured employee's wage-earning capacity for the purposes of 5 U.S.C. 8106(a) and 8115 which concern compensation for partial disability. In determining an injured employee's wage-earning capacity, limitations and restrictions incurred subsequent to the employment injury are not considered. Thus, an offer of employment which is within the employee's pre-existing and injury-related limitations and restrictions, but which does not take into account subsequently incurred limitations and restrictions, may be found to be representative of the employee's wage-earning capacity. Should an employee refuse such offered employment, the subsequently incurred limitations and restrictions may serve as reasonable explanation for refusal so as to preclude the application of the penalty provided by 5 U.S.C. 8106(c)(2). However, reduction of compensation to reflect partial disability may still be accomplished. We recognize that the frequency of occurrence of such circumstances is not great since most employers will not devote considerable effort to offering employment which is beyond the employee's actual limitations and restrictions. However, we have chosen not to eliminate the possibility by requiring by regulation that the offered employment take into account subsequently incurred limitations and restrictions.

An addition to § 10.124(c) was suggested by one Federal agency which would allow an employing agency to contact a current or former employee who is receiving compensation for purposes of extending a job offer and/or extending rehabilitation counseling services to such employee that meets the employee's current medical restrictions. With regard to extending a job offer, direct agency contact with the employee is the general practice being followed, and is within the scope of the procedures contained in § 10.123. With regard to extending rehabilitation counseling services, these services are currently provided by OWCP under the authority given to the Department by 5 U.S.C. 8104. It is not necessary to provide for direct furnishing of such services by the employing agency, although such may be offered by the agency if it is otherwise equipped to provide such counseling. However, this is in no way intended to discourage agency referrals to OWCP where the agency believes that a permanently disabled employee may benefit from the vocational rehabilitation services.

Another Federal agency suggested that § 10.124(d) be revised to require the employee to provide on a regular basis (e.g., monthly, quarterly, or semi-annually) proof of efforts to obtain suitable employment and, if suitable employment is refused, to state the reasons for such refusal. We believe that such information should be obtained, but that a regulatory requirement as described is not necessary. Where OWCP-furnished rehabilitation services are being provided, the needed information is readily obtained through the rehabilitation counselor involved in the reemployment effort. Where such services are not being provided, OWCP obtains the information in those cases and at those times as indicated by the

circumstances which exist in each case. Placement by regulation of a regular periodic reporting requirement on each employee is not viewed as necessary.

A labor organization noted that subsections (d) and (e) of § 10.124 require the partially disabled employee to seek and accept suitable work, or risk losing his or her benefits. It was suggested that these claimants should have the opportunity to show that any neglect or refusal to seek and accept suitable work was reasonable or justified before benefits are terminated. Such opportunity is currently provided under existing procedures. However, to make this clear, subsections (c) and (e) of § 10.124 are revised to reflect this opportunity. Subsection (e) is further revised in response to comments from three labor organizations requesting clarification concerning entitlement to medical benefits and to compensation for subsequent periods of total disability. Medical benefits under 5 U.S.C. 8103 are not affected by the neglect or refusal to seek and accept suitable work and were not included in subsection (e). However, in light of the request for clarification, medical benefits are now specifically addressed. With respect to periods of total disability following termination of entitlement, no compensation is payable for such periods. Once entitlement has been terminated under the provisions of 5 U.S.C. 8106(c), such termination is permanent regardless of any subsequent change in the extent of the employee's disability. Therefore, a partially disabled employee who refuses suitable work and whose benefits are terminated for that reason is not entitled to further compensation even if the employee subsequently becomes totally disabled as a result of the injury. This is reflected in the language that the employee "is not entitled to further compensation" for total or partial disability, or for permanent impairment.

Several comments were received concerning § 10.124(f). One Federal agency stated that an employee's failure or refusal without good cause to undergo vocational rehabilitation should result in termination of compensation rather than reduction of compensation. A labor organization stated that the penalty provided by 5 U.S.C. 8113(b) is applicable where an individual without good cause fails to apply for and undergo rehabilitation when so required, but should not be applicable for failure to participate in the early stages of a rehabilitation effort. In response to the comment suggesting termination of compensation, the penalty provided by 5 U.S.C. 8113(b) calls for prospective reduction of monetary compensation, and the Department does not believe it appropriate to invoke by regulation a penalty greater than that provided by statute. With regard to the applicability of the provisions of 5 U.S.C. 8113(b) to the early stages of rehabilitation, rehabilitation has been construed to include not only the actual job placement effort and/or formalized training program, but to also include essential preparatory efforts (e.g., interviews, testing, counseling, and work evaluations). These early stages are an integral part of the total vocational rehabilitation effort, and the failure or refusal to participate in the early stages when so directed constitutes failure to undergo vocational rehabilitation.

Two Federal employing agencies suggested the addition of a paragraph to § 10.124 which would provide that after the first anniversary of the commencement of compensation an employee is obligated to accept an offer of suitable employment by the employing agency at his or her former duty station, even if he or she no longer lives in the commuting area of the position.

Further, the suggested paragraph would deem the payment of relocation expenses by the agency as part of the "reasonable effort to place" obligation in 5 U.S.C. 8151. A commitment to pay such relocation expenses would be required prior to obligating the employee to accept the work. The suggestions concerning relocation expenses arise from the fact that current travel regulations do not appear to allow the employing agency to pay relocation expenses for returning a former employee to his or her prior duty station. With regard to obligating the employee to return to his or her former duty station, the suggested position is unnecessarily narrow and restrictive in that it does not take into account situations in which the refusal of offered employment may be reasonable or justified. There may exist legitimate explanation for a former employee's refusal of suitable work at the prior duty station, for example, return to that geographic area being medically contraindicated. By acknowledging and taking into account the realities of a given situation, a reasonable and fair obligation has been placed on the partially disabled employee to return to suitable employment, especially in light of the severity of the penalty for refusal of such employment (i.e., termination of entitlement to compensation). Appreciating both the disruptive efforts on the injured worker and the costs incurred in relocating to accept suitable work offered by the former employing agency, employing agencies are encouraged to offer reemployment in the area where the former employee currently resides. Where this is not practical, the agency may, of course, offer reemployment at the prior duty station or other alternate location. This raises the issue of relocation expenses as an obstacle to successful reemployment in such situations. The commentator suggested that the payment of relocation expenses by the employing agency be authorized under the provisions of 5 U.S.C. 8151 which is concerned with retention rights. Due to the subject matter of section 8151, it has been agreed by the Department and the Office of Personnel Management (OPM) that all issues involving that section come under the authority of OPM. Thus, it would not be appropriate for the Department to establish regulations authorizing agencies to pay relocation expenses under the provisions of section 8151. However, recognizing that relocation expenses is an issue requiring resolution, it has been determined that where the acceptance of an agency offer of suitable reemployment made to a former employee would result in the employee incurring relocation expenses, reasonable and necessary relocation expenses may be paid out of the Employees' Compensation Fund and, as with all such payments, charged back to the employing agency. In determining whether an expense is reasonable and necessary, OWCP will use as a guide the Federal travel regulations concerning permanent change of duty station. As now stated in subsection (f) of § 10.123, the regulation is consistent with the basic intent of the commentators' suggestions.

Section 10.125. In commenting on the 30-day period for response to a request for earnings in § 10.125(a), two labor organizations stated that the period is unreasonable and should be 45 or 60 days. As previously stated in response to a similar comment concerning § 10.107, we view the information requested as being readily known and easily provided by the employee, and we consider the 30-day period to be reasonable and adequate. Three Federal employing agencies commented that requiring a report of earnings from the employee under the provisions of subsection (a) should be mandatory rather than discretionary as indicated by the language, and one of these agencies also suggested that the frequency of these reports should be specified. In actuality, current procedures require that a report of earnings be periodically obtained in the

vast majority of disability claims. Therefore, in light of actual practice, the suggested change is not inappropriate. However, as recognized by the language of 5 U.S.C. 8106(b), there are situations in which discretion should be exercised in terms of whether and when such a report is to be required. Giving consideration to both actual practice and the need to account for exceptions, subsection (a) of § 10.125 is revised to require the periodic reporting of earnings, except where it is found that such report is unnecessary or inappropriate. One of these agencies also suggested that where compensation is suspended, reinstatement should be made retroactive only to the date the requested information was received. Another agency suggested that OWCP reserve the right to forfeit payments when non-compliance is either flagrant or repeated. Again referring to similar comments made with respect to § 10.107, the penalty of suspension of compensation is intended to prompt a timely response to a request for earnings information. Where the information received supports the continuation of compensation, there is insufficient reason to declare compensation forfeit for a period otherwise payable. Further, we are confident that the suspension of compensation once applied is sufficient incentive to prompt a timely response to future requests. One Federal agency went on to suggest that subsection (a) should be further revised to provide that a false statement with respect to employment or earnings may also subject the employee to disciplinary or adverse action. The taking of disciplinary or adverse action in such a situation is a personnel matter within the purview of the Office of Personnel Management and does not properly come within the scope of these regulations.

Three labor organizations and two Federal agencies suggested that § 10.125(c) should address the issue of penalties that may be imposed if an employee fails to furnish written consent to obtain wage information from the Social Security Administration. The subsection is silent with respect to penalties for failure to provide written consent because it is our position that no penalty is applicable. Providing such consent is not a condition of eligibility for compensation or a requirement for receipt of compensation. Another Federal agency suggested that this subsection be revised to provide that OWCP may obtain wage information from the Social Security Administration "and the Internal Revenue Service." The inclusion of the suggested language is viewed as unnecessary. While wage information in the possession of the Social Security Administration (SSA) is protected by Internal Revenue Service (IRS) regulations, the information may, with the claimant's consent, be obtained directly from SSA.

Sections 10.126 and 10.127. Three Federal agencies commented on the provisions of § 10.126 and § 10.127. In summary, these comments suggested that an additional 15 days be provided when requested by the beneficiary, that the date of retroactive reinstatement be the date the requested information is received, and that forfeiture be applied for flagrant or repeated non-compliance or when good cause is not shown for non-compliance. These suggestions are similar to those made in conection with § 10.107(c) and § 10.125(a) and our responses are correspondingly similar. Thus, no further revision is made to either § 10.126 or § 10.127.

Section 10.130. Two Federal agencies suggested that § 10.130 be revised to provide that the employing agency receive a copy of the decision at the time it is issued. We agree with the suggested change and § 10.130 is revised accordingly.

Section 10.131. Several comments were made with respect to § 10.131. One Federal agency felt that a large number of decisions are reversed once the employee submits the needed evidence through the review process provided by 5 U.S.C. 8128(a) and § 10.138 of these regulations. Since review is less costly than a hearing, the commentator suggested that review should be the first step in the process, and that obtaining such review should not result in the forfeiture of the employee's right to a hearing. Although review under 5 U.S.C. 8128(a) is the avenue most frequently used by employees in contesting a decision, the Department has no authority to establish by regulation a hearing/review sequence different from that provided by statute at 5 U.S.C. 8124(b)(1). Another Federal agency suggested that subsection (a) provide that a representative from the employing agency may attend the hearing to observe and/or present pertinent evidence relative to the claim. It has been and continues to be the Department's position, as stated in § 10.140, that proceedings conducted with respect to claims filed under the FECA are nonadversary in character. We believe that active agency participation at the hearing, including activities such as presenting evidence (other than at the request of the employee) or questioning the employee or other witnesses, creates an adversary proceeding. Therefore, while a representative of the employing agency may attend the hearing as an observer (as provided by § 10.135), the employing agency may not present evidence at the hearing unless requested to do so by the employee. However, this is in no way intended to inhibit or discourage the employing agency from submitting, prior to or after the hearing, any evidence which it believes relevant.

With regard to § 10.131(b), two labor organizations basically stated that this subsection and § 10.135 allow for agency participation in the claims adjudication process, and are in direct conflict with § 10.140 which limits such participation. Another labor organization commented that a "hearing on the written record," aside from being oxymoronic, only differs from reconsideration under § 10.138(b) in that reconsideration requires the introduction of new evidence. Rather than a "hearing on the written record," the commentator suggested that claimants be offered the opportunity to request reconsideration on the basis of new argument rather than only new evidence. A total of four labor organizations stated that the claimant should be allowed to change an initial choice of a hearing on the written record to an oral hearing if the claimant or representative finds it in his or her best interests. One Federal agency commented that 15 days for the agency to submit relevant evidence following a hearing is too short a period, and one labor organization, in commenting on § 10.135, stated that § 10.131(b) should be revised to allow the claimant the opportunity to review and comment on any agency submission.

Agency attendance at hearings in the role of an observer does not equate to active participation in the claims adjudication process since no party status is conferred on the agency. It is also our view that agency attendance at a hearing with the opportunity to subsequently submit relevant evidence does not establish and should not create the appearance of an adversary process. Attendance without the right to actively participate allows the employing agency to become aware of the issue in question and to hear the employee's statements in support of the claim. Allowing the agency to subsequently submit evidence which it believes relevant simply facilitates a prompt decision based on as complete a record as possible. In response to the comment that opportunity for reconsideration should be allowed on the basis of new argument rather than only new evidence, such opportunity is already

provided by § 10.138(b)(1) (A) and (B). However, in light of the comment, further explanation appears to be warranted. In some cases, a claimant may request a hearing prior to reconsideration in order to protect the right to a hearing with subsequent opportunity for reconsideration. If the claimant lives in a relatively remote area, it may be several months before a representative designated by the Director of OWCP visits that area. Rather than having the claimant wait for this period of time, the Department found it appropriate to offer claimants the right to choose a review of the record by such representative in lieu of an oral hearing in order to speed the decision while preserving the right to subsequently request reconsideration. We agree that the claimant, or the claimant's representative, may change an initial choice of review of the record to oral hearing. However, to allow such change without limitation simply creates an open-ended situation of indefinite changing of choice. Therefore, § 10.131 is revised to allow the claimant to change his or her initial choice, provided such request for change is made in writing within 30 days after the date of acknowledgment by OWCP's Branch of Hearings and Review of receipt of the claimant's initial request for hearing or review of the written record. With regard to the time allowed for agency comment on the claimant's request for review of the record, we believe 15 days is sufficient and does not significantly delay issuance of a decision to the claimant. Finally, appropriate revision is made to reflect the opportunity for the claimant to review and comment on any agency submission.

Section 10.132. Three labor organizations commented that the 10-day notice requirement for a hearing in § 10.132 is insufficient and should be 20 days or at least 15 days. One of these organizations stated that the decision whether or not to schedule a pre-hearing conference should not be left solely to the discretion of the hearing representative, and that guidelines and the right to review by higher authority should be provided. A Federal agency suggested that the employing agency should also receive a copy of the notice of hearing. The 10-day notice requirement for hearing does not represent a revision of the regulations. Currently, notice of the time and place of hearing is sent to the claimant approximately 30 days prior to the hearing. In view of this practice, it is appropriate to revise § 10.132 to provide that written notice of the hearing shall be sent to the claimant at least 15 days prior to the hearing. With regard to the scheduling of a pre-hearing conference, the hearing representative is in the best position to determine whether the reason for requesting a pre-hearing conference will assist in narrowing the issues or deciding the case. Thus, the granting of a pre-hearing conference is appropriately left to the hearing representative's discretion. Sending a copy of the hearing notice to the employing agency is needed to accomplish the provisions of § 10.135; therefore, making specific reference to that procedure in § 10.132 is appropriate.

Section 10.133. Four labor organizations objected to the provision in the last sentence of § 10.133 that the recording of a hearing be preserved either on magnetic tape or by transcript, and stated that the original copy of the typed transcript should always be available for review by the claimant, representative, or others, including the Employees' Compensation Appeals Board. One of these organizations noted that it is unfair to make the claimant have a magnetic tape transcribed at personal expense so his or her representative can refer to the record in an appeal. When requested by the claimant, the claimant's representative or the employing agency, or where necessary because of an appeal, a transcription of the magnetic tape will be made available at no expense to the claimant.

Section 10.134. One Federal agency commenting on § 10.134 stated that an employing agency should be given the opportunity to challenge a subpoena it considers too broad, too burdensome, or inappropriate. As stated by the regulation, a request for subpoena will be granted by OWCP only where the testimony or materials are relevant to the matter in issue at the hearing. Therefore, we do not believe that providing for challenge of a subpoena by regulation is necessary.

A Federal agency commented that the provision in § 10.134(b) that non-government witnesses be paid "the same fees and mileage as are paid for like services in the District Court" could be interpreted as meaning that expert witnesses such as physicians will not be paid their prevailing rate. The commentator went on to state that, as a practical matter, forcing a doctor to testify for a small fee is courterproductive. We agree with this comment, and § 10.134 (b) and (c) are revised to provide for fees for expert witnesses not to exceed the local customary charges for such service. One labor organization suggested that § 10.134(c) concerning the payment of witness fees by the claimant should state that it refers to non-government witnesses as does subsection (b). Employees of the United States subpoenaed by OWCP in connection with a claim under the FECA are considered to be in an active duty status while attending the hearing and while traveling to and from the hearing. Therefore, the payment of fees for such witnesses by the injured employee is not appropriate, and § 10.134(c) is further revised to apply only to non-government witnesses.

Section 10.135. In commenting on § 10.135, four Federal agencies stated that the employing agency should be allowed to present testimony or evidence at the hearing, or at least at the invitation of the OWCP hearing representative. Two of these commentators also suggested that the employing agency be given the right to request a hearing. On the other hand, a labor organization stated that there is no need to provide for the specific involvement of employing agencies in hearings. The regulation provides for agency attendance in the role of an observer so that the agency may become aware of the issues and contentions in order to determine whether the submission of additional relevant evidence is indicated. Agency attendance without the right to actively participate in the hearing does not, in our view, create an adversarial process, but does further the development of a complete record. However, as has been stated earlier, it is the position of the Department that allowing the agency to activiely participate in the hearing process, other than by specific request of the claimant, equates to the establishment of an adversarial proceeding, which is contrary to the intent of Congress in enacting the FECA. The provisions of § 10.135 will enable the Department to render a decision on as complete a record as possible without entering into an adversarial process. With regard to the right of an agency to request a hearing, 5 U.S.C 8124 does not provide the employing agency with such right. The language of 5 U.S.C. 8124(b)(1) is specific as to who has the right to request a hearing, and the specificity of the language reflects the intent to provide the right to request a hearing only to the claimant.

Section 10.136. Two labor organizations stated that § 10.136 should provide for issuance of a hearing decision within 30 days of the actual hearing or the date granted for the submission of additional evidence. The Department recognizes the need for the prompt issuance of decisions and

attempts to do so. However, it must be recognized that evidence submitted during or after the hearing may require additional development or clarification before a proper decision can be issued. To establish a time frame for issuance of a decision could result in bypassing such necessary development in order to meet such time standard. Clearly, this is contrary to the basic purpose of the adjudication process. Therefore, establishment of a time standard for issuance of hearing decision is viewed as potentially counterproductive.

Section 10.137. Three labor organizations questioned the Department's authority to impose costs on the claimant for the unexcused failure to appear at a hearing as provided by § 10.137, and suggested that the provision be deleted. Costs are incurred by the government without corresponding benefit where the claimant without good cause shown fails to appear at the hearing. Such cost should not be assumed by the goverment or by the tax-paying public, but should be borne by the individual who necessitated such cost, i.e., the claimant who requested the hearing but failed to appear. We believe there is sufficient authority under 5 U.S.C. 8149 for such provision. Another labor organization stated that there is no justification given for reducing the time before a scheduled hearing during which the claimant could request postponement. The regulation provides that written request for postponement must be received at least three days prior to the scheduled date of hearing. Previously, requests for postponement could be made up to 48 hours before the scheduled hearing. Practical considerations for possible rescheduling of other hearings and other support service requirements were the basis for requiring additional time between receipt of the request for cancellation and the previously scheduled date of the hearing. Finally, two Federal agencies suggested that the unexcused failure to appear at the first hearing should be deemed to waive the right to a hearing, and a decision should then be made on the written record. Since a claimant should not be denied the right to a hearing where good cause is shown for the failure to appear at the first scheduled hearing, a second hearing will be scheduled. However, if good cause is not shown, another hearing will not be scheduled, no decision on the written record will be provided, and the decision which was the subject of the hearing request will, therefore, remain in force without modification. Thus, the regulation, as revised, has the effect of denying a hearing for the unexcused failure to appear at the first hearing as suggested by the commentators.

Section 10.138. The provisions of § 10.138 relating to the review of decisions under 5 U.S.C. 8128(a) elicited numerous comments. One Federal agency commented that the one-year time limitation for requesting reconsideration is important and should be retained, while another commentator suggested the limitation should be 6 months rather than one year. However, five labor organizations objected to this limitation characterizing it as unnecessary, overly restrictive, or beyond the authority of the Department. One labor organization also objected to the provision that a denial of application for review is not itself subject to further review under this section or to hearing under § 10.131, contending that, since the request is made for merit review, a refusal to do so is therefore viewed as part of an award for or against the payment of compensation. One labor organization objected to the involvement of the employing agency in the review process since it not only delays case action but creates the appearance of adversary involvement, while another suggested that the claimant should have the right to review and comment on any agency submission. In response, the one-year time limitation is an effort to curtail the open-ended reconsideration process currently provided, and to eliminate frivolous or repetitious requests for review made years after the issuance of a decision which may well have been previsously reviewed or subject to hearing and/or appeal. Section 8128(a) of the FECA authorizes the Secretary to exercise discretion in determining whether review will be provided. Some limitations, based upon applicable decisions of the Employees' Compensation Appeals Board, already exist (and are also formalized in this regulation) with respect to the evidence which must be submitted in order to obtain review. A limitation on the time for making such request is equally appropriate.

With regard to not subjecting a denial of application to further review or hearing, the claimant has the responsibility for showing that a review of the merits of a decision is warranted by meeting the requirements specified in § 10.138(b)(1) (i)–(iii). Where such showing is not made, the denial of the application for review in no way constitutes a decision on the merits of the original decision in question. It should be noted that the denial of application for review does not prohibit or prevent a claimant from obtaining review of the original decision where a subsequent request which meets the requirements of § 10.138(b)(1) (i)–(iii) is made within one year of the original decision. As far as employing agency involvement is concerned, allowing the agency to become aware of the issues and arguments involved in the request for review and providing an opportunity to submit relevant comment and/or evidence is not viewed as establishing an adversary process, but rather is viewed as developing as complete a record as possible on which to base a decision. With this full development in mind, the comment concerning claimant review of an agency submission is well taken, and similar to the provisions associated with hearings, § 10.138(b)(2) is revised to provide such opportunity to the claimant.

Section 10.139. Two labor organizations commented that decisions concerning the amounts payable for medical services should not be excluded from review by the Employees' Compensation Appeals Board. That exclusion is set forth in § 10.139 and was added to the regulations in 1984 (49 FR 18976, May 3, 1984). No proposal is made to further modify this section, nor is one appropriate. As stated in the supplemental information contained in the 1984 issuance, issues concerning the amount payable out of the Employees' Compensation Fund for medical services are questions more properly reserved for final decision by the Director, OWCP.

Section 10.140. One Federal agency commented that § 10.140 should include specific time frames within which OWCP must render a decision on agency contested claims. The time taken to render a decision in agency contested cases is dependent on the extent to which OWCP needs additional information in order to properly resolve issues in the claim. The extent to which additional information is needed and the time consumed in obtaining that information cannot be regulated by establishment of a time standard for rendering a decision. If a mandatory time frame was established, decisions might be issued which would not be based on full and necessary development of the evidence. It is expected, however, that one of the objectives of this regulatory revision, i.e., more complete and timely submission of evidence by the employee and employer, will result in prompt decisons.

One labor organization commented that providing the employing agency with the right to investigate employee activities goes well beyond investigation

of criminality and would likely foster employer abuses leading to invasions of privacy. In the past, employing agencies have made investigations which have produced evidence not usually readily available to OWCP on which OWCP can take further action. Prior regulations have been silent on such investigations, but such investigative activity was implicit in the employing agencies' obligation to monitor the progress of their injured employees and, where appropriate, submit relevant evidence. Since several agencies have engaged in these activities, it is appropriate that the matter be addressed in the regulations. While an agency investigation may result in evidence of less than total disability, it may show criminal fraud. However, to attempt to limit investigations to only criminal activity would in many cases result in relevant information never coming to light. The provision is reasonable and justifiable since it merely confirms the employing agency's obligations to monitor the progress of its injured employees and submit relevant evidence, especially since the employing agency may only collect and present the facts and may not take action with regard to reduction or termination of the claimant's benefits. Another labor organization suggested that any material submitted by the employing agency should be given to the claimant with the opportunity for rebuttal before any action is taken on the claimant's benefits. To do so for every submission, including those where the submission has no effect on the claimant's benefits, is viewed as unnecessary. However, it should be noted that, beyond the claimant's basic right to review his or her file at any time, several regulations specifically provide for the claimant to review agency submissions. For example, § 10.102 authorizes the official superior to furnish an employee with a copy of any notice of injury, claim forms, or other documents completed and submitted to OWCP by the employing agency, and requires the official superior to do so where the employee makes a written request for those documents. Also § 10.131(b), § 10.135, and § 10.138(b) provide the employee with the opportunity to review and comment on any employing agency submission made in connection with a hearing or reconsideration. Further, a procedure has recently been implemented whereby a notice of proposed termination or reduction is sent to the claimant where evidence received provides a basis for such termination or reduction. The evidence together with an explanation of the basis for the proposed action is furnished to the claimant who is also provided with an opportunity to submit comment, evidence or argument in response to the notice of proposed action. We believe this procedure and the above-referenced regulations address the concerns expressed by the commentator.

One Federal agency also noted that the last sentence of § 10.140 provides that in contested claims the employing agency will be notified "of the rationale for approving the claim," and suggested that the language be changed to require "the setting forth the basis therefor" as used in § 10.136. We believe the language used adequately expresses the intent to provide the employing agency with the reason for accepting a contested claim. Finally, one Federal agency stated that it was pursuing the possibility of contracting out for investigative services, and urged that there should be no bar to such action. Whether an agency conducts an investigation with its own personnel or through contract is not viewed as a matter for these regulations. However, regardless of who provides investigative services, the provisions of § 10.11 concerning confidentiality of claim-related material must be followed.

Section 10.141. A labor organization suggested that § 10.141 should be revised to provide for Department assistance to injured employees on appeals where employees cannot secure and/or pay for an attorney. There is no provision within the FECA for providing injured employees with such representation.

Section 10.145. Two Federal agencies suggested that § 10.145 be revised to provide that the employing agency be notified routinely when representative fees are applied for. Representative fees are paid for by the claimant and not by OWCP or the employing agency. Therefore, no reason exists for agency involvement in the process of reviewing the representative's fee request. One labor organization suggested that, because of the possibility of intimidation, OWCP should secure an employee's comments on the representative's requested fee directly, rather than having the representative arrange for employee review and comment prior to submission to OWCP. The regulation reflects a procedure used by OWCP for several years. The purpose of the procedure was to obtain the needed information in one submission so as to facilitate a prompt decision with respect to the requested fee. Our experience with this procedure has not revealed the situation with which the commentator is concerned.

Section 10.201. Three Federal agencies stated with respect to § 10.201 that they supported the reduction from 6 months to 90 days for the period within which continuation of pay (COP) may be used; however, another commentator stated that COP should not be allowed unless the employee reports the injury within 3 work days, with allowance for extenuating circumstances. This latter comment is inconsistent with the provisions of 5 U.S.C. 8118 which, by incorporating the time limitation set forth in section 8122(a)(2) of the Act, provides 30 days. On the other hand, four labor organizations strongly opposed changing the time for using COP and stated their belief that there was no justification shown for this change. The above comments are also applicable to § 10.203(a)(7) and § 10.208(b)(3). As shown by the statutory limitation to "traumatic injury," the COP provision was intended to minimize income interruption in cases where the relationship of the disability to the injury is relatively clear cut. The Department believes that initial disability occurring more than 90 days after the injury makes the relationship of the disability to the injury much less clear in the vast majority of cases, and casts doubt upon the immediate granting of such a benefit. The shortening of the time will not result in the denial of compensation entitlement since compensation would be payable for any disability occurring after 90 days. Further, the significant delays encountered by injured employees prior to 1974 in receiving compensation payments was also a major factor in the establishment of the COP provision. However, OWCP is currently able to adjudicate cases and make payment in a much more timely manner than it did twelve years ago, thus reducing the need for a 6-month period for the use of COP.

One Federal agency pointed out that the provisions of § 10.201(c) are not consistent with those of § 10.204(a)(4) with respect to termination of COP with the termination of employment. We agree that further revision is necessary. Where an injured employee is otherwise entitled to COP, pay is not to be interrupted because of a disciplinary action. In the case of a disciplinary action of suspension without pay, the claimant's right to COP as provided by statute supercedes the right of the employing agency to interrupt that pay, especially since such suspension could be accomplished after the employee returns to work. With regard to termination of employment and

continuation of pay, we recognize that our earlier position had required employing agencies to continue the pay and deductions of individuals who were no longer on the agency's employment rolls. Since the provisions of 5 U.S.C. 8118(b) establish only a maximum period for continuation of pay (i.e., for a period not to exceed 45 days) and not a minimum period, termination of COP with the termination of employment is appropriate and proper. However, the termination of employment as a result of a disciplinary action where the employee is given final notice of the termination after an employment injury raises the possibility of accusations that employment was terminated because of the employment injury. To avoid such possible inference, § 10.201(c) is revised to provide for termination of COP with the termination of employment as a result of a disciplinary action, provided the final notice of termination of employment for cause is issued to the employee prior to the date of injury. Since termination of COP is directly related to the term of employment (i.e., the date employment is to end), another situation also deserves mention, and that is where an employee is hired on a "not-to-exceed" basis. Again, the term of employment, i.e., the ending date of employment, as established prior to the date of injury is the determinative factor. For example, if an employee is hired for a period not to exceed 180 days and is injured on the 150th day, COP may not be terminated before the 180th day. However, if the period of employment had been changed prior to the date of injury to 160 days because, for example, of a lack of work for the last 20 days, then COP could be terminated after the 160th day. Section 10.204(a)(4) is similarly revised.

A Federal agency suggested the addition of two paragraphs to § 10.201. One paragraph would require the employee to submit medical documentation to substantiate disability and causal relationship between the injury and factors of employment prior to the authorization of COP; and the other would, in cases of serious doubt as to the legitimacy of the alleged injury, require the employee to furnish medical evidence supporting disability prior to the commencement of COP. While the employee does have the burden of establishing his or her entitlement to COP, both suggestions would not permit the payment of COP until detailed medical evidence is submitted. This approach is not consistent with the basic intent of 5 U.S.C. 8118, which is minimization of income interruption. Also, one Federal agency suggested that, in the interest of expediting approval of short-term and uncontested claims, the Department should explore methods of delegating authority for agencies to give final approval to traumatic injury claims unless a claimant is appealing a disapproval of COP, or a claim was not filed within 30 days from the date of injury, or COP time allowed has exceeded 30 days. Under 5 U.S.C. 8145, the Secretary of Labor is authorized to "administer and decide all questions arising under" the FECA. The statute further provides that the Secretary may delegate that authority only to employees of the Department of Labor. For this reason, the Department cannot delegate its decision making authority to any other official of the United States Government.

Lastly, § 10.201(b) is revised to make clear that where an injury results in the employee being changed to a different work schedule which results in a loss of salary or premium pay, such as Sunday pay or night or shift differential, the employee is entitled to continuation of pay for such loss, regardless of whether a personnel action was taken to change the employee's work schedule.

Section 10.202. With regard to § 10.202, one Federal agency stated that advanced leave is at the discretion of an agency and any implication that § 10.202 authorizes such leave should be clarified. It was not the intent of the regulation to require an employing agency to advance leave in this situation. Therefore, the section is revised accordingly. Two labor organizations questioned why it is left to the discretion of the employing agency to permit retroactive conversion of leave to COP. Initially, it was the Department's position that the restoration of leave was a matter for the employing agency. However, after reviewing these comments and the statutory provisions involved, it is concluded that an injured employee has a statutory right of entitlement to COP, and that such right supercedes the authority of the employing agency with respect to leave restoration. Administratively, however, the requirement to retroactively convert and restore previously used leave cannot be without limitation. Therefore, a request to convert previously used leave to COP must be made by the employee within one year of the date the leave was used or the date of OWCP's approval of the claim, whichever is later. Section 10.202 is revised to reflect these changes. Also, in light of the ability of an employee to choose to receive COP (rather than to lose the sick or annual leave he or she in fact used) within the one-year period as discussed, § 10.201(a)(3) is revised by eliminating the requirement that COP be claimed within 30 days and substituting therefor the statutory requirement that a claim for wage loss be filed within 30 days.

One of the labor organizations also stated that the last two sentences of the section are unnecessarily restrictive and should be deleted. We do not agree with this assessment. As provided by § 10.201(b), the 45-day COP period starts with the first day or shift following the day or shift of injury during which the claimant is disabled. Section 10.202 goes on to clarify that leave may not be used to delay the start of the COP period, or to extend it beyond the 45th day of disability. To do otherwise would allow for the employee to timely file Form CA-1, choose to use leave for an extended period, e.g., 60 days, submit no medical evidence to OWCP or the employing agency while on leave, and then on the sixty-first day choose to immediately be placed on COP for an additional 45 days. Aside from the practical concerns related to the lack of medical evidence for the first 60 days of disability, there is no clear advantage to the employee of following this course of action. The employee may use, if he or she so desires, the 60 days of leave after the COP period has ended. Since the suggested change has no clear advantage, the regulation is not unnecessarily restrictive.

While not specifically commented upon, we wish to make clear that the term "buy back" as used in § 10.202 refers to the use of compensation payments to repurchase leave used during a period for which COP was otherwise payable. It does not refer to the conversion of leave to COP as discussed above.

Section 10.203. A Federal agency suggested that portions of § 10.203(a)(5) relating to intoxication being the proximate cause of an injury be revised to to read ". . . was proximately caused by the employee's use of alcohol or other drugs." The Department believes that the term intoxication includes not only alcohol but also drugs. However, in terms of denying COP or compensation, the term "other drugs" is too broad. For example, the diminishment of physical or mental control due to the use of a drug prescribed by a physician, or the use of an over-the-counter medication, is not sufficient basis for denial of compensation for an injury resulting from such use. Further, the Department realizes that legal levels of intoxication have not been established for most drugs as it has for alcohol. However, it is reasonable to anticipate that such

levels will be established over time. Since the term "other drugs" is overly broad, the term intoxication is defined as including intoxication by alcohol or illegal drugs. The term "illegal drugs" means controlled substances obtained and used without proper medical prescription. It must be pointed out that simple use of alcohol or illegal drugs does not warrant denial of COP or compensation as both 5 U.S.C. 8102 and this regulation require that the injury or death be "proximately caused" by the intoxication. Further, the inclusion of illegal drugs as a basis for denying a claim under the FECA in no way provides an employing agency with any additional authority to test employees for drugs beyond any authority which may otherwise exist. Another Federal agency suggested that § 10.203(a)(6) be revised by putting "on Form CA–1" at the end of the paragraph. The statutory requirement under 5 U.S.C. 8118 is for the employee to file "a claim for a period of wage loss due to a traumatic injury . . . on a form approved by the Secretary of Labor." Form CA–2 constitutes a claim for wage loss on a form approved by the Secretary. Thus, where an employee sustained a traumatic injury but erroneously filed form CA–2, the statutory requirement would be satisfied. We see no reason to establish a regulation which would deny COP simply on the basis that a form other than CA–1 was used. Similar to the comments made with regard to § 10.201, this Federal agency also suggested that controversion and termination of pay be allowed where the employee fails to submit medical documentation to substantiate that the injury occurred and is job-related. As stated in response to those previous comments, requiring the submission of supporting medical evidence before initiating COP is not consistent with the intent of 5 U.S.C. 8118. However, it should be noted that these regulations allow for termination of COP after 10 work days if prima facie medical evidence of a traumatic disabling injury is not provided within that time, subject to reinstatement if later submitted.

Section 10.204. Many comments were received concerning § 10.204 and particularly concerning the termination of COP after 10 calendar days where the employee does not provide prima facie medical evidence of a traumatic disabling injury. One Federal agency stated that the period should be 2 days rather than 10 days, while another stated that after the first 10 days the employee should be required to submit supporting medical evidence at 7-day intervals. Two labor organizations, however, stated that a time limitation for the submission of medical evidence is unreasonable since the employee often does not have control over the medical evidence and late submissions usually occur because of the physician or medical facility. However, the employee has the burden to establish his or her entitlement to the benefits under the FECA. The establishment of a time requirement for the submission of prima facie medical evidence encourages the employee to obtain medical examination and/or treatment for the injury and to do so in a prompt manner, and minimizes the potential for abuse of a benefit which is immediately payable prior to a formal decision on entitlement. Thus, there is sufficient reason for the establishment of a time requirement for the submission of supporting prima facie medical evidence. We recognize that the time of submission of medical evidence is not always under the direct control of the employee. Therefore, § 10.204(a)(1) is revised to require the submission of such medical evidence within 10 working days rather than 10 calendar days. This provides the employee with additional time to arrange for the submission of the evidence but does not go so far into the 45-day COP period as to significantly lessen the effectiveness of the requirement.

One labor organization requested clarification of the status of the employee where COP is terminated after 10 days, but the medical evidence is subsequently provided. Where COP is terminated after 10 work days, the employee may request sick or annual leave from that point onward. If supporting medical evidence is subsequently submitted, the employing agency is required to convert any leave used to COP and restore that leave to the employee's account. There is no basis for requiring the employee to remain in an annual or sick leave status for that period where entitlement to COP has been established.

One commentator suggested that the prima facie medical evidence include a description of the physical limitations imposed by the injury. The presence in the report of specific physical limitations, while possibly useful to the employing agency in terms of determining whether suitable work could be made available, is not a requirement for establishing the right to COP, and is, therefore, not specifically required.

One Federal agency stated that the ability of the employing agency to terminate COP under § 10.204(a)(3) can be circumvented where a partially disabled employee simply refuses to respond to an offer of suitable work. The agency suggested that the employee be required to respond to such offer within 2 working days. The concerns of the commentator are recognized. It is reasonable to expect that an employee respond to such offer within a reasonable time. However, 2 working days is considered too short a period given that the employee should have the opportunity to take the description of the offered employment to his or her physician for review and comment. We believe 5 working days is a reasonable time for the employee to respond to the offer and that failure to do so within that period is sufficient reason for the termination of COP. Section 10.204(a)(3) is revised accordingly.

A Federal agency suggested that the reasons for agency termination of COP be expanded to include the failure of the employee to submit medical evidence of continuing disability, the lack of submission of Form CA–17 after several requests have been made to the employee, the submission of conflicting medical evidence by an employee who changes physicians without prior approval, and the submission of medical evidence which appears to be unsupportive and inconsistent. The authority to make determinations concerning an employee's entitlement to benefits of the FECA, including the entitlement to COP, rests with the Department. However, given the nature and immediacy of COP and the need to minimize the inappropriate payment of the COP benefit, employing agencies may, under the provisions of § 10.204, take certain preliminary actions with respect to continuing the employee's pay. Such actions are permitted where the circumstances are clear and straightforward, such as where the employee's attending physician finds the employee no longer disabled, where the employee refuses an offer of employment which is consistent with the work restrictions cited by the attending physician, or where the period of employment expires. The circumstances cited by the commentator, however, are less clear and straightforward in terms of the employee's continuing entitlement to COP. Once the entitlement is established, the lack of receipt by the agency of certain information or the receipt of evidence which appears to be unsupportive or inconsistent does not establish that the disability has ceased or that the employee is no longer entitled to the benefit. Such circumstances often require the development of additional information

before a proper determination can be made. Further, preliminary agency determinations based on incomplete or inconclusive evidence increased the potential for inappropriate terminations of COP and unnecessary financial hardship being placed on the injured employee. Thus, judgemental determinations as to an employee's continuing entitlement to COP under the circumstances described by the commentator are clearly within the purview of and properly retained by OWCP.

Lastly, a labor organization questioned the legality of applying the "compensation" penalty in 5 U.S.C. 8123 to COP which is not compensation. The penalty provision of 5 U.S.C. 8123(d) is not being extended to include COP. Rather, under the authority provided by 5 U.S.C. 8118(b)(3), a reasonable penalty similar to that provided by section 8123(d) of the FECA is being established. The reference to 5 U.S.C. 8123 in the regulation is to subsection (a) of that statute and describes the type of examination invloved, i.e., an examination required by OWCP.

Sections 10.207 and 10.208. Comments and responses on other sections of the regulations are also applicable to portions of §§ 10.207 and § 10.208, such as the 10 days (now revised to read 10 work days) for the submission of prima facie medical evidence of a traumatic disabling injury and the shortening of the period for using COP from 6 months to 90 days. These comments and responses will not be repeated for these sections. One Federal agency suggested that § 10.207(c) be revised to allow for contact with the attending physician by an "appropriate official." The term "appropriate official" is without sufficient definition. However, it is appropriate for a supervisor of the injured employee (and not limited to the immediate supervisor) to contact the attending physician for the purpose stated in the regulation. Therefore, § 10.207(c) is revised to allow such contact by an appropriate supervisory official.

Section 10.209. In response to the comment of a Federal agency that the employee's responsibility to submit prima facie medical evidence of a traumatic disabling injury within the prescribed time limits should be specifically addressed, § 10.209 is further revised by redesignating subsections (b)–(f) as (c)–(g), and inserting a new subsection (b) which states the employee's responsibility to submit to the employing agency prima facie medical evidence of a traumatic disabling injury within 10 work days of claiming COP, and advises of the possible consequences for failure to do so.

Section 10.303. Two labor organizations suggested that the "availability of suitable employment" as used in § 10.303(a) should be expanded by the phrase "in the employee's commuting area." The suggested language is too restrictive. Based on decisions of the Employee's Compensation Appeals Board (e.g., *Romeo Micallef*, 29 ECAB 213), the determination as to availability of suitable employment in a case where the employee has voluntarily moved to an "isolated area" (i.e., an area of limited job opportunity) may be made using the area where the claimant was employed at the time of injury. Adopting the suggested language would not allow a suitable LWEC determination in these cases where it is clearly appropriate.

Section 10.304. A federal agency suggested that § 10.304(c) be expanded to include a provision that compensation under the schedule be "payable proportionately in cases of aggravation to a previous existing impairment only if the degree (percent) of impairment, resulting from the employment, is greater than the degree of impairment caused prior to the employment." The commentator also suggested that a new subsection (f) be added which would basically reduce the compensation payable for permanent impairment by reducing the percentage of impairment by that percentage of impairment for which the employee received or is entitled to receive compensation under a state or local workers' compensation law for an earlier injury to the same member or function. Consideration was given to such a provision at the time revision of these regulations was initially undertaken, and it was decided inclusion of such provision is not feasible or possible. The Employees' Compensation Appeals Board has held that, in determining the amount of a schedule award for a member that sustained an employment-related impairment, preexisting impairments are to be included (see *Raymond E. Gwynn*, 35 ECAB 247), and that the language in 5 U.S.C. 8108 concerning reduction of a schedule award for an "earlier injury" means an earlier injury in Federal civilian employment (see *Frances Marie Kral*, 24 ECAB 157). Thus, absent a legislative amendment, the suggested revision of the regulation would not be consistent with well-established workers' compensation principles or 5 U.S.C. 8108. Further, even if the suggested revision was not inconsistent with such principles and statutory provisions, in order to implement the suggestion, the record would clearly have to establish the percentage of impairment which pre-existed Federal employment. This information is not available in usable form in the vast majority of cases. To have the needed information available for the future, pre-employment physical examinations would have to include a full evaluation of all scheduled members (hearing tests, eye examinations, pulmonary function tests, etc.) and the establishment of the percentage of impairment, where appropriate, using the guidelines used by OWCP. The cost of implementing this would be prohibitive.

Section 10.310. Three labor organizations took issue with the provision in § 10.310 which precludes the repurchase of leave taken during the 45-day COP period. As provided by 5 U.S.C. 8118(c), compensation is not payable until after the COP period ends. Therefore, compensation cannot be used to repurchase leave used during that period. However, the revision of § 10.202 to require conversion of leave to COP with restoration of the leave used makes this issue moot.

Section 10.313. A labor organization commented that the language in § 10.313 concerning "Federally funded or Federally assisted benefits" is an "overbroad fishing expendition" that has no basis in statute and should be deleted. The provisions of subsection (c) are not intended to apply only to other benefits which may create a prohibited dual situation, but also to benefits which may affect an employee's entitlement to compensation or to other benefits provided by OWCP. For example, employees are requested to provide information concening the receipt of benefits under the Black Lung Benefits Act (BLBA) which is also administered by OWCP. While there is no prohibition to the concurrent receipt of FECA and BLBA benefits, there is a requirement for the reduction of BLBA benefits to reflect the receipt of Federal or State workers' compensation benefits (See 30 U.S.C. 932(g)). Since both programs are administered by OWCP, it is reasonable and administratively desirable to query FECA beneficiaries about the receipt of BLBA benefits. Therefore, to more clearly reflect actual practice, § 10.313 is revised to apply to the receipt of certain benefits as identified by OWCP for the purpose of determining a beneficiary's entitlement to compensation or to benefits of other programs administered by OWCP. Further, with the passage of the Federal Employees' Retirement System Act of 1986, Pub. L. 99-335, and the amendment of 5 U.S.C. 8116 by that

Act, § 10.313(a) is revised to address prohibited dual receipt of compensation under the FECA and certain benefits under the Federal Employees' Retirement System.

Some of the comments and responses on portions of § 10.107, § 10.125, and § 10.126 are also applicable to portions of § 10.313, such as those concerning the 30-day period for submission of requested information, the date of retroactive restoration of benefits, and the forfeiture of benefits during the period of suspension where good cause for non-compliance is not shown. These comments and responses will not be repreated for this section.

Section 10.314. A labor organization stated that, under § 10.314(b), use of the pay rate in the case of a recurrence of disability in the year prior to a cost-of-living allowance (COLA) would remove the COLA entitlement. The commentator stated that this may not be legal and that a plain reading of the FECA indicates entitlement to both recurrent pay rate and applicable COLA. It is assumed that the commentator means the removal of entitlement to COLAs occurring prior to and within one year after the date of recurrent disability, since the regulation clearly does not remove the entitlement to COLAs occurring more than one year after the disability recurs. This regulation is a formal statement of a long-standing OWCP policy. The use of a recurrent pay rate for compensation purposes generally raises the employee's compensation commensurate with salary increases which occurred since the date of injury. The application of all cost-of-living increases occurring more than one year after date of injury to this already-increased compensation amount is not reasonable and not in keeping with the intent of 5 U.S.C. 8146a. The point of establishing and using a recurrent pay rate is to account for just such increases in wages from the date of injury to the beginning of recurrent disability.

Section 10.321. In commenting on § 10.321, a Federal agency requested that a copy of the final decision concerning an overpayment be sent to the employing agency at the same time it is sent to the employee. We agree with the suggestion, and § 10.321(i) is added to show that a copy of such decision will be sent to the overpaid individual, the individual's representative, and the employing agency. One labor organization stated that while § 10.321 extensively discusses the procedures for recovery of an overpayment, it does not specifically provide that the claimant first be allowed an opportunity to discuss a repayment schedule before action is taken to recover the overpayment. In cases of an overpayment not resulting from a forfeiture (see below) where there is no continuing entitlement to compensation, the claimant is provided with an opportunity to discuss a repayment schedule. In cases where there is continuing entitlement to compensation, deductions are made from the continuing compensation in order to recover the overpayment. An opportunity to discuss a repayment plan in many of these cases is not specifically provided since cinsideration is given to several factors, including the claimant's financial circumstances and needs in determining the amount to be withheld. Further, should the claimant's financial circumstances change, the claimant may present a different repayment schedule based on that change in circumstances.

The review of the regulations concerning overpayments made as a result of the comments received revealed that clarification is required with respect to recovery of overpayments resulting from forfeited compensation. It has been and continues to be the position of the Department that forfeiture of the right to compensation, such as that provided in § 10.125(a), is a penalty, and that compensation already paid for a period of forfeiture must be recovered. Where the beneficiary is entitled to further compensation payments, recovery of the previously paid but forfeited compensation shall be made by reducing further payments to zero if necessary, until the forfeited amount is collected. Thus, the entire net amount of subsequent periodic payments may be applied against the overpayment until full recovery is made. However, § 10.321(a) as proposed, which provided for consideration of a number of factors in establishing the amount of reduction of subsequent compensation payments, including the individual's financial circumstances, did not clearly reflect this position and could have been misinterpreted as being applicable to any overpayment. To eliminate any possible confusion as to its applicability, § 10.321(a) is revised to specifically exclude overpayments resulting from the forfeiture of the right to compensation, and § 10.125(b) is revised to more clearly enunciate the Department's position with regard to the extent of deductions from subsequent compensation payments.

Section 10.322. Two Federal agencies stated that the standards for waiving overpayments at § 10.322 are very generous and the requirements to recoup overpayments are very burdensome. These agencies also questioned whether the due process provided by the requlations, which they viewed as greater than required by the Debt Collection Act, is necessary. These regulations and the procedures of OWCP concerning overpayments are consistent with 5 U.S.C. 8129, the Supreme Court decision in *Califano* v. *Yamasaki*, 442 U.S. 682 (1979), and the Federal Claims Collection Act. Lastly, a Federal agency commented that § 10.321(b) should be revised to permit the employing agency to proceed to recover the overpayment. With the exception of the involvement of the employing agency in recovery of an overpayment by salary offset, the authority and responsibility for recovering an overpayment of compensation rests with OWCP and not the employing agency.

Section 10.413. A labor organization commented that the one-year time limitation for submission of medical bills for payment as provided by § 10.413 is unreasonable since it would exclude payment of a bill which was submitted by the employee to the employing agency but not submitted by the employer to OWCP, or which was lost through administrative error. Two other labor organizations stated that exception to the time limitation should be made for good cause shown. With regard to bills not submitted by the employer or lost through administrative error, the commentator's statements appears to be based on the assumption that there is, and will be, only one billing by the medical provider. This is an unrealistic assumption given monthly or at least quarterly billings for unpaid balances by the vast majority of providers. It is reasonable to assume that an employee will become aware of the lack of payment of a bill well within the time limitation established by § 10.413, and would take appropriate action to resubmit the bill. With regard to establishing an exception for good cause shown, the 1987 plans for six major Federal health benefit insurance carriers were reviewed with respect to billing requirements, and the majority of these plans have no exceptions to their time limitations for the submission of bills for payment. Thus, § 10.413 is consistent with the requirements of most of these Federal health benefit insurance carriers.

Section 10.452. A technical revision is made to § 10.452(a). Subparagraph (h) was added to § 10.450 effective June 9, 1986 (see 51 FR 8276–8282); however, § 10.452(a) was not revised to reflect this addition. The reference in § 10.10.452(a) to subparagraphs (c)

through (g) of § 10.450 is changed to refer to subparagraphs (c) through (h).

Section 10.500. A Federal agency suggested an addition to § 10.500 which would provide that when third party claims occur, the employee should be required, at the time of submission of notice of injury, to sign a statement that they are required to file suit against any liable party no matter when or what the costs are or are expected to be. Such a requirement is inconsistent with 5 U.S.C. 8131. The Department is authorized by section 8131 to exercise discretion in determining whether to require an employee to file claim against a responsible third party on a case by case basis.

Section 10.503. A Federal agency suggested that the language in § 10.503(c) should be changed from "There shall then be remitted. . ." to "The beneficiary shall then remit. . ." Since a remittance may be made directly by the insurance carrier for the responsible third party or by the attorney representing the injured employee or beneficiary, specific reference to the beneficiary is unnecessarily restrictive. However, further revision is made to subsection (c), not as a result of any comment submitted, but in order to clarify the involvement of continuation of pay under 5 U.S.C. 8118 in third party recoveries. Under the provisions of 5 U.S.C. 8131 and 8132, a refund of "compensation" already paid is to be made from the proceeds of a third party settlement. However, as provided by 5 U.S.C. 8118, continuation of pay is not compensation, and thus is not subject to the provisions of § 8131 and § 8132 of the FECA (see *Paul L. Dion*, ECAB Docket No. 85–44). Further, in the case of *Janakes* v. *United States Postal Service*, 768 F.2d 1091 (1985,) the court held that the employing agency did not have common-law rights to reimbursement apart from those embodied in 5 U.S.C. 8131 and 8132. In view of the statutory language and the decision in *Janakes*, subsection (c) is revised to make clear that continuation of pay is not included in "any other payments made under the Act on account of the injury of death" which would be subject to refund under the subrogation provisions of the FECA.

Section 10.612. Another revision which did not result from specific comment in response to the proposed regulations involves § 10.612 concerning conditions of coverage for non-Federal law enforcement officers under 5 U.S.C. 8191–8193. A review of the regulations revealed the need for clarification of the conditions of eligibility since the regulation, as proposed, did not clearly reflect the Department's position with respect to members of the Non-Uniformed Division of the U.S. Secret Service covered under the District of Columbia Policemen and Firemen's Retirement and Disability Act. Therefore, so as to more clearly and accurate reflect the Department's position, § 10.612(e) is revised to provide that such members are considered to be engaged in the types of activities specified in 5 U.S.C. 8191(1)–(3), and are covered by the provisions of 5 U.S.C. 8191–8193 during the performance of all official duties. It should be noted that effective January 1, 1987, certain members of the U.S. Park Police and U.S. Secret Service hired after December 31, 1983, will come under the provisions of the FECA (5 U.S.C. 8101–8151) rather than the District of Columbia Policemen and Firemen's Retirement and Disability Act, and will not be entitled to benefits as non-Federal law enforcement officers under the provisions of 5 U.S.C. 8191–8193.

Section 10.622. A labor organization questioned the restricted definition of performance of duty for Federal grand and petit jurors under § 10.622. The conditions of coverage for such jurors are specifically enumerated in 28 U.S.C. 1877 (Pub. L. 97–463, approved January 12, 1983). The provisions of § 10.622 are consistent with the statutory provisions.

Classification—Executive Order 12291

The Department of Labor does not believe that this final rule constitutes a "major rule" under Executive Order 12291, because it is not likely to result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in cost or prices for consumers, individual industries, Federal, state or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Accordingly, no regulatory analysis is required.

Paperwork Reduction Act

The information collection requirements entailed by this final rule do not differ significantly from those previously in effect. No new forms are required. All forms that are referenced have been submitted previously for approval by the Office of Management and Budget where required.

Regulatory Flexibility Act

The Department believes that the rule will have "no significant economic impact upon a substantial number of small entities" within the meaning of section 3(a) of the Regulatory Flexibility Act, Pub. L. No. 96–354, 91 Stat. 1164 (5 U.S.C. 605(b)). The final rules apply primarily to Federal agencies and their employees. No additional burdens are being imposed on small entities, in this case, medical providers and physicians. The Secretary has certified to the Chief Counsel for Advocacy of the Small Business Administration to this effect. Accordingly, no regulatory impact analysis is required.

List of Subjects in 20 CFR Part 10

Claims, Government employees, Archives and records, Health records, Freedom of Information, Privacy, Penalties, Health profession, Workers' compensation, Employment, Administrative practices and procedures, Wages, Health facilities, Dental health, Medical devices, Health care, Lawyers, Legal services, Student, X-rays, Labor, Insurance, Kidney diseases, Lung diseases, and Tort claims.

Accordingly, 20 CFR Part 10 is amended as set forth below.

1. The authority citation for 20 CFR Part 10 continues to read as follows:

Authority: 5 U.S.C. 301; Reorg. Plan No. 6 of 1950, 15 FR 3174, 64 Stat. 1263; 5 U.S.C. 8145, 8149; Secretary's Order 6–84, 49 FR 32473; Employment Standards Order 78–1, 43 FR 51469.

2. The table of contents of Part 10 is amended by adding entries for New Subpart H to read as follows:

PART 10—CLAIMS FOR COMPENSATION UNDER THE FEDERAL EMPLOYEES' COMPENSATION ACT, AS AMENDED

Subpart H—Special Category Employees

Peace Corps Volunteers

10.600 Definition of volunteer.
10.601 Applicability of the Act.
10.602 When disability compensation commences.
10.603 Monthly pay for compensation purposes.
10.604 Period of service as a volunteer.
10.605 Conditions of coverage while serving outside the United States and the District of Columbia.

Non-Federal Law Enforcement Officers

10.610 Definition of a law enforcement officer.
10.611 Applicability.
10.612 Conditions for eligibility.
10.613 Time for filing a claim.
10.614 How to file a notice of injury or death.
10.615 Benefits.
10.616 Computation of benefits.

3. By revising § 10.1 to read as follows:

§ 10.1 Statutory provisions.

(a) The Federal Employees' Compensation Act, as amended (5 U.S.C. 8101 *et seq.*) provides for the payment of workers' compensation benefits to civilian officers and employees of all branches of the Government of the United States. The Act has been amended and extended a number of times to provide workers' compensation benefits to volunteers in the Civil Air Patrol (5 U.S.C. 8141), members of the Reserve Officer Training Corps (5 U.S.C. 8140), Peace Corps Volunteers (5 U.S.C. 8142), Job Corps enrollees and Volunteers In Service to America (5 U.S.C. 8143), members of the National Teachers Corps (5 U.S.C. 8143a), certain student employees (see 5 U.S.C. 5351, 8144), employees of the Panama Canal Commission and certain employees of the Alaska Railroad (see 5 U.S.C. 8146), certain law enforcement officers not employed by the United States (see 5 U.S.C. 8191–8193), and various other classes of persons who provide or have provided services to the Government of the United States.

(b) The Act provides for the payment of compensation for wage loss and for permanent impairment of specified members and functions of the body incurred by employees as a result of an injury sustained while in the performance of their duties in service to the United States. In addition to monetary compensation, eligible employees are entitled to receive, at reasonable expense to the United States, medical and related services made necessary by the medical condition or conditions accepted as being employment related. In appropriate cases, vocational rehabilitation services shall be provided to eligible beneficiaries.

(c) The Act also provides for the payment of monetary compensation to specified survivors of an employee whose death is the result of an employment-related injury and for payment of certain burial expenses subject to the provisions of 5 U.S.C. 8134.

(d) Each of the types of benefits and conditions of eligibility enumerated in this section is subject to the applicable provisions of the Act and the provisions of this part. This section shall not be construed to modify or enlarge upon the provisions of the Act.

4. By revising § 10.2(b) to read as follows:

§ 10.2 Administration of the Act and this chapter.

* * * * *

(b) In the case of employees of the Panama Canal Commission, the Federal Employees' Compensation Act is administered by the Panama Canal Commission and inquiries pertaining to such coverage should be directed to that Commission.

5. By amending § 10.3 to add a new paragraph (i) which reads as follows:

§ 10.3 Purpose and scope of this part.

* * * * *

(i) Subpart H of this part contains rules for particular groups of employees whose status requires special application of the provisions of the Act.

6. By revising § 10.4 to read as follows:

§ 10.4 Applicability of other parts within this chapter.

This revised Part 10 is applicable to Part 25 of this chapter except as modified by Part 25.

7. In § 10.5, paragraphs (a)(6), (a)(11)(iv) through (xx), (a)(12), and (a)(14) through (a)(20) are revised; paragraphs (a)(21) through (a)(26) are added; paragraph (b) is revised, and paragraphs (c) and (d) are removed, to read as follows:

§ 10.5 Definitions.

(a) * * *

(6) "Benefits" or "Compensation" means the money paid or payable under the Act to the employee on account of loss of wages or loss of wage-earning capacity and to enumerated survivors on account of the employee's death, and includes any other benefits paid for from the Employee's Compensation Fund such as scheduled compensation under 5 U.S.C. 8107, medical diagnostic and treatment services supplied pursuant to the Act and this part, vocational rehabilitation services, additional money for services of an attendant or for vocational rehabilitation under 5 U.S.C. 8111, and funeral expenses under 5 U.S.C. 8134, but does not include continuation of pay as provided by 5 U.S.C. 8118.

* * * * *

(11) * * *

(iv) An individual appointed to a position on the office staff of a former President under section 1(b) of the Act of August 25, 1958 (72 Stat. 838);

(v) An individual selected pursuant to Chapter 121 of Title 28, United States Code, and serving as a petit or grand juror;

(vi) Members of the Reserve Officers Training Corps;

(vii) Civil Air Patrol Volunteers;

(viii) Peace Corps Volunteers and volunteer leaders;

(ix) Job Corps enrollees;

(x) Youth Conservation Corps enrollees;

(xi) Volunteers in Service to America;

(xii) Members of the National Teachers Corps;

(xiii) Members of the Neighborhood Youth Corps;

(xiv) Student employees as defined in 5 U.S.C. 5351;

(xv) Employees of the Panama Canal Commission;

(xvi) Certain employees of the Alaska Railroad;

(xvii) Law enforcement officers not employees of the United States and Federal law enforcement officers who are pensioned or pensionable under sections 521–535 of Title 4, District of Columbia Code;

(xviii) An individual covered under the provisions of section 105(e)(1) of Pub. L. 93–638 (Indian Self-Determination and Education Assistance Act of 1975); and,

(xix) Other persons performing service for the United States within the purview of the Act and all acts in amendment, substitution or extension thereof;

(xx) But does not include:

(A) A commissioned officer of the Regular Corps of the Public Health Service;

(B) A commissioned officer of the Reserve Corps of the Public Health Service on active duty;

(C) A commissioned officer of the National Oceanic and Atmospheric Administration.

(12) "Official Superior" means officers and employees having responsibility for the supervision, direction or control of employees, or other employees of the agency designated by the employing agency to carry out the responsibilities vested in the agency under the Act and this subpart.

* * * * *

(14) "Injury" means a wound or condition of the body induced by accident or trauma, and includes a disease or illness proximately caused by the employment for which benefits are provided under the Act. The term "injury" includes damage to or destruction of medical braces, artificial limbs, and other prosthetic devices which shall be replaced or repaired; except that eyeglasses and hearing aids shall not be replaced, repaired, or otherwise compensated for, unless the damage or destruction is incident to a personal injury requiring medical services.

(15) "Traumatic injury" means a wound or other condition of the body caused by external force, including stress or strain, which is identifiable as to time and place of occurrence and member or function of the body affected. The injury must be caused by a specific event or incident or series of events or incidents within a single work day or work shift.

(16) "Occupational disease or illness" means a condition produced in the work environment over a period longer than a single workday or shift by such factors as systemic infection; continued or repeated stress or strain; or exposure to hazardous elements such as, but not limited to, toxins, poisons, fumes, noise, particulates, or radiation, or other continued or repeated conditions or factors of the work environment.

(17) "Disability" means the incapacity, because of employment injury, to earn the wages the employee was receiving at the time of injury.

(18) "Temporary aggravation" means that factors of employment have directly caused an underlying or pre-existing condition, disease or illness to be more severe for a definite limited period of time and thereafter leaves no greater impairment than existed prior to the employment injury.

(19) "Impairment" means any anatomic or functional abnormality or loss. A permanent impairment is any such abnormality or loss after maximum medical improvement has been achieved.

(20) "Pay rate for compensation purposes" means the employee's pay, as determined under section 8114 of the Act, at the time of injury, or at the time disability begins, or at the time compensable disability recurs if the recurrence begins more than 6 months after the injured employee resumes regular full-time employment with the United States, whichever is greater, except as otherwise determined under section 8113 of the Act with respect to any period.

(21) "Organ" means a part of the body that performs a special function, and for purposes of this part excludes the brain, heart and back.

(22) "United States Medical Officers and Hospitals" includes medical officers and hospitals of the Army, Navy, Air Force, Veterans Administration, and United States Public Health Service, and any other medical officers or hospitals designated as a United States medical officer or hospital by the Secretary.

(23) "Representative" means a person authorized by a claimant in writing to act for the claimant in connection with a claim or proceeding under the Act or this part. Where a claimant is physically or mentally incapable of making such a designation, it may be made by the claimant's legal guardian.

(24) "Surviving spouse" means the husband or wife living with or dependent for support on a deceased employee at the time of his or her death, or living apart for reasonable cause or because of his or her desertion.

(25) "Student" means an individual under 23 years of age who has not completed 4 years of education beyond the high school level and who is regularly pursuing a full-time course of study or training at an institution which is—

(i) A school or college or university operated or directly supported by the United States, or by any State or local government or political subdivision thereof; or

(ii) A school or college or university which has been accredited by a State or by a State-recognized or nationally recognized accrediting agency or body; or

(iii) A school or college or university not so accredited but whose credits are accepted on transfer by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an accredited institution; or

(iv) A technical, trade, vocational, business, or professional school accredited or licensed by the Federal or a State government or any political subdivision thereof providing courses of not less than 3 months duration, that prepares the individual for a livelihood in a trade, industry, vocation, or profession.

An individual continues to be a student during any interim between school years if the interim does not exceed 4 months and the individual shows to the satisfaction of the Office that he or she has a bona fide intention of continuing to pursue a full-time course of education or training during the semester or other enrollment period immediately after the interim, or during periods of reasonable duration during which, in the judgment of the Office, the individual is prevented by factors beyond his or her control from pursuing his or her education. A student whose 23rd birthday occurs during a semester or other enrollment period is deemed a student until the end of the semester or other enrollment period.

(26) "A year beyond the high school level" means—

(i) The 12-month period beginning the month after the individual graduates from high school, provided he or she has indicated an intention to continue schooling within 4 months of high school graduation, and each successive 12-month period in which there is school attendance or the payment of compensation based on student attendance, or

(ii) If the individual has indicated that he or she will not continue schooling within 4 months of high school graduation, the 12-month period beginning with the month that the individual enters school to continue his or her education, and each successive 12-month period in which there is school attendance or the payment of compensation based on student status.

(b) *Dependents and survivors.* In addition to basic disability benefits for employees the Act provides in section 8133 that certain monthly benefits shall be payable to certain enumerated survivors of employees who have died from an injury sustained in the performance of duty. Section 8110 of the Act provides that any employee who is found eligible for a basic benefit shall be entitled to have such a basic benefit augmented at a specified rate for certain persons living in the beneficiary's household or who are dependent upon the beneficiary for support. The provisions of 5 U.S.C. 8101, 8110, and 8133 defining the nature of such survivorship or dependency necessary to qualify a beneficiary for a survivor's benefit or augmented benefit shall be applicable as appropriate to the provisions of this part.

8. By revising § 10.10 to read as follows:

§ 10.10 Custody of records relating to Federal Employees' Compensation Act matters.

All records, medical and other reports, statements of witnesses and other papers relating to the injury or death of a civil employee of the United States or other persons entitled to compensation or benefits from the United States under the Act and all amendments and extensions thereof, are the official

records of the Office and are not records of the agency, establishment or department making or having the care or use of such records.

9. By revising § 10.11 to read as follows:

§ 10.11 Confidentiality of records relating to Federal Employees' Compensation Act matters.

Records of the Office pertaining to an injury or death are confidential, and are exempt from disclosure to the public under section 552(b)(6) of Title 5, United States Code. No official or employee of an agency, establishment or department who has investigated or secured statements from witnesses and others pertaining to a claim for benefits, or any person having the care or use of such reports, shall disclose information from or pertaining to such records to any person, except in accordance with applicable regulations (see 29 CFR 70 and 70a).

10. By adding new § 10.12 as follows:

§ 10.12 Protection, release, inspection and copying of records.

(a) The protection, release, inspection and copying of records of the Office pertaining to an injury or death shall be accomplished in accordance with the rules, guidelines and provisions contained in Part 70 and Part 70a of Title 29 of the Code of Federal Regulations and the annual notice of systems of records and routine uses as published in the **Federal Register.** However, since the records of the Office are contained within a government-wide system of records under the control of the Department of Labor, § 70a.1(b)(3) of Title 29 of the Code of Federal Regulations provides that the regulations of the agency in possession of such records shall govern the procedure for requesting access to, or amendment of the records, including initial determinations on such requests, while the Department of Labor regulations shall govern all other aspects of safeguarding these records established by the Privacy Act. Where requested to amend such records in possession of the agency is received, the agency shall so advise the Office and shall provide the Office with a copy of any amended record.

(b) Records of the Office pertaining to an employee or beneficiary which are in the possession of the employing agency may be released by the employing agency to that employee or beneficiary, or their representative, in accordance with the provisions contained in Part 70a of Title 29 of the Code of Federal Regulations. This includes copies retained by the employing agency of records previously submitted to and in the possession of the Office.

(c) When an employee or beneficiary is prosecuting an action for damages under 5 U.S.C. 8131, records may be released as provided for in Part 70a of Title 29 of the Code of Federal Regulations.

11. By amending § 10.20(b) table by revising entry (2) and entries (5) through (14) to read as follows:

§ 10.20 Forms.

* * * * *

(b) * * *

Form No.	Title
*	* * * *
(2) CA-2	Notice of Occupational Disease and Claim for Compensation.
*	* * * * *
(5) CA-5	Claim for Compensation by Widow, Widower and/or Children.
(6) CA-5B	Claim for Compensation by Parents, Brothers, Sisters, Grandparents, or Grandchildren.
(7) CA-6	Official Superior's Report of Employee's Death.
(8) CA-7	Claim for Compensation Due to Traumatic Injury of Occupational Disease.
(9) CA-8	Claim for Continuing Compensation on Account of Disability.
(10) CA-12	Claim for Continuance of Compensation.
(11) CA-16	Authorization of Examination and/or Treatment.
(12) CA-17	Duty Status Report.
(13) CA-20	Attending Physician's Report.
(14) CA-20a	Attending Physician's Supplemental Report.

12. Section 10.23 is amended by revising and redesignating paragraph (b) as paragraph (c) revising paragraph (a), and adding a new paragraph (b), to read as follows:

§ 10.23 Penalties.

(a) Any employee, beneficiary, official superior, representative, or other person who knowingly makes, or knowingly certifies to, any false statement, misrepresentation, concealment of fact, or any other act of fraud with respect to a claim under the Act, or who knowingly accepts compensation to which that person is not entitled, is subject to criminal prosecution and may, under appropriate U.S. Criminal Code provisions (e.g., 18 U.S.C. 287 and 1001), be punished by a fine of not more than $10,000 or imprisonment for not more than five years, or both.

(b) Any employee, beneficiary, official superior, representative, or other person who, with respect to a claim under the Act, enters into any agreement, combination, or conspiracy to defraud the United States by obtaining or aiding to obtain the payment or allowance of any false, fictitious or fraudulent claim is subject to criminal prosecution and may, under appropriate U.S. Criminal Code provisions (e.g., 18 U.S.C. 286), be punished by a fine of not more than $10,000 or imprisonment for not more than ten years, or both.

(c) Any person charged with the responsibility of making reports in connection with an injury who willfully fails, neglects, or refuses to do so; induces, compels, or directs an injured employee to forego filing a claim; or willfully retains any notice, report, or paper required in connection with an injury, is subject to a fine of not more than $500 or imprisonment for not more than one year, or both.

13. By revising § 10.100 to read as follows:

§ 10.100 How to file a notice of injury or death.

(a) *Traumatic injury.* An employee who sustains a traumatic injury which the employee believes occurred while in the performance of duty shall give written notice of the injury on Form CA–1 to the official superior. If the employee is unable to give written notice, it may be given by any person acting on the employee's behalf.

(b) *Occupational disease or illness.* An employee who has a disease or illness which the employee believes to be employment-related shall give written notice of the condition on Form CA–2 to the official superior. If the employee is unable to give written notice, it may be given by any person acting on the employee's behalf. If it is impractical to give written notice to the employee's official superior, it may be given to any official of the employing agency, or directly to the Office. Form CA–2 must be accompanied by a statement from the employee to include:

(1) A detailed history of the disease or illness with identification of part(s) of the body affected;

(2) Complete details of types of substances or conditions of employment believed responsible for the disease or illness;

(3) A description of specific exposures to substances or stressful conditions including locations, frequency and duration, and

(4) Whether the employee ever suffered a similar condition and, if so, full details of onset, history and medical care received with names and addresses of physicians rendering treatment.

(c) *Death.* If an employee dies because of a traumatic injury believed to have been sustained in the performance of duty or because of a disease or illness believed to have been employment-related, the employee's survivor(s), or any person acting on behalf of the survivor(s), shall notify the official

superior of the death. If it is impractical to give notice to the employee's official superior, it may be given to any official of the employing agency, or directly to the Office.

14. By redesignating § 10.102 as § 10.101 and revising it to read as follows:

§ 10.101 When a notice of injury or death must be given.

(a) *Traumatic injury.* Written notice of a traumatic injury or death due to a traumatic injury shall be given as soon as possible but, pursuant to 5 U.S.C. 8119, no later than 30 days from the date on which the injury or death occurred. Given the provisions of 5 U.S.C. 8122 and § 10.105 of this part concerning the timely filing of a claim for compensation, the failure to give notice within 30 days may result in a loss of compensation rights.

(b) *Occupational disease or illness.* Written notice of disease or illness believed to be employment related shall be given as soon as possible but no later than 30 days from the date on which the employee was first aware, or by the exercise of reasonable diligence should have been aware, of a possible relationship between the disease or illness and the conditions or factors of employment. Given the provisions of 5 U.S.C. 8122 and § 10.105 of this part concerning the timely filing of a claim for compensation, the failure to give notice within 30 days may result in a loss of compensation rights.

(c) *Death.* In the case of death, notice shall be given as soon as possible but no later than 30 days from the date of death or the date the employee's survivor first became aware, or by the exercise of reasonable diligence should have been aware, of a possible relationship between the death and the conditions or factors of employment. Given the provisions of 5 U.S.C. 8122 and § 10.105 of this part concerning the timely filing of a claim for compensation, the failure to give notice within 30 days may result in a loss of compensation rights.

15. By redesignating § 10.103 as § 10.102 and revising it to read as follows:

§ 10.102 Report of injury by the official superior.

(a) As soon as possible but no later than 10 working days after receipt of written notice of injury from the employee, the official superior shall submit to the Office a written report of every injury or occupational disease or illness which is likely to:

(1) Result in a medical charge against the Office;

(2) Result in disability for work beyond the day or shift of injury;

(3) Require prolonged treatment (i.e., more than two instances of medical examination and/or treatment);

(4) Result in future disability;

(5) Result in permanent impairment or;

(6) Result in a continuation of pay pursuant to 5 U.S.C 8118.

Portions of Forms CA–1 or CA–2 are provided for this purpose. If the injury does not come under any of the categories enumerated in this paragraph, the Form CA–1 or CA–2 need not be submitted to the Office but shall be retained as a permanent record in the Employee Medical Folder in accordance with the guidelines established by the Office of Personnel Management. Regardless of whether the Form CA–1 of CA–2 is forwarded to the Office or retained by the employing agency, immediately upon receipt of the written notice of injury the official superior shall complete the "Receipt of Notice of Injury" and return it to the employee.

(b) If the official superior has reason to disagree with any particular of the injury as reported by the employee, the official superior or other agency official shall explore the circumstances of the injury and submit to the Office a full written explanation specifying the areas of disagreement and the findings upon which the disagreement is based. The report may be accompanied by supporting documentation such as witness statements, medical reports or records, or any other relevant information. Any written explanation of disagreement shall be submitted to the Office at the same time as Form CA–1 in cases of traumatic injury, and within 30 calendar days from the date Form CA–2 is received from the employee in occupational disease cases. If written explanation in support of the disagreement is not submitted, the Office may accept as factual the report of injury made by the employee. Disagreement with the particulars of the injury as reported by the employee may not be used by the employing agency to delay the forwarding of the claim to the Office or to compel or induce the employee to change the claim.

(c) In cases of disease or illness, Form CA–2 must be accompanied by the following from the official superior:

(1) A detailed description of the employee's duty assignments including the nature, extent and duration of exposure to fumes, chemicals, or other irritants or situations;

(2) Copies of all physical examination reports, including x-ray reports and laboratory data, on file for the employee;

(3) A record of the employee's absences from work showing the reason for the absence in each instance, if known;

(4) Statements from each co-worker currently employed by the agency who has firsthand knowledge about the employee's condition and its cause, and;

(5) The official superior's comments on the accuracy of the employee's statement required by § 10,100(b) of this part.

(d) Other reports shall be submitted by the official superior as described elsewhere in this part or as may be required by the Office.

(e) The official superior is authorized to furnish an employee or beneficiary, or the representative, with a copy of any notice of injury, claim form, or other document pertaining to that employee or beneficiary which has been completed and submitted to the Office by the employing agency. This includes any notice of injury, claim form, or other document previously submitted to the Office, a copy of which was retained by the employing agency. While furnishing a copy of such forms and documents is not required on a routine basis in every case, the official superior shall furnish a copy of such forms and documents upon receipt of a written request from the employee or beneficiary, or the representative.

16. By redesignating § 10.101 as § 10.103 and revising it to read as follows:

§ 10.103 Report of death by the offical superior.

If an employee dies because of a traumatic injury or a disease or illness sustained in the performance of duty, the official superior shall immediately report the death to the Office by telephone or telegram. As soon as possible but no later than 10 working days after receipt of knowledge of death, the official superior shall complete and send Form CA–6 to the Office.

17. By adding a new § 10.104 immediately after § 10.103 to read as follows:

§ 10.104 Report of the attending physician.

(a) In all cases reported, the employee must submit, or arrange for the submission of, a medical report to the Office from the attending physician. This report should include: dates of examination and treatment; history given by the employee; findings; results of x-rays and laboratory tests; diagnosis; course of treatment; and the physician's opinion, with medical reasons, regarding

causal relationship between the diagnosed condition(s) and the factors or conditions of the employment. This report may be made:

(1) On Part B of Form CA–16;

(2) On Form CA–20 or CA–20a; or

(3) By narrative report on the physician's letterhead stationery.

The report shall be submitted to the Office as soon as possible after medical examination or treatment is received. (See also § 10.204(a)(1).)

(b) Additional reports shall be submitted by the attending physician as described elsewhere in this part or as may be required by the Office.

(c) Medical reports from the attending physician are to be submitted directly to the Office. However, the employing agency may request copies of these reports from the Office.

18. By revising paragraph (a) and adding paragraph (e) to § 10.105 to read as follows:

§ 10.105 Time for filing a claim for compensation.

(a) Claim for disability compensation. An injured employee is required to file a written claim for compensation within 3 years after the injury before compensation may be paid. If, however, the official superior had actual knowledge of the injury within 30 days, or if written notice was given within 30 days, compensation may be allowed regardless of whether a written claim was made within 3 years after the injury. Actual knowledge must be such as to put the official superior reasonably on notice of an on-the-job injury.

* * * * *

(e) If no claim is filed by an injured employee or by someone acting on the employee's behalf prior to his or her death, the right to claim compensation for disability other than medical expenses ceases and does not survive.

19. By revising § 10.106 and adding the OMB control number to read as follows:

§ 10.106 How to file a claim for disability compensation.

(a) Whenever an employee, as a result of an injury in the performance of duty, is disabled with loss of pay for more than 3 calendar days or has a permanent impairment or serious disfigurement as described in 5 U.S.C. 8107, the official superior shall furnish the employee with Form CA–7 for the purpose of claiming compensation and shall advise the employee of his or her rights under the Act.

(b) The employee, upon termination of wage loss if the period of wage loss is less than 10 calendar days, or at the expiration of 10 calendar days from the date pay stops if the period of wage loss will be 10 calendar days or more, should file Form CA–7 with the Office or with any person designated by the Office to receive claims. The employee's official superior is so designated to receive claims on behalf of the Office. The employee, or someone acting on the employee's behalf, must complete the front of Form CA–7 and, unless special circumstances require otherwise, submit the form to the official superior for completion and transmission to the Office. The employee is responsible for submitting, or arranging for the submission of, medical evidence in support of the claim. Form CA–20 is attached to Form CA–7 for this purpose.

(c) Upon receipt of Form CA–7 from the employee (or from someone acting on the employee's behalf), the official superior shall complete the appropriate portions of the claim form. As soon as possible, but not later than 5 working days after its receipt from the employee, the official superior shall forward the completed Form CA–7 and any accompanying medical report to the Office.

(Approved by the Office of Management and Budget under control number 1215–0103)

20. By revising § 10.107 to read as follows:

§ 10.107 Application for augmented compensation.

(a) While the employee has one or more dependents as defined in 5 U.S.C. 8110, the employee's basic compensation for wage loss as provided in section 8105 or 8106(a), or for permanent impairment as provided in section 8107(a), shall be augmented as provided in section 8110. Form CA–7 includes an application for such augmented compensation.

(b) Augmented compensation payable while an employee has an unmarried child as defined by 5 U.S.C. 8110, which would otherwise terminate because the child reaches the age of 18, may be continued while the child is a student as defined by the Act and in § 10.5(a)(25) of this part.

(c) The Office may require an employee to submit an affidavit or statement as to any dependents, or to submit necessary supporting documentation such as birth or marriage certificates or court orders, in the manner and at the times the Office specifies, in order to determine the employee's entitlement to augmented compensation. If an employee when required, fails within 30 days of the date of the request to submit such affidavit, statement, or supporting documentation the employee's right to augmented compensation otherwise payable shall be suspended until such time as the requested affidavit, statement, or supporting documentation is received, at which time augmented compensation will be reinstated retroactive to the date of suspension provided the employee is entitled to such augmented compensation.

(d) An employee entitled to or receiving augmented compensation shall promptly notify the Office of any event which would terminate the employee's continued entitlement to augmented compensatioin. Any checks or payments received after such event shall be returned to the Office as soon as possible. Where augmented compensation is paid by the Office beyond the date entitlement terminated, the Office shall make proper adjustment and any difference between actual entitlement and the amount already paid is an overpayment of compensation and may be recovered pursuant to 5 U.S.C. 8129 and other appropriate statutes.

21. By revising § 10.109 to read as follows:

§ 10.109 Claims for balance of schedule awards unpaid at death when death is due to other causes.

(a) If an employee who has sustained compensable impairment within the meaning of 5 U.S.C. 8107, and has filed a valid claim during his or her lifetime, dies from causes other than the injury which resulted in the compensable impairment before the entire amount due for the schedule was paid, a claim for the unpaid balance may be made on a form approved by the Office by the surviving spouse or child in accordance with 5 U.S.C. 8109(a)(3)(D). If there is no surviving spouse or child, then a claim for the unpaid balance may be made by any other survivors pursuant to 5 U.S.C. 8109(a)(3)(D) and benefits shall be paid in the proportions and under the conditions and in the order as follows:

(1) To the parent or parents wholly dependent for support upon the decedent in equal shares with any wholly dependent brother, sister, grandparent or grandchild;

(2) To the parent or parents partially dependent for support upon the decedent in equal shares when there are no wholly dependent brothers, sisters, grandparents or grandchildren (or other wholly dependent parent); and

(3) To the parent or parents partially dependent upon the decedent, 25 percent of the amount payable, shared equally, and the remaining 75 percent to any wholly dependent brother, sister, grandparent or grandchild (or wholly dependent parent), share and share alike.

(b) Any survivor referred to in paragraph (a) of this section must be alive to receive any payment and any such survivor shall not have a vested right to any such payment. Claims for continuation of payments under 5 U.S.C. 8109 shall be made in the manner described by § 10.126 of this subpart.

(c) The entitlement of any survivor to payment under 5 U.S.C. 8109 shall cease upon the happening of any event which would terminate such right under 5 U.S.C. 8133. The termination of such right and any necessary reapportionment shall be governed by § 10.128 of this subpart.

(d) The disposition of any balance not paid under the foregoing paragraphs shall be made in accordance with 5 U.S.C. 8109(a)(D)(v).

22. By redesignating § 10.110 as § 10.125 and revising it to read as follows:

§ 10.125 Affidavit or report by employee of employment and earnings.

(a) While in receipt of compensation for partial or total disability, and unless found by the Office to be unnecessary or inappropriate, an employee shall periodically be required to submit an affidavit or other report of earnings from employment or self-employment on either a part-time or full-time basis. If an employee when required, fails within 30 days of the date of the request to submit such an affidavit or report, the employee's right to compensation for wage loss under section 8105 or 8106 is suspended until such time as the requested affidavit or report is received by the Office, at which time compensation will be reinstated retroactive to the date of suspension. If, in making an affidavit or report, an employee knowingly omits or understates any earnings or remuneration, the employee shall forfeit the right to compensation with respect to any period for which the affidavit or report was required. A false or evasive statement, omission, concealment, or misrepresentation with respect to employment or earnings in a required affidavit or report may, in addition to forfeiture, subject the employee to criminal prosecution.

(b) Where the right to compensation is forfeited, any compensation already paid for the period of forfeiture shall be recovered by deducting the amount from compensation payable in the future. The amount deducted shall equal the total compensation payable until the full amount forfeited has been recovered. If further compensation is not payable, the compensation already paid may be recovered pursuant to 5 U.S.C. 8129 and the Federal Claims Collection Act (31 U.S.C. 952)(c).

(c) Earnings from employment referred to in this section or elsewhere in this part means gross earnings or wages before any deductions and includes the value of subsistence, quarters, reimbursed expenses, or any other advantages received in kind as part of the wages or remuneration. In general, earnings from self-employment means a reasonable estimate of the rate of pay it would cost the employee to have someone else perform the work or duties the employee is performing. Where self-employment is in the form of a corporation, partnership, or sole-proprietorship, a lack of profits for such entity does not remove the employee's obligation to report the employment or the rate of pay.

(d) For the purpose of administering the Act, including the making of proper determinations as to an employee's entitlement to benefits, the Office may, with the written consent of the employee, obtain from the Social Security Administration wage information concerning that employee to include the names and addresses of employers for whom the employee worked during a specified period of time, the periods employed, and the gross amount of wages earned.

23. By adding a new § 10.110 to read as follows:

§ 10.110 Burden of proof.

(a) A claimant has the burden of establishing by the weight of reliable, probative and substantial evidence that the claimed condition and the disability, if any, was caused, aggravated, or adversely affected by the claimant's Federal employment. As a part of this burden, the claimant must specify the employment incident or the factors or conditions of employment to which the injury, disease or disability is attributed, and must submit rationalized medical opinion evidence, based upon a complete and accurate factual and medical background, showing causal relationship between the claimed condition and the Federal employment. The fact that a condition or disease manifests itself during a period of Federal employment by itself does not raise an inference that there is causal relationship between the two. Neither the fact that the condition or disease became manifest during a period of Federal employment, nor the belief of the claimant that the condition or disease was caused or aggravated by employment conditions or factors, is sufficient in itself to establish causal relationship.

(b) If a claimant initially submits supportive factual and/or medical evidence which is not sufficient to carry the burden of proof, the Office will inform the claimant of the defects in proof and grant at least 30 calendar days for the claimant to submit the evidence required to meet the burden of proof. Subsequent submissions of evidence still not sufficient to carry the burden of proof will not require another notification of defects. The Office may, in its discretion, undertake to develop either factual or medical evidence for determination of the claim. For example, when the claim is based on exposure to hazardous material or noise at work, or when relevant evidence is in the possession of the Federal government and not accessible to the claimant (e.g., a deactivated employing agency facility), the Office will undertake to develop the necessary evidence.

(c) Once the Office has accepted a claim and paid compensation, it has the burden, before terminating or reducing compensation, of establishing by the weight of the evidence that the disability for which compensation was paid has ceased, or that the disabling condition is no longer causally related to the employment, or that the claimant is only partially disabled, or that its initial decision was in error.

24. By revising § 10.111 to read as follows:

§ 10.111 Submission of other evidence.

The responsibilities of the official superior and the claimant to submit evidence are specified elsewhere in this part. A claimant, a person acting on the claimant's behalf, or the employing agency may submit to the Office any other evidence which is deemed relevant and pertinent to the initial and ongoing determination of the claim.

25. By revising § 10.120 to read as follows:

§ 10.120 Report of termination of disability or return to work.

In all cases reported to the Office the official superior shall notify the Office immediately upon the injured employee's return to work or termination of disability. Form CA–3 is provided for this purpose. It shall be used unless a report of termination of disability is made to the Office on Form CA–1 or CA–2, or CA–7 as appropriate, or in some other manner.

26. By revising § 10.121 to read as follows:

§ 10.121 Recurrence of disability.

(a) The official superior shall notify the Office if, after the employee returns to work, the original injury causes the employee to stop work again. Form CA–2a is provided for this purpose. If the original injury was not previously reported to the Office, notice of the original injury shall be made on Form CA–1 or CA–2, as appropriate, and attached when Form CA–2a is submitted. Medical reports concerning the original injury should also be attached if not previously submitted. The employee has the burden of establishing by the weight of reliable, probative and substantial evidence that the recurrence of disability is causally related to the original injury.

(b) When the employee has received medical care as a result of the recurrence, he or she should arrange for a detailed medical report to be submitted by the attending physician. The report should include: dates of examination and treatment; history given by the employee; findings; results of x-ray and laboratory tests; diagnosis; course of treatment; the physician's opinion, with medical reasons, regarding causal relationship between the employee's condition and the original injury; work limitations or restrictions, and prognosis. The employee should also submit, or arrange for the submission of, similar medical reports for any examination and/or treatment received subsequent to returning to work following the original injury.

(c) The employee must also give the reasons for believing the recurrence of disability is related to the original injury. A statement from the employee must accompany Form CA–2a describing the employee's duties upon return to work after the original injury, stating whether there were any other injuries or illness, and giving a general description of the employee's physical condition during the intervening period. The official superior may submit comments concerning the employee's statement.

(d) If the injured employee does not return to duty prior to the date Form CA–2a is submitted to the Office, the return to duty or termination of disability shall be reported to the Office on Form CA–3 unless otherwise reported on Form CA–7 or Form CA–8.

(e) Claim for compensation as a result of the recurrence of disability should be made using Form CA–7, unless such form was previously filed after the original injury. If Form CA–7 was previously filed, compensation must be claimed using Form CA–8. A completed claim form plus a medical report on Form CA–20 or CA–20a (or in narrative form) must be submitted before compensation may be paid.

27. By revising § 10.122 and adding the OMB control number to read as follows:

§ 10.122 Claim for continuing compensation for disability.

Form CA–8 is provided to claim compensation for additional periods of time after Form CA–7 is submitted to the Office. It is the responsibility of the employee to submit Form CA–8. Without receipt of such claim, the Office has no knowledge of continuing wage loss. Therefore, while disability continues, a claim on Form CA–8 should be submitted every 2 weeks until the employee is otherwise instructed by the Office. The employee shall complete and sign the face of the form, and the official superior shall complete the reverse side. The employee is responsible for submitting, or arranging for the submission of, medical evidence in support of the claim. Form CA–20a is attached to Form CA–7 for this purpose. The official superior shall forward the completed Form CA–8 and any accompanying medical report to the Office within 5 working days of receipt from the employee.

(Approved by the Office of Management and Budget under control number 1215–0103)

28. By redesignating § 10.124 as § 10.126 and revising it to read as follows:

§ 10.126 Claims for continuing compensation for death.

A beneficiary to whom an award of compensation has been made on account of an employee's death shall submit additional claims for continuing compensation to the Office once each year, or when required by the Office. Form CA–12 is provided by the Office for this purpose and will be sent to the beneficiary when an additional claim is required. If a beneficiary when required, fails within 30 days of the date of request to submit the form (or an equivalent written statement), the beneficiary's right to compensation, including compensation payable to that beneficiary for or on behalf of another (e.g., compensation payable to a widow on behalf of a child), shall be suspended until such time as the requested form or equivalent written statement is received, at which time compensation will be reinstated at the appropriate rate retroactive to the date of suspension.

29. By redesignating § 10.123 as § 10.124 and revising it to read as follows:

§ 10.124 Employee's obligation to return to work or to seek work when able.

(a) An employee whose disability has ceased and who is able to resume regular Federal employment has the obligation to do so. No further compensation for wage loss is payable once the employee has recovered from the employment injury to the extent that he or she could perform the duties of the position held at the time of injury, or earn equivalent wages.

(b) Where an employee has been advised by the employing agency in writing of the existence of specific alternative positions within the agency, the employee shall furnish the description and physical requirements of such alternative positions to the attending physician and inquire whether and when the employee will be able to perform such duties. Where an agency has advised the employee of its willingness to accommodate, where possible, the employee's work limitations and restrictions, the employee shall so advise the attending physician and request the physician to specify the limitations and restrictions imposed by the injury. The employee has the responsibility to advise the employing agency immediately of the limitations and restrictions imposed.

(c) Where an employee has been offered suitable employment (or reemployment) by the employing agency (i.e., employment or reemployment which the Office has found to be within the employee's educational and vocational capabilities, within any limitations and restrictions which pre-existed the injury, and within the limitations and restrictions which resulted from the injury), or where an employee has been offered suitable employment as a result of job placement efforts made by or on behalf of the Office, the employee is obligated to return to such employment. An employee who refuses or neglects to work after suitable work has been offered or secured for the employee has the burden of showing that such refusal or failure to work was reasonable or justified, and shall be provided with the opportunity to make such showing before a determination is made with respect to termination of entitlement to compensation as provided by 5 U.S.C. 8106(c)(2) and paragraph (e) of this section.

(d) When a permanently disabled employee who cannot return to the position held at the time of injury due to the residuals of the employment injury has recovered sufficiently to be able to perform some type of work, the employee must seek suitable work either

in the Government or in private employment. Such an employee must report the efforts made to obtain suitable employment at such times and in such manner as the Office may require including the names and addresses of the persons or establishments to whom the employee has applied for work.

(e) A partially disabled employee who, without showing sufficient reason or justification, refuses to seek suitable work or refuses or neglects to work after suitable work has been offered to, procured by, or secured for the employee, is not entitled to further compensation for total disability, partial disability, or permanent impairment as provided by sections 8105, 8106, and 8107 of the Act, but remains entitled to medical benefits as provided by section 8103 of the Act. An employee shall be provided with the opportunity to make such showing of sufficient reason or justification before a determination is made with respect to termination of entitlement to compensation as provided by 5 U.S.C. 8106(c).

(f) Pursuant to 5 U.S.C. 8104(a), the Office may direct a permanently disabled employee to undergo vocational rehabilitation. If an employee without good cause fails or refuses to apply for, undergo, participate in, or continue participation in a vocational rehabilitation effort when so directed, the Office will, in accordance with 5 U.S.C. 8113(b), reduce prospectively the employee's monetary compensation based on what would probably have been the employee's wage-earning capacity had there not been such failure or refusal. If an employee without good cause fails or refuses to apply for, undergo, participate in, or continue participation in the early but necessary stages of a vocational rehabilitation effort (i.e., interviews, testing, counseling, and work evaluations), the Office cannot determine what would have been the employee's wage-earning capacity had there not been such failure or refusal. It will be assumed, therefore, in the absence of evidence to the contrary, that the vocational rehabilitation effort would have resulted in a return to work with no loss of wage-earning capacity, and the Office will reduce the employee's monetary compensation accordingly. Any reduction in the employee's monetary compensation under the provisions of this paragraph shall continue until the employee in good faith complies with the direction of the Office.

30. By adding a new § 10.123 to read as follows:

§ 10.123 Employing agency's responsibilities in returning the employee to work.

(a) Upon authorization of medical care, the official superior shall provide the employee with written notification of his or her obligation to return to work as soon as possible and, with respect to alternative work, shall

(1) Advise the employee in the same manner as provided by § 10.207(b); and

(2) Advise the employee of his or her responsibilities under § 10.124 of this subpart.

The term "return to work" as used in this section is not limited to return to work at the employee's normal worksite, but may include return to work at other alternate locations.

(b) The employing agency shall monitor the employee's medical progress and duty status by obtaining periodic medical reports. Form CA–17 is provided for this purpose. To facilitate an injured employee's return to suitable employment, the employing agency may correspond in writing with the employee's physician concerning the work limitations and restrictions imposed by the effects of the injury and possible job assignments. The employing agency shall concurrently send a copy of any such correspondence to the Office and the claimant, as well as a copy of the physician's response when received.

(c) Where the employing agency is notified in writing that the attending physician has found the employee to be partially disabled, and the employee is able to:

(1) Perform in a specific alternative position which is available within the agency and for which the agency has furnished the employee with a written description of the specific duties and physical requirements, the agency shall notify the employee immediately of the date of availability. To facilitate early return to work, the agency may inform the employee of the offer and its availability by telephone, but must provide written confirmation of the offer as soon as possible thereafter.

(2) Perform restricted or limited duties, the agency shall determine whether necessary accommodation can be made, and if so, advise the employee in writing of the duties, their physical requirements and availability. To facilitate early return to work, the agency may inform the employee of the offer by telephone, but must provide written confirmation of the offer as soon as possible thereafter.

(d) Where the nature and extent of injury prohibit the employee from returning to the duties of the position held at the time of injury, and the agency is unable to accommodate the restrictions and limitations imposed on the employee by the injury, and employment is consequently terminated, the agency may, in cooperation and coordination with the Office, subsequently determine the former employee's current physical condition and offer reemployment in a position suitable to the former employee's capabilities. Such reemployment offer must be in writing and include a description of the duties of the position being offered, the physical requirements of those duties, and the date the former employee is to return to work or, in the alternative, the date by which the former employee must notify the agency of his or her decision with respect to acceptance or refusal of the reemployment offer.

(e) A complete copy of any agency offer of employment or reemployment should be sent to the Office at the same time as it is sent to the employee.

(f) Where an injured employee relocates after having been terminated from the agency's employment rolls, the Office encourages employing agencies to offer suitable reemployment in the location where the former employee currently resides. If this is not practical, the agency may offer suitable employment at the employee's former duty station or other alternate location. Where acceptance of the offered reemployment would result in relocation expenses being incurred by the former employee, such expenses as are considered reasonable and necessary may be paid by the Office from the Employees' Compensation Fund. In determining whether a relocation expense is reasonable and necessary, the Office shall use as a guide the Federal travel regulations pertaining to permanent change of duty station.

31. By adding a new § 10.127 immediately after § 10.126 to read as follows:

§ 10.127 Continuation of death compensation for a child, brother, sister or grandchild who has reached the age of 18.

Compensation payable on behalf of a child, brother, sister, or grandchild under 5 U.S.C. 8133, which would otherwise be terminated because such individual has reached 18 years of age, shall be continued if and for so long as he or she is not married and is physically or mentally incapable of self-support, or if he or she is a student as defined in § 10.5(a)(25) for so long as he or she is not married and continues as a student. An individual in receipt of compensation under the provisions of 5 U.S.C. 8133 shall furnish, when so

required by the Office, proof of continuing entitlement to such compensation, including certification of school enrollment. If a beneficiary when required, fails within 30 days of the date of the request to submit such proof, the beneficiary's right to compensation shall be suspended until the requested information is received, at which time compensation will be reinstated retroactive to the date of suspension, provided the beneficiary is entitled to such compensation.

32. By adding a new § 10.128 immediately after § 10.127 to read as follows:

§ 10.128 Termination of right to compensation for death; reapportionment of compensation.

(a) When a beneficiary who is receiving compensation on account of death ceases to be entitled to such compensation by reason of death, remarrying before age 60, marrying, reaching the age of 18, ceasing to be dependent, ceasing to be student, or becoming capable of self-support, the beneficiary or someone acting on the beneficiary's behalf shall immediately notify the Office of such event. If the beneficiary, or someone acting on the beneficiary's behalf, receives a check which includes payment of compensation for any period after the date when entitlement ceased for any of the above reasons, the check shall be promptly returned to the Office. The terms marrying and remarrying include common law marriage as recognized and defined by state law in the state where the beneficiary resides.

(b) An event as described in paragraph (a) of this section which results in the termination of compensation to a beneficiary may also result in a reapportionment of the amount of compensation payable to one or more of the remaining beneficiaries. Similarly, the birth of a posthumous child of the deceased employee may also result in a reapportionment of the amount of compensation payable to other beneficiaries. The parent, or someone acting on the child's behalf, shall promptly notify the Office of the birth and submit a certified copy of the birth certificate.

33. By revising § 10.130 to read as follows:

§ 10.130 Processing of claims.

Claims for compensation for disability and death are processed by claims examiners of the Office, whose duty it is to apply the law to the facts as reported, received, or obtained upon investigation. The Federal Employees' Compensation Act, as amended, requires that a decision with respect to entitlement contain findings of fact and be based on consideration of the claim presented by the claimant, the report by his or her immediate official superior, and the completion of such investigation as the Office may deem necessary. There is no required procedure for the production of evidence but the evidence should be in written form. The final authority in the Office in the determination of a claim is vested in the Director of the Office. The decision shall contain findings of fact and a statement of reasons. A copy of the decision, together with information as to the right to a hearing, to a reconsideration, and to an appeal to the Employees' Compensation Appeals Board, shall be mailed to the claimant's last known address. If the claimant is represented before the Office, a copy of the decision will also be mailed to such representative. At the time the decision is issued, a copy will also be sent to the claimant's employing agency.

34. By revising §10.131 to read as follows:

§ 10.131 Request for a hearing.

(a) Any claimant not satisfied with a decision of the Office shall be afforded an opportunity for an oral hearing before an Office representative designated by the Director. A hearing must be requested in writing within 30 days of the date of issuance of the decision and be made to the Office as set forth in the decision. A claimant is not entitled to an oral hearing if the request is not made within 30 days of the date of issuance of the decision as determined by the postmark of the request, or if a request for reconsideration of the decision is made pursuant to 5 U.S.C. 8128(a) and § 10.138(b) of this subpart prior to requesting a hearing, or if review of the written record as provided by paragraph (b) of this section has been obtained. At an oral hearing, the claimant shall be afforded the opportunity to present oral testimony and/or written evidence in further support of the claim. A claimant may change his or her selection of an oral hearing to a review of the written record as provided by paragraph (b) of this section; however, such written request for change must be made within 30 days after the date of the Office's acknowledgment of receipt of the initial request.

(b) In lieu of an oral hearing, a claimant shall be afforded an opportunity for a review of the written record by an Office representative designated by the Director. Such review will not involve oral testimony or attendance of the claimant; however, the claimant may submit any written evidence or argument which he or she believes relevant. A review of the written record must be requested in writing within 30 days of the date of issuance of the decision, specify the decision and/or issue which is the subject of the request, and be made to the Office as set forth in the decision. A claimant is not entitled to a review of the written record if the request is not made within 30 days of the date of issuance of the decision as determined by the postmark of the request, or if a request for reconsideration of the decision is made pursuant to 5 U.S.C. 8128(a) and § 10.138(b) of this subpart prior to requesting a review of the written record, or if an oral hearing has been obtained as provided by paragraph (a) of this section. A claimant may change his or her selection of a review of the written record to an oral hearing as provided by paragraph (a) of this section; however, such written request for change must be made within 30 days after the date of the Office's acknowledgment of receipt of the initial request. Where timely request for a review of the written record is received, the Office shall furnish the employing agency with a copy of the claimant's request and allow 15 days for the agency to submit any comments and/or documents which it believes relevant and material to the issue in question. Any comments or documents submitted by the agency are subject to review and comment by the claimant within 15 days following the date the Office sends any such agency submission to the claimant. Following a review of the record and any evidence submitted, the Office representative shall decide the claim and inform the claimant, the claimant's representative and the employing agency of the decision.

35. By revising § 10.132 to read as follows:

§ 10.132 Time and place of hearing; prehearing conference.

The Office representative shall set the time and place of the hearing and shall mail written notice thereof to the claimant, the claimant's representative, and the employing agency at least 15 days prior to the hearing. When practicable, the hearing will be set at a time and place convenient for the claimant. At the request of the claimant, the Office representative may schedule a prehearing conference to further define or clarify the issues. Request for such a conference must be made to the Office representative in writing at least 5 days prior to the scheduled date of the hearing. The decision whether or not to

schedule a prehearing conference shall be solely within the discretion of the Office representative.

36. By revising § 10.133(a) to read as follows:

§ 10.133 Conduct of hearing.

(a) In conducting the hearing, the Office representative shall not be bound by common law or statutory rules of evidence, by technical or formal rules of procedure, or by section 5 of the Administrative Procedure Act, but may conduct the hearing in such manner as to best ascertain the rights of the claimant. For this purpose, the representative shall receive such relevant evidence as may be adduced by the claimant and shall, in addition, receive such other evidence as the representative may determine to be necessary or useful in evaluating the claim. Evidence may be presented orally or in the form of written statements and exhibits. The hearing shall be recorded. The recording, either by magnetic tape or by transcription, shall be made a part of the case record.

* * * * *

§ 10.139 [Redesignated From § 10.137]

37. By redesignating § 10.137 as § 10.139 without revision.

38. By redesignating § 10.136 as new § 10.138 and revising it to read as follows:

§ 10.138 Review of decision.

(a) Under the discretionary authority granted by 5 U.S.C. 8128(a), the Office may review an award for or against the payment of compensation at any time on its own motion and may, as a result of that review, affirm, reverse or modify the previous decision and inform the claimant, the claimant's representative and the employing agency of the decision.

(b)(1) Under the discretionary authority granted by 5 U.S.C. 8128(a), the Office may review an award for or against the payment of compensation on application of the claimant. No formal application for review is required, but the claimant must make a written request identifying the decision and the specific issue(s) within the decision which the claimant wishes the Office to reconsider, and give the reasons why the decision should be changed. Where the decision or issue cannot be reasonably determined from the claimant's application for review, the application will be returned to the claimant for clarification without further action by the Office with respect to the application. The claimant may obtain review of the merits of the claim by—

(i) Showing that the Office erroneously applied or interpreted a point of law, or

(ii) Advancing a point of law or a fact not previously considered by the Office, or

(iii) Submitting relevant and pertinent evidence not previously considered by the Office.

(2) Any application for review of the merits of the claim which does not meet at least one of the requirements listed in paragraphs (b)(1)(i)–(iii) of this section will be denied by the Office without review of the merits of the claim. Such a denial of application is not subject to review under this section or to hearing under § 10.131. Further, the Office will not review under this subsection a decision denying or terminating a benefit unless the application is filed within one year of the date of that decision. Where proper application is submitted and the Office finds that merit review of the claim is warranted, the Office shall furnish the employing agency with a copy of the claimant's application for reconsideration and allow 15 days for the agency to submit any comments and/or documents which it believes relevant and material to the issue in question. Any comments or materials submitted by the agency are subject to review and comment by the claimant within 15 days following the date the Office sends any such agency submission to the claimant. The Office shall then review the decision and any agency submission, decide the claim, and inform the claimant, the claimant's representative and the employing agency of the decision.

39. By redesignating § 10.135 as § 10.137 and revising it to read as follows:

§ 10.137 Postponement; withdrawal or abandonment of request for hearing.

(a) A scheduled hearing may be postponed or cancelled at the option of the Office, or upon written request of the claimant if the request is received by the Office at least 3 days prior to the scheduled date of the hearing and good cause for the postponement is shown. The unexcused failure of a claimant to appear at a hearing or late notice may result in the assessment of costs against such claimant.

(b) A claimant may withdraw a request for a hearing at any time by written notice to the Office representative before the hearing is held, or on the record at the hearing.

(c) A claimant who fails to appear at a scheduled hearing may request in writing within 10 days after the date set for the hearing that another hearing be scheduled. Where good cause for failure to appear is shown, another hearing will be scheduled. The failure of the claimant to request another hearing within 10 days, or the failure of the claimant to appear at the second scheduled hearing without good cause shown, shall constitute abandonment of the request for a hearing. Where good cause is shown for failure to appear at the second scheduled hearing, another hearing will be scheduled. Unless extraordinary circumstances such as hospitalization, a death in the family, or similar circumstances which prevent the claimant from appearing are demonstrated, failure of the claimant to appear at the third scheduled hearing shall constitute abandonment of the request for a hearing.

40. By redesignating § 10.134 as § 10.136 and revising it to read as follows:

§ 10.136 Termination of hearing; release of decision.

The Office representative shall fix the time within which evidence will be received and shall terminate the hearing by mailing a copy of the decision, setting forth the basis therefor, to the claimant's last known address and to the claimant's representative, if any. A copy of the decision will also be mailed to the employing agency.

41. By adding a new § 10.135 as follows:

§ 10.135 Employing agency attendance at hearings and submission of evidence.

The employing agency does not have the right to request a hearing pursuant to 5 U.S.C. 8124. However, the employing agency has an interest in the outcome of the hearing and frequently possesses information pertinent to issues raised at the hearing. Therefore, the employing agency shall be afforded the opportunity to have an agency representative in attendance at the hearing and/or to request that it receive a copy of the hearing transcript. Where the employing agency sends a representative, the representative will attend primarily in the role of an observer without the right to question the claimant or make any argument. However, since the claimant is entitled to present evidence in support of the claim, the agency representative may, upon the specific request of the claimant, be called upon by the Office representative to give oral testimony. Where the employing agency requests that it receive a copy of the hearing transcript, the agency will be allowed 15 days following release of the transcript to submit comments or additional material for inclusion in the record. Any

comments or materials submitted by the agency are subject to review and comment by the claimant within 15 days following the date the Office sends any such agency submission to the claimant.

42. By adding a new § 10.134 to read as follows:

§ 10.134 Subpoenas; witness fees.

(a) When reasonably necessary for full presentation of a case, an Office hearing representative may upon his or her own motion, or upon request of the claimant, issue subpoenas for the attendance and testimony of witnesses and for the production of books, records, correspondence, papers, or other documents which are relevant and material to any matter in issue at the hearing. A claimant who desires the issuance of a subpoena shall, not less than 20 days prior to the date fixed for the hearing, file with the Office representative a written request therefor, designating the witness or documents to be produced, and describing the address and location thereof with sufficient particularity to permit such witness or documents to be found. The request for a subpoena shall state the pertinent facts which the claimant expects to establish by such witnesses or documents and whether such facts could be established by other evidence without the use of a subpoena. A subpoena issued under the provisions of this section shall be issued in the name of the Office hearing representative, and shall be served either in person by an authorized representative of the Office or by certified mail, return receipt requested, addressed to the person to be served at his or her last known principal place of business or residence. Where service is made in person by an authorized Office representative, such representative shall make an affidavit stating that he or she personally served a copy of the subpoena upon the person named therein. Where service is by certified mail, the signed returned post office receipt shall serve as proof of service.

(b) Non-government witnesses subpoenaed under this section who have submitted evidence into the case record at the request of the Office shall be paid the same fees and mileage as are paid for like services in the District Court of the United States where the subpoena was returnable. However, in the case of an expert witness, the witness fee shall not exceed the local customary fee for such service. Fees and mileage requested by such witnesses shall be paid by the Office.

(c) Non-government witnesses subpoenaed under this section who have submitted evidence into the case record at the request of the claimant or who have not submitted evidence into the case record but have testimony which is relevant and material to the issue in question and were subpoenaed at the request of the claimant, shall be paid the same fees and mileage as are paid for like services in the District Court of the United States where the subpoena was returnable. However, in the case of an expert witness, the witness fee shall not exceed the local customary fee for such service. Fees and mileage requested by such witnesses shall be paid by the claimant.

43. By revising § 10.140 to read as follows:

§ 10.140 Participation in claims process by employing agency.

Proceedings conducted with respect to claims filed under the Act are nonadversary in character. Accordingly, a claimant's employing agency shall not have the right, except as provided in Subpart C of this part, to actively participate in the claims adjudication process. However, the employing agency may, under circumstances other than that described in § 10.102(b), investigate the circumstances surrounding an injury to an employee and the extent of disability (e.g., an agency may investigate an employee's activities where it appears the employee alleging total disability may be performing other employment or may be engaging in activities which would indicate less than total disability). Further, the agency has the responsibility to submit to the Office at any time all relevant and probative factual and medical evidence in its possession or which it may acquire through investigation or other means. All evidence submitted will be considered and acted upon by the Office as appropriate, and the Office will inform the claimant, the claimant's representative and the employing agency of such action. In those instances where an employing agency contests a claim at time of initial submission and the claim is subsequently approved, the Office will notify the agency of the rationale for approving the claim.

44. By revising § 10.141 to read as follows:

§ 10.141 Representation of the Director.

The Director shall be represented in proceedings with respect to any claim conducted before the Employees' Compensation Appeals Board (ECAB) by attorneys from the Office of the Solicitor of Labor.

45. By revising § 10.144 to read as follows:

§ 10.144 Authority of representative.

A representative, appointed and qualified as provided in this part, may make or give on behalf of the claimant any request or notice relative to any proceeding before the Office under the Act, including hearing and review. A representative shall be entitled to present or elicit evidence and to make allegations as to facts and law in any proceeding affecting the claimant and to obtain information with respect to the claim to the same extent as the claimant. Notice to any claimant of any administrative action, determination, or decision, or request to any party for the production of evidence shall be sent to the representative, and the notice or request shall have the same force and effect as if it has been sent to the claimant.

46. By revising paragraphs (c) introductory text, (d), (g), (h) and (i) of § 10.145 and by adding the OMB control number to read as follows:

§ 10.145 Fees for services.

* * * * *

(c) In every case where a representative's fee is desired, an application for approval of the fee shall be made to the Office. The application should be made when the representative has submitted the final piece of information believed necessary for the adjudication of the claim. Each request for approval of a fee shall be accompanied by a complete itemized statement, in duplicate, describing the services rendered. Such itemization shall contain the following information:

* * * * *

(d) The representative shall arrange for the claimant to review the request for a fee and to comment as to the services provided and as to the reasonableness of the fee. The claimant's written comments should accompany the application for approval of a fee submitted to the Office.

* * * * *

(g) Any claimant aggrieved or adversely affected by an award of a fee may request a hearing or reconsideration by the Office, or may request review by the Employees' Compensation Appeals Board.

(h) A representative aggrieved or adversely affected by an award of a fee may request review by the Employees' Compensation Appeals Board.

(i) Any person who receives a fee, other consideration or gratuity on account of services rendered with respect to a claim under this part, unless approved by the Office, or who solicits employment for himself or another in

respect to a case or claim under (or to be brought under) this Act shall be guilty of a misdemeanor under 18 U.S.C. 292 and upon conviction of each offense, will be punished by a fine of not more than $1,000 or imprisoned not to exceed 1 year, or both. Utilization of an escrow deposit of funds by a representative for the deposit of a client's funds, prior to approval by the Office of the representative's fee, is not considered receipt or collection of a fee by the representative; provided, the escrow deposit of funds is one made by the claimant/client into the hands of a third party to be held by that third party until receipt of the Office's approval of the representative's fee, and then delivered by the third party to the representative in accordance with the decision of the Office and the provisions of the escrow agreement.

(Approved by the Office of Management and Budget under control number 1215–0115)

47. By adding new § 10.160 through § 10.166 under the subheading Representative Payment under Subpart B as follows:

Representative Payment

§ 10.160 Indications for designation of a representative payee.

When the Office determines that a beneficiary is incapable of managing or directing the management of benefits either because of a mental or physical disability, or because of legal incompetence, or because the individual is under 18 years of age, the Office in its sole discretion may approve an individual designated or appointed to serve as the representative payee for funds due the eligible beneficiary.

§ 10.161 Selection of a payee.

(a) In approving a payee, the Office shall approve the person, agency, organization or institution which, in its judgment, will best serve the interest of the beneficiary. In making its decision the Office shall consider:

(1) The relationship of the person to the beneficiary;

(2) The amount of interest that the person shows in the welfare of the beneficiary;

(3) Any legal authority the person, agency, organization or institution has to act on behalf of the beneficiary;

(4) Whether the potential payee has custody of the beneficiary;

(5) Whether the potential payee is in a position to know of and to look after the needs of the beneficiary.

(b) For beneficiaries 18 years old or older, the general order of preference subject to the provisions of paragraph (a) of this section, shall be

(1) A legal guardian, spouse or other relative who has custody of the beneficiary or who demonstrates strong concern for the personal welfare of the beneficiary;

(2) A friend who has custody of the beneficiary or demonstrates strong concern for the personal welfare of the beneficiary;

(3) A public or nonprofit agency or institution having custody of the beneficiary;

(4) A private institution operated for profit and licensed under State law which has custody of the beneficiary; and

(5) Persons other than above who are qualified to carry out the responsibilities of a payee and who are able and willing to serve as a payee for a beneficiary.

(c) For beneficiaries under age 18, the general order of preference subject to the provisions of paragraph (a) of this section shall be—

(1) A biological or adoptive parent who has custody of the beneficiary, or a legal guardian;

(2) A biological or adoptive parent who does not have custody of the beneficiary, but is contributing to the beneficiary's support and is demonstrating strong concern for the beneficiary's well-being;

(3) A biological or adoptive parent who does not have custody of the beneficiary and is not contributing toward his or her support, but is demonstrating strong concern for the beneficiary's well-being;

(4) A relative or stepparent who has custody of the beneficiary;

(5) A relative who does not have custody of the beneficiary but is contributing toward the beneficiary's support and is demonstrating concern for the beneficiary's well-being;

(6) A relative or close friend who does not have custody of the beneficiary but is demonstrating concern for the beneficiary's well-being; and

(7) An authorized social agency or custodial institution.

§ 10.162 Responsibilities of a representative payee.

A representative payee has a responsibility to—

(a) Spend or invest payments received only for the use and benefit of the beneficiary in a manner and for the purposes he or she determines to be in the best interests of the beneficiary, subject to the guidelines contained in §10.163;

(b) Notify the Office of any event that would affect the amount of benefits the beneficiary receives or the right of the beneficiary to receive benefits;

(c) Submit to the Office, upon its request, a written report accounting for the benefits received; and

(d) Notify the Office of any change in the payee's circumstances that would affect performance of the payee's responsibilities.

§ 10.163 Use of benefit payments.

To assure that the general welfare of the beneficiary is properly served, benefit payments received by a representative payee shall be used in the following manner, and in the prescribed order:

(a) Current maintenance, including costs incurred in obtaining food, shelter, clothing, medical care, and personal comfort items.

(b) Institutional care, including the customary charges made by the institution, as well as expenditures for those items which will aid in the beneficiary's recovery or release from the institution or expenses for personal needs which will improve the beneficiary's conditions while in the institution.

(c) Support of the beneficiary's legal dependents after current maintenance needs or institutional care of the beneficiary are met; and

(d) Claims of creditors only if the current and reasonably foreseeable needs of the beneficiary are met.

§ 10.164 Conservation and investment of benefit payments.

If payments either in whole or in part are not needed for any of the purposes listed in § 10.163 of this part, they shall be conserved or invested on behalf of the beneficiary in non-speculative accounts. Conserved funds should be invested in accordance with rules followed by trustees. Any investment must show clearly that the payee holds the property in trust for the beneficiary. Preferred investments for excess funds are U.S. Savings Bonds and deposits in an interest or dividend paying account in a bank, trust company, credit union, or savings and loan association which is insured under either Federal or State law. The account must be in a form which shows clearly that the representative payee has only a fiduciary and not a personal interest in the funds. The account should provide for withdrawal upon demand without penalty. The interest and dividends, as well as all other profits, which result from an investment are the property of the beneficiary and may not be considered to be the property of the payee.

§ 10.165. Termination of representation.

The services of a representative payee may be terminated when:

(a) The payee has not used the funds in the interests of the beneficiary as stipulated in this subpart;

(b) The payee has not discharged other responsibilities described in this subpart, or has not done so in a timely manner;

(c) The payee dies, wishes to be discharged from responsibility, or is unable to carry out the responsibilities of payee;

(d) The Office, after receipt of competent evidence, determines that the beneficiary is capable of managing his or her own funds; or

(e) A minor beneficiary attains majority.

§ 10.166 Accounting for benefit payments.

A representative payee is accountable for the use of benefit payments. The Office may require periodic written reports from the representative payee, and in certain cases, verification of how the funds were used. The representative payee shall keep records of how the funds were used so as to be able to furnish the following information to the Office:

(a) The amount of benefit payments on hand at the beginning of the accounting period;

(b) A description of how the benefit payments were used;

(c) An accounting of the amounts of payments which were saved or invested;

(d) The place(s) of residence of the beneficiary during the accounting period; and

(e) The amount of the beneficiary's income from other sources during the accounting period so as to assist the Office in evaluating the use of the benefit payments.

48. By revising § 10.200 to read as follows:

§ 10.200 Statutory provisions.

(a) Pub. L. 93–416, approved September 7, 1974, significantly revised the Act to provide that specified employees who file a claim for a period of wage loss caused by a traumatic injury shall be entitled, under certain circumstances, to have their regular pay continued for a period not to exceed 45 days.

(b) Continuation of pay shall be considered regular income and not compensation and unlike compensation, shall be subject to all taxes and other payroll deductions applicable to regular income.

49. By revising § 10.201 to read as follows:

§ 10.201 Right to continuation of pay.

(a) An employee is not entitled to continuation of pay unless:

(1) The employee is one of the types of employees listed in § 10.5(a)(11)(i), (iii), or (v), except that an individual selected pursuant to Chapter 121 of Title 28 and serving as a petit or grand juror but who is not otherwise an employee of the United States is not entitled to continuation of pay;

(2) The employee sustains a traumatic job-related injury;

(3) The employee files claim for a period of wage loss, as required by 5 U.S.C. 8118(a), within 30 days of the injury on a form approved by the Secretary. (Form CA–1 may be used for this purpose.); and

(4) The employee's disability begins within 90 days of the date of injury.

(b) An employee entitled to continuation of pay shall have regular pay continued without a break in time for a period not to exceed 45 calendar days of disability, unless the right to continuation of pay is controverted and pay is terminated under § 10.203 or is terminated under § 10.204. Where the employee stops work due to the disabling effects of the injury, the 45-day period starts with the first day or shift following the date or shift of injury during which the claimant is disabled, provided the disability begins within 90 days of the occurrence of the injury. With regard to the date of injury, the employing agency will keep the employee in a pay status for any fraction of the day or shift of injury for which the employee was disabled with no "charge" to the 45-day period. If the employee stops work for a part of a day or shift other than the day or shift of injury, that day or shift will be considered one calendar day for the purpose of counting 45 days. If a disabled employee returns to work with duties other than the duties performed at the time of injury, continuation of pay is chargeable only when there has been a formal assignment to an established job which is normally paid at a lower salary and would otherwise result in loss of income to the employee. Continuation of pay must be charged against the employee's 45-day entitlement when, due to the effects of the injury upon the employee, (1) a personnel action has been taken to assign or detail the employee to an identified position for which a position description exists which is classified at a lower salary level than that earned by the employee when injured; or (2) a personnel action has been taken to change the employee to a lower grade, or to a lower rate of basic pay. When, due to the effects of the injury, an employee is changed to a different schedule of work which results in loss of salary or premium pay (e.g., Sunday pay or night differential) authorized for the employee's normal administrative workweek, the employee is entitled to continuation of pay for such wage loss. If the employee's job-related disability continues after entitlement to continuation of pay ceases, the employee shall be entitled to receive compensation subject to the provisions of 5 U.S.C. 8117.

(c) Where an employee's pay is continued under this subpart, it shall not be interrupted as a part of a disciplinary action, nor shall it be terminated as a result of a disciplinary action which terminates employment unless final written notice of termination of employment for cause was issued to the employee prior to the date of injury.

(d) The administration and interpretation of the Act, including section 8118 of the Act, is the function of the Office. While the employing agency shall make certain preliminary decisions with respect to an employee's entitlement to pay continuation under this subpart, final determinations as to such entitlement are a function of the Office.

(e) If the Office finds that the employee is not entitled to continuation of pay after it has been paid, the payments, at the employee's option, shall be charged to annual or sick leave or considered overpayments of pay under 5 U.S.C. 5584.

(f) If the Office determines that pay has been continued at an incorrect rate, the Office shall notify the employing agency and the employee of the correct rate of pay, and the employing agency shall make the necessary adjustment.

§ 10.203 [Removed]

50. By removing § 10.203.

51. By redesignating § 10.202 as § 10.203 and revising it to read as follows:

§ 10.203 Controversion by employing agency.

(a) With respect to continuation of pay under 5 U.S.C. 8118, the employing agency shall, on the basis of information submitted by the employee, or secured on investigation, controvert a claim and terminate an employee's pay only if:

(1) The disability is caused by an occupational disease or illness; or

(2) The employee is the type employee defined by § 10.5(a)(11) (ii) or (iv), or is an individual selected pursuant to Chapter 121 of Title 28 and serving as a petit or grand juror and who is not

otherwise an employee of the United States;

(3) The employee is neither a citizen nor a resident of the United States or Canada; or

(4) The injury occurred off the employing agency's premises and the employee was not performing official duties; or

(5) The injury was caused by the employee's willful misconduct, or the employee's intent to kill or injure himself or herself or another person, or was proximately caused by the employee's intoxication by alcohol or illegal drugs; or

(6) A written claim for wage loss required by 5 U.S.C. 8118(a) was not filed within 30 days after the date of injury; or

(7) The employee first stopped work as a result of the injury more than 90 days following the injury; or

(8) The employee reports the injury after employment has terminated; or

(9) The employee is enrolled in the Civil Air Patrol, Peace Corps, Job Corps, Youth Conservation Corps, Work Study Programs, or another similar group.

(b) If for reasons other than those listed in paragraph (a) of this section, the agency believes the employee is not entitled to continuation of pay, the agency may controvert an employee's right to continuation of pay; however, the employee's regular pay must be continued and may not be interrupted during the 45-day period unless the controversion is sustained by the Office and the agency is so notified, or unless entitlement ceases under the provisions of § 10.204 of this subpart.

(c) To controvert a claim for continuation of pay, the employing agency shall complete the appropriate section of Form CA–1 and submit detailed information in support of the controversion to the Office.

(d) If the Office determines that the employing agency has incorrectly controverted and terminated the employee's pay, the Office shall notify the agency and the employee's pay shall be continued for a period not to exceed 45 days or as otherwise directed by the Office, and the Office shall notify the agency to convert periods of sick or annual leave or leave without pay to COP.

52. By redesignating § 10.210 as § 10.202 and revising it to read as follows:

§ 10.202 Election of annual or sick leave.

An employee may use accumulated annual or sick leave, or such leave as may be advanced by the employing agency, instead of claiming continuation of pay; however, the time provisions of 5 U.S.C. 8117, governing the date upon which an employee's entitlement to compensation begins, do not begin to run until the use of annual or sick leave ends. The "buy back" provisions specified in § 10.310 may not be used to repurchase the leave taken while an employee was otherwise eligible for pay continuation as provided by this subpart. An election to use annual or sick leave is not irrevocable and an employee may subsequently request continuation of pay in lieu of previously requested annual or sick leave; however, such request must be made within one year of the date the leave was used or the date of the Office's approval of the claim, whichever is later. Where an employee is eligible, the employing agency shall, subject to the 45-day limitation, convert and restore the leave previously used and, if any of the 45 days of COP remains unused, shall continue pay prospectively. The use of leave may not be used to delay or extend the 45-day continuation of pay period or to otherwise affect the time limitations as provided by section 8117. Therefore, where leave is used during a period when COP is otherwise payable, and the employee does not request that such leave be converted and restored, the 45 days will be counted as though the employee had been in a continuation of pay status.

53. By revising § 10.204 to read as follows:

§ 10.204 Termination and forfeiture of continuation of pay.

(a) Where pay is continued after an employee stops work due to a disabling traumatic injury, such pay shall be terminated if:

(1) Within 10 work days after the date the employee submits claim for continuation of pay, including such claim for a recurrence of disability, the employing agency has not received prima facie medical evidence that the employee sustained a disabling traumatic injury, except that pay shall be continued without interruption in the absence of such medical evidence if investigation shows to the official superior's satisfaction that the employee sustained a disabling traumatic injury. Where medical evidence is received by the agency more than 10 work days after claim is made for continuation of pay, the agency shall continue the employee's pay retroactive to date of termination provided the medical evidence supports injury-related disability beyond the 10 work-day period, and restore to the employee's account any annual or sick leave the employee may have used during that period. The provisions of this paragraph also apply to periods of recurrent disability as described in § 10.208; or

(2) The employing agency receives evidence that the attending physician has found the employee no longer disabled (i.e., the employee can perform the duties of the position held at the time of injury); or

(3) The employing agency receives evidence that the attending physician has found the employee to be partially disabled and the employee refuses suitable work which has been offered by the agency in accordance with § 10.207, or fails to respond to such offer within 5 work days of receipt of the offer; or

(4) The employee's scheduled period of employment expires or employment is otherwise terminated, provided the date of termination of employment is established prior to the date of injury. (See also § 10.201(c)); or

(5) The employing agency receives notification from the Office that pay should be terminated; or

(6) The 45-day continuation of pay period expires.

(b) When an employee refuses to submit to or obstructs an examination required by the Office under the provisions of 5 U.S.C. 8123(a), the right to continuation of pay under this subpart may be suspended until the refusal or obstruction stops. Pay otherwise paid or payable under this subpart for the period of the refusal or obstruction may be forfeited and, where already paid, is subject to the provisions of § 10.201(e).

(c) If the Office determines that the employing agency has incorrectly terminated the employee's pay or selected an incorrect date of termination, the Office shall instruct the agency to take appropriate corrective action.

54. By revising § 10.205 to read as follows:

§ 10.205 Pay defined for continuation of pay purposes.

(a) For a full or part-time worker, either permanent or temporary, who works the same number of hours each week of the year, or each week of the period of appointment if less than one year, the weekly pay rate shall be the hourly pay rate on the date of injury multiplied by the number of hours worked each week, excluding overtime.

(b) For a part-time worker, either permanent or temporary, who does not work the same number of hours each week but who does work each week of the year, or each week of the period of appointment if less than one year, the weekly pay rate shall be the average

weekly earnings established by dividing the total earnings during the one year immediately preceding the date of injury, excluding overtime, by the number of weeks worked during the one year period. For the purposes of this computation, if the employee worked only a part of a workweek, such week is counted as one week.

(c) For all WAE (when actually employed), intermittent and part-time workers, either permanent or temporary, who do not work each week of the year, or each week of the period of appointment if less than one year, the weekly pay rate shall be the average weekly earnings established by dividing the total earnings during the one year immediately preceding the date of injury, excluding overtime, by the number of weeks worked during that one year period. For the purposes of this computation, if the employee worked only a part of a workweek, such week is counted as one week. However, the average weekly earnings may not be less than 150 times the average daily wage earned in the employment during the days employed within the one year period immediately preceding the date of injury divided by 52 weeks.

(d) Premium, Sunday and holiday pay, night and shift differential, or other extra pay shall be included when computing wages for continuation of pay, but overtime pay shall not be included.

(e) Changes in pay or salary which would have otherwise occurred during the 45-day period (e.g., promotion, within-grade increase, demotion, termination of a temporary detail, etc.) are to be reflected in the continuation of an employee's pay under this subpart, and are to take effect at the time the event would otherwise have occurred.

55. By revising § 10.206(a) to read as follows:

§ 10.206 Agency accounting and reporting of continuation of pay.

(a) Pending development of a system within the Office for directly capturing and tabulating data on continuing payments to employees under 5 U.S.C. 8118, each agency and instrumentality of the United States having an employee who is in a continuation of pay status during the calendar quarter shall submit a report to the Office within 30 days after the end of each quarter (address: Director, Office of Workers' Compensation Programs, U.S. Department of Labor, Washington, DC 20210).

* * * * *

56. By revising § 10.207 and by adding the OMB control number to read as follows:

§ 10.207 Official superior's responsibility in continuation of pay cases.

(a) Upon receiving notice that an employee has suffered an employment-related traumatic injury, an official superior shall:

(1) Promptly authorize medical care in accordance with Subpart E of this part;

(2) Provide the employee with Form CA–1 for reporting the injury and upon receipt of the completed form, return to the employee the "Receipt of Notice of Injury";

(3) Fully advise the employee of the right to elect continuation of regular pay or use annual or sick leave, if the injury is disabling;

(4) Advise the employee that prima facie medical evidence of a disabling traumatic injury must be submitted to the official superior within 10 work days of the date disability begins or pay may be terminated in accordance with § 10.204(a)(1);

(5) Inform the employees whether continuation of pay will be controverted, and, if so, whether pay will be terminated and the basis for the controversion and termination of pay;

(6) Submit Form CA–1, completed by the employee and official superior, and all other available pertinent information to the Office as soon as possible, but no later than 10 work days after the official superior has received Form CA–1. If the claim is controverted, the official superior will provide an explanation on Form CA–1 or in a separate narrative statement or both.

(b) Upon authorization of medical care, the official superior shall advise the employee of his or her obligation to return to work as soon as possible and:

(1) Where the agency has specific alternative positions available for partially disabled employees, the agency shall furnish the employee with a written description of the specific duties and physical requirements of those positions;

(2) Where, in addition to any specific alternative positions, the agency is willing to accommodate the limitations and restrictions imposed on the employee by the injury, shall so advise the employee; and

(3) Shall advise the employee of his or her responsibilities under § 10.209 of this subpart.

(c) The employing agency shall monitor the employee's medical progress and duty status by obtaining periodic medical reports. Form CA–17 is provided for this purpose. Additional information or clarification may be obtained by the agency through telephone contact with the employee's attending physician provided such contact is by a physician or nurse who is an employee of the agency, or by an appropriate supervisory official.

(d) Where the employing agency is notified that the attending physician has found the employee to be partially disabled, and the employee is able to:

(1) Perform one of the specific alternative positions referred to in § 10.207(b)(1), the employing agency shall notify the employee immediately of the description of the job and its physical requirements and of the date the job will be available. To facilitate early return to work, the agency may contact the employee by telephone, but must provide written confirmation of availability as soon as possible thereafter. A complete copy of the offer, including the description of the duties of the job, the physical requirements and the date of availability, should be sent to the Office at the same time as it is sent to the employee.

(2) Perform restricted or limited duties referred to in § 10.207(b)(2), the employing agency shall determine whether duties suitable to the employee's limitations and restrictions are available, and if so, advise the employee in writing of the duties, their physical requirements and availability. To facilitate early return to work, the agency may contact the employee by telephone, but must provide written confirmation of the offer as soon as possible thereafter. A complete copy of any offer made to the employee should also be sent to the Office at the same time as it is sent to the employee.

(The information collection requirements contained in paragraph (c) were approved by the Office of Management and Budget under control number 1215–0103)

57. By revising § 10.208 to read as follows:

§ 10.208 Recurrence of disability.

(a) If an employee claims a recurrence of disability, the official superior shall promptly complete Form CA–2a. The employee shall request on Form CA–2a to continue to receive regular pay or to charge the absence to sick or annual leave.

(b) Where the employee requests continuation of pay, the official superior shall continue pay if:

(1) The original claim of disability has not been denied by the Office; and

(2) Pay has not been continued for the entire 45 days; and

(3) The disability recurs within 90 days of the date the employee first

returned to work following the initial period of disability.

(c) If the employee's pay has been continued for 45 days, or disability recurs more than 90 days after the employee first returns to work, the employee is entitled to compensation only, provided the claim is approved by the Office, and the employing agency may not continue regular pay. An employee who is no longer entitled to continuation of pay should file a claim for compensation on Form CA–7 or CA–8.

58. By revising § 10.209 to read as follows:

§ 10.209 Employee's responsibilities in continuation of pay cases.

(a) An employee who sustains a traumatic job-related injury, or someone acting on the employee's behalf, shall complete and submit the employee's portion of Form CA–1 to the official superior as soon as possible but no later than 30 days after the date of injury. An employee shall elect on Form CA–1 either to receive continuation of pay or use sick or annual leave while disabled for work as a result of the injury. (See § 10.201 and § 10.202.)

(b) An employee has the responsibility of submitting, or arranging for the submission of, prima facie medical evidence of a traumatic disabling injury to the employing agency within 10 work days after claiming continuation of pay. Under the provisions of § 10.204(a)(1) of this subpart, the lack of receipt of such evidence by the employing agency within that time may serve as sufficient reason for termination of continuation of pay, subject to reinstatement upon receipt of such evidence.

(c) Where the agency has advised of the existence of specific alternative positions, the employee shall furnish the description of such alternative positions to the attending physician and inquire whether and when the employee will be able to perform such duties. The employee must furnish the employing agency with a copy of the physician's response.

(d) Where the agency has advised of its willingness to accommodate where possible the employee's work limitations and restrictions, the employee shall so advise the attending physician and request the attending physician to specify the limitations and restrictions imposed by the injury. The employee has the responsibility to advise the employing agency immediately of the limitations and restrictions imposed.

(e) Where an employee has been offered duties within the limitations and restrictions imposed by the physician, the employee is obligated to return to duty. Where an employee refuses such an offer of suitable work, entitlement to continuation of pay ceases as of the effective date of availability of such work.

(f) Where the Office determines that, due to the failure of the employee to meet his or her obligations and responsibilities under this section, pay was continued beyond the date it would otherwise have terminated, the Office will advise the official superior and the employee of the period of disability which is approved, and the official superior may require the employee to resolve any overpayment in accordance with § 10.201(e) of this subpart.

(g) Where return to suitable work results in a loss of pay such as premium pay, Sunday pay, holiday pay, night or shift differential, etc., continuation of pay will be granted for the lost elements of pay (see § 10.205(d) of this subpart).

59. By revising § 10.301(a) to read as follows:

§ 10.301 Temporary total disability rate.

(a) Compensation based on loss of wages is payable, subject to the provisions of 5 U.S.C. 8117, after the expiration of continuation of pay as provided by Subpart C of this part or from the beginning of pay loss in all other cases.

* * * * *

60. By revising § 10.302 to read as follows:

§ 10.302 Permanent total disability rate.

When the injury causes permanent total disability, an injured employee is entitled to total disability compensation until death unless the employee is medically or vocationally rehabilitated to either full or partial earning capacity. The loss of use of both hands, both arms, both feet, or both legs, or the loss of sight of both eyes is prima facie evidence of permanent total disability. However, the presumption of permanent total disability as a result of such loss is rebuttable by evidence to the contrary, such as evidence of sustained work and earnings despite the loss. Compensation for permanent total disability is payable at the rate of 66⅔ percent of the pay rate established for compensation purposes, or at 75 percent when where is a dependent (see § 10.301(b) of this section).

61. By revising § 10.303 to read as follows:

§ 10.303 Partial disability rate.

(a) An injured employee who is unable to return to the position held at the time of injury (or to earn equivalent wages) but who is not totally disabled for all gainful employment is entitled to compensation computed on loss of wage-earning capacity. Compensation for partial disability is payable at 66⅔ percent (or at 75 percent if the employee has a dependent) of the difference between the employee's pay rate for compensation purposes and the employee's wage-earning capacity. A narrative description of the formula used by the Office to compute the compensation payable is contained in paragraph (b) of this section. In determining the compensation payable for partial disability, an employee's wage-earning capacity is determined by the employee's actual earnings if those earnings fairly and reasonably represent the wage-earning capacity. If the actual earnings do not fairly and reasonably represent the employee's wage-earning capacity or if the employee has no actual earnings, the employee's wage-earning capacity shall be determined by the Office by selection of a job after having given due regard to the nature of the employee's injury, the degree of physical impairment, the employee's usual employment, the employee's age, the employee's qualification for other employment, the availability of suitable employment, and other factors or circumstances which may affect the employee's wage-earning capacity in his or her disabled condition. The salary of such a job shall be considered the employee's wage-earning capacity. The Office will not secure employment for the claimant in the position selected for establishing an earning capacity.

(b) For the purpose of describing the formula utilized by the Office for computing the compensation payable for partial disability, the following terms are defined: pay rate for compensation purposes is as defined in § 10.5(a)(20) of this part; current pay rate means "current" salary or pay rate for the job held at the time of injury; and earnings means the claimant's actual earnings, or the salary or pay rate of the job selected by the Office as representative of the employee's wage-earning capacity. An employee's wage-earning capacity in terms of percentage is obtained by dividing the employee's earnings by the current pay rate. The comparison of earnings and "current" pay rate for the job held at the time of injury need not be made as of the beginning of partial disability. Any convenient date may be chosen by the Office for making the comparison as long as the two wage rates are in effect on the date used for comparison. The employee's wage-earning capacity in terms of dollars is

computed by multiplying the pay rate for compensation purposes by the percentage of wage-earning capacity and the resulting dollar amount is subtracted from the pay rate for compensation purposes to obtain the employee's loss of wage-earning capacity. Compensation for partial disability is payable at the rate of 66⅔ percent (or at 75 percent if the employee has a dependent) of this loss of wage-earning capacity. The compensation payable shall be increased by applicable cost-of-living adjustments.

62. By revising § 10.304 to read as follows:

§ 10.304 Schedule compensation rate.

(a) Compensation is provided for specified periods of time for the permanent loss or loss of use (referred to as impairment) of each of certain members, organs and functions of the body. Compensation for proportionate periods of time is payable for partial loss or loss of use of each member, organ or function. The compensation for scheduled awards will equal 66⅔ percent of the employee's pay or 75 percent of the pay when there is a dependent. Compensation for loss of wage-earning capacity may be paid after the schedule expires. Proper and equitable compensation not to exceed $3,500 may be paid for serious disfigurement of the face, head or neck if of a character likely to handicap a person in securing or maintaining employment.

(b) Authority is provided under 5 U.S.C. 8107(c)(22) to add other internal and external organs to the compensation schedule. Pursuant to this authority, the following is added:

	Weeks
Breast (one)	52
Kidney (one)	158
Larynx	160
Lung (one)	156
Penis	205
Testicle (one)	52
Tongue	160

(c) Compensation under this schedule is:

(1) Payable regardless of whether the cause of the impairment originates in part of the body other than the impaired member or organ;

(2) Payable regardless of whether the disability also involves another impairment of the body; and

(3) Payable in addition to but, with the exception of compensation for serious disfigurement of the face, head or neck, not concurrently with compensation for temporary total or temporary partial disability.

(d) The period of compensation payable under the schedule in 5 U.S.C. 8107(c) shall be reduced by the period of compensation paid or payable under the schedule for an earlier injury if:

(1) Compensation in both cases is for impairment of the same member or function or different parts or the same member of function or for disfigurement; and

(2) The Office finds that compensation payable for the later impairment in whole or in part would duplicate the compensation payable for the pre-existing impairment.

(e) Where compensation is reduced as provided by paragraph (d) of this section, compensation for continuing wage loss starts on expiration of the schedule period as reduced.

§10.307 [Redesignated from § 10.306]

63. By redesignating § 10.306 as § 10.307 without revision.

64. By redesignating § 10.305 as § 10.306 and revising it to read as follows:

§ 10.306 Eligibility for death benefits and death benefit rates.

(a) If there is no child entitled to compensation, the employee's surviving spouse shall receive compensation equal to 50 percent of the employee's pay until death or remarriage before reaching 60 years of age. Upon remarriage, the surviving spouse will be paid a lump sum equal to 24 times the monthly compensation payment (excluding compensation payable on account of another individual) to which the surviving spouse was entitled immediately before the remarriage. If remarriage occurs at age 60 or older, the lump sum payment will not be paid and compensation shall continue until death.

(b) If there is a child entitled to compensation, the compensation for the surviving spouse equal 45 percent of the employee's pay plus 15 percent for each child, but the total percentage may not exceed 75 percent.

(c) If there is a child entitled to compensation and no surviving spouse, compensation for one child equals 40 percent of the employee's pay. Fifteen percent will be awarded for each additional child, not to exceed 75 percent, the total amount to be shared equally among all children.

(d) Parents, brothers, sisters, grandparents and grandchildren dependent upon the deceased employee at the time of death may be entitled to compensation as provided by 5 U.S.C. 8133.

(e) A child, brother, sister or grandchild may be entitled to receive death benefits until death, marriage, or the attainment of age 18. Regarding entitlement after reaching age 18, refer to § 10.127 of this part.

65. By adding a new § 10.305 to read as follows:

§ 10.305 Attendant allowance

An employee who has been awarded compensation may receive an additional sum of not more than $500 a month, as the Office considers necessary to pay for the service of an attendant, when the Office finds that the service of an attendant is necessary constantly because the employee is totally blind or has lost the use of both hands or both feet, or is paralyzed and unable to walk, or because of any impairment resulting from the injury making the employee so helpless as to require constant attendance.

66. By revising § 10.310 to read as follows:

§ 10.310 Buy back of annual or sick leave.

(a) An employee who sustains a job-related disability may use sick or annual leave or both to avoid interruption of income. If the employee uses leave during a period of disability caused by an occupational disease or illness, and a claim for compensation is approved, the employee may, with the approval of the employing agency, "buy back" the used leave and have it recredited to the employee's account. If the employee uses leave during a period of disability caused by a traumatic injury and a claim is approved by the Office, the employee may "buy back" leave taken after the 45-day continuation of pay period. The employee may not repurchase leave taken during the 45-day continuation of pay period unless the employee was not entitled to receive continuation of pay. The computation of the amount due the agency to effect the leave repurchase is the responsibility of the employing agency and is to be done in accordance with the accounting principles and practices of that agency.

(b) If the employing agency does not approve a repurchase of leave, then no compensation may be paid for the period leave was used. Where the agency agrees to the leave repurchase, the employee may elect to have the compensation payable for the period paid directly to the employing agency to be applied against the amount due the agency to effect the repurchase.

67. By revising § 10.311 (b) and (c) to read as follows:

§ 10.311 Lump sum awards.

* * * * *

(b) The probability of the death of the beneficiary before the expiration of the period during which he or she is entitled to compensation shall be determined according to the most current United States Life Tables, as developed by the United States Department of Health and Human Services, which shall be updated from time to time, but the lump sum payment to a surviving spouse of the deceased employee may not exceed 60 months compensation. The probability of the happening of any other contingency affecting the amount or duration of compensation shall be disregarded.

(c) On remarriage before age 60, a surviving spouse entitled to compensation under 5 U.S.C. 8133, shall be paid a lump sum equal to 24 times the monthly compensation payment (excluding compensation payable on account of another individual) to which the surviving spouse was entitled immediately before the remarriage.

* * * * *

68. By revising paragraph (a) and adding paragraph (c) to § 10.313 to read as follows:

§ 10.313 Dual benefits.

(a) Except as otherwise provided by law, a person may not concurrently receive compensation pursuant to the Act and a retirement or survivor annuity under the U.S. Civil Service Retirement Act, the Federal Employees' Retirement System Act, or a retirement or survivor annuity which stands in lieu of either of these Acts, such as Foreign Service or Central Intelligence Agency disability and retirement programs. Such beneficiary shall elect the benefit which he or she wishes to receive, and such election, once made, is revocable.

* * * * *

(c) The Office may require an employee to submit an affidavit or statement as to the receipt of any Federally funded or Federally assisted benefits, as identified and in the manner and at the times specified by the Office, in order to determine the employee's entitlement to compensation or to determine whether the employee is receiving benefits under other programs administered by the Office. If an employee when required, fails within 30 days of the date of the request to submit such affidavit or statement, the employee's right to compensation otherwise payable shall be suspended until such time as the requested affidavit or report is received, at which time compensation will be reinstated retroactive to the date of suspension provided the employee is entitled to such compensation.

69. By removing § 10.314 and adding a new § 10.314 to read as follows:

§ 10.314 Cost-of-living adjustments.

(a) Cost-of-living adjustments shall be made from time to time in accordance with 5 U.S.C. 8146a.

(b) Compensation payable on account of disability or death which occurred more than one year before the effective date of the cost-of-living adjustment shall be increased as determined in accordance with 5 U.S.C. 8146a. In disability cases, a beneficiary is eligible for cost-of-living adjustments where injury-related disability began more than one year prior to the effective date of the adjustment without regard to the fact that for any part of that period of disability the beneficiary may have elected to receive continuation of pay as provided by 5 U.S.C. 8118, or to use sick or annual leave. Where an injury does not result in disability but compensation is payable pursuant to 5 U.S.C. 8107 for permanent impairment of a covered member or function of the body, entitlement to cost-of-living adjustments begins with the first such adjustment occurring more than one year after the effective date of the award for such impairment. In the case of a recurrence of disability where the pay rate for compensation purposes is the pay rate at the time disability recurs, entitlement to cost-of-living adjustments begins with the first such adjustment occurring more than one year after the disability recurs. In death cases, entitlement to cost-of-living adjustments begins with the first such adjustment occurring more than one year after the date of death. However, if the death was preceded by a period of injury-related disability, compensation payable to the survivors will be increased by the same percentages as the cost-of-living adjustments paid or payable to the deceased employee for the period of disability, as well as by subsequent cost-of-living adjustments to which the survivors would otherwise be entitled.

70. By adding new § 10.320 through § 10.324 under the centerheading Overpayments to read as follows:

Overpayments

§ 10.320 Definitions.

(a) "Fault" as used in the term "without fault" in 5 U.S.C. 8129(b) and § 10.321(c) of this subpart applies only to the individual who has received a payment in his or her own name or on behalf of a beneficiary. Although the Office may have been at fault in making the overpayment, that fact does not relieve the overpaid individual or any other individual from whom the Office seeks to recover the overpayment from liability for repayment if such individual is not without fault.

(b) "With fault." In determining whether an individual is with fault, the Office will consider all pertinent circumstances, including age, intelligence, education, and physical and mental condition. An individual is with fault in the creation of an overpayment who:

(1) Made an incorrect statement as to a material fact which the individual knew or should have known to be incorrect; or

(2) Failed to furnish information which the individual knew or should have known to be material; or

(3) With respect to the overpaid individual only, accepted a payment which the individual knew or should have been expected to know was incorrect.

(c) "Without fault." Whether an individual is "without fault" depends on all the circumstances surrounding the overpayment in the particular case. The Office will consider the individual's understanding of any reporting requirements, the agreement to report events affecting payments, knowledge of the occurrence of events that should have been reported, efforts to comply with the reporting requirements, opportunities to comply with the reporting requirements, understanding of the obligation to return payments which were not due, and ability to comply with any reporting requirements (e.g., age, comprehension, memory, physical and mental condition). Although "without fault" is not limited to the overpayment circumstances described below, an individual is "without fault," except as provided in paragraph (b) above, if it is established after consideration of all the factors stated above that failure to report an event that would affect compensation benefits or acceptance of an incorrect payment was due to one of the following:

(1) The individual relied on misinformation given to him or her (or his or her representative) by an official source within the Office (or other governmental agency which the individual had reason to believe was connected with the administration of benefits) as to the interpretation of a pertinent provision of the Act or the regulations pertaining thereto; or

(2) The Office erred in calculation of cost-of-living increases, schedule award length and/or percentage, and loss of wage earning capacity, unless the

claimant had knowledge of the calculation errors.

(d) "Degree of care." An individual will be "with fault" if the Office has evidence which shows either a lack of good faith or failure to exercise a high degree of care in reporting changes in circumstances which may affect entitlement to or the amount of benefits. As indicated in paragraphs (b) and (c) of this section, the degree of care expected of an individual may vary with the complexity of the circumstances giving rise to the overpayment and the capacity of the particular payee to realize that he or she is being overpaid. Accordingly, variances in the personal circumstances and situations of individual payees are to be considered in determining whether the individual exercised the degree of care necessary to warrant a finding of "without fault."

§ 10.321 Recovery of overpayments.

(a) Except for an overpayment resulting from forfeiture of previously paid compensation, such as provided in § 10.125, whenever an overpayment has been made to an individual who is entitled to further payments, proper adjustment shall be made by decreasing subsequent payments of compensation, having due regard to the probable extent of future payments, the rate of compensation, the financial circumstances of the individual, and any other relevant factors, so as to minimize any resulting hardship upon such individual. In the event such individual dies before such adjustment has been completed, a similar adjustment shall be made by decreasing subsequent payments, if any, payable under this Act with respect to such individual's death.

(b) Where there are no further payments due and an overpayment has been made to an individual by reason of an error of fact or law such individual, as soon as the mistake is discovered or his attention is called to same, shall refund to the Office any amount so paid or, upon failure to make such refund, the Office may proceed to recover the same.

(c) There shall be no adjustment or recovery under paragraphs (a) or (b) of this section by the United States in any case when incorrect payment has been made to an individual who is without fault and when adjustment or recovery would defeat the purpose of the Act or would be against equity and good conscience.

(d) Before adjusting future payments or otherwise seeking to recover an overpayment, the Office shall provide the individual with written notice of:

(1) The fact and amount of overpayment;

(2) Its preliminary finding of whether the individual is at fault in the creation of the overpayment;

(3) The individual's right to inspect and copy Government records relating to the overpayment;

(4) The individual's right to request a pre-recoupment hearing within 30 days of the date of written notice of overpayment for the purpose of challenging the fact or amount of the overpayment, the preliminary finding of fault, or for the purpose of requesting waiver;

(5) The individual's right to submit additional written evidence within 30 days of the date of written notice of overpayment for the purpose of challenging the fact or amount of the overpayment, the preliminary fault finding, or for the purpose of requesting waiver.

(e) Additional evidence must be submitted, or a pre-recoupment hearing requested, within 30 days of the Office's written notice to the individual. Failure to exercise the right to a pre-recoupment hearing within 30 days of the date of notice of overpayment shall constitute a waiver of that right.

(f) Pre-recoupment hearings shall be conducted in all matters in exactly the same manner as provided in § 10.131 through § 10.137.

(g) When an overpayment exists because a claim was accepted in error, or because benefits were otherwise denied or terminated, the Office representative shall determine any and all issues raised at the pre-recoupment hearing, including those regarding the correctness of the decision to deny or terminate compensation. If an employee requests a pre-recoupment hearing as provided by this section with respect to an overpayment, and also requests a hearing as provided by 5 U.S.C. 8124(b) with respect to the decision denying or terminating benefits and resulting in the overpayment, both requests for a hearing shall be combined and one hearing held on any and all issues.

(h) If additional written evidence is not submitted, or a hearing requested, within the 30-day period, the Office will issue a final decision based on the available evidence and will initiate appropriate collection action. The final decision concerning an overpayment, whether rendered subsequent to a pre-recoupment hearing or in the absence of the submission of additional written evidence, is not subject to the hearing provision of 5 U.S.C. 8124(b) nor the reconsideration provision of 5 U.S.C. 8128(a). An individual aggrieved or adversely affected by a decision concerning an overpayment may request review by the Employees' Compensation Appeals Board.

(i) A copy of the final decision concerning an overpayment will be sent to the individual from whom recovery is sought, the individual's representative, and the employing agency.

§ 10.322 Waiver of recovery—defeat the purpose of the subchapter.

(a) *General.* Recovery of an overpayment will defeat the purpose of the Act if recovery would cause hardship by depriving a presently or formerly entitled beneficiary of income and resources needed for ordinary and necessary living expenses under the criteria set out in this section. Recovery will defeat the purpose of this subchapter to the extent that:

(1) The individual from whom recovery is sought needs substantially all of his or her current income (including compensation benefits) to meet current ordinary and necessary living expenses; and

(2) The individual's assets do not exceed the resource base of $3000 for an individual or $5000 for an individual with a spouse or one dependent plus $600 for each additional dependent. This base includes all of the claimant's assets not exempted from recoupment in paragraph (d) of this section. The first $3000 or more depending on the number of the claimant's dependents is also exempted from recoupment.

(b) *Income.* The individual's total income includes any funds which may be reasonably considered available for his or her use, regardless of the source. Income to a spouse will not be considered available to the individual unless the spouse was living in the household both at the time the overpayment was incurred and at the time waiver is considered. Types of income include but are not limited to:

(1) Government benefits such as Black Lung, Social Security, and Unemployment Compensation benefits;

(2) Wages and self-employment income;

(3) Regular payments such as rent or pensions; and

(4) Investment income.

(c) Ordinary and necessary living expenses. An individual's ordinary and necessary living expenses include:

(1) Fixed living expenses, such as food and clothing, rent, mortgage payments, utilities, maintenance, transportation, insurance (e.g., life, accident, and health insurance);

(2) Medical, hospitalization, and other similar expenses;

(3) Expenses for the support of others for whom the individual is responsible.

(4) Church and charitable contributions made on regular basis. (This shall not include large one-time gifts made after receipt of the preliminary notice of overpayment); and

(5) Miscellaneous expenses (e.g., newspaper, haircuts) not to exceed $25.00 per month.

(d) *Assets.* An individual's assets include:

(1) Liquid Assets—cash on hand, the value of stocks, bonds, savings accounts, mutual funds, and the like; and

(2) Non-Liquid Assets—the fair market value of property such as a camper, second home, extra automobile, jewelry, etc.

Assets for these purposes shall not include the value of household furnishings, wearing apparel, family automobile, burial plot or prepaid burial contract, a home which the person maintains as the principal family domicile, or income producing property if the income from such property has been included in comparing income and expenses.

§ 10.323 Waiver of recovery—against equity and good conscience.

(a) Recovery of an overpayment is considered to be "against equity and good conscience" when an individual presently or formerly entitled to benefits would experience severe financial hardship in attempting to repay the debt. The criteria to be applied in determining severe financial hardship are the same as in § 10.322.

(b) Recovery of an overpayment is considered to be inequitable and against good conscience when an individual, in reliance on such payments or on notice that such payments would be made, relinquished a valuable right or changed his position for the worse. In making such a decision, the individual's present ability to repay the overpayment is not considered. To establish that a valuable right has been relinquished, it must be shown that the right was in fact, valuable; that it cannot be regained; and that the action was based chiefly or solely on reliance on the payments or on the notice of payment. To establish that the individual's position has changed for the worse, it must be shown that the decision made would not otherwise have been made but for the receipt of benefits, and that this decision resulted in a loss. An example of such "detrimental reliance" would be a decision to enroll in college based on the award of benefits. The funds have been spent and cannot be recovered nor can the purchase be liquidated.

§ 10.324 Responsibility for providing financial information.

In requesting waiver of an overpayment, either in whole or in part, the overpaid individual has the responsibility for providing the financial information described in § 10.322, as well as such additional information as the Office may require to make a decision with respect to waiver. Failure to furnish the information within 30 days of request shall result in denial of waiver, and no further requests for waiver shall be entertained until such time as the requested information is furnished.

71. By revising § 10.400(e) to read as follows:

§ 10.400 Physician and medical services, etc. defined.

* * * * *

(e) The term "medical services" as used in subparts E and F of this part includes services and supplies provided by or under the supervision of physicians (M.D. and D.O.), surgeons, podiatrists, dentists, clinical psychologists, optometrists, and chiropractors, within the scope of their practices as defined by State law. Reimbursable chiropractic services are limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by x-rays to exist. Also included for payment or reimbursement are physical examinations (and related laboratory tests) and x-rays performed by or required by a chiropractor to diagnose a subluxation of the spinal column. The term "subluxation" means an incomplete dislocation, off-centering, misalignment, fixation or abnormal spacing of the vertebrae anatomically which must be demonstrable on any x-ray film to individuals trained in the reading of x-rays. A chiropractor may interpret his or her x-rays to the same extent as any other physician defined in this section.

* * * * *

72. By adding a new § 10.413 as follows:

§ 10.413 Time limitation on payment of bills.

The Office will reimburse claimants and providers promptly for all bills received on an approved form and in a timely manner. However, no bill will be paid for expenses incurred if the bill is submitted more than one year beyond the calendar year in which the expense was incurred or the service or supply was provided, or more than one year beyond the calendar year in which the claim was first accepted as compensable by the Office, whichever is later.

73. By revising § 10.452(a) to read as follows:

§ 10.452 Initiation of exclusion procedures.

(a) *General provision.* Upon receipt of information indicating that a physician, hospital or provider of medical support services or supplies (hereinafter the provider) has engaged in activities enumerated in paragraphs (c) through (h) of § 10.450, the Assistant Regional Administrator, after completion of inquiries he/she deems appropriate, may initiate procedures to exclude the provider from participation in the FECA program. For the purposes of this section, "Assistant Regional Administrator" may include any officer designated to act on his or her behalf.

* * * * *

74. By revising § 10.500 to read as follows:

§ 10.500 Prosecution of third party action by a beneficiary.

If an injury or death for which benefits are payable under the Act is caused under circumstances creating a legal liability upon some person or persons other than the United States to pay damages, the Office may require the beneficiary to prosecute an action for damages against the third party. When so required, the cause of action shall be prosecuted in the name of the beneficiary.

75. By amending § 10.503 by revising the introductory text, and revising paragraphs (b), (c), and (d) to read as follows:

§ 10.503 Distribution of damages recovered by a beneficiary.

If an injury or death for which benefits are payable under the Act is caused under circumstances creating a legal liability upon a person or persons other than the United States to pay damages and, as a result of claim brought by or settlement made by the beneficiary or by someone acting on the beneficiary's behalf, the beneficiary recovers damages or receives money or other property in satisfaction of the liability on account of that injury or death, the proceeds of the recovery shall be applied as follows:

* * * * *

(b) The beneficiary is entitled to retain one-fifth of the net amount of the money or other property remaining after the expenses of a suit or settlement have been deducted.

(c) There shall then be remitted to the Office the benefits which have been

paid on account of the injury including payments made on account of medical treatment, transportation costs, funeral expenses, and any other payments made under the Act on account of the injury or death, but not including continuation of pay as provided by 5 U.S.C. 8118. If an attorney was employed, the amount to be remitted to the Office shall be reduced by an amount equivalent to a reasonable attorney's fee proportionate to any refund to the United States.

(d) Any surplus remaining after proper refund has been made to the Office may be retained by the beneficiary but shall be credited by the Office against future payment of benefits to which the beneficiary may be entitled under the Act on account of the same injury or death.

76. By adding a new § 10.506 to read as follows:

§ 10.506 Official superior's responsibility in cases involving potential third party liability.

If it appears that an injury or death for which benefits are payable under the Act was caused under circumstances creating a legal liability upon a person or persons other than the United States to pay damages, the official superior or other agency official shall investigate the third party aspect of the injury or death and submit a report of the findings with related documents to the Office.

77. By adding a new § 10.507 to read as follows:

§ 10.507 Satisfaction of the interest of the United States.

No court, insurer, attorney, or other person shall pay or distribute to the beneficiary or the beneficiary's designee the proceeds of any suit or settlement without first satisfying or assuring satisfaction of the interest of the United States.

78. By adding a new Subpart H to read as follows:

Subpart H—Special Category Employees

Peace Corps Volunteers

§ 10.600 Definition of volunteer.

The term "volunteer" means—

(a) A volunteer enrolled in the Peace Corps under 22 U.S.C. 2504;

(b) A volunteer leader enrolled in the Peace Corps under 22 U.S.C. 2505; and

(c) An applicant for enrollment as a volunteer or volunteer leader during a period of training under 22 U.S.C. 2507(a) before enrollment.

§ 10.601 Applicability of the Act.

Except as provided by 5 U.S.C. 8142 and elsewhere in this subpart, the provisions of the Act are applicable to Peace Corps volunteers.

§ 10.602 When disability compensation commences.

Pursuant to 5 U.S.C. 8142(b), entitlement to disability compensation payments does not commence until the day after the date of termination of the volunteer's service.

§ 10.603 Pay rate for compensation purposes.

(a) The pay rate of a volunteer is the lowest step of grade 7 of the General Schedule.

(b) The pay rate of a volunteer leader is the lowest step of grade 11 of the General Schedule.

(c) The pay rate of a volunteer with one or more minor children as defined in 22 U.S.C. 2504 is the lowest step of grade 11 of the General Schedule.

(d) The pay rate for compensation purposes is defined as the pay rate in effect on the date following separation, provided that it is equal to or greater than the pay rate on the date of injury, and is not subject to the provisions of 5 U.S.C. 8101(4).

§ 10.604 Period of service as a volunteer.

The period of service of an individual as a volunteer includes any period of training under 22 U.S.C. 2507(a) before enrollment as a volunteer and the period between enrollment as a volunteer and the termination of service as a volunteer by the President or by death or resignation.

§ 10.605 Conditions of coverage while serving outside the United States and the District of Columbia.

(a) Any injury suffered by a volunteer during any time when the volunteer is located abroad shall be presumed to have been sustained in the performance of duty and any disease or illness contracted during such time shall be presumed to be proximately caused by the employment, except the presumption will be rebutted by evidence that:

(1) The injury or disease or illness was caused by the volunteer's willful misconduct, intent to bring about the injury or death of self or another, or was proximately caused by the intoxication by alcohol or illegal drugs of the injured volunteer; or

(2) The disease or illness is shown to have pre-existed the period of service abroad; or

(3) The disease or illness or condition claimed is either a manifestation of symptoms of or consequent to a pre-existing congenital defect or abnormality.

(b) If an injury is not presumed to have been sustained in the performance of duty as provided by paragraph (a) of this section, the volunteer has the burden of proving by the submission of substantial and probative evidence that the injury was sustained in the performance of duty with the Peace Corps.

(c) If a disease or illness or claimed condition, or episode thereof, comes within exception paragraph (a)(2) or (a)(3) of this section, the volunteer has the burden of proving by the submission of substantial, probative and reasoned medical evidence that it was proximately caused by the factors of conditions of Peace Corps service, or that the condition was materially aggravated, or accelerated or precipitated by factors of Peace Corps Service.

Non-Federal Law Enforcement Officers

§ 10.610 Definition of a law enforcement officer.

For purposes of this subpart, a law enforcement officer is defined as an employee of a State or local government including the governments of U.S possessions and territories, or an employee of the United States pensioned or pensionable under Sections 521–535 of Title 4, District of Columbia Code, whose functions include one or more of the following:

(a) The apprehension of persons sought for the commission of crimes, including those sought by a law enforcement agency for such commission, as well as material witnesses sought in connection with criminal cases; or

(b) The protection or guarding of persons held for the commission of crimes or as such material witnesses; or

(c) The prevention of the commission of crimes.

§ 10.611 Applicability.

Except as provided by 5 U.S.C. 8191 and 8192 and elsewhere in this subpart, the provisions of the Act and subparts A, B, and D through G are applicable to law enforcement officers, as defined in § 10.610.

§ 10.612 Conditions for eligibility.

(a) The benefits of the Act are available as provided in 5 U.S.C. 8191 *et seq.* and this subpart to a law enforcement officer as defined in § 10.610 and his or her survivors if the Office determines that an individual on any given occasion was—

(1) A law enforcement officer and to have been engaged on a given occasion in the apprehension or attempted apprehension of any person:

(i) For the commission of a crime against the United States, or

(ii) Who at that time was sought by a law enforcement authority of the United States for the commission of a crime against the United States, or

(iii) Who at that time was sought as a material witness in a criminal proceeding instituted by the United States; or

(2) A law enforcement officer and to have been engaged on that occasion in protecting or guarding a person held for the commission of a crime against the United States or as a material witness in connection with such crime; or

(3) A law enforcement officer and to have been engaged on that occasion in the lawful prevention of, or lawful attempt to prevent, the commission of a crime against the United States;

and to have been on that occasion not an employee as defined in 5 U.S.C. 8101 (1) and to have sustained on that occasion a personal injury for which the United States would be required under 5 U.S.C. 8101 to pay compensation if the individual has been on that occasion an employee within the meaning of 5 U.S.C. 8101 (1) engaged in the performance of duty.

(b) The mere fact that an injury to a law enforcement officer is in some way related to the commission of a Federal crime does not in itself bring the injury within the scope of this subpart. For the purpose of this subpart, being engaged in the apprehension or attempted apprehension of a person for the commission of a crime against the United States requires that the specific criminal activity which caused the officer's response was an actual Federal crime. Further, where the actions which result in an injury to an officer are based solely on a local police matter, the later discovery (i.e., discovery after the arrest has been made) of a Federal crime or potential Federal crime does not in itself bring the injury within the meaning of 5 U.S.C. 8191. For example, coverage under this subpart would extend to an officer who responded to an armed robbery and who was shot by the suspect. (For the purpose of this example, the suspect must be illegally in possession of a firearm in violation of Federal law.) With the officer's knowledge of an armed robbery (and/or the actual viewing of a firearm in the possession of the suspect), the firearm would be both an integral part of a Federal crime and a part of the specific criminal activity to which the officer was reacting. Coverage would be extended in this situation even though the officer may not have been aware at the time that the suspect was in fact in violation of Federal law. However, coverage under this subpart would not be extended to an officer injured while apprehending an individual for a violation of local law where it is discovered during a search of the individual (i.e., after the arrest has been made) that the individual was in violation of Federal law due to illegal possession of a controlled substance. In this situation, even though the individual was in violation of Federal law, the existence of the controlled substance was not a part of the specific criminal activity to which the officer was responding and thus did not play a part in the apprehension. Coverage would be extended in this situation if the officer had been aware of the existence of the substance prior to the arrest being made. To be considered a part of the criminal activity, it would not be necessary for the officer to know the nature of the substance, but only that the officer had reason to believe it was a controlled substance. If later investigation showed that the substance was not in fact a controlled substance, coverage would not be extended since no Federal crime had in fact been committed. Similarly, an officer injured while responding to an alarm of a robbery at a federally insured bank would be entitled to benefits as provided by this subpart. However, coverage would not be extended where the alarm was false since no Federal crime had actually occurred.

(c) Coverage for injuries or death while a law enforcement officer and to have been engaged on that occasion in the lawful prevention of, or lawful attempt to prevent, the commission of a crime against the United States shall not attach unless a Federal crime had been committed or was about to be committed. Whether or not a Federal crime was about to be committed cannot be open to speculation. The threat must be actual and imminent. However, in situations where the officer is detailed by a competent State or local authority to assist a Federal law enforcement authority in the protection of the President of the United States, or any other individual entitled to be provided or actually provided protection by the United States Secret Service pursuant to 18 U.S.C. 3056(a), 3 U.S.C. 202–209, and the regulations promulgated pursuant to the latter provisions at 13 CFR 13.1–13.8, coverage will be extended for injury or death sustained in such activity, because the threat of Federal crime in those circumstances is presumed to be always imminent.

(d) No person otherwise eligible to receive a benefit under this subpart because of the disability or death of an eligible officer shall be barred from the receipt of such benefit because the person apprehended or attempted to be apprehended by such officer was then sought for the commission of a crime against a sovereignty other than the United States.

(e) Coverage for members of the United States Park Police and those members of the Uniformed Division of the United States Secret Service who are covered under the District of Columbia Policemen and Firemen's Retirement and Disability Act is limited to specific activities involving crimes against the United States, and does not include numerous tangential activities of law enforcement, such as reporting for work, changing clothing etc., even though the laws enforced in the job deal solely with crimes against the United States. However, members of the Non-Uniformed Division of the United States Secret Service who are covered under the District of Columbia Policemen and Firemen's Retirement and Disability Act are considered to be engaged in the types of activities specified in 5 U.S.C. 8191 (1)–(3), and are covered by the provisions of 5 U.S.C. 8191–8193 during the performance of all official duties.

§ 10.613 Time for filing a claim.

A claim for benefits under the Act must be received by the Office within 5 years after the injury or death. The five-year limitation is maximum and mandatory and is not subject to waiver.

§ 10.614 How to file a notice of injury or death.

(a) A claim for benefits due to the injury or death of an eligible officer shall be made by—

(1) Any eligible officer or survivor of an eligible officer,

(2) Any guardian, personal representative, or other person legally authorized to act on behalf of an eligible officer, his or her estate, or any of his or her survivors, or

(3) Any association of law enforcement officers which is acting on behalf of an eligible officer or any of his or her survivors.

(b) The form provided for filing a claim for injury or occupational disease is CA–721.

(c) The form provided for filing a claim for death is CA–722.

(d) A claim for benefits should be submitted to the officer's employing agency for completion and forwarding to

the Office of Workers' Compensation Programs.

§ 10.615 Benefits.

(a) In the event of injury the Office shall furnish to any eligible officer the benefits, except for Continuation of Pay, to which he or she would have been entitled under subparts A through H of this Part if, on the occasion giving rise to eligibility, the officer had been an employee as defined in 5 U.S.C. 8101(1) engaged in the performance of duty. However, such benefits shall be reduced or adjusted as the Secretary in his discretion may deem appropriate to reflect comparable benefits, if any, received by the officer (or which the officer would have been entitled to receive but for this subpart) by virtue of actual employment on that occasion. When an eligible officer has contributed to a disability compensation fund, the reduction of Federal benefits provided for in this subsection is to be limited to the amount of the State or local government benefits which bears the same proportion to the full amount of such benefits as the cost or contribution paid by the State or local government bears to the cost of disability coverage for the individual officer.

(b) In the event of death the Secretary shall pay to any survivor of an eligible officer the difference, as determined by the Secretary in his discretion, between the benefits to which that survivor would be entitled if the officer had been an employee defined in 5 U.S.C. 8101(1) engaged in the performance of duty on the occasion giving rise to eligibility, and the comparable benefits, if any, received by the survivor (or which that survivor would have been entitled to receive but for this subpart) by virtue of the officer's actual employment on that occasion. When an eligible officer has contributed to a survivor's benefit fund, the reduction of Federal benefits provided for in this subsection is to be limited to the amount of the State or local government benefits which bears the same proportion to the full amount of such benefits as the cost or contribution paid by the State or local government bears to the cost of survivors' benefits coverage for the eligible officer.

§ 10.616 Computation of benefits.

(a) In determining the amount of benefits payable to an eligible officer or survivors of an eligible officer, the Office shall compute the beneficiaries' entitlement under the Act including applicable cost-of-living adjustments under 5 U.S.C. 8146a, then reduce the amounts by any comparable benefits payable by a State or local entity for the same injury or death.

(b) Benefits payable under the Public Safety Officers' Benefit Act (42 U.S.C. 3796) for the same death constitute a prohibited dual benefit and any benefits payable under the Act will be reduced commensurate with the amounts payable under 42 U.S.C. 3796. Where a lump sum benefit is paid under 42 U.S.C. 3796, no benefits under the Act will be paid to a beneficiary until the entire amount, or the individual beneficiaries' portions of the entire amount, has been fully recovered.

(c) Where one or more beneficiaries in a death claim is not eligible to receive compensation due to the fact that comparable benefits from a State or local program or benefits payable under another Federal program exceed what is payable to the individual(s) under the Act, no adjustment shall be made to the percentage(s) upon which compensation is computed for other beneficiaries until the happening of an event which would otherwise change the criteria for determining entitlement under the Act, e.g., death or remarriage of a spouse, a child turning 18 or marrying, or the birth of a posthumous child.

§ 10.617 Responsibilities of the claimant, the employing agency and the Office.

(a) The claimant, or someone acting on his or her behalf as specified in § 10.614(a), shall be responsible for fully completing all forms, or portions thereof, which require information of the claimant, as well as for providing any supporting documentation or statements requested in support of the claim for benefits.

(b) The employing law enforcement agency is responsible for fully completing all necessary portions of claim forms designated for the employing agency and for submitting evidence necessary to the Officer's determination of coverage under 5 U.S.C. 8191 including police reports, investigative reports, and records providing or disproving the involvement of a Federal crime or Federal felony.

(c) The Office is responsible for evaluating a claim, advising of the deficiencies in a claim and requesting supportive information of the claimant and employing agency. Nothing in this subpart shall be construed as placing the burden on the Office to secure the information needed to discharge the responsibilities of the claimant(s) or the employing agency.

§ 10.618 Consultation with Attorney General and other agencies.

The Secretary may refer any application received pursuant to this subpart to the Attorney General for assistance, comments and advice as to any determination required to be made pursuant to 5 U.S.C. 8191. The Secretary may request any Federal department or agency to supply any statistics, data or any other materials deemed necessary to carry out the functions of this subpart. Each such department or agency shall cooperate with the Secretary and, to the extent permitted by law, furnish such materials to him or her.

§ 10.619 Cooperation with State and local agencies.

The Secretary shall cooperate fully with the appropriate State and local officials, and shall take all other practicable measures, to assure that the benefits of this subpart and the Act are made available to eligible officers and their survivors with a minimum of delay and difficulty.

Federal Grand and Petit Jurors

§ 10.620 Definition of juror.

The term "juror" means an individual selected pursuant to Chapter 21 of Title 28, United States Code, and serving as a petit or grand juror.

§ 10.621 Applicability.

Except as provided by 28 U.S.C. 1877 and elsewhere in the subpart, the provisions of the Act and subparts A, B C, and D through G are applicable to Federal grand or petit jurors as defined in § 10.620.

§ 10.622 Performance of duty.

(a) Performance of duty as a juror includes that time when a juror is

(1) In attendance at court pursuant to a summons,

(2) In deliberation,

(3) Sequestered by order of a judge, or

(4) At a site, by order of the court, for the taking of a view.

(b) For the purposes of this subpart, a juror is not in the performance of duty while traveling to or from home in connection with the activities enumerated in paragraphs (a)(1)–(4) of this section.

§ 10.623 When disability compensation commences.

Pursuant to 28 U.S.C. 1877, entitlement to disability compensation payments does not commence until the day after the date of termination of service as a juror.

§ 10.624 Pay rate for compensation purposes.

For the purpose of computing compensation payable for disability or death, a juror is deemed to receive pay at the minimum rate for grade GS–2 of

the General Schedule unless his or her actual pay as a Government employee while serving on court leave is higher, in which case the pay rate for compensation purposes is determined in accordance with 5 U.S.C. 8114.

Signed at Washington, DC, this 23rd day of March, 1987.

William E. Brock,

Secretary of Labor.

Susan R. Meisinger,

Deputy Under Secretary for Employment Standards.

Richard Staufenberger,

Acting Director, Office of Workers' Compensation Programs.

[FR Doc. 87-6817 Filed 3-31-87; 8:45 am]

BILLING CODE 4510-27-M

federal register

Wednesday,
April 1, 1987

Part IV

Department of Justice

Bureau of Prisons

28 CFR Part 545

Control, Custody, Care, Treatment and Instruction of Inmates; Inmate Financial Responsibility Program; Final Rule

28 CFR Part 549

Control, Custody, Care, Treatment, and Instruction of Inmates; Authority to Conduct Autopsies; Proposed Rule

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 545

Control, Custody, Care, Treatment and Instruction of Inmates; Inmate Financial Responsibility Program

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rule.

SUMMARY: In this document, the Bureau of Prisons is publishing a final rule on its Inmate Financial Responsibility Program. The rule describes the Bureau's policy on encouraging inmates to satisfy legitimate financial obligations by providing inmates with the opportunity to develop a financial plan.

EFFECTIVE DATE: April 1, 1987.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 770, 320 1st Street, NW., Washington, DC 20534.

FOR FURTHER INFORMATION CONTACT: Hank Jacob, Office of General Counsel, Bureau of Prisons, phone 202/272–6874.

SUPPLEMENTARY INFORMATION: The Bureau of Prisons is publishing a final rule on its Inmate Financial Responsibility Program. A proposed rule on this subject was published in the **Federal Register** on November 21, 1986 (at 51 FR 42167). Interested persons were invited to submit comments on the proposed rule.

The Bureau of Prisons initiated a pilot project on inmate financial responsibility in December 1985. The results of the pilot project indicated that, during a 12-month period, inmates at the designated institutions paid approximately 1.5 million dollars in court-ordered restitution, special assessments, fines and child support. Based on the pilot project results and the favorable responses received during the extended public comment period of the proposed rule, the Bureau of Prisons is implementing this program on April 1, 1987.

A period of several months will be required to review the financial status of all inmates. During that time, some inmates will complete their sentences or become eligible for parole. Favorable parole decisions and release of inmates with committed fines depend, in part, on the inmate's demonstrated financial responsibility. The public interest in collecting court-imposed payments and in assisting inmates in developing a plan to make those payments requires immediate implementation of this rule.

Delay in implementing this rule would thwart the public expectation that inmates of the Bureau of Prisons who have income or outside resources, will pay amounts imposed by the courts as punishment, compensation to crime victims, or just debts. Delay would also cause some inmates not to receive helpful assistance in meeting obligations which delay release or which may be burdensome after release. Therefore, the Bureau of Prisons finds good cause under 5 U.S.C. 553(d) to finalize this rule without delay in the effective date.

The Bureau of Prisons has determined that this rule is not a major rule for the purpose of EO 12291. The Bureau of Prisons has determined that EO 12291 does not apply to this rule since the rule involves agency management. After review of the law and regulations, the Director, Bureau of Prisons, has certified that this rule, for the purpose of the Regulatory Flexibility Act (Pub. L. 96–354), does not have a significant impact on a substantial number of small entities.

Summary of Changes/Comments

1. *Section 545.11*—A commenter suggested that, to make the operation of the Bureau's rule on financial responsibility fairer, in light of the consequences of non-compliance, the rule should allow for legitimate indigency claims. We do not believe the use of an indigency standard is necessary. A financial plan ordinarily can be developed for most inmates because they are eligible for, and receive, compensation for work performed within the institution. In the event an inmate is determined to be without institution earnings or outside resources, no payment plan will be required. One example would be a medically unassigned inmate (unable to work within the institution due to permanent or temporary medical impairment) with no community resources. While the inmate's financial obligations would be identified and documented by unit staff, no payments would be required. If, at some future time, the inmate is able to obtain paid employment in an institution work assignment, or outside resources are identified, a payment plan would then be developed.

A comment to § 545.11(a)(2) suggests that the Bureau's rule on court-ordered restitution does not provide for deferred payments where the judgment and commitment order directs payment as part of a parole plan or upon release from custody. This concern is addressed in the Bureau's internal guidelines implementing the provisions of this rule. These guidelines state that, where the court specifies that the court-ordered payment is to follow the period of incarceration, the financial plan should address any other financial obligations, while encouraging a savings plan to help meet future obligations.

We agree with several commenters who suggested the Bureau add family financial obligations and child support to its priority list of obligations. Based on public comment, and because court-ordered child support or alimony or other court-ordered judgments against an inmate are financial obligations similar to those in the proposed rule, the Bureau of Prisons is adding new § 545.11(a)(6), other court-ordered obligations.

A commenter to § 545.11(b) expressed concern over whether the Bureau had included safeguards to insure that inmates are not allowed to correspond directly with crime victims, and that inmates do not have access to any identifying data, including addresses, of victims. Restitution payments will be made in accordance with the court order. Ordinarily, such payments are made directly to the United States Attorney's Office or to the court. While court-ordered payments made directly to the U.S. Attorney or the court can eliminate the need for unwanted contact with victims, in instances where the court orders direct payment to the victim, the Bureau of Prisons will permit the inmate to comply.

A commenter to § 545.11(b) stated that inmates are in a "survival mode" of existence while incarcerated and that they are "concerned with immediate gratification". Because of this, the commenter suggested the Bureau's rule exempt from an inmate's financial plan an amount of money equal to the monthly commissary spending limitation, for inmates to use in purchasing personal use items from the institution commissary. We do not agree. While the Bureau recognizes that commissary privileges are important to inmates, it is equally important for inmates to recognize, and to accept, responsibility for their legitimate financial obligations. We do not find it appropriate to re-enforce self-gratification as the only outlet for use of an inmate's funds. An inmate's participation in the commissary program may be affected by his financial plan, but in most cases the effect will be minimal.

The third sentence in proposed § 545.11(b) is deleted. The sentence stated that "The minimum amount of payment that may be made by a participant will be set by the Assistant Director, Correctional Programs Division." After careful consideration, the Bureau has decided that it is not necessary, nor practical, to have minimum payments set at this high a

level of administrative authority. Instead, as provided in §§ 545.10 and 545.11, staff who review an inmate's financial plan will have the flexibility to develop with the inmate a schedule to meet his financial obligations. In situations where the inmate disagrees with the payments required in the plan, an administrative remedy appeal can be filed.

In § 545.11(c) the phrase "but not limited to" is added to clarify the first sentence which now states, "An inmate's participation in the financial responsibility plan will be reviewed each time staff assess the inmate's demonstrated level of responsible behavior, including, [but not limited to,] when determining security/custody classification level, eligibility for community activities, good time status, housing assignments, and work assignments." The term "etc." is deleted. These changes do not alter the intent of the paragraph.

A commenter to § 545.11(c) suggested that the Bureau's rule is not clear regarding whether the U.S. Probation Office will be appraised of an inmate's performance in meeting his financial obligations or whether the program will continue for inmates afforded pre-release CTC opportunities. In the Bureau's implementing instructions, staff are required to report an inmate's progress on the financial plan under the "Institutional Adjustment" section of the inmate's progress report. Staff must include, in each progress report prepared for release purposes, a statement as to how the inmate will continue the financial plan upon release from custody. The Probation Office in the sentencing jurisdiction and any other Probation Office that has an active interest in the inmate, are already receiving informational copies of all inmate progress reports. An inmate's participation in the financial responsibility program can therefore be monitored by the Probation Office on a continued basis.

A commenter suggested the Bureau either eliminate the provision for removing an inmate from UNICOR for failure to demonstrate financial responsibility, or simply make failure to meet financial commitments a factor in determining promotions or demotions within UNICOR. The commenter's suggestion is essentially what the Bureau's rule states. An inmate who fails to demonstrate financial responsibility, if not already in a UNICOR assignment, may not be hired by UNICOR and may not be assigned to a performance pay position above the maintenance pay level. An inmate already in UNICOR or in a performance pay position who fails to demonstrate financial responsibility, will be considered for removal from UNICOR, or reduction to the maintenance pay level in a performance pay position. Each case will be handled by unit staff on an individual basis, and appropriate action will be taken where non-compliance is indicated.

List of Subjects in 28 CFR Part 545

Prisoners.

Conclusion

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons in 28 CFR 0.96(q), 28 CFR, Chapter V is amended as set forth below.

Dated: March 26, 1987.

Norman A. Carlson,

Director, Bureau of Prisons.

In consideration of the foregoing, amend Subchapter C of 28 CFR, Chapter V, by adding a new Subpart B consisting of §§ 545.10 and 545.11 to Part 545.

SUBCHAPTER C—INSTITUTION MANAGEMENT

PART 545—WORK AND COMPENSATION

Part 545, Subpart B is added to read as follows:

Subpart B—Inmate Financial Responsibility Program

Sec.
545.10 Purpose and scope.
545.11 Procedures.

Subpart B—Inmate Financial Responsibility Program

Authority: 5 U.S.C. 301; 18 U.S.C. 3013, 4001, 4042, 4081, 4082, 5006–5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

§ 545.10 Purpose and scope.

The Bureau of Prisons encourages each sentenced inmate to satisfy his legitimate financial obligations. As part of the initial classification process, Bureau staff will provide the inmate with the opportunity to develop a financial plan for satisfying these obligations. At subsequent program reviews, Bureau staff shall consider the inmate's efforts to meet these financial obligations as indicative of the inmate's acceptance of responsibility.

§ 545.11 Procedures.

Unit staff shall meet with each inmate with an identified financial obligation(s) to develop a plan for meeting the obligation(s) by using the inmate's outside resources or institution earnings for payment.

(a) *Developing a Financial Plan*—At initial classification, the unit team will review an inmate's financial obligations. All documentation should be considered, including, but not limited to, the Pre-Sentence Report and the Judgment and Commitment Order(s). A financial plan shall be developed and documented and will include the following obligations, in priority order:

(1) Special assessments imposed under 18 U.S.C. 3013;

(2) Court-ordered restitution;

(3) Fines and court costs;

(4) Judgments in favor of the United States;

(5) Other debts owed the federal government; and

(6) Other-court ordered obligations.

(b) *Payment:* The inmate is responsible for making all payments required by the financial responsibility plan, and for providing documentation to staff. Payments may be made from earnings of the inmate within the institution or from outside resources.

(c) *Monitoring:* An inmate's participation in the financial responsibility plan will be reviewed each time staff assess the inmate's demonstrated level of responsible behavior, including, but not limited to, when determining security/custody classification level, eligibility for community activities, good time status, housing assignments, and work assignments. Progress on the financial responsibility plan will be reported to the United States Parole Commission. An inmate who fails to demonstrate financial responsibility may neither secure a UNICOR work assignment, nor receive performance pay above the maintenance pay level. An inmate already in a UNICOR work assignment or receiving performance pay who fails to make adequate progress on the financial plan will be considered for removal from UNICOR, or reduction to the maintenance pay level of performance pay.

[FR Doc. 87–7120 Filed 3–31–87; 8:45 am]

BILLING CODE 4410–05–M

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 549

Control, Custody, Care, Treatment, and Instruction of Inmates; Authority To Conduct Autopsies

AGENCY: Bureau of Prisons, Justice.

ACTION: Proposed rule.

SUMMARY: In this document, the Bureau of Prisons is publishing a proposed rule implementing the provisions of 18 U.S.C. 4045. This section sets forth the conditions under which a Warden, pursuant to rules prescribed by the Director, Bureau of Prisons, may order an autopsy under his own authority, and those conditions requiring the written consent of another party. This proposed rulemaking is primarily intended to meet the statutory rulemaking requirement of 18 U.S.C. 4045.

DATE: Comments on the proposed rule must be received on or before May 15, 1987.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 770, 320 1st Street, NW., Washington, DC 20534. Comments received will be available for examination by interested persons at the above address.

FOR FURTHER INFORMATION CONTACT: Hank Jacob, Office of General Counsel, Bureau of Prisons, phone 202/272-6874.

SUPPLEMENTARY INFORMATION: Pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons, in 28 CFR 0.96(q), notice is hereby given that the Bureau of Prisons intends to publish in the **Federal Register** a proposed rule on the Bureau's authority to conduct autopsies. This authority is codified in 18 U.S.C. 4045.

Section 4045 authorizes the Warden, pursuant to rules prescribed by the Director, Bureau of Prisons, to order an autopsy and related scientific or medical tests to be performed on the body of a deceased inmate of the facility in the event of homicide, suicide, fatal illness or accident, or unexplained death. The autopsy may be ordered in one of these situations only when the Warden determines that the autopsy or test is necessary to detect a crime, maintain discipline, protect the health or safety of other inmates, remedy official misconduct, or defend the United States or its employees from civil liability arising from the administration of the facility. An autopsy or post-mortem operation not meeting the conditions specified above requires the written consent of a person authorized to permit such an autopsy or post-mortem operation.

The Bureau of Prisons has determined that this rule is not a major rule for the purpose of EO 12291. The Bureau of Prisons has determined that EO 12291 does not apply to this rule since the rule involves agency management. After review of the law and regulations, the Director, Bureau of Prisons, has certified that this rule, for the purpose of the Regulatory Flexibility Act (Pub. L. 96-354), does not have a significant impact on a substantial number of small entities.

Interested persons may participate in this proposed rulemaking by submitting data, views, or arguments in writing to the Bureau of Prisons, Room 770, 320 1st Street, NW., Washington, DC 20534. Comments received will be considered before final action is taken. The proposed rule may be changed in light of the comments received. No oral hearings are contemplated.

List of Subjects in 28 CFR Part 549

Prisoners.

In consideration of the foregoing, it is proposed to amend Subchapter C of 28 CFR, Chapter V as follows: In Subchapter C, amend Part 549 by adding a new Subpart G to read as follows:

SUBCHAPTER C—INSTITUTIONAL MANAGEMENT

PART 549—MEDICAL SERVICES

1. The authority citation for Part 549 is revised to read as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4005, 4042, 4045, 4081, 4082, 5006-5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95-0.99.

2. In Part 549, add a new Subpart G consisting of § 549.80 to read as follows:

Subpart G—Authority To Conduct Autopsies

§ 549.80 Authority to conduct autopsies.

(a) The Warden may order an autopsy and related scientific or medical tests to be performed on the body of a deceased inmate of the facility in the event of homicide, suicide, fatal illness or accident, or unexplained death. The autopsy or tests may be ordered in one of these situations only upon the Warden determining that the autopsy or test is necessary to detect a crime, maintain discipline, protect the health or safety of other inmates, remedy official misconduct, or defend the United States or its employees from civil liability arising from the administration of the facility.

(1) The authority of the Warden under this section may not be delegated below the level of Acting Warden.

(2) Where the Warden has the authority to order an autopsy under this provision, no non-Bureau of Prisons authorization (e.g., from either the coroner or from the inmate's next-of-kin) is required. A decision on whether to order an autopsy is ordinarily made after consultation with the attending physician, and a determination by the Warden that the autopsy is in accordance with the statutory provision. Once it is determined that an autopsy is appropriate, the Warden shall prepare a written statement authorizing this procedure. The written statement is to include the basis for approval.

(b) In any situation other than as described in paragraph (a) of this section, the Warden may order an autopsy or post-mortem operation, including removal of tissue for transplanting, to be performed on the body of a deceased inmate of the facility with the written consent of a person (e.g., coroner, or next-of-kin, or the decedent's consent in the case of tissue removed for transplanting) authorized to permit the autopsy or post-mortem operation under the law of the State in which the facility is located.

(1) The authority of the Warden under this section may not be delegated below the level of Acting Warden.

(2) When the conducting of an autopsy requires permission of the family or next-of-kin, the following message is to be included in the telegram notifying the family or next-of-kin of the death: "Permission is requested to perform a complete autopsy". Also inform the family or next-of-kin that they may telegraph the institution *collect* with their response. Where permission is not received from the person (e.g., coroner or next-of-kin) authorized to permit the autopsy or post-mortem operation, an autopsy or post-mortem operation may not be performed under the conditions of this paragraph (b).

(c) In addition to the provisions of paragraphs (a) and (b) of this section, each institution also is expected to abide by the following procedures.

(1) Staff are to ensure that the state laws regarding the reporting of deaths are followed.

(2) Time is a critical factor in arranging for an autopsy, as this ordinarily must be performed within 48 hours. While a decision on an autopsy is pending, no action should be taken that will affect the validity of the autopsy results. Therefore, while the body may be released to a funeral home, this should be done only with the understanding from the funeral home that no preparation for burial, including

embalming, should be performed until a final decision is made on the need for an autopsy.

(3) Medical staff is to arrange for the approved autopsy to be performed.

(4) To the extent consistent with the needs of the autopsy or of specific scientific or medical tests, provisions of state and local laws protecting religious beliefs with respect to such autopsies are to be observed.

Dated: March 27, 1987.

Norman A. Carlson,

Director, Federal Bureau of Prisons.

[FR Doc. 87-7121 Filed 3-31-87; 8:45 am]

BILLING CODE 4410-05-M

federal register

Wednesday
April 1, 1987

Part V

Department of Health and Human Services

Office of Community Services

Announcement of Availability of Funds and Request for Applications Under the Discretionary Authority of the Office of Community Services for the Community Food and Nutrition Program (CFN); Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Community Services

[Program Announcement No. OCS-87-2]

Availability of Funds and Request for Applications Under the Discretionary Authority of the Office of Community Services for the Community Food and Nutrition Program (CFN)

AGENCY: Office of Community Services, Family Support Administration, Department of Health and Human Services.

ACTION: Announcement of the availability of funds and request for applications under the Office of Community Services Community Food and Nutrition (CFN) Discretionary Authority. The Administration budget request may propose rescission of these discretionary funds. However, should funds remain available for this purpose, this contingency action will assure that grants can be awarded in a timely fashion consistent wth the requirements of the program. This notice requesting applications does not reflect any change in policy.

SUMMARY: The Office of Community Services (OCS) announces that competing applications will be accepted for new grants pursuant to the Secretary's discretionary authority under section 681A(b)(2) of the Community Services Block Grant Act of 1981 as amended by section 406 of the Human Services Reauthorization Act of September 30, 1986. This program announcement consists of three parts. Part I describes the CFN program initiative, and indicates who is eligible to apply, the funding available and duration of awards. Part II outlines application requirements, including the required contents of a complete application, how and where the application should be submitted and the deadline for receipt of applications. Part III describes the review, selection and award process.

DATE: The closing date for receipt of applications is May 13, 1987. Applicants must meet this deadline either by delivering the application or by mailing it sufficiently in advance of the deadline to assure its timely receipt. Late applications will be returned to the senders without consideration in the competition.

FOR FURTHER INFORMATION CONTACT: Department of Health and Human Services, Family Support Administration, Office of Community Services, Office of State and Project Assistance, 330 C Street, SW., Room 2054, Washington, DC 20201; telephone (202) 475-0342.

Part I—General information

A. Purpose of the Community Food and Nutrition Program

Section 681A(b)(2) of the Community Services Block Grant (CSBG) Act authorizes the Secretary of Health and Human Services to make funds available for grants to be awarded on a competitive basis to eligible agencies for local and statewide programs (1) to coordinate existing private and public food assistance resources, whenever such coordination is determined to be inadequate, to better serve low-income populations; (2) to assist low-income communities to identify potential sponsors of child nutrition programs and to initiate new programs in underserved or unserved areas, and (3) to develop innovative approaches at the State and local level to meet the nutrition needs of low-income people.

Under this FY 1987 program initiative, grants will be awarded competitively in any or all of the above three legislatively-authorized program areas, subject to the following policy direction:

1. No grant shall be considered for an amount below $25,000 or in excess of $50,000.

2. Proposals may focus on one or more of the above three activities, but must also provide outreach or public education activity designed to inform low-income individuals and displaced workers of the nutrition services available to them under the various Federally-assisted programs.

3. In recognition of the special needs of Indian tribes, migrants and seasonal farmworkers, the Department has established a $150,000 set-aside to afford priority consideration to proposals which assist these populations. Applications which are not funded within this limited set-aside will also be considered competitively within the larger pool of eligible applications.

4. No match is required. However, rating preference will be accorded to applicants whose proposals build on existing outreach activity, and mobilize or leverage additional resources which increase the potential impact of the program. In particular, preference will be given to projects addressing problems that can be met by one-time OCS funding, or which can be continued without future Federal funding.

5. Applicants not proposing to charge any administrative expenses to the OCS grant will receive rating preference.

B. Eligible Applicants

State and local public and private non-profit agencies with a demonstrated ability to successfully develop and implement programs and activities similar to those enumerated above are invited to submit applications.

C. Available Funds

The Office of Community Services expects to award $1,000,000 in approximately 30 grants during the third quarter of Fiscal Year 1987 under the provisions of this announcement.

D. Duration of Awards

In most cases, OCS will award funds for one year. However, depending on the characteristics of any individual project and the justification presented by the applicant in its proposal, a grant may be made for a longer or shorter period of time, e.g., six months or two years. Regardless of the time provided in a grant, it must be clearly demonstrated that the project work plan will achieve measurable results and can be successfully completed within the funding period requested.

E. Proposals

All proposed projects must meet the basic criteria of being activities that (a) are designed and intended to provide nutrition benefits to a targeted low-income group of people, (b) provide outreach or public education designed to inform low-income individuals and displaced workers of the services available to them under the various Federally-assisted nutrition programs, and (c) focus on one or more of the legislatively-mandated program activities stated in Paragraph A, above.

F. Definitions

For the purposes of this program announcement, the following definitions apply:

A "displaced worker" is an individual who is in the labor market but has been unemployed for six months or longer.

An "underserved area" as pertains to child nutrition programs is a locality in which less than one-half of the low-income children eligible for assistance participate in *any* child nutrition program.

A "migrant farmworker" is an individual who works in agricultural employment of a seasonal or other temporary nature who is required to be absent from his/her place of residence in order to secure such employment.

A "seasonal farmworker" is an individual employed in agricultural work of a seasonal or other temporary nature who is able to remain at his/her

place of permanent residence while employed.

An "Indian tribe" means any tribe, band, or other organized group of Indians recognized in the State in which it resides or considered by the Secretary of the Interior to be an Indian tribe or an Indian organization for any purpose.

G. Applicability of Poverty Income Guidelines

Projects proposed for funding under this announcement must result in direct benefits targeted toward low-income people, including displaced workers and at-risk teenagers. The applicant's attention is directed to Appendix A, an excerpt from the most recent Annual Revision of Poverty Income Guidelines published in the Federal Register, Vol. 52, No. 34, dated February 20, 1987, pp. 5340–5341.

In the case of projects proposed for funding which mobilize or improve the coordination of existing public and private food assistance resources, the guidelines governing those resources apply. However, applicants must assure that the preponderance of beneficiaries assisted under this program announcement are within the official poverty income guidelines.

H. General Grant Terms

1. Grantees are subject to the provisions of Office of Management and Budget Circulars A–102, A–110, and A–122, the last of which prohibits the use of grant funds for (a) electioneering activities at the Federal, State or local level, and (b) attempts to influence Federal or State legislation through either grassroots lobbying or direct contacts with Federal or State legislators or their staffs.

2. Grantees will be required to submit quarterly financial reports, a final narrative report, and a final audit for any project that receives OCS funds. Where applicable, grantees are subject to the provisions of the Single Audit Act (Pub. L. 502) and OMB Circular A–128. Costs associated with fulfillment of the audit requirement may be charged to the grant. In lieu of submitting quarterly narrative reports, grantee project directors will be required to attend a two-day program conference at OCS, travel costs for which may be charged to the grant budget.

Part II—Application Requirements

A. Availability of Forms

Applications for awards under this program must be submitted on the Standard Form (SF) 424 provided for that purpose. The appendix to this announcement contains all forms and instructions required for submittal of applications. Additional copies of the announcement may be obtained by writing or telephoning: Department of Health and Human Services, Family Support Administration, Office of Community Services, Office of State and Project Assistance, 330 C Street, SW., Room 2054, Washington, DC 20201, RE: OCS 87–2–CFN, Telephone: (202) 475–0342.

B. Submission

The closing date for receipt of applications submitted for consideration under this program announcement is May 13, 1987. Applicants must meet this deadline either by hand-delivering their proposal during the normal working hours of 8:45 a.m. to 5:30 p.m., Monday through Friday, or by mailing it sufficiently in advance of the deadline to insure its timely receipt. Late applications will be returned to the senders without consideration in the competition.

Applicants may be mailed or delivered by hand to: Department of Health and Human Services, Family Support Administration, Office of Grants Management, Room 2222 Switzer Building, 330 C Street, SW., Washington, DC 20201.

Applications once submitted are considered final, and no additions will be accepted by OCS.

C. Application Package

Each application must include:

1. A signed original and two copies of the application. The original must bear an original signature of the certifying representative of the applicant organization. Do not include extraneous materials such as agency promotional brochures, slides, tapes, film clips, etc. It is not feasible to use such items in the review process, and they will be discarded if included.

2. The notation *"Set-Aside Request"*, entered in the lower right-hand corner of the application cover page by those applicants seeking consideration under the set-aside provision for Indian tribes, migrants and seasonal farmworkers.

3. A self-addressed, franked postcard so that acknowledgment of receipt can be provided. This requirement applies even if the application is accompanied by a "Return Receipt Requested" card. All applications will be assigned an identification number which will be noted on the acknowledgment. This number and, if applicable, the suffix SAR (set-aside request) must be referred to in all subsequent communication with OCS concerning the application. Please note that, since applications will be filed serially by this identification number, it will not be possible for OCS staff to respond promptly to specific inquiries unless this number is provided as well as the applicant's name. Applicants who have not received an acknowledgment card and thus lack an identification number three weeks after the application deadline date are requested to notify OCS by telephone at (202) 475–0342.

D. Application Content

All applications must include a cover page followed by a Table of Contents with page numbers for each major section and subsection of the proposal and each section of the Appendix. Each page in the application, including those in any appendix, must be numbered consecutively. (This will facilitate review as well as future referencing once the application becomes part of the OCS permanent files.)

The Table of Contents should list the following and the applications should present material in the following order:

1. Standard Form 424, Parts I through IV, accompanied by:

(a) Justification for indicating in Part I a grant period of more than or less than 12 months;

(b) A Detailed Budget Breakdown for Part III, Section B, which includes travel costs for the project director to attend a two-day grant-related CFN confeence at OCS.

2. Project Narrative

(a) Analysis of Need

(1) Description of target area and population to be served;

(2) Nature and extent of problem to be solved;

(3) Project priorities and rationale for selecting them.

(b) Work Program

(1) Goals and Objectives;

(2) Project Activities.

(c) Significant and Beneficial Impact

(1) Description of how project will significantly improve or increase nutrition services for low-income people;

(2) Statement as to how project will significantly leverage or mobilize other resources;

(3) Description of project outreach and/or public education activity.

(d) Ability of Applicant to Perform

(1) Statement of applicant's experience in CFN program area plus a written self-assessment or third-party evaluation of past nutrition-related activities.

(2) Statement describing management and programmatic experience of staff, and a description of who will do what in the proposed project. This statement

should be supported by resumes and job descriptions.[1]

(3) Information about the legal structure of the applicant, including if applicable the organization's charter and by-laws.[1]

E. Intergovernmental Review

This program is covered by Executive Order 12372 which provides for review of proposed Federal assistance by State and local governments.

Therefore, applicants for funds under this announcement are subject to the clearance procedures and requirements established by the States in which their projects will be conducted. Consequently, applicants are reminded that clearance action through appropriate State clearinghouses must be initiated by applicants prior to submittal of their proposals to OCS. These initial actions must be reported on Form SF–424, Page 1 when it is submitted to OCS. Clearance action by States need not be completed before applications are submitted to OCS.

F. Application Length and Format Restrictions

1. *The text of this application may not exceed 15 single-spaced typewritten pages.* This excludes the Standard Form 424 and its attachments as well as any appendices to the application. While applications must be comprehensive, they should also be concise, and OCS cautions you to avoid unnecessary duplication of information.

2. Applications must be uniform in composition. They must be submitted on 8-½ × 11 inch paper only.

3. Applications must be submitted in binders that will allow for easy separation and reassembly.

4. Failure to comply with these requirements may result in the disqualification and return of an application.

Part III—Review, Selection and Award Process

All applications that meet the published deadline for receipt at FSA will be screened to determine completeness and conformity to the requirements of this announcement. Only complete and conforming applications will then be reviewed and rated competitively. Following the final review by the Director, OCS, it is anticipated that awards under this Announcement will be made in the third quarter of FY 1987.

[1] Asterisked items may be included in an appendix to the Application.

A. Screening Requirements

In order for an application to be processed under this announcement, it must meet all of the following requirements:

1. Length Limitation:

It must not exceed 15 pages in total, excluding Form 424 and its attachments, and any appendices.

2. Standard Form 424:

This form must be completed according to its instructions, and Item 23b of Part I must be signed by an official of the applicant organization having legal authority to obligate the applicant.

3. Number of Copies:

A signed original application and two copies must be submitted.

B. Pre-Rating Review

Applications which pass the initial screening will be reviewed by the program office to verify that they comply with this program announcement in the following areas:

1. OCS Target Population:

The application must clearly target the specific outcomes and benefits of the project to low-income participants and beneficiaries eligible under the DHHS Annual Revision of Poverty Income Guidelines (see Part I–G, above).

2. Outreach:

Project proposal must include outreach or public education activity designed to inform low-income individuals and displaced workers of nutrition services available to them under various Federally-assisted nutrition programs.

3. Program Focus:

Project proposal must focus on at least one of the three basic program activities authorized under the Community Food and Nutrition Program: coordination of existing food assistance resources; initiation of new child nutrition program; and/or the development of innovative approaches to meet the nutritional needs of low-income people (see Part I–E, above).

4. Grant Amount:

No grant shall be considered for OCS funding in excess of $50,000 or less than $25,000.

5. Project Duration:

No grant shall be considered for a period of other than twelve months unless justification is presented for the alternative funding period.

Applicants must meet all of the above requirements to be considered for funding.

C. Rating Criteria

Applications which pass initial screening and the above review will be rated on a competitive basis by FSA employees (other than staff assigned to the CCS Division of Discretionary Grants) to conduct a formal review of the proposals.

Each reader will give a numerical score for each application reviewed. These numerical scores will be supported by explanatory statements on a formal rating form describing major strengths and weaknesses under each applicable criterion published in this announcement. An overall rating will include the reviewer's judgment of each application.

This review and rating process will use the following criteria.

1. Analysis of Needs/Priorities (Maximum: 20 points)
(a) Target area and population to be served are adequately described (0-5 points)
(b) Nature and extent of problem is adequately described and documented (0-15 points)
2. Adequacy of Work Program (Maximum: 20 points)
a. Goals are appropriately related to needs and are specific and measurable (0-10 points)
b. Activities are adequately described and appropriately related to goals (0-10 points)
3. Significant and Beneficial Impact (Maximum: 25 points)
a. Applicant proposes to significantly improve or increase nutrition services to low-income people (0-10 points)
b. Project will significantly leverage or mobilize other community resources (0-5 points)
c. Project builds on an existing outreach activity (0-5 points)
d. Proposal addresses a problem which can be resolved by one-time OCS funding, or demonstrates that non-Federal funding is available to continue the project without Federal support (0-5 points)
4. Coordination (Maximum: 10 points)
Other appropriate organizations will be involved in project implementation so as to avoid duplication and to achieve an improved delivery system (0-10 points)
5. Ability of Applicant to Perform (Maximum: 18 points)
a. A written self-assessment or third party evaluation of past nutrition-related activities undertaken by

applicant indicates good ability to operate proposed project (0–10 points)
b. Quality of staff is such that applicant will be able to operate the project effectively and efficiently (0-8 points)
6. Adequacy of Budget (Maximum: 7 points)
a. Budget is adequate, administrative costs are appropriate in relation to the services proposed, and reflect the items discussed in Part I–H.2, above (0-5 points)
b. Administrative costs are fully assumed by applicant (0-2 points)

D. Selection and Award Process

The results of the screening review and rating process will be used to assist the Director and OCS staff in considering competing applications. Rating scores will weigh heavily in funding decisions but will not be the only factors considered. Applications will generally be considered in rank order of the mean scores assigned by raters. However, highly ranked applications are not guaranteed funding.

The Director may also consider other factors deemed relevant, including but not limited to comments of staff rating panels and public officials; program staff quality review; geographical distribution of funding; prior program performance of applicants, especially those that have had previous OCS grants; audit reports and investigative reports; and applicant's progress in resolving any final audit disallowances on OCS or other Federal grants.

The Office of Community Services reserves the option to discuss CFN applications with other Federal or non-Federal funding sources to determine applicants' performance records.

The official award document is the Notice of Grant Award, which sets forth in writing to the recipient the amount of OCS funds awarded, the purpose of the award, other terms and conditions of the award, the effective date of the award, the budget period for which support is given, the total project period for which support is approved, and the total recipient financial participation required.

David J. Kirker,

Director, Office of Community Services.

APPENDIX A

This notice provides the 1987 update of the poverty income guidelines required by sections 652 and 673(2) of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35). As required by the statute, this unpdate reflects last year's change in the Consumer Price Index; it was accomplished using the same methodology used in previous years.

These poverty income guidelines are used as an eligibility criterion by a number of Federal programs. The guidelines are a simplified version of the poverty thresholds used by the Bureau of the Census to prepare its statistical estimates of the number of persons and families in poverty. The *poverty income guidelines* issued by the Department of Health and Human Services (formerly by the Community Services Administration) are used for administrative purposes—for instance, for determining whether a person or family is financially eligible for assistance or services under a particular Federal program. The *poverty thresholds* are used primarily for statistical purposes.

In certain cases, as noted in the relevant authorizing legislation or program regulations, a program uses the poverty income guidelines as only one of several eligibility criteria, or uses a modification of the guidelines (for example, 130 percent or 185 percent of the guidelines). Some other programs, while not using the guidelines as a criterion of individual eligibility, use them for the purpose of targeting assistance or services. In some cases, these poverty income guidelines may not become effective for a particular program until a regulation or notice specifically applying to the program in question has been issued.

The poverty guidelines given below are applicable to both farm and nonfarm families.

The following definitions (derived for the most part from language used in U.S. Bureau of the Census, Current Population Reports, Series P–60, No. 152 and earlier reports in the same series) are made available for use in connection with the poverty income guidelines. Programs may use somewhat different definitions.

(a) Family

A family is a group of two or more persons related by birth, marriage, or adoption who reside together; all such related persons are considered as members of one family. (If a household includes more than one family and/or more than one unrelated individual, the poverty guidelines are applied separately to each family and/or unrelated individual, and not to the household as a whole.)

(b) Family unit of size one.

In conjunction with the poverty income guidelines, a family unit of size one is an unrelated individual (as defined by the Census Bureau)—that is, a person 15 years old or over (other than an inmate of an institution) who is not living with any relatives. An unrelated individual may be be the sole occupant of a housing unit, or may be residing in a housing unit (or in group quarters such as a rooming house) in which one or more persons also reside who are not related to the individual in question by birth, marriage, or adoption. (Examples of unrelated individuals residing with others include a lodger, a foster child, a ward, or an employee.)

(c) Income.

Refers to total annual cash receipts before taxes from all sources (Income data for a part of a year may be annualized in order to determine eligibility—for instance, by multiplying by four the amount of income received during the most recent three months.) Income includes money wages and salaries before any deductions, but does not include food or rent received in lieu of wages. Inoome also includes net receipts from nonfarm or farm self-employment (receipts from a person's own business or from an owned or rented farm after deductions for business or farm expenses). Income includes regular payments from social security, railroad retirement, unemployment compensation, workers' compensation, strike benefits from union funds, veterans' benefits, public assistance (including Aid to Families with Dependent Children, Supplemental Security Income, and General Assistance money payments), training stipends, alimony, child support, and military family allotments or other regular support from an absent family member or someone not living in the household; private pensions, government employee pensions, and regular insurance or annuity payments; and income from dividends, interest, rents, royalties or periodic receipts from estates or trusts. For eligibility purposes, income does not include the following types of money received: Capital gains; any assets drawn down as withdrawals from a bank, the sale of property, a house, or a car, tax refunds, gifts, lumpsum inheritances, one-time insurance payments, or compensation for injury. Also excluded are noncash benefits, such as the employer-paid or union-paid portion of health insurance or other employee fringe benefits, food or rent received in lieu of wages, the value of food and fuel produced and consumed on farms, the imputed value of rent from owner-occupied nonfarm or farm housing, and such Federal noncash benefit programs as Medicare, Medicaid, Food Stamps, School lunches, and housing assistance.

1987 PROVERTY INCOME GUIDELINE FOR ALL STATES (EXCEPT ALASKA AND HAWAII), AND THE DISTRICT OF COLUMBIA

Size of family unit	Poverty guideline
1	$5,500
2	7,400
3	9,300
4	11,200
5	13,100
6	15,000
7	16,900
8	18,800

For family units with more than 8 members, add $1,900 for each additional members.

POVERTY INCOME GUIDELINES FOR ALASKA

Size of family unit	Poverty guideline
1	$6,860
2	9,240
3	11,620
4	14,000
5	16,380
6	18,760
7	21,140
8	23,520

For family units with more than 8 members, add $2,380 for each additional member.

POVERTY INCOME GUIDELINES FOR HAWAII

Size of family unit	Poverty guideline
1	$6,310
2	8,500
3	10,690
4	12,880
5	15,070
6	17,260
7	19,450
8	21,640

For family units with more than 8 members, add $2,190 for each additional member.

APPENDIX B

BILLING CODE 4150-04-M

OMB Approval No. 0348-0006

FEDERAL ASSISTANCE

1. TYPE OF SUBMISSION (Mark appropriate box)
- ☐ NOTICE OF INTENT (OPTIONAL)
- ☐ PREAPPLICATION
- ☐ APPLICATION

2. APPLICANT'S APPLICATION IDENTIFIER
- a. NUMBER
- b. DATE (Year month day) 19

3. STATE APPLICATION IDENTIFIER (NOTE: TO BE ASSIGNED BY STATE)
- a. NUMBER
- b. DATE ASSIGNED (Year month day) 19

Leave Blank

SECTION I—APPLICANT/RECIPIENT DATA

4. LEGAL APPLICANT/RECIPIENT
- a. Applicant Name
- b. Organization Unit
- c. Street/P.O. Box
- d. City
- e. County
- f. State
- g. ZIP Code.
- h. Contact Person (Name & Telephone No.)

5. EMPLOYER IDENTIFICATION NUMBER (EIN)

6. PROGRAM (From CFDA)
- a. NUMBER
- MULTIPLE ☐
- b. TITLE

7. TITLE OF APPLICANT'S PROJECT (Use section IV of this form to provide a summary description of the project.)

8. TYPE OF APPLICANT/RECIPIENT
A—State; B—Interstate; C—Substate Organization; D—County; E—City; F—School District; G—Special Purpose District; H—Community Action Agency; I—Higher Educational Institution; J—Indian Tribe; K—Other (Specify):
Enter appropriate letter ☐

9. AREA OF PROJECT IMPACT (Names of cities, counties, states, etc.)

10. ESTIMATED NUMBER OF PERSONS BENEFITING

11. TYPE OF ASSISTANCE
A—Basic Grant; B—Supplemental Grant; C—Loan; D—Insurance; E—Other
Enter appropriate letter(s) ☐☐

12. PROPOSED FUNDING

a. FEDERAL	$	.00
b. APPLICANT		.00
c. STATE		.00
d. LOCAL		.00
e. OTHER		.00
f. Total	$	.00

13. CONGRESSIONAL DISTRICTS OF:
- a. APPLICANT
- b. PROJECT

15. PROJECT START DATE (Year month day) 19

16. PROJECT DURATION (Months)

18. DATE DUE TO FEDERAL AGENCY ► (Year month day) 19

14. TYPE OF APPLICATION
A—New; B—Renewal; C—Revision; D—Continuation; E—Augmentation
Enter appropriate letter ☐

17. TYPE OF CHANGE (For 14c or 14e)
A—Increase Dollars; B—Decrease Dollars; C—Increase Duration; D—Decrease Duration; E—Cancellation; F—Other (Specify):
Enter appropriate letter(s) ☐☐☐

19. FEDERAL AGENCY TO RECEIVE REQUEST
- a. ORGANIZATIONAL UNIT (IF APPROPRIATE)
- b. ADMINISTRATIVE CONTACT (IF KNOWN)
- c. ADDRESS

20. EXISTING FEDERAL GRANT IDENTIFICATION NUMBER

21. REMARKS ADDED ☐ Yes ☐ No

SECTION II—CERTIFICATION

22. THE APPLICANT CERTIFIES THAT► To the best of my knowledge and belief, data in this preapplication/application are true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is approved.
- a. YES, THIS NOTICE OF INTENT/PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON: DATE _____
- b. NO, PROGRAM IS NOT COVERED BY E.O. 12372 ☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW ☐

23. CERTIFYING REPRESENTATIVE
- a. TYPED NAME AND TITLE
- b. SIGNATURE

SECTION III—FEDERAL AGENCY ACTION

24. APPLICATION RECEIVED (Year month day) 19

25. FEDERAL APPLICATION IDENTIFICATION NUMBER

26. FEDERAL GRANT IDENTIFICATION

27. ACTION TAKEN
- ☐ a. AWARDED
- ☐ b. REJECTED
- ☐ c. RETURNED FOR AMENDMENT
- ☐ d. RETURNED FOR E.O. 12372 SUBMISSION BY APPLICANT TO STATE
- ☐ e. DEFERRED
- ☐ f. WITHDRAWN

28. FUNDING

a. FEDERAL	$	.00
b. APPLICANT		.00
c. STATE		.00
d. LOCAL		.00
e. OTHER		.00
f. TOTAL	$	.00

29. ACTION DATE► (Year month day) 19

30. STARTING DATE (Year month date) 19

31. CONTACT FOR ADDITIONAL INFORMATION (Name and telephone number)

32. ENDING DATE (Year month date) 19

33. REMARKS ADDED ☐ Yes ☐ No

NSN 7540-01-008-8162
PREVIOUS EDITION IS NOT USABLE

424-103

STANDARD FORM 424 PAGE 1 (Rev. 4-84)
Prescribed by OMB Circular A-102

DETACH AND, AS NECESSARY, STAPLE TO ABOVE SHEET.

SECTION IV—REMARKS *(Please reference the proper item number from Sections I, II or III, if applicable)*

OMB NO. 0348-0006

PART II
PROJECT APPROVAL INFORMATION

Item 1.
Does this assistance request require State, local regional, or other priority rating?
_____ Yes _____ No
Name of Governing Body _____
Priority Rating _____

Item 2.
Does this assistance request require State, or local advisory, educational or health clearances?
_____ Yes _____ No
Name of Agency or Board _____
(Attach Documentation)

Item 3.
Does this assistance request require State, local, regional or other planning approval?
_____ Yes _____ No
Name of Approving Agency _____
Date _____

Item 4.
Is the proposed project covered by an approved comprehensive plan?
_____ Yes _____ No
Check one: State ☐ Local ☐ Regional ☐
Location of Plan _____

Item 5.
Will the assistance requested serve a Federal installation?
_____ Yes _____ No
Name of Federal Installation _____
Federal Population benefiting from Project _____

Item 6.
Will the assistance requested be on Federal land or installation?
_____ Yes _____ No
Name of Federal Installation _____
Location of Federal Land _____
Percent of Project _____

Item 7.
Will the assistance requested have an impact or effect on the environment
_____ Yes _____ No
See instructions for additional information to be provided.

Item 8.
Will the assistance requested cause the displacement of individuals, families, businesses, or farms?
_____ Yes _____ No
Number of:
Individuals _____
Families _____
Businesses _____
Farms _____

Item 9.
Is there other related assistance on this project previous, pending, or anticipated
_____ Yes _____ No
See instructions for additional information to be provided.

PART III - BUDGET INFORMATION

SECTION A - BUDGET SUMMARY

Grant Program, Function or Activity (a)	Federal Catalog No. (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		$	$	$	$	$
2.						
3.						
4.						
5. TOTALS		$	$	$	$	$

SECTION B - BUDGET CATEGORIES

6. Object Class Categories	- Grant Program, Function or Activity				Total
	(1)	(2)	(3)	(4)	(5)
a. Personnel	$	$	$	$	$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges					
j. Indirect Charges					
k. TOTALS	$	$	$	$	$
7. Program Income	$	$	$	$	$

OMB NO 0348-0006

SECTION C - NON-FEDERAL RESOURCES

(a) Grant Program	(b) APPLICANT	(c) STATE	(d) OTHER SOURCES	(e) TOTALS
8.	$	$	$	$
9.				
10.				
11.				
12. TOTALS	$	$	$	$

SECTION D - FORECASTED CASH NEEDS

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	$	$	$	$	$
14. Non-Federal					
15. TOTAL	$	$	$	$	$

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) Grant Program	FUTURE FUNDING PERIODS (YEARS)			
	(b) FIRST	(c) SECOND	(d) THIRD	(e) FOURTH
16.	$	$	$	$
17.				
18.				
19.				
20. TOTALS	$	$	$	$

SECTION F - OTHER BUDGET INFORMATION
(Attach Additional Sheets if Necessary)

21. Direct Charges:

22. Indirect Charges:

23. Remarks:

PART IV PROGRAM NARRATIVE (Attach per instruction)

BILLING CODE 4150-04-C

GENERAL INSTRUCTIONS FOR THE SF-424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted in accordance with OMB Circular A-102. It will be used by Federal agencies to obtain applicant certification that states which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process have been given an opportunity to review the applicant's submission.

APPLICANT PROCEDURES FOR SECTION I

Applicant will complete all items in Section I with the exception of Box 3, "State Application Identifier." If an item is not applicable, write "NA." If additional space is needed, insert an asterisk "*," and use Section IV. An explanation follows for each item:

Item

1. Mark appropriate box. Preapplication and application are described in OMB Circular A-102 and Federal agency program instructions. Use of this form as a Notice of Intent is at State option. Federal agencies do not require Notices of Intent.
2a. Applicant's own control number, if desired.
2b. Date Section I is prepared (at applicant's option).
3a. Number assigned by State.
3b. Date assigned by State.
4a-4h. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of applicant, and name and telephone number of the person who can provide further information about this request.
5. Employer Identification Number (EIN) of applicant as assigned by the Internal Revenue Service.
6a. Use Catalog of Federal Domestic Assistance (CFDA) number assigned to program under which assistance is requested. If more than one program (e.g., joint funding), check "multiple" and explain in Section IV. If unknown, cite Public Law or U.S. Code.
6b. Program title from CFDA. Abbreviate if necessary.
7. Use Section IV to provide a summary description of the project. If appropriate, i.e., if project affects particular sites as, for example, construction or real property projects, attach a map showing the project location.
8. "City" includes town, township or other municipality.
9. List only largest unit or units affected, such as State, county, or city.
10. Estimated number of persons directly benefiting from project.
11. Check the type(s) of assistance requested.
    A. Basic Grant—an original request for Federal funds.
    B. Supplemental Grant—a request to increase a basic grant in certain cases where the eligible applicant cannot supply the required matching share of the basic Federal program (e.g., grants awarded by the Appalachian Regional Commission to provide the applicant a matching share).
    E. Other. Explain in Section IV.
12. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included. If the action is a change in dollar amount of an existing grant

Item

(a revision or augmentation under item 14), indicate only the amount of the change. For decreases, enclose the amount in parentheses. If both basic and supplemental amounts are included, breakout in Section IV. For multiple program funding, use totals and show program breakouts in Section IV. 12a—amount requested from Federal Government. 12b—amount applicant will contribute. 12c—amount from State, if applicant is not a State. 12d—amount from local government, if applicant is not a local government. 12e—amount from any other sources, explain in Section IV.

13b. The district(s) where most of action work will be accomplished. If city-wide or State-wide, covering several districts, write "city-wide" or "State-wide."
14. A. New. A submittal for project not previously funded.
    B. Renewal. An extension for an additional funding/budget period for a project having no projected completion date, but for which Federal support must be renewed each year.
    C. Revision. A modification to project nature or scope which may result in funding change (increase or decrease).
    D. Continuation. An extension for an additional funding/budget period for a project with a projected completion date.
    E. Augmentation. A requirement for additional funds for a project previously awarded funds in the same funding/budget period. Project nature and scope unchanged.
15. Approximate date project expected to begin (usually associated with estimated date of availability of funding).
16. Estimated number of months to complete project after Federal funds are available.
17. Complete only for revisions (item 14c), or augmentations (item 14e).
18. Date preapplication/application must be submitted to Federal agency in order to be eligible for funding consideration.
19. Name and address of the Federal agency to which this request is addressed. Indicate as clearly as possible the name of the office to which the application will be delivered.
20. Existing Federal grant identification number if this is not a new request and directly relates to a previous Federal action. Otherwise, write "NA."
21. Check appropriate box as to whether Section IV of form contains remarks and/or additional remarks are attached.

APPLICANT PROCEDURES FOR SECTION II

Applicants will always complete either item 22a or 22b *and* items 23a and 23b.

22a. Complete if application is subject to Executive Order 12372 (State review and comment).
22b. Check if application is not subject to E.O. 12372.
23a. Name and title of authorized representative of legal applicant.

FEDERAL AGENCY PROCEDURES FOR SECTION III

Applicant completes only Sections I and II. Section III is completed by Federal agencies.

26. Use to identify award actions.
27. Use Section IV to amplify where appropriate.
28. Amount to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions will be included. If the action is a change in dollar amount of an existing grant (a revision or augmentation under item 14), indicate only the amount of change. For decreases, enclose the amount in parentheses. If both basic and supplemental amounts are included, breakout in Section IV. For multiple program funding, use totals and show program breakouts in Section IV. 28a—amount awarded by Federal Government. 28b—amount applicant will contribute. 28c—amount from State, if applicant is not a State. 28d—amount from local government, if applicant is not a local government. 28e—amount from any other sources, explain in Section IV.
29. Date action was taken on this request.
30. Date funds will become available.
31. Name and telephone number of agency person who can provide more information regarding this assistance.
32. Date after which funds will no longer be available for obligation.
33. Check appropriate box as to whether Section IV of form contains Federal remarks and/or attachment of additional remarks.

BILLING CODE 4150-04-C

☆ GPO : 1984 O - 421-526 (1401)

Part V—Assurances

The Applicant hereby assures and certifies that it will comply with the regulations, policies, guidelines and requirements, including 45 CFR Part 74 and OMB Circulars No. A–102, A–110 and applicable cost principles, (Circulars: A–21, "Educational Institutions"; A–87, "Cost Principles for State and Local Governments"; and A–122, "Nonprofit Organizations"), as they relate to the application, acceptance and use of Federal funds for this Federally assisted project. Also the applicant assures and certifies with respect to the grant that:

1. It possesses legal authority to apply for the grant; that a resolution motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

2. It will comply with Title VI of the Civil Rights Act of 1964 (Pub. L. 88–352) and in accordance with Title VI of that Act, no person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement.

3. It will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) prohibiting employment discrimination where (1) the primary purpose of a grant is to provide employment or (2) discriminatory employment practices will result in unequal treatment of persons who are or should be benefiting from the grant-aided activity.

4. It will comply with the requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (Pub. L. 91–646) which provides for fair and equitable treatment of persons displaced as a result of Federal and federally-assisted programs.

5. It will comply with the provisions of the Hatch Act which limit the political activity of State and local government employees.

6. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act (29 U.S.C. 201) as they apply to employees of institutions of higher education, hospitals, other nonprofit organizations, and to employees of State and local governments who are not aemployed in integral operations in areas of traditional governmental functions.

Head Start, Certification of Minimum Wage: It certifies that it has reviewed the salary structures and wages for all positions and certifies that persons employed in carrying out this program shall not receive compensation at a rate of compensation paid in the area to persons paroviding substantially comparable services: or (b) less than the minimum wage rate prescribed in section 6(a) of the Fair Labor Standards Act of 1938. Documentation of the methods by which it established wage scales is available in thier files for review by audit and HDS personnel.

7. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

8. It will give the sponsoring agency or the Comptroller General through any authorized representative the access to and the right to examine all records, books, papers, or documents related to the grant, including the records of contractors and subcontractors performing under the grant.

9. It will comply with all requirements imposd by the Federal sponsoring agency concerning special requirements of law, program requirements, and other administrative requirements.

10. It will insure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the Federal grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.

The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, diaster assistance loan or grant, or any other form of direct or indirect Federal assistance.

11. It will comply with the flood insurance purchase requirements of section 102(a) of the Flood Disaster Protection Act of 1973, Pub. L. 93–234, 87 Stat. 975, approved December 31, 1976. Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistnce for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards.

12. It will assist the Federal grantor agency in its compliance with section 106 of the National Historic Preservation Act of 1966 as amended (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historical Preservation Act of 1966 (16 U.S.C. 469a-1 *et seq.*) by a consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR 800.8) by the grantee's activity and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.

13. Applicants for the Administration for Native Americans Programs, hereby certify in accordance with 45 CFR 1336.53, that the financial assistance provided by the Office of Human Development Services for the specified activities to be performed under this program, will be in addition to, and not in substitution for, comparable activities provided without Federal assistance.

14. It will comply with the Age Discrimination Act of 1975 enacted as an amendment to the Older Americans Act (Pub. L. 94–135), which provides that: No person in the United States shall, on the basis of age be excluded from participation in, be denied the benefits of, or be subject to discrimination under, any program or activity for which the applicant receives Federal financial assistance.

15. It will comply with section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), all requirements imposed by the applicable HHS regualtion (45 CFR Part 84), and all guidelines and interpretations issued pursuant thereto. which prohibits dicrimination on the basis of handicap in programs and activities receiving Federal finacial assistance.

16. It will comply with Title IX of the Education Amendments of 1972 (20 U.S.C. 1681, *et seq.*) which prohibits discrimination on the basis of sec in education programs and activities receiving Federal financial assistance (whether or not the programs or activities are offered or sponsored by an educational institution).

17. It will comply with Pub. L. 93–348 as implemented by Part of Title 45 (45 CFR Part 46, 42 U.S.C. 2891) regarding the protection of human subjects involved in research, development, and related activities supported by the grant.

18. It will comply with the equal opportunity clause prescribed by Executive Order 11246 as amended and will require that its subrecipients include the clause in all construction contracts and subcontracts which have or are expected to have an aggregate value within a 12-month period exceeding $10,000, in accordance with Department of Labor regulaions at 41 CFR Part 60.

19.It will include, and will require that its subrecipients include, the provision set forth in 29 CFR 5.5(c) pertaining to overtime and unpaid wages in any nonexempt nonconstruction contract which involves the employment of mechanics and laborers (including watchmen, guards, apprenticies, and trainees) if the contract exceeds $2,500.

BILLING CODE 4150-04-M

ASSURANCE OF COMPLIANCE WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES REGULATION UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

_____ (hereinafter called the "Applicant")
Name of Applicant (type or print)

HEREBY AGREES THAT it will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and all requirements imposed by or pursuant to the Regulation of the Department of Health and Human Services (45 C.F.R. Part 80) issued pursuant to that title, to the end that, in accordance with Title VI of that Act and the Regulation, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Applicant receives Federal financial assistance from the Department; and HEREBY GIVES ASSURANCE THAT it will immediately take any measures necessary to effectuate this agreement.

If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the Applicant by the Department, this Assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is so provided, this Assurance shall obligate the Applicant for the period during which it retains ownership or possession of the property. In all other cases, this Assurance shall obligate the Applicant for the period during which the Federal financial assistance is extended to it by the Department.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Applicant by the Department, including installment payments after such date on account of applications for Federal financial assistance which were approved before such date. The Applicant recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in this Assurance, and that the United States shall have the right to seek judicial enforcement of this Assurance. This Assurance is binding on the Applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear below are authorized to sign this Assurance on behalf of the Applicant.

Date _____

_____
Applicant (type or print)

By _____
Signature and Title of Authorized Official

_____

_____
Applicant's mailing address

NOTE: If this form is not returned with the application for financial assistance, return it to DHHS, Office for Civil Rights, 330 Independence Ave., S.W., Washington, D.C. 20201

HHS-441 (Rev. 12/82)

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ASSURANCE OF COMPLIANCE WITH SECTION 504 OF THE REHABILITATION ACT OF 1973, AS AMENDED

The undersigned (hereinafter called the "recipient") HEREBY AGREES THAT it will comply with Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), all requirements imposed by the applicable HHS regulation (45 C.F.R. Part 84), and all guidelines and interpretations issued pursuant thereto.

Pursuant to §84.5(a) of the regulation [45 C.F.R. 84.5(a)], the recipient gives this Assurance in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts (except procurement contracts and contracts of insurance or guaranty), property, discounts, or other Federal financial assistance extended by the Department of Health and Human Services after the date of this Assurance, including payments or other assistance made after such date on applications for Federal financial assistance that were approved before such date. The recipient recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in this Assurance and that the United States will have the right to enforce this Assurance through lawful means. This Assurance is binding on the recipient, its successors, transferees, and assignees, and the person or persons whose signatures appear below are authorized to sign this Assurance on behalf of the recipient.

This Assurance obligates the recipient for the period during which Federal financial assistance is extended to it by the Department of Health and Human Services or, where the assistance is in the form of real or personal property, for the period provided for in §84.5(b) of the regulation [45 C.F.R. 84.5(b)].

The recipient: [Check (a) or (b)]

a. ( ) employs fewer than fifteen persons;

b. ( ) employs fifteen or more persons and, pursuant to §84.7(a) of the regulation [45 C.F.R. 84.7(a)], has designated the following person(s) to coordinate its efforts to comply with the HHS regulations:

_____
Name of Designee(s) (Type or Print)

_____ _____
Name of Recipient (Type or Print) Street Address or P.O. Box

_____ _____
(IRS) Employer Identification Number City

_____
State Zip

I certify that the above information is complete and correct to the best of my knowledge.

_____ _____
Date Signature and Title of Authorized Official

If there has been a change in name or ownership within the last year, please PRINT the former name below:

NOTE: If this form is not returned with the application for financial assistance, return it to DHHS, Office for Civil Rights, 330 Independence Avenue, S.W., Washington, D.C. 20201.

HHS-641 (Rev. 12 82)

[FR Doc. 87-7168 Filed 3-31-87; 8:45 am]
BILLING CODE 4150-04-C

federal register

Wednesday
April 1, 1987

Part VI

Environmental Protection Agency

Premanufacture Notices; Monthly Status Report for November 1986

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-53091 (FRL-3167-3)]

Premanufacture Notices; Monthly Status Report for November 1986

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires EPA to issue a list in the **Federal Register** each month reporting the premanufacture notices (PMNs) and exemption requests pending before the Agency and the PMNs and exemption requests for which the review period has expired since publication of the last monthly summary. This is the report for November 1986.

Nonconfidential portions of the PMNs and exemption requests may be seen in the Public Reading Room NE-G004 at the address below between 8:00 a.m. and 4:00 p.m., Monday thru Friday, excluding legal holidays.

ADDRESS: Written comments, identified with the document control number "[OPTS-53091]" and the specific PMN and exemption request number should be sent to: Document Processing Center (TS-790), Office of Toxic Substances, Environmental Protection Agency, Rm. L-100, 401 M Street, S.W., Washington, D.C. 20460, (202) 554-1305.

FOR FURTHER INFORMATION CONTACT: Stephanie Roan, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-613, 401 M Street, S.W., Washington, D.C. 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: The monthly status report is published in the **Federal Register** pursuant to section 5(d)(3) of TSCA (90 Stat. 2012 (15 U.S.C. 2504)). Effective with this notice, the following nonsubstantive change in format is being initiated: the chemical identity listings, the **Federal Register** citations, and the review period expiration date are being eliminated from categories I (PMNs received during the month) and V (PMNs for which the review period has been suspended). This change does not significantly affect the quantity of information presented in this monthly status report.

Dated: March 3, 1987.

Denise Devoe,

Acting Director, Information Management Division.

Premanufacture Notices Monthly Status Report November 1986

I. 156 PREMANUFACTURE NOTICES AND EXEMPTION REQUESTS RECEIVED DURING THE MONTH

PMN No.	
P 87-163	P 87-231
P 87-164	P 87-232
P 87-165	P 87-233
P 87-166	P 87-234
P 87-167	P 87-235
P 87-168	P 87-236
P 87-169	P 87-237
P 87-170	P 87-238
P 87-171	P 87-239
P 87-172	P 87-240
P 87-173	P 87-241
P 87-174	P 87-242
P 87-175	P 87-243
P 87-176	P 87-244
P 87-177	P 87-245
P 87-178	P 87-246
P 87-179	P 87-247
P 87-180	P 87-248
P 87-181	P 87-249
P 87-182	P 87-250
P 87-183	P 87-251
P 87-184	P 87-252
P 87-185	P 87-253
P 87-186	P 87-254
P 87-187	P 87-255
P 87-188	P 87-256
P 87-189	P 87-257
P 87-190	P 87-258
P 87-191	P 87-259
P 87-192	P 87-260
P 87-193	P 87-261
P 87-194	P 87-262
P 87-195	P 87-263
P 87-196	P 87-264
P 87-197	P 87-265
P 87-198	P 87-266
P 87-199	P 87-267
P 87-200	P 87-268
P 87-201	P 87-269
P 87-202	P 87-270
P 87-203	P 87-271
P 87-204	P 87-272
P 87-205	P 87-273
P 87-206	P 87-274
P 87-207	P 87-275
P 87-208	P 87-276
P 87-209	P 87-277
P 87-210	P 87-278
P 87-211	P 87-279
P 87-212	P 87-280
P 87-213	P 87-281
P 87-214	P 87-282
P 87-215	P 87-283
P 87-216	P 87-284
P 87-217	Y 87-21
P 87-218	Y 87-22
P 87-219	Y 87-23
P 87-220	Y 87-24
P 87-221	Y 87-25
P 87-222	Y 87-26
P 87-223	Y 87-27
P 87-224	Y 87-28
P 87-225	Y 87-29
P 87-226	Y 87-30
P 87-227	Y 87-31
P 87-228	Y 87-32
P 87-229	Y 87-33
P 87-230	Y 87-34
Y 87-35	Y 87-45
Y 87-36	Y 87-46
Y 87-37	Y 87-47
Y 87-38	Y 87-48
Y 87-39	Y 87-49
Y 87-40	Y 87-50
Y 87-41	Y 87-51
Y 87-42	Y 87-52
Y 87-43	Y 87-53
Y 87-44	Y 87-54

II. 147 PREMANUFACTURE NOTICES RECEIVED PREVIOUSLY AND STILL UNDER REVIEW AT THE END OF THE MONTH

PMN No.	
P 87-1	P 87-67
P 87-2	P 87-68
P 87-3	P 87-69
P 87-4	P 87-70
P 87-5	P 87-71
P 87-6	P 87-72
P 87-7	P 87-73
P 87-8	P 87-74
P 87-9	P 87-75
P 87-10	P 87-76
P 87-11	P 87-77
P 87-12	P 87-78
P 87-13	P 87-79
P 87-14	P 87-80
P 87-15	P 87-81
P 87-16	P 87-82
P 87-17	P 87-83
P 87-18	P 87-84
P 87-19	P 87-85
P 87-20	P 87-86
P 87-21	P 87-87
P 87-22	P 87-88
P 87-23	P 87-89
P 87-24	P 87-90
P 87-25	P 87-91
P 87-26	P 87-92
P 87-27	P 87-93
P 87-28	P 87-94
P 87-29	P 87-95
P 87-30	P 87-96
P 87-31	P 87-97
P 87-32	P 87-98
P 87-33	P 87-99
P 87-34	P 87-100
P 87-35	P 87-101
P 87-36	P 87-102
P 87-37	P 87-103
P 87-38	P 87-104
P 87-39	P 87-105
P 87-40	P 87-106
P 87-41	P 87-107
P 87-42	P 87-108
P 87-43	P 87-109
P 87-44	P 87-110
P 87-45	P 87-111
P 87-46	P 87-112
P 87-47	P 87-113
P 87-48	P 87-114
P 87-49	P 87-115
P 87-50	P 87-116
P 87-51	P 87-117
P 87-52	P 87-118
P 87-53	P 87-119
P 87-54	P 87-120
P 87-55	P 87-121
P 87-56	P 87-122
P 87-57	P 87-123
P 87-58	P 87-124
P 87-59	P 87-125
P 87-60	P 87-126
P 87-61	P 87-127
P 87-62	P 87-128
P 87-63	P 87-129
P 87-64	P 87-130
P 87-65	P 87-131
P 87-66	P 87-132

P 87-133
P 87-134
P 87-135
P 87-136
P 87-137
P 87-138
P 87-139
P 87-140
P 87-141
P 87-142
P 87-143
P 87-144
P 87-145
P 87-146
P 87-147

III. 194 PREMANUFACTURE NOTICES AND EXEMPTION REQUESTS FOR WHICH THE NOTICE REVIEW PERIOD HAS ENDED DURING THE MONTH. (EXPIRATION OF THE NOTICE REVIEW PERIOD DOES NOT SIGNIFY THAT THE CHEMICAL HAD BEEN ADDED TO THE INVENTORY)

PMN No.

P 85-1373
P 86-473
P 86-500
P 86-501
P 86-502
P 86-503
P 86-562
P 86-628
P 86-658
P 86-704
P 86-872
P 86-873
P 86-940
P 86-1147
P 86-1176
P 86-1315
P 86-1452
P 86-1461
P 86-1462
P 86-1463
P 86-1464
P 86-1465
P 86-1466
P 86-1467
P 86-1468
P 86-1469
P 86-1470
P 86-1471
P 86-1472
P 86-1473
P 86-1474
P 86-1475
P 86-1476
P 86-1477
P 86-1478
P 86-1479
P 86-1480
P 86-1481
P 86-1482
P 86-1483
P 86-1484
P 86-1485
P 86-1486
P 86-1487
P 86-1488
P 86-1489
P 86-1490
P 86-1491
P 86-1492
P 86-1493
P 86-1494
P 86-1495
P 86-1496
P 86-1497
P 86-1498
P 86-1499
P 86-1500
P 86-1501
P 86-1502
P 86-1503
P 86-1504
P 86-1505
P 86-1506
P 86-1507
P 86-1508
P 86-1509
P 86-1510
P 86-1511
P 86-1512
P 86-1513
P 86-1514
P 86-1515
P 86-1516
P 86-1517
P 86-1518
P 86-1519
P 86-1520
P 86-1521
P 86-1522
P 86-1523
P 86-1524
P 86-1525
P 86-1526
P 86-1527
P 86-1528
P 86-1529
P 86-1530
P 86-1531
P 86-1532
P 86-1533
P 86-1534
P 86-1535
P 86-1536
P 86-1537
P 86-1538
P 86-1539
P 86-1540
P 86-1541
P 86-1542
P 86-1543
P 86-1544
P 86-1545
P 86-1546
P 86-1547
P 86-1548
P 86-1549
P 86-1550
P 86-1551
P 86-1552
P 86-1553
P 86-1554
P 86-1555
P 86-1556
P 86-1557
P 86-1558
P 86-1559
P 86-1560
P 86-1561
P 86-1562
P 86-1563
P 86-1564
P 86-1565
P 86-1566
P 86-1567
P 86-1568
P 86-1569
P 86-1570
P 86-1572
P 86-1573
P 86-1574
P 86-1575
P 86-1576
P 86-1577
P 86-1578
P 86-1579
P 86-1580
P 86-1581
P 86-1582
P 86-1583
P 86-1584
P 86-1585
P 86-1586
P 86-1587
P 86-1588
P 86-1589
P 86-1590
P 86-1591
P 86-1592
P 86-1593
P 86-1594
P 86-1595
P 86-1596
P 86-1597
P 86-1598
P 86-1599
P 86-1600
P 86-1601
P 86-1602
P 86-1603
P 86-1604
P 86-1605
P 86-1606
P 86-1607
P 86-1608
P 86-1609
P 86-1610
P 86-1611
P 86-1612
P 86-1613
Y 87-5
Y 87-6
Y 87-7
Y 87-8
Y 87-9
Y 87-10
Y 87-11
Y 87-12
Y 87-13
Y 87-14
Y 87-15
Y 87-16
Y 87-17
Y 87-18
Y 87-19
Y 87-20
Y 87-21
Y 87-22
Y 87-23
Y 87-24
Y 87-25
Y 87-26
Y 87-27
Y 87-28
Y 87-29

IV. 65 CHEMICAL SUBSTANCES FOR WHICH EPA HAS RECEIVED NOTICES OF COMMENCEMENT TO MANUFACTURE

PMN No.	Identity/generic name	Date of commencement
P 83-18	Generic name: Di(disubstituted naphthyl) polyheterocycle	Oct. 1, 1986.
P 83-825	Generic name: Disubstituted pyridinium bromide	Oct. 6, 1986.
P 83-1033	Generic name: C_{4-8} carboxylic acid	Mar. 15, 1985.
P 85-115	Generic name: Aromatic polyisocyanate adduct	Sept. 30, 1986.
P 85-167	Generic name: Organe sulfur compound	Oct. 27, 1986.
P 85-415	Generic name: Acrylic ester	Sept. 11, 1986.
P 85-932	Generic name: Disubstituted alkyltriazine	Mar. 7, 1986.
P 85-933	Generic name: Disubstituted alkyttriazine	Mar. 10, 1986.
P 85-934	Generic name: Acrylated alkyd	Sept. 24, 1986.
P 85-1139	Generic name: Isocyanate-modified alkyd resin	Nov. 5, 1986.
P 85-1360	Generic name: Esterified polyamic acid	Nov. 1, 1986.
P 85-1407	Generic name: Phosphorodithioic acid, dialkyl ester, alkylammonium salt	Oct. 15, 1986.
P 85-1439	Generic name: Reaction product of a substituted nitril E with a halogenated unsaturated compound	Oct. 27, 1986.
P 85-1447	Polymer of: methyl methacrylate, ethyl acrylate, 2-hydroxy ethyl acrylate	Nov. 3, 1986.
P 86-50	3-Carboxypyridinium-4-methylbenzenesulfonate	Oct. 20, 1986.
P 86-89	Generic name: Amidoamine expoxy resin adduct	Oct. 1, 1986.
P 86-164	Generic name: Caprolactone modified by hydroxyethyl methacrylate	June 17, 1986.
P 86-168	Polymer of: phthalic anhydride; 2,2,4-trimethyl-1,3-pentanediol; 2,2'-oxybis(ethanol); 2-ethyl hexanol; triphenylphosphite; and Fascat 4100	Feb. 10, 1986.
P 86-218	Polymer of: 1,4-butanediol; adipic acid; 1,15-dodecane dioic acid; dicyclohexyl methyl 4,4'-diisocyanate	Oct. 1, 1986.
P 86-351	Generic name: Carboxyoxyamide sulfate polymer	Oct. 11, 1986.
P 86-423	Mixed thiodiphenol oligomers	Oct. 15, 1986.
P 86-544	Butanedioic acid, sulfo-,1,4-bis(3,3,4,4,5,5,6,6,7,7,8,8,8-tridecafluorooctyl)ester, sodium salt	Aug. 26, 1986.
P 86-638	Generic name: Epoxy containing acrylic polymer	Oct. 2, 1986.
P 86-653	Generic name: Mixed glycol and oligoesters of aromatic and aliphatic dicarboxylic acids	Oct. 6, 1986.
P 86-722	Generic name: Polyesteramide	Oct. 8, 1986.
P 86-724	Generic name: Polymer of styrene, acrylonitrile, and mixed acrylates	Oct. 23, 1986.
P 86-893	Generic name: Modified triazine-formaldehyde polymer	Oct. 7, 1986.
P 86-911	Amine adduct of epoxy resin	Oct. 24, 1986.
P 86-912	Amine adduct of epoxy resin	Oct. 24, 1986.
P 86-926	1 H-isoindole-5-carboxylic acid, 2,2'-(methylene di-4, 1-phenylene)bis[2,3-dihydro-1,3-dioxo-]	Sept. 22, 1986.
P 86-942	Generic name: Copolymer of methacrylic and acrylic esters	Oct. 20, 1986.
P 86-1018	Generic name: Unsaturated polyester resin from dibasic and polyol	Sept. 26, 1986.
P 86-1064	Generic name: Alkyl methacrylate copolymer	Sept. 19, 1986.
P 86-1065	Generic name: Vinyl heterocycle alkyl methacrylate copolymer	Sept. 19, 1986.
P 86-1072	Generic name: Substituted alkyl phosphine	Oct. 6, 1986.
P 86-1121	Poly(oxy-1,4-butanediyl), alpha-(4-nitrobenzoyl)-omega-(4-nitrobenzoyl)oxy)-	Oct. 20, 1986.
P 86-1128	Generic name: Polyurethane prepolymer	Sept. 18, 1986.
P 86-1141	Generic name: Alkyl anhydride adduct	Oct. 20, 1986.
P 86-1201	Generic name: Substituted poly(oxyalkylene)aniline, carboxylic acid ester	Sept. 22, 1986.
P 86-1216	Generic name: Polymer of polyethyleneamines with formaldehyde monobasic fatty acid dibasic fatty acid, a lactam, substituted phenol and a substituted oxirane.	Oct. 13, 1986.
P 86-1275	Generic name: Mixed polyol ester of normal and branched chain monocarboxylic acids	Oct. 17, 1986.
P 86-1291	Generic name: Derivative of amines, polyethylene poly-compounds with (polybutenyl) succinic anhydride	Nov. 3, 1986.
P 86-1306	Generic name: Reaction product of polyalkenyl acid anhydride with amine	Nov. 17, 1986.

IV. 65 Chemical Substances for Which EPA Has Received Notices of Commencement to Manufacture—Continued

PMN No.	Identity/generic name	Date of commencement
P 86-1307	Generic name: Reaction product of polyalkenyl acid anhydride with amine	Nov. 17, 1986.
P 86-1324	Generic name: Copolymer of methacrylic esters	Nov. 6, 1986.
P 86-1425	Generic name: Unsaturated polyester	Oct. 30, 1986.
P 86-1464	Generic name: Aliphatic polyurethane polyester	Nov. 5, 1986.
P 86-1468	Generic name: Substituted phenyldiethanolamine	Nov. 7, 1986.
P 86-1469	Generic name: Substituted phenylethanolamine	Nov. 9, 1986.
P 86-1470	Generic name: (Substituted phenyl)-di-(polyoxyethylene polyoxy-propylene)amine	Nov. 7, 1986.
P 86-1471	Generic name: Chlorocarboheterocycleazo substituted phenyl-amino(hydroxyalkylpolyoxyalkylene)	Nov. 7, 1986.
P 86-1479	Generic name: Aliphatic esters	Nov. 10, 1986.
P 86-1504	Generic name: Water reducible epoxy ester copolymer resin	Nov. 7, 1986.
P 86-1513	Generic name: Amphoteric surface active polymer solution	Nov. 10, 1986.
P 86-1529	Generic name: Tertiary amine adduct with epoxy resin	Nov. 17, 1986.
P 86-1560	Generic name: Sorbitan ester	Nov. 19, 1986.
P 86-1561	Generic name: Polyoxyethylene sorbitan ester	Nov. 19, 1986.
Y 85-68	Generic name: Alkyd	Sept. 22, 1986.
Y 86-83	Generic name: Alkyd copolymer	Sept. 18, 1986.
Y 86-129	Generic name: Linear saturated polyester resin containing hydroxyl groups	Oct. 14, 1986.
Y 86-225	Ethene polymer with 2-propenoic acid,1,1-dimethy ethyl ester and 2-propenoic acid	Oct. 17, 1986.
Y 86-251	Generic name: Solvent-thinned alkyd resin	Oct. 9, 1986.
Y 86-259	Generic name: Styrene, acrylic modified alkyd	Oct. 23, 1986.
Y 86-4	Generic name: Solvent-thinned long oil alkyd resin	Oct. 31, 1986.
Y 87-7	Generic name: Acrylic polymer	Nov. 10, 1986.

V. 20 Premanufacture Notices for Which the Period Has Been Suspended

PMN No.	
P 85-463	P 86-1525
P 85-1189	P 86-1526
P 86-1299	P 86-1530
P 86-1491	P 86-1573
P 86-1492	P 86-1593
P 86-1493	P 86-1602
P 86-1516	P 86-1603
P 86-1604	P 86-1659
P 86-1616	P 86-1742
P 86-1657	P 86-1749

[FR Doc. 87-5286 Filed 3-31-87; 8:45 am]

BILLING CODE 6560-50-M

federal register

Wednesday
April 1, 1987

Part VII

Department of Agriculture

Animal and Plant Health Inspection Service

9 CFR Part 78

Brucellosis in Cattle; State and Area Classifications; Interim Rule

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. 87-042]

Brucellosis in Cattle; State and Area Classifications

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: We are amending the regulations governing the interstate movement of cattle because of brucellosis by classifying the State of Texas as Class B. Texas has been divided into two areas for brucellosis, Class B and Class C. We have determined that the State of Texas as a whole meets the standards for Class B status. Classifying the entire State of Texas as Class B for brucellosis relieves certain restrictions on the interstate movement of cattle from Texas.

EFFECTIVE DATE: April 1, 1987. We will consider written comments received on or before June 1, 1987.

ADDRESSES: Send your comments to Steven B. Farbman, Assistant Director, Regulatory Coordination, APHIS, USDA, Room 728, Federal Building, Hyattsville, MD 20782. Please state that your comments refer to Docket Number 87-042. Comments received may be inspected at Room 728 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. Jan Huber, Senior Staff Veterinarian, Domestic Programs Support Staff, Veterinary Services, APHIS, USDA, Room 812, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782; 301-436-5965.

SUPPLEMENTARY INFORMATION:

Backgound

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

The brucellosis Class Free Classification is based on a finding of no known brucellosis in cattle for the 12 months preceding classification as Class Free. The Class C classification is for States or areas with the highest rate of brucellosis, with Class A and Class B in between. Restrictions are more stringent for movements of cattle from Class A States or areas compared with movements from Class Free States or areas, and are more stringent for movements from Class B States or areas compared with movements from Class A States or areas, and so on.

The basic standards for the different classifications of States or areas concern maintaining: (1) A cattle herd infection rate not to exceed a stated level during 12 consecutive months; (2) a rate of infection in the cattle population (based on the percentage of brucellosis reactors found in the Market Cattle Identification (MCI) program—a program of testing at stockyards, farms, ranches, and slaughtering establishments) not to exceed a stated level; (3) a surveillance system that includes testing of dairy herds, participation of all slaughtering establishments in the MCI program, identification and monitoring of herds at high risk of infection, including herds adjacent to infected herds and herds from which infected animals have been sold or received, and having an individual herd plan in effect within a stated number of days after notification of brucellosis in a herd; and (4) minimum procedural standards for administering the program.

In most instances, brucellosis classification is by State. However, because some large States may have distinctly different rates of infection in different parts of the State, we established, in a document published in the **Federal Register** on December 13, 1982 (47 FR 55636-55656), that States may be divided into two areas for brucellosis classification, with movement between the two areas controlled by the States. The two-area Class B and Class C) classification for Texas was established in the same document.

Approval for a two-area classification within a State is granted when a State requests it and according to the following criteria: (1) The State must have legislative and regulatory authority for maintaining separate areas; (2) The State must have resources committed to enforce the maintainance of separate areas; (3) The State must have a creditable and effective method for monitoring and controlling movement of cattle across the boundary between the two areas; (4) The State must define the boundary between the two areas by county lines or by recognizable geographic features, such as a river or highway; and (5) Each area of the State must meet the standards for the brucellosis classification for which it is applying.

Since December 13, 1982, we have allowed the Class B and Class C areas of Texas (and the areas of other States divided for brucellosis) to change as follows: When a county or part of a county in the lower class area and contiguous with a county in the higher class area meets the requirements for classification at the higher level, that county or part of a county may become part of the higher class area. In this manner, 14 counties in Texas have moved from the Class C area to the Class B area.

Other counties in Texas also have reduced their rate of brucellosis infection since December 13, 1982, and Texas recently requested that the entire State be classified as Class B for brucellosis. Texas's request is based on the fact that the State as a whole meets the requirements for Class B status.

To attain and maintain Class B status, the regulations require a State or area to maintain: (1) A cattle herd infection rate, based on the number of herds found to have brucellosis reactors within the State or area during any 12 consecutive months due to field strain *Brucella abortus*, of 1.5 percent or 15 herds per 1,000, except in States with 1,000 or fewer herds; (2) a rate of infection in the cattle population, based on the percentage of brucellosis reactors found in the MCI program, not to exceed 3 brucellosis reactors per 1,000 cattle tested (0.30 percent); (3) a surveillance system that includes testing of dairy herds, participation of all slaughtering establishments in the MCI program, identification and monitoring of herds at high risk of infection, including herds adjacent to infected herds and herds from which infected animals have been sold or received, and having an individual herd plan in effect within 45 days after notification of brucellosis in a herd; and (4) minimum procedural standards for administering the program.

Until the effective date of this interim rule, Texas was divided into a Class C area and a Class B area as follows. Class C: Counties of Anderson, Angelina, Aransas, Atascosa, Austin, Bee, Bexar, Bowie, Brazoria, Brazos, Brooks, Burleson, Calhoun, Cameron, Camp, Cass, Chambers, Cherokee, Collin, Colorado, Dallas, Delta, DeWitt, Duval, Ellis, Fannin, Fayette, Fort Bend, Franklin, Freestone, Galveston, Goliad, Gregg, Grimes, Hardin, Harris, Harrison, Henderson, Hidalgo, Hill, Hopkins, Houston, Hunt, Jackson, Jasper,

Jefferson, Jim Hogg, Jim Wells, Karnes, Kaufman, Kenedy, Kleberg, Lamar, LaSalle, Lavaca, Leon, Liberty, Limestone, Live Oak, McLennan, McMullen, Madison, Marion, Matagorda, Montgomery, Morris, Nacogdoches, Navarro, Newton, Nueces, Orange, Panola, Polk, Rains, Red River, Refugio, Robertson, Rockwall, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, Shelby, Smith, Starr, Titus, Trinity, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Wood, and Zapata); Class B: All other Counties in Texas.

The State of Texas as a whole now meets the criteria for classification as Class B for brucellosis. We are therefore reclassifying Texas in the regulations as a single area consisting of the entire State, and we are classifying Texas as Class B for brucellosis.

Executive Order 12291 and Regulatory Flexibility Act

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

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

Cattle moved between the Class B and Class C areas of Texas were required under Texas law and regulations to meet standards equivalent to the regulations in Part 78 for movements between Class B and Class C States. However, Texas still requires most cattle to be tested for brucellosis before intercounty movements and sharply restricts the intercounty movements of brucellosis reactor, suspect, and exposed cattle. Consequently, this interim rule will not have a significant effect on market patterns or a significant economic impact on those persons involved in the movement of cattle within Texas.

Classifying the entire State of Texas as Class B for brucellosis also reduces certain testing and documentation requirements for cattle moved interstate from the area of Texas previously classified as Class C. However, the requirements for moving cattle interstate to recognized slaughtering establishments or quarantined feedlots, for moving cattle from certified brucellosis-free herds, and for moving cattle interstate to and from two premises owned, leased, or rented by the same individual remain unchanged. Consequently, we anticipate that this interim rule will not have a significant effect on market patterns or a significant economic impact on those persons involved in the interstate movement of cattle.

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

Paperwork Reduction Act.

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

Executive Order 12372

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

Emergency Action

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

Further, in accordance with the administrative procedure provisions in 5 U.S.C. 553, we find upon good cause that prior notice and other public procedures with respect to this interim rule are impracticable and contrary to the public interest, and we find good cause for making this interim rule effective less than 30 days after publication in the **Federal Register**. We will consider comments received on or before June 1, 1987. Any amendments we make to this interim rule as a result of these comments will be published in the **Federal Register** as soon as possible.

List of Subjects in 9 CFR Part 78

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

PART 78—BRUCELLOSIS

Accordingly, we are amending 9 CFR Part 78 as follows:

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

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

2. In § 78.41, paragraphs (c) and (d) are revised to read as follows:

§ 78.41 State/area classification.

* * * * *

(c) *Class B*—Arkansas, Florida (Counties of Alachua, Baker, Bay, Bradford, Calhoun, Citrus, Clay, Columbia, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Hernando, Holmes, Jackson, Jefferson, Lafayette, Lake, Leon, Levy, Liberty, Madison, Marion, Nassau, Okaloosa, Orange, Pasco, Pinellas, Putnam, Saint Johns, Santa Rosa, Seminole, Sumter, Suwanee, Taylor, Union, Volusia, Wakulla, Walton, and Washington), Kentucky, Mississippi, Oklahoma, and Texas.

(d) *Class C*—Florida (Counties of Brevard, Broward, Charlotte, Collier, Dade, De Soto, Glades, Hardee, Hendry, Highlands, Hillsborough, Indian River, Lee, Manatee, Martin, Monroe, Okeechobee, Osceola, Palm Beach, Polk, Saint Lucie, and Sarasota) and Louisiana.

Done in Washington, DC, this 31st day of March, 1987.

J. K. Atwell,

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

[FR Doc. 87–7322 Filed 3–31–87; 10:52 am]

BILLING CODE 3410–34–M

Reader Aids

Federal Register

Vol. 52, No. 62

Wednesday, April 1, 1987

INFORMATION AND ASSISTANCE

SUBSCRIPTIONS AND ORDERS

Subscriptions (public)	202-783-3238
Problems with subscriptions	275-3054
Subscriptions (Federal agencies)	523-5240
Single copies, back copies of FR	783-3238
Magnetic tapes of FR, CFR volumes	275-1184
Public laws (Slip laws)	275-3030

PUBLICATIONS AND SERVICES

Daily Federal Register

General information, index, and finding aids	523-5227
Public inspection desk	523-5215
Corrections	523-5237
Document drafting information	523-5237
Legal staff	523-4534
Machine readable documents, specifications	523-3408

Code of Federal Regulations

General information, index, and finding aids	523-5227
Printing schedules and pricing information	523-3419

Laws	523-5230

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the President	523-5230
Weekly Compilation of Presidential Documents	523-5230

United States Government Manual	523-5230

Other Services

Library	523-5240
Privacy Act Compilation	523-4534
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, APRIL

List of Public Laws

Last List March 30, 1987

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone 202-275-3030).

S.J. Res. 63/Pub. L. 100-16

To designate March 21, 1987, as Afghanistan Day. (Mar. 27, 1987; 101 Stat. 130; 2 pages) Price: $1.00

TABLE OF EFFECTIVE DATES AND TIME PERIODS—APRIL 1987

This table is used by the Office of the Federal Register to compute certain dates, such as effective dates and comment deadlines, which appear in agency documents. In computing these dates, the day after publication is counted as the first day.

When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

DATE OF FR PUBLICATION	15 DAYS AFTER PUBLICATION	30 DAYS AFTER PUBLICATION	45 DAYS AFTER PUBLICATION	60 DAYS AFTER PUBLICATION	90 DAYS AFTER PUBLICATION
April 1	April 16	May 1	May 18	June 1	June 30
April 2	April 17	May 4	May 18	June 1	July 1
April 3	April 20	May 4	May 18	June 2	July 2
April 6	April 21	May 6	May 21	June 5	July 6
April 7	April 22	May 7	May 22	June 8	July 6
April 8	April 23	May 8	May 26	June 8	July 7
April 9	April 24	May 11	May 26	June 8	July 8
April 10	April 27	May 11	May 26	June 9	July 9
April 13	April 28	May 13	May 28	June 12	July 13
April 14	April 29	May 14	May 29	June 15	July 13
April 15	April 30	May 15	June 1	June 15	July 14
April 16	May 1	May 18	June 1	June 15	July 15
April 17	May 4	May 18	June 1	June 16	July 16
April 20	May 5	May 20	June 4	June 19	July 20
April 21	May 6	May 21	June 5	June 22	July 20
April 22	May 7	May 22	June 8	June 22	July 21
April 23	May 8	May 26	June 8	June 22	July 22
April 24	May 11	May 26	June 8	June 23	July 23
April 27	May 12	May 27	June 11	June 26	July 27
April 28	May 13	May 28	June 12	June 29	July 27
April 29	May 14	May 29	June 15	June 29	July 28
April 30	May 15	June 1	June 15	June 29	July 29

CFR ISSUANCES 1987
January 1987 Editions and Projected April, 1987 Editions

This list sets out the CFR issuances for the January 1987 editions and projects the publication plans for the **April, 1987** quarter. A projected schedule that will include the **July, 1987** quarter will appear in the first **Federal Register** issue of July.

For pricing information on available 1986-1987 volumes consult the CFR checklist which appears every Monday in the Federal Register.

Pricing information is not available on projected issuances. Individual announcements of the actual release of volumes will continue to be printed in the **Federal Register** and will provide the price and ordering information. The weekly CFR checklist or the monthly List of CFR Sections Affected will continue to provide a cumulative list of CFR volumes actually printed.

Normally, CFR volumes are revised according to the following schedule:

Titles 1-16—January 1
Titles 17-27—April 1
Titles 28-41—July 1
Titles 42-50—October 1

All volumes listed below will adhere to these scheduled revision dates unless a notation in the listing indicates a different revision date for a particular volume.

*Indicates volume is still in production.

Titles revised as of January 1, 1987:

Title

CFR Index
1-2
3 (Compilation)
4
5 Parts:
1-1199*
1200-End*

6 [Reserved]

7 Parts:
0-45
46-51
52
53-209
210-299*
300-399
400-699
700-899*
900-999*
1000-1059*
1060-1119
1120-1199
1200-1499*
1500-1899
1900-1944*
1945-End*

8

9 Parts:
1-199*
200-End

10 Parts:
0-199
200-399*
400-499
500-End*

11 (Revised as of July 1, 1987)

12 Parts:
1-199
200-299*
300-499
500-End*

13

14 Parts:
1-59*
60-139*
140-199
200-1199*
1200-End

15 Parts:
0-299
300-399*
400-End

16 Parts:
0-149*
150-999*
1000-End

Projected April 1, 1987 editions:

Title

17 Parts:
1-199
200-239
240-End

18 Parts:
1-149
150-279
280-399
400-End

19 Parts:
1-199
200-End

20 Parts:
1-399
400-499
500-End

21 Parts:
1-99
100-169
170-199
200-299
300-499
500-599
600-799
800-1299
1300-End

22 Parts:
1-299
300-End

23

24 Parts:
0-199
200-499
500-699
700-1699
1700-End

25

26 Parts:
1 (§§ 1.0-1-1.60)
1 (§§ 1.61-1.169)
1 (§§ 1.170-1.300)
1 (§§ 1.301-1.400)
1 (§§ 1.401-1.500)
1 (§§ 1.501-1.640)
1 (§§ 1.641-1.850)
1 (§§ 1.851-1.1000)
1 (§§ 1.1001-1.1400)
1 (§§ 1.1401-End)
2-29
30-39
40-49
50-299
300-499
500-599
600-End

27 Parts:
1-199
200-End

Would you like to know...

if any changes have been made to the Code of Federal Regulations or what documents have been published in the Federal Register without reading the Federal Register every day? If so, you may wish to subscribe to the *LSA (List of CFR Sections Affected),* the *Federal Register Index,* or both.

LSA • List of CFR Sections Affected

The LSA (List of CFR Sections Affected) is designed to lead users of the Code of Federal Regulations to amendatory actions published in the Federal Register. The LSA is issued monthly in cumulative form. Entries indicate the nature of the changes—such as revised, removed, or corrected.

$24.00 per year

Federal Register Index

The Index, covering the contents of the daily Federal Register, is issued monthly in cumulative form. Entries are carried primarily under the names of the issuing agencies. Significant subjects are carried as cross-references.

$22.00 per year

A finding aid is included in each publication which lists Federal Register page numbers with the date of publication in the Federal Register.

Note to FR Subscribers:
FR Indexes and the LSA (List of CFR Sections Affected) are mailed automatically to regular FR subscribers.

Order Form

Mail To: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed is $ _____ ☐ check, ☐ money order, or charge to my Deposit Account No.

☐☐☐☐☐☐☐–☐

Order No._____

MasterCard and VISA accepted.

Credit Card Orders Only

Total charges $_____

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Customer's Telephone Nos.

Area Code Home | Area Code Office

Charge orders may be telephoned to the GPO order desk at (202)783-3238 from 8:00 a.m. to 4:00 p.m. eastern time, Monday-Friday (except holidays).

Please enter the subscription(s) I have indicated:

___ **LSA**
List of CFR Sections Affected
$24.00 a year domestic;
$30.00 foreign

___ **Federal Register Index**
$22.00 a year domestic;
$27.50 foreign

PLEASE PRINT OR TYPE

Company or Personal Name

Additional address/attention line

Street address

City State ZIP Code

(or Country)

(Rev 10-1-85)