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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 916 and 917

[Nectarine Reg. 14, Amdt. 9; Plum Reg. 17, Amdt. 4; Plum Reg. 19, Amdt. 10; Peach Reg. 14, Amdt. 9]

Nectarines, Pears, Plums, and Peaches Grown in California; Amendment of Container and Pack Regulations; Amendment of Grade and Size Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule will make several changes to the size requirements for nectarines, plums, and peaches, and to the container and pack requirements for plums grown in California. This rule will change the coverage of the size requirements by adding several new varieties of nectarines, plums and peaches, and by deleting others. It will, in addition, remove a plum pack requirement which is no longer practicable because of changes in packaging material, exempt Apache nectarines from the weight-count requirements when packed in tray packs in recognition of problems handlers experienced last season when packing this variety, and modify the weight-count standard for Catalina plums to better reflect the sizing characteristics of those plums. Furthermore, this rule will require that all nectarine varieties not subject to variety-specific size requirements be subject to minimum size requirements. It will, finally, delete a requirement for plums that subjects them to a two-pound subsample test. These actions were recommended by the Nectarine Administrative Committee and the Plum and Peach Commodity Committees.

EFFECTIVE DATE: This final rule becomes effective April 29, 1987.

FOR FURTHER INFORMATION CONTACT: James M. Scanlon, Acting Chief, Marketing Order Administration Branch, F&V, AMS, USDA, Washington, DC 20250–1400, (202) 475–3914.

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

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

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (the Act, 7 U.S.C. 601–674), and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

It is estimated that approximately 649 handlers will be subject to regulation under the Marketing Orders for California nectarines, pears, peaches, and plums (7 CFR Parts 916 and 917) during the course of the current season. In addition, there are about 2,032 growers of these fruits in California. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having average annual gross revenues for the last three years of less than $100,000, and agricultural service firms, which would include handlers, are defined as those whose gross annual receipts are less than $3,500,000. The majority of these growers and handlers may be classified as small entities.

Inspected shipments, in packages, of California nectarines, peaches, and plums for the 1986 season totaled 15,066,800, 13,472,700, and 11,043,300, respectively, and they were primarily marketed in the fresh market. In 1986, the combined total production value of California nectarines, peaches, and plums was about $244 million.

This rule will remove the plum container and pack requirement that requires top pads of tight-fill containers to contain wood excelsior or redwood bark. In addition, the rule will change the size requirements for nectarines, plums, and peaches by adding several new varieties now produced in commercially significant quantities to the variety-specific (named-variety) size requirements, and by deleting from the variety-specific size requirements certain varieties no longer produced in significant quantities. The rule also will change the weight-count standard (i.e., the maximum number of fruit permitted in an 8-pound sample) for the Catalina plum variety so the requirements more accurately reflect its sizing tendencies. Additionally, the rule will exempt one variety of nectarines (the Apache) from the weight-count requirements (i.e., the maximum number of fruit permitted in a 16-pound sample) when packed in tray packs. Last season, this variety met the size requirements regarding the maximum number of fruit permitted in the tray pack, but had a difficult time meeting the weight-count requirements. The exemption is expected to lessen the problems handlers experienced last season while the committee considers what course of action should be recommended to correct this problem.

Another change will subject all nectarine varieties not subject to variety-specific size requirements to minimum size requirements. Many new varieties of nectarines have been developed in recent years. The Nectarine Administrative Committee has determined that these unspecified varieties account for a large enough segment of the market to warrant some level of quality control. This rule will help assure the quality of these nectarine varieties in the marketplace and thereby maintain the fruit's high-quality image. Finally, this rule will delete a requirement for plums that subjects them to a two-pound subsample test.

Although this rule will impose requirements on additional fruit varieties, there will also be exemptions provided under 7 CFR 916.110, 917.143 and 917.149 from the inspection and certification requirements for nectarines, peaches, pears, and plums. These exemptions include provisions for the

shipment of minimum quantities without regard to program regulations.

It is the Department's view that the actions adding several new varieties of nectarines, plums, and peaches now produced in commercially significant quantities to the variety-specific (named-variety) size requirements, and those deleting certain varieties no longer produced in commercially significant quantities from those requirements, and the addition of a size requirement for all varieties of nectarines not subject to variety-specific requirements will not be detrimental to small entities. These changes are expected to improve the quality of the applicable fruits in the fresh market which will be beneficial in maintaining current markets and developing new ones. The actions to remove an outdated plum packing requirement, to exempt the Apache variety of nectarines from weight-count requirements when packed in tray packs, and to delete requirements subjecting plums to a two-pound subsample test relieve restrictions on handlers and, as such, will not result in additional costs. Similarly, the action to change the weight-count standards for the Catalina plum variety to recognize that this plum is larger than the current standards reflect will not result in additional costs.

The rule is issued under the marketing agreements, as amended, and Marketing Orders 916 and 917, as amended (7 CFR Parts 916 and 917), regulating the handling of nectarines, pears, plums and peaches grown in California. The agreements and orders are effective under the Act. Shipments of these fruits are regulated by container and pack under Nectarine Regulation 8 (7 CFR 916.350; as amended and published in the **Federal Register** on September 27, 1985, 50 FR 39074), Plum Regulation 17 (7 CFR 917.454; as amended and published in the **Federal Register** on May 6, 1986, 51 FR 16671), and Peach Regulation 8 (7 CFR 917.442; as amended and published in the **Federal Register** on September 27, 1985, 50 FR 39074), and by grade and size under Nectarine Regulation 14 (7 CFR 916.356; as amended and published in the **Federal Register** on April 8, 1986, 51 FR 11901 and corrected on June 1986, 51 FR 19748), Plum Regulation 19 (7 CFR 917.460; as amended and published in the **Federal Register** on July 9, 1986, 51 FR 24807), and Peach Regulation 14 (7 CFR 917.459; as amended and published in the **Federal Register** on April 8, 1986, 51 FR 11901 and corrected on June 2, 1986, 51 FR 19748). Because these regulations do not change substantially from season to season, they have been issued on a continuing basis subject to amendment, modification or suspension as may be recommended by the applicable committee and approved by the Secretary.

A proposed rule inviting comments on this action was published in the March 23, 1987, **Federal Register** (52 FR 9173). Interested persons were given until April 7, 1987, to file written comments. One comment was received from the manager of the marketing order committees suggesting several corrections. The manager informed the Department that the proposal incorrectly included the June Belle nectarine variety in the variety-specific minimum size regulations and that the Grand Stan and Red Delight nectarine varieties should have been included in the variety-specific minimum size regulations but were not. In addition, the manager reported that 1986 season shipments of the Black Gold plum variety fell below 10,000 packages. Consistent with the practice of applying variety-specific requirements only to varieties where shipments exceed 10,000 packages, the manager requested that this variety not be subject to the variety-specific minimum size regulation, but to the minimum requirements in place for all varieties not regulated individually by name. Finally, the comment reported a spelling error in one of the peach varieties. In § 917.459(a)(5), "Sprague Kast Chance," should have been "Sprague Last Chance". These changes have merit and appropriate changes have been made in this rule to reflect the manager's comments and suggested changes.

The Nectarine Administrative Committee, and the Plum and Peach Commodity Committees recommended amendment of the size requirements for nectarines, plums, and peaches. In addition, the Plum Commodity Committee recommended amendment of the container and pack requirements for plums. This rule is based upon those recommendations, information submitted by the committees, the manager's comments, and other available information. The changes also reflect crop and market conditions experienced last season and expected conditions in 1987.

With respect to Plum Regulation 17, § 917.454(b)(4) is deleted to remove the requirement that plum containers have top pads containing wood excelsior or redwood bark, and present paragraph (b)(5) is redesignated as paragraph (b)(4). The packing requirement in paragraph (b)(4) is outdated and no longer necessary. There are materials better than wood excelsior and redwood bark available today and the committee believes handlers should be given the opportunity to use the packing material they prefer.

Variety-specific size regulations for varieties of nectarines, plums, and peaches are implemented when they are produced in commercially significant quantities which has been viewed as shipments exceeding 10,000 packages during a season. When varieties are no longer produced in significant quantities they are deleted from variety-specific size regulations. Shipments of the below-named nectarine, plum, and peach varieties that will be regulated under the variety-specific size requirements exceeded 10,000 packages during the prior season, and shipments of the below-named varieties that will be eliminated from variety-specific size regulation fell below 5,000 packages during the prior season, except for the previously mentioned Black Gold plum variety with shipments of 9,715 packages.

With respect to Nectarine Regulation 14, § 916.356 (a)(2), (a)(3), and (a)(4) is amended to add new varieties to the minimum size requirements. Specifically, the Early Diamond variety is added to § 916.356(a)(2), the Pacific Star variety is added to § 916.356(a)(3), and the Flaming Red, Grand Diamond, July Red, Scarlet Red, Spring Diamond, Star Bright, Summer Diamond, Summer Red, and 61–61 varieties are added to § 916.356(a)(4). In addition, § 916.356(a)(3) is amended to delete the Tina Red and Zee Gold varieties. Section 916.356(a)(3)(ii) is amended to exempt the Apache variety from the weight-count requirements (i.e., the maximum number of fruit permitted in a 16-pound sample) when packed in tray packs. In addition, consistent with the comment, three corrections are made in § 916.356(a)(3) by removing the June Belle variety and adding the Grand Stan and Red Delight varieties. The deletion of the June Belle variety from, and addition of the Grand Stan and Red Delight varieties to, the variety-specific size requirements was effective on April 29, 1985, and published in the March 28, 1985, **Federal Register** (50 FR 12217). Subsequent actions failed to reflect these changes.

In addition, § 916.356(a) is amended by adding three new paragraphs and designating them as § 916.356 (a)(5) through (a)(7). These paragraphs will require all varieties of nectarines not subject to the variety-specific requirements to be subject to minimum size requirements. Previously, varieties of nectarines, not individually regulated, were not subject to the size requirements of Nectarine Regulation 14

(§ 916.356). Although shipments of individual varieties of these nectarines do not exceed 10,000 packages each per year, total shipments of these nectarines have become increasingly significant; i.e., in 1985, shipments totaled over 119,000 packages of the approximately 16 million packages of nectarines shipped. These varieties in the aggregate account for a significant enough segment of the market to warrant some level of quality control. This action will assure the quality of these variety nectarines in the marketplace and will, in addition, help the industry maintain its high-quality image for all varieties of nectarines. A similar situation has existed in the California peach industry, and, under this marketing order (Marketing Order No. 917) both variety-specific and non-variety-specific size regulations are presently in effect for peaches. For shipments made during the period January 1 through May 31 of each year, the minimum size will be not more than 108 nectarines in a No. 22D standard lug box, and not more than 95 nectarines in a representative 16-pound sample. For shipments during the period June 1 through June 30 of each year, the minimum size will be not more than 96 nectarines in a No. 22D standard lug box, and not more than 78 nectarines in a representative 16-pound sample. For shipments during the period July 1 through December 31 of each year, the minimum size will be not more than 84 nectarines in a No. 22D standard lug box, and not more than 75 nectarines in a representative 16-pound sample. Early varieties of nectarines are generally smaller than those maturing later in the year. Hence, the progression to tigher size requirements later in the year is designed to assure consumers of the best quality possible throughout the year, while recognizing the different size characteristics and harvest times of the various varieties which will be covered by the regulation.

With respect to Plum Regulation 19, § 917.460(b) will be amended to add new varieties to the minimum size requirements. Specifically, the d'Agen Sugar Prune, French Prune, Moyer Prune, and Sharron's Plum will be added to § 917.460(b). In addition, in that paragraph the maximum number of plums per 8-pound sample for the Catalina variety will be changed from 59 to 56 to more accurately reflect that variety's sizing characteristics. In recent seasons, this plum has been larger than the current requirements reflect. Also, § 917.460(b) will be amended to delete the Amazon, Ambra, Black Gold, and Black Jewel varieties.

Finally, § 917.460 (b) and (c) will be amended to delete the requirement that subjects plums to a two-pound subsample test. Requiring the two-pound subsample test in addition to the 8-pound sample test was intended to increase the accuracy of determining compliance with the minimum size requirements. However, this test requires additional inspection and time and thereby increases costs to handlers. The committee has reviewed this matter and has concluded that it needs additional time to evaluate the merits of requiring this second test. Therefore, the committee recommended that the two-pound subsample test not be required during the 1987 season.

With respect to Peach Regulation 14, § 917.459 (a)(4) and (a)(5) will be amended to add new varieties to the minimum size requirements. Specifically, the Golden Crest and Kern Sun varieties will be added to § 917.459(a)(4), the Fairmont (Belmont), Mary Ann, and Sprague Last Chance varieties will be added to § 917.459(a)(5). In addition, § 917.459(a)(2) will be amended to delete the Armgold, Royal April, and Royal Gold varieties, § 917.459(a)(4) will be amended to delete the JJK–1 variety, and § 917.459(a)(5) will be amended to delete the Halloween, Mardigras, Rio Oso Gem, and Royal Flame varieties.

Therefore, after consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the committee, the comment received, and other information, it is hereby found and determined that the amendments, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

It is further found that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** (5 U.S.C. 553). The harvest and shipment of these fruits is expected to begin in mid-April. Hence, this action must be made effective promptly to be in effect at the beginning of the 1987 shipping season. Moreover, the provisions in the final rule are the same, except for the minor correction previously discussed, as those contained in the proposal which was published in the **Federal Register** on March 23, 1987. Handlers have been preparing to conduct their operations in light of the proposal and the minor corrections made herein do not require any additional time for preparation. No useful purpose would be served by delaying the effective date of these actions.

List of Subjects in 7 CFR Parts 916 and 917

Marketing agreements and orders, Nectarines, Pears, Plums, Peaches from California.

PARTS 916 AND 917—[AMENDED]

For the reasons set forth in the preamble, 7 CFR Parts 917 are amended as follows:

1. The authority citation for 7 CFR Parts 916 and 917 continues to read as follows:

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

2. Section 916.356 (51 FR 11901, April 8, 1986; as corrected 51 FR 19748, June 2, 1986) is hereby further amended by revising the introductory text of paragraphs (a)(2), (3), (3)(ii), and (4), and by adding new paragraphs (a)(5) through (a)(7) to read as follows:

§ 916.356 Nectarine Regulation 14.

(a) * * *

(2) Any package or container of Aurelio Grand, Early Diamond, Mayfair, Maybelle, MayGlo, or Royal Delight variety nectarines unless: * * *

(3) Any package or container of Ama Lyn, Apache, Armking, Early May, Early May Grand, Mike Grand, Early Star, Gee Red, Grand Stan, June Glo, June Grand, May Grand, Pacific Star, Red Delight, Red June, Spring Grand, Star Brite, Sunfre variety nectarines unless:

(i) * * *

(ii) Such nectarines, when packed in any container, except for the Apache variety of nectarines when packed in tray packs, are of a size that a 16-pound sample, representative of the nectarines in the package or container, contain not more than 87 nectarines.

(4) Any package or container of Autumn Delight, Autumn Grand, Bob Grand, Clinton-Strawberry, Early Sun Grand, Fairland, Fantasia, Firebrite, Flamekist, Flaming Red, Flavortop, Flavortop I, Gold King, Grand Diamond, Granderli, Hi-Red, Independence, July Red, Kent Grand, Late Le Grand, Le Grand, Moon Grand, Niagara Grand, P-R Red, Red Diamond, Red Free, Red Grand, Regal Grand, Richards Grand, Royal Giant, Ruby Grand, September Grand, Tasty Free, Tom Grand, Larry's Grand, Scarlet Red, Son Red, Spring Diamond, Spring Red, Late Tina Red, Red Jim, Summer Beaut, Sparkling Red, Star Bright, Star Grand, Summer Diamond, Summer Grand, Summer Red, Sun Grand, Sherri Red, Super Star, Rio Red, or 61–61 variety nectarines unless: * * *

(5) During January 1 through May 31, of each fiscal period, no handler shall

handle any package or container of any variety of nectarines not specifically named in paragraphs (a)(2), (3), or (4) of this section unless

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 108 nectarines in the lug box; and (ii) Such nectarines, when packed in any container, are of a size that a 16-pound sample, representative of the nectarines in the package or container, contains not more than 95 nectarines.

(6) During June 1 through June 30, of each fiscal period, no handler shall handle any package or container of any variety of nectarines not specifically named is paragraphs (a)(2), (3), or (4) of this section unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 96 nectarines in the lug box; and (ii) Such nectarines, when packed in any container, are of a size that a 16-pound sample, representative of the nectarines in the package or container, contains not more than 87 nectarines.

(7) During July 1 through December 31, of each fiscal period, no handler shall handle any package or container of any variety of nectarines not specifically named in paragraphs (a)(2), (3), or (4) of this section unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 84 nectarines in the lug box; and (ii) Such nectarines, when packed in any container, are of a size that a 16-pound sample, representative of the nectarines in the package or container, contains not more than 75 nectarines.

* * * * *

§ 917.454 [Amended]

3. Section 917.454 (51 FR 16670, May 6, 1986) is hereby further amended by removing paragraph (b)(4) and redesignating paragraph (b)(5) as (b)(4).

4. Section 917.459 (51 FR 11901, April 8, 1986; as corrected 51 FR 19748, June 2, 1986) is hereby further amended by revising the introductory text of paragraphs (a)(2), (4), and (5) as follows:

§ 917.459 Peach Regulation 14.

(a) * * *

(2) Any package or container of Desertgold variety peaches unless: * * *

* * * * *

(4) Any package or container of Babcock, Coronet, Early Coronet, Firecrest, First Lady, Flavorcrest, Flavor Red, Golden Crest, Golden Lady, Honey Red, June Crest, June Lady, Kern Sun, May Crest, May Lady, Merrill Gem, Merrill Gemfree, Ray Crest, Redhaven, Redtop, Regina, Royal May, Springcrest, Spring Lady, Willie Red, or 50–178 variety of peaches unless: * * *

(5) Any package or container of Angelus, August Sun, Autumn Crest, Autumn Gem, Autumn Lady, Belmont, Berenda Sun, Blum's Beauty, Cassie, Cal Red, Carnival, Early O'Henry, Elberta, Elegant Lady, Fairmont, Fairtime, Fay Elberta, Fayette, Fire Red, Flamecrest, Fortyniner, Franciscan, July Lady, July Sun, Kings Lady, Lacey, Mary Ann, O'Henry, Pacifica, Parade, Preuss Suncrest, Red Cal, Redglobe, Red Lady, Ryan's Sun, Scarlet Lady, Sparkle, Sprague Last Chance, Summerset, Suncrest, Sun Lady, Toreador, or Windsor variety of peaches unless: * * *

* * * * *

5. Section 917.460 (51 FR 24807, July 9, 1986) is hereby further amended by revising paragraphs (b), and (c) as follows:

§ 917.460 Plum Regulation 19.

* * * * *

(b) No handler shall ship any package or other container of any variety of plums listed in Column A of the following Table I unless such plums are of a size that an eight-pound sample, representative of the sizes of the plums in the package or container, contains not more than the number of plums listed for the variety in Column B of said table:

TABLE I

Column A, variety	Column B, plums per sample
Andys Pride	69
Angeleno	67
Angee	67
Autumn Rosa	72
Bee Gee	65
Blackamber	56
Black Beaut	69
Black Diamond	59
Black Knight	58
Carolyn Harris	61
Casselman	63
Catalina	56
d'Agen Sugar Prune	139
Durado	74
Early Hawaiian Ann	60
Ebony	66
El Dorado	68
Empress	57
Freedom	56
French Prune	139
Friar	56
Frontier	61
Gar-Rosa	71
Grand Rosa	54
July Red	64
July Santa Rosa	69
Kelsey	47
King David	50
King Richard	54
King's Black	58
Laroda	58
Late Santa Rosa (including improved Late Santa Rosa and Swall Rosa)	64
Linda Rosa	63
Mariposa	61
Midsummer	63
Moyer Prune	139
Nubiana	56
President	57
Prima Black	69
Queen Ann	50
Queen Rosa	53
Red Beaut	74
Red Rosa	64
Redroy	58
Rich Red	74
Rosa Ann	69
Rosemary	50
Rose Ann	60
Royal Red	74
Roysum	74
Santa Rosa	69
Sharron's Plum	61
Simka, Arrosa, New Yorker	50
Spring Beaut	74
Standard	83
Wickson	51

(c) No handler shall ship any package or container of any variety of plums not specifically named in paragraph (b) of this section, unless such plums are of a size that an eight-pound sample representative of the sizes of the plums in the package or container contains not more than 139 plums.

* * * * *

Dated: April 23, 1987.

Ronald L. Cioffi,

Acting Deputy Director, Fruit and Vegetable Division.

[FR Doc. 87-9588 Filed 4-28-87; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 928

Papayas Grown in Hawaii; Change in the Term of Office of Committee Members

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule changes the 2-year term of office of the members and alternates of the Papaya Administrative Committee to the period July 1–June 30, from the period January 1–December 31, and extends for 6 months the current committee members' term of office through June 30, 1987. The beginning date of the new term of office coincides with the new July 1 beginning date of new fiscal year established October 1, 1986, under the marketing order. These changes are expected to improve the functioning and operations of the committee and the marketing order program.

EFFECTIVE DATE: April 29, 1987.

FOR FURTHER INFORMATION CONTACT: James M. Scanlon, Acting Chief, Marketing Order Administration Branch, F&V, AMS, USDA, Washington, DC 20250, telephone (202) 447–5697.

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

The final rule is issued under the marketing agreement and Order No. 928 (7 CFR Part 928), regulating the handling of papayas grown in Hawaii. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The rule is based upon the recommendations and information submitted by the Papaya Administrative Committee, established under the order, and upon other available information.

The final rule changes the 2-year term of office of committee members and alternates currently specified in § 928.21, so that the term begins on July 1 of each odd-numbered year, rather than January 1 of each odd numbered year. Section 928.21 authorizes the Secretary to change the fiscal period upon recommendation of the committee. The beginning date of the new term of office coincides with the beginning date of the new fiscal year, which was changed to July 1 from January 1 by a rule issued under the marketing order adding a new § 928.106 (51 FR 35342, October 2, 1986). In addition, the rule extends the term of office of members and alternates currently serving on the committee by 6 months, until June 30, 1987, to provide for an orderly transition to the new term of office.

A proposed rule was issued January 29, 1987, and published in the **Federal Register** (52 FR 3433, February 4, 1987) pertaining to the proposed changes. Interested persons had until March 6, 1987 to file comments. No comments were received.

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

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (the Act, 7 U.S.C. 601–674), and rules promulgated thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 100 handlers of Hawaiian papayas subject to regulation under the marketing order, for papayas grown in Hawaii. There are about 300 papaya producers in Hawaii. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual gross revenues for the last three years of less than $100,000 and agricultural service firms are defined as those whose gross annual receipts are less than $3,500,000. The great majority of these handlers and producers may be classified as small entities. This action is primarily of an administrative nature and, as such, does not impose any additional costs on handlers. This action changes the term of office of committee members for the purpose of improving the functioning of the committee and the operations of the marketing order program.

Pursuant to 5 U.S.C. 553, it is hereby found that good cause exists for not postponing the effective date of this final rule until 30 days after publication in the **Federal Register** because: (1) This action is based upon the unanimous recommendation of the committee at a public meeting; (2) affected persons will not need additional time to comply with the changes specified in the rule; (3) notice of the proposed change in the term of office was published in the **Federal Register** and no objections were received, and (4) no useful purpose would be served by delaying the effective date of this action.

It is hereby found that changing the term of office for committee members and alternates, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 928

Marketing agreements and orders, Papayas, Hawaii.

PART 928—[AMENDED]

1. The authority citation for 7 CFR Part 928 continues to read as follows:

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

2. A new § 928.121 is added to Subpart—Rules and Regulations (7 CFR 928.141 through 928.313) to read as follows:

§ 928.121 Term of office.

Pursuant to § 928.21, the term of office for each member and alternate member on the committee is reestablished to be a 24-month period beginning July 1 of each odd numbered year and ending on the second succeeding June 30: *Provided,* That committee members currently serving on the committee shall continue to serve through June 30, 1987.

Dated: April 22, 1987.

Ronald L. Cioffi,

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

[FR Doc. 87–9608 Filed 4–28–87; 8:45 am]

BILLING CODE 3410–02–M

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7 CFR Part 946

Irish Potatoes Grown in Washington; Amendment No. 5 to Handling Regulation; Exemption for Certain Varieties of Potatoes

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule will exempt shipments of non-white fleshed varieties of potatoes from the marketing order's handling and assessment regulations. This action was recommended by the State of Washington Potato Committee. The committee concluded that it was impractical to apply handling and assessment regulations to such shipments because non-white fleshed potatoes are produced in negligible quantities, these varieties supply a specialized market, and are not competitive with other tablestock potato varieties. The committee works with the Department in administering the marketing order program.

EFFECTIVE DATE: This action becomes effective May 29, 1987.

FOR FURTHER INFORMATION CONTACT: James M. Scanlon, Acting Chief, Marketing Order Administration Branch, F&V, AMS, USDA, Washington, DC 20250–1400, telephone (202) 475–3914.

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

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

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly

or disproportionately burdened. Marketing orders issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (the Act, 7 U.S.C. 601–674), and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

It is estimated that 60 handlers of Washington potatoes under the marketing order for potatoes grown in Washington will be subject to regulation during the course of the current season. In addition, there are about 361 producers in Washington. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having average annual gross revenues for the last three years of less than $100,000 and agricultural service firms are defined as those whose gross annual receipts are less than $3,500,000. The majority of these firms may be classified as small entities.

This rule will exempt shipments of non-white fleshed varieties of Washington potatoes from the handling and assessment regulations of the order. There is negligible production of these varieties. They have a limited market and are noncompetitive with other tablestock varieties. The non-white fleshed varieties have accounted for about 1.3 percent of the fresh market shipments in past seasons, and this small production is expected to continue.

The Administrator of the Agricultural Marketing Service has considered the economic impact of this action on small entities. This action will reduce the handling and assessment restriction burden on handlers of non-white fleshed potatoes by exempting shipments of such potatoes from such regulations. Freeing such shipments from these regulations will make it easier for handlers to meet the limited buyer needs for these potatoes and reduce handler costs.

The marketing agreement and Order No. 946 (7 CFR Part 946) regulate the handling of Irish potatoes grown in the State of Washington. The program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The State of Washington Potato Committee, established under the order, is responsible for its local administration.

A proposed rule inviting comments on this action was published in the March 2, 1987, **Federal Register** (52 FR 6168). Interested persons were given until April 1, 1987, to file written comments. None were received.

The exemption will facilitate sales of non-white fleshed potatoes and benefit the few growers and handlers involved with these varieties of potatoes. As indicated earlier, such varieties are produced in very small quantities, and the market for these potatoes is different from the market for white fleshed varieties which are produced in significant quantities. Because these potatoes have little impact on the market for the white fleshed potatoes, the committee concluded that the administrative cost of regulating these varieties of potatoes exceeded the benefits derived therefrom and that shipments of these potatoes should be exempted from the handling and assessment regulations of the order. It is hereby found and determined that the amendment, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 946

Marketing agreements and orders, Potatoes, Washington State.

PART 946—IRISH POTATOES GROWN IN WASHINGTON

For the reasons set forth in the preamble, 7 CFR Part 946 is amended as follows:

1. The authority citation for 7 CFR Part 946 continues to read as follows:

Authority: Secs. 1–10, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Section 946.336 is amended by revising the introductory text to read as follows:

§ 946.336 Handling regulation.

Beginning July 15, 1982, and continuing until amended or terminated, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a), (b), (c), and (g) of this section or unless such potatoes are handled in accordance with paragraphs (d) and (e), or (f) of this section, except that shipments of the non-white fleshed varieties of potatoes shall be exempt from both this handling regulation and the assessment requirements specified in § 946.41:

* * * * *

Dated: April 23, 1987.

Ronald L. Cioffi,

Acting Deputy Director, Fruit and Vegetable Division.

[FR Doc. 87–9589 Filed 4–28–87; 8:45 am]

BILLING CODE 3410–02–M

Farmers Home Administration

7 CFR Part 1910

Receiving and Processing Applications

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations regarding the use of taxpayer identification numbers for residents of the Pacific Islands. Prior to this procedure, FmHA issued special identification numbers for applicants of the Pacific Islands, as taxpayer identification numbers could not be obtained from the U.S. Government, although FmHA assistance had been authorized by law. Currently, residents of the Pacific Islands cannot receive federally issued taxpayer identification numbers. The intended effect of this action, is to permit FmHA offices now servicing the Pacific Islands to continue to provide financial assistance to eligible applicants.

EFFECTIVE DATE: April 29, 1987.

FOR FURTHER INFORMATION CONTACT: Frank Colon, Branch Chief or Neal A. Hayes, Jr., Senior Loan Specialist, Homeownership Branch, Single Family Housing Processing Division, Farmers Home Administration, USDA, Room 5334, South Agriculture Building, 14th and Independence Avenue SW., Washington, DC 20250, telephone (202) 382–1474.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Departmental Regulation 1512–1 which implements Executive Order 12291, and has been determined to be exempt from those requirements because it involves only internal Agency management. It is the policy of this Department to publish for comment rules relating to public property, loans, grants, benefits, or contracts notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This action, however, is not published for proposed rulemaking since it involves only internal Agency management and publication for comment is unnecessary.

This action allows the use of a special taxpayer identification number issued by a Pacific Island government to its residents as the borrower's case number for FmHA purposes.

This program/activity is listed in the Catalog of Federal Domestic Assistance under Nos. 10.410, 10.404, 10.405, 10.406, 10.407, 10.416, 10.417, 10.428.

For the reasons set forth in the Final Rule related Notice to 7 CFR Part 3015, Subpart V, 48 FR 29115, June 24, 1983, this program /activity is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

This document has been reviewed in accordance with 7 CFR Part 1940, Subpart G, "Environmental Program." It is the determination of FmHA that this action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

List of Subjects in 7 CFR Part 1910

Applications, Credit, Loan Programs—Agriculture, Loan programs—Housing and community development, Low and moderate income housing—Marital status discrimination, Sex discrimination.

Therefore, Subpart A of Part 1910, Chapter XVIII, Title 7, Code of Federal Regulations is amended as follows:

PART 1910—GENERAL

1. The authority citation for Part 1910 is revised to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70; 7 CFR 2.23; 7 CFR 2.70.

Subpart A—Receiving and Processing Applications

2. Section 1910.3 is amended by revising the introductory text of paragraph (i) and adding paragraph (i)(4) to read as follows:

§ 1910.3 Receiving applications.

* * * * *

(i) For all loans and grants, the applicant must furnish the applicant's taxpayer's identification number with the application, except as otherwise indicated in this paragraph. The taxpayer's identification number for individuals who are not business applicants is the Social Security number (SSN). The taxpayer's identification number will be used as part of the borrower's case number, except as noted in paragraphs (i)(2) and (i)(4) of this section.

* * * * *

(4) The borrower's case number for residents of the Pacific Islands will be the taxpayer's identification number issued by the Pacific Islands Government.

* * * * *

Farmers Home Administration.

Dated: April 2, 1987.

Vance L. Clark,

Administrator.

[FR Doc. 87–9613 Filed 4–28–87; 8:45 am]

BILLING CODE 3410–07–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 249

[Release No. 34–24374, File No. S7–25–86]

Broker-Dealer Registration Withdrawal; Revisions of Form BDW

AGENCY: Securities and Exchange Commission.

ACTION: Adoption of form revisions.

SUMMARY: The Commission is adopting revisions of Form BDW, the form filed by registered broker-dealers to withdraw from registration. These revisions are intended to reduce the regulatory burden upon broker-dealers by simplifying the form and by clarifying the information that must be disclosed on the attachments to the form.

EFFECTIVE DATE: July 1, 1987.

FOR FURTHER INFORMATION CONTACT: Henry E. Flowers, Esq. at (202) 272–2848, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION:

On September 26, 1986, the Commission proposed revisions to uniform Form BDW. These revisions arose out of discussions with a Special Committee to the North American Securities Administrators Association, Inc. ("NASAA"), and the National Association of Securities Dealers, Inc. ("NASD"). The revisions were intended to simplify the forms used for broker-dealer registration [1] and withdrawal from registration [2] and to clarify their requirements. A summary of the proposed revisions is set forth below:

1. Form BDW will be retitled "Uniform Request for Broker-Dealer Withdrawal". This will shorten the title and generally track the initials of the form.

2. The instructions to the form will be simplified, and the filing instructions clarified.

3. The direction to read the instructions and type the form will be removed and replaced with the language: "Warning: Intentional misstatements or omissions of fact may constitute criminal violations." This warning is the same as the one used on Form BD.

4. The Filing Requirements on page one of the Form will include an instruction to check the states where registered for additional filing requirements. Although the NASD's CRD system provides most states with Form BDW information electronically, some states now require, and may continue to require in the future, that broker-dealers file a copy of Form BDW directly with the state. Because it is impossible to include each state's filing requirements on Form BDW, this instruction reminds users to check for additional state requirements.

5. Items 1 through 5 will be reformatted to conform to Form BD. Form BD requests the name of a "contact employee" to answer questions concerning that form. For purposes of Form BDW, the person who executes the form will be responsible for answering questions.

6. Existing Item 6 will be split into three items. New Item 2 will specify whether the withdrawal is full or partial. If the withdrawal is partial, new Item 3 will specify the states and the self-regulatory organizations where the withdrawal is occurring. New Item 4 will specify the dates on which the firm ceased business. New Item 3 has been reformatted to resemble Form BD.

7. Existing Item 7 will be changed to new Items 5A–D and 6C. Item 7 currently requests information concerning funds or securities owed to customers or other broker-dealers. Item 7(d) also requires a statement of financial condition to be filed with the form. The new items request a further clarification of the broker-dealer's remaining obligations. Specifically, a broker-dealer that seeks to withdraw from registration while still owing money or securities to customers or other broker-dealers must break down funds or securities owed between broker-dealers and customers. The firm must also indicate the number of customers owed funds or securities.

New Item 5(e) replaces the financial statements with the use of FOCUS reports as a standard accounting format. Since all broker-dealers (other than those registered only with state jurisdictions) have to file FOCUS reports, this change should simplify the financial information that must be submitted by requiring a standardized format.[3] In addition, because very few

[1] Revisions to Form BD, the broker-dealer registration form, were adopted in Securities Exchange Act Rel. No. 22468 (September 26, 1985), 50 FR 41687.

[2] Securities Exchange Act Rel. No. 23646 (September 26, 1986), 51 FR 35655.

[3] New Item 5(e) requires the financial information filed by withdrawing firms, including both FOCUS

Continued

BDWs filed each year indicate that the broker-dealer has any outstanding obligations to other firms or customers, the Commission believes that the additional detail required by new Items 5A–D and 6C will be a small reporting burden.[4]

8. Existing Item 8 will become Item 6 on the new form, and the language used will conform the information requested to that in Form BD. Item 6C is intended to solicit information concerning any outstanding contested claims.

9. Existing Item 9 will be renumbered as new Item 7.

10. Existing Item 10, the execution section, will become new Item 8. The language has been substantially simplified.

The Commission received one comment letter on the proposed revisions.[5] The commentator, Alex. Brown & Sons, Inc. generally viewed the revisions as reducing the regulatory burden on broker-dealers without sacrificing investor protection or any other legitimate concern. However, Alex. Brown suggested (1) that Item 4 of Form BDW provide additional space to allow withdrawals from multiple states on different dates to be indicated, and (2) that Item 5 be reworded either to only require information regarding funds and securities owed customers in the case of full withdrawals, or in the case of partial withdrawals to require this information only with respect to the states from which the broker-dealer is withdrawing.

After reviewing these comments with the Forms Revision Committee, NASAA, and NASD staff, the Commission determined to adopt Form BDW as proposed with minor changes. In particular, the Commission has added an attachment page to Form BDW to allow additional information, such as that noted by Alex. Brown, to be included on the form. However, the Commission determined not to modify Item 5 as Alex. Brown suggested, in view of the conclusion of the NASAA Committee that nationwide information concerning funds and securities owed would be of greatest use to states where withdrawals were taking place, and to avoid the burden on broker-dealers of calculating this information on a state-by-state basis. Therefore, the Commission is adopting revised Form BDW as set forth below. This form also was adopted by NASAA at its Spring meeting on April 11, 1987.

Competition Findings, Effective Date, and Statutory Basis

Section 23(a)(2) of the Act[6] requires the Commission, in adopting rules under the Act, to consider the anticompetitive effect of such rules, is any, and to balance any impact against the regulatory benefits gained in terms of furthering the proposes of the Act. The Commission has considered the revisions in light of the standard cited in section 23(a)(2) and believes that adoption of these changes will not impose any burden on competition not necessary or appropriate in furtherance of the Act.

Regulatory Flexibility Act Certification

Pursuant to 5 U.S.C. 605(b), the Chairman Certified when the revisions to Form BDW were proposed that these revisions, if adopted, would not have a significant economic impact on a substantial number of small entitities. No comments were received on the certification.

Statutory Authority

The Securities and Exchange Commission hereby adopts the revisions to Form BDW referenced in § 249.501a of the CFR pursuant to its authority under the Act and particularly sections 15(b), 17(a), and 23(a) of the Act thereof (15 U.S.C. 78 *o*(b), q(a) and w(a)).

List of Subjects in 17 CFR Part 249

Reporting and recordkeeping requirements, Securities.

By the Commission.

Dated: April 21, 1987.

Jonathan G. Katz,

Secretary.

§ 249.501a [Amended]

Uniform Request for Broker-Dealer Withdrawal

OMB APPROVAL:

OMB No.: 3235–0018

Expires: Aug. 31, 1989

General Instructions

Each copy of this form must be *manually signed* by the proper individual.

Type all information.

Use only the Form BDW or a reproduction of it.

Filing Requirements

Full Withdrawal: File Form BDW with the SEC and with the CRD. Check with states where registered for additional filing requirements.

Partial Withdrawal: File Form BDW with the CRD; file with SEC only if withdrawing from SEC registration. Check with states where registered for additional filing requirements. Amend Form BD and file with the SEC and the CRD.

BILLING CODE 8010-01-M

Reports, specifically the Statement of Financial Condition and Computation of Net Capital, and financial condition statements to reflect the finances of the firm no earlier than 10 days before this Form BDW is filed.

[4] Less than 5% of the Form BDWs filed indicate an affirmative answer to current Item 7, requiring a statement of financial condition and a response to the specific questions in that Item.

[5] Letter from Therese M. Haberle, staff attorney, Alex. Brown & Sons, Inc. to Jonathan G. Katz, Secretary, SEC, dated November 7, 1986.

[6] 15 U.S.C. 78w(a)(2).

Form BDW	UNIFORM REQUEST FOR BROKER-DEALER WITHDRAWAL	Official Use

Warning: Intentional misstatements or omissions of fact may constitute criminal violations.

1. (A) Full name of broker-dealer (If sole proprietor, give last, first, and middle name):

(B) IRS Emp. Ident. No.:
(C) Name under which business is conducted, if different:

(D) Firm CRD No.: (E) SEC File No.:
(F) Firm main address:

(G) Mailing address, if different:

(H) Area Code/Telephone No.:

2. Check one:

[ ] Full withdrawal (Skip item 3)

[ ] Partial withdrawal (Check boxes where withdrawing in item 3.

3.

☐ SECURITIES & EXCHANGE COMMISSION

SRO

☐ ASE ☐ BSE ☐ CBOE ☐ CSE ☐ MSE ☐ NASD ☐ NYSE ☐ PHLX ☐ PSE ☐ OTHER (Specify) _____

JURISDICTION

☐ AL	☐ AK	☐ AZ	☐ AR	☐ CA	☐ CO	☐ CT	☐ DE	☐ DC	☐ FL	☐ GA	☐ HI	☐ ID
☐ IL	☐ IN	☐ IA	☐ KS	☐ KY	☐ LA	☐ ME	☐ MD	☐ MA	☐ MI	☐ MN	☐ MS	☐ MO
☐ MT	☐ NE	☐ NV	☐ NH	☐ NJ	☐ NM	☐ NY	☐ NC	☐ ND	☐ OH	☐ OK	☐ OR	☐ PA
☐ RI	☐ SC	☐ SD	☐ TN	☐ TX	☐ UT	☐ VT	☐ VA	☐ WA	☐ WV	☐ WI	☐ WY	☐ PR

4. Date firm ceased business:
(for partial withdrawals, give the date ceased business in the jurisdictions checked in item 3)

5. Does the broker-dealer owe any money or securities to any customer or broker-dealer ? [ ] Yes [ ] No
If "yes":

(A) Number of customers owed funds or securities_____

(B) Amount of money owed to:
customers $_____ broker-dealers $_____

(C) Market value of securities owed to:
customers $_____ broker-dealers $_____

(D) Arrangements made for payment:

(E) Attach a copy of FOCUS Report Part II (or Part IIA for non-carrying or non-clearing firms) "Statement of Financial Condition" and "Computation of Net Capital" sections. For firms that do not file FOCUS Reports, attach a financial condition statement giving the type and amount of the firm's assets and liabilities and net worth. This information must reflect the finances of the firm no earlier than 10 days before this Form BDW is filed.

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6. Is broker-dealer now the subject of any:

(A) proceeding not reported on Form BD or any complaint or investigation? [ ] Yes [ ] No

(B) unsatisfied judgments or liens not reported on Form BD?
[ ] Yes [ ] No

(C) unsatisfied customer claims for funds or securities not reported under item 5? [ ] Yes [ ] No

Furnish full details for all "yes" answers on the attachment sheet. For any court or regulatory action, give: (1) the broker-dealer and individual's names, (2) the title and date of the action, (3) the court or body taking the action, and (4) a description of the action.

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7. (A) Name, address, and phone number of the person who will have custody of books and records:

(B) Address where books and records will be located, if different:

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8. EXECUTION: I swear or affirm that all of the information I am filing is correct, that I am authorized to execute this form for the broker-dealer, and that the broker-dealer's books and records will be preserved and available for inspection as required by law.

_____ _____
Date Name Area Code/Telephone No.

by: _____
Signature and title

Subscribed and sworn before me this ___ day of _____ 19__ by _____.

My commission expires _____ County of _____ State of_____.

Attachment Sheet
for Form BDW

Broker Dealer:

CRD No.: SEC File No.: Date:

[FR Doc. 87-9625 Filed 4-28-87; 8:45 am]
BILLING CODE 8010-01-C

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 101

[T.D. 87-64]

Customs Regulations Amendment Relating to a Change in the Customs Service Field Organization; Winston-Salem, NC

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to change the Customs field organization by extending and redefining the geographical limits of the port of entry of Winston-Salem, North Carolina to include Guilford and Forsyth Counties. The change is being made as part of Customs continuing progam to obtain more efficient use of its personnel, facilities, and resources, and to provide better service to carriers, importers, and the public.

EFFECTIVE DATE: May 29, 1987.

FOR FURTHER INFORMATION CONTACT: Richard Coleman, Office of Inspection and Control, (202-566-8157).

SUPPLEMENTARY INFORMATION:

Background

In the list of Customs regions, districts, and ports of entry set forth in § 101.3(b), Customs Regulations (19 CFR 101.3(b)), the port of Winston-Salem, North Carolina, is listed in the Wilmington, North Carolina, Customs District in the Southeast Region. As part of a continuing program to obtain more efficient use of personnel, facilities, and resources, and to provide better service to carriers, importers, and the public, by notice published in the **Federal Register** on May 30, 1985 (50 FR 23827), it was proposed to extend and redefine the geographical limits of the port. Currently, the port limits coincide with the city limits of Winston-Salem. It was proposed to extend the port limits to include Guilford and Forsyth Counties. This extension would mean the Greensboro/High Point/Winston-Salem Regional Airport would be within the port limits. It was also proposed to relocate the Customs office from downtown Winston-Salem to the Regional Airport.

Discussion of Comments

In response to the notice, only three comments were received. No opposition was raised in regards to the expansion and redefinition of the port limits. Therefore, after further review of the matter, the limits of the port of Winston-Salem are expanded to include Guilford and Forsyth Counties.

Also, after resolution of some issues raised by commenters concerning relocation of the port office from downtown Winston-Salem to the Regional Airport, that aspect of the proposal is being adopted as well. These changes will result in more efficient use of Customs personnel, facilities, and resources, and provide better service to carriers, importers, and the public.

Changes in the Customs Field Organization

The Secretary of the Treasury is advised by the Commissioner of Customs in matters affecting the establishment, abolishment, or other change in ports of entry. Customs ports of entry are established under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR Parts 1949-1953 Comp., Ch. II), and pursuant to authority provided by Treasury Department Order No. 101-05, dated February 17, 1987 (52 FR 6282).

Customs has determined that it is in the public interest to extend and redefine the geographical limits of the port of entry of Winston-Salem. The limits of the port are extended to encompass Guilford and Forsyth Counties, North Carolina.

List of Subjects in 19 CFR Part 101

Customs duties and inspection, Exports, Imports, Organization and functions (Government agencies).

Amendments to the Regulations

PART 101—GENERAL PROVISIONS

1. The authority citation for Part 101, Customs Regulations (19 CFR Part 101), continues to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 1, 66, 1202 (Gen. Hdnote. 11), 1624, Reorganization Plan 1 of 1965; 3 CFR 1965 Supp.

2. To reflect this change, the list of Customs regions, districts, and ports of entry in § 101.3(b), Customs Regulations (19 CFR 101.3(b)), is amended by removing the phrase, "(E.O. 2366, Apr. 24, 1916)." after "Winston-Salem" in the column headed "Ports of entry" in the Wilmington, North Carolina, Customs District of the Southeast Region and inserting, in its place, the phrase, "including the territory described in T.D. 87-64."

Executive Order 12291

Because this will not result in a "major rule" as defined in section 1(b) of E.O. 12291, the regulatory impact analysis and review prescribed by section 3 of that E.O. is not required.

Regulatory Flexibility Act

Pursuant to the provisions of section 605(b) of the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601 et seq.), it is certified that the change set forth in this document will not have a significant economic impact on a substantial number of small entities. Accordingly, the regulation is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

Customs routinely establishes and expands Customs ports of entry throughout the U.S. to accommodate the volume of Customs-related activity in various parts of the country. Although this amendment may have a limited effect upon some small entities in the area affected, it is not expected to be significant because establishing and expanding Customs port limits in other areas has not had a significant economic impact upon a substantial number of small entities to the extent contemplated by the Act. Nor is it expected to impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Drafting Information

The principal author of this document was John E. Doyle, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices participated in its development.

Michael H. Lane,

Acting Commissioner of Customs.

Approved: April 2, 1987.

Francis A. Keating, II,

Assistant Secretary of the Treasury.

[FR Doc. 87-9643 Filed 4-28-87; 8:45 am]

BILLING CODE 9104-04-M

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19 CFR Part 127

[T.D. 87-63]

Customs Regulations Amendments Relating to Sale of Unclaimed and Abandoned Imported Merchandise

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to allow for the sale of unclaimed and abandoned merchandise in a district other than the district in which the merchandise is imported. It is expected that permitting sales in other districts will often result in higher bids for the merchandise at auction, and thus higher sales prices. Also, Customs will be able to consolidate the sales so that fewer Customs districts will be involved. This will allow for more efficient use of Customs personnel who organize and conduct such sales.

EFFECTIVE DATE: May 29, 1987.

FOR FURTHER INFORMATION CONTACT: John Holl, Office of Cargo Enforcement Facilitation (202–566–8151).

SUPPLEMENTARY INFORMATION:

Background

Pursuant to sections 490 through 493, Tariff Act of 1930, as amended (19 U.S.C. 1490–1493), whenever there is an incomplete entry of imported merchandise, the merchandise is taken into Customs custody and sent to a bonded warehouse or public store until entry is completed and the proper documents are produced, or a bond given for their production.

Generally, if this merchandise, known as "general order", remains in Customs custody for one year from the date of importation, without payment of all estimated duties and storage or other charges, it is considered unclaimed and abandoned to the Government, and may be appraised and sold by Customs at public auction.

Sections 127.0 through 127.37, Customs Regulations (19 CFR 127.0 through 127.37), implement the laws concerning general order merchandise and the disposition of unclaimed and abandoned merchandise. Currently, § 127.22, Customs Regulations (19 CFR 127.22), provides that the district director may only sell general order merchandise that is in his district at any port within his district. On October 17, 1986, Customs published a notice in the **Federal Register** (51 FR 37043), soliciting comments regarding a proposal to amend § 127.22, Customs Regulations, to allow for the sale of unclaimed and abandoned merchandise in a district other than the one in which the merchandise was imported. No comments were received in response to the notice.

After further review of the proposal, Customs has concluded that permitting the sales in other districts will often result in higher sales prices. Also, Customs will be able to consolidate the sales so that fewer Customs districts will be involved. This will allow for more efficient use of Customs personnel who organize and conduct such sales. Accordingly, § 127.22, Customs Regulations, is being amended as proposed.

Executive Order 12291

This amendment does not constitute a "major rule" as defined by section 1(b) of E.O. 12291. Accordingly, a regulatory impact analysis is not required.

Regulatory Flexibility Act and Paperwork Reduction Act

It is certified that the amendment will not have a significant impact on a substantial number of small entities. Accordingly, it is not subject to the regulatory analysis or other requirements of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). It is also not subject to the Paperwork Reduction Act of 1980, Pub. L. 96–511.

Drafting Information

The principal author of this document was Harold M. Singer, Regulations Control Branch, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 127

Customs duties and inspection, Explosives, Freight, Imports, Unclaimed and abandoned merchandise.

Amendment to the Regulations

Part 127, Customs Regulations (19 CFR Part 127), is amended as set forth below.

1. The general authority citation of Part 127 is revised to read as follows:

Authority: 19 U.S.C. 66, 1311, 1312, 1484, 1485, 1490, 1491, 1492, 1506, 1559, 1563, 1623, 1624, 1646a; 26 U.S.C. 7553.

2. Section 127.22 is revised to read as follows:

§ 127.22 Place of sale.

All merchandise at a port other than a district headquarters port, which becomes subject to sale (including explosives, perishable articles and articles liable to depreciation), shall be promptly reported to the headquarters port for disposition. The district director at that port, in his discretion, may authorize the sale of such merchandise, as well as merchandise at the headquarters port which is subject to sale, at any port within his district, or in any other district. The consignee of any merchandise which is to be transferred from the district where it was imported to another district for sale, shall be notified of the transfer so that he may have the option of making entry for the merchandise before the transfer and sale.

William von Raab,

Commissioner of Customs.

Approved: April 7, 1987.

John P. Simpson,

Acting Assistant Secretary of the Treasury.

[FR Doc. 87–9642 Filed 4–28–87; 8:45 am]

BILLING CODE 9103–62–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–4–FRL–3193–2]

Approval and Promulgation of Implementation Plans; Tennessee: Chattanooga-Hamilton County Extension of Conditional Approval

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On March 22, 1983 (48 FR 11746) EPA conditionally approved the Part D Plan for attainment of the National Ambient Air Quality Standards (NAAQS) for total suspended particulate (TSP) in Chattanooga, Tennessee. As a result of proposed changes in EPA's new source review regulations, on August 29, 1983 (48 FR 38742), which may remove all obstacles to full approval, EPA extended the conditional approval until December 31, 1984 (49 FR 18826), and again until December 31, 1986 (50 FR 33534). Since the proposed EPA regulations have not yet been finalized, EPA is again extending the conditional approval, this time until December 31, 1987.

EFFECTIVE DATE: This action will be effective on June 29, 1987, unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of the materials submitted by the State may be examined during normal business hours at the following locations:

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

Environmental Protection Agency, Region IV, Air Programs Branch, 345 Courtland Street, NE., Atlanta, Georgia 30365

Division of Air Pollution Control, Tennessee Department of Health and Environment, 701 Broadway, Customs House, Nashville, Tennessee 37219

Chattanooga-Hamilton County Air Pollution Control Bureau, 3511 Rossville Boulevard, Chattanooga, Tennessee 37407

FOR FURTHER INFORMATION CONTACT: Ms. Rosalyn Hughes, Air Programs Branch, EPA Region IV at above address and telephone number (404) 347-2864 or FTS 257-2864.

SUPPLEMENTARY INFORMATION: On March 22, 1983 (48 FR 11946), EPA gave conditional approval to the State Implementation Plan (SIP) revision submitted by the State of Tennessee for Chattanooga, Hamilton County, Tennessee, as required by Part D of Title I of the Clean Air Act as amended in 1977, except for the permitting of any source which qualifies as a reconstruction under EPA's definition at 40 CFR 51.165(a)(1)(ix) (old 51.18(j)(1)(ix)).

EPA approval of the SIP revision was given on condition that the State submit a definition of the phrase "Federally enforceable," and that all limitations and conditions, including permit restrictions, established under the authority of the plan be made federally enforceable by December 31, 1983. The Agency noted (at 48 FR 11947, bottom of column 1) that because of a commitment by EPA to propose regulatory amendments as a result of the settlement agreement among EPA and petitioners in the Chemical Manufacturers Association litigation, conforming amendments to the plan revision might not be necessary for full approval. The note further stated that the conditional approval could be extended if on December 31, 1983, EPA was still in the process of revising the new source review requirements, but had not finalized the changes.

On August 25, 1983 (48 FR 38742), EPA proposed regulatory amendments which, if promulgated, would make amendments of the Part D Chattanooga TSP SIP unnecessary. Since final action had not been taken on the proposed amendments by December 31, 1983, the conditional approval of the Chattanooga plan was extended until December 31, 1984 (49 FR 18826), and extended again until December 31, 1986 (50 FR 33534), and since final action has still not been taken, the conditional approval is again extended until December 31, 1987.

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

If such notice is received, this action will be withdrawn by publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective on June 29, 1987.

Final Action

Based on the foregoing, EPA hereby extends the conditional approval of the Part D TSP plan for Chattanooga, Tennessee to December 31, 1987.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 29, 1989. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

Under 5 U.S.C. 605(b), I certify that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709).

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

List of Subjects in 40 CFR Part 52

Air pollution control, Intergovernmental relations, Particulate matter.

Dated: April 22, 1987.

Lee M. Thomas,

Administrator.

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

PART 52—[AMENDED]

Subpart RR—Tennessee

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

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

2. Section 52.2231 is revised to read as follows:

§ 52.2231 Control Strategy: Sulfur oxides and particulate matter.

Part D conditional approval.

(a) The Chattanooga primary TSP plan's provisions for review of new sources and modifications in the nonattainment area are approved on condition that the State submit by December 31, 1987, a definition of the term "Federally enforceable" and provisions for making Federally enforceable all limitations, conditions, and offsets, including permit restrictions, relied upon under the plan, and in the interim, implement these provisions in a manner consistent with EPA requirements.

* * * * *

[FR Doc. 87-9632 Filed 4-28-87; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 61

National Flood Insurance Program

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This final rule makes two revisions in the coverage for condominiums under the Standard Flood Insurance Policy of the National Flood Insurance Program. One of the revisions responds to FEMA's discovery that the declarations and bylaws of some condominium associations provide for an assessment of unit owners in one condominium building for damage to the common building elements in other condominium buildings of the association by adding coverage for such an assessment to the SFIP Dwelling Form. The other revision clarifies the relationship of the coverage for condominium unit owners to the coverage for the condominium association, which should facilitate the claims adjustment process.

EFFECTIVE DATE: June 1, 1987.

FOR FURTHER INFORMATION CONTACT: Charles M. Plaxico, Federal Emergency Management Agency, Federal Insurance Administration, 500 C Street SW., Washington, DC 20472; telephone number (202) 646-3422.

SUPPLEMENTARY INFORMATION: The Standard Flood Insurance Policy (SFIP), Dwelling Form, provides building coverage for a residential condominium unit and for the commonly owned condominium building elements in the condominium building in which the residential condominium unit is located, to the extent that flood damage is not paid for under an insurance policy issued to the condominium association and to the extent that the residential condominium unit owner is responsible for paying for the flood damage under the condominium association's declarations and bylaws. On January 2, 1987, FEMA published in the **Federal Register** (Vol. 52, Page 113) for comment a proposed rule containing two changes to this coverage by mandatory endorsements to be added to Dwelling Form policies and to General Property Form (the SFIP form issued to condominium associations) policies.

One proposed change was occasioned by FEMA's discovery that the declarations and bylaws of some condominium associations provided for an assessment of unit owners in one condominium building for damage to the common building elements in other condominium buildings of the association. The change proposed was to add coverage to the Dwelling Form for an assessment for flood damage to the common elements of any other condominium building, so long as the other condominium building is insured under the National Flood Insurance Program (NFIP), directly or with a Write-Your-Own insurance company, in the name of the condominium association in an amount at least equal to the actual cash value of the building's common elements or the maximum building coverage limits available under the NFIP, whichever is less. This proposed coverage under the Dwelling Form for the common elements of other buildings of the condominium association would be subject to any condominium association coverage being primary, as is the case for the existing Dwelling Form coverage for the common elements of the building in which the insured unit is located (see discussion below).

The other proposed change merely clarified the relationship of coverage under the Dwelling Form (issued to individual unit owners) to condominium association coverage (if NFIP coverage, the General Property Form) for the same items. The building coverage of the General Property Form responds to building elements owned in common by the condominium association members and if those limits are not exhausted, to building items within the individual condominium units, as well as to installed appliances for heating, cooling, plumbing, and electrical purposes in the individual units. The NFIP only pays, under the residential unit owner's coverage (Dwelling Form), for covered flood damage not paid for under any condominium association coverage, whether provided under the NFIP (directly or with a Write-Your-Own insurance company) or otherwise. This proposed change clarified this by adding a provision in the Dwelling Form that any condominium association coverage must respond *before* payment is made under the unit owner's policy (Dwelling Form). In the event that a payment is inadvertently made first under a unit owner's NFIP policy (Dwelling Form), or under a unit owner's policy that is not a NFIP policy, this proposed change included the addition of a provision to the General Property Form that there would be no payment under the General Property Form for anything already paid for under any insurance in the name of a condominium unit owner. Thus, a unit owner could not receive the benefit of payment under different policies for the same damage.

Two comments were received on the proposed rule. One was from an insurance company participating in the NFIP Write-Your-Own Program, who stated that it "believes that adoption of this rule would be in the public interest."

The other comment, from a Florida insurance agent trade association, involved only the change proposing the addition of coverage for an assessment of unit owners in one condominium building for damage to the common building elements in other condominium buildings of the association. This comment listed and discussed three contentions.

The first contention was, "1. The need is not there." The belief was stated that it was "a particularly infrequent case" where unit owners in one building are responsible for damages in other buildings when the buildings are residential. This trade association said this issue had not been raised in the telephone calls and letters it receives on the specific subject of insuring condominiums, nor had the issue been raised by other interested groups, such as the Florida Bureau of Condominiums. However, FEMA continues to receive letters to the contrary from condominium unit owners or condominium associations. FEMA received one such letter from the chairman of the board of governors of a condominium association in Florida just as the comment period for the proposed rule was ending.

The second contention was, "2. There are other solutions already in the program." The trade association made this statement: "As long as flood coverage is purchased on all of the buildings in a condominium association development, there will be flood protection. If the buildings are residential structures and occupied by unit owners, then those unit owners are allowed to buy individual policies which will provide amounts of insurance in excess of the $250,000 policy which the association may purchase in its own name." The trade association also stated the letters being received by FEMA "seem to have been generated by associations (and their respective unit owners, of course) which did not have *any* coverage on buildings ultimately damaged (or threatened with damage) by flood."

What this statement does not take into account is that flood damage to a residential condominium building of a condominium association having several residential buildings where the unit owners in one building are assessed for damage to the common elements of the other residential buildings cannot be fully insured under the current NFIP coverage because that part of the flood damage assessed to the unit owners of the other buildings is not covered under the policies of the unit owners in the damaged building nor is it covered under the policies of the unit owners in the other buildings. Thus, the trade association has misunderstood the nature of the gap in coverage being addressed in the proposed rule.

The recent letter from a Florida condominium association to which references was previously made illustrates this fundamental point as follows:

> All unit owners (under the terms of our Declaration of Condominium) own an equal interest in "common" in all five buildings, whether our unit is in that building or not. Therefore, even if there are 16 units in each of the five buildings (total 80 units), and one unit owner has only a 1/80th interest in each of the five buildings and not a 1/16th interest in the building in which his unit is located. If something was to happen to building "A", a unit owner in building "B", although he has an ownership interest in building "A" could only insure his interest in building "B", and even if *all* owners in building "A" had individual policies their insurance would be only for 1/5th of the ownership interest in that building. (16 unit owners × 1/80 interest in all buildings equals 16/80 or 1/5.)
>
> If, on the other hand, all 80 unit owners lived in one high rise building, we apparently could insure our total ownership interest. It doesn't seem to make sense that because our units are in 5 different adjacent buildings instead of one high rise, this alternative is not available to us.

The third contention was, "3. It would be inconsistent with the position that has been taken over the years in other recommended areas of expansions of flood coverage." Examples given of such expansions are "Additional Living Expense, Business Interruption, Extra Expense, Rental Value, and the like." These examples, along with the expansion of coverage in the proposed rule, are characterized as being for "indirect losses." While this characterization is correct for the examples, inasmuch as they do not involve reimbursement for physical damage to insured property caused by flooding, this characterization is not correct for the coverage in the proposed rule, which would provide reimbursement for physical damage to

insured property caused by flooding. Therefore, FEMA does not find the examples of possible expanded coverage to be germane to the proposed rule.

In summary, FEMA does not find adequate merit in the contentions of the trade association to warrant changing the proposed rule. One editorial change was made for clarification.

FEMA has determined, based upon an Environmental Assessment, that this rule does not have significant impact upon the quality of the human environment. As a result, an Environmental Impact Statement will not be prepared. A finding of no significant impact is included in the formal docket file and is available for public inspection and copying at the Rules Docket Clerk, Office of General Counsel, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

This rule does not have a significant economic impact on a substantial number of small entities and has not undergone regulatory flexibility analysis.

This rule is not a "major rule" as defined in Executive Order 12291, dated February 27, 1981, and, hence, no regulatory analysis has been prepared.

FEMA has determined that this rule does not contain a collection of information requirements as defined in section 3502 of the Paperwork Reduction Act.

List of Subjects in 44 CFR Part 61

Flood insurance.

Accordingly, 44 CFR Chapter 1, Subchapter B is amended as follows:

PART 61—INSURANCE COVERAGE AND RATES

1. The authority citation for Part 61 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978; E.O. 12127.

2. Appendix A(3) is added to Part 61 as a mandatory endorsement to Appendix A(1) to read as follows:

Appendix A(3)

Mandatory Endorsement to Appendix A(1)

Federal Emergency Management Agency, Federal Insurance Administration

Dwelling Form Endorsement 1

1. The Insuring Agreement (appearing immediately before Article I) is hereby amended by adding within the parentheses after "42 U.S.C. 4001 *et seq.*" the phrase ", hereinafter called the Act".

2. Paragraph A.1 of Article IV is hereby amended by deleting the semi-colon after the words "building's common elements" and substituting in its place the following: "and the common elements of any other building of your condominium association covered by insurance that is: (i) In the name of your condominium association, (ii) provided under the Act, and (iii) in an amount at least equal to the actual cash value of the building's common elements or the maximum building coverage limit available under the Act, whichever is less; provided that the insurance under this policy shall be excess over any insurance in the name of your condominium association covering the same property covered by this policy; and".

3. Appendix A(4) is added to Part 61 as a mandatory endorsement to Appendix A(2) to read as follows:

Appendix A(4)

Mandatory Endorsement to A(2)

Federal Emergency Management Agency, Federal Insurance Administration

General Property Form Endorsement 2

Nonduplication of Condominium Coverage

If the named insured on this policy is a condominium association, the Insurer shall not be liable for any loss or any portion of any loss for which payment is made under any insurance in the name of any condominium unit owner, i.e., any member of the condominium association.

Dated: April 1, 1987.

Harold T. Duryee,

Federal Insurance Administrator.

[FR Doc. 87-9508 Filed 4-28-87; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 85-337; RM-5048, 5298]

Radio Broadcasting Services; Ketchum, ID

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document (1) allots Class Channel 284 to Ketchum, Idaho, as a first FM service, at the request of Wood River Broadcasting Inc.; and (2) substitutes Channel 279 for Channel 228A at Sun Valley, Idaho, and modifies the Class A license for Station KSKI-FM to specify the new channel, in response to a counterproposal filed by the licensee, Sun Valley, Radio Inc. With this action, this proceeding is terminated.

EFFECTIVE DATE: June 5, 1987. The window period for filing applications for Channel 284 at Ketchum will open on June 8, 1987 and close on July 6, 1987.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 85-337, adopted March 13, 1987, and released April 22, 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 Allotments is amended by adding Ketchum, Idaho, Channel 284, and by revising the entry for Sun Valley, Idaho, by adding Channel 279 and removing Channel 228A.

Federal Communications Commission.

Mark N. Lipp,

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

[FR Doc. 87-9660 Filed 4-28-87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 90

[PR Docket No. 86-335; FCC 87-124]

Interconnection of Private Land Mobile Paging Systems With the Public Switched Telephone Network in the Radio Spectrum Below 900 MHz

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission has adopted a Report and Order amending the rules in Part 90, which govern the Private Land Mobile Radio Services. Section 90.490 of the rules is amended to allow paging signals to be transmitted directly from telephone positions in the public switched telephone network (PSTN) on private land mobile frequencies below 900 MHz. Section 90.477 is amended to exempt licensees proposing to connect their radio paging systems with the PSTN from the co-channel coordination requirements of § 90.477(d)(3). This action is taken to improve the efficiency of private land mobile radio systems by

eliminating unnecessary regulatory requirements.

EFFECTIVE DATE: June 8, 1987.

FOR FURTHER INFORMATION CONTACT: Molly Nichols, Private Radio Bureau, (202) 634–2443.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, PR Docket No. 86–335, adopted April 10, 1987, and released April 22, 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 20037. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Summary of Report and Order

1. On August 11, 1986, the Commission released a *Notice of Proposed Rulemaking (Notice)* in PR Docket No. 86–335 (summary published at 51 FR 29273) proposing amendments to Part 90 of its rules governing the Private Land Mobile Radio Services. The *Notice* was issued on the Commission's own motion.

2. The *Notice* proposed to amend § 90.490 of the rules to allow the interconnection of private land mobile paging systems with the PSTN (i.e. direct access paging) on the frequencies below 900 MHz. The Commission also proposed to exempt paging systems operating on frequencies in the bands below 800 MHz from the interconnection provisions of § 90.477(d)(3) of the rules.

3. The Commission noted that in the past three years it has allowed direct access paging in the 929–930 MHz band and has granted waivers to allow limited direct access paging operations below 800 MHz, in both cases without reported transmitter control problems. The Commission concluded that allowing direct access paging below 900 MHz would give private land mobile users an additional service option and would be consistent with 47 U.S.C. 332. Accordingly, the Commission amended § 90.490 of the rules as proposed in the *Notice*.

4. Section 90.477(d)(3) places certain conditions on licensees that wish to interconnect their systems with the PSTN in the twenty-five largest cities. One commenter expressed concern that permitting direct access paging on private land mobile frequencies might increase spectrum congestion in highly-populated areas, and recommended that these licensees continue to be subject to the provisions of § 90.477(d)(3).

5. The Commission observed that the purpose of § 90.477(d)(3) was to minimize the impact on shared channels of the increased air time caused by interconnected two-way private land mobile operations. However, the Commission determined that interconnecting one-way paging operations did not increase air time because two-way conversations cannot take place. The Commission acknowledged that allowing direct access paging below 900 MHz might increase traffic on these frequencies, but concluded that the frequency coordination process should provide an adequate safeguard against unbalanced use of the spectrum.

Regulatory Flexibility Analysis

6. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 605, the Commission certified that the amended rule will not have a significant economic impact on a substantial number of small entities. Therefore, there is no requirement for a final regulatory flexibility analysis.

Paperwork Reduction

7. The rule amendment contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980 and has been found not to impose any new or modified information collection requirement on the public.

Ordering Clause

8. Accordingly, it is ordered, that effective June 8, 1987, Part 90 of the Commission's rules, 47 CFR Part 90, is *amended* as set forth below. Authority for this action is found in sections 4(i) and 303 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303. *It is further ordered,* that this proceeding is *terminated.*

List of Subjects in 47 CFR Part 90

Private land mobile radio systems, Interconnection.

Federal Communications Commission.
William J. Tricarico,
Secretary.

PART 90—[AMENDED]

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

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

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

2. Section 90.477 is amended by adding a new paragraph (f).

§ 90.477 Interconnected systems.

* * * * *

(f) Paging systems operating on frequencies in the bands below 800 MHz are not subject to the interconnection provisions of § 90.477(d)(3).

3. Section 90.490 is amended by revising paragraph (c) and removing paragraph (d).

§ 90.490 One-way paging operations in the private services.

* * * * *

(c) Paging may be initiated directly from telephone positions in the public switched telephone network. When land stations are multiple licensed or otherwise shared by authorized users, arrangements for the telephone service must be made with a duly authorized carrier by users, licensees, or their authorized agents on a non-profit, cost-shared basis. When telephone service costs are shared, at least one licensee participating in the cost sharing arrangements must maintain cost sharing records and the costs must be distributed at least once a year. Licensees, users, or their authorized agents may also make joint use arrangements with a duly authorized carrier and arrange that each licensee or user pay the carrier directly for the licensee's or user's share of the joint use of the shared telephone service. A report of the cost distribution must be placed in the licensee's station records and made available to participants in the sharing arrangement and the Commission upon request. In all cases, arrangements with the duly authorized carrier must disclose the number of licensees and users and the nature of the use.

[FR Doc. 87–9657 Filed 4–28–87; 8:45 am]
BILLING CODE 6712–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Endangered Status for Warea Amplexifolia (Wide-leaf Warea)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines a plant in the Mustard family (Brassicaceae), *Warea amplexifolia* (wide-leaf warea), to be an endangered species pursuant to the Endangered Species Act (Act) of 1973, as amended. Critical habitat is not being determined. This species occurred historically in a small region of central Florida in Lake

County, western Orange County, extreme northwestern Osceola County, and northern Polk County. It is now limited to only four sites in Lake and Polk Counties. Habitat at all of the other sites at which the species was known to occur has been destroyed by intensive agricultural (citrus) and urban developments. This rule implements the Federal protection and recovery provisions afforded by the Act for this plant.

DATES: The effective date of this rule is May 29, 1987.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at the Endangered Species Field Station, U.S. Fish and Wildlife Service, 2747 Art Museum Drive, Jacksonville, Florida 32207.

FOR FURTHER INFORMATION CONTACT: Mr. David J. Wesley, Endangered Species Field Supervisor, at the above address (904/791–2580 or FTS 946–2580).

SUPPLEMENTARY INFORMATION:

Background

Warea amplexifolia was originally described by Thomas Nuttall in 1822 from a specimen collected in central peninsular Florida by N.A. Ware. Nuttall at first placed this plant in the genus *Stanleya* but in 1834 transferred it to the genus *Warea* and provided an amplified description that accommodated specimens from the Florida panhandle. The panhandle specimens were later recognized as a distinct species, *Warea sessilifolia*, by Nash. Shinners (1962) proposed a new name for the peninsular species, *Warea auriculata*, but other reviewers (Payson 1922, Channel and James 1964, Judd 1980) consider *Warea amplexifolia* to be the correct name. The plant has been collected infrequently during the years since the early 1800's, probably because of its extremely restricted geographical range. It is now known to occur at only four localities in Lake and Polk Counties, Florida.

Warea amplexifolia is in the mustard family (Brassicaceae). It is an erect herb growing to a height of about 0.8 meters (3 feet), with slender branching stems arising from an elongate tap root. The leaves are alternately arranged along the stem and are generally heart-shaped. They are about 8 millimeters (0.3 inch) to about 30 millimeters (1.3 inches) long and from about 4 millimeters (0.2 inch) to nearly 20 millimeters (1.0 inch) wide, with conspicuous basal lobes which clasp the stem. The flowers are showy and are borne in small, rounded, puff-like clusters at the ends of the branches. Each flower has 4 pale purple petals with a rounded upper portion, an elongated stalk-like lower portion, and 6 stamens which protrude above the petals. The pistil is narrowly cylindrical and is borne at the end of a long stalk. The fruit is a dry, thin, curved pod of about 30 millimeters (1.3 inch) to about 75 millimeters (3.0 inches) in length which is borne at the end of a 9–14 millimeter (0.3-0.5 inch) long stalk. The pod (silique) eventually splits lengthwise into two portions which spread apart revealing a thin central partition around which the small brown seeds are attached.

Warea amplexifolia is occasionally confused with the three other species of the genus. It is distinguished from *Warea sessilifolia* by its conspicuously heart-shaped leaves and lighter purple flowers; it is easily separated from *Warea carteri* and *Warea cuneifolia* by its stalkless and auriculate-based leaves. Keys to the species of *Warea* are given by Payson (1922), Small (1933) and Channel and James (1964).

Warea amplexifolia is a summer annual herb, with showy flowers, visited by various Hymenoptera (bees) and Lepidoptera (butterflies). Reproduction is exclusively sexual, by the production of seeds which are probably released from the pods by wind action. The small seeds generally fall near the parent plant. No information exists on the yearly fluctuation in seed production, seed viability, germination requirements, or the extent of soil storage. Flowering occurs from mid-August to early October, and fruiting occurs from late September to mid-November. Senescense (old age) occurs just before the fruit matures; the population overwinters as seeds.

The following information is from Judd (1980). *Warea amplexifolia* is endemic to the Lake Wales ridge of central peninsular Florida. It was known to occur in Lake County, Orange County, Osceola County, and Polk County, but is now confined to only Lake and Polk Counties. The Lake Wales ridge is an elongated area of raised and usually dry soils, with elevations up to about 100 meters (300 feet), extending from central Highlands County northward and gradually disappearing in southern Marion County. The region supports dry forest of *Pinus palustris* (long-leaf pine) or *Pinus clausa* (sand pine), and various communities dominated by scrubby oaks such as *Quercus laevis* (turkey oak), *Quercus geminata* (sand live oak), *Quercus incana* (bluejack oak), *Quercus myrtifolia* (myrtle oak), and *Quercus chapmanii* (Chapman's oak), or *Ceratiola ericoides* (Florida rosemary). *Warea amplexifolia* is restricted to *Pinus palustris* and scrubby oak forest. Most of the Lake Wales ridge has undergone intensive agricultural development and now supports extensive citrus groves. The remaining portion is under extremely heavy pressure from agricultural and urban development. These developments have resulted in a loss of habitat for *Warea amplexifolia* and threaten the survival of the species at the four sites where it still occurs in Lake and Polk Counties.

Section 12 of the Endangered Species Act of 1973 directed the Secretary of the Smithsonian Institution to prepare a report on plants considered to be endangered, threatened, or extinct. The Secretary of the Smithsonian presented this report (House Document No. 94–51) to Congress on January 9, 1975. On July 1, 1975, the Service published a notice in the **Federal Register** (40 FR 27823) of its acceptance of the Smithsonian Report as a petition within the context of section 4(c)(2) of the Act (petition acceptance provisions are now contained in section 4(b)(3)(A) of the Act, as amended). On June 16, 1976, the Service published a proposed rule in the **Federal Register** (41 FR 24523) to determine approximately 1,700 vascular plant species recommended by the Smithsonian Report to be endangered species pursuant to section 4 of the Act. *Warea amplexifolia* was included in the Smithsonian Report, the July 1, 1975, notice, and the June 6, 1976, proposal.

The 1978 Endangered Species Act Amendments required that all proposals over 2 years old be withdrawn, except that a 1-year grace period was given to proposals already over 2 years old. On December 10, 1979, the Service published a notice of withdrawal of the June 6, 1976, proposal, along with four other proposals which had expired (44 FR 70796). On December 15, 1980, the Service published a revised notice of review in the **Federal Register** (45 FR 82480); *Warea amplexifolia* was included as a category-1 species (species for which data in the Service's possession indicate listing is warranted). A supplement to the Notice of Review (48 FR 53640, November 28, 1983) treated *Warea amplexifolia* as a category-2 candidate (species for which data in the Service's possession indicate listing is possibly appropriate). The 1985 updated review of plant candidates (50 FR 39526, September 27, 1985) maintained *Warea amplexifolia* in category 2. The reclassification from category-1 to category-2 was based on a report of the species being found in Alabama, now known to be incorrect.

Section 4(b)(3)(B) of the Endangered Species Act, as amended in 1982, requires the Secretary to make findings on certain pending petitions within 12

months of their receipt. Section 2(b)(1) of the Act's Amendments of 1982, further requires that all petitions pending on October 13, 1982, be treated as having been newly submitted on that date. This was the case for *Warea amplexifolia* because of the acceptance of the 1975 Smithsonian Report as a petition. On October 13, 1983, October 12, 1984, and October 11, 1985, the Service made 12-month findings that the petition to list *Warea amplexifolia* was warranted, and that although pending proposals had precluded its proposal, expeditious progress was being made to add other species to the list. Biological data, supplied by Judd (1980) and supplemented by field investigations in 1985 by the staff of the Jacksonville Endangered Species Field Station fully supported a listing of *Warea amplexifolia* as endangered. The proposed rule, published on May 16, 1986, was based primarily on Judd's biological data, and constituted the next 12-month finding requirement of section 4(b)(3)(B) of the Act. All four sites listed by Judd as containing populations of *Warea amplexifolia* were revisited in 1985. Three of these four sites were found to still contain habitat which could support the species. The fourth site was lost to commercial development since Judd completed his survey. An additional site was discovered in 1985 on the grounds of the Bok Tower Gardens, Lake Wales, Polk County.

Summary of Comments and Recommendations

In the May 16, 1986, proposed rule (51 FR 18010) and associated notifications, all interested parties were requested to submit factual reports or information that might contribute to the development of a final rule. Appropriate State agencies, county governments, Federal agencies, scientific organizations, and other interested parties were contacted and requested to comment. Newspaper notices that invited general public comments were published in the *Lakeland Ledger* and the *Lake County Citizen*. Five comments were received in response to the proposal, all of which fully concurred with the listing of *Warea amplexifolia* as an endangered species. The comments were from the Florida Game and Fresh Water Fish Commission, the Florida Department of Agriculture and Consumer Services, the Florida Department of Natural Resources (Headquarters and District V, Division of Recreation and Parks), and Mr. Richard Spotts of Sacramento, California.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that *Warea amplexifolia* should be classified as an endangered species. Procedures found at section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR Part 424) promulgated to implement the listing provisions of the Act were followed. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Warea amplexifolia* (wide-leaf warea) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* This has been, and continues to be, the primary threat to the survival of *Warea amplexifolia*. The species is known at present from only the following three sites of Judd (1980), all of which were still extant in 1985, and one additional site reported to the Fish and Wildlife Service by Kent Perkins, University of Florida Herbarium, in personal communication of November 14, 1985:

1. Leesburg Site (Lake County)—A population of ca. 250 plants occupies a woodlot of roughly 1 acre. The woodlot is surrounded by development (urban and citrus), but is now part of the Lake Griffin State Recreation Area.

2. Clermont Site (Lake County)—About 700 plants (the largest population known) inhabit a woodland of roughly 10 acres. The woodland is privately owned (by a mining company) and is surrounded by orange groves.

3. Haines City Site (Polk County)—About 200 plants inhabit a privately owned woodland of about 1 to 2 acres in size surrounded by orange groves.

4. Lake Wales Site (Polk County)—A population of about 24 plants was discovered in 1985 at the Pine Ridge Reserve on the grounds of the Bok Tower Gardens. This area is about 50 acres in size and is a remnant of the original longleaf pine vegetation. It is managed by the Gardens to preserve its flora.

The species is known or assumed extirpated from four sites in Orange County and one site in both Lake and Osceola Counties within its historical range (Judd 1980). Judd further noted that very few areas of upland, dry, open *Pinus palustris* woods exist at the present time in the area of well-drained white sandy soil from Leesburg to Haines City. This area is now covered with citrus groves, with the few remaining wooded areas occupying mainly lowland sites. A search of the Clermont, Haines City, and Leesburg areas revealed no additional localities for *Warea amplexifolia*.

Thus, of the 10 sites where the species has been known to occur historically, six have already been destroyed by agricultural and urban development. The remaining four sites are small, and three are privately-owned; two of these are very vulnerable to development pressures. Altogether, fewer than 1,200 plants are known to survive on less than 65 acres of land. All present populations are surrounded by citrus groves and/or urban developments (Orlando, Tavares, Leesburg, etc.).

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* According to Judd (1980), *Warea amplexifolia* has potential as a cultivated ornamental because of its showy, light purple flowers clustered in dense "puff-like" terminal racemes. The plant is striking in full bloom, and is highly vulnerable to picking by vandals and curiosity seekers.

C. *Disease or predation.* Not applicable.

D. *The inadequacy of existing regulatory mechanisms. Warea amplexifolia* was listed as endangered in 1985 under the Preservation of the Native Flora of Florida Law (Section 581.185 of the Florida Statutes). This Florida law regulates taking, transport, and the sale of plants, but it does not provide habitat protection.

E. *Other natural or manmade factors affecting its continued existence.* Because this species is an annual, and extremely restricted in both range and numbers, it is very vulnerable to disturbance and natural disasters. The failure of any one of the four remaining populations to set seed in the fall could result in the extirpation of that population and a further reduction in the already small genetic variability of the species.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to make this rule final. Based on this evaluation, the preferred action is to list *Warea amplexifolia* as endangered. The species is extremely limited in range and numbers, and occurs mainly on private lands in rapidly growing areas. A failure to list this species, or to list it as threatened, would not recognize the fact that available data indicate it is in danger of extinction throughout its entire range. Critical habitat is not being determined for *Warea amplexifolia* for

the reasons discussed in the following section.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time the species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for this species at this time. As stated under Factor B in the "Summary of Factors Affecting the Species," *Warea amplexifolia* is a striking plant when in bloom, and has a potential for ornamental cultivation. In addition, its showy, light purple flowers are conspicuous in the field, and it would be a great temptation for flower lovers or for vandals to pick them. Since there are only four remaining populations of this species, any molestation of them by curiosity seekers or vandals could result in their extinction. Therefore, a determination of critical habitat would provide an additional threat to the species by supplying precise information to the general public on where the species may be found. Because of this, the Service believes that a determination of critical habitat is not prudent for *Warea amplexifolia*. Protection of this species' habitat will be addressed through the recovery process and through the Section 7 jeopardy standard.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required of Federal agencies and the prohibitions against taking are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402. Section 7(a)(2) requires Federal agencies to insure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species or destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service. Since all presently known sites for *Warea amplexifolia* are on private or State owned land, there will be no effect from the above requirement unless a private action requires some Federal action, such as funding or permits.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63 set forth a series of general trade prohibitions and exceptions that apply to all endangered plants. All trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61, apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export an endangered plant, transport it in interstate or foreign commerce in the course of commercial activity, sell or offer it for sale in interstate or foreign commerce, or to remove it from areas under Federal jurisdiction and reduce it to possession. *Warea amplexifolia* is not known at present from any Federal lands. Certain exceptions can apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered species under certain circumstances. It is anticipated that few trade permits will be sought or issued for *Warea amplexifolia*, since it is not in cultivation or common in the wild. Requests for copies of the regulations on plants and inquiries regarding them may be addressed to the Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, DC 20240 (703/235–1903).

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

References Cited

Channel, R.B., and C.W. James. 1964. Nomenclatural and taxonomic corrections in *Warea* (Cruciferae). Rhodora 66:18–26.

Judd, W.S. 1980. Status report on *Warea amplexifolia*. Unpublished report prepared for U.S. Fish and Wildlife Service, Jacksonville, Florida. 22 pp.

Nuttall, T. 1822. A catalogue of a collection of plants made in East-Florida, during the months of October and November, 1821 by A. Ware, Esq. Amer. Jour. Sci. 5:297.

Nuttall, T. 1834. A description of some of the rarer or little known plants indigenous to the United States, from the dried specimens in the herbarium of the Academy. Jour. Acad. Nat. Sci. Philadelphia 7:83.

Payson, E.B. 1922. A monographic study of *Thelypodium* and its immediate allies. Ann. Missouri Bot. Gard. 9:233–324.

Shinners, L.H. 1962. *Warea auriculata* instead of *W. amplexifolia* of Small (Cruciferae). Rhodora 66:18–26.

Small, J.K. 1933. Manual of the Southeastern Flora. Privately published, New York, N.Y., pp. 573–574.

Author

The primary author of this final rule is John L. Paradiso, Jacksonville Endangered Species Field Station, 2747 Art Museum Drive, Jacksonville, Florida 32207 (904/791–2580 or FTS 946–2580).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Regulation Promulgation

PART 17—[AMENDED]

Accordingly, Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations is amended, as set forth below:

1. The authority citation for Part 17 continues to read as follows:

Authority: Pub. L. 93–205, 87 Stat. 884; Pub. L. 94–359, 90 Stat. 911; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1225; Pub. L. 97–304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

2. Amend § 17.12(h) by adding the following in alphabetical order under Brassicaceae, to the List of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Brassicaceae—Mustard family:						
*	*	*	*	*		
Warea amplexifolia	Wide-leaf warea	U.S.A. (FL)	E	266	NA	NA
*	*	*	*	*		

Dated: April 3, 1987.

Susan Recce,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 87-9603 Filed 4-28-87; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register
Vol. 52, No. 82
Wednesday, April 29, 1987

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 453

[Doc. No. 4303S]

Cranberry Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) proposes to issue a new Part 453 in Chapter IV of Title 7 of the Code of Federal Regulations to be known as the Cranberry Crop Insurance Regulations (7 CFR Part 453), effective for the 1988 and succeeding crop years. The intended effect of this rule is to: (1) Prescribe procedures for insuring cranberries; and (2) provide for the codification of this rule in the Code of Federal Regulations (CFR) The authority for the promulgation of this rule is contained in the Federal Crop Insurance Act, as amended.

DATE: Written comments, data, and opinions on this proposed rule must be submitted not later than May 29, 1987, to be sure of consideration.

ADDRESS: Written comments on this proposed rule should be sent to Peter F. Cole, Office of the Manager, Federal Crop Insurance Corporation, Room 4090, South Building, U.S. Department of Agriculture, Washington, DC 20250.

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

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established by Departmental Regulation 1512–1. This action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. The sunset review date established for these regulations is January 1, 1992.

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

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

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

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

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

FCIC herewith proposes to issue a new Part 453 in Chapter IV of Title 7, Code of Federal Regulations for the purpose of providing procedures for insuring cranberries, effective for the 1988 and succeeding crop years.

FCIC is soliciting public comment on this proposed rule for 30 days after publication in the **Federal Register**. Written comments will be available for public inspection in the Office of the Manager, Federal Crop Insurance Corporation, Room 4090, South Building, U.S. Department of Agriculture, Washington, DC, 20250, during regular business hours, Monday through Friday.

List of Subjects in 7 CFR Part 453

Crop insurance, Cranberries.

Proposed Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby proposes to issue a new Part 453 in Chapter IV of Title 7 of the Code of Federal Regulations to be known as the Cranberry Crop Insurance Regulations (7 CFR Part 453), effective for the 1988 and succeeding crop years. Part 453 is proposed to read as follows:

PART 453—CRANBERRY CROP INSURANCE REGULATIONS

Subpart—Regulations for the 1988 and Succeeding Crop Years

Sec.

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

§ 453.1 Availability of cranberry crop insurance.

Insurance shall be offered under the provisions of this subpart on the insured crop in counties within the limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended, (the Act). The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation. The insurance is offered through two methods. First, the Corporation offers the contract contained in this part directly to the insured through Agents of the Corporation. Those contracts are specifically identified as being offered by the Federal Crop Insurance Corporation. Second, companies reinsured by the Corporation offer contracts containing substantially the same terms and conditions as the contract set out in this part. No person may have in force more than one contract on the same crop for the crop year, whether insured by the Corporation or insured by a company which is reinsured by the Corporation. If a person has more than one contract under the Act outstanding on the same crop for the same crop year, all such contracts will be voided for that crop

year but the person will still be liable for the premium on all contracts unless the person can show to the satisfication of the Corporation that the multiple contract insurance was inadvertent and without the fault of the insured. If the multiple contract insurance is shown to be inadvertent and without the fault of the insured, the contract with the earliest application will be valid and all other contracts on that crop for that crop year will be cancelled. No liability for indemnity or premium will attach to the contracts so cancelled. The person must repay all amounts received in violation of this section with interest at the rate contained in the contract for delinquent premiums. An insured whose contract with the Corporation or with a Company reinsured by the Corporation under the Act has been terminated because of violation of the terms of the contract is not eligible to obtain multi-peril crop insurance under the Act with the Corporation or with a company reinsured by the Corporation unless the insured can show that the default in the prior contract was cured prior to the sales closing date of the contract applied for or unless the insured can show that the termination was improper and should not result in subsequent ineligibility. All appliants for insurance under the Act must advise the agent, in writing, as the time of application, of any previous applications for a Contract under the Act and the present status of the applications or contracts.

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

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

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

§ 453.3 OMB control numbers.

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

§ 453.4 Creditors.

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

§ 453.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the cranberry insurance contract, whenever: (a) An insured under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation: (1) Is indebted to the Corporation for additional premiums; or (2) has suffered a loss to a crop which is not insured or for which the insured is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured person believed to be insured, or believed the terms of the insurance contract to have been complied with or waived; and (b) the Board of Directors of the Corporation, or the Manager in cases involving not more than $100,000, finds that: (1) An agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice; (2) said insured relied thereon in good faith; and (3) to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured shall be granted relief the same as if othewise entitled thereto. Requests for relief under this section must be submitted to the Corporation in writing.

§ 453.6 The contract.

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

§ 453.7 The application and policy.

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

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

(c) In accordance with the provisions governing changes in the contract contained in policies issued under FCIC regulations for the 1988 and succeeding crop years, a contract in the form provided for in this subpart will come into effect as a continuation of a cranberry contract issued under such prior regulations, without the filing of a new application.

(d) The application for the 1988 and succeeding crop years is found at Subpart D of Part 400—General Administrative Regulations (7 CFR 400.37, 400.38) and may be amended from time to time for subsequent crop years. The provisions of the Cranberry Crop Insurance Policy for the 1988 and succeeding crop years are as follows:

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Cranberry—Crop Insurance Policy

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

Agreement to Insure: We will provide the insurance described in this policy in return for the premium and your compliance with all applicable provisions.

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

Terms and Conditions

1. Causes of loss.

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

(1) Adverse weather conditions;
(2) Fire;
(3) Wildlife;
(4) Earthquake;
(5) Volcanic eruption;
(6) Insects;
(7) Plant disease;
(8) If applicable, failure of the irrigation water supply due to an unavoidable cause occurring after insurance attaches; or

(9) Failure or breakdown of irrigation equipment or facilities due to direct damage to the irrigation equipment or facilities from an insurable cause of loss if the cranberry crop is damaged by freezing temperatures within 72 hours of such equipment or facilities failure and we determine the equipment or facilities could not be made operational or replaced within the above 72-hour time period;

unless those causes are excepted, excluded, or limited by the actuarial table or subsection 9.e.(5).

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

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

(2) The failure to follow recognized good cranberry farming practices;

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

(4) The failure to carry out a good cranberry irrigation practice, except failure of the water supply after insurance attaches due to an unavoidable cause;

(5) The failure or breakdown of irrigation equipment or facilities except as provided in subsection 1.a. above; or

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

2. Crop, acreage, and share insured.

a. The crop insured will be cranberries which are grown for processing or fresh market on insured acreage, and for which a guarantee and premium rate are set by the actuarial table.

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

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

(1) The time of loss; or

(2) The beginning of harvest.

d. Except by written agreement between you and us or unless provided by the actuarial table, we do not insure any acreage:

(1) Unless at least four growing seasons have elapsed between the date the vines were set out and the date insurance is to attach;

(2) With less than 90 percent of a stand of bearing vines based on the original planting pattern; or

(3) That is being renovated and not being used to produce a full crop for the current year.

e. If insurance is provided for an irrigated practice, you must report as irrigated only the acreage for which you have adequate facilities and water, at the time insurance attaches, to carry out a good cranberry irrigation practice.

f. We may limit the insured acreage to any acreage limitation established under any Act of Congress, or by marketing order rules, if we advise you of the limit prior to the date insurance attaches.

3. Report of acreage, practice, share, and approved yield.

You must report on our form:

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

b. The practice;

c. Your share at the time insurance attaches; and

d. The approved yield by unit.

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

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

a. The production guarantees, coverage levels, and prices for computing indemnities are contained in the actuarial table.

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

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

d. By appling for cranberry crop insurance, you agree to furnish us records of acreage and production prior to the sales closing date for the purpose of determining the production guarantee.

5. Annual Premium.

a. The annual premium is earned and payable on the date insurance attaches. The amount is computed by multiplying the production guarantee times the price election, times the premium rate, times the insured acreage, times your share on the date insurance attaches.

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

6. Deductions for debt.

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

7. Insurance period.

a. Insurance on insured acreage attaches for each crop year on November 21 and ends at the earliest of:

(1) Total destruction of the cranberry crop;

(2) The date harvest would normally start on the unit on any acreage which will not be harvested;

(3) Harvest of the cranberry crop;

(4) Final adjustment of a loss; or

(5) November 20 of the crop year.

b. If you purchase and insurable acreage of cranberries on or before January 5 of any crop year, insurance will be considered to have attached to such acreage at the beginning of the insurance period provided we have inspected and accepted such acreage in writing. If you sell any acreage of cranberries on before January 5 of any crop year, insurance will not be considered to have attached to such acreage for that crop year.

8. Notice of damage or loss.

a. In case of damage or probable loss:

(1) You must give us written notice of the loss including the dates of damage and the causes of damage as follows:

(a) You must give us written notice if during the period the period before harvest, the cranberries on any unit are damaged and you decide not to further care for or harvest any part of them;

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

(c) If probable loss is determined within 15 days prior to or during harvest, immediate notice must be given.

(2) If you are going to claim an indemnity on any unit, you must give us notice not later than 72 hours after the earliest of:

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

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

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

(3) Unless notice has been given under subsection (2) above, and in addition to the other notices required by this section, if you are goint to claim an indemnity on any unit, you must given us notice not later than 10 days after the earlier of:

(a) Harvest of the unit; or

(b) November 20 of the crop year;

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

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

9. Claim for indemnity.

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

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

(2) Harvest of the unit; or

(3) November 20 of the crop year.

b. We will not pay any indemnity unless you:

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

(2) Authorize us, in writing to examine and obtain any records pertaining to the production and marketing of the insured cranberries; and

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

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

(1) Multiplying the insured acreage by the production guarantee;

(2) Subtracting from the result the total production of cranberries to be counted (see subsection 9.e.);

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

(4) Multiplying this result by your share.

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

e. The total production (in barrels) to be counted for a unit will include all harvested and appraised production.

(1) Cranberry production which, due to insurable causes, is determined not to meet quality requirements of the receiving processor, would not meet those requirements if properly handled, and has a value of less than 75 percent of the market price for cranberries meeting the minimum requirements will be adjusted by:

(a) Dividing the value per barrel of such cranberries by the market price per barrel for cranberries meeting the minimum requirements; and

(b) Multiplying the result by the number of barrels of such cranberries.

(2) Appraised production to be counted will include:

(a) Potential production lost due to uninsured causes and failure to follow recognized good cranberry farming practices;

(b) Not less than the guarantee for any acreage which is abandoned, damaged solely by an uninsured cause or destroyed by you without our consent; and

(c) Any unharvested production.

(3) Any appraisal we have made on insured acreage will be considered production to count unless such acreage is:

(a) Not harvested before the harvest of cranberries becomes general in the county and reappraised by us;

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

(c) Harvested.

(4) We may determine the amount of production of any unharvested cranberries on the basis of field appraisals conducted after the earlier of:

(a) The date harvest would normally start on the unit on any acreage which will not be harvested; or

(b) November 20 of the crop year.

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

f. You must not abandon any acreage to us.

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

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

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

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

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

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

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

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

10. Concealment or fraud.

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

11. Transfer or right to indemnity on insured shared.

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

12. Assignment of indemnity.

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

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

14. Records and access to farm.

You must keep records of the harvesting, storage, shipment, sale, or other disposition of all the insured crop produced on each unit, and separate records including the same information for production of the crop from any unisured acreage. The records must be kept for three years from the end of the crop year to which they pertain. Failure to keep and maintain such records may at our option result in: (a) Assignment of production to units by us; (b) a determination that no indemnity is due; or (c) cancellation of the contract for the crop year. Any person designated by us will have access to such records and the farm for purposes related to the contract.

15. Life of contract: Cancellation and termination.

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

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

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

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

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

d. The cancellation and termination dates are November 20.

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

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

16. Contract Changes.

We may change any terms and provisions of the contract from year to year. If your price election at which indemnities are computed is no longer offered, the acutuarial table will provide the price election which you are deemed to have elected. All contract changes will be available at your service office by August 31 preceding the cancellation date. Acceptance of changes will be conclusively

presumed in the absence of notice from you to cancel the contract.

17. Meaning of terms.

For the purposes of cranberry crop insurance:

a. "Actuarial table" means the forms and related material for the crop year approved by us. The actuarial table is available for public inspection in your service office, and shows the production guarantees, coverage levels, premium rates, prices for computing indemnities, practices, insurable and uninsurable acreage, and related information regarding cranberry insurance in the county.

b. "Approved yield" means the yield based on the insured's records, that is approved by us and utilized to establish the liability on the unit.

c. "Barrel" means 100 pounds of cranberries.

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

e. "Crop year" means the period beginning with the date insurance attaches and extending through the normal harvest time and is designated by the calendar year in which the cranberries are normally harvested.

f. "Direct damage" means actual physical damage to the equipment or facilities which is the direct result of an insurable cause of loss.

g. "Harvest" means picking of the cranberries from the vines for the purpose of removal from the land.

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

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

j. "Irrigation equipment, facilities, and water supply" means the supply of water and the mechanical and constructed equipment and facilities used to deliver the water to the cranberry crop so as to prevent damage due to drought or freeze.

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

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

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

n. "Unit" means all insurable acreage of cranberries in the county on the date insurance attaches for the crop year:

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

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

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

18. Descriptive headings.

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

19 Determinations.

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

20. Notices.

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

Done in Washington, DC, on April 16, 1987.

Edward Hews,

Acting Manager, Federal Crop Insurance Corporation.

[FR Doc. 87-9606 Filed 4-28-87; 8:45 am]

BILLING CODE 3410-08-M

Agricultural Marketing Service

7 CFR Part 929

Cranberries Grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York; Increase in Base Quantity Reserve

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would increase the base quantity reserve for the 1987–88 crop year from the required minimum of 2.0 percent to 7.16 percent of the total base quantities currently issued to cranberry growers, in order to update and expand base quantities for the benefit of growers. This should help to facilitate the appropriate and equitable operation of the cranberry marketing order.

DATE: Comments must be received by May 29, 1987.

ADDRESS: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, Room 2085, South Building, Washington, DC 20250. Comments should reference the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: James M. Scanlon, Acting Chief, Marketing Order Administration Branch, F&V, AMS, USDA, Washington, DC 20250, Telephone (202) 447–5697.

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

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has considered the economic impact of this rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders and rules issued thereunder, pursuant to the Agricultural Marketing Agreement Act of 1937, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

It is estimated that 31 handlers of cranberries under the marketing order would be subject to regulation during the course of the current season. There are about 950 producers of cranberries in the regulated area. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2 (1985)) as those having average annual gross revenues for the last three years of less than $100,000, and agricultural service firms which would include handlers have been defined as those whose gross annual receipts are less than $3,500,000. The majority of handlers and producers of cranberries may be characterized aa small entities. The estimated average annual crop value of production for the past three years for cranberries is $175,382,333.

The impact of this proposed regulation would be on growers and would not be significant because the change represents a relaxation of restrictions by increasing the total amount of base quantity available to growers. The increase in the amount of base quantity

to be issued represents the total amount of base quantity requested by qualified new and existing growers for the 1987–88 crop year. The committee intends to distribute base quantity reserve to approximately 37 new growers and 332 existing growers. Any potential costs to growers would appear to be significantly offset when compared to the potential benefits of greater and more equitable allocation of allotment bases to growers. This proposed rule would not alter any reporting or recordkeeping requirements currently in effect.

Based on the available information, the Administrator of the Agricultural Marketing Service has determined that this proposed rule would not have a significant economic impact on a substantial number of small entities.

This proposal would amend § 989.153(a) of the Subpart—Rules and Regulations of the Cranberry Marketing Order (7 CFR Part 929). The order regulates the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937 as amended, hereinafter referred to as the "Act" (7 U.S.C. 601–674).

Each year prior to May 1, the committee considers its marketing policy for the coming season and estimates a marketable quantity of cranberries. Such quantity is the amount of cranberries necessary to meet the season's total market demand and provide for an adequate carryover of cranberries to the next season. If the Secretary finds from a recommendation of the committee, or from other available information, that limiting the quantity of cranberries that may be purchased or handled on behalf of growers would tend to effectuate the declared policy of the Act, the Secretary shall determine and establish the marketable quantity for that crop year. The marketable quantity shall be apportioned among all eligible growers by applying an allotment percentage to each grower's base quantity pursuant to § 929.48.

Such base quantities are issued to growers: (a) Based on their sales during the period 1968–69 through 1973–74; (b) as a result of transfers of base quantities from other growers; or (c) as part of an annual reserve of at least 2 percent of the total base quantities. The reserve is used for the issuance of base quantities to new growers and adjustments in base quantities for existing growers, with 25 percent being made available for new growers and 75 percent available for adjustments for existing growers. Any unallocated portion of the 25 percent available to new growers may, at the discretion of the committee, be prorated among eligible existing growers on an equitable basis.

On February 25, 1987, the Cranberry Marketing Committee held its annual winter meeting to formulate its marketing policy for the 1987–88 crop year. It determined that implementation of § 929.49 (the establishment of a marketable quantity and annual allotment) was not warranted. However, the committee noted that cranberry production was projected to exceed the total of all allotment bases and recommended that additional base be issued to all qualified new and existing growers to the full amount to which each grower is entitled, contingent on the grower's demonstrated ability to produce and sell cranberries. The proposed increase would make additional base quantity available to new and existing growers by increasing the 2.0 percent minimum base quantity reserve, currently provided, to 7.16 percent. The committee said this change would also aid in the updating of base quantities which would be necessary for any future establishment of a marketable quantity and annual allotment.

List of Subjects in 7 CFR Part 929

Marketing agreements and orders, Cranberries, Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, New York.

For the reasons set forth in the preamble, 7 CFR Part 929 is amended as follows:

PART 929—CRANBERRIES GROWN IN THE STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN THE STATE OF NEW YORK

1. The authority citation for 7 CFR Part 929 continues to read as follows:

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

2. Section 929.153 is proposed to be amended by revising paragraph (a) to read as follows:

§ 929.153 Base quantity reserve.

(a) *Establishment.* An annual reserve base quantity equal to 2 percent of total base quantities is hereby established: *Provided,* That, for the 1987–88 crop year, the reserve base quantity shall be 7.16 percent.

* * * * *

Dated: April 23, 1987.

Ronald L. Cioffi,

Acting Deputy Director, Fruit and Vegetable Division.

[FR Doc. 87–9609 Filed 4–28–87; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 87–AWP–10]

Proposed Establishment of a Control Zone and Transition Area at Kapalua, HI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM); extension of comment period.

SUMMARY: This notice announces extension of the comment period on an NPRM which proposes to establish a control zone and transition area at Kapalua, Hawaii. The NPRM appeared in the **Federal Register** on April 2, 1987, with a comment deadline of April 17, 1987. This extension will provide additional time for public comments.

DATE: Comments must be received on or before May 7, 1987.

ADDRESS: Send comments on the proposal in triplicate to: Federal Aviation Administration, Attn: Manager, Airspace and Procedures Branch, AWP–530, Docket No. 87–AWP–10, Air Traffic Division, P.O. Box 90027, Worldway Postal Center, Los Angeles, California 90009.

SUPPLEMENTARY INFORMATION:

Background

Airspace Docket No. 87–AWP–10, published on April 2, 1987, (52 FR 10582) proposed to establish a control zone and transition area at Kapalua, Hawaii. This action will extend the comment period closing date to allow for a 35-day comment period instead of the existing 15-day comment period on Airspace Docket No. 87–AWP–10.

List of Subjects in 14 CFR Part 71

Aviation safety, Control zones, Transition areas.

Extension of Comment Period

The comment period for Airspace Docket No. 87–AWP–10 is extended to close on May 7, 1987.

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

Issued in Los Angeles, on April 13, 1987.

Wayne C. Newcomb,

Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 87-9611 Filed 4-28-87; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 86-AWA-26]

Proposed Alteration of VOR Federal Airways; Tiger, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: This notice withdraws the Notice of Proposed Rulemaking (NPRM), Airspace Docket No. 86-AWA-26, which was published in the **Federal Register** on May 29, 1986 (51 FR 19359). That NPRM proposed to realign Federal Airways V-12 and V-504 in conjunction with the relocation of the Tiger, MO, very high frequency omni-directional radio range and distance measuring equipment VOR/DME) and to add the Tiger Compulsory Reporting Point. This action withdraws this NPRM.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Branch (ATO-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9250.

SUPPLEMENTARY INFORMATION:

The Proposed Rule

On May 29, 1986, a Notice of Proposed Rulemaking was published in the **Federal Register** to realign Federal Airways V-12 and V-504 in conjunction with the relocation of the Tiger, MO, VOR/DME and establish the Tiger, MO, Compulsory Reporting Point (51 FR 19359). However, after additional study of the relocation, the FAA has decided to decommission the Jefferson City, MO, VORTAC which is also located to the south of the Tiger facility which affects the proposed alignment of V-12 and V-504. Therefore, in order to end confusion that could occur, this proposed action is withdrawn.

List of Subjects in 14 CFR Part 71

(Aviation Safety, VOR Federal airways, Domestic low altitude reporting points.)

The Withdrawal

Accordingly, pursuant to the authority delegated to me, the Notice of Proposed Rulemaking, Airspace Docket No. 86-AWA-26, as published in the **Federal Register** on May 29, 1986 (51 FR 19359) is hereby withdrawn.

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

Issued in Washington, DC, on April 22, 1987.

Shelomo Wugalter,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 87-9549 Filed 4-28-87; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 175

Tariff Classification of Steel Products Manufactured From U.S. Scrap

AGENCY: Customs Service, Treasury.

ACTION: Proposed interpretive rule; solicitation of comments.

SUMMARY: A petition has been submitted on behalf of domestic interested parties regarding Customs tariff classification of steel products manufactured abroad from exported U.S. scrap metal. The petitioners state that a ruling letter which is the basis for the current classification of the product under item 806.30, Tariff Schedules of the United States (TSUS), is an incorrect interpretation of the TSUS. Item 806.30, TSUS, states that any article of metal (except precious metal) manufactured in the U.S. if exported for further processing, and if the exported article as processed outside of the U.S., or the article which results from the processing outside the U.S., is returned to the U.S. for further processing, shall be subject to duty only upon the value of such processing that occurs outside the U.S.

The petitioner states that the ruling is improper because the legislative history of item 806.30, TSUS, demonstrates that it was not intended to apply to the processing of scrap into flat-rolled steel products. Further, the requirements of the provision are not met because scrap is not manufactured or subjected to a process of manufacture within the meaning of the provision. Petitioners also challenge the method by which Customs distinguishes foreign scrap from U.S. scrap. Finally, petitioners claim that the manufacture of flat-rolled products into unfinished steel products in the U.S. is not further processing within the meaning of the provision because the flat-rolled products are already finished articles. The petitioners claim that the steel products are to be classified under the relevant items for metal and metal products of Schedule 6, TSUS. This document invites comments with respect to the correct classification of such products.

DATE: Comments must be received on or before June 29, 1987.

ADDRESS: Comments (preferably in triplicate) may be addressed to and inspected at the Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, DC 20229 (202-566-8237).

FOR FURTHER INFORMATION CONTACT: Earl Martin, Classification and Value Division, (202-566-2938).

SUPPLEMENTARY INFORMATION:

Background

Pursuant to section 516, Tariff Act of 1930, as amended (19 U.S.C. 1516), and Part 175, Customs Regulations (19 CFR Part 175), a domestic interested party petition has been filed with respect to decisions which are the basis for Customs current classification of steel products manufactured abroad from exported U.S. scrap metal under item 806.30, Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202). Item 806.30, TSUS, provides that any article of metal (except precious metal) manufactured or subjected to a process of manufacturing in the U.S. if exported for further processing, and if the exported article as processed outside the U.S., or the article which results from the processing outside the U.S., is returned to the U.S. for further processing, shall be subject to duty only upon the value of such processing that occurs outside the U.S.

On July 23, 1984, Customs issued Ruling #553126 which held that item 806.30, TSUS, is applicable to steel scrap of U.S. origin exported for melting and casting into basic metal shapes and forms and returned to the U.S. for further processing.

On November 14, 1986, a petition was submitted on behalf of several domestic producers of specialty steel. The petitioners contend that the ruling is incorrect for several reasons. First, the legislative history to item 806.30, TSUS, demonstrates that Congress never intended it to apply to the processing of scrap into flat-rolled steel products. The petitioners aver that the legislative history of item 806.30, TSUS, dictates that the item be used for the limited purpose of allowing U.S. manufacturers

to obtain an intermediate processing step abroad in an emergency.

The petitioners claim that the requirements of item 806.30, TSUS, are not met because scrap is not a product that is manufactured or subjected to a process of manufacture. Petitioners contend that scrap is akin to waste and is a raw material input to the production of a final product. Further, the petitioner claims that Customs rulings are ambiguous and inconsistent with prior rulings distinguishing foreign scrap from U.S. scrap.

Finally, petitioners claim that the manufacturing operations conducted overseas in manufacturing the products from scrap are not further processing to produce an intermediate product, which may then be imported into the U.S. for further processing to produce a completed product. Rather, the imported articles are finished products which are in turn sold to industrial consumers in the U.S. and applied to the purpose for which they were intended.

Comments

Pursuant to § 175.21(a), Customs Regulations (19 CFR 175.21(a)), before making a determination on this matter, Customs invites written comments from interested parties on this issue. The domestic interested party petition, as well as all comments received in response to this notice, will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), § 1.4, Treasury Department Regulations (31 CFR 1.4), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Control Branch, Room 2426, Customs Headquarters, 1301 Constitution Avenue, NW., Washington, DC 20229.

This notice is published in accordance with § 175.21(a), Customs Regulations (19 CFR 175.21(a)).

Drafting Information

The principal author of this document was Bruce J. Friedman, Regulations Control Branch, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Michael H. Lane,

Acting Commissioner of Customs.

Approved: April 9, 1987.

John P. Simpson,

Assistant Secretary of the Treasury.

[FR Doc. 87-9641 Filed 4-28-87; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF STATE

22 CFR Part 171

[SD-207]

The Freedom of Information Reform Act of 1986—Revision of Fees, Fee Waiver Policy, and the Law Enforcement Exemption

AGENCY: Department of State.

ACTION: Amendment to notice of proposed rulemaking.

SUMMARY: A notice of proposed rulemaking was published in the Federal Register (52 FR 12936, April 20, 1987) inviting interested persons to submit comments concerning the Department of State's proposed regulations by April 23, 1987. These proposed rules implement certain provisions of the Freedom of Information Reform Act of 1986 (Pub. L. 99-570) regarding fees, fee waivers, and law enforcement records. They codify the requirements for expeditious processing of FOIA requests which have been recognized in custom and practice since 1983 in accordance with Department of Justice guidance. They also revise the general fee schedule applicable to all requests under the FOIA, Privacy Act, Ethics in Government Act, and Executive Order 12356 as provided in Part 171. In view of the considerable public interest and the abbreviated comment deadline, the Department is extending the comment period for these proposed rules.

DATES: Comments must be received on or before May 20, 1987; this is an extension of the original April 23 deadline.

ADDRESSES: Comments may be mailed to Frank M. Machak, Information and Privacy Coordinator, Room 1239, Department of State, 2201 C St., NW., Washington, DC 20520, or delivered to that office between 9:00 a.m. and 5:00 p.m., Monday through Friday. Comments received may be inspected in the Public Reading Room located in Room 1239 between 9:00 a.m. and 5:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Frank M. Machak (Information and Privacy Coordinator) 202-647-7740, or Cathleen Corken (Attorney Adviser) 202-647-3022.

Dated: April 24, 1987.

Donald J. Bouchard,

Assistant Secretary, Bureau of Administration.

[FR Doc. 87-9630 Filed 4-28-87; 8:45 am]

BILLING CODE 4710-24-M

POSTAL SERVICE

39 CFR Part 111

Nonmailable Matter; Mail Order Drug Paraphernalia and Ballistic Knives

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the Domestic Mail Manual to reflect the Mail Order Drug Paraphernalia Control Act and the Ballistic Knife Prohibition Act of 1986, both enacted last year. The Mail Order Drug Paraphernalia Control Act makes it unlawful, with certain exceptions stated in the Act, for any person to use the Postal Service as part of a scheme to sell drug paraphernalia, as that term is defined by the Act. The Ballistic Knife Prohibition Act of 1986 makes ballistic knives, defined as knives with detachable blades that are propelled by a spring-operated mechanism, generally nonmailable.

DATE: Comments must be received on or before May 29, 1987.

ADDRESS: Written comments should be mailed or delivered to the Assistant General Counsel, Consumer Protection Division, Law Department, U.S. Postal Service, 475 L'Enfant Plaza West SW., Washington, DC 20260-1144. Copies of all written comments will be available for inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in Room 6123, at the above address.

FOR FURTHER INFORMATION CONTACT: George C. Davis, (202) 268-3076.

SUPPLEMENTARY INFORMATION: In its closing days the 99th Congress enacted a legislative package called the Anti-Drug Abuse Act of 1986. This statute, Pub. L. 99-570, embraces a number of separately entitled laws, including the Mail Order Drug Paraphernalia Control Act (section 1821), and the Ballistic Knife Prohibition Act of 1986 (section 10001). Since these two statutes involve postal matters, the Postal Service is proposing to add the following implementing provisions to postal regulations.

After renumbering existing 124.366 of the Domestic Mail Manual (DMM), a new 124.366 would be added making it unlawful to use the Postal Service to sell drug paraphernalia. The language of the prohibition and the definition of "drug paraphernalia" are taken directly from the statute. The statute does not apply to (1) persons authorized by local, State, or Federal law to manufacture, possess, or distribute drug paraphernalia items; or (2) items that are sold through the

mail in the normal lawful course of business and are primarily intended for use with tobacco products, including any pipe, paper, or accessory.

There would also be added to 124.55 of the DMM the definition of ballistic knives. These knives would be mailable only to civilian or military supply or procurement officers of Federal, State, or local governments, or to manufacturers of, or bona-fide dealers in, such knives when ordered by an authorized officer. Certain other minor, technical amendments would also be made to the regulations.

Although exempt by 39 U.S.C. 410(a) from the provisions of the Administrative Procedure Act regarding proposed rulemaking, 5 U.S.C. 553 (b), (c), the Postal Service invites public comments on the following proposed revisions of Part 124 of the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations. See 39 CFR 111.1.

List of Subjects in 39 CFR Part 111

Postal Service.

PART 111—[AMENDED]

1. The authority citation for Part 111 is revised to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 3001–3011, 3201–3219, 3403–3406, 3621, 5001.

PART 124—NONMAILABLE MATTER—ARTICLES AND SUBSTANCES; SPECIAL MAILING RULES

2. In 124.3, revise the heading of .36, renumber .366 as .367, and add a new .366 reading as follows:

.36 Poisons, Controlled Substances and Drug Paraphernalia

* * * * *

.366 Drug Paraphernalia. It is unlawful to make use of the services of the Postal Service as part of a scheme to sell drug paraphernalia.

a. The term "drug paraphernalia" means any equipment, product, or material of any kind which is primarily intended or designed for use in manufacturing, compounding, converting, concealing, producing, processing, preparing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the Controlled Substances Act (see 124.364). It includes items primarily intended or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, hashish oil, PCP, or amphetamines into the human body, such as—

(1) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

(2) Water pipes;

(3) Carburetion tubes and devices;

(4) Smoking and carburetion masks;

(5) Roach clips: meaning objects used to hold burning material, such as a marihuana cigarette, that has become too small or to short to be held in the hand;

(6) Miniature spoons with level capacities of one-tenth cubic centimeter or less;

(7) Chamber pipes;

(8) Carburetor pipes;

(9) Electric pipes;

(10) Air-driven pipes;

(11) Chillums;

(12) Bongs;

(13) Ice pipes or chillers;

(14) Wired cigarette papers; or

(15) Cocaine freebase kits.

b. In determining whether an item constitutes drug paraphernalia, in addition to all other logically relevant factors, the following may be considered:

(1) Instructions, oral or written, provided with the item concerning its use;

(2) Descriptive materials accompanying the item which explain or depict its use;

(3) National and local advertising concerning its use;

(4) The manner in which the item is displayed for sale;

(5) Whether the owner, or anyone in control of the item, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

(6) Direct or circumstantial evidence of the ratio of sales of the item(s) to the total sales of the business enterprise;

(7) The existence and scope of legitimate uses of the item in the community; and

(8) Expert testimony concerning its use.

c. 124.366 does not apply to—

(1) Any person authorized by local, State, or Federal law to manufacture, possess, or distribute items described in 124.366; or

(2) Any item that, in the normal lawful course of business, is sold through the mail, and primarily intended for use with tobacco products, including any pipe, paper, or accessory.

3. In 124.5, revise the heading of .55, the introductory paragraph of .551, .551b., .553, and .56 to read as follows:

124.5 Firearms, Knives, and Sharp Instruments (18 U.S.C. 1715, 1716)

* * * * *

.55 Switchblade and Ballistic Knives

.551 When Mailable. Knives (including sharp pointed instruments such as stilettos which lack cutting edges) having a blade which opens automatically by hand pressure applied to a button or other device in the handle, or by operation of inertia, gravity, or both, or have a detachable blade that is propelled by a spring-operated mechanism, are mailable only when sent to:

a. * * *

b. Manufacturers of such knives, or bona-fide dealers therein, in connection with a shipment made pursuant to an order from any person designated in 124.551a. (For advertisements for the mailing of switchblade and ballistic knives, see 123.431.)

* * * * *

.553 Explanation of Mailing. When in doubt as to the mailability of a proposed shipment of ballistic or switchblade knives, the postmaster will require the mailer to furnish a written statement explaining how the mailing complies with this section. If the explanation is not satisfactory, the postmaster will forward it to the appropriate Rates and Classification Center for a ruling.

.56 Marking Parcels of Firearms, Switchblades, and Ballistic Knives. No markings of any kind which would indicate the nature of the contents will be placed on the outside wrapper or container of any parcel containing firearms, ballistic or switchblade knives.

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposal is adopted.

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 87–9638 Filed 4–28–87; 8:45 am]

BILLING CODE 7710–12–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–4–FRL–3193–1]

Approval and Promulgation of Implementation Plans; North Carolina: Extension of Public Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of extension of public comment period.

SUMMARY: EPA is giving notice that the public comment period for the notice of proposed rulemaking published March 26, 1987 (52 FR 9676), regarding the proposed disapproval of the North Carolina implementation plan's revised limits for particulate emissions from electric utility boilers, is being extended an additional 30 days to May 27, 1987. EPA is taking this action in response to a request for such an extension.

DATE: Comments are now due on or before May 27, 1987.

FOR FURTHER INFORMATION CONTACT: Roger O. Pfaff, Environmental Protection Agency, Region IV Air Programs Branch, 345 Courtland Street, N.E., Atlanta, Georgia 30365, telephone (404) 347-2864 or FTS 257-2864.

Dated: April 20, 1987.

Lee A. DeHihns, III,

Deputy Regional Administrator.

[FR Doc. 87-9633 Filed 4-28-87; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 87-105, RM-5720]

Radio Broadcasting Services; Grants, New Mexico

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Kapdin Communications, Inc. to substitute Class C Channel 279 for Channel 237A at Grants, NM, and to modify its license for Station KLLT(FM) to specify operation on the higher powered channel. Channel 279 can be allocated to Grants in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. As requested, we have proposed to modify the license of Station KLLT(FM) to specify Channel 279. However, if another party should express an interest in the Class C allocation, the modification could not be implemented unless an additional equivalent channel is allocated.

DATES: Comments must be filed on or before June 12, 1987, and reply comments on or before June 29, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Brian M. Madden, Esq., Cohn and Marks, 1333 New Hampshire Avenue, NW., Suite 600, Washington, DC 20036 (Counsel to petitioner).

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-105, adopted March 25, 1987, and released April 22, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rulemaking is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

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

[FR Doc. 87-9661 Filed 4-28-87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-106, RM-5444]

Television Broadcasting Services; Lake Havasu City, AZ

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by London Bridge Broadcasting, Inc. seeking the assignment of UHF television Channel 34 to Lake Havasu City, Arizona, as that community's first local commercial television service.

DATES: Comments must be filed on or before June 12, 1987, and reply comments on or before June 29, 1987.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Peter Tannenwald, Esq., Arent, Fox, Kintner, Plotkin and Kahn, 1050 Connecticut Ave., NW, Washington, DC 20036-5339, (Counsel).

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-106, adopted February 5, 1987, and released April 22, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Docket 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 Transportation Service, (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all ex parte contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible ex parte contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

Mark N. Lipp,

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

[FR Doc. 87-9662 Filed 4-28-87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-72, RM-5638]

Radio Broadcasting Services; Bartlett, TN

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Mid-South Frequency Monitoring Service proposing the allotment of Channel 225A to Bartlett, Tennessee, as that community's first FM service. A site restriction of 3.2 kilometers (2.0 miles) north of Bartlett is required.

DATES: Comments must be filed on or before May 26, 1987, and reply comments on or before June 10, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Earl N. Hodges, Mid-South Frequency Monitoring Service, 4004 Clay Drive, Jonesboro, Arkansas 72401; and Larry L. Hodges, 1837 Dorrie Lane, Memphis, TN 38117.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-72, adopted March 13, 1987, and released April 3, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

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

[FR Doc. 87-9659 Filed 4-28-87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR PART 73

[MM Docket No. 87-104, RM-5425; RM-5612]

Radio Broadcasting Services; Jennings, LA; Groves TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on two mutual exclusive modification of license proposals. Jennings Broadcasting Company, Inc. seeks to modify the license of Station KJEF-FM from Channel 224A to Channel 223C2 at Jennings, LA. The second, Voice in the Wilderness Broadcasting, Inc. seeks to modify the license of Station KTFA(FM) from Channel 221A to Channel 223C2 at Groves, Texas. Since both cannot be allotted due to minimum mileage separation requirements, the channel will be allotted based on a comparative evaluation of comments received and the license of one station modified accordingly.

DATES: Comments must be filed on or before June 12, 1987, and reply comments on or before June 29, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows:

Riley M. Murphy,Esq., Hardy & Popham, 700 Camp Street, New Orleans, LA 70130-3720, (Counsel for Jennings, LA)

A. Wray Fitch III, Gammon & Grange, 1925 K Street NW., Suite 300, Washington, DC 20006, (Counsel for Groves, TX)

FOR FURTHER INFORMATION CONTACT: D. David Weston, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-104, adopted March 27, 1987, and released April 22, 1987. The full text of the Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

Federal Communications Commission.

Mark N. Lipp,

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

[FR Doc. 87-9663 Filed 4-28-87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 95

[PR Docket No. 86-38; RM-5058; FCC 87-125]

General Mobile Radio Service; Creation of a New Consumer Radio Service

AGENCY: Federal Communications Commission.

ACTION: Report and Order; termination of proceeding without action.

SUMMARY: This document terminates this proceeding without action. No action is being taken because the comments in response to the *Notice of Inquiry* indicated that GMRS licensees generally opposed restructuring of the GMRS. Also, comparatively few commenters favored creation of a new Consumer Radio Service in the bands currently assigned to the GMRS.

EFFECTIVE DATE: This action is effective April 22, 1987.

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

FOR FURTHER INFORMATION CONTACT: John J. Borkowski, Special Services Division, Private Radio Bureau, (202) 632-4964.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order*, PR Docket No. 86-38,

adopted April 10, 1987, and released April 22, 1987.

The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Summary of Report and Order

In the *Notice of Inquiry (Notice)* in this proceeding, 51 FR 5212, February 12, 1986, the FCC sought public comment on the best approach to provide for unmet personal communications needs within the 462/467 MHz frequency segments now assigned to the General Mobile Radio Service (GMRS). Specifically, the FCC sought public comment on whether it was advisable to create a new Consumer Radio Service in this spectrum in order to more fully accommodate personal radio needs.

The *Notice* advanced the concept of a new service which would emphasize transceivers carried on the person in order to respond to the communication needs of the contemporary citizen living and traveling in our mobile society. The FCC inquired whether it was possible or advisable to restructure the GMRS into such a service to allow one person to contact another specific person over a short distance and conduct a brief voice conversation.

The object was to provide for personal directed communications where such communications may be the only viable method for two or more persons to keep in touch with one another while out of each other's sight. The FCC envisioned that persons attending outdoor activities, commuters, shoppers, travelers and persons engaged in public service activities would find such communications useful.

There was a great deal of interest in this *Notice*. The FCC received numerous comments and replies. A majority focused primarily upon desirable current uses of the GMRS and the detrimental effect restructuring the GMRS would have.

In reviewing the comments, the FCC failed to find a particular need for the service proposed in the *Notice*. Comparatively few commenters favored any sort of Consumer Radio Service of the type discussed and no manufacturers came forward with comprehensive plans to produce the sort of equipment that would be required for such a service.

In light of the relatively weak demand for a new consumer radio service and the general satisfaction with the current system, the FCC felt it is inappropriate to restructure the GMRS. It appears that the communication needs of most GMRS licensees would not be served by a restructuring. In fact, many current users would be required to find alternatives to meet their communications needs. This is of particular concern with regard to current public safety uses of the GMRS, including services provided by volunteer public service teams such as REACT. Given the relative lack of interest in the Consumer Radio Service proposed in the *Notice*, there is no reason to dislocate current GMRS users.

Therefore, the FCC has concluded that the concept advanced in the *Notice* in this proceeding should not be pursued any further. However, many commenters indicated that improvement may be desirable within the current framework of the GMRS. To that end, the FCC intends to decide at a later date whether to initiate a new proceeding to examine some specific rule changes to improve the existing GMRS.

Ordering Clause

Accordingly, it is ordered that under the authority contained in section 4(i) and 303(r) of the Communications Act of 1934, as amended (47 U.S.C. 154(i) and 303(r)), that this proceeding is terminated without action.

William J. Tricarico,

Secretary.

[FR Doc. 87–9658 Filed 4–28–87; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

[Docket No. 70355–7055]

Atlantic Tuna Fisheries

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

ACTION: Proposed rule.

SUMMARY: NOAA issues a proposed rule, within the framework of the International Commission for the Conservation of Atlantic Tunas, which revises and corrects several phrases in the regulations governing fishing for Atlantic bluefin tuna and requests public comment. The intended effect is to maintain integrity of the catch limit system, clarify the regulations, and eliminate potential loopholes circumventing them.

DATE: Comments must be received by May 15, 1987.

ADDRESSES: Send comments on this proposed rulemaking to National Marine Fisheries Service, Northeast Region, Management Division, State Fish Pier, Gloucester, MA 01930–3097. Clearly mark "Comments on 1987 Atlantic bluefin tuna proposed rulemaking" on the outside of the envelope.

Copies of the Environmental Assessment (EA) and the Initial Regulatory Flexibility Analysis (IRFA) that were prepared in 1983 are available from the National Marine Fisheries Service, Northeast Region, Services Division, P.O. Box 1109, Gloucester, MA 01930–1109.

FOR FURTHER INFORMATION CONTACT: William C. Jerome, Jr., 617–281–3600, ext. 262.

SUPPLEMENTARY INFORMATION:

Background

The United States is a signatory nation to the Internation Convention for the Conservation of Atlantic Tunas (the Convention, 20 U.S.T. 2887, T.I.A.S. 6767). The Convention's provisions entered into force for the United States on March 21, 1969. The United States' obligations under the Convention are prescribed by the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971–971H) (Act). This Act directs the Secretary of Commerce (Secretary) to promulgate rules necessary to implement recommendations adopted by the International Commission for the Conservation of Atlantic Tunas (ICCAT) and to carry out the purposes and objectives of the Convention. The Secretary's authority under the Act has been delegated to the Assistant Administrator for Fisheries, NOAA (Assistant Administrator).

Rules presently governing the U.S. fishery for Atlantic bluefin tuna are at 50 CFR Part 285, Subparts A and B (50 FR 43396, October 21, 1985; 51 FR 28241, August 6, 1986).

Proposed Changes

Section 285.2 defines the term "Buy-boat" as "any vessel used by a dealer in purchasing or receiving Atlantic bluefin tuna from any person or fishing vessel engaged in fishing for any tuna". The current definition refers exclusively to "vessel"; however, because helicopters are being considered for use in the fishery, NOAA proposes to redefine "Buy-boat" to include any means of conveyance. "Authorized Officer" is defined, in part, by the phrase "certified enforcement agent", which is incorrect and therefore is proposed to be deleted.

In the definition of "Dealer", the verb "engage" is corrected to "engages".

Section 285.6 would be amended to correct the spelling of the word "penalities" in the section heading. The section is further amended to include reference to § 285.3(f) which was inadvertently omitted.

Sections 285.23(f) and 285.31(a)(9) would be amended to include the phrase "retain or land" (or "retained or landed") to eliminate a potential loophole for a vessel to circumvent area-specific trip limit restrictions.

Section 285.25(c) requires that an enforcement agent of NMFS must inspect certain purse seine vessel activities. One of the telephone numbers given for a vessel owner or operator to request such inspection is unnecessary and would be removed.

Section 285.30(c)(2) would be amended to correct the telephone number for the Miami, Florida, office.

Section 285.31(a)(8) now prohibits fishing for Atlantic bluefin tuna within 100 yards of a purse seine used in scientific operations. This rule was implemented because Atlantic bluefin tuna were being harpooned as they were released from the seine following tagging operations. Such activities not only placed the fishermen, vessels, and gear at risk, but negated the scientific validity of the tagging operation.

In recent years, increasing numbers of harpoon boats have similarly encroached on commercial purse seine vessels. In addition to risk of personal injury and property damage, constituents complain that these harpooners have an unfair advantage by fishing on the seiner's captive targets.

NOAA proposes to extent the 100-yard prohibition to all vessels other than purse seine vessels permitted to take Atlantic bluefin tuna.

Classification

The Administrator of NOAA has determined that this proposed rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. Additionally, he has determined that it is categorically excluded from requirements of the National Environmental Policy Act, thus no EA or environmental impact statement has been prepared.

The General Counsel of the Department of Commerce certified to the small business administration that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities because the rule only corrects and clarifies the intent of previously adopted rules. As a result, a regulatory flexibility analysis was not prepared.

Copies of all previously published reports may be obtained from NMFS, Northeast Region, Services Division (See ADDRESSES).

The information collection requirements for the Act, previously approved by the Office of Management and Budget (OMB) under OMB control numbers 0648–0097, –0031, and –0013, will not be affected by any of the proposed changes.

List of Subjects in 50 CFR Part 285

Fisheries, Reporting and recordkeeping requirements.

Dated: April 24, 1987.

Joseph W. Angelovic,

Deputy Assistant Administrator for Science and Technology, National Marine Fisheries Service.

PART 285—[AMENDED]

For the reasons set forth in the preamble, 50 CFR Part 285 is proposed to be amended as follows:

1. The authority citation for Part 285 continues to read as follows:

Authority: 16 U.S.C. 971 *et seq.*

2. In § 285.2, the definitions for *Authorized Officer*, in paragraph (b), *Buy-boat*, and *Dealer* are revised, to read as follows:

§ 285.2 Definitions.

* * * * *

Authorized Officer means * * *

(b) Any Special Agent of the NMFS;

* * * * *

Buy-boat means any vessel or others means of conveyance used by a dealer in purchasing or receiving Atlantic bluefin tuna from any person or fishing vessel engaged in fishing for any tuna.

* * * * *

Dealer means any person who engages in a commercial activity with respect to a regulated species or parts thereof.

* * * * *

3. In § 285.6, paragraph (a) is revised, to read as follows:

§ 285.6 Civil penalties.

* * * * *

(a) Violates any provisions of § 285.3 (a), (b), or (f) of this part will be assessed a civil penalty of not more than $25,000 for a first violation and a civil penalty of not more than $50,000 for any subsequent violation;

* * * * *

4. In § 285.23, paragraph (f) is revised, to read as follows:

§ 285.23 Incidental catch.

* * * * *

(f) *Longlines.* Subject to the quotas in § 285.22, any person operating a vessel using longline gear possessing an Incidental Catch permit issued under § 285.21 may retain or land Atlantic bluefish tuna as an incidental catch. The amount of Atlantic bluefin tuna retained or landed may not exceed:

(1) Two fish per vessel per trip retained or landed south of 36°00′ N. latitude, and.

(2) Two percent by weight of all other fish on board the vessel at the end of each fishing trip, retained or landed north of 36°00′ N. latitude.

* * * * *

5. In § 285.25, paragraph (c) is revised, to read as follows:

§ 285.25 Purse seine vessel requirements.

* * * * *

(c) *Inspection.* Any owner or operator of a purse seine vessel with a permit issued under § 285.21(b) must request an inspection of the vessel and fishing gear by an enforcement agent of NMFS before commencing any fishing trip and before offloading any Atlantic bluefin tuna. The vessel owner or operator must request such inspection at least 24 hours before commencement of a fishing trip or off-loading. Only calls made to 617–563–5721 will meet this notification requirement and result in the assignment of an agent for an inspection.

* * * * *

§ 285.30 [Amended]

6. In § 285.30(c)(2), the telephone number "305–350–4132" for the Miami, Florida, office is removed and the telephone number "305–536–4132" is added in its place.

7. In § 285.31, paragraphs (a) (8) and (9) are revised, to read as follows:

§ 285.31 Prohibitions.

(a) * * *

(8) For any vessel other than a vessel holding a purse seine permit issued under § 285.21(b), to approach to within 100 yards (91.5 meters) of the cork line of any purse seine net used by any vessel fishing for Atlantic bluefin tuna;

(9) Retain or land Atlantic bluefin tuna in excess of the incidental catch provisions under § 285.23;

* * * * *

[FR Doc. 87–9668 Filed 4–28–87; 8:45 am]

BILLING CODE 3510-22-M

50 CFR Part 642

[Docket No. 70481-7081]

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

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

ACTION: Proposed rule.

SUMMARY: NOAA issues a proposed rule to implement conservation and management measures as prescribed in Amendment 2 to the Fishery Management Plan for Coastal Migratory Pelagic Resources of the Gulf of Mexico and the South Atlantic (FMP), which was resubmitted with revisions following disapproval by the Secretary. This proposed rule provides for (1) revision of the framework measure for seasonal stock assessment, (2) changes in maximum sustainable yield (MSY) and total allowable catch (TAC), and establishment of geographical groups, allocations, and quotas for Spanish mackerel, (3) closure of the Spanish mackerel commercial fishery and reduction of the recreational bag limit to zero when quotas are reached and overfishing is occurring, (4) permits for commercial vessels and charter boats and bag limits for recreational fishermen fishing Spanish mackerel, (5) restrictions for gill nets and prohibition of the use of purse seines for incidental catch, and (6) prohibition of the transfer at sea of king or Spanish mackerel taken under a bag limit from the exclusive economic zone (EEZ). The intended effect of this rule is to arrest overfishing of the Spanish mackerel stock and to rebuild and maintain all stocks at a MSY level through flexible management procedures which allow annual adjustments to the management measures.

DATE: Written comments must be received on or before May 5, 1987.

ADDRESSES: Comments and requests for copies of Amendment 2, the environmental assessment, and the supplemental regulatory impact review/initial regulatgory flexibility analysis should be sent to: William N. Lindall, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, FL 33702.

Comments on the information collection requirements should be sent to the Office of Information and Regulatory Affairs of OMB, Washington, DC 20503, Attention: Desk Officer for NOAA.

FOR FURTHER INFORMATION CONTACT: William L. Lindall, 813-893-3722.

SUPPLEMENTARY INFORMATION: The mackerel fishery is regulated under the FMP and its implementing regulations at 50 CFR Part 642. Amendment 1 to the FMP was prepared jointly by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and implemental September 22, 1985 (50 FR 34843, August 28, 1985). These proposed regulations would implement Amendment 2 to the FMP which also was prepared jointly by the Councils.

The FMP amendment was previously disapproved by the Secretary of Commerce because it was not consistent with the national standards of the Magnuson Act. The Gulf of Mexico Fishery Management Council (Council) considered the Secretary's comments and resubmitted the FMP amendment for further review and implemention. The Council made changes in the previously disapproved proposed management measures, and provided additional justification for the measures.

The FMP manages the coastal migratory pelagic fishery throughout the EEZ off the South Atlantic coastal States from the Virginia-North Carolina border south and through the Gulf of Mexico. The proposed regulations, except for § 642.5, apply only to this area. The management unit for the FMP consists of Spanish mackerel, king mackerel, and cobia. Dolphin, bluefish, little tunny, and cero are minor species in the fishery, and only the data collection requirements of the FMP apply to these species.

Background

The recent history of Spanish mackerel catches is one of declining landings and catch rates. The commercial net fishery comprises approximately 60 to 75 percent of the total catch, and it occurs during a two- to three-month period in the winter in south Florida.

Catches in the early 1970s averaged over 15 million pounds while catches in 1984 and 1985 were below 10 million pounds. The Councils' Stock Assessment Panel (Panel) has recommended a reduced MSY, based on new data, and a reduced acceptable biological catch (ABC) to allow recovery of the stock over a period of about three years. Recent information also suggests that Atlantic and Gulf Spanish mackerel are separate migratory groups that should be divided geographically for management purposes.

The Panel recommended an increase in the size at harvest of Spanish mackerel, and this proposed rule increases the minimum allowable mesh size in gill nets, which take most of the catch in this fishery.

Special allocations of king and Spanish mackerels for evaluating the use of purse seines are discontinued after completion of the study and review of the catch information.

Framework Measures and Seasonal Stock Assessment

The FMP provides for an annual mackerel stock assessment by the Panel. The Councils are required to convene their advisory panels for review. A proposed change would the Councils the option of convening the advisory panels as they wish. The Councils may request the Regional Director make changes of MSYs, TACs, quotas, bag limits, or permits by notice in the Federal Register.

Maximum Sustainable Yield and Total Allowable catch

The MSY for Spanish mackerel originally was set at 27 million pounds within a range 13.5 to 49.1 million pounds, based on 1975 commercial landings and an adjusted estimate of recreational catch. This wide range was due to data limitations, and the MSY was set too high. New information has resulted in a lower estimate of natural mortality rate (M). A consequence of lower M, with other conditions constant, is a decrease in the estimated number of recruits produced by the stock and an increase in the estimated size of first capture, the latter resulting in an increased yield per recruit. The Panel recommended and the Councils endorsed a change in MSY to 18 million pounds in a range of 15.7 to 19.7 million pounds.

The Panel suggested a reduction in TAC of Spanish mackerel to permit the stock to recover. TAC of 4.7 million pounds will be specified to allow the spawning stock biomass to double and the stock to recover in three years. Based on recent stock identification studies, the Spanish mackerel will be divided into Atlantic and Gulf groups at the Dade/Monroe county boundary in Florida. TAC is divided into 1.8 and 2.9 million pounds for the Gulf and Atlantic groups, respectively. To distribute the reduced catches fairly among users, TAC is allocated between recreational and commercial users based on historic catches from 1979 through 1985, the most recent period for which catch data are available.

A requirement that TAC must be set within the range of the ABC and may not be increased by more than 30 percent in a year will be revised. TAC may not exceed the upper limit of ABC if the stock is overfished. If the stock is not overfished, TAC may increase by

any amount but may not exceed MSY by more than 10 percent. This change will provide the Councils with more flexible management but still protect the Spanish mackerel stock from overfishing.

The fishing year for Spanish mackerel will be revised to coincide with the fishing years of king mackerel groups. For Atlantic Spanish mackerel the fishing year will be April 1 through March 31, and for the Gulf group it will be July 1 through June 30. This revises the Spanish mackerel calendar fishing year which divided the principal commercial seasons of November through March and allows TAC to be set for a biological year

Commercial Quotas

Commercial quotas based on historical catch patterns are established to allocate the reduced TAC. The commercial Spanish mackerel quota for the Gulf group is set at 57 percent of TAC, 1.03 million pounds initially. The commercial Spanish mackerel quota for the Atlantic group is set at 76 percent of TAC, 2.2 million pounds initially. This fixed percentage distribution will adjust the quotas as TAC is revised.

Bag Limits

The recreational allocation for Spanish mackerel, based on historic catch patterns, is set at 43 percent of the Gulf group TAC, 0.77 million pounds initially, and 24 percent of the Atlantic group TAC, 0.7 million pounds initially. This percentage distribution is based on average recreational catch from 1979 through 1985 and will adjust the allocations as TAC is revised.

The initial bag limit for Spanish mackerel, intended to reduce and distribute the recreational catch, is not specified in this rule. It will be implemented by notice in the Federal Register on completion and review by the Councils of the 1987 stock assessment.

The Councils will review the 1987 stock assessment at their joint meeting April 27, 1987, and recommended appropriate bag limits. The proposed bag limits will be published in the **Federal Register** as a notice of preliminary change. A 15-day public comment period will be provided. The Councils also will prepare a Supplemental Regulatory Impact Review (SRIR) analyzing the impacts of the proposed bag limit on the recreational fishing industry. The SRIR will be available for review during the public comment period. The bag limit will become zero in any group when the allocation is taken if overfishing on that group is occurring.

The transfer from vessels at sea of mackerel taken under a recreational bag limit is prohibited in order to facilitate enforcement of the bag limits.

Permits

To be exempt from the bag limit and fish under the commercial quota Spanish mackerel, permits are required. This arrangement is the same as the present king mackerel permit system and allows a fair distribution of catch. To qualify for a permit to fish under a commercial quota, the owner or operator must be able to show that ten percent of his earned income the previous calendar year came from commercial fishing, i.e., the sale of the catch.

Charter vessels fishing for coastal pelagic species in this management group are required to have a charter vessel permit. The number of charter vessels is not known, and many enter and leave the business each year. To evaluate the catch of this separate group, it is necessary to require a permit. Charter vessels must fish under the bag limit when under charter. When not under charter, they may fish under the commercial quota provided they have a permit to do so.

Gear Restrictions

Following a three-year study and special allocation for purse seines for taking mackerel, the use of purse seines will be prohibited for king and Spanish mackerels. The Councils determined it would be imprudent to introduce a highly efficient gear into an overfished resource when traditional users are being severely restricted. Use of purse seines is inconsistent with the regulations of all adjacent States. The special allocation for the study was not filled, yet the other commercial users approach closure each year under reduced quotas. Purse seines have the potential of catching large numbers of mackerel under favorable conditions and could substantially overfish a quota before it could be closed. The Councils will review this prohibition when a mackerel stock or group recovers and is again capable of producing its MSY and when traditional commercial fishermen are not taking their allocation.

A minimum mesh size of 3½ inches stretch measure is provided for Spanish mackerel gill nets to increase the minimum size of harvest to about 14 inches. This is the preferred size for the commercial market and will increase the yield of fish recruited to the fishery.

Other Changes

To conform the regulations to current law, "FCZ" will be changed to "EEZ" wherever it appears. Minor changes in wording are proposed for clarity.

Classification

Section 304(b)(3)(B)(iii) of the Magnuson Act, as amended by Pub. L. 99–659, requires the Secretary of Commerce, upon receipt of a previously disapproved FMP amendment and proposed implementing regulations, to publish the proposed implementing regulations as soon after receipt as possible. At this time the Secretary has not determined that the revised FMP amendment this rule would implement is consistent with the national standards, other provisions of the Magnuson Act, and other applicable law. The Secretary, in making that determination, will take into account the data, views, and comments received during the comment period.

The Councils prepared an environmental assessment (EA) for this amendment and concluded that there will be no significant impact on the environment as a result of this rule. You may obtain a copy of the EA from the address above.

The Administrator of NOAA determined that this proposed rule is not a "major rule" requiring preparation of a regulatory impact analysis under Executive Order 12291. The rule's management measures are designed to maintain the productivity of each user group to the maximum extent possible by restoring overfished stocks and preventing overfishing of the king and Spanish mackerel and cobia stocks. The major benefits from Amendment 2 are greater than the associated Federal costs to manage the fishery on a continuing basis. The SRIR concluded that greater benefits will result from this proposed rule in terms of overall poundage produced than from the other alternatives.

The principal action of this proposed rule is to restrict harvest of Spanish mackerel for three years to allow the depleted stocks to recover. In 1983, the king and Spanish mackerel commercial fleet consisted of 188 small net boats and 121 power-assisted net boats which also harvested other species. By the 1985–86 season, the latter declined to fewer than 50. Short-term losses in catch will be exceeded by long-term gains. The present value of the unregulated fishery is $18.6 million, while the present value under the proposed rule would be $29.45 million. For the first three years there would be an annual loss of $891,000, after which there would be an annual increase of $1.74 million.

While values for the recreational fishery for Spanish mackerel are not

available, a parallel, long-term benefit can be expected. It is not known what effect a bag limit would have on the charter boat industry. The impact could be significant on those boats relying heavily on Spanish mackerel and having few alternatives if the bag limits resulted in reduced charters.

Federal and state enforcement costs of the proposed regulations are estimated at $58,000 if States adopt compatible reuglations and at $132,000 if they do not. These figures reflect enforcement costs to achieve a reasonable level of compliance for all measures. New measures for Spanish mackerel represent a small percentage of the cost. A copy of the SRIR may be obtained at the address above.

This proposed rule is exempt from the procedure of Executive Order 12291 under section 8(a)(2) of that order. Deadlines imposed under the Magnuson Act, as amended by Pub. L. 99–659, require the Secretary to publish this proposed rule as soon as possible after its receipt. The proposed rule is being reported to the Director, Office of Management and Budget, with an explanation of why it is not possible to follow the regular procedures of the order.

The Council prepared an initial regulatory flexibility analysis as part of the SRIR which concluded that this proposed rule will have an insignificant effect on commercial fishing entities and potentially a significant impact on charter vessel entities, depending on customer reaction to the bag limits. A copy of this analysis may be obtained at the address above.

This proposed rule contains a collection of information requirement subject to the Paperwork Reduction Act (PRA). A request to collect this information will be submitted to the Office of Management and Budget (OMB) for review under section 3504(h) of the PRA. When mandatory reporting by selected recreational fishermen is required, an additional request will be submitted to OMB.

The Councils have determined that this proposed rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management programs of North Carolina, South Carolina, Florida, Alabama, Mississippi, and Louisiana. Georgia and Texas do not have approved coastal zone management programs. These determinations have been submitted for review by the responsible State agencies under section 307 of the Coastal Zone Management Act.

List of Subjects in 50 CFR Part 642

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: April 24, 1987.

Joseph W. Angelovic,

Deputy Assistant Administrator For Science and Technology, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR Part 642 is proposed to be amended as follows:

PART 642—COASTAL MIGRATORY PELAGIC RESOURCES OF THE GULF OF MEXICO AND SOUTH ATLANTIC

1. The authority citation for Part 642 continues to read as follows:

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

2. In § 642.2, under the definition for *Coastal migratory pelagic fish*, the word "mackerel" is removed from the phrase "Cero mackerel", the definition for *Fishery conservation zone (FCZ)* is removed, the definitions for *Migratory group* and *Total allowable catch (TAC)* are revised, and new definitions for *Exclusive Economic Zone (EEZ)* and *Overfishing* are added in alphabetical order, to read as follows:

§ 642.2 Definitions.

* * * * *

Exclusive economnic zone (EEZ) means the zone established by Presidential Proclamation 5030, dated March 10, 1983, and is that area adjacent to the United States which, except where modified to accommodate international boundaries, encompasses all waters from the seaward boundary of each of the coastal States to a line on which each point is 200 nautical miles from the baseline from which the territorial sea of the United States is measured.

* * * * *

Migratory group means a group of fish that may or may not be a separate genetic stock but which for management purposes may be treated as a separate stock (See Figure 2 and § 642.29(a) for the geographical and seasonal boundaries between migratory groups of king mackerel and § 842.29(b) for the geographical boundary between migratory groups of Spanish mackerel.)

* * * * *

Overfishing or *overfished* means an excessive mortality rate on a stock of fish (mortality rate exceeds F_{MSY} or $F_{0.1}$) or spawning biomass is low enough to affect recruitment.

* * * * *

Total allowable catch (TAC) means the maximim permissible level of annual harvest specified for a stock or migratory group after consideration of the biological, economic, and social factors with such level usually being specified from below the upper range of ABC. TAC may be set above the ABC range when it will not result in overfishing.

* * * * *

3. In § 642.4, paragraph (c) is removed, paragraphs (a) and (b) are revised, paragraphs (d) through (k) are redesignated as (c) through (j), and newly redesignated paragraphs (c), (e), and (g) are revised, to read as follows:

§ 642.4 Permits and fees.

(a) *Applicability.*

(1) An owner or operator of a fishing vessel which fishes for king or Spanish mackerel under the commercial quotas in § 642.21 (a) or (c) is required to obtain an annual vessel permit.

(2) A qualifying owner or operator of a charter vessel may obtain a permit to fish under the commercial allocations for king or Spanish mackerel. Charter vessels must adhere to bag limits while under charter.

(3) An owner or operator or a charter vessel which fishes for coastal migratory pelagic fish is required to obtain an annual charter vessel permit.

(b) *Application for permit.*

(1) An application for a permit may be submitted to the Regional Director at any time. Applications must be signed by the owner or operator.

(2) An applicant for a permit to fish under the commercial quotas for king and/or Spanish mackerel must provide the following information:

(i) Name, mailing address including zip code, and telephone number of the owner and the operator of the vessel;

(ii) Name of vessel;

(iii) The vessel's official number;

(iv) Home port or principal port of landing, gross tonnage, radio call sign and length of vessel;

(v) Approximate fish hold capacity of the vessel;

(vi) A sworn statement by the owner or operator certifying that at least 10 percent of his or her earned income was derived from commercial fishing, i.e., sale of the catch, during the preceding calendar year (January 1 through December 31);

(vii) Any other information concerning vessel, gear characteristics, or fishing area requested by the Regional Director;

(viii) The migratory group of king and/or Spanish mackerel that will be fished; and

(ix) Proof of certification as required by paragraph (b)(3) of this section.

(3) The Regional Director or his designee may require the applicant to

provide documentation supporting the sworn statement submitted under paragraph (b)(2)(vi) of this section before a permit is issued or to substantiate why such a permit should not be revoked under paragaph (h) of this section.

(4) An applicant for a charter vessel permit must provide the following information:

(i) Name, mailing address including zip code, and telephone number of the owner and the operator of the vessel;

(ii) Name of vessel;

(iii) the vessel's official number;

(iv) Homeport or principal port of landing, and length of vessel; and

(v) Passenger capacity.

(c) *Issuance.* The Regional Director or his designee will issue permits at any time for an April through March permit year. Permits for the following permit year become available in February. Until a permit to fish under a commercial quota is received, bag limits apply.

* * * * *

(e) *Duration.* A permit is valid only for that portion of the permit year remaining after it is issued (April 1 through March 31 is the full permit year), unless revoked, suspended, or modified under Subpart D of 15 CFR Part 904.

* * * * *

(g) *Display.* A permit issued under this section must be carried aboard the fishing vessel, and a vessel permitted to fish under the commercial quotas must be identified as provided for in § 642.6. The operator of a fishing vessel must present the permit for inspection upon request of an authorized officer.

* * * * *

4. In § 642.5, paragraphs (a), introductory text, and (a)(1) are revised, to read as follows:

§ 642.5 Reporting requirements.

(a) *Commercial vessel owners and operators.* Any person who owns or operates a fishing vessel that fishes for or lands coastal migratory pelagic fish for sale, trade, or barter, or that fishes under a permit required in § 642.4(a)(1) in the Gulf of Mexico EEZ or South Atlantic EEZ or in adjoining State waters, and who is selected to report must provide the following information regarding any fishing trip to the Center Director:

(1) Name and official number of vessel;

* * * * *

5. In § 642.6, paragraph (a), introductory text, is revised, to read as follows:

§ 642.6 Vessel identification.

(a) *Official number.* Each vessel of the United States engaged in fishing for king or Spanish mackerel under a commercial quota and the permit specified in § 642.4(a)(1) must—

* * * * *

6. In § 642.7, paragraph (a)(18) is amended by removing the reference to Table 2, and paragraphs (a) (5), (6), (13), (17), (19) through (22), and (27) through (300 are revised, to read as follows:

§ 642.7 Prohibitions.

(a) * * *

* * * * *

(5) Possess in the EEZ king or Spanish mackerel on board a vessel with gill nets with a minimum mesh size less than that specified in § 642.24(a), except for an incidental catch allowance as specified in § 642.24(c);

(6) Fish for king or Spanish mackerel using a purse seine;

* * * * *

(13) Fail to transfer or to display a permit as provided for in § 642.4 (f) and (g);

* * * * *

(17) Purchase, sell, barter, trade, or accept in trade, king or Spanish mackerel, harvested in the EEZ from a specific migratory group or specific allocation zone, for the remainder of the appropriate fishig year specified in § 642.20, after the quota for that migratory group or allocation zone as specified in § 642.21 (a), (b), (c), or (d) has been reached and closure as specified in § 642.22 has been invoked. (This prohibition does not apply to trade in king or Spanish mackerel harvested, landed, and bartered, traded, or sold prior to the closure and held in cold storage by dealers and processors);

* * * * *

(19) Sell the incidental catch allowance of king or Spanish mackerel taken in the EEZ unded § 642.24 (c) and (d) after the quotas specified in § 642.21 (a) and (c) have been reached and closure has been invoked as specified in § 642.22(a);

(20) Fish for, retain, or have in possession in the EEZ aboard a vessel permitted to fish under § 642.4 Spanish mackerel from a migratory group after the commercial quota for that migratory group specified in § 642.21(c) has been reached and closure has been invoked under § 642.22(a), except as provided for in § 642.28(c)(2);

(21) Land, consume at sea, sell, or have in possession at sea or at time of landing king or Spanish mackerel in excess of the bag limits specified in § 642.28, except as provided for under § 642.21 (a) and (c);

(22) Fish for king or Spanish mackerel from the Gulf and Atlantic migratory groups in the EEZ as defined in § 642.29 under the quotas specified in § 642.21 (a) and (c) without a permit as specified in § 642.4;

* * * * *

(27) Possess king or Spanish mackerel harvested in the EEZ under a recreational allocation set forth in § 642.21 (b) or (d) after the bag limit for that recreational allocation has been reduced to zero under § 642.22(b);

(28) Sell king or Spanish mackerel harvested under the recreational bag limits in § 642.28(a) except as specified in § 642.28(d);

(29) Operate a vessel that fishes for king or Spanish mackerel in the EEZ with king or Spanish mackerel aboard in excess of the cumulative bag limit, based on the number of persons aboard, applicable to the vessel, as specified in § 642.28(f); or

(30) Transfer at sea in the EEZ from a fishing vessel to any other vessel king or Spanish mackerel caught under the bag and possession limits specified in § 642.28(a) or transfer at sea any such king or Spanish mackerel taken from the EEZ.

* * * * *

7. Section 642.20 is revised to read as follows:

§ 642.20 Seasons.

The fishing year for the Gulf migratory groups of king and Spanish mackerel for allocations and quotas begins at 0001 hours, July 1, and ends at 2400 hours, June 30, local time (see Figure 2). The fishing year for the Atlantic migratory groups of king and Spanish mackerel begins at 0001 hours, April 1, and ends at 2400 hours, March 31, local time. The fishing year for all other coastal migratory pelagic fish begins at 0001 hours, January 1, and ends at 2400 hours, December 31, local time.

8. In § 642.21, paragraph (a)(3) is amended by removing the reference to Table 2 of Appendix A; paragraph (a)(1)(iii) and (e) are removed; paragraph (a)(1) (i) and (ii), (c), and (d) are revised; and paragraph (f) is redesignated as (e) and revised, to read as follows:

§ 642.21 Quotas.

(a) *Commercial quotas for king mackerel.*

(1) the commercial allocation for the Gulf migratory group of king mackerel is 0.93 million pounds per fishing year. This allocation is divided into quotas as follows:

(i) 0.64 million pounds for the eastern allocation zone; and

(ii) 0.29 million pounds for the western allocation zone.

* * * * *

(c) *Commercial quotas for Spanish mackerel.*

(1) The commercial quota for the Gulf migratory group of Spanish mackerel is 1.03 million pounds per fishing year.

(2) The commercial quota for the Atlantic migratory group of Spanish mackerel is 2.2 million pounds per fishing year.

(d) *Recreation allocations for Spanish mackerel.*

(1) The recreational allocation for the Gulf migratory group of Spanish mackerel is 0.77 million pounds per fishing year.

(2) The receational allocation for the Atlantic migratory group of Spanish mackerel is 0.7 million pounds per fishing year.

(e) *Allocation zones.* The boundary between the eastern and western zones established for commercial allocation of the Gulf migratory group of king mackerel is a line extending directly south from the Alabama/Florida boundary (87°31'06"W. longitude) to the outer limit of the EEZ (Figure 2).

9. In § 642.22, paragraphs (a) and (b) are revised, to read as follows:

§ 642.22 Closures.

(a) The Secretary, by publication of a notice in the **Federal Register**, will close the king or Spanish mackerel commercial fishery in the EEZ for a particular allocation zone or migratory group when the quota under § 642.21 for that allocation zone or migratory group has been reached or is projected to be reached. The notice of closure for quotas specified under § 642.21 (a) and (c) will also provide that the purchase, barter, trade, and sale within the boundaries of the closed area of king or Spanish mackerel taken from the EEZ after the closure is prohibited for the remainder of that fishing year. This prohibition does not apply to trade in Spanish or king mackerel harvested, landed, and bartered, traded, or sold prior to the closure and held in cold storage by dealers or processors.

(b) The Secretary, after consulting with the Councils and by publication of a notice in the **Federal Register**, may reduce the bag limit for the recreational fishery for king or Spanish mackerel in the Atlantic or Gulf migratory group to zero when the allocation for that group under § 642.21 (b) or (d) is reached or is projected to be reached, only when that group is overfished. After such reduction, all king or Spanish mackerel caught from that group must be returned to the sea immediately and possession of king or Spanish mackerel of that group on board recreational vessels is prohibited.

10. Section 642.24 is revised, to read as follows:

§ 642.24 Vessel, gear, equipment limitations.

(a) *Gill nets.*

(1) *King mackerel.* The minimum mesh size for gill nets used to fish for king mackerel is 4¾ inches (stretched mesh).

(2) *Spanish mackerel.* The minimum mesh size for gill nets used to fish for Spanish mackerel is 3½ inches (stretched mesh).

(b) *Purse seines.* The use of purse seines to fish for king and Spanish mackerels is prohibited except as provided in paragraph (d) of this section.

(c) *Incidental catch allowance.* An incidental catch of king mackerel is allowed equal to ten percent of the total catch by number of Spanish mackerel on board a vessel with gill nets with a minimum mesh size smaller than that specified in paragraph (a)(1) of this section.

(d) *Purse seine catch allowance and exclusions.* A vessel with a purse seine aboard will not be considered as fishing for king mackerel or Spanish mackerel and will not be considered in violation of the prohibition of purse seines under § 642.24(b) provided the catch of king mackerel or Spanish mackerel does not exceed one percent or ten percent, respectively, by weight or number (whichever is less) of the catch of all fish aboard the vessel. Such king or Spanish mackerel will be counted toward the quotas provided for under § 642.21 (a) and (c) and are subject to the prohibition of sale under § 642.22(a).

11. In § 642.27, paragraphs (b), (f)(1)(ii), and (f)(2) are revised, to read as follows:

§ 642.27 Stock assessment procedures.

* * * * *

(b) The Councils will consider the report and recommendations of the Group and hold public hearings at a time and place of the Councils' choosing to discuss the Group's report. The Councils may convene the Advisory Panel and the Scientific and Statistical Committee to provide advice prior to taking final action. After receiving public input, the Councils will make findings on the need for changes.

* * * * *

(f) * * *

(1) * * *

(ii) Spanish mackerel—15.7 million pounds to 19.7 million pounds.

(2) Setting TACs for each stock or group of fish which should be managed separately, as identified in the FMP. A TAC may not exceed the upper level of ABC if it results in overfishing. No TAC will exceed the best point estimate of MSY by more than ten percent. Reductions or increases in allocations as a result of changes in TAC are to be as equitable as may be practicable, utilizing similar percentage changes to all participants in a fishery. (Changes in bag limits cannot always accommodate the exact desired level of change.)

* * * * *

12. Section 642.28 is revised, to read as follows:

§ 642.28 Bag and possession limits.

(a) *Bag limits.* A person who fishes for king or Spanish mackerel from the Gulf of Atlantic migratory groups (see Figure 2) in the EEZ, except a person fishing under the permits and quotas specified in § 642.4(a)(1) and § 642.21(a) or (c), or possessing the purse seine catch allowance specified in § 642.24(d), is limited to the following:

(1) *King mackerel Gulf migratory group.*

(i) Possessing three king mackerel per person per trip, excluding the captain and crew, or possessing two king mackerel per person per trip, including the captain and crew, whichever is the greater, when fishing from a charter vessel.

(ii) Possessing two king mackerel per person per trip when fishing from other vessels.

(2) *King mackerel Atlantic migratory group.* Possessing three king mackerel per person per trip.

(3) *Spanish mackerel.* [Reserved]

(b) All king mackerel must be landed in identifiable form as to number all species (with the understanding that head and tail can be removed). All Spanish mackerel must be landed with head and fins intact.

(c) After a closure under § 642.22(a) is invoked for the allocations and quotas specified in § 642.21(a) and (c):

(1) A vessel permitted under § 642.4(a)(1) may not fish for that species of mackerel in the zone(s) for that allocation or quota under the bag limit specified in paragraph (a) of this section except as provided for under paragraph (c)(2) of this section.

(2) Charter vessels permitted to fish under the commerical quotas for mackerel may continue to harvest fish under the bag limit specified in paragraph (a) of this section provided they are under charter and the recreational fishing allocation for the respective migratory group of mackerel under § 642.21(b) and (d) have not been reduced to zero under § 642.22(b).

(d) A fisherman may sell his catch of mackerel taken under the bag limits in

paragraph (a) of this section unless the respective migratory group or allocation zone commerical quota in § 642.21(a) or (c) has been reached and closure under § 642.22(a) has been invoked. Mackerel sold by fishermen are counted against the appropriate commerical allocation or quota in § 642.21(a) or (c) for the area where they are caught.

(e) A person who fishes for mackerel in the EEZ may not combine the bag and possession limits of this part with any bag or possession limits applicable to State waters.

(f) The operator of a vessel that fishes for mackerel in the EEZ is responsible for the cumulative bag limit, based on the number of persons aboard, applicable to that vessel.

(g) A person who fishes for king or Spanish mackerel from the EEZ under the bag limits specified in § 642.28(a), or who possesses such king or Spanish mackerel in the EEZ, may not transfer at sea king or Spanish mackerel from a fishing vessel to any other vessel.

13. Section 642.29 is revised, to read as follows:

§ 642.29 Area and time separation.

(a) *King mackerel.*

(1) *Summer separation.* During the summer period (April 1 through October 31) the boundary separating the Gulf and Atlantic migratory groups of king mackerel is a line extending directly west from the Monroe/Collier County, Florida boundary (25°48′ N. latitude) to the outer limit of the EEZ (Figure 2).

(2) *Winter separation.* During the winter period (November 1 through March 31) the boundary separating the Gulf and Atlantic migratory groups of king mackerel is a line extending directly east from the Volusia/Flagler County, Florida boundary (29°25′ N. latitude) to the outer limit of the EEZ (Figure 2).

(b) *Spanish mackerel.* The boundary separating the Gulf and Atlantic migratory groups of Spanish mackerel is a line extending directly east from the Dade/Monroe County, Florida boundary (25°20.4′ N. latitude) to the outer limit of the EEZ.

Appendix A—[Amended]

14. In Appendix A, Tables 1 and 2 are removed.

§ 642.3 [Amended], § 642.5 [Amended], § 642.7 [Amended], § 642.23 [Amended], § 642.26 [Amended]

15. In addition to the amendments set forth above, the initials "FCZ" are removed and the initials "EEZ" are added in their place in the following places:

§ 642.3(c);

§ 642.5 (b) and (c);

§ 642.7(a) (3), (4), (12), and (18);

§ 642.23 (a) and (b); and

§ 642.26(a)(1)(iii) and (2).

[FR Doc. 87-9669 Filed 4-28-87; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 52, No. 82
Wednesday, April 29, 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

April 24, 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.

Question 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.

Extension

- National Agricultural Statistics Service

Agriculture Prices
Monthly, Quarterly, Semi-annually, Annually
Farms; Businesses or other for-profit; 100,294 response; 15,790 hours; not applicable under 3504(h)
Larry Gambrell, (202) 447–7737

Reinstatement

- Rural Electrification Administration

REA Specification for Quality Control and Inspection of Timber Products
REA Bulletin 50–24 (DT–19)
Recordkeeping; Annually
Small businesses or organizations; 1,000 responses; 38,749 hours; not applicable under 3504(h)
Archie W. Cain, (202) 382–1900

Jane A. Benoit,

Departmental Clearance Officer.

[FR Doc. 87–9671 Filed 4–28–87; 8:45 am]

BILLING CODE 3410–01–M

DEPARTMENT OF COMMERCE

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

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

Agency: Office of Productivity, Technology, and Innovation
Title: Nominations for National Technology Medal
Form Number: Agency—NA; OMB—0608–0052
Type of Request: Extension of a currently approved collection
Burden: 125 respondents; 375 reporting hours
Needs and Uses: This collection is used to solicit nominations for the National Technology Medal in a standard format which benefits the nominator, simplifies the review process for the Advisory Committee, and permits more efficient staff work in less time.
Affected Public: Individuals or households, businesses or other for-profit institutions, Federal agencies or employees, non-profit institutions, small businesses or organizations
Frquency: Annually
Respondent's Obligation: Voluntary
OMB Desk Officer: Don Arbuckle 395–7340

Agency: Office of the Secretary
Title: Prohibition of Discrimination Against the Handicapped in Department of Commerce Grant Programs
Form Number: Agency—NA; OMB—0605–0006
Type of Request: Extension of a currently approved collection
Burden: 1,387 respondents; 694 reporting hours
Needs and Uses: The collected information is requested of grant recipients for self-evaluation and modification of any policies and/or practices and the effects thereof, which do not meet the requirements of section 504 of the Rehabilitation Act of 1973.
Affected Public: State or local governments
Frequency: On occasion
Respondent's Obligation: Required to obtain or retain a benefit
OMB Desk Officer: Don Arbuckle 395–7340

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

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

Dated: April 22, 1987.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 87–9674 Filed 4–28–87; 8:45 am]

BILLING CODE 3510–CW–M

Foreign-Trade Zones Board

[Docket No. 38–84]

Foreign-Trade Zone 23, Buffalo, NY; Withdrawal of Application for a Subzone for Buffalo Specialty Products, Inc.

The County of Erie, New York, grantee of Foreign-Trade Zone 23, has requested the withdrawal of its application to the Foreign-Trade Zones

Board for a subzone at the plant of Buffalo Specialty Products, Inc. in the town of Hamburg, Erie County, New York, due to changed circumstances. The application was filed August 28, 1984 (49 FR 35535, 9–10–84).

The request is approved, without prejudice, and FTZ Board Docket No. 38–84 is closed.

Dated: April 23, 1987.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 87–9681 Filed 4–28–87; 8:45 am]

BILLING CODE 3510–DS–M

International Trade Administration

Performance Review Board Membership

This notice announces the appointment by the Department of Commerce Under Secretary for International Trade, S. Bruce Smart, of the Performance Review Board for ITA. This is a revised list of membership which includes previous members as listed in the August 20, 1986 Federal Register Announcement (51 FR 29678) with additional members add to serve out the remainder of the one year term. The purpose of the International Trade Administration PRB is to review performance actions for recommendations to the appointing authority as well as other related matters. The names of the PRB members are:

International Trade Administration

Franklin Vargo,
Chairman, Deputy Assistant Secretary for Europe

Marjory Searing,
Director, Office of Industry Assessment

T. Fleetwood Mefford,
Deputy Assistant Secretary for Domestic Operations

Michael Coursey,
Director, Office of Investigations

John Evans,
Deputy to the Deputy Assistant Secretary for Trade Adjustment Assistance

Marilyn Wager,
Assistant General Counsel for Administration

John Richards,
Director, Office of Industrial Resource Adminstration

Rolt D. Luft,
Deputy Assistant Secretary for Services

J. Hayden Boyd,
Director, Office of Consumer Goods

Dated: April 23, 1987.

James T. King, Jr.,

Personnel Officer, ITA.

[FR Doc. 87–9673 Filed 4–28–87; 8:45 am]

BILLING CODE 3510–25–M

Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles; Hillsborough County Hospital Authority et al.

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Decision: Denied. Applicants have failed to establish that domestic instruments of equivalent scientific value to the foreign instruments for the intended purposes are not available.

Reasons: Section 301.5(e)(4) of the regulations requires the denial of applications that have been denied without prejudice to resubmission if they are not resubmitted within the specific time period. This is the case for each of the listed dockets.

Docket Number: 86–223. Applicant: Hillsborough County Hospital Authority, Tampa, FL 33606. Instrument: Electron Microscope, Model EM 109 with Accessories. Manufacturer: Carl Zeiss, West Germany. Denial Without Prejudice to Resubmission: December 9, 1986.

Docket Number: 87–015. Applicant: Northeastern University, Boston, MA 02115. Instrument: Automated Triaxial and Consolidation Testing System. Manufacturer: GDS Instruments LTD., United Kingdom. Denial Without Prejudice to Resubmission: January 20, 1987.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 87–9675 Filed 4–28–87; 8:45 am]

BILLING CODE 3510–DS–M

Applications for Duty-Free Entry of Scientific Instruments; Montana State University 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 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 87–122. Applicant: Montana State University, Department of Chemistry, Bozeman, MT 59717. Instrument: Multi-Tasking Data System, Model VG 11–250J+. Manufacturer: VG Instruments, Inc., United Kingdom.

Intended Use: The article is an accessory needed to upgrade the performance of an existing mass spectrometer in order to serve the needs of numerous research scientists and students. Research will include investigations of the following phenomena: (1) Trace detection methods for environmentally important compounds, (2) basis of high sensitivity electron capture mass spectrometric methods, (3) basis of human disease in aging, heart disease and retinal degeneration, (4) marine natural products and (5) causes of plant disease. In addition, the instrument will be used for educational purposes in the courses: Chem 429 Laboratory for Instrumental Methods of Analysis and Chem 590 Thesis Research. Application Received by Commissioner of Customs: March 30, 1987.

Docket Number: 87–142. Applicant: University of Michigan, Department of Ophthalmology, Kellogg Eye Center, 100 Wall Street, Ann Arbor, MI 48105. Instrument: Electron Microscope, Model CM 10/PC. Manufacturer: N.V. Philips, The Netherlands. Intended Use: Investigation of the ultrastructural morphology of ophthalmic tissues in order to understand disease processes, normal development and the results of experimental perturbations of tissues associated with the eye. Application received by Commissioner of Customs: March 26, 1987.

Docket Number: 87–144. Applicant: NIAID—National Institutes of Health, Laboratory of Pathobiology, Rocky Mountain Laboratory, 903 South 4th Street, Hamilton, MT 59840. Instrument: Electron Microscope, Model CM 10/PC with Accessories. Manufacturer: N.V. Philips, The Netherlands. Intended Use of Article: The instrument is intended to be used in research and research collaboration to define in molecular terms those structural alterations which are related to specific pathological conditions using techniques of molecular cloning, nucleic acid electron

microscopy, DNA hybridization, electron immuno-microscopy and other methods of morphological evaluation. These techniques and others are presently being applied to fundamental studies into the disease AIDS and its viral causative agent. Application Received by Commissioner of Customs: March 27, 1987.

Docket Number: 87–145. Applicant: The University of Texas Health Center at Tyler, P.O. Box 2003, Tyler, TX 75710. Instrument: Electron Microscope, Model JEM 1200EX with Accessories. Manufacturer: JEOL Co., Ltd., Japan. Intended Use: The instrument is intended to be used for ultrastructural studies of: the pathologic changes in various lung diseases, especially asbestosis, identification of fibers and particulates, other lung diseases related to biopsy/autopsy material, lavage fluids and sputum, and various tumors especially the differential diagnosis of the various poorly differentiated anaplastic cancers. In addition, the instrument will be used for training post-doctoral and graduate students and residents in pathology in the various aspects of electron microscopy. Application Received by Commissioner of Customs: March 27, 1987.

Docket Number: 87–146. Applicant: Montana State University, Department of Chemistry, Bozeman, MT 59717. Instrument: Continuous Flow FAB Accessory. Manufacturer: VG Instruments, Inc., United Kingdom. Intended Use: The article is an accessory needed to upgrade the performance of an existing mass spectrometer in order to serve the needs of numerous research scientists and students. Research will include investigations of the following phenomena: (1) Trace detection methods for environmentally important compounds, (2) basis of high sensitivity electron capture mass spectrometric methods, (3) basis of human disease in aging, heart disease and retinal degeneration, (4) marine natural products and (5) causes of plant disease. In addition, the instrument will be used for educational purposes in the courses: Chem 429 Laboratory for Instrumental Methods of Analysis and Chem 590 Thesis Research. Application Received by Commissioner of Customs: March 30, 1987.

Docket Number: 87–147. Applicant: Montana State University, Department of Chemistry, Bozeman, MT 59717. Instrument: Plasma Spray/Thermo Spray LC Interface. Manufacturer: VG Instruments, Inc., United Kingdom. Intended Use: The article is an accessory needed to upgrade the performance of an existing mass spectrometer in order to serve the needs of numerous research scientists and students. Research will include investigations of the following phenomena: (1) Trace detection methods for environmentally important compounds, (2) basis of high sensitivity electron capture mass spectrometric methods, (3) basis of human disease in aging, heart disease and retinal degeneration, (4) marine natural products and (5) causes of plant disease. In addition, the instrument will be used for educational purposes in the courses: Chem 429 Laboratory for Instrumental Methods of Analysis and Chem 590 Thesis Research. Application Received by Commissioner of Customs: March 30, 1987.

Docket Number: 87–148. Applicant: Washington University, Physics Department, Box 1105, Skinker and Lindell Campus, St. Louis, MO 63130. Instrument: Scanning Electron Microscope, Model JSM–840A and Accessories. Manufacturer: JEOL Ltd., Japan. Intended Use: The instrument is intended to be used for studies of four types of extraterrestrial materials: Lunar samples, meteorites, stratospheric (interplanetary) dust particles, and cosmic dust impacts on materials returned from space to determine their morphologies. Application Received by Commissioner of Customs: March 30, 1987.

Docket Number: 87–149. Applicant: Alert Einstein College of Medicine, Eastchester Road, and Morris Park Avenue, Bronx NY 10461. Instrument: Electron Microscope, Model CM 10/PC and Accessories. Manufacturer: N.V. Philips, The Netherlands. Intended Use: Studies of biological materials including embryos of a salamander called the axolotl, cats, hatchetfish, molluscs, nematodes killfish embryos, squid, sturgeon and tunicate eggs and fruitflies. The phenomena which will be studied include those that occur in the control of neuronal and central nervous system development in vertebrate embryos, the pathobiology of neuronal storage disease, and the communication of neurons with one another via synapses. Application Received by Commissioner of Customs: March 31, 1987.

Docket Number: 87–150. Applicant: University of Illinois, Urbana-Champaign Campus, Purchasing Division, 223 Adminstration Building, 506 S. Wright Street, Urbana, IL 61801. Instrument: Excimer Laser/Dye Laser System, Model EMG–203 MSC. Manufacturer: Lambda-Physik, West Germany. Intended Use: The instrument will be used as part of a lidar system to study the chemistry and dynamics of the stratosphere and mesophere. Application Received by Commissioner of Customs: March 31, 1987.

Docket Number: 87–151. Applicant: USDA-ARS-MWA, Northern Regional Research Center, 1815 N. University Street, Peoria, IL 61604. Instrument: High Pressure Extractor/Thin Layer Chromatograph. Manufacturer: Nova Werke AG, Switzerland. Intended Use: Research on identifying the presence of pesticide, PCB, or antibiotic contaminants in meat products. More specifically, the instrument will allow the dissolution of the above-descrided solutes into a variety of candidate fluids, such as CO_2 and per their solubility characteristics to be measured. Initial studies using pure pesticides will be followed by extraction and chromatographic experiments on spiked samples and eventually commercial products. Application Received by Commissioner of Customs: March 31, 1987.

Docket Number: 87–152. Applicant: University of Alaska, Geophysical Institute, Fairbanks, AK 99774–0800. Instrument: Magnetic Susceptibility/ Temperature System, Model M.S.2. Manufacturer: Bartington Instruments, United Kingdom. Intended Use: Study of the magnetic susceptibility of rocks and rock forming materials, and more particularly the way the susceptibility changes with both high and low temperatures. This information will be used to determine the demagnetization techniques that will be applied to all the similar rocks and material in the course of paleomagnetic reseach. Application Received by Commissioner of Customs: April 2, 1987.

Docket Number: 87–156. Applicant: Good Samaritan Hospital & Medical Center, Neurological Sciences Institute, 1120 N.W. Twentieth Avenue, Portland, OR 97209. Instrument: Electronic Laboratory Interface, Model 1401. Manufacturer: Cambridge Electronic Design Ltd., United Kingdom. Intended Use: The instrument is intended to be used to acquire digital and analog signals during experiments in whch the neurophysiological mechanisms of pain are investigated. The primary objective in these experiments is to understand the physiological processes that underly certain chronic pain states in order that procedurs can be devised for preventing or reversing such painful disorders. Application Received by Commissioner of Customs: April 6, 1987.

Docket Number: 87–158. Applicant: Massachusetts Eye and Ear Infirmary, 243 Charles Street, Boston, MA 02114. Instrument: Electron Microscope, Model

CM 10/PC with Accessories. Manufacturer: N.V. Philips, The Netherlands. Intended Use: The instrument will be used to conduct varied research projects including studies of: (1) Vision and ocular disease; (2) trabecular meshwork in glaucoma; (3) aminoglycoside-induced outer retinal injury; (4) the mucous layer of the preocular tear film in normal and diseased human conjunctiva; (5) trabecular meshwork, including extracellular matrix components, structure of cytoskeletal elements in trabecular cells, and phagocytosis; (6) laser-induced vascular injury in the choroid, particularly after introduction of exogenous chromophores and (6) retinal injury following exposure of the retina to ultrashort laser pulses. Application Received by Commissioner of Customs: April 10, 1987.

Docket Number: 87–159. Applicant: University of Wisconsin, Department of Biochemistry, 420 Henry Hall, Madison, WI 53706. Instrument: NMR Spectrometor, Model AM 500 with Accessories. Manufacturer: Bruker Instruments, Switzerland. Intended Use: The article is intended to be used for high-field wide-bore NMR spectroscopy in the following research projects:

1. Surface Coil Studies of *In Vivo* Muscle Metabolism by Proton Nuclear Magnetic Resonance,
2. Enzyme Mechanisms and Stereochemistry of MgATP as a Substrate,
3. Metabolism and function of Vitamins D and A,
4. Enzyme Catalysis of Electron and Group Transfer, Nucleotidyl and Phosphotransferase Sterechemistry, and Mechanisms of Nucleotide Sugar Interconversions,
5. NMR Spectroscopy of Biopolymers,
6. Structures of Enzyme-Substrate and Enzyme-Inhibitor Complexes,
7. Characterization of the Mechanism of Aspartic Proteinases by 16C NMR to Ketone Pseudosubstrates and
8. Interaction of Metal Ions with Transfer RNA and Troponin C.

Application Received by Commissioner of Customs: April 10, 1987.

Docket Number: 87–161. Applicant: Good Samaritan Hospital & Medical Center, Neurological Sciences Institute, 1120 NW. Twentieth Avenue, Portland, OR 97209. Instrument: Micromanipulator, Model PM20H. Manufacturer: Biomedizinische Instrumente, West Germany. Intended Use: The instrument will be used to examine the relative roles of synaptic input from type I and II hair cells and the passive membran properties and postspike recovery medanisms of the afferent nerve terminal in the transformation of vestibular stimuli into afferent discharge patterns. The objects to study are the vestibular afferent neurons in the bullfrog and chinchilla. Application Received by Commissioner of Customs: April 9, 1987.

Frank W. Creel,

Director Statutory Import Programs Staff.

[FR Doc. 87–9679 Filed 4–28–87; 8:45 am]

BILLING CODE 3510-DS-M

National Bureau of Standards Decision on Application for Duty-Free Entry of Scientific Instrument;

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 86–021R. Applicant: National Bureau of Standards, Gaithersburg, MD 20899. Instrument: Superconducting Magnet System. Manufacturer: Cryogenic Consultants Limited, United Kingdom. Original notice of this resumitted application was published in the **Federal Register** of November 6, 1985.

Comments: None received.

Decision: Approved. No domestic manufacturer was both "able and willing" to manufacture an instrument of apparatus of equivalent scientific value to the foreign instrument for such purposes as the instrument was intended to be used, and have it available to the applicant without unreasonable delay in accordance with § 301.5(d)(2) of the regulations, at the time the foreign instrument was ordered (April 23, 1985).

Reasons: The foreign article provides a persistent mode with a maximum 15 tesla magnetic field. This capability is pertinent to the applicant's intended purposes. We know of no domestic manufacturer both able and willing to provide an instrument with the required features at the time the foreign instrument was ordered.

As to the domestic availability of instruments, § 301.5(d)(2) of the regulations provides that, in determining whether a U.S. manufacturer is able and willing to produce an instrument, and have it available without unreasonable delay, "the normal commercial practices applicable to the production and delivery of instruments of the same general category shall be taken into account, as well as other factors which in the Director's judgment are reasonable to take into account under the circumstances of a particular case." This subsection also provides that, if "a domestic manufacturer was formally requested to bid an instrument, without reference to cost limitations and within a leadtime considered reasonable for the category of instrument involved, and the domestic manufacturer failed formally to respond to the request, for the purposes of this section the domestic manufacturer would not be considering willing to have supplied the instrument."

The regulations require that domestic manufacturers be both "able and willing" to produce an instrument for the purposes of comparison with the foreign instrument. Where, as in this case, the domestic manufacturer has failed to respond to our requests for information to this procurement and its ability to provide a comparable device, it is apparent that the domestic manufacturer was either not able or not willing to produce an instrument of equivalent scientific value to the foreign instrument for such purposes as the foreign instrument was intended to be used at the time the foreign instrument was ordered.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 87–9687 Filed 4–28–87; 8:45 am]

BILLING CODE 3510-DS-M

Decision on Application for Duty-Free Entry of Scientific Instrument; The New York Medical College

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897). Related records can be viewed between 8:30 am and 5:00 pm in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 86–189R. Applicant: The New York Medical College, Valhalla, NY 10595. Instrument: Peptide Synthesizer. Manufacturer: Labortec AG, Switzerland. Original notice of this resubmitted application was published in the **Federal Register** of May 12, 1986.

Comments: None received.

Decisions: Denied. An instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used is being manufactured in the United States.

Reasons: The application is a resubmission of a prior denial without prejudice to resubmission.

In its letter of resubmission the applicant stated that it needs a *semiautomatic* peptide synthesizer and

that such an instrument is not manufactured in the U.S. It argued that its usage of the instrument would be infrequent and that a fully automated machine would therefore be difficult to maintain in proper working order.

Our scientific consultants at the National Institutes of Health have advised and we have confirmed that a semiautomatic peptide synthesizer, the Coupler 1000, is manufactured by Vega Biotechnologies of Tucson, AZ, and is distributed by DuPont, Inc. Since a scientifically equivalent instrument is available from a domestic manufacturer, we hereby deny the application pursuant to 15 CFR 301.5(d)(1) and (3).

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 87-9676 Filed 4-28-87; 8:45 am]

BILLING CODE 3510-DS-M

Decision on Application for Duty-Free Entry of Scientific Instrument; State University of New York

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897). Related records can be viewed between 8:30 am and 5:00 pm in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 87-046. Applicant: State University of New York at Stony Brook, Stony Brook, NY 11794. Instrument: Mass Spectrometer, Model MS 80 with Accessories. Manufacturer: Kratos Analytical, United Kingdom. Intended Use: See notice at 51 FR 44652, December 11, 1986.

Comments: None received.

Decision: Approved. No domestic manufacturer was both "able and willing" to manufacture an instrument or apparatus of equivalent scientific value to the foreign instrument for such purposes as the instrument was intended to be used, and have it available to the applicant without unreasonable delay in accordance with 301.5(d)(2) of the regulations, at the time the foreign instrument was ordered (July 23, 1986).

Reasons: The foreign article provides scan speed to 0.1 seconds per decade, a 3500 mass range magnet and FAB capability. The capability of the foreign instrument described above is pertinent to the applicant's intended purposes. We know of no domestic manufacturer both able and willing to provide an instrument with the required features at the time the foreign instrument was ordered.

As to the domstic availability of instruments, §301.5(d)(2) of the regulations provides that, in determining whether a U.S. manufacturer is able and willing to produce an instument, and have it available without unreasonable delay, "the normal commercial practices applicable to the production and delivery of instruments of the same general category shall be taken into account, as well as other factors which in the Director's judgment are reasonable to take into account under the circumstances of a particular case." This subsection also provides that, if "a domestic manufacturer was formally requested to bid an instrument, without reference to cost limitations and within a leadtime considered reasonble for the category of instrument involved, and the domestic manufacturer failed formally to respond to the request, for the purposes of this section the domestic manufacturer would not be considered willing to have supplied the instrument."

The regulations require that domestic manufacturers be both "able and willing" to produce an instrument for the purposes of comparison with the foreign instrument. Where an applicant, as in this case received no response to a request for quotation sent to a domestic manufacturer it is apparent that the domestic manufacturer was either not able or not willing to produce an instrument of equivalent scientific value to the foreign instrument for such purposes as the foreign instrument was intended to be used at the time the foreign instrument was ordered.

Frank W. Creel,

Director Statutory Import Programs Staff.

[FR Doc. 87-9678 Filed 4-28-87; 8:45 am]

BILLING CODE 3510-DS-M

Consolidated Decision on Applications for Duty-Free Entry of Scientific Instruments; The University of Chicago, et al.

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 86-328. Applicant: The University of Chicago, Chicago, IL 60637. Instrument: Mass Spectrometer, Model MGA 2000 with Accessories. Manufacturer: Airspec Limited, United Kingdom. Intended Use: See notice at 51 FR 37057, October 17, 1986.

Reasons for This Decision: The foreign instrument provides a response time of less than 160 milliseconds to a step change in water vapor concentration. Advice Submitted By: National Institutes of Health, January 15, 1987.

Docket Number: 86-335. Applicant: Veterans Administration Hospital, Bronx, NY 10468. Instrument: Gas Chromatograph/Mass Spectrometer/Data System, Model TS-250. Manufacturer: VG Tritech, United Kingdom. Intended Use: See notice at 51 FR 40242, November 5, 1986.

Reasons for This Decision: The foreign instrument provides MS-MS scans, a scan rate of 0.1 seconds per decade and an interface for liquid chromatography. Advice Submitted By: National Institutes of Health, January 15, 1987.

Docket Number: 86-321R. Applicant: Veterans Administration Medical Center, Albuquerque, NM 87108. Instrument: Electron Microscope, Model EM-10-CR. Manufacturer: Carl Zeiss Inc, West Germany. Intended Use: See notice at 51 FR 45792, December 22, 1986.

Reasons for This Decision: The foreign instrument provides a point-to-point resolution of 0.30 nanometers and an accelerating voltage to 100kV. Advice Submitted By: National Institutes of Health, February 17, 1987.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as each is intended to be used, is being manufactured in the United States. The National Institutes of Health advises in the respectively cited memorandum that (1) the capabilities of each of the foreign instruments described above are pertinent to each applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value for the intended use of each instrument. We know of no other instrument or apparatus being manufactured in the United States which is equivalent scientific value to any of the foreign instruments.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 87-9677 Filed 4-28-87; 8:45 am]

BILLING CODE 3510-DS-M

Disposition of Applications for Duty-Free Entry of Scientific Instruments; Vanderbilt University, et al.

The U.S. Customs Service has revoked clearance for duty-free entry under item 851.60 TSUS of the following applications. Accordingly, we have ceased processing these applications.

Docket Number 86-159. Applicant: Vanderbilt University, Nashville, TN

37240. Instrument: Vacuum Pump (Turbomolecular) Model TMP 1000. Date Revoked: November 6, 1986.

Reason: Inelibible components.

Docket Number 85–250. Applicant: University of Michigan, Ann Arbor, MI 48109. Instrument: Reflex Measuring Microscope with Accessories. Date Revoked: November 12, 1986.

Reason: Entry preceded date of order.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 87–9680 Filed 4–28–87;8:45am]

BILLING CODE 3510–DS–M

COMMISSION ON EDUCATION OF THE DEAF

Commission on Education of the Deaf; Executive Committee; Meeting

AGENCY: Commission on Education of the Deaf.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Pub. L. 92–463, notice is hereby given of a forthcoming meeting of the Commission on Education of the Deaf's Executive Committee. The purpose of the Committee meeting is to obtain status reports on current activities, and prepare an agenda package for the Commission meeting planned in July. This meeting will be open to the public.

DATE: May 22, 1987, 9:00 a.m. until 5:00 p.m.

ADDRESS: Room 6646, GSA Regional Office Building, 7th and D Streets, SW., Washington, DC 20407.

FOR FURTHER INFORMATION CONTACT: Nancy L. Creason, Administrative Officer, Commission on Education of the Deaf, GSA Regional Office Building, Room 6646, 7th and D Streets, SW. Washington, DC 20407, (202) 453–4353 (TDD) or (202) 453–4684 (voice). These are not toll free numbers.

SUPPLEMENTARY INFORMATION: The Commission on Education of the Deaf's Executive Committee will meet on May 22, 1987 from 9:00 a.m. until 5:00 p.m.

The proposed agenda for the Committee meeting includes the following:

I. Approval of minutes
II. Reports
  * Commission Chairperson's Report
  * Vice-Chairperson's Report
  * Committee Chairperson's Report
  * Staff Director's Report
  * Status Reports
    * Four public meetings
    * Notice of Inquiry
III. Draft Letters of Inquiry
IV. Postponement of Commission meeting from July to August
V. Public meeting on draft recommendations in September
VI. Executive Committee meeting in July
VII. Adjournment

Records will be kept of the proceedings and will be available for public inspection at the office of the Commission on Education of the Deaf, GSA Regional Office Building, Room 6646, 7th and D Streets, SW., Washington, DC.

Pat Johanson,

Staff Director, Commission on Education of the Deaf.

April 22, 1987.

[FR Doc. 87–9598 Filed 4–28–87; 8:45 am]

BILLING CODE 6820–SD–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Officials Authorized To Issue Export Visas and Certifications for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products From the Dominican Republic

April 24, 1987.

Under the terms of the export visa arrangement of August 14, 1981, as amended, the Government of the Dominican Republic has notified the United States Government that a facsimile signature stamp for Dr. Gladys DeJesus, Executive Secretary, National Council of Industrial Free Zones, has been authorized for use for shipments of textiles and textile products exported from the Dominican Republic on and after March 9, 1987. Dr. Gladys DeJesus replaces Lic. Jose Ceron in this capacity.

In addition, Cecilia Hernandez has been authorized to sign visas and certifications subject to the terms of the bilateral agreement. The following is a complete list of officials of the Government of the Dominican Republic who are currently authorized to sign export visas and certifications:

Gladys DeJesus
Providencia Nunez
Elsa Caraballo
Alvaro Messina
Ernesto Trejo
Cecilia Hernandez

The purpose of this notice is to advise the public of these changes.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, DC, (202) 377–4212.

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87–9672 Filed 4–28–87; 8:45 am]

BILLING CODE 3510–DR–M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Closed Meeting

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

Name of the Committee: Army Science Board (ASB)
Dates of Meeting: 21–22 May 1987
Times of Meeting:
  0900–1700 hours, 21 May 1987
  0800–1600 hours, 22 May 1987
Place: Pentagon, Washington, DC.
Agenda: The Army Science Board's Ad Hoc Committee on Implementing Competitive Strategies will meet. A presentation will be given on U.S. strengths at the operational level of war in the European Theater of Operations (ETO). Briefings will be given by Army staff and TRADOC. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695–3039 or 695–7046.

Sandra F. Gearhart,

Assistant Administrative Officer, Army Science Board.

[FR Doc. 87–9665 Filed 4–28–87; 8:45 am]

BILLING CODE 3710–08–M

Department of the Navy

Privacy Act of 1974; Amended Record System

AGENCY: Department of the Navy, DOD.

ACTION: Notice of an amended record system subject to the Privacy Act.

SUMMARY: The Department of the Navy is amending a record system to its existing inventory of record systems subject to the Privacy Act of 1974, as amended, (5 U.S.C. 552a).

DATES: This proposed action will be effective without further notice May 28, 1987, unless comments are received which would result in a contrary determination.

ADDRESS: Send any comments to Mrs. Gwen Aitken, PA/FOIA Branch, Office of the Chief of Naval Operations (OP–09B30), Department of the Navy, The Pentagon, Washington, DC 20350–2000, telephone: 202-697-1459, autovon: 227–1459.

SUPPLEMENTARY INFORMATION: The Department of the Navy systems of records notices subjects to the Privacy Act of 1974 have been published in the **Federal Register** as follows:

FR Doc. 86–8485 (51 FR 12908) April 16, 1986
FR Doc. 86–10763 (51 FR 18086) May 16, 1986 (Compilation)
FR Doc. 86–12448 (51 FR 19884) June 3, 1986
FR Doc. 86–19207 (51 FR 30377) August 26, 1986
FR Doc. 86–19208 (51 FR 30393) August 26, 1986
FR Doc. 86–28835 (51 FR 45931) December 23, 1987
FR Doc. 87–1144 (51 FR 2147) January 20, 1987
FR Doc. 87–1145 (51 FR 2149) January 20, 1987
FR Doc. 87–5783 (52 FR 8500) March 18, 1987

The specific changes to the record system being amended are set forth below followed by the system notice, as amended, published in its entirety.

The proposed amendment is not within the purview of the provision of 5 U.S.C. 552a(o) which requires the submission of an altered systems report.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

April 24, 1987.

N04385–2

System name: Hotline Program Case Files (51 FR 30393) August 26, 1986.

Changes:

System manager(s) and address: Delete the entire entry and substitute with the following: "Commanding Officer or head of the organization in question. See directory of Department of the Navy mailing addresses."

No4385–2

SYSTEM NAME:

Hotline Program Case Files.

SYSTEM LOCATION:

Department of the Navy shore activities. The official mailing addresses are in the Navy's Address Directory in the appendix to the Navy Department's systems notices appearing in the Federal Register.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals filing hotline complaints. Also individuals alleged or suspected of administrative misconduct, including, but not limited to, fraud, waste, or inefficiency.

CATEGORIES OF RECORDS IN THE SYSTEM:

All records resulting from an inquiry into a hotline complaint such as the name of the examining officials assigned to the case, the hotline control number, date of complaint, date investigation completed, the allegations, whether or not the case was referred to Naval Security and Investigative Command, the investigators' findings, disposition of the case, and background information regarding the investigation itself such as the scope of the investigation, relevant facts discovered, information obtained from witnesses, and specific source documents reviewed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 6011, 10 U.S.C. 987, and implementing instructions.

PURPOSE(S):

For the Commanding Officer and/or his designated auditors, inspectors, or investigators to conduct and coordinate official hotline investigations. To compile statistical information to disseminate to other within the Department of Defense engaged in the Hotline Program. To provide prompt, responsive and impartial actions and improve efficiency in investigating hotline complaints. To provide management with a source to identify potential problems and weaknesses. To provide a record of complaint disposition. Hotline complaints appearing to involve major criminal wrongdoing will be referred immediately to the Naval Security and Investigative Command.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICE FOR STORING, RETRIEVING/ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGES:

File folders, log books, magnetic tapes/disks.

RETRIEVABILITY:

By hotline case number, complainant, subject of the complaint and individual accused.

SAFEGUARDS:

Access is limited to local hotline staff, and, as delegated by the Commanding Officer or Officer-in-Charge, and the Executive Officer, on a need-to-know basis. Paper records are stored in locked cabinets. Automated records may be controlled by limiting physical access to CRT data entry terminals or use of passwords. Access to central computer mainframe, other peripheral equipment and tape and disc storage is strictly controlled. Work areas are sight-controlled during normal working hours. Building access is controlled and doors are locked during non-duty hours.

RETENTION AND DISPOSAL:

Files are maintained at the local command for a minimum of two years after final action is taken. Thereafter, files are stored with the nearest Federal Records Center. Electronic data are erased, over-printed or destroyed, as appropriate.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer or head of the organization in question. See directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURE:

Written requests may be addressed to the appropriate Naval activity concerned (official mailing addresses are listed in the Navy's Address Directory in the appendix to the Navy Department's systems notices).

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individuals, investigations, judicial and administrative reports, and complainants.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of this system may be exempt under 5 U.S.C. 552a (k) (1), (2), (5), (6) and (7), as applicable. For additional information, contact the system manager. An exemption rule for this system has been promulgated in accordance with the requirements of 5 U.S.C. 552a and has been published in SECNAV INSTRUCTION 5211.5 and the Code of Federal Regulations at 32 CFR Part 701.

[FR Doc. 87–9686 Filed 4–28–87; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER79-97-008 et al.]

Electric Rate and Corporate Regulation Filings; Alamito Co. et al.

April 23, 1987.

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

1. Alamito Company

[Docket No. ER79-97-008]

Take notice that on April 1, 1987, Alamito Company (Alamito) tendered for filing a compliance filing required by Ordering Paragraph A of the Commission's order of June 25, 1979, in Tucson Electric Power Company to support the rate of return which will be charged San Diego Gas & Electric Company beginning June 7, 1987 extending through May 31, 1989.

Comment date: May 12, 1987, in accordance with Standard Paragraph E at the end of this notice.

2. Arkansas Power & Light Company

[Docket No. ER87-388-000]

Take notice that on April 16, 1987, Arkansas Power & Light Company (AP&L) tendered for filing redetermined rates pursuant to a transmission agreement between AP&L and the Louisiana Energy & Power Authority. AP&L requests an effective date of March 1, 1987 for the redetermined rates.

Comment date: May 7, 1987, in accordance with Standard Paragraph E at the end of this notice.

3. Connecticut Yankee Atomic Power Company

[Docket No. ER87-390-000]

Take notice that on April 17, 1987, Connecticut Yankee Atomic Power Company (Connecticut Yankee) tendered for filing the 1987 Supplementary Power Contract, dated April 1, 1987, between Connecticut Yankee and each of its ten purchaser electric utilities for the sale of the net output of Connecticut Yankee's nuclear generating plant at Haddam, Connecticut. Connecticut Yankee states taht the ten purchaser utilities are: The Connecticut Light and Power Company, New England Power Company, Boston Edison Company, Central Maine Power Company, The United Illuminating Company, Cambridge Electric Light Company, Western Massachusetts Electric Company, Public Service Company of New Hampshire, Montaup Electric Power Company, and Central Vermont Public Service Corporation.

Connecticut Yankee states that the 1987 Supplementary Power Contract supersedes the Second Supplementary Power Contract dated as of April 30, 1984, the Second Amendment of the Supplementary Power Contract, dated October 15, 1982, the Agreement Amending Supplementary Power Contract, dated August 22, 1980 and the Supplementary Power Contract, dated March 1, 1978 (Connecticut Yankee Atomic Power Company Supplement No. 1 to FPC No. 1). Connecticut Yankee further states that the 1987 Supplementary Power Contract (1) consolidates all the previous supplements, agreements, and amendments into one all-inclusive supplemental contract, (2) clarifies the purchaser's obligation to pay for unrecovered costs and expenses associated with the disposal of prior spent nuclear fuel in the event of premature termination of the unit's service life, (3) obligates Connecticut Yankee to establish and pay into segregated fund the collections for disposal of prior spent nuclear fuel, (4) clarifies that the obligations to the U.S. Department of Energy for prior spent nuclear fuel are part of net unit investment and composite percentage, and (5) provides for the recovery of issuance, sinking fund, refunding and retirement expenses, and premiums for each issue of preferred stock.

In addition to the above described rate schedule changes, Connecticut Yankee states that it also proposes to make the following changes in the computation of costs which it recovers from its purchasers under its cost of service contract arrangements: (1) Change the method of computing depreciation expense, the accrual of depreciation shall be computed on the basis of the period ending May, 2004 rather than the contract life. (2) Change the estimate of decommissioning costs for the Connecticut Yankee plant (offset by prior collections of decommissioning expenses that were assumed to be permanent timing differences for tax purposes). (3) Inclusion in operating expenses of an expense accrual for materials and supplies and unburned nuclear fuel remaining at the end of the unit's operating life. (4) Inclusion of provision to reconcile the earnings of the segregated fund for prior spent nuclear fuel to the interest costs of supporting the segregated fund in order to credit or debit operating expenses for any excess or deficiency. (5) Change in the equity component of the composite percentage to reflect a return on equity of fifteen percent (15%). (6) Change the computation of net unit investment to reflect the reserves for materials and supplies and unburned nuclear fuel net of tax, and (7) change the calculation of tax liabilities to reflect the Tax Reform Act of 1986. These changes also reduce the Order 144 amortization as a result of lower federal tax rates.

The proposed changes are estimated by Connecticut Yankee to result in a revenue decrease of $1,258,637 for the 12-month period ending May 31, 1987, and Connecticut Yankee has requested a waiver of the Commission's notice requirements.

Connecticut Yankee and the ten purchaser utilities propose to make the 1987 Supplementary Power Contract effective on June 1, 1987.

Connecticut Yankee states that copies of the filing have been served upon each of the ten purchaser utilities and upon the electric utility regulatory authorities in the States of Connecticut, Maine, New Hampshire, Vermont, Massachusetts, and Rhode Island.

Comment date: May 7, 1987, in accordance with Standard Paragraph E at the end of this notice.

4. Idaho Power Company

[Docket No. ER87-394-000]

Take notice that on April 20, 1987, the Idaho Power Company tendered for filing in compliance with the Federal Energy Regulatory Commission's Order of October 7, 1978, a summary of sales made under the Company's 1st Revised FERC Electric Tariff, Volume No. 1 (Supersedes Original Volume No. 1) during February 1987, along with cost justification for the rate charged. This filing includes the following supplements:

Utah Power & Light Company, Supplement No. 64
Montana Power Company, Supplement No. 48
Washington Water Power Company, Supplement No. 48
Sierra Pacific Power Company, Supplement No. 61
Pacific Gas & Electric, Supplement No. 23
California Dept of Water Resources, Supplement No. 8
City of Glendale, Supplement No. 31

Comment date: May 7, 1987, in accordance with Standard Paragraph E at the end of this document.

5. Idaho Power Company

[Docket No. ER87-395-000]

Take notice that on April 20, 1987, the Idaho Power Company tendered for filing in compliance with the Federal Energy Regulatory Commission's Order of October 7, 1978, a summary of sales made under the Company's 1st Revised FERC Electric Tariff Volume No. 1

(Supersedes Original Volume No. 1) during January 1987, along with cost justification for the rate charged. This filing includes the following supplements:

Utah Power & Light Company, Supplement No. 63
Montana Power Company, Supplement No. 47
Washington Water Power Company, Supplement No. 47
Portland General Electric Company, Supplement No. 53
Puget Sound Power & Light, Supplement No. 28
Sierra Pacific Power Company, Supplement No. 60
Southern California Edison, Supplement No. 42
Pacific Gas & Electric, Supplement No. 22
Western Area Power Association, Supplement No. 14
California Dept of Water Resources, Supplement No. 7
City of Burbank, Supplement No. 31
Sacramento Municipal Utility District, Supplement No. 2
Dept of Water & Power of the City of Los Angeles, Supplement No. 35

Comment date: May 7, 1987, in accordance with Standard Paragraph E at the end of this notice.

6. The Kansas Power and Light Company

[Docket No. ER87-391-000]

Take notice that on April 17, 1987, The Kansas Power and Light Company tendered for filing a proposed change in its Federal Energy Regulatory Commission Electric Service Tariff No. 123.

Schedule H—Participation Power Service provides for the purchase of Participation Power by Midwest Energy, Inc. for the period June 1, 1987 through September 30, 1987.

Copies of the filing were served upon Midwest Energy, Inc., and the Kansas Corporation Commission.

Comment date: May 7, 1987, in accordance with Standard Paragraph E at the end of this notice.

7. New England Hydro-Transmission Corporation, et al.

[Docket No. ER87-386-000

Take notice that on April 17, 1987, New England Hydro-Transmission Corporation (New Hampshire Hydro), New England Hydro-Transmission Electric Company (New England Hydro), New England Power Company (NEP), Boston Edison Company (Edison), and Public Service Company of New Hampshire (PSNH) tendered for filing proposed new contracts which, when accepted, will permit the participating New England utilities to expand the interconnection between these utilities and the system of Hydro-Quebec so as to obtain access to and the benefits of additional hydroelectric energy.

The contracts filed with the Commission for approval are: (1) Phase II New Hampshire Transmision Facilities Support Agreement, as amended, between New Hampshire Hydro and the participating New England Utilities; (2) Phase II Massachusetts Transmission Facilities Support Agreement, as amended, between New England Hydro and the participating New England utilities; (3) Phase II New England Power AC Facilities Support Agreement, as amended, between NEP and the participating New England utilities; (4) Phase II Boston Edison AC Facilities Support Agreement, as amended, between Edison and the participating New England utilities; (5) Lease between NEP and New Hampshire Hydro; (6) Fifteen Mile Falls Transmission Agreement between NEP and New Hampshire Hydro; (7) Lease between PSNH and New Hampshire Hydro; (8) Lease between NEP and New England Hydro; and (9) Restated Use Agreement for Phase I of the Interconnection.

The filing states that Phase I of the Interconnection entered service in October 1986. Phase II of the project, the subject of the filing, contemplates the construction of additional facilities to increase the capacity of the Interconnection to 2000 MW. The facilities to be constructed include (1) The extension of the Phase I DC transmission line along existing rights-of-way from Monroe, New Hampshire to Ayer, Massachusetts, a distance of 133 miles; (2) an 1800 MW converter terminal at the terminus of the DC line in Masschusetts; and (3) reinforcement of the existing transmission system in Massachusetts so that it will be able to accept the additional power. The construction contract for the converter terminal has been awarded and work has begun clearing and grading the site. The estimated total cost for these facilities is approximately $547 million and substantial additional expenditures will be made by Hydro-Quebec in Canada.

The filing states that Phase II of the Interconnection will provide for a purchase of firm energy from Hydro-Quebec beginning in 1990 for a period of 10 years at a rate of 7 million MWH per year. The energy will be purchased at a discount from displaced energy costs, will thereby reduce participants' fuel costs, should defer the need to construct new generation and creates the potential for additional benefits such as emergency transfer for mutual reliability purposes.

Revenue and cost of service estimates, as well as supporting testimony, are provided with the submittal. The Applicants have also requested certain waivers of the Commission's regulations so that the contracts submitted may become effective June 16, 1987.

Comment date: May 7, 1987, in accordance with Standard Paragraph E at the end of this notice.

8. Pennsylvania Power & Light Company

[Docket No. ER87-387-000]

Take notice that Pennsylvania Power & Light Company (PP&L) tendered for filing on April 16, 1987, as a Supplement to its Rate Schedule FERC No. 84 an executed agreement dated as of April 10, 1987 between PP&L and Jersey Central Power and Light Company (JC). The agreement reduces the rate of return on common equity in the formula rate from 14.5% to 13.0% and recalculates PP&L's unfunded future tax liability. A Certificate of Concurrence executed by JC accompanied PP&L's filing.

Copies of PP&L's filing have been served upon JC, the Pennsylvania Public Utility Commission and the New Jersey Board of Public Utiltities.

Comment date: May 7, 1987, in accordance with Standard Paragraph E at the end of this notice.

9. Tampa Electric Company

[Docket No. ER87-253-000]

Take notice that on March 19, 1987, Tampa Electric Company (Tampa Electric) tendered for filing a revised Letter Agreement providing for amendments to the existing contract for the sale by Tampa Electric of Florida Power & Light Company (FPL) of capacity and energy from Tampa Electric's Big Bend No. 4 generating unit, designated as Tampa Electric's Rate Schedule FERC No. 25. Tampa Electric states that the Letter Agreement modifies the fuel cost and production operation and maintenance expense components of the energy charge formula under the contract, and is intended to make energy sales under the contract more competitive.

Tampa Electric proposes an effective date of February 14, 1987, for the contract modifications, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing have been served on FPL and the Florida Public Service Commission.

Comment date: May 7, 1987, in accordance with Standard Paragraph E at the end of this notice.

10. Tucson Electric Power Company

[Docket No. ER87-392-000]

Take notice that on April 20, 1987, Tucson Electric Power Company ("Tucson") tendered for filing a Short Term Non-firm Energy Agreement (the "Agreement"). between Tucson and Texas-New Mexico Power Company ("TNP"). The primary purpose of the Agreement is to establish the terms and conditions for the sale by Tucson to TNP of up to a maximum of 25 MWH per hour of non-firm energy and to provide for emergency non-firm transmission by either party to the other for periods not to exceed ten (10) days.

Tucson requests an effective date of April 1, 1987, and therefore requests waiver of the Commission's notice requirements.

Tucson states that copies of the filing were served upon TNP.

Comment date: May 7, 1987, in accordance with Standard Paragraph E at the end of this document.

Standard Paragraphs.

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-9648 Filed 4-28-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER87-76-001 et al.]

Electric Rate and Corporate Regulation Filings; Ogden Haverhill Associates et al.

April 21, 1987.

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

1. Ogden Haverhill Associates

[Docket No. ER87-76-001]

Take notice that on March 2, 1987, Ogden Haverhill Associates (the Company) tendered for filing an amendment to an agreement providing for sale of capacity and energy to New England Power Company, filed November 3, 1986, Docket No. ER87-76-000.

Comment date: May 5, 1987, in accordance with Standard Paragraph E at the end of this notice.

2. Maine Public Service Company

[Docket No. ER87-378-000]

Take notice that on April 10, 1987, Maine Public Service Company (Maine Public) tendered for filing a proposed initial rate schedule pertaining to a Purchase Agreement (Agreement) between Maine Public and Central Vermont Public Service Company (Central Vermont) for the sale of capacity and energy to Central Vermont. Under this Agreement, Maine Public will sell its full entitlement to capacity and energy from Wyman Unit No. 4 to Central Vermont for the six month period beginning May 1, 1987 and ending October 31, 1987. Maine Public has requested that the rate schedule become effective May 1, 1987 and that it be cancelled on October 31, 1987, in accord with the terms of the Agreement.

Comment date: May 6, 1987, in accordance with Standard Paragraph E at the end of this notice.

3. Niagara Mohawk Power Corporation

[Docket No. ER86-354-002]

Take notice that on April 14, 1987, Niagara Mohawk Power Corporation (Niagara Mohawk) submitted for filing its compliance refund report pursuant to the Commission's letter order issued March 13, 1987.

Niagara Mohawk states that it submitted this report for the refund and interest on the rates charged the New York Power Authority under Rate Schedules Nos. 18, 19, 95, and 138 in accordance with the approved Stipulation and Agreement.

Niagara Mohawk further states that the refund (principal and interest) of $4,358,726.74 was tendered to the Power Authority on April 10, 1987. This Report shows monthly billing determinants; revenue receipt dates; revenues under the prior, present, and settlement rates; the monthly revenue refund; monthly interest computed; and a summary of such information for the total refund period.

Comment date: May 6, 1987, in accordance with Standard Paragraph E at the end of this notice.

4. Duke Power Company

[Docket No. ER87-385-000]

Take notice that Duke Power Company (Duke) on April 14, 1987, tendered for filing an amendment dated April 9, 1987, to Service Schedule C of the Interconnection Agreement between Duke and Yadkin, Inc. (Yadkin) dated October 17, 1983, as amended. The April 9, 1987 amendment was requested by Yadkin in order to facilitate the increase in production of aluminum at the Badin Works. Under the terms of the proposed amendment, Yadkin can purchase interruptible energy in excess of that required to supply one potline and other non-potline load without a demand charge.

Because Yadkin anticipates that purchases under the proposed amendment may begin as early as May 1, 1987, Duke requests an effective date of May 1, 1987.

Copies of this filing were served on Yadkin, Inc., North Carolina Utilities Commission, and the South Carolina Public Service Commission.

Comment date: May 6, 1987, in accordance with Standard Paragraph E at the end of this notice.

5. Arkansas Power & Light Company

[Docket No. ER83-86-000, ER84-193-000, ER87-208-000]

Take notice that on April 3, 1987, Arkansas Power & Light Company (AP&L) tendered for filing a letter stating that due to AP&L's "Form 1 Annual Report" being due April 30, 1987, AP&L agrees to extend the time for review of this redetermination to 30 days after April 30, 1987.

Comment date: May 6, 1987, in accordance with Standard Paragraph E at the end of this notice.

6. Arizona Public Service Company

[Docket No. ER87-382-000]

Take notice that on April 13, 1987, Arizona Public Service Company ("APS") tendered for filing a Supplemental Capacity Sale Agreement between Electrical District No. 3 (ED-3) and APS, executed March 27, 1987.

The Agreement provides that APS provide ED-3 with 12MW of supplemental capacity and associated energy, on a firm basis, for the period June 1, 1987 through September 30, 1987.

APS has also filed a Notice of Cancellation to be effective at midnight September 30, 1987.

Both parties request that the normal notice requirements be waived so that this Agreement may become effective June 1, 1987.

A copy of this filing has been served upon ED-3 and the Arizona Corporation Commission.

Comment date: May 5, 1987, in accordance with Standard Paragraph E at the end of this notice.

7. Carolina Power & Light Company

[Docket No. ER87-380-000]

Take notice that Carolina Power & Light Company on April 13, 1987, tendered for filing changes outlined below in its agreement with the Four County Electric Membership Corporation. The Clarkton point of delivery is being terminated and cancelled.

Under special provisions, the Clarkton point of delivery existed as a temporary backstand point of delivery for Four County's Powell point of delivery. Four County EMC has never used the Clarkton point of delivery for backstanding and has requested that the Clarkton point of delivery be terminated. It is proposed that the Clarkton point of delivery be cancelled effective July 31, 1987.

Comment date: May 5, 1987, in accordance with Standard Paragraph E at the end of this notice.

8. Idaho Power Company

[Docket No. ER87-384-000]

Take Notice that Idaho Power Company (IPCo), on April 14, 1987 tendered for filing, in accordance with section 35 of the Commission's Regulations, a Notice of Cancellation of the Western Systems Coordinating Council (WSCC) Loop Flow Agreement Under IPCo's Rate Schedule FERC No. 65.

IPCo states that the WSSC Loop Flow Agreement has terminated under its own conditions.

IPCo requests waiver of Commission's notice requirements to permit IPCo's Rate Schedule FERC No. 65 to terminate as of August 31, 1985, this date being consistent with the date service under WSSC Loop Flow Agreement terminated.

Copies of the filing were served upon all parties to the WSCC Loop Flow Agreement and Idaho Public Utilities Commission

Comment date: May 5, 1987, in accordance with Standard Paragraph E at the end of this notice.

9. Pacific Gas and Electric Company

[Docket No. ER86-107-004]

Take notice that on April 7, 1987, Pacific Gas and Electric Company (PGandE) tendered for filing and acceptance a proposed refund to Sierra Pacific Power Company (Sierra). The refund follows from refunds PGandE's Gas Department received from its gas suppliers and which it passed on to PGandE's Electric Department and its customers.

Copies of the filing were served on Sierra and the California Public Utilities Commission.

Comment date: May 5, 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. 87-9649 Filed 4-28-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ES87-21-000 et al.]

Electric Rate and Corporate Regulation Filings; Texas-New Mexico Power Co. et al.

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

1. Texas-New Mexico Power Company

[Docket No. ES87-21-000]

April 15, 1987.

Take notice that on April 2, 1987, Texas-New Mexico Power Company (Applicant) filed an application with the Commission seeking authorization pursuant to section 204 of the Federal Power Act for authorization to issue not more than $80 million of First Mortgage Bonds.

Comment date: May 1, 1987, in accordance with Standard Paragraph E at the end of this notice.

2. Iowa Public Service Company

[Docket No. ES87-22-000]

April 16, 1987.

Take notice that on April 6, 1987, Iowa Public Service Company (IPS) filed its application with the Fedreal Energy Regulatory Commission, pursuant to section 204 of the Federal Power Act, seeking an order (1) authorizing it to issue and sell, in one or more public offerings or private placements, prior to December 31, 1988, preferred stock having an aggregate involuntary liquidation value of not more than $55,000,000 and (2) exempting the issuance from competitive bidding pursuant to 18 CFR 34.2(b)(2).

Comment date: April 27, 1987, in accordance with Standard Paragraph E at the end of this notice.

3. Virginia Electric and Power Company

[Docket No. ER87-289-000]

April 20, 1987.

Take notice that on April 8, 1987, Virginia Electric and Power Company (the Company) tendered for filing a Certificate of Concurrence by Appalachian Power Company (Appalachian) to Modification No. 25 to the Interconnection Agreement dated February 1, 1948 between the Company and Appalachian. In addition, the Company filed a revised page 3 to Modification No. 25 to correct two errors in the original filing.

The Company requests a waiver of the Commission's notice requirements as to permit a February 1, 1987 effective date.

Copies of the supplemental filing were served upon the North Carolina Utilities Commission, the Virginia State Corporation Commission and the Public Service Commission of West Virginia.

Comment date: May 4, 1987, in accordance with Standard Paragraph E at the end of this document.

4. Arizona Public Service Company

[Docket No. ER87-381-000]

April 20, 1987.

Take notice that on April 13, 1987, Arizona Public Service Company ("APS") tendered for filing a Supplemental Capacity Sale Agreement (Agreement) between Citizens Utilities Company ("Citizens") and APS, executed March 27, 1987.

The Agreement provides that APS provide Citizens with a minimum of 15MW supplemental capacity and associated energy, on a firm basis for the period May 15, 1987 through September 15, 1987.

APS has also filed a Notice of Cancellation to be effective at midnight September 15, 1987.

Both parties request that the normal notice requirements be waived so that this Agreement may become effective May 15, 1987.

A copy of this filing has been served upon Citizens and the Arizona Corporation Commission.

Comment date: May 4,1987, 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 apropriate 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. 87-9650 Filed 4-28-87; 8:45 am]

BILLING CODE 6717-01-M

[Project Nos. 2548-012 et al.]

Hydroelectric License Applications (Georgia-Pacific Corp. et al.); Applications Filed With the Commission

Take notice that the following hydroelectric applications have been filed with the Federal Energy Regulatory Commission and are available for public inspection:

1. a. Type of Application: Transfer of License.

b. Project No.: 2548-012.

c. Date Filed: February 10, 1987 and amended March 20, 1987.

d. Applicant: Georgia-Pacific Corporation (Transferor) & Lyons Falls Hydroelectric, Inc. (Transferee).

e. Name of Project: Lyons Falls Project.

f. Location: On the Moose River and Black Rivers in Lewis County, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Persons:

Mr. John T. Ferguson, II, Senior Counsel, Pulp and Paper, Georgia-Pacific Corporation, 320 Post Road, Darien, CT 06820, (203) 656-6271

Lyons Falls Hydroelectric, Inc., c/o Mr. James G. Wheeler, Jr., Downs, Rachlin & Martin, 9 Prospect Street, St. Johnsbury, VT 05819, (802) 748-8324

i. Comment Date: May 27, 1987.

j. Description of Project: On May 6, 1986, a license was issued to the Georgia-Pacific Corporation to operate and maintain the Lyons Falls Project No. 2548. The licensee has stated that the purpose of the proposed transfer is to permit the sale to the transferee of Project No. 2548 which supplies power to a paper mill which was sold to the transferee by the transferor in October, 1985, and which is located in close proximity to the project. The licensee further stated that historically, Project No. 2548 and the mill have been owned and operated by the same party, and the hydroelectric facility provides a significant economic benefit to the mill.

k. This notice also consists of the following standard paragraphs: B and C.

2 a. Type of Application: Amendment of Exemption (5MW or Less).

b. Project No.: P-4402-005.

c. Date Filed: January 23, 1987.

d. Applicant: HDI Associates II.

e. Name of Project: Talcville.

f. Location: On the Oswegatchie River, in St. Lawrence County, New York.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980 (Act), 16 U.S.C. 2705 and 2708 as amended.

h. Contact Persons:

Mr. Donnie R. Pope c/o HDI Associates II 10394 W. Chatfield Avenue Suite 108 Littleton, CO 80127 (303) 973-0951

Mr. Neal Dunlevy c/o Stetson-Harza 185 Genesee Street Utica, NY 13501 (315) 797-5800

i. Comment Date: May 27, 1987.

j. Description of Project: The project as exempted from licensing consists of: (1) The Talcville Dam, an integrated concrete gravity structure which is 14 feet long and 13 feet high, having an 80-foot-long spillway section; (2) an existing reservoir having a surface area of 32 acres and a maximum surface elevation of 631 m.s.l.; (3) an existing 135-foot-long, 16-foot-wide, 13-foot-high flume; (4) an existing wood frame powerhouse containing two existing generating units, having rated capacities of 250 kW and 750 kW for a total rated capacity of 1 MW; (5) an existing 1.5-MW, 23,000-volt substation; and (6) appurtenant facilities. The applicant estimates that the average annual energy output would be 5 GWh. The energy derived at the project would be sold to Niagara Mohawk Power Corporation. The property contained in the project area is owned by the HDI Associates II.

The applicant proposes to amend the exemption by installing historically-used two-foot-high flashboards that the applicant failed to include in its original exemption application.

k. This notice also consists of the following standard paragraphs: B, C & D3a.

3 a. Type of Application: Preliminary Permit.

b. Project No.: 10225-000.

c. Date Filed: December 30, 1986.

d. Applicant: Baker Mountain Hydro Electric Company.

e. Name of Project: Thompson Creek Project.

f. Location: In Snoqualmie—Mt. Baker National Forest, on Thompson Creek, in Whatcom County, Washington. Township 39N and Range 7E.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Lawrence J. McMurtrey, 12122—196th N.E., Redmond, WA 98052, (206) 885-3986.

i. Comment Date: May 27, 1987.

j. Competing Application: Project No. 10097-000, Date Filed: 09/23/86.

k. Description of Project: The proposed project would consist of: (1) A diversion structure with an inlet elevation of 3,500 feet msl; (2) a penstock 6,000 feet long and 18 inches in diameter leading to; (3) a powerplant at elevation 1,500 feet msl containing a single turbine/generator unit with a capacity of 3,622 kW operating at 2,000 feet of hydraulic head; and (4) a 1-mile-long, 115-kV transmission line. The applicant estimates the average annual energy production to be 15.86 GWh. The approximate cost of the studies under the permit would be $40,000.

l. Purpose of Project: The applicant intends to sell the power generated at the proposed facility.

m. This notice also consists of the following standard paragraphs: A8, A10, B, C, and D2.

4 a. Type of Application: New License.

b. Project No.: 2337-001.

c. Date Filed: December 24, 1985.

d. Applicant: Pacific Power & Light Company.

e. Name of Project: Prospect No. 3.

f. Location: On the South Fork Rogue River within the Rogue River National Forest in T32S and T33S near Prospect in Jackson County, Oregon.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Stanley A. deSousa, 920 S.W. Sixth Avenue, Portland, OR 97204, (503) 243-4439.

i. Comment Date: May 28, 1987.

j. Expiration of Initial License: December 31, 1988.

k. Description of Project: The existing project consists of: (1) A 172-foot-long, 24-foot-high concrete diversion structure with a 98-foot-long ogee forming; (2) a 1-acre impoundment at elevation 3,375 feet with a gross capacity of 10-acre-feet; (3) a 15,952-foot-long conduit system consisting of two concrete lined

canal sections (6,200 feet total), a 66-inch-diameter, 5,306-foot-long woodstave pipe, a 5-foot-wide by 6.5-foot-high, 699-foot-long concrete-lined horseshoe type tunnel, a canal to penstock transition or forebay section with a 473-foot-long side channel spillway, and a 66-inch to 48-inch-diameter, 3,274-foot-long riveted steel penstock; (4) a powerhouse containing one generating unit with a rated capacity of 7,200 kW; (5) a concrete tailrace structure approximately 20 feet x 20 feet x 5 feet; and (6) a 6.8-mile-long, 69-kV transmission line. The average annual energy generation is 45,593 MWh. The estimated net investment for the project is $1,200,000.

l. This notice also consists of the following standard paragraphs: A3, A9, B and C.

5 a. Type of Application: Preliminary Permit.

b. Project No.: 10178–000.

c. Date Filed: November 24, 1986.

d. Applicant: Deadwood Hydro Associates.

e. Name of Project: Deadwood Dam Power.

f. Location: At the Bureau of Reclammation Deadwood Dam on the Deadwood River, within Boise National Forest in Valley County, Idaho. Township 11 North, Range 7 East, Boise Meridian.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).

h. Contact Person: Ms. Christine W. Jones, Mitex, Inc., 91 Newbury Street, Boston, MA 02116, (617) 424–1888.

i. Comment Date: May 28, 1987.

j. Description of Project: The proposed project would consist of: (1) A 135-foot-long penstock connecting to the existing outlet works; (2) a powerhouse containing two generating units, each rated at 2,600 kW, producing an average annual output of 18 GWh; (3) a 60-foot-long tailrace channel; and (4) a transmission line connecting with an Idaho Power Company power line. The estimated cost of permit activities is $60,000.

k. Purpose of Project: Power would be sold to an investor owned or public utility.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

6 a. Type of Application: Preliminary Permit.

b. Project No.: 10252–000.

c. Date Filed: January 15, 1987.

d. Applicant: Ohio Water Service Company, Inc.

e. Name of Project: Booster Station Water Project.

f. Name of Project: On the Mahoning River near Youngstown, Mohoning and Trumbull Counties, Ohio.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 971(a)—825(r).

h. Contact Person: Mr. Bernard E. Imhoff, Ohio Water Service Company, Inc., P.O. Box 5230, Poland, OH 44514, (212) 726–8151.

i. Comment Date: May 28, 1987.

j. Discription of Project: The proposed project would utilize the Applicant's existing industrial water supply system which consists of: (1) Four dams and reservoirs; (2) an interconnecting conduit system; and (3) a booster pumping station. The four dams consist of: (a) the 250-foot-long and 75-foot-high Hamilton Dam; (b) the 500-foot-long and 75-foot-high McKelvey Dam; (c) the 940-foot-long and 70-foot-high Liberty Dam; and (d) the 305-foot-long and 55-foot-high Girard Dam. The four upland reservoirs consist of: (e) the 110-acre Hamilton Lake; (f) the 125-acre McKelvey Lake; (g) the 99-acre Liberty Lake; and (h) the 135-acre Girard lake. The interconnecting conduit system consists of: (i) A total of 30 miles of cast iron pipe with diameters varying from 12-inch to 30-inch. The booster pumping station would house: (j) a single 200–kW generator under a net head of 80 feet, and (k) a new 4.16–kV transmission line would extend from the busbar within the booster station to a bank of transformers approximately 20 feet behind the building. Applicant estimates the average annual generation would be 1.7 GWh. All energy would be sold to a local utility company. Applicant estimates that the cost of the work under the terms of the preliminary permit would be $15,000.

k. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

7 a. Type of Application: Preliminary Permit.

b. Project No.: 10258–000.

c. Date Filed: January 22, 1987.

d. Applicant: Cascade River Hydro.

e. Name of Project: Sonny Boy Creek.

f. Location: In Snoqualmie—Mt. Baker National Forest, on Sonny Boy Creek, Skagit County, Washington. T34N, R12E, T35N, R10E, T35N, R11E, and T35N, R12E.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. Contact Person: Mr. Lawrence J. McMurtrey, 12122—196th, NE., Redmond, WA 98052, (206) 885–3986.

i. Comment Date: May 23, 1987.

j. Discription of Project: The proposed project would consist of: (1) A diversion structure at elevation 2,840 feet msl; (2) a 30-inch-diameter, 7,130-foot-long penstock; (3) a powerhouse containing a generating unit with a rated capacity of 3,510 kW; and (4) a 11-mile-long transmission line tying into the existing Puget Sound Power and Light Company's system. The applicant estimates a 15.69 GWh average annual energy production. The approximate cost of the studies under the permit would be $40,000.

k. Purpose of Project: Power would be sold to a local utility.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

8 a. Type of Application: Preliminary Permit.

b. Project No.: 10266–000.

c. Date Filed: January 22, 1987.

d. Applicant: Cascade River Hydro.

e. Name of Project: Found Creek.

f. Location: In Snoqualmie—Mt. Baker National Forest, on Found Creek, Skagit County, Washington. T34N, R12E.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. Contact Person: Mr. Lawrence J. McMurtrey, 12122—196th, NE., Redmond, WA 98052, (206) 885–3986.

i. Comment Date: May 23, 1987.

j. Description of Project: The proposed project would consist of: (1) A 3-foot-high, 25-foot-long diversion structure at elevation 1,960 feet msl; (2) 42-inch-diameter, 5,000-foot-long penstock; (3) a powerhouse containing a generating unit with a rated capacity of 4,120-kW; and (4) a 8-mile-long transmission line tying into the existing Puget Sound Power and Light Company's system. The applicant estimates an 18.21 GWh average annual energy production. The approximate cost of the studies under the permit would be $40,000.

k. Purpose of Project: Power would be sold to a local utility.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

9 a. Type of Application: Preliminary Permit.

b. Project No.: 10288–000.

c. Date Filed: Janaury 29,1987.

d. Applicant: Cascade River Hydro.

e. Name of Project: Marble Creek.

f. Location: In Snoqualmie—Mt. Baker National Forest, on Marble Creek, Skagit County, Washington, T35N, R12E.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Lawrence J. McMurtrey, 12122–196th, N.W., Redmond, WA 98052, (206) 885–3986.

i. Comment Date: May 28, 1987.

j. Description of Project: The proposed project would consist of: (1) A 3-foot-high, 25-foot-long diversion structure at elevation 1,360 feet msl; (2) a 48-inch-diameter, 4,200-foot-long penstock; (3) a

powerhouse containing a generating unit with a rated capacity of 1,700-kW; and (4) a 7-mile long transmission line tying into the existing Puget Sound Power and Light Company's system. The applicant estimates an 8.1 GWh average annual energy production. The approximate cost of the studies under the permit would be $40,000.

k. Purpose of Project: Power would be sold to a local utility.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

10 a. Type of Application: Preliminary Permit.

b. Project No.: 10311–000.

c. Date Filed: February 3, 1987.

d. Applicant: Skagit River Hydro.

e. Name of Project: Day and Rocky Creeks.

f. Location: On Day and Rocky Creeks in T34N, R6E, near Burlington in Skagit County, Washington.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Lawrence J. McMurtrey, 12122–196th Avenue N.E., Redmond, WA 98052, (206) 885–3986.

i. Comment Date: May 28, 1987.

j. Description of Project: The proposed run-of-the-river project would consist of: (1) Two 36-inch-wide concrete intake structures, one buried in Day Creek at elevation 1,250 feet, the other buried in Rocky Creek at elevation 1,750 feet; (2) a 13,000-foot-long, 96-inch-diameter penstock from Day Creek and a 13,000-foot-long, 60-inch-diameter penstock from Rocky Creek; (3) a power plant containing two generating units one with a rated capacity of 10,365 kW and the other with a rated capacity of 6,810 kW; and (4) a 1-mile-long transmission line. Applicant estimates the average annual energy production to be 75.22 GWh and the cost of the work to be performed under the preliminary permit to be $40,000.

k. Purpose of Project: The power produced is to be sold to the local power company.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

11 a. Type of Application: Preliminary Permit.

b. Project No.: 10313–000.

c. Date Filed: February 3, 1987.

d. Applicant: Skagit River Hydro.

e. Name of Project: Gilligan Creek.

f. Location: On Gilligan Creek in T34N, R5E and T35N, R5E near Hamilton in Skagit County, Washington.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Lawrence J. McMurtrey, 12122–196th Avenue, N.E., Redmond, WA 98052, (206) 885–3986.

i. Comment Date: May 28, 1987.

j. Description of Project: The proposed run-of-the-river project would consist of: (1) Two 36-inch-wide concrete intake structure buried in the stream at elevation 1,500 feet; (2) a 6,000-foot-long, 36-inch-diameter penstock; (3) a powerhouse containing one generating unit with a rated capacity of 2,705 kW; and (4) a 1-mile-long transmission line. Applicant estimates the average annual energy production to be 11.85 GWh and the cost of the work to be performed under the preliminary permit to be $40,000.

k. Purpose of Project: The power produced is to be sold to the local power company.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

12 a. Type of Application: Preliminary Permit.

b. Project No.: 10141–000.

c. Date Filed: October 29, 1987.

d. Applicant: William C. Porter.

e. Name of Project: Olsen Creek.

f. Location: Partially within Snoqualmie—Mt. Baker National Forest, Olsen Creek in Skagit County, Washington. T35N and R10E.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Ms. Joan S. Nichol, Hosey & Associates Engineering Company, 2820 Northup Way, Suite 190, (206) 232–3421.

i. Comment Date: May 28, 1987.

j. Description of Project: The proposed project would consist of: (1) A 4-foot-high diversion structure at elevation 1,200 feet msl; (2) a 24-inch-diameter, 5,700-foot-long penstock; (3) a powerhouse containing a generating unit with a rated capacity of 1,200-kW; and (4) a 1.5-mile-long transmission line tying into the existing Puget Sound Power and Light Company's system. The applicant estimates a 3.5 million kWh average annual energy production. The approximate cost of the studies under the permit would be $43,500.

k. Purpose of Project: Power would be sold to a local utility.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

13 a. Type of Application: Preliminary Permit.

b. Project No.: 10166–000.

c. Date Filed: November 12, 1986.

d. Applicant: Francis A. Smith.

e. Name of Project: Upper Jordan Creek.

f. Location: Partially within Snoqualmie—Mt. Baker National Forest, Upper Jordan Creek in Skagit County, Washington. T35N and R11E.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Francis A. Smith, 3611 23rd Avenue West, Seattle, WA 98199, (206) 283–8081.

i. Comment Date: May 28, 1987.

j. Description of Project: The proposed project would consist of: (1) A 5-foot-high, 4-foot-wide, 50-foot-long diversion dam at elevation 3,600 feet msl; (2) a 28-inch-diameter, 11,000-foot-long penstock; (3) a powerhouse containing a generating unit with a rated capacity of 5,500-kW at elevation 2,200 feet msl; and (4) a 35-mile-long transmission line tying into the existing Puget Sound Power and Light Company's system. The applicant estimates a 48.1 MWh average annual energy production. The approximate cost of the studies under the permit would be $100,000.

k. Purpose of Project: Power would be sold to a local utility.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, & D2.

14 a. Type of Application: Preliminary Permit.

b. Project No.: 10184–000.

c. Date Filed: November 24, 1986.

d. Applicant: Skagit River Hydro.

e. Name of Project: Pressentin Creek.

f. Location: In Snoqualmie—Mt. Baker National Forest, on Pressentin Creek, Skagit County, Washington. T29N, R9E & T30N, R9E.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Lawrence J. McMurtrey, 12122—196th, N.E., Redmond, WA 98052, (206) 885–3986.

i. Comment Date: May 28, 1987.

j. Description of Project: The proposed project would consist of: (1) A 3-foot-high, 20-foot-long diversion structure at elevation 2,400 feet msl; (2) a 36-inch-diameter, 12,000-foot-long penstock; (3) a powerhouse containing a generating unit with a rated capacity of 3,160-kW; and (4) a 3-mile-long transmission line tying into the existing Puget Sound Power and Light Company's system. The applicant estimates a 13.98 GWh average annual energy production. The approximate cost of the studies under the permit would be $40,000.

k. Purpose of Project: Power would be sold to a local utility.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, & D2.

15 a. Type of Application: Preliminary Permit.

b. Project No.: 10275–000.

c. Date Filed: September 22, 1986.

d. Applicant: Suiattle River Hydro.

e. Name of Project: Tenas Creek.

f. Location: On Tenas Creek in the Snoqualmie—Mt. Baker National Forest in T33N, R11E, near Darrington, in Skagit County, Washington.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Lawrence J. McMurtrey, 12122—196th Avenue, NE., Redmond, WA 98052, (202) 885–3986.

i. Comment Date: May 28, 1987.

j. Description of Project: The proposed run-of-the-river project would consist of: (1) A 3-foot-high concrete diversion structure at elevation 2,400 feet; (2) a 36-inch-diameter, 11,000-foot-long penstock; (3) a powerhouse containing one generating unit with a rated capacity of 4.31 MW; and (4) a 7-mile-long transmission line. Applicant estimates the average annual energy production to be 19.2 GWh. The applicant estimates the cost of the work to be performed under the preliminary permit to be $40,000.

k. Purpose of Project: The power produced is to be sold to the local power company.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, & D2.

16 a. Type of Application: Preliminary Permit.

b. Project No.: 10320–000.

c. Date Filed: February 10, 1987.

d. Applicant: Washington Hydro Development Company.

e. Name of Project: O'Toole Creek.

f. Location: On O'Toole Creek in T35N, R7E, near Concrete in Skagit County, Washington.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Lawrence J. McMurtrey. 12122—196th Avenue, NE., Redmond, WA 98052, (206) 885–3986.

i. Comment Date: May 28, 1987.

j. Description of Project: The proposed run-of-the-river project would consist of: (1) A 36-inch-wide concrete intake structure buried in the stream at elevation 1,500 feet; (2) a 5,000-foot-long, 24-inch-diameter penstock; (3) a powerhouse containing one generating unit with a rated capacity of 2,690 kW; and (4) a 7-mile-long transmission line. Applicant estimates the average annual energy production to be 11,77 GWh and the cost of the work to be performed under the preliminary permit to be $40,000.

k. Purpose of Project: The power produced is to be sold to the local power company.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, & D2.

17 a. Type of Application: Preliminary Permit.

b. Project No.: 10321–000.

c. Date Filed: February 10, 1987.

d. Applicant: Washington Hydro Development Company.

e. Name of Project: Mill Creek.

f. Location: On Mill Creek in T35N, R7E near Concrete in Skagit County, Washington.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Lawrence J. McMurtrey, 12122–196th NW., Redmond, WA 98052, (206) 885–3986.

i. Comment Date: May 28, 1987.

j. Description of Project: The proposed run-of-the-river project would consist of: (1) A 36-inch-wide concrete intake structure buried in the stream at elevation 2,000 feet; (2) an 8,000-foot-long, 18-inch-wide penstock; (3) a powerhouse containing one generating unit with a rated capacity of 2,317 kW; and (4) a 6-mile-long transmission line. Applicant estimates the average annual energy production to be 10.15 GWh and the cost of the work to be performed under the preliminary permit to be $40,000.

k. Purpose of Project: The power produced is to be sold to the local power company.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

18 a. Type of Application: New Major License (Over 5 MW).

b. Project No.: 1494–002.

c. Date Filed: December 23, 1985.

d. Applicant: Grand River Dam Authority.

e. Name of Project: Pensacola.

f. Location: Grand (Neosho) River, Mayes, Craig, Delaware, and Ottawa Counties, Oklahoma.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. William E. Mickey, General Manager, Grand River Dam Authority, P.O. Box 409, Vinita, OK 74301–0409, (918) 256–5545.

i. Comment Date: May 26, 1987.

j. Description of Project: The existing project consists of: (1) A reinforced-concrete dam consisting of a multiple arch section 4,284 feet long, a spillway 861 feet long containing 21 tainter gates, a non-overflow gravity section 451 feet long, and two non-overflow abutments, comprising an overall length of 5,950 feet and maximum height of 147 feet; (2) a reinforced-concrete gravity-type spillway section 800 feet long containing 21 tainter gates and located about one mile east of the main dam; (3) a reservoir, kown as Grand Lake O' the Cherokees (Grand Lake), having a surface area of 46,500 acres and a storage capacity of 1,680,000 acre-feet at a normal maximum water surface elevation of 744 feet NGVD; (4) six 15-foot-diameter and one 3-foot-diameter steel pen-stocks supplying flow to six turbine-generators of 14.4-MW capacity each and one turbine-generator of 500-kW capacity, located in a powerhouse immediately below the dam; (5) a tailrace approximately 300 feet wide and a spillway channel approximately 850 feet wide, both about 1.5 miles long; and (6) appurtenant facilities. The average annual energy production is 370 GWh. Project power is sold by the applicant to its customers. The existing project is not subject to Federal takeover under sections 14 and 15 of the Federal Power Act. The applicant proposed to delete certain transmission lines from the license, as they are no longer primary to the project. No other changes to the project are proposed.

k. This notice also consists of the following standard paragraphs: A3, A9, B, C.

19 a. Type of Application: Minor License.

b. Project No.: 9022–002.

c. Date Filed: October 6, 1986.

d. Applicant: JDJ Energy Company.

e. Name of Project: Lake Frances Water Power Project.

f. Location: On the Illinois River (at Lake Frances) in Adair County, Oklahoma and Benton County, Arkansas.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Doyle Jones, JDJ Energy Company, 902 Highway 270 N., Suite 102, Malvern, Arkansas 72104, (317) 232–9433.

i. Comment Date: May 26, 1987.

j. Description of Project: The applicant proposes to utilize an existing dam owned by the City of Siloam Springs, Arkansas. The proposed project would consist of: (a) A dam consisting of four sections: (a) An approximately 529-foot-long auxillary spillway (b) a main spillway approximately 162 feet long, (c) a powerhouse which would contain one proposed generating unit rated at 935 kW, and (d) an earthen section approximately 5,000 feet long. The dam is approximately 43 feet high; (2) an exising reservoir with a surface area of approximately 571 acres and a storage capacity approximately 2,285 acre-feet at powerpool elevation of 936.25 feet m.s.l.; (3) an existing tailrace; (4) a proposed 700-foot-long, 12,470 volt transmission line; and (5) appurtenant facilities. The estimated average annual energy output is 3,796.000 kWh.

k. Purpose of Project: Power produced at the project would be sold to the City of Siloam Springs, Arkansas.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D1.

20 a. Type of Application: Minor License.

b. Project No.: 9843–001.

c. Date Filed: August 28, 1986.

d. Applicant: Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1 and Prodek, Inc.

e. Name of Project: Medina Dam.

f. Location: Medina River, Medina and Bandera Counties, Texas.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Flake H. Wells III, Vice President, Prodek, Inc., 3314 E. 51st Street, Suite B, Tulsa, OK 74135, (918) 749–7749.

i. Comment Date: May 26, 1987.

j. Description of Project: The proposed project would consist of: (1) An existing concrete gravity dam 1,580 feet long and 164 feet high, having a crest elevation of 1,064 feet m.s.l.; (2) an existing reservoir of 5,575 acres surface area and volume of 254,000 acre-feet at a normal maximum water surface elevation of 1,064 feet m.s.l.; (3) a proposed 54-inch-diameter steel penstock 220 feet long; (4) a proposed powerhouse 22 feet wide and 80 feet long, housing six turbine-generators with a combined capacity of 1,500 kW; (5) a proposed 12.5-kV transmission line 200 feet long; and (6) appurtenant facilities. The net hydraulic head would be 140 feet. The estimated annual energy production is 5.2 GWh. Project power would be sold to the Lower Colorado River Authority. The existing project features are owned by the applicant.

k. This notice also consists of the following standard paragraphs: A3, A9, B, C, D1.

21 a. Type of Application: Preliminary Permit.

b. Project No: 10318–000.

c. Date Filed: February 3, 1987.

d. Applicant: Kinetic Energy Company.

e. Name of Project: Carp River.

f. Location: Carp River, Marquette County, Michigan.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Frank O. Christie, Consulting Engineer, Ballard Mill, S. William Street, Malone, NY 12953, (518) 483–1945.

i. Comment Date: May 26, 1987.

j. Description of Project: The proposed project would consist of: (1) An existing concrete gravity dam 70 feet high and 175 feet long; (2) an existing impoundment of 20 acres surface area and 650 acre-feet capacity at a normal maximum surface elevation of 1,217 feet msl; (3) an existing wood, concrete, and steel penstock five feet in diameter and 6,800 feet long, to be repaired; (4) a proposed powerhouse 32 feet long, 24 feet wide, and enclosing two proposed turbine-generators of 1,500 kW combined capacity; (5) a proposed excavated tailrace 60 feet long; (6) a proposed 12.5–kV transmission line 0.8 miles long; and (7) appurtenant facilities.

The net hydraulic head would be 220 feet. The estimated annual energy production is 8.75 GWh. Project power would be sold to Upper Peninsula Power Company. The existing facilities are owned by Cleveland Cliffs Iron Company, Ishpeming, MI 49849.

k. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

22 a. Type of Application: License (Under 5 MW).

b. Project No.: 10084–000.

c. Dated Filed: September 15, 1986.

d. Applicant: K.L. Parkhurst Corporation.

e. Name of Project: Eaton's Mill Project.

f. Location: First Branch of the White River in Windsor County, Vermont.

g. Filed Pursuant: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. John L. Warshow, Spruce Mountain Design, 26 State Street, Montpelier, VT 05602, (802) 229–4666.

i. Comment Date: May 26, 1987.

j. Description of Project: The proposed project would consist of: (1) A new concrete intake structure integral with the 165-foot-long, 11-foot-high concrete dam with 2-foot-flashboards; (2) a reinforced concrete powerhouse containing one 280 kW unit; (3) a 1.25 acre reservoir at 484.0 msl; (4) an excavated tail-race; (5) a fish ladder; (6) a 100-foot-long 12.4-kVA transmission line; and (7) appurtenant facilities. The existing dam will be enlarged by increasing the height to a maximum of 11 feet. The Applicant estimates that the average annual energy generation to be 1.1 GWh. The dam is owned by the Applicant.

k. Purpose of Project: The Applicant intends to sell all power produced to the Central Vermont Public Service Corporation.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C and D1.

23 a. Type of Application: Preliminary Permit.

b. Project No: 10216–000.

c. Date Filed: December 30, 1987.

d. Applicant: Skykomish River Hydro.

e. Name of Project: Bullbucker Creek Project.

f. Location: In the Snoqualmie-Mt. Baker National Forest, on Bullbucker Creek, Snohomish County, Washington. Township 27N and Range 12E.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Lawrence J. McMurtrey, 12122—196th NE., Redmond, WA 98052, (206) 885–3986.

i. Comment Date: May 27, 1987.

j. Description of Project: The proposed project would consist of: (1) Three diversion structures with inlet elevations between 2,800 feet msl and 2,400 feet msl; (2) a trifurcated penstock 15,000 feet long and 18 inches in diameter leading to; (3) a powerplant at elevation 1,600 feet msl containing a single turbine/generator unit with a capacity of 1,548 kW; and (4) a 8-mile-long, 115-kV transmission line. The applicant estimates the average annual energy production to be 6.78 GWh. The approximate cost of the studies under the permit would be $40,000.

k. Purpose of Project: Applicant intends to sell the power generated at the proposed facility.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

24 a. Type of Application: Preliminary Permit.

b. Project No.: 10217–000.

c. Date Filed: December 30, 1986.

d. Applicant: Skykomish River Hydro.

e. Name of Project: Johnson Creek Project.

f. Location: In Snoqualmie-Mt. Baker National Forest, on Johnson Creek, Snohomish County, Washington. Township 26 N and Range 11E.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Lawrence J. McMurtrey, 12122—196th NE., Redmond, WA 98052, (206) 885–3986.

i. Comment Date: May 27, 1987.

j. Description of Project: The proposed project would consist of: (1) A diversion structure with an inlet elevation of 2,600 feet msl; (2) a penstock 8,000 feet long with a diameter of 30 inches leading to; (3) a powerhouse at elevation 1,500 feet msl containing a single turbine/generator unit with a capacity of 2,515 kW operating at 1,100 feet of hydraulic head; and (4) a 5-mile-long, 115-kV transmission line. The applicant estimates the average annual energy generation to be 11.02 GWh. The approximate cost of the studies under the permit would be $40,000.

k. Purpose of Project: Applicant intends to sell the power generated at the proposed facility.

l. This notice also consist of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

25 a. Type of Application: Preliminary Permit.

b. Project No.: 10244–000.

c. Date Filed: January 12, 1987.

d. Applicant: Palo-Verde Hydroelectric Company.

e. Name of Project: Palo-Verde Diversion Dam Project.

f. Location: On the Colorado River, near Blythe, in Riverside County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Jordan Walker, Palo-Verde Hydroelectric Company, P.O. Box N, Manti, UT 84642, (801) 835–0202.

i. Comment Date: May 27, 1987.

j. Description of Project: The proposed project would utilize the existing Bureau of Reclamation's 35-foot-high, Palo-Verde Diversion Dam and would consist of: (1) Three 10-foot-diameter, 20-foot-long penstocks; (2) a powerhouse containing three turbine-generator units with a combined rated capacity of 3 MW operating under a head of 24 feet and a design flow of 7,334 cfs per unit, and producing an estimated annual energy generation of 131 GWh; and (3) a 3,000-foot-long, 66-kV transmission line interconnecting the project to an existing Southern California Edison Company line. The proposed project would be located in Section 19, Township 5 South, Range 24 East, MDB&M, Riverdale County, California.

k. This notice also consists of the following standard paragraph: A5, A7, A9, A10, B, C, and D2

l. Applicant estimates the cost of the work to be performed under this preliminary permit would be $75,000.

26 a. Type of application: Preliminary Permit.

b. Project No.: 10297–000.

c. Date Filed: January 30, 1987.

d. Applicant: Skagit River Hydro.

e. Name of Project: Walker Creek Project.

f. Location: on Walker creek near the town of Mr. Vernon, Skagit County, Washington. Township 33N and Range 5E.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–835(r).

h. Contact Person: Mr. Lawrence J. McMurtrey, 12122—196th NE., Redmond, WA 98052, (206) 885–3986.

i.Comment Date: May 28, 1987.

j. Description of Project: The proposed project would consist of: (1) two diversion structures with inlet elevations of 1,500 feet msl; (2) a bifurcated penstock 11,000 feet long with 18 inches in diameter leading to; (3) a powerhouse at elevation 250 feet msl containing a single turbine/generator unit with a capacity of 1,687 kW operating at 1,250 feet of hydraulic head; and (4) a 2-mile-long, 115-kV transmission line. The applicant estimates the average annual generation to be 7.4 GWh. The approximate cost of the studies under the permit would be $40,000.

k. Purpose of Project: Applicant intends to sell the power generated at the proposed facility.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

27 a. Type of application: Preliminary Permit.

b. Project No.: 10299–000.

c. Date Filed: January 30, 1987.

d. Applicant: Nooksack River Hydro.

e. Name of Project: Nooksack River Tributaries.

f. Location: In Snoqualmie-Mt. Baker National Forest, on Henrick, West Cornell, Cornell, Gallop, and Davis Creeks, Whatcom County, Washington. Township 39N and Range 7E.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–835(r).

h. Contact Person: Mr. Lawrence J. McMurtrey, 12122—196th NE., Redmond, WA 98052, (206) 885–3986.

i. Comment Date: May 27, 1987.

j. Description of Project: The proposed project would consist of: (1) six diversion structures with inlet elevations of 2,000 feet msl; (2) six penstocks totalling 25,000 feet in length with 12 inch in diameter leading to; (3) four powerplants at elevation 1,000 feet msl, each containing a single turbine/generator unit with a capacity of 5,467 kW operating at 1,000 feet of hydraulic head; and (4) a one-mile-long, 115-kV transmission line. The applicant estimates the average annual energy generation to be 23.95 GWh. The approximate cost of the studies under the permit would be $40,000.

k. Purpose of Project: Applicant intends to sell the power generated at the proposed facility.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

Standard Paragraphs

A3. Development Application—Any qualified development applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, a competing development application, or a notice of intent to file such an application. Submission or a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.

A5. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36 (1985)). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application.

A competing preliminary permit application must conform with 18 CFR 4.30(b)(1) and (9) and 4.36.

A7. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before the specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application.

A competing license application must conform with 18 CFR 4.30(b)(1) and (9) and 4.36.

A8. Preliminary Permit—Public notice of the filing of the initial preliminary permit application, which has already been given, established the due date for filing competing preliminary permit and development applications or notices of intent. Any competing preliminary permit or development application, must be filed in response to and in compliance with the public notice of the initial preliminary permit application. No competing applications or notices of intent to file competing applications may be filed in response to this notice.

A competing license application must conform with 18 CFR 4.30(b) (10) and (9) and 4.36.

A9. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, include an unequivocal statement of intent to submit, if such an application may be filed, either (1) a preliminary permit application or (2) a development application (specify which type of

application), and be served on the applicant(s) named in this public notice.

A10. Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

B. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION," COMPETING APPLICATION", "PROTEST" or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to: Mr. Fred E. Springer, Director, Division of Project Management, Federal Energy Regulator Commission, Room 203–RB, at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D1. *Agency Comments*—States, agencies established pursuant to federal law that have the authority to prepare a comprehensive plan for improving, developing, and conserving a waterway affected by the project, federal and state agencies exercising administration over fish and wildlife, flood control, navigation, irrigation, recreation, cultural and other relevant resources of the state in which the project is located, and affected Indian tribes are requested to provide comments and recommendations for terms and conditions pursuant to the Federal Power Act as amended by the Electric Consumers Protection Act of 1986, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. Recommended terms and conditions must be based on supporting technical data filed with the Commission along with the recommendations, in order to comply with the requirement in Section 313(b) of the Federal Power Act, 16 U.S.C. 825l (b), that Commission findings as to facts must be supported by substantial evidence.

All other federal, state, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the statutes listed above. No other formal requests will be made. Responses should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the applicant. If an agency does not respond to the Commission within the time set for filing, it will be presumed to have no comments. One copy of an agency's response must also be set to the Applicant's representatives.

D2. *Agency Comments*—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3a. *Agency Comments.*—The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in section 408 of the Energy Security Act of 1980, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: April 24, 1987.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–9651 Filed 4–28–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. QF87–344–000, et al.]

Small Power Production and Cogeneration Facilities; Qualifying Status; Certificate Applications, etc.; CF Industries, et al.

Comment date: Thirty days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

April 17, 1987.

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

1. CF Industries

[Docket No. QF87–344–000]

On March 31, 1987, CF Industries, Inc. of P.O. Drawer L, Plant City, Florida 33566 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 proposed cogeneration facility will be located at State Road 39 N and County Line Road, Plant City, Florida. The facility will consist of a steam turbine generator. The steam will be used for the fertilizer manufacturing process requirements. The net electric power production capacity of the facility will be 29.3 MW. The primary energy source is waste produced from the exothermic process in the production of sulfuric acid. The installation of the facility was expected to commence on or about April 1, 1987.

2. Clarion Power Company

[Docket No. QF86-896-002]

On March 31, 1987, Clarion Power Company (Applicant), of 20 South Van Buren Avenue, P.O. Box 351, Barberton, Ohio 44203-0351, submitted for filing an application for recertification of a facility as a quailfying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The application for recertification requests that the electric power production capacity of the facility be increased from 22 to 26 megawatts and that the one mile transmission line to be constructed by Applicant be determined to be part of the qualifying small power production facility. The proposed transmission line will interconnect the facility, which is located in West Penn Power Company's service territory, to the transmission system of the Pennsylvania Electric Company (Penelec). The transmission line will be utilized to transmit the qualifying facility's electric power output to Penelec and to receive back-up and maintenance power from Penelec when needed. The facility was previously certified as a qualifying small power production facility on January 8, 1987 (B&W Clarion, Inc., Docket No. QF86-896-000, 38 FERC ¶62.001 (1987)). On January 13, 1987, notice of a change in ownership of the facility from B&W Clarion, Inc. to Clarion Power Company was filed with the Commission.

3. Co-Thermic Power Systems, Inc.

[Docket No. QF87-364-000]

On April 8, 1987, Co-Thermic Power Systems, Inc. (Applicant), of P.O. Box 155, Arcade, New York 14009-0155 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 proposed topping-cycle cogeneration facility will be located at Plank Road—Honeysett Road Area, Chautauqua County, New York. The facility will consist of two natural gas-fired Waukesha engine generators, necessary heat recovery equipment and two from engine electric generators. The heat recovered from the facility will be sold to an unaffiliated entity for use in space heating and cooling. The net electric power production capacity of the facility will be 2,300 kW. The primary energy source will be natural gas. The installation of the facility is expected to commence on or about May 1, 1987.

4. El Nido Biomass Limited Partnership

[Docket No. QF87-354-000]

On April 3, 1987, El Nido Biomass Limited Partnership (Applicant), of 1581 Cummins Drive, Suite 141-A, Modesto, California 95351 submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located in Merced County, California. The facility will consist of a fluidized bed steam generator and a steam turbine generator. The maximum net electric power production capacity is approximately 10 megawatts. The primary energy source will be biomass in the form of almond tree prunings, rice straw and cotton stalks. Oil, natural gas, or other fossil fuels will be used for ignition, start-up, testing, flame stabilization and control uses. Such fossil fuel uses, however, will not exceed 25% of the total energy input to the facility during any calendar year period. Construction of the facility will begin in April 1987.

5. Winooski One Partnership and City of Burlington, Vermont Electric Department

[Docket No. QF87-345-000]

On April 1, 1987, Winooski One Partnership and the City of Burlington, Vermont Electric Department (Applicant), of 26 State Street, Montpelier, Vermont 05602 and 585 Pine Street, Burlington, Vermont 05401, respectively, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The 6.5 MW hydroelectric facility (FERC P. 2756 and P. 9413) will be located on the Winooski River in Chittenden County, Vermont.

A separate application is required for a hydroelectric project license, preliminary permit or exemption from licensing. Comments on such applications are requested by separate public notice. Qualifying status serves only to establish eligibility for benefits provided by PURPA, as implemented by the Commission's regulations, 18 CFR Part 292. It does not relieve a facility of any other requirements of local, State or Federal law, including those regarding siting, construction, operation, licensing and pollution abatement.

6. Zond Systems, Inc.

[Docket No. QF87-365-000]

On April 8, 1987, Zond Systems, Inc. (Applicant), of 13000 Jameson Road, Tehachapi, California 93561, submitted for filing and application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submitted constitutes a complete filing.

The small power production facility will be located in Kern County, California. The facility will consist of 251 wind turbine generators. The net electric power production capacity will be 25.1 MW.

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. 87-9646 Filed 4-28-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. QF87-370-000 et al.]

Small Power Production and Cogeneration Facilities; Qualifying Status; Certificate Applications, etc.; Redding Power, A Joint Venture et al.

Comment date: Thirty days from publication in the Federal Register, in accordance with Standard Paragraph E at the end of this notice.

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

1. Redding Power, A Joint Venture

[Docket No. QF87-370-000]

April 21, 1987.

On April 10, 1987, Redding Power, A Joint Venture (Applicant), of 1900 Churn Creek Road, Suite 308, Redding,

California 96002 submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will consist of two (2) steam generators and a single steam turbine/generator. The net electric power production capacity will be 23 megawatts. The primary energy source will be biomass in the form of wood waste. Natural gas will be used for start-up and shut-down. Such fossil fuel uses, however, will not exceed 1% of the total energy input to the facility during any calendar year period.

2. Viking Energy of Northumberland, Limited Partnership

[Docket No. QF84-348-006]

On April 15, 1987, Viking Energy of Northumberland, Limited Partnership (Applicant), of 4008 West Wackerly Road, Midland, Michigan 48640 submitted for filing an application for recertification of a facility as a qualifying small power production 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 small power production facility is requested due to the decrease in the net electric power production capacity from 18.5 megawatts to 16.05 megawatts. Natural gas will be used for start-up purposes, however, such use will not exceed 9% of the total annual energy input to the facility. All other characteristics of the facility remain unchanged.

3. O'Brien Energy Systems, Inc.

[Docket No. QF87-373-000]

April 22, 1987.

On April 14, 1987, O'Brien Energy Systems, Inc. (Applicant), of 225 S. 8th Street, Philadelphia, Pennsylvania 19106 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 is located at E. I. DuPont de Nemours & Company, 6000 Bridgehead Road, Antioch, California 94509. The facility will consist of a combustion turbine, a heat recovery steam generator, and an extraction/condensing steam turbine generator. Thermal energy recovered from the facility will be used in process to manufacture paint pigments and freon products. The primary energy source will be natural gas. The net electric power production capacity of the facility will be 48,420 kW. Installation of the facility is scheduled to begin in 1987.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-9647 Filed 4-28-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2268-000]

John J. Byrne; Application

April 22, 1987.

Take notice that on March 13, 1987, John J. Byrne filed an application pursuant to section 305(b) of the Federal Power Act to hold the following position:

Director, Potomac Electric Power Company.

Chairman and Chief Executive Officer, Fireman's Fund Corporation.

On April 8, 1987 additional information was filed in support of Mr. Byrne's application.

Any person desiring to be heard or to protest this 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 Rule 211 or 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 6, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this petition are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-9652 Filed 4-28-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CI87-397-000 and CI87-464-000]

CSX Oil and Gas Corp.; Applications for Abandonment and Blanket Certificate of Public Convenience and Necessity With Pregranted Abandonment

April 22, 1987.

Take Notice that on March 27, 1987, CSX Oil & Gas Corporation (formerly Texas Gas Exploration Corporation) (CSX), pursuant to section 7 of the Natural Gas Act and Part 157 of the Commission's Regulations, applied for (1) abandonment in Docket No. CI87-464-000 of sales from certain identified sources of production; (2) a certificate of public convenience and necessity with pregranted abandonment in Docket No. CI87-397-000 authorizing (a) sales for resale of natural gas by CSX in interstate commerce as described in the applications, from the sources of production listed therein and (b) the sale for resale of natural gas by CSX attributable to other interest owners having an interest in the same production; and (3) transportation authorization for interstate pipelines and pregranted abandonment of the same, as described in the applications, to effectuate the delivery of gas sold thereunder. All said authority is requested to be effective on a permanent basis.

If granted, CSX states that the authority applied for will enable CSX to sell gas released by Texas Gas Transmission Corporation (Texas Gas) from contractual commitment which is subject to the maximum lawful prices established by section 102(d) and 109 of the Natural Gas Policy Act of 1978.

CSX also submits that a grant of this authority will further the policies and objectives of the Commission set forth in its Order Nos. 436 and 451, and in several recent decisions granting abandonment and certificate authority with respect to shut-in gas behind interstate pipelines. In support, CSX states that it is subject to substantially reduced takes without payment. CSX submits that termination of its contracts with Texas Gas and abandonment authority with respect thereto are in the public interest. CSX further states that current purchases under its contracts

with Texas Gas are below minimum contract requirements and CSX has suffered undeniably as a result.

Further, because of CSX's affiliate relationship with Texas Gas, and the Commission's recent heightened scruting of affiliate relationships, CSX's ability to compete in the open market has been hindered and its financial difficulties have increased. CSX represents that it will be able to compete in equal footing in the open market only after termination of its contracts with, and abandonment of sales to Texas Gas.

CSX and Texas Gas mutually desire to terminate their contracts for the purpose and sale of the subject natural gas. CSX states that termination of the contracts is consistent with a recent change in corporate structure which has removed CSX as a subsidiary of Texas Gas although they remain corporate affiliates. The deliverability of gas currently under the contracts and rate schedules between Texas Gas and CSX subject to the applications is approximately 28,673 Mcf per day, and the reserves behind these contracts are approximately 26.7 Bcf. CSX states that these volumes represent less than three percent (3%) of Texas Gas' natural gas reserves. Below is a description of the contracts covered herein.

Contract date	Expiration date	FERC rate sched. No.	Field name block No.	NGPA category
06/27/83	12/01/98	66	E. Cameron Blk. 220	102(d)
11/14/80	03/01/01	61	High Island A-573	102(d) and 109
12/09/80	04/01/96	63	Ship Shoal 247F	102(d)
09/22/78	04/01/94	54	Ship Shoal 271B	102(d)
03/27/79	09/01/94	56	Ship Shoal 296	102(d)

CSX states it sells natural gas subject to the Commission's NGA jurisdiction to Texas Gas under 27 separate rate schedules on file with the Commission. Termination of the rate schedules and contracts which are listed above require the abandonment authority sought herein. CSX states it will obtain necessary abandonment authority for gas not subject to its applications pursuant to Order No. 451. CSX also states that Texas Gas has consented to the release of all gas subject to the rate schedules and contracts listed herein and abandonment of such gas and services by CSX as requested herein. In return for termination of existing contracts and a gas transportation agreement covering released gas, CSX has agreed to absolve Texas Gas for all take-or-pay liability accrued under all contracts, including those set forth herein. Further, Texas Gas will have no further take-or-pay obligation under the contracts to be terminated and abandoned.

In summary, CSX and Texas Gas have agreed to a termination of all their contracts, and abandonment of sales, including sales under the contracts and rate schedules listed herein. It is the intent of CSX and Texas Gas to proceed under the provisions of Order No. 451 as to all other contracts and rate schedules eligible for the good faith negotiation procedures. CSX states that such arrangements fit within the policies of the Commission set forth in Order No. 436, Order No. 436–A and Order No. 451, and are similar to the authority granted in *Felmont, Pennzoil,* and *ANR.*[1]

CSX further states that with respect to natural gas not subject to the Commission's NGA jurisdiction by virtue of section 601(a) of the NGPA, (i.e., sections 102(c), 103(c), and 107(c)[(1–4)) abandonment and certificate authority is not required, and Texas Gas and CSX will terminate their contracts, and purchases and sales of gas under such contracts, forthwith. CSX states that natural gas qualifying under NGPA sections 104 and 106 that is subject to contracts with indefinite price escalation clauses, as well as other higher-priced gas under the same contracts, and subject to Order No. 451's good faith negotiation procedures will be abandoned by CSX and Texas Gas pursuant thereto, and related contracts will be terminated. Therfore, the only gas which is the subject of the applications is NGPA sections 102(d) and 109 gas that is under contract to Texas Gas and does not qualify for the abandonment, certificate, pregranted abandonment and transportation authority provided by Order No. 451. The volume of gas covered by the applications equals approximately 27% of the total deliverability of gas under all existing contracts between Texas Gas and CSX. In effect, by its applications, CSX states it is seeking authority for sections 102(d) and 109 gas under contract with Texas Gas that is identical to the abandonment, certificate, pregranted abandonment, and transportation authority provided for section 104 and 106 gas by Order No. 451.

CSX states that the gas released by Texas Gas cannot effectively and efficiently be sold in the spot market without the full scope of authority described herein. Initially, CSX requires abandonment authority before it can effectively and efficiently sell released volumes to other parties. CSX states it needs sales and pregranted abandonment authority to sell such gas into the spot market as the spot market exists today. Finally, CSX states that transportation authority provided in Order No. 436 and Order No. 451 is an absolute necessity. While Order No. 436 would permit the transportation of certain volumes of gas subject to the applications herein in certain instances, CSX respectfully submits that the additional transportation authority provided by Order No. 451 will be required from time-to-time and, therefore, should be included as part of the authority granted herein. In those instances, CSX states it will be assured that gas abandoned and released hereunder will be transported by Texas Gas to CSX's new markets on the same terms as provided in Order No. 451, and that interstate pipelines upstream of Texas Gas will be provided such transportation authority also. According to CSX the same reasons that support the transportation authority provided in Order No. 451 apply here, *i.e.*, first sellers must be provided with the assurance that they will be able to market their released gas, which requires the availability of transportation service whether or not a releasing interstate pipeline has or has not accepted the open-access obligations of Order No. 436.

CSX respectfully submits that termination of its contracts with Texas Gas, and abandonment authority with respect thereto, are in the public interest. Recently, Texas Gas has reduced its takes from CSX to less than 10% of CSX's deliverability under all contracts not requiring a minimum purchase each day, due to a service reduction in Texas Gas' system requirements, although the contracts listed herein contain various minimum purchase requirements currently being met by Texas Gas. CSX states that with the exception of these contracts under which CSX has afforded volume relief,

[1] See *e.g., Felmont Oil Corporation and Essex Offshore, Inc.*, Opinion No. 245, 33 FERC (CCH) ¶ 61,333 (1986), *reh'g denied*, 34 FERC (CCH) ¶ 61,296 (1986), *Pennzoil Producing Company and Pennzoil Gas Marketing Company*, 34 FERC (CCH) ¶ 61,318 (1986), and *ANR Pipeline Company, et al.*, 38 FERC (CCH) ¶ 61,046 (1987).

Texas Gas' take-or-pay liability to CSX is accruing on a daily basis. CSX states that termination of its contracts with Texas Gas, and abandonment of sales to Texas Gas, should eliminate the competitive disadvantage CSX now faces and enable both CSX and the public to benefit from the increased and fair competition brought to the marketplace by CSX.

To alleviate any concerns over Texas Gas' supply situation, CSX states that it will provide Texas Gas' existing customers with a right of first refusal to any gas abandoned if and when the authority requested by its applications herein is granted. Implementation of this right of first refusal will be in a manner identical to the right of first refusal provided for in Order No. 451. CSX states that the right of first refusal will provide Texas Gas' customers with access to substantial supplies of market-priced gas in both the short and long-term, subject only to contract negotiations with CSX.

CSX states that the need for permanent authority is based on the concept of flexibility. CSX needs permanent abandonment and certificate authority in order to respond to the fluctuations in natural gas markets and to have the opportunity to make both long and short-term sales arrangements. CSX states that limitations on the terms of the abandonment authority will restrict CSX's marketing flexibility to the detriment of CSX and the consuming public. Further, permanent authority is consistent with the termination of the existing contracts between Texas Gas and CSX and the change in corporate structure referred to above. CSX states that limited-term authority simply is not. Given all these considerations, CSX submits that the public interest would be served by a grant of the authority requested.

Finally, CSX requests a waiver of any and all otherwise applicable orders, rules, regulations or reporting requirements now effective or hereinafter promulgated or issued by the Commission to the extent that such orders, rules, regulations, or reporting requirements are or may be inconsistent with the form or substance of authority requested by its applications. In particular, CSX requests a waiver of the filing requirements of 18 CFR 154.94(h) and 154.94(k).

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

Accordingly, any person desiring to be heard or to make any protest with reference to said applications should on or before 15 days after the date of publication of this notice in the **Federal Register**, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding herein must file a petition to intervene in accordance with the Commission's rules.

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

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–9653 Filed 4–28–87; 8:45 am]

BILLING CODE 6717–01–M

Texas Eastern Transmission Corp.; Proposed Changes In FERC Gas Tariff

April 22, 1987.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on *April 16,* 1987 tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following tariff sheets:

Third Substitute Eighty-second Revised Sheet No. 14
Second Substitute Eighty-second Revised Sheet No. 14A
Second Substitute Eighty-second Revised Sheet No. 14B
Second Substitute Eighty-second Revised Sheet No. 14C
Second Substitute Eighty-second Revised Sheet No. 14D

The purpose of this filing is to make revisions in accordance with the Commission's April 2, 1987 order to Texas Eastern's March 4, 1987 filing with respect to its Contract Adjustment Demand rates in Docket No. CP84–429–030 and to reflect the initial Rate Schedule SS–III Firm Demand rates approved by the Commission on June 3, 1986 for Rate Schedule SS–III in Docket No. CP85–803.

The tariff sheets filed on March 4, 1987 reflected a revision to Texas Eastern's Contract Adjustment Demand rates applicable to Rate Schedules DCQ, GS, SGS and CTS at the 1986 program levels to incorporate the actual cost of facilities in accordance with Article VI of the Offer of Settlement approved by Commission order issued August 15, 1985 in Docket No. CP84–429–001. Tariff sheets proposed to be effective December 4, 1986 were accepted subject to conditions imposed by Commission order issued April 2, 1987 in Docket No. CP84–429–030 which required Texas Eastern to refile its tariff sheets submitted March 4, 1987 within 15 days of the date of issuance of the order to reflect the rate base and cost of service components incorporated in the rates filed in Docket Nos. RP85–177, *et al.*

In addition to the tariff sheets proposed to be effective as of December 4, 1986, Texas Eastern proposes for filing herein revised tariff sheets amending the Contract Adjustment Demand rates as set forth above on all appropriate tariff sheets filed and made effective subsequent to December 4, 1986. Such tariff sheets are set forth in Appendix A attached hereto.

The proposed effective dates for the tariff sheets listed above and in Appendix A are as designated at December 4, 1986, January 1, 1987 and February 1, 1987. With the exception of the proposed December 4, 1986 effective date which is the date previously approved for service to commence under the Contract Adjustment Program, the other proposed effective dates are for corresponding tariff sheets previously approved by the Commission at those dates and are submitted for filing at this time solely to reflect the required revision to the Contract Adjustment Demand rate as discussed above.

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

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before April 30, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the

Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

Appendix A

Effective January 1, 1987:

Third Substitute Second Revised Eighty-second Revised Sheet No. 14

Effective February 1, 1987:

Third Substitute Eighty-third Revised Sheet No. 14
Second Substitute Eighty-third Revised Sheet No. 14A
Second Substitute Eighty-third Revised Sheet No. 14B
Second Substitute Eighty-third Revised Sheet No. 14C
Second Substitute Eighty-third Revised Sheet No. 14D

[FR Doc. 87-9655 Filed 4-28-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP87-92-000 and CP87-92-001]

Texas Eastern Transmission Corp. and PennEast Gas Service Co.; Technical Conference on Environmental Issues

April 22, 1987.

Take notice that on April 30, 1987, members of the staff of the Federal Energy Regulatory Commission will conduct a technical conference concerning environmental issues related to Texas Eastern Transmission Corporation's *Capacity Restoration and Expansion Program*, in Docket Nos. CP87-92-000 and -001. The technical conference will commence at 10:00 a.m. at 825 North Capitol Street, NE., Washington, DC 20426. The room number will be posted that day on the second floor.

All parties to this proceeding, Commission staff, and interested members of the public are invited to attend; however, mere attendance at the conference will not confer party status. Any person wishing to become a party to this proceeding must file a Motion to Intervene in accordance with Rule 214(d) of the Commission's Rules of Practice and Procedure (18 CFR 385.214(d)).

Further information concerning the technical conference may be obtained from Mr. Chris Zerby, Environmental Evaluation Branch, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, (202) 357-9037.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-9656 Filed 4-28-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF87-383-000]

Yankee-Caithness Joint Venture; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

April 24, 1987.

On April 21, 1987 Yankee-Caithness Joint Venture (Applicant), of 251 Ralston Street, Reno, Nevada 89503 submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small geothermal power production facility will be located in Washoe County, Nevada. The facility will consist of two (2) steam-turbine generators and necessary piping and auxiliary equipment. The primary energy source will be geothermal fluid. The facility is to be built in two phases and will, when completed, be operated as a single facility. Each phase will have an electric power production capacity of 12.5 MW, for a total of 25 MW. No natural gas, oil or coal will be used by the facility. Construction of phase one of the facility is scheduled to be completed on October 31, 1987 and construction of phase two, on June 30, 1988.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. 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 petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-9654 Filed 4-28-87; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3192-9]

Agency Information collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

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

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

Office of Pesticides and Toxic Substances

Title: Child Resistant Packaging (EPA ICR #0616). (This extends a currently approved collection without change.)

Abstract: The Child Resistant Packaging (CRP) regulations under FIFRA authority seek to protect the public from serious injury via accidental ingestion or contact with pesticide products. EPA offers manufacturers and distributors of residential-use pesticides five options (four include information reporting requirements) for complying with the CRP regulations. This information enables EPA to identify which products are used residentially and to monitor compliance with the CRP regulations.

Respondents: Manufacturers and distributors of residential-use pesticides.

Estimated Annual burden: 11,952 hours.

* * * * *

Agency PRA Clearance Requests Completed By OMB

EPA ICR #0292, President's Environmental Youth Awards, was approved 4/41/87 (OMB #2090-0007; expires 4/30/90).

* * * * *

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

Patricia Minami, U.S. Environmental Protection Agency, Office of Standards and Regulations (PM-223),

Information and Regulatory Systems Division, 401 M Street, SW., Washington, DC 20460

and

Carlos Tellez, Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building, 726 Jackson Place, NW., Washington, DC 20503

Dated: April 23, 1987.

Daniel J. Fiorino,

Director, Information and Regulatory Systems Division.

[FR Doc. 87-9634 Filed 4-28-87; 8:45 am]

BILLING CODE 6560-50-M

[OPP-00239; FRL-3193-6]

State-FIFRA Issues Research and Evaluation Group (SFIREG) Working Committees; Open Meetings

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: There will be a 2-day meeting of the Working Committee on Registration and Classification of the State FIFRA Issues Research and Evaluation Group (SFIREG) and a 2-day meeting of the SFIREG Working Committee on Enforcement and Certification to discuss various aspects of pesticides. The meetings will be open to the public.

DATE: The Working Committee on Registration and Classification will meet on Tuesday and Wednesday, May 19 and 20, 1987, and the Working Committee on Enforcement and Certification will meet on Thursday and Friday, May 21 and 22, 1987. The meetings of both committees will start at 8:30 a.m. each day.

ADDRESS: The meeting will be held at: Days Inn Savannah Bay Street, 201 West Bay Street, Savannah, GA 31401, (912) 236-4440.

FOR FURTHER INFORMATION CONTACT: By mail, Philip H. Gray, Jr., Office of Pesticide Programs (TS-766C), Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

Office location and telephone number: Rm. 1115, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-7096)

SUPPLEMENTARY INFORMATION: The meeting of the Working Committee on Registration and Classification will be concerned with the following topics:

1. Statements of practical treatment on labels.
2. Update on inert ingredients policy.
3. Update on policy *re* active ingredient labeling.
4. Ground water advisory statements.
5. Endangered species labeling update.
6. Status of dinoseb.
7. Section 24(c) Review update.
8. Update on accuracy of Restricted Use Pesticide information.
9. Policy statement on unenforceable label language.
10. Update on diazinon.
11. Status of 2,4-D.
12. Status of termiticides.
13. Additional topics as appropriate.

The meeting of the Working Committee on Enforcement and Certification will be concerned with the following topices:

1. Regulation of bulk pesticide containers (FIFRA Section 24 (b)).
2. Discussion of possible separate grant program for enforcement of Farm Worker Safety Rule.
3. Need for purchasing new enforcement and laboratory equipment with enforcement grant money.
4. Setting priorities on SFIREG Action Items.
5. Training of pesticide investigators.
6. Discussion of concerns with the new label for aluminum and magnesium phosphide.
7. Cropland conversion definition.
8. Need for a Child Resistant Packaging Policy interpretation, including a set of definitions.
9. Survey for "average time per enforcement output."
10. Reporting of enforcement outputs.
11. Termiticide rule status.
12. Section 12(a)(2)(F): Sale of restricted use pesticides to uncertified applicators.
13. Monitoring Experimental Use Permits: is there still a problem?
14. Endangered Species enforcement.
15. Need for a strategy for enforcing all registration standards.
16. EPA follow-up with states on results of State Plan survey.
17. Section 7 Proposed Rule—producing Establishments.
18. Additional topics as appropriate.

Dated: April 23 1987.

Douglas D. Campt,

Director, Office of Pesticide Programs.

[FR Doc. 87-9705 Filed 4-28-87; 8:45 am]

BILLING CODE 6560-50-M

[OPP-30259A; FRL-3191-5]

PPG Industries, Inc., Approval of Pesticide Product Registration

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces Agency approval of an application submitted by PPG Industries, Inc., to register the pesticide product Cobra ™ Herbicide containing an active ingredient not included in any previously registered product pursuant to the provision of section 3(c)(5) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

FOR FURTHER INFORMATION CONTACT: By Mail: Richard Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 237, TS-767C, Environmental Protection Agency, 1921 Jefferson Davis Hwy, Arlington, VA 22202, (703-557-1830).

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the Federal Register of October 30, 1985 (50 FR 45159), which announced that PPG Industries, Inc., One PPG Place, Pittsburgh, PA 15272, had submitted an application to register the pesticide product Cobra™ Herbicide containing the active ingredient lactofen, 1-(carboethoxy)ethyl 5-[2-chloro-4-(trifluoromethyl)phenoxy]-2-nitrobenzoate at 23.2 percent; not included in any previously registered product.

The application was approved on March 18, 1987 as Cobra ™ Herbicide for postemergence control of susceptible broadleaf weeds in soybeans. The product was assigned EPA Registration No. 748-259—

The Agency has considered all required data on the risks associated with the proposed use of lactofen and information on social, economic, and environmental benefits to be derived from use. Specifically, the Agency has considered the nature of the chemical and its pattern of use, application methods and rates, and level and extent of potential exposure. Based on these reviews, the Agency was able to make basic health and safety determinations which show that use of lactofen when used in accordance with widespread and commonly recognized practice, will not generally cause unreasonable adverse effects on the environment.

More detailed information on this registration is contained in a Chemical Fact Sheet on lactofen.

A copy of this fact sheet, which provides a summary description of the chemical, use pattenrs and formulations, science findings, and the Agency's regulatory position and rationale, may be obtained from Registration Division (TS-767C), Environmental Protection

Agency, Registration Support and Emergency Response Branch, 401 M St., SW., Washington, DC 20460.

In accordance with section 3(c)(2) of FIFRA, a copy of the approved label and the list of data reference used to support registration are available for public inspection in the office of the Product Manager. The data and other scientific information used to support registration, except for material specifically protected by section 10 FIFRA, are available for public inspection in the Program Management and Support Division (TS–757C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 236, CM#2, Arlington, VA 22202 (703–557–3262). Requests for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A–101), 401 M St., SW., Washington, DC 20460. Such requests should: (1) Identify the product name and registration number and (2) specify the data of information desired.

Authority: 7 U.S.C. 136.

Dated: April 15, 1987.

Susan H. Wayland,

Director, Office of Pesticide Programs.

[FR Doc. 87–9154 Filed 4–28–87; 8:45 am]

BILLING CODE 6560–50–M

[OPP–30000/27E; FRL–3191–6]

Intent to Cancel Registrations of Pesticide Products Containing 2,4,5-Trichlorophenol or its Salts Notice of Final Determination

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of intent to cancel.

SUMMARY: This Notice announces EPA's determination to cancel registrations for all pesticide products that contain 2,4,5-trichlorophenol or its salts as active ingredients for all uses. The action is based on the Agency's determination that the use of 2,4,5-TCP or its salts will result in unreasonable adverse effects of developmental toxicity and oncogenicity to applicators of the products for these uses. Throughout this Notice, 2,4,5-TCP will be used to refer to products that contain both 2,4,5-trichlorophenol and all its salts.

DATE: Requests for a hearing by a registrant, applicant or other adversely affected parties must be received by the EPA Hearing Clerk on or before May 29, 1987 or, for a registrant or applicant, within 30 days from the receipt of this Notice, whichever date is the later applicable deadline.

ADDRESS: Requests for a hearing must be submitted to: Hearing Clerk (A–110), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: By mail: Paul Parsons, Special Review Branch, Registration Division (TS–767C), Office of Pesticide Programs, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 1020, Crystall Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, (703–557–7420)

SUPPLEMENTARY INFORMATION: The Agency has established a public docket for the 2,4,5-TCP Special Review. The docket contains all public comments as well as other relevant Agency documents pertaining to the Special Review. For a complete list of the categories of documents which are placed in a Special Review docket, see 40 CFR 54.15.

The Agency will distribute a compendium indices for new materials for Special Reviews, including this Special Review, in the public docket by mail, on a monthly basis, to those members of the public who have specifically requested such material.

The docket and index will be available for inspection and copying from 8 a.m. to 4 p.m., Monday through Friday, expect legal holidays, at the following location:

Program Management and Support Division, Rm. 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA.

I. Introduction

The Agency initiated a Rebuttable Presumption Against Registration (RPAR) (hereafter referred to as Special Review of 2,4,5-Trichlorophenol and its salts (2.4,5-TCP) by issuing a Position Document 1, which was published in the **Federal Register** of August 2, 1978 (43 FR 34026). The Bases for the Special Review were the potential fetotoxic effects of products containing 2,4,5-TCP and information indicating that 2,4,5-TCP is contaminated with 2,3,7,8-tetrachlorodibenzo-p-dioxin (2,3,7,8-TCDD) which induces oncogenic, teratogenic, fetoroxic, and other adverse effects in laboratory test animals. When the Position Document 1 (PD 1) was issued, 2,4,5-TCP and its sales were widely used in industry to control slimes, fungi, and bacteria. Soon after the 2,4,5-TCP reeview was begun, the Agency initiated cancellation actions against the registrations of most pesticide products containing 2,4,5-T and silvex. 2,4,5-TCP is used in the manufacture of 2,4,5-T and silvex. Further action on the Special Review for 2,4,5-TCP was deferred pending the conclusion of the proceedings concerning 2,4,5-T, those proceedings were expected to provide a thorough technical basis from which to consider the continued registration of 2,4,5-TCP. All registrations of pesticide products containing 2,4,5-T and silvex are now cancelled.

Under section 3(c)(2)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 135a(c)(2)(B), the Agency may require registrants to submit data to support registrations. On May 7, 1985, in order to gather additional needed information, the Agency issued a Data Call-in (DCI) Notice pursuant to section 3(c)(2)(B) for 2,4,5-TCP requiring teratology studies in two species and information on the chemical characteristics and the dioxin content of currently registered products containing 2,4,5-TCP, including an updated Confidential Statement of Formula and other product chemistry information. No registrant provided nay of the requested data. Most products were voluntarily cancelled, the remaining products were issued suspension notices pursuant to section 3(c)(2)(B) for noncompliance with the Data Call-In Notice.

This Notice of Intent to Cancel affects the remaining suspended pesticide products containing 2,4,5-TCP. These products are registered for use as microbiocides in:

Cooling tower waters
Oil field production systems
Leather
Adhesives
Metal cutting fluides and foundry core washes
Rubber auto gaskets
Rayon emulsions

This Notice concludes the Special Review process and announces the Agency's final decision to cancel registrations of all uses of 2,4,5-TCP.

In summary, the Agency has determined that any use of products containing 2,4,5-TCP presents potential risks of fetoroxicity, oncogenicity, and teratogenicity. The Agency has also analyzed the economic, social, and environmental benefits of these products. The Agency has determined that the risks of all uses of these products are greater than the social, economic, and environmental benefits of these uses and, therefore, that these products pose a risk of unreasonable adverse effects on man and the environment. Accordingly, the Agency intends to cancel the registration of all products containing 2,4,5-TCP for all uses and to deny the applications for registration of any such products.

This Notice is organized into six units. Unit I is this introduction. Unit II, entitled "Legal Background" provides a general discussion of the regulatory framework within which this action is taken. Units III and IV summarize the risk and benefit determinations, respectively, concerning the use of 2,4,5-TCP. Unit V sets forth the regulatory actions initiated by this Notice. Unit VI, responds to the comments of the U.S. Department of Agriculture and the Science Advisory Panel. Unit VII, entitled "Procedural Matters," provides a brief discussion of the procedures to be followed in responding to this Notice. Unit VIII is the list of references.

II. Legal Background

In order to register a pesticide under FIFRA, an applicant must demonstrate that the pesticide satisfies the statutory standard for registration. That standard requires, among other things, that the pesticide perform its intended function without causing "Unreasonable adverse effects on the environment" (FIFRA section 3(c)(5)). The term "unreasonable adverse effects on the environment" is defined as "any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide" (FIFRA section 2(bb)). This standard requires a finding that the benefits of each use of the pesticide outweigh the risks of use, when the pesticide is used in compliance with the terms and conditions of registration or in accordance with commonly recognized practice.

The burden of proving that a pesticide satisfies the registration standard is on the proponents of registration and continues as long as the registration remains in effect. Under section 6 of FIFRA, the Administrator may cancel the registration of a pesticide or require modification of the terms and conditions of a registration whenever it is determined that the pesticide causes unreasonable adverse effects on the environment. The Agency created the Special Review process to facilitate the identification of pesticide uses which may not satisfy the statutory standard for registration and to provide an informal procedure to gather and evaluate information about the risks and benefits of these uses

A Special Review is initiated if a pesticide meets or exceeds risk criteria set out in the regulations at 40 CFR Part 154. The Agency announces that a Special Review is initiated by issuing a notice for publication in the **Federal Register**. Registrants and other interested persons are invited to review the data upon which the review is based and to submit data and information to rebut the Agency's conclusions by showing that the Agency's initial determination was in error, or by showing that use of the pesticide is not likely to result in any significant risk to human health or the environment. In addition to submitting evidence to rebut the Agency's initial determination, commenters may submit relevant information to aid in the determination of whether the economic, social, and environmental benefits of the use of the pesticide outweigh the risks of use. After reviewing the comments received and other relevant material obtained during the Special Review process, the Agency makes a decision on the future status of registrations of the pesticide.

The Special Review process may be culminated in several ways depending upon the outcome of the Agency's risk/benefit assessment. If the Agency concludes that all of its risk concerns have been adequately rebutted, the pesticide registration will be maintained unchanged. If, however, all risk concerns are not rebutted, the Agency will proceed to a full risk/benefit assessment. In determining whether the use of a pesticide poses risks which are greater than the benefits, the Agency considers possible changes to the terms and conditions of registration which can reduce risks, and the impacts of such modifications on the benefits of use. If the Agency determines that such changes reduce risks to the level where the benefits outweigh the risks, it may require that such changes be made in the terms and conditions of the registrations. Alternatively, the Agency may determine that no changes in the terms and conditions of a registration will adequately assure that use of the pesticide will not pose any unreasonable adverse effects. If the Agency makes such a determination, it may seek cancellation, and, if necessary, suspension. In either case, the Agency may issue a Notice of Intent to Cancel the registrations. If the Notice requires changes in the terms and conditions of registration, cancellation may be avoided by making the specified corrections set forth in the Notice, if possible. Adversely affected persons may also request a hearing on the cancellation of a specified registration and use, and if they do so in a legally effective manner, that registration and use will be continued pending a decision at the close of an administrative hearing.

III. Summary of Risk Determinations

The Agency has evaluated the available data regarding the risks of continued use of 2,4,5–TCP. Detailed discussions of these risks are presented in the PD 1 and in the "Health Assessment Document for Polychlorinated Dibenzo-p-Dioxins" (Ref. 43). This unit summarizes the risk determinations for all uses of 2,4,5–TCP.

A. Contamination of Products Containing 2,4,5–TCP With a Dioxin, 2,3,7,8–TCDD

2,4,5–TCP is produced commercially by the alkaline hydrolysis of 1,2,4,5-tetrachlorobenzene. The reaction is carried out under pressure at 180° C in the presence of aqueous sodium hydroxide and methanol (Refs. 23 and 10). Polychlorinated dibenzo-p-dioxins are formed in the manufacturing process of many, if not all, chlorophenols. However, the amount formed is dependent on the degree to which the temperature and pressure are controlled during production (Refs. 10, 27, 39, 16, and 29). An expecially toxic dioxin, 2,3,7,8-tetrachlorodibenzo-p-dioxin (2,3,7,8–TCDD), is formed during the production of 2,4,5–TCP. Laboratory reference standards of 2,3,7,8–TCDD are prepared by heating 2,4,5–TCP under alkaline conditions. The presence of 2,3,7,8–TCDD has been a major concern in many incidents of environmental contamination with production wastes from the manufacturer of 2,4,5–TCP. As can be anticipated, 2,3,7,8–TCDD has been associated with many synthetic compounds derived from 2,4,5–TCP (Ref. 21).

All technical and formulated products containing 2,4,5–TCP are expected to be contaminated in varying degrees by this 2,3,7,8–TCDD byproduct of the manufacturing process. Despite a requirement under section 3(c)(2)(B) of FIFRA to submit product composition data, no data have been provided during this Special Review that rebut these conclusions.

Because the registrants of products containing 2,4,5–TCP have refused to provide the data necessary to quantify the extent of contamination of their products with 2,3,7,8–TCDD, and have also failed to provide data necessary to estimate exposure of the population quantitatively, the Agency has been unable to estimate quantitatively the

risk attributable to continued use of products containing 2,4,5–TCP. EPA, however, has determined that use of 2,4,5–TCP might lead to significant exposure of applicators to 2,4,5–TCP and 2,3,7,8–TCDD. Therefore, EPA has concluded that continued registration of pesticide products containing 2,4,5–TCP poses a significant risk of oncogenic and teratogenic effects.

B. Fetotoxicity and Teratogenicity of 2,3,7,8–TCDD

The following Table 1 presents the studies of the teratogenicity of 2,3,7,8–TCDD:

TABLE 1——STUDIES ON THE POTENTIAL TERATOGENIC EFFECT ON 2,3,7,8-TCDD

Species/strain	Vehicle	Daily dose	Treatment days	Observation day	Maternal response	Fetal response	Reference
Mouse/C57B1/6 Mouse/AKR	DMSO or honey: water (1:1).	21.5, 46.4, 113.0 mg/kg.	6–14 or 9–17.	19[a]	Increased liver bw rate.	Fetocidal, cleft palate, cystic kidney.	(7)
Mouse/CD–1, Mouse/DBA/2J, Mouse/C57B1/6J.	DMSO	0.5, 1, 3 g/kg.	6–15	17[a] or 18	Increased liver bw ration.	Cleft palate, kidney anomalies.	(6)
Mouse/C57B1/6	Acetone: corn oil (1:9).	1, 3 g/kg	10–13 or 10.	18[a]	None reported.	Cleft palate, kidney anomalies	(28)
Mouse/CD–1	DMSO or corn oil.	25, 50, 100, 200, 400 g/kg.	7–16	18[b]	Increased liver bw ration.	Cleft palate, hydronephrotic kidneys, hydrocephalus, open eyes, edema, petechiae.	(5)
Mouse/CF–1	Corn oil: acetone (98:2).	0.001, 0.01, 0.1, 1.0, 3.0 g/kg.	6–15	18[a]	None reported.	Cleft palate, dilated renal pelvis	(41)
Mouse/NMRI	Rapeseed oil	.03, 3.0, 4.5, 9.0 g/kg.	6–15	18	No effect observed.	Fetocidal at the high dose, cleft palate at doses at or above 5 g/kg.	(34)
Rat/CD	DMSO	0, 0.5, 2.0 g/kg.	6–15, 9 and 10, or 13 and 14.	20[a]	None reported.	Kidney malformations at both dose levels.	(6)
Rat-Sprauge-Dawley	Corn oil: acetone.	0, 0.03, 0.125, 0.5, 2.0 and 8.0 g/kg.	6–15	20[a]	Vaginal hemorrhage at 2.0 and 8.0 g/kg.	Intestinal hemorrhage at 0.125 and 0.5 g/kg, fetal death at higher doses, subcutaneous edema.	(42)
Rat-Wistar	Corn oil: anisole.	0.0, 0.125, 0.25, 1, 2, 2, 4, 8, 16 g/kg.	6–15	22	Maternal toxicity observed at or above 1 g/kg.	Increased fetal death observed or above 1 g/kg, subcutaneous edema and hemorrhages in the 0.25–2 g/kg groups.	(22)
Rat/Sprague-Dawley	Corn oil: acetone (9:1).	0.1,0.5, 2.0 g/kg.	1–3	21	Decrease in bw gain in the high-dose group.	Decreased fetal weight in the 0.5 and 2 g/kg group.	(12)
Rat/Sprague-Dawley	Diet	0.001, 0.01 and 0.1 g/kg[c].	Throughout gestation.	Postparturition.	Low fertility at 0.01 and 0.1 g/kg decreased bw at 0.01 and 0.1 g/kg dilated renal pelvis.	Low survival at 0.01 and 0.1 g/kg, decreased bw at 0.01 g/kg, slight dilated renal pelvis at 0.001 g/kg in the F_1 but no succeeding generations [d].	(31)
Rabbit/New Zealand	Corn oil: acetone (9:1).	0.0, 0.1, 0.25, 0.5 and 1 g/kg.	6–16	28	Maternal toxicity at doses of 0.25 g/kg and above.	Increases in extra ribs and total soft tissue anomalies.	(13)

[a] First day of gestation designated day zero.
[b] First day of gestation designated day one.
[c] The high dose level (0.1 g/kg/day) was discontinued due to very low fertility in adults.
[d] Nisbet and Paxton (1982) reevaluated the study by Murray *et al.* (1979) using different statistical methods and considered the effects in the 0.001 g/kg group to be statistically significant.

The fetotoxic and teratogenic activity of 2,3,7,8-TCDD have been extensively discussed in the report "Health Assessment Document for Polychlorinated Dibenzo-p-Dioxins" (Ref. 43). This unit of the Notice summarizes the Agency's findings concerning the contaminant 2,3,7,8-TCDD.

2,3,7,8-TCDD has been demonstrated to be teratogenic in all strains of mice tested. The most common malformations observed are cleft palate and kidney anomalies; however, other malformations have been observed occasionally. With a Maternally Effective Dose (MED) of 1μg/kg/day, 2,3,7,8-TCDD is the most potent teratogen known. 2,3,7,8-TCDD also has a marked fetotoxic effect, as measured by decreased fetal weight and increased fetal toxicity. Hemorrhagic gastro-intestinal tract has been associated with 2,3,7,8-TCDD fetal toxicity.

2,3,7,8-TCDD has also produced teratogenic and fetotoxic responses in all rat strains tested. In rats, and most common fetal anomalies observed were edema, hemorrhage, and malformation of the kidney with effects observed at doses of greater than 0.1 μg/kg/day.

Rabbits and monkeys are also susceptible to the fetotoxic effects of 2,3,7,8-TCDD. The studies of these species have been too limited to demonstrate clearly a teratogenic response or define a threshold dose for fetotoxicity.

In addition, there is some evidence that 2,3,7,8-TCDD can induce microsomal enzymes in the fetus exposed *in utero*, and this induction is accompanied by damage to the fine structure of cells in the liver. Other reports, however, indicate that enzyme induction occurs only after birth following exposure to 2,3,7,8-TCDD through the mother's milk.

A number of studies have been conducted on groups of persons exposed to 2,3,7,8-TCDD as a contaminant of the herbicides 2,4,5-T and 2,4,5-TCP. Although some studies have indicated a positive association between exposure to 2,4,5-T and birth defects or abortions, other studies have not. In investigations concerning potential exposure to 2,3,7,8-TCDD associated with the manufacture of 2,4,5-TCP, there has been no established association between exposure and reproductive difficulties. In these studies, exposure was always to a variety of chemicals with 2,3,7,8-TCDD being only a minor component. Hence, it is not possible to attribute with certainty any positive findings to 2,3,7,8-TCDD. It is also possible, since levels of 2,3,7,8-TCDD contamination of 2,4,5-T and 2,4,5-TCP were only estimated, that the apparent negative results reflect that the exposure levels were too low or the study designs too insensitive to elicit a detectable response. Although the evidence from human studies is insufficient to prove 2,3,7,8-TCDD is fetotoxic or teratogenic in humans, the animal data clearly indicate teratogenic or fetotoxic effects in all animals species tested.

Two studies of the teratogenicity of 2,4,5-TCP in mice were conducted and showed no teratogenic effects in mice at dosage levels slightly below maternal toxicity levels (Refs. 3 and 18).

C. The Oncogenicity of 2,3,7,8-TCDD

The dioxin contaminant of 2,4,5,-TCP has also been demonstrated to be a potent oncogen. The following Table 2 presents the carcinogenicity bioassays conducted on 2,3,7,8-TCDD:

TABLE 2.—CARCINOGENICITY BIOASSAYS OF 2,3,7,8–TCDD

Exposure route	Species/ strain	Sex	Dose or exposure	Duration of treatment	Vehicle	Tumor type	Tumor incidence	Ref.
Gavage	Rats/Osborne-Mendel.	M	0.0 μg/kg/week	104 weeks	Corn oil: acetone (9:1).	Follicular-cell adenomas or carcinoma of the thyroid.	1/69	(32)
		M	0.01 μg/kg/week	104 weeks	Corn oil: acetone (9:1).	Follicular-cell adenomas or carcinoma of the thyroid.	5/48	
		M	0.05 μg/kg/week	104 weeks	Corn oil: acetone (9:1).	Follicular-cell adenomas or carcinoma of the thyroid.	8/50	
		M	0.5 μg/kg/week	104 weeks	Corn oil: acetone (9:1).	Follicular-cell adenomas or carcinoma of the thyroid.	11/50	
Gavage	Rats/Osborne-Mendel.	F	0.0 μg/kg/week	104 weeks	Corn oil: acetone (9:1).	Neoplastic nodule or hepatocellular carcinoma of the liver.	5/75	(32)
		F	0.05 μg/kg/week	104 weeks	Corn oil: acetone (9:1).	Neoplastic nodule or hepatocellular carcinoma of the liver.	3/50	
		F	0.0 μg/kg/week	104 weeks	Corn oil: acetone (9:1).	Neoplastic nodule or hepatocellular carcinoma of the liver.	1/49	
		F	0.5 μg/kg/week	104 weeks	Corn oil: acetone (9:1).	Neoplastic nodule or hepatocellular carcinoma of the liver.	14/49	
Gavage	Mice/B6C3F1	M	0.0 μg/kg/week	104 weeks	Corn oil: acetone (9:1).	Hepatocellular carcinoma.	8/73	(32)
		M	0.01 μg/kg/week	104 weeks	Corn oil: acetone (9:1).	Hepatocellular carcinoma.	9/49	
		M	0.05 μg/kg/week	104 weeks	Corn oil: acetone (9:1).	Hepatocellular carcinoma.	8/49	
		M	0.5 μg/kg/week	104 weeks	Corn oil: acetone (9:1).	Hepatocellular carcinoma.	17/50	

TABLE 2.—CARCINOGENICITY BIOASSAYS OF 2,3,7,8-TCDD—Continued

Exposure route	Species/ strain	Sex	Dose or exposure	Duration of treatment	Vehicle	Tumor type	Tumor incidence	Ref.
Gavage	Mice/B6C3F1	F	0.0 μg/kg/week	104 weeks	Corn oil: acetone (9:1).	Hepatocellular carcinoma, follicular-cell adenomas of the thyroid.	1/73, 0/69	(32)
		F	0.04 μg/kg/week	104 weeks	Corn oil: acetone (9:1).	Hepatocellular carcinoma, follicular-cell adenomas of the thyroid.	2/50, 3/50	(32)
		F	0.2 μg/kg/week	104 weeks	Corn oil: acetone (9:1).	Hepatocellular carcinoma, follicular-cell adenomas of the thyroid.	2/48, 1/47	
		F	2.0 μg/kg/week	104 weeks	Corn oil: acetone (9:1).	Hepatocellular carcinoma, follicular-cell adenomas of the thyroid.	6/47, 5/46	
Gavage	Mice/Swiss/H/ Riop.	M	0.0 μg/kg/week	365 days	Sunflower oil	Liver tumors	7/38	(44)
Gavage		M	0.007 μg/kg/week	365 days	Sunflower oil	Liver tumors	13/44	
Gavage		M	0.7 μg/kg/week	365 days	Sunflower oil	Liver tumors	21/44	
Gavage		M	7.0 μg/kg/week	365 days	Sunflower oil	Liver tumors	13/43	
Gavage	Rat/Sprague/ Dawley.	M	0.0 ppb	78 weeks	In diet	All tumors	0/10	(46)
Oral		M	0.0001 ppb	78 weeks	In diet	All tumors	0/10	
Oral		M	0.005 ppb	78 weeks	In diet	All tumors	5/10	
Oral		M	0.05 ppb	78 weeks	In diet	All tumors	3/10	
Oral		M	0.5 ppb	78 weeks	In diet	All tumors	4/10	
Oral		M	1.0 ppb	78 weeks	In diet	All tumors	4/10	
Oral		M	5.0 ppb	78 weeks	In diet	All tumors	7/10	
Oral	Rat/Sprague/ Dawley.	M	0.0 μg/kg/day	105 weeks	In diet	Squamous cell carcinoma of the hard palate, squamous cell of the tongue, adenoma of the adrenal cortex.	0/85, 0/85, 0/85	(25)
		M	0.001 μg/kg/day	105 weeks	In diet	Squamous cell carcinoma of the hard palate, squamous cell of the tongue, adenoma of the adrenal cortex.	0/50, 1/50, 0/50	
		M	0.01 μg/kg/day	105 weeks	In diet	Squamous cell carcinoma of the hard palate, squamous cell of the tongue, adenoma of the adrenal cortex.	0/50, 1/50, 2/50	
		M	0.1 μg/kg/day	105 weeks	In diet	Squamous cell carcinoma of the hard palate, squamous cell of the tongue, adenoma of the adrenal cortex.	4/50, 3/50, 5/50	
Oral	Rat/Sprague/ Dawley.	F	0.0 μg/kg/day	105 weeks	In diet	Hepatocellular carcinoma, squamous cell carcinoma of the hard palate, squamous cell carcinoma of the lung.	0/86, 0/86, 0/86	(25)
		F	0.001 μg/kg/day	105 weeks	In diet	Hepatocellular carcinoma, squamous cell carcinoma of the hard palate, squamous cell carcinoma of the lung.	0/50, 0/50, 0/50	

TABLE 2.—CARCINOGENICITY BIOASSAYS OF 2,3,7,8-TCDD—Continued

Exposure route	Species/ strain	Sex	Dose or exposure	Duration of treatment	Vehicle	Tumor type	Tumor incidence	Ref.
		F	0.01 μg/kg/day	105 weeks	In diet	Hepatocellular carcinoma, squamous cell carcinoma of the hard palate, squamous cell carcinoma of the lung.	2/50, 1/50, 0/50	
		F	0.1 μg/kg/day	105 weeks	In diet	Hepatocellular carcinoma, squamous cell carcinoma of the hard palate, squamous cell carcinoma of the lung.	11/49, 4/49, 7/49	
Dermal	Mice/Swiss-Webster.	M	0.0 μg/application (untreated control).	NA	Acetone	Fibrosarcoma of the integumentary system.	0/28	(33)
		M	0.0 μg/application (vehicle control).	104 weeks	Acetone	Fibrosarcoma of the integumentary system.	3/42	
		M	0.01 μg/ application.	104 weeks	Acetone	Fibrosarcoma of the integumentary system.	6/28	
		F	0.0 μg/application (untreated control).	NA	Acetone	Fibrosarcoma of the integumentary system.	1/27	
		F	0.0 μg/application (vehicle control).	104 weeks	Acetone	Fibrosarcoma of the integumentary system.	2/41	
		F	0.005 μg/ application.	104 weeks	Acetone	Fibrosarcoma of the integumentary system.	7/28	

The oncogenic activity of 2,3,7,8-TCDD is summarized in the report "Health Assessment Document for Polycholorinated Dibenzo-p-Dioxins" (Ref. 43). This unit summarizes that report.

The 1978 study (Refs. 24 and 25) by the Dow Chemical Company of male and female Sprague-Dawley rats fed 2,3,7,8-TCDD in doses of 22, 220, and 2200 parts per trillion (ppt) showed a highly statistically significant excess incidence of hepatocellular carcinomas in female rats at the highest dose level and hepatocellular carcinomas and hepatocellular hyperplastic nodules in female rats at both the middle and high dose levels, as compared with the controls. In addition, at the high dose there were significant increases in carcinomas of the hard palate/nasal trubinates in both males and females, of the tongue in males, and of the lungs in females.

The Van Miller *et al.* study (Refs. 45 and 46) also showed some evidence of a carcinogenic response in the liver and lungs of male Sprague-Dawley rats at dosages of 1000 and 5000 ppt in the diet, even though the study used a relatively small number of animals. The Toth *et al.* study (Refs. 44) provided suggestive evidence that 2,3,7,8-TCDD induced an increased incidence of liver tumors in male mice (females were not tested) receiving 0.7 μg/kg/week by gavage.

In the National Cancer Institute rat study (Ref. 32), male and female Osborne-Mendel rats were administered 2,3,7,8-TCDD by gavage at three dose levels: 0.01, 0.05 and, 0.5 μg/kg/week. 2,3,7,8-TCDD induced statistically significant increases of hepatocellular carcinomas, subcutaneous fibrosarcomas, and adrenal cortical adenomas in high-dose female rats. 2,3,7,8-TCDD also induced a significant increase of thyroid tumors in male rats at all dose levels.

In a companion mouse study by the National Cancer Institute (Ref. 32), male and female B6C3F1 mice were given 2,3,7,8-TCDD by gavage at dose levels of 0.01, 0.05, and 0.5 μg/kg/week for males and 0.04, 0.2, and 2.0 μg/kg/week for females. 2,3,7,8-TCDD induced statistically significant increased incidences of hepatocellular carcinomas in the high-dose males and females, and thyroid tumors, subcutaneous fibrosarcomas, and histiocytic lymphomas in females.

Long-term dermal application 3 times/week of 2,3,7,8-TCDD at levels of 0.01 and 0.005 μg/application to male and female mice, respectively, resulted in an increased incidence of skin tumors in female mice only (Ref. 33). Along with the indication that 2,3,7,8-TCDD was a complete carcinogen in this system, DiGiovanni *et al.* (Ref. 8) reported that 2,3,7,8-TCDD was also a tumor initiator in mouse skin. The ability of 2,3,7,8-TCDD to initiate tumors, however, has yet to be confirmed since appropriate vehicle and promotion-only control groups were not included. Attempts to demonstrate tumor-promoting activity with 2,3,7,8-TCDD on mouse skin have produced negative results in some assays (Refs. 33,1, and 2); however, Poland *et al.* (Ref. 37) reported that 2,3,7,8-TCDD was a tumor promoter when tested on the skin of mice homozygous for the "hairless" trait, but not in mice heterozygous for this recessive trait.

In the study by Pitot *et al.* (Ref. 36), 2,3,7,8-TCDD has been shown to be a potent liver cancer promoter after initiation with diethylnitrosamine. Several tests of 2,3,7,8-TCDD as a promoter on mouse skin were negative, but Poland *et al.* (Ref. 37) showed that 2,3,7,8-TCDD promotes tumors in at least one mouse strain. In the study by Kouri *et al.* (Ref. 26), 2,3,7,8-TCDD has been shown to be a potent cocarcinogen with 3-methyl chloranthrene.

Currently available studies on the mutagenicity of 2,3,7,8-TCDD are inconclusive. Two bacterial systems, *Escherichia coli* and *Salmonella typhimurium* (without metabolic

activation), exhibited positive mutagenic activity (Refs. 19 and 40). However, in another study of *S. typhimurium* (with and without metabolic activation), the results were negative (Ref. 47).

There is also suggestive epidemiological evidence that links 2,3,7,8-TCDD to the occurrence of cancer, particularly soft tissue sarcoma, in humans. Cohort studies conducted in Sweden have associated soft tissue sarcomas with occupational exposure to phenoxy acid herbicides, some of which are contaminated with 2,3,7,8-TCDD. Although subsequent studies and discussion in the United States and elsewhere have added to the relevant information, the concern remains unresolved at this time (Refs. 4, 9, 15, and 17).

Quantitative estimates of the potential carcinogenic impact on humans due to oral and inhalation exposure to 2,3,7,8-TCDD have been calculated. These estimates are all based on animal-to-human extrapolation procedures using animal gavage and feeding studies. While the epidemiology studies provide limited evidence for carcinogenicity, the population exposures are unknown and the findings cannot be attributed to exposure to 2,3,7,8-TCDD alone. There is insufficient metabolism and pharmacokinetic information to alter the typically used assumptions regarding dose extrapolation. The reported intragastric absorption for 2,3,7,8-TCDD in rats varies from 52 to 86 percent. For risk estimation purposes it is assumed that human absorption by oral exposure is equal to that of the rat. Information regarding absorption is totally lacking and is assumed to be 75 percent based on an ICRP (Ref. 20) lung uptake model. The upper limit unit risk was calculated using a multistage extrapolation model that is linear at low doses.

For cancer risk due to oral exposures, the upper-limit quantitative incremental unit risk estimate is $Q_1^* = 1.56 \times 10^{-1}$ $(ng/kg/day)^{-1}$, derived from the Kociba *et al.* (Refs. 24 and 25) 2,3,7,8-TCDD feeding study in female rats that induced a statistically significant increased incidence of tumors in the liver, lungs, hard palate and nasal turbinates.

The cancer potency of 2,3,7,8-TCDD has also been estimated relative to 54 other chemicals which the EPA Carcinogen Assessment Group (CAG) evaluated as carcinogens. 2,3,7,8-TCDD is the most potent animal carcinogen evaluated by the CAG. It is about 26 times as potent as hexachlorodioxin, the second most potent animal carcinogen, about 50 times more potent than the third most potent chemical, bis(chloromethyl)ether, and 50,000,000 times more potent than vinyl chloride.

The human evidence for the carcinogenicity of 2,3,7,8-TCDD alone is regarded as "inadequate" using the EPA classification criteria, because of the difficulty of attributing the observed effects solely to the presence of 2,3,7,8-TCDD, that occurs as an impurity in the phenoxyacetic acids and chlorophenols. However, the human evidence for the carcinogenicity of chlorinated phenoxyacetic herbicides and chlorophenols with chlorinated dibenzo-p-dioxin and dibenzofuran impurities is "limited" according to the EPA criteria. The overall evidence of carcinogenicity, considering both animal and human studies, would place 2,3,7,8-TCDD alone in the B2 category of EPA's classification scheme and would place 2,3,7,8-TCDD in association with the phenoxy herbicides and chlorophenols in the B1 category. Chemicals in category B, which includes both subcategories B1 and B2 are regarded as "probable" carcinogens in humans.

Because 2,3,7,8-TCDD is a probable human carcinogen and has been shown to be a potent fetotoxicant and teratogen, and because continued registration has the potential to lead to exposure of the population to 2,4,5-TCP and its 2,3,7,8-TCDD contaminant, continued registration of 2,4,5-TCP poses a risk of increased human cancer as well as developmental toxicity.

Applicators of 2,4,5-TCP products and other persons are potentially subject to both dermal and inhalation exposure to 2,4,5-TCP and 2,3,7,8-TCDD. For all use patterns, the applicator must handle the pesticide container, open the container, and load the product into the system in the course of applying the product. In addition, for some of the products, the applicator must also mix or otherwise prepare the pesticide before use.

In addition, many of the use patterns will involve potential exposure to persons other than the applicator. For example, use of 2,4,5-TCP products in industrial cooling towers would expose maintenance workers and cooling tower operators to contaminated water cascading over heat exchangers, as well as to any pesticide and contaminant present in spray and the evaporated water itself. Other workers in the general vicinity of the towers would also be exposed to 2,4,5-TCP and its 2,3,7,8-TCDD contaminant in the spray and the evaporated water and to the treated water in any open parts of the circulation system. Similarly, tannery workers would be exposed to the pesticide and its contaminant when monitoring levels and working around open vats, and when handling wet skins. Also, there is potential exposure to the pesticide and its TCDD contaminant from the discharge or disposal of exhausted solutions which have been treated and from residues in the commodities produced in facilities using 2,4,5-TCP. Therefore, the Agency concludes that use of 2,4,5-TCP as a pesticide will unavoidably lead to exposure of the population to both 2,4,5-TCP and 2,3,7,8-TCDD.

IV. Summary of Benefits Determinations

A. General

For all uses of 2,4,5-TCP there are efficacious, economically competitive alternative products available or potentially available. The Agency believes that there are no products containing 2,4,5-TCP actually being sold for any registered uses since the registrations of all such products have been cancelled or suspended. Moreover, in circumstances in which the registrants are unwilling to perform the testing the Agency has determined is necessary to maintain the registration, the Agency must conclude that the product has no substantial benefits. The Agency has estimated that the costs of providing the data required under the May 1985 Data Call-In Notice are about $65,000. The registrants and potential users could combine to develop the data to allow registration (or continued registration) of 2,4,5-TCP as a pesticide. They have chosen, however, not to do so. Thus, the Agency interprets their decision as indicating that cancellation of these registrations would not be expected to have any signficant adverse economic or social impact.

The projected impact of the cancellation of each use pattern of the 2,4,5-TCP registrations is discussed at length in the 2,4,5-TCP Benefits Analysis (Ref. 38). A brief summary of the projected economic impact for each use is provided below.

B. Cooling Tower Waters

There are 11 products containing 2,4,5-TCP still registered for cooling tower use, but all 11 registrations have been suspended because data required by the May 1985 DCI Notice were not submitted. There are numerous alternative products registered for use in cooling tower waters which would not be expected to increase costs of treatment significantly and which may instead reduce costs. Based on the benefits information available to the Agency, there do not appear to be significant benefits from this use and

cancellation of this use would not have a significant economic impact.

C. Oil Field Production Systems

There are two 2,4,5-TCP products registered for oil field use, but both have been suspended because data required by the May 1985 DCI Notice were not submitted. There are numerous alternative products registered for this use which can be used at the same or lower cost. Based on the benefits information available to the Agency, there do not appear to be significant benefits from this use and cancellation of this use would not have a significant economic impact.

D. Leather Tanneries

There is only one 2,4,5-TCP product registered for tannery use, and its registration has been suspended because data required by the May 1985 DCI Notice were not submitted. There are numerous alternative registered products for this use, although prior to suspension and voluntary cancellation, 2,4,5-TCP was the preferred pesticide for some tannery uses. The approximate replacement cost for 2,4,5-TCP throughout the tanning industry was estimated prior to suspension at $350,000 or an average yearly cost of $2,000 per tannery (Ref. 38). Although the uses of 2,4,5-TCP at this site do have potential benefits, these uses represent a small proportion of the tannery industry's use of disinfectants and would not have a significant economic impact.

E. Adhesives

Two products containing 2,4,5-TCP are registered for use in the manufacture of adhesives, but both registrations have been suspended because data required by the May 1985 DCI Notice were not submitted. There is no current usage and there apparently was very little use of 2,4,5-TCP in adhesives at any time. Based on the benefits information available to the Agency, there do not appear to be significant benefits from this use and cancellation of this use would not have a significant economic impact.

F. Metal Cutting Fluids and Foundry Core Washes

There is one 2,4,5-TCP product registered for use in metal cutting fluids and for foundry core wash use, but its registration has been suspended because data required by the May 1985 DCI Notice were not provided. There are numerous alternative competitive pesticides registered for this use, and 2,4,5-TCP prior to suspension and voluntary cancellation apparently had only very minor use in this site. Based on the benefits information available to the Agency, there do not appear to be significant benefits from this use and cancellation of this use would not have a significant economic impact.

G. Rubber Auto Gaskets

There is one 2,4,5-TCP product registered for rubber auto gasket use, but its registration has been suspended because data required by the May 1985 DCI Notice were not submitted. The Agency has limited information on this use, but does not believe there is any current usage for this product. Based on the benefits information available to the Agency, there do not appear to be significant benefits from this use and cancellation of this use would not have a significant economic impact.

H. Rayon Emulsions

There is one 2,4,5-TCP product registered for rayon emulsion use, but its registration has been suspended because data required by the May 1985 DCI Notice were not submitted. Even before suspension, however, there was no evidence that 2,4,5-TCP was actually used to preserve rayon emulsions, and there are potential alternatives if the need arises. Based on the benefits information available to the Agency, there do not aopear to be significant benefits from this use and cancellation of this use would not have a significant economic impact.

V. Initiation of Regulatory Action

A. Registered Pesticide Products

Based upon the assessments summarized in Units III and IV, the Agency has determined that all of the present uses of 2,4,5-TCP pose the risk of unreasonable adverse effects on man and the environment. Because the risks of continued registration of pesticide products containing 2,4,5-TCP are associated with the presence of the unavoidable toxic contaminant, 2,3,7,8-TCDD, the Agency has also determined that under current circumstances no modifications to the terms and conditions of registration for these products will bring these products into compliance with the statutory standard for registration and that all pesticide products containing 2,4,5-TCP should be cancelled. Therefore, this Notice is the Agency's Notice of Intent to Cancel the registration of all registered pesticide products containing the active ingredient 2,4,5-TCP.

B. Existing Stocks

Under the authority of section 6 of FIFRA, EPA may establish limits on the sale and distribution of existing stocks of a pesticide. "Existing stocks" means any quantity of products containing 2,4,5-TCP in existence in the United States on the effective date of publication of EPA's Notice of Intent to Cancel that are formulated, packaged, and labeled for any pesticidal use and that are being held for shipment or release or have been shipped or released into commerce by a registrant. The term "sell and distribute" as used in this section means distribute, sell, offer for sale, hold for sale, ship, delivar for shipment, or receive (and having so received) deliver or offer to deliver, to any person existing stocks of pesticide containing 2,4,5-TCP or its salts subject to this Notice.

Under the authority of section 6 of FIFRA, the sale and distribution of existing stocks of 2,4,5-TCP cancelled by this Notice is prohibited. The terms and conditions of the existing stocks provision set forth in this document do not supersede any current existing stock provision set out in a voluntary cancellation of the registration of a pesticide product containing 2,4,5-TCP which currently authorizes continued sale and distribution of such pesticide products. In those situations for which a voluntary cancellation has been requested, but not yet granted, or where a registration is subject to suspension by the Agency for failure to respond to a (3)(c)(2)(B) Notice, the registration of such products is subject to this Notice, and upon cancellation the existing stocks provision will be that set forth in this Notice.

Disposal of any quantity of pesticide whose registration is cancelled by this Notice must be in accordance with the requirements of regulations promulgated under the Resource Conservation and Recovery Act, concerning EPA Hazardous Waste No. F027 (40 CFR Part 261).

VI. Response to USDA and SAP Comments

A. Comments of the U.S. Department of Agriculture

The United States Department of Agriculture (USDA) also responded to the draft Notice of Intent to Cancel 2,4,5-TCP. The Agency considered the USDA comments in the development of the final regulatory position. Their comments in their entirety were as follows:

February 7, 1986.

Mr. Steven Schatzow,

Director, Office of Pesticide Programs, U.S. Environmental Protection Agency, Washington, DC 20460.

Dear Mr. Schatzow: This is the Department of Agriculture's response to the PD 2/3 for 2,4,5-trichlorophenol dated December 31, 1985.

We do not have any objection to the finalization of the proposal. We do have some suggested changes in the wording of the document for the sake of accuracy. These are as follows:

(1) Page 4 of the draft **Federal Register** document and page 2 of the supporting document are incorrect in the citation of 42 FR 41268. The correct citation is 43 FR 34026 (August 2, 1978), with time for response extended in 43 FR 41268 (September 15, 1978).

(2) Page 8 of the support document references a paper by Kearney *et al.* in 1973 but the bibliography cites 1972. One or the other should be corrected. Also, the author of that paper states that the use of the word "all" on page 8, line 2 is inappropriate as it is too broad for the research that has been conducted.

Sincerely,

Charles L. Smith,

Coordinator, Pesticides & Pesticide Assessment.

The Agency has corrected these errors.

B. Comments of the Science Advisory Panel (SAP)

The SAP waived review of the draft Notice of Intent to Cancel 2,4,5-TCP.

VII. Procedural Matters

This Notice announces the Agency's intent to cancel the registrations of all pesticide products containing 2,4,5-TCP. Registrants of the affected products and other adversely affected persons are entitled to request an administrative hearing to contest the Agency's decision to cancel a registration. Unless a hearing is properly requested with regard to a particular registration in accordance with the procedures specified in this Notice, the registration will be cancelled. This Unit of the Notice explains how such persons may request a hearing and the consequences of requesting or failing to request a hearing.

A. Procedure for Requesting a Hearing

To contest the regulatory actions (including the provisions governing existing stocks) set forth by this Notice, registrants may request a hearing within 30 days of receipt of this Notice, or within 30 days from publication of this Notice in the **Federal Register**, whichever occurs later. Any other person adversely affected by the cancellation action described in this Notice may request a hearing within 30 days of publication of this Notice in the **Federal Register.**

All registrants and other adversely affected persons who request a hearing must file the request in accordance with the procedures established by FIFRA and the Agency's Rules of Practice Governing Hearings (40 CFR Part 164). These procedures require, among other things, that all requests must identify the specific registrations by registration numbers and the specific uses of the pesticide product for which a hearing is requested. All requests for a hearing must be received by the Hearing Clerk within the applicable 30-day period. Failure to comply with these requirements will result in denial of the request for a hearing. Requests for a hearing should also be accompanied by objections that are specific for each use of the pesticide product for which a hearing is requested.

Requests for a hearing must be submitted to: Hearing Clerk (A–110), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

B. Consequences of Filing or Failing To File a Hearing Request

1. Consequences of Filing a Timely and Effective Hearing Request

If a hearing on any action initiated by this Notice is requested in a timely and effective manner, the hearing will be governed by the Agency's Rules of Practice for hearings under FIFRA section 6 (40 CFR Part 164). In the event that a hearing is properly requested, the registrations of the specific registered products which are the subject of the hearing will not be cancelled except pursuant to an order of the Administrator at the conclusion of the hearing. The hearing will be limited to the specific uses and specific registrations or applications for which the hearing is requested.

2. Consequences of Failure To File in a Timely and Effective Manner

If a hearing concerning the cancellation of registration of a specific pesticide product subject to this Notice is not requested by the end of the applicable 30-day period, registration of that product will be cancelled.

C. Separation of Functions

The Agency's Rules of Practice forbid anyone who may take part in deciding this case, at any stage of the proceeding (hereinafter "the judicial staff"), from discussing the merits of the proceeding *ex parte* with any party (or with any person who has been connected with the party), or with any person who has been connected with the preparation or presentation of the proceeding as an advocate or in any investigative or expert capacity, or with any of their representatives (40 CFR 164.7).

Accordingly, the following Agency offices, and the staffs thereof, are designated as the judicial staff to perform the judicial function of the Agency in any administrative hearing on this Notice of Intent to Cancel: the Administrator, the Deputy Administrator, the members of the immediate office of the Administrator and Deputy Administrator, the Office of the Administrative Law Judge, and the Office of the Judicial Officer.

None of the persons designated as the judicial staff may have any *ex parte* communication with the trial staff or any other interested person not employed by EPA, on the merits of any of the issues involved in this proceeding, without fully complying with the applicable regulations.

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(45) Van Miller, J.P.; Lalich, J.J.; Allen, J.R. (1977a) Increased incidence of neoplasms in rats exposed to low levels of 2,3,7,8-tetrachlorodibenzo-p-dioxin. *Chemosphere* 6(10):625–632.

(46) Van Miller, J.P.; Lalich, J.J.; Allen, J.R. (1977b) Increased incidence of neoplasms in rats exposed to low levels of 2,3,7,8-tetrachlorodibenzo-p-dioxin. *Chemosphere* 6(9) 537–544.

(47) Wassom, J.S.; Huff, J.E.; Loprieno, N. (1978) A review of the genetic toxicology of chlorinated dibenzo-p-dioxins. *Mutation Research* 47(3,4): 141–160.

These references are available for inspection in Room 236 at the Virginia address given above.

Dated: April 14, 1987.

John A. Moore,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 87–9155 Filed 4–28–87; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Information Collection Submitted to OMB for Review

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of information collection submitted to OMB for review and approval under the Paperwork Reduction Act of 1980.

Title of Information Collection:

Uniform Application/Uniform Termination Notice for Municipal Securities Principal or Representative (OMB No. 3064–0022).

Background

In accordance with requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the FDIC hereby gives notice that it has submitted to the Office of Management and Budget a request for OMB review for the information collection system identified above.

ADDRESS: Written comments regarding the submission should be addressed to Robert Fishman, Office of Information and Regulatory Affairs, Office of

Management and Budget, Washington, DC 20503 and to John Keiper, Assistant Executive Secretary (Administration), Federal Deposit Insurance Corporation, Washington, DC 20429.

Comments

Comments on this collection of information should be submitted on or before May 14, 1987.

FOR FURTHER INFORMATION CONTACT: Requests for a copy of the submission should be sent to John Keiper, Assistant Executive Secretary (Administration), Federal Deposit Insurance Corporation, Washington, DC 20429, telephone (202) 898–3810.

SUMMARY: The FDIC is requesting OMB approval to extend, for a three-year period, the use of Forms MSD–4/MSD–5, *Uniform Application/Uniform Termination Notice for Municipal Securities Principal or Municipal Securities Representative Associated with a Bank Municipal Securities Dealer.* An insured State nonmember bank which serves as a municipal securities dealer must file Form MSD–4 or Form MSD–5, as applicable, to permit an employee to become associated or to terminate the association with the municipal securities dealer. The filing requirements are contained in FDIC regulation 12 CFR Part 343 which are based on rules promulgated by the Municipal Securities Rulemaking Board under the authority of the 1975 Amendments to the Securities Exchange Act of 1934 (15 U.S.C. 78). It is estimated that the filing requirements create an annual reporting burden of 99 hours on the respondents collectively.

Dated: April 22, 1987.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 87–9614 Filed 4–28–87; 8:45 am]

BILLING CODE 6714–01–M

Information Collection Submitted to OMB for Review

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of information collection submitted to OMB for review and approval under the Paperwork Reduction Act of 1980.

Title of Information Collection

Notification of Performance of Bank Services (OMB No. 3064–0029).

Background

In accordance with requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the FDIC hereby gives notice that it has submitted to the Office of Management and Budget a request for OMB review for the information collection system identified above.

ADDRESS: Written comments regarding the submission should be addressed to Robert Fishman, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 and to John Keiper, Assistant Executive Secretary (Administration), Federal Deposit Insurance Corporation, Washington, DC 20429.

Comments: Comments on this collection of information should be submitted on or before May 14, 1987.

FOR FURTHER INFORMATION CONTACT: Requests for a copy of the submission should be sent to John Keiper, Assistant Executive Secretary (Administration), Federal Deposit Insurance Corporation, Washington, DC 20429, telephone (202) 898–3810.

Summary

The FDIC is requesting OMB approval to extend, for a three-year period, the use of Form FDIC 6120/06, *Notification of Performance of Bank Services.* The current clearance for the form expires on July 31, 1987. There is no change in the method or substance of the collection.

Insured State nonmember banks are required to notify the FDIC, under section 7 of the Bank Service Corporation Act (12 U.S.C. 1867), of the relationship with a bank service corporation within thirty days after the making of such service contract or the performance of the service, whichever occurs first. The Form FDIC 6120/06 may be used by banks to satisfy the notification requirement. The information to be entered on the form is basically the identity and location of the submitting bank, the identity and location of the servicer and a brief description of the services performed. According to the Act, the servicer becomes subject to examination and regulation by the FDIC to the same extent as if the services were performed by the bank on its own premises. Section 304.5(b) of FDIC's regulation 12 CFR Part 304 implements the notification requirement of 12 U.S.C. 1867. It is estimated that the notification requirement creates an annual reporting burden of 50 hours on the respondents collectively.

Dated: April 22, 1987.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 87–9615 Filed 4–28–87; 8:45 am]

BILLING CODE 6714–01–M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 203–010851–001

Title: Advisory Commission Study Agreement.

Parties:

American President Lines, Ltd.
Lykes Bros. Steamship Co., Inc.
Sea-Land Service, Inc.
United States Lines, Inc.
Waterman Steamship Corporation
Farrell Lines, Inc.
Prudential Lines, Inc.
A.P. Moller-Maersk Line
Barber Blue Sea Line
Hapag Lloyd A.B.
Associated Container Transportation (Australia) Ltd.
East Asiatic Company Ltd. A/S
Hamburg-Sudamerikanische Dampffarts-Gesellschaft Eggert & Amsinck
Mitsui O.S.K. Lines Ltd.
Blue Star Line Limited
Overseas Containers Limited
Intercontinental Transport (ICT) B.V.
Nedlloyd Lijnen, B.V.
Torm Lines
Atlantic Container Line G.I.E.
Nippon Yusen Kaisha
Trans Freight Lines, Inc.
Italia Di Navigazione S.P.A.
J. Lauritzen A/S
Compagnie General Maritime
Companhia De Navegacao Lloyd Brasileiro
Kawasaki Kisen Kaisha, Ltd.

Synopsis: The proposed amendment would add Tropical Shipping and Construction Co., Ltd. and Costa Container Lines S.P.A. as parties to the agreement.

Dated: April 23, 1987.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 87-9590 Filed 4-28-87; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[BERC-432-N]

Medicare Program; Procedures for Medical Services Coverage Decisions; Request for Comments

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

ACTION: Notice; request for comments.

SUMMARY: This notice describes current HCFA procedures for making determinations as to whether and under what circumstances specific medical items and services should be paid for under Medicare. Section 1862(a)(1)(A) of the Social Security Act prohibits payment under the Medicare program for any expenses incurred for items and services "which are not reasonable and necessary for the diagnosis or treatment of illness or injury or to improve the functioning of a malformed body member." This notice requests comments on the procedures used to make determinations under that provision.

DATE: Comments should be submitted by June 29, 1987.

ADDRESS: Mail comments to the following address:

Health Care Financing Administration, Department of Health and Human Services, Attention: BERC-432-N, P.O. Box 26676, Baltimore, Maryland 21207.

If you prefer, you may deliver your comments to one of the following addresses:

Room 309-G, Hubert H. Humphrey Building, 200 Independence Ave., SW., Washington, DC, or

Room 132, East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland.

In commenting, please refer to BERC-432-N. Comments will be available for public inspection as they are received, beginning approximately three weeks after publication of this document, in Room 309-G of the Department's offices at 200 Independence Ave., SW., Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (phone 202-245-7890).

FOR FURTHER INFORMATION CONTACT: Barton McCann, M.D., (301) 594-9370.

SUPPLEMENTARY INFORMATION: This notice is being published in accordance with the terms of an agreement settling a lawsuit, *Jameson* v. *Bowen*, C.A. No. CV-F-83-547-REC (E.D. Cal.). Under the settlement, HCFA agreed to publish for public comment a description of the process it uses to make Medicare coverage decisions, including decisions as to whether new procedures are covered. The public is invited to comment on the procedures currently in use, and specifically to comment on procedures allowing for public input into the coverage decisionmaking process where appropriate. This notice describes the current process only, because of the limited time available for meeting the court deadline of May 1 for publication of this notice. In publishing this notice, therefore, we are soliciting comments on how the current process can be improved. Comments should address all aspects of the Medicare coverage process including the need, if any, to address:

- The selection criteria for identifying items for assessment.
- Methods for opening the process, including reviews by HCFA and the Office of Health Technology Assessment (OHTA) within the Public Health Service (PHS), to increased public participation.
- The length of time required for review.
- The criteria for identifying existing technologies for assessment.
- The criteria for coverage determination or denial.
- The relationship between Food and Drug Administration (FDA) determinations and Medicare coverage determinations.

I. Medicare Coverage—General

A. Statutory Basis

Administration of the Medicare program is governed by the Medicare statute, title XVIII of the Social Security Act (the Act). The Medicare law provides coverage for broad categories of benefits, including inpatient and outpatient hospital care, skilled nursing facility (SNF) care, home health care, and physicians services. It places general and categorical limitations on the coverage of the services furnished by certain health care practitioners, such as dentists, chiropractors and podiatrists, and it specifically excludes some categories of services from coverage, such as cosmetic surgery, personal comfort items, custodial care, routine physical checkups, and procedures that are not reasonable and necessary for diagnosis or treatment. The statute also provides direction as to the manner in which payment is made for Medicare services, the rules governing eligibility for services, and the health, safety and quality standards to be met by institutions providing services to Medicare beneficiaries.

The Medicare law does not, however, furnish us with an all-inclusive list of specific items, services, treatment procedures, or technologies covered by Medicare. Thus, except for the examples of durable medical equipment and medical services listed in section 1861(s) of the Act, the statute does not explicitly make coverage decisions regarding specific medical devices, surgical procedures, or diagnostic or therapeutic services.

The intention of Congress, at the time the Act was passed, was that Medicare should generally cover all services ordinarily furnished by hospitals, SNFs, and physicians licensed to practice medicine. However, Congress understood that questions as to coverage of specific items and services would invariably arise and would require a specific approach to coverage by those administering the program. Thus, section 1862(a) of the Medicare law states:

> Notwithstanding any other provision of this title, no payment may be made under part A or part B for any expenses incurred for items or services—(1)(A) which, except for items and services described in subparagraph (B), (C), or (D), are not reasonable and necessary for the diagnosis or treatment of illness or injury or to improve the functioning of a malformed body member. . . .

Subparagraph (B) deals with prevention of illness, (C) with hospice care, and subparagraph (D) deals with clinical care items and services as well as research and experimentation conducted by or under contract with the Prospective Payment Assessment Commission.

B. Implementation of the Law

At present, our regulations implementing section 1862(a)(1)(A) of the Act are broad. (See 42 CFR 405.310(k).) The term "reasonable and necessary" is not defined in the regulation, nor does the regulation spell out a process for how this term is to be applied. The regulations do, however, contain a variety of specific exclusions and limitations on the benefits covered by Medicare. (See, for example, 42 CFR

405.310.) We intend to publish rulemaking to expand our regulations to include generally applicable standards and procedures for making HCFA coverage determinations.

In practice, Medicare intermediaries and carriers are charged with the responsibility to assure that payments are made only for items or services that are covered under Medicare Part A or Part B. Therefore, they must determine if a particular item or service is covered under Medicare in the course of adjudicating a Medicare claim. Regulations at 42 CFR 421.100, 421.200, and 466.86 define their functions. Further guidelines to contractors for administering the program are contained in the Intermediary, Carrier, Utilization and Quality Control Peer Review Organization (PRO), and Coverage Issues Manuals. These manuals are updated periodically through the instruction issuance process and comprise the primary source of information from HCFA to the contractors on claim adjudication. Additional sources of guidance are the various technical advisory groups and carrier representatives groups in which contractors participate, as well as formal and informal contact with regional office staff and direct correspondence with HCFA.

Our process for determining whether an item or service is covered has been in place for many years. Over time, certain refinements and revisions have been made in that process, but the basic structure has remained the same. The process is, with a few exceptions, highly decentralized (that is, decisions on coverage are made mostly by the carriers, fiscal intermediaries, and PROs that contract with the Secretary to review and adjudicate claims for Medicare services). However, a small number of items and procedures (usually 20 to 30 per year) are the subject of a centralized process of technology assessment. The purpose of this asssessment is to determine whether the items or services are (or continue to be) reasonable and necessary for Medicare coverage purposes.

II. The Claims Process

As explained above, Medicare covers most medical and health care services, items and procedures in use today, subject to the exclusions and limitations in the statute, regulations and administrative instructions. However, approval and payment for a specific item or service furnished to a beneficiary is not necessarily routine. The claims review process for the Medicare program is designed to identify services that may not be covered or about which there may be a question of medical necessity or reasonableness. Resolving these issues is usually a matter of deciding whether the service or item, either in or by itself or under the specific circumstances of a particular use, satisfies the statute and regulations described above.

This claims review process is administered for HCFA currently by 35 carriers, 54 intermediaries, and 54 PROs. These contractors apply certain established criteria in trying to resolve an individual claim. Medicare contractors presently have discretion, within the framework of the established criteria, to decide coverage issues identified in the claims review process. All carriers and intermediaries have nurses on their claims review staffs and all have physicans available to provide advice and to consult with specialists and peer groups in the locality, in order to resolve coverage issues on the basis of sound medical judgment. PROs use nurses to screen cases and refer all questionable cases to a physician for review. Only a physician can make an adverse determination, and only after consultation with the attending physician.

If a national coverage policy decision has been issued concerning a particular item or service, contractors are bound by it and required to apply it throughout the claims process. If no national coverage policy decision has been issued, a contractor must decide whether the service in question is appropriate (and therefore subject to Medicare coverage) taking into account the frequency, duration, and the setting in which it was furnished. Such decisions are usually made in consultation with the contractor's own medical staff and local medical specialty groups. It should be noted that, since each contractor makes determinations only for its own claims, coverage of a particular item of service may vary among contractors.

III. The Coverage Process

A. Referral and Identification

Coverage issues regarding medical items, services, or procedures come to our attention in a variety of ways. Some coverage issues are raised by individual Medicare beneficiaries, physicians, equipment manufacturers, public officials, professional associations, or governmental entities. Other coverage issues are raised during our ongoing review of current medical practice. Still others are raised in the course of hearings on disputed claims. However, the program's contractors are the most frequent source of referrals.

Most of the individual claims processed by Medicare contractors do not raise serious questions about coverage. (We estimate that almost 400 million individual claims will be processed by our carriers and intermediaries in fiscal year 1987.) Where questions of coverage do arise, they relate primarily to whether the item or service was medically necessary for the individual and was furnished in an appropriate manner and setting, rather than to broader coverage issues. Even when a claim for a new, or otherwise questionable, service is received, the contractor is authorized to make "reasonable and necessary" decisions with respect to the item or service, in the absence of preexisting national policy.

In their review of claims for payment, Medicare carriers, intermediaries, and PROs are bound by all HCFA administrative issuance of general applicability, including all national coverage determinations that are published in HFCA rulings or manual instructions.

Medicare carriers and intermediaries also are bound by medical necessity determinations of local PROs under section 1154(c) of the Act, with respect to the application or use of a covered item or service in a particular case and with respect to items or services for which we have not issued a national coverage determination. If the contractor cannot resolve the question satisfactorily, or believe a national coverage determination may be necessary, the issue is then referred to HCFA Central Office through a HCFA regional office.

Medicare coverage of drugs and biologicals is treated differently. In accordance with section 1861(t) of the Act, current Medicare manual instructions provide for coverage of drugs and biologicals that have been approved for marketing by FDA, except when a particular use has been expressly disapproved by the FDA or designated as not covered in a national HCFA instruction. Medicare contractors still must determine whether or not a treatment is reasonable and necessary for the individual patient, and whether other coverage requirements are met.

Most of the "reasonable and necessary" coverage issues referred to us can be decided based on the statute, regulations, and policy precedents. Some issues arise that we cannot resolve without seeking additional professional medical expertise. Included are issues for which questions of the safety and effectiveness of an item or service, or its common acceptance by the medical profession, cannot easily be

resolved. These questions may concern either new or unusual items or services, or items and services that are believed to be outmoded and no longer reasonable and necessary.

B. HCFA Analysis

1. General

We have used various methods for seeking medical and scientific advice in determining whether an item or service is safe and effective or commonly accepted. They have included, at one time or another, the use of PHS, advisory councils, ad hoc groups of representative physicians, and various forms of consultation and liaison with national medical associations. At present, a formal process of review and assessment involves HCFA Central Office physicians, PHS representatives and the national medical community. That review process is described below.

2. Initial Consideration—Background Papers

When medical advice is needed in order to evaluate a coverage question, the issue is referred within HCFA to the Bureau of Eligibility, Reimbursement and Coverage (BERC). Staff in BERC conduct a medical literature search, determine the status of any FDA action, and prepare a background paper on the item or service.

The background paper stresses the information obtained from the medical literature search and administrative aspects of the issue. Current Medicare coverage guidelines are discussed, as well as any information obtained regarding published determinations by other groups involved in technology assessment.

3. HCFA Physicians Panel

The next step in the process involves presenting the background paper to the HCFA Physicians Panel for review. This Panel, an internal organization composed of physicians and other health professionals in HCFA's Central Office and counterparts from PHS, meets approximately once every six to eight weeks in a closed session. These meetings are nonpublic staff meetings that are necessary for a full discussion and exploration of the medical aspects of HCFA's options in reaching a coverage decision.

Upon weighing the facts and discussing the evidence, the Panel may recommend to BERC that the item or service should be: (1) Covered, or not; (2) referred to PHS on either an informal, inquiry basis or with a request for a full assessment as to safety and effectiveness, (3) covered or not at the discretion of the individual Medicare contractor pending receipt of more information; or (4) subject to a special study or action (for example, we commissioned a special study on heart transplants).

C. PHS Assessment Process

When, as a result of a Physicians Panel recommendation, a referral is made to PHS, it is made to OHTA. In the case of an informal request, known as an inquiry, OHTA conducts an up-to-date, intensive review of the medical literature, discusses the issues with other government components and medical groups, and responds to the specific questions raised by the HCFA Physicians Panel.

The handling of a request for a full assessment, by contrast, varies with the significance of the issue. In the more usual case, a full assessment of safety and effectiveness involves the publication by OHTA of a **Federal Register** notice announcing that an assessment of the issue is being undertaken and soliciting comments from interested parties. As part of this process, OHTA seeks information and advice from other governmental agencies, for example, the National Institutes of Health (NIH), the FDA, and the Veterans Administration. OHTA also consults directly with concerned medical specialty groups and professional organizations to determine whether a consensus exists within the medical community on the safety and effectiveness of the item or service. Information may also be obtained from commercial and industrial groups and specific manufacturers. An exhaustive search of the published medical and scientific literature is conducted and the findings of all relevant studies and reports are carefully analyzed.

The final step in the OHTA assessment process is the synthesis of the available information by OHTA staff in order to develop the PHS recommendation. This involves four steps: (1) All pertinent information, including expert opinions, is summarized. (2) The various sources of information are weighted according to their comparative validity and significance. (3) To the extent possible, conclusions are forumlated about the safety and effectiveness of the item of service. (4) OHTA's policy recommendations to HCFA regarding the appropriateness of Medicare coverage of the item or service are developed. OHTA may recommend that the item or service not be covered by Medicare, that it be covered with certain restrictions, that it be covered without restriction, or that it be resubmitted at a later date.

D. Medicare Coverage Decisions and Notification

After we receive on OHTA recommendation concerning the coverage of an item or service, we consider the OHTA recommendation and make a decision. We notify Medicare carriers, intermediaries, and PROS of all HCFA administrative issuances of general applicability, including all national coverage determinations that are published in HCFA rulings or manual instructions.

E. Reevaluation and Reconsideration of Coverage Decisions

In addition to assessing new items and services, we might reevaluate an item or service that is already excluded or covered under the Medicare program. This might occur, for instance, if in a previous assessment, PHS suggests a reevaluation of an item or service at a later date. Knowledge of research being conducted and the eventual publication of the results may especially prompt reevaluation of an item or service.

The decision to reevaluate might also occur if an item or service is considered obsolete. Instances such as these come to our attention in a variety of ways; for example, other third party payors, medical literature articles, or they might be self-generated within HCFA Central Office. In all of these instances, the same coverage assessment process is followed as is described above for evaluation of new items and services, except that if the decision is to withdraw coverage of an item or service, we ordinarily would publish a notice in the **Federal Register** annoucing that intent.

At any time after publication of a Medicare coverage instruction, interested parties may submit evidence demonstrating that a reassessment of that coverage determination is warranted. A reassessment would only be done if there is acceptable information or evidence available that was not available at the time the most recent assessment was performed. This would also be true of evidence submitted for reconsideration of a coverage determination. In addition, since an extensive medical literature search was performed in preparation for the initial determination, the documentation for reconsideration would ordinarily include evidence dated later than that available at the time of the initial coverage determination.

(Sec. 1862 of the Social Security Act; 42 U.S.C. 1395y.)

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance; No. 13774, Medicare—Supplementary Medical Insurance)

Dated: April 1, 1987.

William L. Roper,

Administrator, Health Care Financing Administration.

[FR Doc. 87-9685 Filed 4-28-87; 8:45 am]

BILLING CODE 4120-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY-920-07-4111-15; W-92099]

Proposed Reinstatement of Terminated Oil and Gas Lease

April 21, 1987.

Pursuant to the provisions of Pub. L. 97-451, 96 Stat. 2462-2466, and Regulation 43 CFR 3108.2-3(a) and (b)(1), a petition for reinstatement of oil and gas lease W-92099 for lands in Fremont County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of $5 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required $500 administrative fee and $106.25 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease W-92099 effective February 1, 1986, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Andrew L. Tarshis,

Chief, Leasing Section.

[FR Doc. 87-9645 Filed 4-28-87; 8:45 am]

BILLING CODE 4310-22-M

[WY-920-07-4111-15; W-92160]

Proposed Reinstatement of Terminated Oil and Gas Lease

April 21, 1987.

Pursuant to the provisions of Pub. L. 97-451, 96 Stat. 2462-2466, and Regulation 43 CFR 3108.2-3(a) and (b)(1), a petition for reinstatement of oil and gas lease W-92160 for lands in Fremont County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of $5 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required $500 administrative fee and $106.25 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease W-92160 effective February 1, 1986, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Andrew L. Tarshis,

Chief, Leasing Section.

[FR Doc. 87-9644 Filed 4-28-87; 8:45 am]

BILLING CODE 4310-22-M

[UT-020-07-4212-14; U-54888]

Salt Lake District, Sale of Public Land in Tooele County; UT

AGENCY: Bureau of Land Management, Interior.

ACTION: Sale of public land.

SUMMARY: This is a notice of a competitive sale of 40 acres of public land in Tooele County, in accordance with existing law.

DATE: The date of the sale is July 1, 1987.

ADDRESS: Comments concerning the sale will be accepted for a period of 45 days from the date of this notice by the: District Manager, Salt Lake District, Bureau of Land Management, 2370 South 2300 West, Salt Lake City, Utah 84119.

FOR FURTHER INFORMATION CONTACT: Clair Quilter, Pony Express Realty Specialist, (801) 524-5348.

The following described land has been examined and identified as suitable for disposal by sale under section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713), at no less than the appraised fair market value ($4000.00):

Legal description

T. 4 S., R. 5 W.
Section 32
SW¼ SW¼
Acreage 40.00.

The above described land will be offered for sale at the public land sale scheduled for July 1, 1987. The subject public land sale will be held at the Salt Lake District Office of the Bureau of Land Management, 2370 So. 2300 W., Salt Lake City, Utah. Particulars for this public sale, including appraisal, reservations, and other items, is currently available to the public at the above stated location.

The land is being offered for sale in order to facilitate land-use planning in the area, enhance land-use compatibility with adjoining private lands, and to provide for residential and agricultural development. The land has potential for residential and agricultural development. The sale is consistent with the Bureau's planning for the land involved and with Tooele County planning and zoning. The public interest would be served by offering this land for sale.

The land described is hereby segregated from appropriation under the public land laws, including the mining laws, pending disposition of this action.

The terms and conditions applicable to the sale are:

1. This sale of this land is subject to all valid existing rights.

2. A right-of-way is reserved for ditches and canals constructed by the authority of the United States by Act of August 30, 1890. (26 Stat. 391; 43 U.S.C. 945).

3. All minerals are reserved to the United States together with the right to prospect for mine, and remove minerals. The sale will be conducted by competitive sealed bid with no oral bidding. Bids may be made by a principal or duly qualified agent. Qualified bidders include: Citizens of the United States 18 years of age or over; a corporation subject to the laws of any state or of the United States; a state, state instrumentality or political subdivision authorized to hold property; and any entities legally capable of holding lands or interest therein under the laws of the state within which the lands to be conveyed are located. Entities include but are not limited to associations, partnerships, and other legal entities.

All bids must conform to the following conditions:

1. All bids must be delivered to the Salt Lake District, Bureau of Land Management at the above address before the sale date, June 26, 1987.

2. Each bid must be contained in a sealed envelope, one bid per envelope. The envelope must be clearly identified as a sealed bid and must display the following: "Bid for Public Sale, Serial U-54888, Tooele County."

3. Each bid must identify the name and address of the bidder and, if applicable, his or her agent's name and address.

4. Each bid must state the amount of the bid and must include all the land involved in this sale offer. No bid will be accepted for less then the appraised fair market value of the land.

5. A certified check, money order, bank draft or cashier's check made payable to the Department of Interior BLM, for not less than 20 percent of the amount of the bid must be included with the bid.

6. Each bid must include a statement certifying that the bidder is a U.S. citizen, or that a business is under the legal jurisdiction of a U.S. state.

7. The bid must be signed and dated by the bidder. All bids will be opened on the sale date of July 1, 1987, at 1:00 p.m. at the BLM Salt Lake District Office Conference Room, 2370 South 2300 West, Salt Lake City, Utah. The highest written bid at or above fair market value establishes the sale price and the apparent high bidder for the land. If two or more envelopes are received containing valid bids of the same amount, the determination of which is to be considered the high bid will be by drawing. The apparent high bidder will be notified of such by certified mail. No preference right will be given to adjoining landowners.

The apparent high bidder must submit the remainder of his or her bid within 180 days of the sale. If the remainder of the bid price has not been received within 180 days from the apparent high bidder, the deposit will be forfeited and disposed of as other receipts of sale. The land will then be offered for sale to the next highest bidder in succession until the land is sold. If the land remains unsold, it will be offered for sale by sealed bid anytime after the original sale. The sealed bids will be opened at 8:00 a.m. on the first Monday of every month. This will continue until the land is sold or until the appraisal is no longer valid. All bids will be returned, accepted or rejected within 30 days of the sale date. Patent will be issued by mail.

The authorized officer may reject the highest qualified bid and release the bidder from his obligation and withdraw the land from sale, if he determines that consummation of the sale would be inconsistent with the provisions of any existing law, or collusive or other activities have hindered or restrained free and open bidding, or consummation of the sale would encourage or promote speculation in public lands.

Detailed information concerning the sale, including the planning documents and environmental assessment is available for review at the Salt Lake District Office, 2370 So. 2300 W., Salt Lake City, Utah 84119. Any adverse comments will be evaluated by the District Manager, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

A. Lowell Decker,

Acting Salt Lake District Manager.

[FR Doc. 87-9551 Filed 4-28-87; 8:45 am]

BILLING CODE 4310-DQ-M

Minerals Management Service

Alaska OCS Region; Outer Continental Shelf Advisory Board; Alaska Regional Technical Working Group Meeting

AGENCY: Minerals Management Service, Alaska OCS Region, Interior.

ACTION: Outer Continental Shelf Advisory Board, Alaska Regional Technical Working Group Committee; Notice for Meeting.

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Pub. L. 92-463.

The Alaska Regional Technical Working Group (RTWG) committee of the Outer Continental Shelf (OCS) Advisory Board is scheduled to meet from 8:30 a.m. to 4:30 p.m., June 3, 1987, in room 602 of the Alaska OCS Region offices, 949 East 36th Avenue, Anchorage, Alaska. The Alaska RTWG is one of six such committees of the OCS Advisory Board that provide advice to the Director, Minerals Management Service, on technical matters of regional concern regarding OCS prelease and postlease sale activities.

Topics which may be addressed at the meeting are:

(a) Tier II research program.

(b) Environmental Studies Program and Fiscal Year 1989 Regional Studies Plan.

(c) Alaska OCS Region issues and activities.

(d) Surface transportation networks of Alaska's North Slope.

(e) Adjudication of OCS leases.

The Alaska RTWG meeting will be open to the public. Public seating may be limited. Interested persons may make oral or written presentations to the committee. A request to make a presentation should be made no later than May 22, 1987, to Alan D. Powers, Regional Director, Alaska OCS Region, 949 East 36th Avenue, Room 110, Anchorage, Alaska 99508-4302, (907) 261-4010. A request to make an oral statement should be accompanied by a written summary of the oral statement. Written statements should be submitted by May 22, 1987.

Minutes of the meeting will be available 70 days after the meeting for public inspection and copying at the Minerals Management Service, Alaska OCS Region, 949 East 36th Avenue, Room 110, Anchorage, Alaska 99508-4302, and at the Office of Offshore Information Services, Minerals Management Service, Department of the Interior, 18th and C Streets, NW., Washington, DC 20240.

Dated: April 21, 1987.

Alan D. Powers,

Regional Director, Alaska OCS Region.

[FR Doc. 87-9604 Filed 4-28-87; 8:45 am]

BILLING CODE 4310-MR-M

Availability of Leasing Maps and Official Protraction Diagrams

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of Availability of Leasing Maps and Official Protraction Diagrams.

SUMMARY: Publication of New and/or Revised Official Leasing Maps and Official Protraction Diagrams.

ADDRESSES: Copies of each leasing map or protraction diagram may be purchased for $2.00 each from: Minerals Management Service, Gulf of Mexico OCS Region, Public Information Unit, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123-2394.

FOR FURTHER INFORMATION CONTACT: Mr. Wallace Williams of Minerals Management Service, Gulf of Mexico OCS Region, Leasing and Environment; telephone 504/736-2772, (FTS) 680-9772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, effective with this publication, the following Outer Continental Shelf (OCS) Leasing Map and Official Protraction Diagrams, last approved or revised on the dates indicated, are on file and available, for information only, in the Gulf of Mexico OCS Regional Office, New Orleans, Louisiana. In accordance with Title 43, Code of Federal Regulations, these Protraction Diagrams are the basic record for the description of mineral and oil and gas lease offers in the geologic areas they represent.

Description	Revision	Latest revision date [1]
South Padre Island Area, East Addition, Texas Map No. IA.	Maritime Boundary	Dec. 16, 1985.
NF 17-1	Established New Diagram	Sept. 20, 1985.
NF 17-2	do	Do.
Port Isabel, NG 14-6	Maritime Boundary	Dec. 16, 1985.
Alaminos Canyon, NG 15-4	do	Do.
Keathley Canyon, NG 15-5	do	Mar. 3, 1987.
NG 15-8	Established New Diagram	Do.
NG 15-9	do	Do.
NG 16-7	do	Do.
NG 16-8	do	Do.

[1] Changes in CFR notations are not considered as revisions.

Dated: April 21, 1987.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 87-9599 Filed 4-28-87; 8:45 am]

BILLING CODE 4310-MR-M

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701-TA-283 (Final) and 731-TA-364 (Final)]

Certain Acetylsalicylic Acid (Aspirin) From Turkey

AGENCY: International Trade Commission.

ACTION: Institution of a final antidumping investigation, scheduling of a hearing to be held in connection with the investigation and with countervailing duty investigation No. 701-TA-283 (Final), and clarification of the notice of institution of investigation No. 701-TA-283 (Final).

SUMMARY: The Commission hereby gives notice of the institution of final antidumping investigation No. 731-TA-364 (Final) under section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Turkey of acetylsalicylic acid,[1] provided for in item 410.72 of the Tariff Schedules of the United States, which have been found by the Department of Commerce, in a preliminary determination, to be sold in the United States at less than fair value (LTFV). The Commission also hereby gives notice of a conforming change to the notice of institution of investigation No. 701-TA-283 (Final) to clarify that the product covered by that investigation is as described in footnote 1 of this notice. This clarifies but does not substantively change the scope of that investigation. The Commission also gives notice of the scheduling of a hearing in connection with this investigation and with countervailing duty investigation No. 701-TA-283 (Final), Certain Acetylsalicylic Acid (Aspirin) from Turkey, which the Commission instituted effective March 3, 1987 (52 FR 9552, March 25, 1987). The schedules for investigation No. 701-TA-283 (Final) and for the subject antidumping investigation will be identical, pursuant to Commerce's extension of its final countervailing duty determination (52 FR 10788, April 3, 1987). Commerce will make its final LTFV determination and its final countervailing duty determination in these cases on or before June 23, 1987. Accordingly, the Commission will make its final injury determinations by August 11, 1987 (see sections 705(a) and 705(b) and sections 735(a) and 735(b) of the act (19 U.S.C. 1671d(a) and 1671d(b) and 19 U.S.C. 1673d(a) and 1673d(b))).

For further information concerning the conduct of these investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and C (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201)

EFFECTIVE DATE: April 14, 1986.

FOR FUTHER INFORMATION CONTACT: Larry Reavis (202-523-0296), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-724-0002. Persons with mobility impairment who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-523-0161.

SUPPLEMENTARY INFORMATION:

Background

The subject antidumping investigation is being instituted as a result of an affirmative preliminary determination by the Department of Commerce (52 FR 12222, April 15, 1987) that imports of acetylsalicylic acid (aspirin) from Turkey are being sold in the United States at less than fair value within the meaning of section 731 of the act (19 U.S.C. 1673). This investigation and the corresponding countervailing duty investigation were requested in petitions filed on October 31, 1986, by the Monsanto Co., St. Louis, MO. In response to those petitions, the Commission conducted preliminary investigations and, on the basis of information developed during the course of those investigations, determined that there was a reasonable indication that an industry in the United States was materially injured, by reason of imports of the subject merchandise (51 FR 46942, Dec. 29, 1986).

Participation in the Investigations

Persons wishing to participate in the antidumping investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than twenty-one (21) days after the publication of this notice in the **Federal Register.** Any entry of appearance filed after this date will be referred to the Chairman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry. (Persons wishing to participate in investigation No. 701-TA-283 (Final) should have already filed an entry of appearance, pursuant to the Commission's notice of institution of this investigation in the **Federal Register** of March 25, 1987.)

Service List

Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to the subject antidumping investigation upon the

[1] The product covered by this investigation and by investigation No. 701-TA-283 (Final) is acetylsalicylic acid (aspirin) containing no additives other than inactive substances (such as starch, lactose, cellulose, or coloring material) and/or active substances in concentrations less than that specified for particular non-prescription drug combinations of aspirin and active substances as published in the *Handbook of Non-Prescription Drugs*, 8th edition, American Pharmaceutical Association, and is not in tablet, capsule, or similar forms for direct human consumption.

expiration of the period for filing entries of appearance. In accordance with §§ 201.16(c) and 207.3 of the rules (19 CFR 201.16(c) and 207.3), each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Staff Report

A public version of the prehearing staff report for the subject antidumping investigation and for investigation No. 701–TA–283 (Final) will be placed in the public record on June 19, 1987, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21).

Hearing

The Commission will hold a hearing in connection with the subject antidumping investigation and with investigation No. 701–TA–283 (Final) beginning at 9:30 a.m. on July 2, 1987, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, DC. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on June 19, 1987. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 9:30 a.m. on June 25, 1987, in room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is June 29, 1987.

Testimony at the public hearing is governed by § 207.23 of the Commission's rules (19 CFR 207.23). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. Any written materials submitted at the hearing must be filed in accordance with the procedures described below and any confidential materials must be submitted at least three (3) working days prior to the hearing (see § 201.6(b)(2) of the Commission's rules (19 CFR 201.6(b)(2))).

Written Submissions

All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing briefs in accordance with § 207.22 of the Commission's rules (19 CFR § 207.22). Posthearing briefs must conform with the provisions of § 207.24 (19 CFR 207.24) and must be submitted not later than the close of business on July 9, 1987. In addition, any person who has not entered an appearance as a party to these investigations may submit a written statement of information pertinent to the subject of the investigations on or before July 9, 1987.

A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

Authority: These investigations are being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20)

Issued: April 24, 1987.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 87–9701 Filed 4–28–87; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 731–TA–326 (Final)]

Frozen Concentrated Orange Juice From Brazil

Determination

On the basis of the record[1] developed in the subject investigation, the Commission determines,[2] pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)), that an industry in the United States is materially injured or threatened with material injury[3] [4] by reason of imports from Brazil of frozen concentrated orange juice, provided for in item 165.29 of the Tariff Schedules of the United States, that have been found by the Department of Commerce to be sold in the United States at less than fair value (LTFV).

Background

The Commission instituted this investigation effective October 23, 1986, following a preliminary determination by the Department of Commerce that imports of frozen concentrated orange juice from Brazil were being sold at LTFV within the meaning of section 731 of the Act (19 U.S.C. 1673). Notice of the institution of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of November 26, 1986 (51 FR 42945). The hearing was held in Washington, DC, on March 12, 1987, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on April 22, 1987. The views of the Commission are contained in USITC Publication 1970 (April 1987), entitled "Frozen Concentrated Orange Juice from Brazil: Determination of the Commission in Investigation No. 731–TA–326 (Final) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigation."

Issued: April 22, 1987.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 87–9698 Filed 4–28–87; 8:45 am]

BILLING CODE 7020–02–M

[Investigations Nos. 731–TA–365 and 366 (Final)]

Industrial Phosphoric Acid From Belgium and Israel

AGENCY: International Trade Commission.

ACTION: Institution of final antidumping investigations and scheduling of a hearing to be held in connection with the investigations.

SUMMARY: The Commission hereby gives notice of the institution of final antidumping investigations Nos. 731–TA–365 and 366 (Final) under section 735(b) of the Tariff Act of 1930 (19 U.S.C.

[1] The record is defined in sec. 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[2] Chairman Liebeler and Vice Chairman Brunsdale dissenting.

[3] Commissioners Eckes and Lodwick find that the domestic industry is threatened with material injury. They also find that the domestic industry would not have been materially injured but for the suspension of liquidation during this investigation.

[4] Commissioner Rohr finds that the domestic industry is materially injured.

1673d(b)) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Belgium and Israel of industrial phosphoric acid, provided for in item 416.30 of the Tariff Schedules of the United States, that have been found by the Department of Commerce, in preliminary determinations, to be sold in the United States at less than fair value (LTFV). Unless the investigations are extended, Commerce will make its final LTFV determinations on or before June 29, 1987 and the Commission will make its final injury determinations by August 12, 1987 (see sections 735(a) and 735(b) of the act (19 U.S.C. 1673d(a) and 1673d(b))). The Commission is conducting concurrently final countervailing duty investigations on the subject merchandise from Belgium and Israel.

For further information concerning the conduct of these investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and C (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201).

EFFECTIVE DATE: April 20, 1987.

FOR FURTHER INFORMATION CONTACT: Ilene Hersher (202–523–4616), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436. Hearing-impaired individuals are adivsed that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–724–0002. Information may also be obtained via electronic mail by accessing the Office of Investigations' remote bulletin board system for personal computers at 202–523–0103. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–523–0161.

SUPPLEMENTARY INFORMATION:

Background

These investigations are being instituted as a result of affirmative preliminary determinations by the Department of Commerce that imports of industrial phosphoric acid from Belgium and Israel are being sold in the United States at less than fair value within the meaning of section 731 of the act (19 U.S.C. 1673). The investigations were requested in a petition filed on November 5, 1986, by counsel on behalf of FMC Corp., Chicago, IL, and Monsanto Co., St. Louis, MO. In response to that petition the Commission conducted preliminary antidumping investigations and, on the basis of information developed during the course of those investigations, determined that there was a reasonable indication that an industry in the United States was materially injured by reason of imports of the subject merchandise (52 FR 612, Jan. 7, 1987).

Participation in the investigations

Persons wishing to participate in these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than twenty-one (21) days after the publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Service List

Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance. In accordance with §§ 201.16(c) and 207.3 of the rules (19 CFR 201.16(c) and 207.3), each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Staff Report

A public version of the prehearing staff report in these investigations will be placed in the public record on June 17, 1987, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21).

Hearing

The Commission will hold a hearing in connection with these investigations beginning at 9:30 a.m. on July 7, 1987 at the U.S. International Trade Commission Building, 701 E Street NW., Washington, DC. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on June 29, 1987. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 9:30 a.m. on June 30, 1987 in room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is June 30, 1987.

Testimony at the public hearing is governed by § 207.23 of the Commission's rules (19 CFR 207.23). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. Any written materials submitted at the hearing must be filed in accordance with the procedures described below and any confidential materials must be submitted at least three (3) working days prior to the hearing (see § 201.6(b)(2) of the Commission's rules (19 CFR 201.6(b)(2))).

Written Submissions

All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing briefs in accordance with § 207.22 of the Commission's rules (19 CFR 207.22). Posthearing briefs must conform with the provisions of § 207.24 (19 CFR 207.24) and must be submitted not later than the close of business on July 14, 1987. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations on or before July 14, 1987.

A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

Authority: These investigations are being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20).

Issued: April 24, 1987.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 87–9700 Filed 4–28–87; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337-TA-266]

Certain Reclosable Plastic Bags and Tubing; Investigation

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337 and 19 U.S.C. 1337a.

SUMMARY: Notice is hereby given that a compliant was filed with the U.S. International Trade Commission on March 25, 1987, under section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, and under 19 U.S.C. 1337a, on behalf of Minigrip, Inc., Route No. 303, Orangeburg, New York 10962. A supplement to the complaint was filed on April 9, 1987. The complaint, as supplemented, alleges unfair methods of competition and unfair acts in the importation into and sale in the United States of certain reclosable plastic bags and tubing (1) manufactured abroad by a process which, if practiced in the United States, would infringe claims 1–5 of the U.S. Letters Patent 3,945,872, and (2) bearing a color line mark allegedly infringing U.S. Trademark Registration No. 946,120. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests that the Commission institute an investigation, conduct temporary relief proceedings, and issue a temporary exclusion order prohibiting importation of the articles in question into the United States, if an investigation instituted by the Commission extends beyond December 1, 1987, because the Commission exclusion order issued at the conclusion of Investigation No. 337–TA–110 will expire on December 1, 1987. After a full investigation, the complainant requests that the Commission issue a permanent exclusion order and a permanent cease and desist order.

FOR FURTHER INFORMATION CONTACT: Cheri M. Taylor, Esq., or Jeffery L. Gertler, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202–523–0440 and 202–523–0115, respectively.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and 19 U.S.C. 1337a, and in § 210.12 of the Commission's Rules of Practice and Procedure (19 CFR 210.12).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on April 21, 1987, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unlawful importation into and sale in the United States of certain reclosable plactic bags and tubing: (1) Manufactured abroad by a process by which, if practiced in the United States; would infringe claims 1–5 of the U.S. Letters Patent 3,945,872, or (2) bearing a color line mark infringing U.S. Trademark Registration No. 946,120, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) Pursuant to § 210.24(e) of the Commission's rules, the motion for temporary relief under subsections (e) and (f) of section 337 of the Tariff Act of 1930, which was filed with the complaint, shall be forwarded to the presiding administrative law judge for an initial determination pursuant to § 210.53(b) of the rules;

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—

Minigrip, Inc., Route No. 303, Orangeburg, New York 10962

(b) The respondents are the following companies, alleged to be in violation of 19 U.S.C. 1337 and 1337a, and are the parties upon which the complaint is to be served:

C.A.G. Enterprise Pte, Ltd., 60 1B Hillview House, Jalan Remaja, Singapore 2366

Chang Won Chemical Co., Ltd., Rm. #301 Korean Express Bldg., 36–7, Hannam-Dong, Yougsan-Ku, Seoul, R.O. Korea

Chung Kong Industrial Co., Ltd., Wah Shun Ind. Bldg., Blk. B, 2/F, 4 Cho Yuen Street, Yau Tong Bay, Kowloon, Hong Kong

Euroweld Distributing, P.O. Box 5120, Hazlet, New Jersey 07730

Gideons Plastic Industrial Co., Ltd., No. 22, Lane 59, Ti Eng North St., Tou Liu, Taiwan

Hogn Ter Product Co., Ltd., No. 12 Lane 122 Street Chiang Nan, Village New HWU, Taipei, Taiwan

Ideal Plastic Industrial Co., Ltd., 81, Lane 59, Ha Mi St., Tiapie, Taiwan

Insertion Advertising Corp., 132 West 24th Street, New York, New York 10011

Ka Shing Corp., 150 S. 4th Avenue, Mount Vernon, New York 10550

Kwant II, Rm. #301 Korean Express Bldg., 36–7, Hannam-Dong, Yongsan-ku, Seoul, R.O. Korea

Lim Tai Chin Pahathet Co. Ltd., 63–65 Mahaputaram Rd. (Wat Takheim), Bangkok, Thailand

Lein Bin Plastics Co., Ltd., No. 1, Lane 49, Kuo Ching Road, Pan Chiao City, Taipei, Taiwan

Meditech International Co., 4105 Holly (Unit 1), Denver, Colorado 80216

Nina Plastic Bags, Inc., 1936 Premier Row, Orlando Central Park, Orlando, Florida 32809–6282

Polycraft Corporation, 2727 Thompson Creek Road, Pomona, California 91767

Rol-Pak Sdn Bhd, Chin Thye Sdn Bhd, 5th Floor, Plaza Petaling, 65–67 Jalan Petaling, 50000 Kuala Lumpur, Malaysia

Siam Import-Export Ltd., 26/377 Eakachai Road, Bangbon, Bankhuntien, Bangkok, 10150 Thailand

Ta Sen Plastic Industrial Co., Ltd., 315–2 Chang Chun Road, Taipei, Taiwan

Tech Keung Manufacturing Ltd., 516, L.C.H. Bang Bldg., 4/Fl., 593–601 Nathan Road, Kowloon, Hong Kong

Tracon Industries Corp., 1 Huntington Quadrangle, Suite 1C–01, Melville, New York 11747

(c) Cheri M. Taylor, Esq. and Jeffrey L. Gertler, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 701 E Street, NW., Room 125, Washington, DC 20436, shall be the Commission investigative attorneys, party to this investigation; and

(4) For the investigations instituted, Janet D. Saxon, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding administrative law judge.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21). Pursuant to §§ 201.16(d) and 210.21(a) of the rules (19 CFR 201.16(d) and 210.21(a)), such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Responses to the motion of temporary relief may be submitted by the named respondents in accordance with § 210.24(e)(3) of the Commission's rules. Any such responses must be filed within 20 days after service of the motion. Extensions of time for submitting responses to the complaint and/or the motion for temporary relief will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this

notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 156, Washington, DC 20436, telephone 202–523–0471. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–724–0002.

Issued: April 22, 1987.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 87–9699 Filed 4–28–87; 8:45 am]

BILLING CODE 7020–02–M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 466 (Sub-No. 1)]

Railroad Cost of Capital; Proposed Expedited Procedure

AGENCY: Interstate Commerce Commission.

ACTION: Notice seeking comment on a proposed procedure to expedite the Commission's annual determination of the railroad's cost of capital.

SUMMARY: Each year the Commission determines the railroad industry's cost of capital, or fair return rate. This cost of capital finding is used, among other things, to evaluate the adequacy of railroad revenues. The most recent cost of capital determination—for the year 1985—was made in Ex Parte No. 464, *Railroad Cost of Capital—1985*, served March 16, 1987.

We have developed a set of procedures with timetables for expediting the Commission's cost of capital finding. This will insure a final determination by June 30 of the year following that for which the determination is being made. The Commission seeks public comment on this proposal which is presented below.[1]

[1] In his vote in Ex Parte No. 464, *supra*, Commissioner Andre, joined by Commissioner Sterrett, commented separately that the Commission's staff should propose for public comment an analysis describing how regulatory lag can be reduced.

Our proposal will produce a cost of capital finding within six months following the close of the calendar year. Under the proposal, the following timetable would be established *each year:*

(1) By January 10—issue a notice instituting the cost of capital proceeding. This notice would set forth the due dates for the submission of comments, i.e., no later than February 10 for railroad initial comments, no later than March 10 for non-railroad comments, and no later than March 25 for railroad rebuttal comments.

(2) By February 10—receive initial comments from the railroads. In their comments submitted in the Ex Parte No. 464, *supra*, proceeding, the railroads indicated that if they knew in advance that the cost of capital proceeding would be instituted in January of each year, they would be able to meet this deadline, assuming no new and complex issues are introduced. The railroads indicated in their comments that this deadline could be met without a major revision to their data gathering activities; they would simply gather the necessary data throughout the year on a piecemeal basis. Requisite railroad data and information would be obtained directly by the Association of American Railroads from the railroads.

(3) By March 10—receive comments from the shippers and other non-railroad parties. Based on the comments received in Ex Parte No. 464, *supra*, the non-railroad parties should be able to meet this filing deadline without a major modification to their data gathering activities.

(4) By March 25—receive railroad rebuttal comments. Based on their comments in Ex Parte No. 464, *supra*, this deadline should also pose no particular problem for the railroads.

(5) March 25 through May 31—staff analyzes comments and makes recommendations to the Commission.

(6) Commission serves decision not later than June 30.

We believe that the dates in the above timetable can be met provided: (1) No lengthy filing extensions are granted to the parties, and (2) no highly contentious or novel issues are raised. Furthermore, we believe that these objectives can be met without any change in Commission internal procedures, funding levels, or statutory requirements nor changes in staffing levels in the Financial Analysis group. Nor, as indicated in their comments in Ex Parte No. 464, *supra*, will the expedited filing deadlines have a significant impact on the parties data gathering activities, including the costs associated with those activities.

Public comment on the above proposal is invited.

DATES: Comments due May 29, 1987.

ADDRESSES: Send an original and 15 copies of comments to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Ward L. Ginn, Jr., (202) 275–7489.

This action will not significantly affect either the quality of the human environment or energy conservation. Nor will it have a significant economic impact on a substantial number of small entities.

Authority: 49 U.S.C. 10704(a).

Decided: April 20, 1987.

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

Noreta R. McGee,

Secretary.

[FR Doc. 87–9624 Filed 4–28–87; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Availability of Funding for Cooperative Agreements; Shelter Care and Other Related Services to Alien Minors

AGENCY: Community Relations Service (CRS), Justice.

ACTION: Notice of availability of funding for Cooperative Agreements to support programs which provide shelter care and other related child welfare services to alien minors detained in the custody of the United States Department of Justice, Immigration and Naturalization Service.

SUMMARY: This announcement governs the award of Cooperative Agreements to public or private non-profit organizations or agencies and under certain conditions, to for-profit organizations or agencies, to provide shelter care and other related child welfare services to alien minors detained in the custody of the United States Department of Justice, Immigration and Naturalization Service.

Awards will be to one (1) or more organizations. These awards are for the purpose of supporting licensed child welfare programs which provide shelter care and other related child welfare services to male and female alien minors under 18 years of age who are referred to the Community Relations Service by the Immigration and Naturalization Service.

These child welfare services will afford alien minors a structured, safe

and productive environment which meets or exceeds respective state guidelines and standards for similar services designed to serve children in their care and custody. Applications submitted pursuant to this announcement must plan for the delivery of services to a minimum population of 12–15 minors. The ability to provide services to a larger population of children is highly desirable.

The administration of Cooperative Agreements awarded under this announcement will require the substantial involvement of the Federal Government. The level and scope of Federal involvement is delineated in the Community Relations Service document entitled *Alien Minors Shelter Care Program—Description and Requirements.* This document is included in the Proposal Application Package available from the Community Relations Service.

DATE: Closing Date: 5:00 p.m., Eastern Daylight Time, Friday, June 12, 1987.

Proposals will be reviewed, evaluated and competitively rated by an independent panel of experts in the areas of child welfare and social services on the basis of weighted criteria listed in this Notice. All funding decisions are at the discretion of the Director, Community Relations Service. Awards will be subject to the availability of funds and the concurrence of the Assistant Commissioner, Detention and Deportation, Immigration and Naturalization Service.

Authorization

Authorities for the provision of certain child welfare services to alien minors detained in the custody of the Immigration and Naturalization Service (INS) are contained in a Memorandum of Agreement and an Inter-Agency Cost Reimbursable Agreement dated October 1, 1986, and signed by the Acting Director, Community Relations Service; the Assistant Commissioner, Detention and Deportation, Immigration and Naturalization Service and the Director, Refugee Health Affairs, United States Public Health Service.

Legislative authority for the Community Relations Service, Cuban/Haitian Entrant Program is contained in Title V, section 501 (c) of Pub. L. 96–422 (The Refugee Education Assistance Act of 1980).

Available Funds

Approximately $1,500,000 will be available for this program activity on a fiscal year basis. This estimate does not bind the Community Relations Service or the Immigration and Naturalization Service to any specific level of funding. This figure is only intended to serve as an estimate of the total amount of funding which could potentially be available during any specific fiscal year.

Future fiscal year funding for this program is contingent upon need and the availability of Federal appropriations. If adequate funds are available, the Acting Director, Community Relations Service, anticipates continuation of this program.

Awards normally will not exceed a 36 month program performance period. Funding will be for 12-month budget periods.

Eligible Applicants

Non-profit organizations incorporated under state law which have demonstrated child welfare, social service or related experience and are appropriately licensed or can expeditiously meet applicable state licensing requirements for the provision of shelter care, foster care, group care and other related services to dependent children are eligible to apply.

For-profit organizations, incorporated under state law, which have demonstrated child welfare, social service or related experience and are appropriately licensed or can expeditiously meet applicable state licensing requirements for the provision of shelter care, foster care, group care and other related services to dependent children; and, which can clearly demonstrate that only actual costs, and not profits, fees, or other elements above cost have been budgeted, are also eligible to apply.

The geographical location of the applicant is not restricted to the geographic area of need identified in this Notice; however, the applicant must be able to strongly substantiate that its network of local affiliates or its subcontractor(s) or subrecipient(s) will be able to effectively and appropriately deliver the required services; and, that local service provider organizations are licensed to provide 24 hour care under applicable state laws.

Eligible Client Population

Under the terms of this announcement, the eligible client population will consist of male and female alien minors.

Definition of Alien Minor

For the purposes of this Notice, an alien minor is defined as a male or female foreign national, under 18 years of age, who is detained in the custody of the Immigration and Naturalization Service and is the subject of exclusion or deportation proceedings under the Immigration and Nationality Act; or, has an application for asylum pending with the Immigration and Naturalization Service.

Designated Program Area

The designated program areas consist of:

- SOUTHERN CALIFORNIA (San Diego and Los Angeles Counties)
- TEXAS (Cameron County)

Technical Assistance Conference

The CRS will hold public meetings regarding this solicitation. Further information regarding time, date and location will be included in the Proposal Application Package.

SUPPLEMENTARY INFORMATION:

Purpose and Scope

Community Relations Service Cooperative Agreement Recipients (hereafter referred to as Recipient) shall facilitate the provision of temporary shelter care and other child welfare related services to alien minors, who have been approved for transfer to a Community Relations Service supported Shelter Care Program.

These minors, although released to the physical custody of the Recipient, shall remain in the legal custody of the Immigration and Naturalization Service.

The population level of minors is expected to fluctuate as arrivals and case dispositions occur. Program content will, therefore, reflect differential planning of services to minors at various stages of adjustment and administrative processing. In addition, although the population of minors is projected to consist primarily of adolescents, Recipients are expected to be able to serve some children 12 years of age or younger.

Recipients are expected to facilitate the provision of assistance and services for each minor including, but not limited to: physical care and maintenance, access to routine and emergency medical care, comprehensive needs assessment, education, recreation, individual and group counseling, access to religious services and other social services.

Other services that are necessary and appropriate for these minors may be provided if the Community Relations Service determines in advance that the service is reasonable and necessary for a particular child.

The Recipient will develop an appropriate individualized service plan for the care and maintenance of each minor in accordance with his/her needs as determined in an intake assessment. In addition, agencies or organizations

are required to implement and administer a case management system which tracks and monitors client progress on a regular basis to ensure that each child receives the full range of program services in an integrated and comprehensive manner. Shelter care services shall be provided in accordance with applicable state child welfare statutes and generally accepted child welfare standards, practices, principles and procedures.

Service delivery is expected to be accomplished in a manner which is sensitive to culture, native language and the complex needs of these minors.

A. Program Design

The applicant must set forth in detail information concerning the following:

1. Organization/Agency Capability

A comprehensive overview of the applicant agency, agency qualifications and agency history, including agency philosophy, goals and history of experience with respect to the provision of child welfare or related services to children under 18 years of age.

Identification of the organization(s)/agency(ies) proposed for participation in the program, a description of their qualifications in relation to responsibilities; and the mechanism for coordination among these agencies (as applicable).

2. Target Population

A description of the proposed client population including a discussion of program acceptance criteria and estimates of the total number of minors to be served at any one time (capacity) and during any program year.

3. Management Plan

a. A plan which identifies the agency/organization which will have overall fiscal and program responsibility, as applicable.

b. Identifies the organizational structure and lines of authority.

c. Describes the overall proposed staffing plan and staff qualifications for the program.

d. Includes a comprehensive plan for coordination of activities between the various program components and coordination with other community and governmental agencies.

e. Staff supervisory model.

f. Provisions for staff training.

g. Proposed staff schedule(s).

h. Role of consultants and rationale for their use.

4. Individual Client Service Plans

Applicants are expected to describe in detail:

a. The methodology regarding the development of individual client service plans, and;

b. The process to ensure that service plans will be periodically reviewed and updated. Identify staff who will have responsibility for the development and updating of the plans.

5. Case Management

Describe in detail the case management system for tracking and monitoring client progress on a regular basis to ensure that each minor receives the full range of program services in an integrated and comprehensive manner. Identify the staff positions responsible for coordinating the implementation and maintenance of the case management system.

6. Structure and Accountability

Applicants must fully describe:

a. The plan for developing and maintaining internal structure, control and accountability through programmatic means.

b. Utilization of daily logs, statistical reports, etc.

B. Client Services

Applicants are required to describe, in a detailed and comprehensive manner, the following services and the methodology for service delivery:

1. Physical Care and Maintenance;
2. Routine and Emergency Medical/Dental Care;
3. Orientation;
4. Individual Counseling;
5. Group Counseling;
6. Acculturation/Adaptation;
7. Education;
8. Recreational, Social and Work Activities;
9. Visitation Procedures;
10. Legal Services, and;
11. Family Reunification Services.

C. Client Records

Applicants must provide descriptive information regarding the development, maintenance and content of individual client case records, including a description of all material/information which will be maintained in these records.

D. Program Records

Applicants are required to set forth comprehensive information regarding the types of program records to be maintained by the program (daily activity logs, records of staff meetings, cash disbursement systems, daily and weekly status of population reports, etc.).

E. Facility

As applicable, applicants are required to set forth in detail the following:

1. A description of the physical structure and the allocation of space for residential and office use.

2. A description of the location of the facility and discussion of the basis for selection.

3. Proof, in the form of a written certification, that the program and facility meet all applicable zoning and child welfare licensing requirements.

F. Program Evaluation

Applicants must set forth a plan for program evaluation including identification of evaluative criteria.

G. Community Support

Applicants must identify those measures the agency will take or has taken, to assure and maintain community receptivity and support and/or reduce community opposition to the program.

H. Budget

Applicants are required to submit a comprehensive line item budget. A narrative explanation for each line item, included in each object class, must accompany the proposed budget.

I. Supportive Addenda Material

Applicants are required to submit the following supporting material as an addendum to the program proposal:

1. Administrative Requirements

A. Agency Administration and Organization

1. Agency organizational *chart* describing the agency as a whole and the organizational relationship of the proposed program to other agency programs.

2. Comprehensive organizational *chart* of the proposed program.

3. Copies of Articles or Incorporation.

4. Proof of IRS status as a non-profit organization, if applicable.

5. List of Officers and Board Members, if applicable.

6. List of professional affiliations and certifications.

7. Copy(ies) of applicable State child welfare licenses.

B. Organizational Standards/Policies and Policies Regarding Clients

1. Personnel Handbook and Standards of conduct.

2. Statement regarding professional and agency liability.

3. Copy of Disciplinary Procedures.

4. Copy of Agency policy regarding the confidentiality of client information and records.

5. Discussion of the method to be used to inform clients of program rules, regulations and policies, including the confidentiality of client information.

6. Copy of Grievance Policy and Procedures.

7. Fire and earthquake evacuation procedures, as applicable.

C. Staff

1. Job/Position Descriptions and resumes (if individuals have been identified for certain positions) for all personnel to be hired for the program including documented evidence of the availability of bi-lingual and/or bi-cultural personnel.

2. Resumes and qualifications of program consultants.

D. Community Support of the Program

1. Letters of program support from local political representatives, social service agencies, etc. Letters should reflect writers' awareness of program's intent, potential Federal funding source and location of the program.

Letters should also contain a recommendation or comment regarding the proposed program.

2. A listing of service providers to whom clients will be referred, including name, address and description of service(s) to be provided.

3. A listing of voluntary and/or donated resources, including letters of intent from the agencies or entities providing the resources, if applicable.

E. Implementation Plan

A plan for program implementation including time-lines regarding significant milestones.

2. Finance

a. A copy of the most recent agency/organization audit.

b. A description of the agency/organization Financial Management System.

c. A listing of other Federal, State, local or foundation grants, cooperative agreements or contracts, etc. being administered by the applicant. This material should include information regarding the funding source(s); grant, cooperative agreements or contract number; level of financial support; purpose of award; grant, cooperative agreement or contract performance period; and name, address and telephone number of grant, cooperative agreement and/or contract officer (Federal, State or local).

d. Subrecipients and/or Subcontractors

1. Identify all proposed services which are to be awarded to subrecipients/subcontractors.

2. Provide relevant background material regarding the proposed subrecipient(s)/subcontractor(s).

3. Provide letters from the proposed subrecipient(s)/subcontractor(s) indicating their commitment and the specific services to be provided.

J. Screening Criteria

CRS will screen all applications submitted pursuant to this Notice. Screening shall be done to determine whether an application is sufficiently complete to warrant consideration and review by the CRS Grant Review Panel. An application may be rejected if:

1. The application is from an ineligible applicant.

2. The application is received after the closing date.

3. The application omits:

a. Documented written evidence of community support for the program.

b. A comprehensive line-item budget with appropriate descriptive narrative.

c. A copy of the latest financial audit of the applicant.

K. Criteria for Evaluating Applications

Applications will be competitively reviewed, evaluated and ranked according to the following weighted criteria:

1. The degree to which the entire proposed plan for developing, implementing and administering a shelter care program is clear, succinct, integrated, efficient, cost effective and likely to achieve program objectives.

2. The quality of the applicant's program management and staffing plans as demonstrated by:

- The adequacy of the plan for program management and the plan for coordination between the components of the program.
- The adequacy of the plan for coordination with community and governmental agencies.
- The adequacy of the qualifications of the applicant organization and the extent to which this organization has a demonstrated record as a provider of child welfare or other social services.
- The extent to which the applicant has a demonstrated capacity for effective fiscal management and accountability.
- The extent to which subrecipient(s)/subcontractor(s) have a demonstrated capacity for effective fiscal and program management and accountability.
- The adequacy of the plans for staff supervision and intra-program communication.
- The adequacy of the staffing plans in terms of the relationship between the proposed functions and responsibilities of the staff in the program, and the education and relevant experience required for the position.
- Clear organizational charts delineating organizational relationships and levels of authority, including the identification of the staff position accountable for the overall management, direction and progress of the program.

3. Program Services—The applicant's response to the required program services, including a description of program resources which demonstrates:

- The capacity of the program to offer comprehensive, integrated and differential services which meet the needs of the clients.
- Utilization of resources in a manner which enhances program control, structure and accountability.
- Provision of services in a manner which promotes and fosters cultural identification and mutual support.
- Sensitivity to the issues of culture, race, ethnicity and native language.

4. The degree to which the applicant provides effective strategies of programmatic control, predictability and accountability as evidenced by the structure and continuity inherent in the program design.

5. The adequacy of the plans for:

(a) Developing and updating individual client service plans, and;

(b) The proposed system of case management.

6. The reasonableness of the proposed budget and budget narrative, in relation to proposed program activities.

7. The degree to which the application has provided written documented evidence of community support and acceptance of the program.

L. Application Request and Submission

Eligible applicants may request a Proposal Application Package from the United States Department of Justice, Community Relations Service, Suite 330, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815; Attention: Cynthia Bowie, Senior Grants Management Specialist.

Proposal Application Packages may also be obtained by contacting the Community Relations Service at (301) 492-5818 or 1-800-424-9304.

Applicants must submit a signed original and two (2) copies of the proposal and supporting documentation to the United States Department of Justice, Community Relations Service, Suite 330, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815; Attention: Cynthia Bowie, Senior Grants Management Specialist.

Applications Delivered by Mail

An applicant must show proof of mailing consisting of the following:

1. A legible dated U.S. Postal Service postmark.

2. A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

3. A dated shipping label, invoice or receipt from a commercial carrier.

If an application is sent through the U.S. Postal Service, the Director does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

Applicants should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, the applicant should check with their local Post Office.

Applicants are encouraged to use registered or at least First Class mail. Each late applicant will be notified that the application will not be considered.

Applications postmarked on or before June 12, 1987, shall be considered as timely applications.

Applications Delivered by Hand

An application that is hand-delivered must be taken to the United States Department of Justice, Community Relations Service, Suite 330, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

The Grants Management Office will accept hand-delivered applications between 9:00 a.m. and 5:00 p.m., Eastern Daylight Time daily, except Saturdays, Sundays and Federal holidays.

An application that is hand-delivered will not be accepted after 5:00 p.m., Eastern Daylight Time, on the closing date.

Catalog of Federal Domestic Assistance Number: 16.201.

Dated: April 24, 1987.

Wallace P. Warfield,

Acting Director, Community Relations Service.

Intergovernmental Review

Application Requirements

Pursuant to Executive Order 12372, *Intergovernmental Review of Federal Programs*, all States have the option of designing procedures for review and comment on Federally assisted programs. Each applicant is required to notify each State in which it is proposing activities under this announcement and to comply with the State's established review procedures. This may be done by contacting the applicable State Single Point of Contact (SPOC).

State Requirements

Comments and recommendations relative to applications submitted under this solicitation should be mailed no later than 45 days after the date of publication, addressed to: Richard Gutierrez, Coordinator, Immigration and Refugee Affairs, Community Relations Service, Suite 330, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

[FR Doc. 87-9636 Filed 4-28-87; 8:45 am]

BILLING CODE 4410-01-M

Bureau of Prisons

Intent to Prepare a Draft Environmental Impact Statement (DEIS) for the Construction of a Federal Correctional Facility, Schuylkill County, PA

AGENCY: Federal Bureau of Prisons, Justice.

ACTION: Notice of intent to prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY:

1. Proposed Action: The U.S. Department of Justice, Federal Bureau of Prisons has determined that a new medium security Federal Correctional Institution with an adjacent minimum security Federal Prison Camp is needed in the Northeastern United States. A site is currently being evaluated in Schuylkill County, Pennsylvania. The proposal calls for the construction of a 150 bed minimum security camp and an adjacent 500–600 bed facility to house medium security inmates. Approximately 250 total acres would be required for road access and parking, inmate housing, administration space, program areas and service/support facilities for the two facilities. In addition, exercise areas and an adequate natural buffer zone around the entire property would be included in the required acreage.

2. In the process of evaluating the specific site, the following subjects will receive a detailed examination: water and sewage, wetlands, threatened and endangered species, cultural resources, unique and prime farmlands, and varied socio-economic issues.

3. Alternatives: In developing the DEIS, the options of no action and alternative sites for the proposed facilities will be fully and thoroughly examined.

4. Scoping Process: A number of meetings have already been held with local officials and interested citizens. Additional meetings including at least one public meeting will be held once a specific site is identified. A formal public hearing will be held after the publication of the DEIS.

5. DEIS Preparation: The DEIS should be available for public review and comment not later than August 1, 1987.

6. Address: Questions concerning the proposed action and the DEIS should be addressed to: Jim Jones, Site Acquisition Coordinator, Facilities Development and Operations, Federal Bureau of Prisons, 320 First Street NW., Washington, DC 20534, Phone: (202) 272-6871.

Dated: April 23, 1987.

Loy S. Hayes,

Deputy Assistant Director, Federal Bureau of Prisons, U.S. Department of Justice.

[FR Doc. 87-9628 Filed 4-28-87; 8:45 am]

BILLING CODE 4410-05-M

Drug Enforcement Administration

[Docket No. 87-5]

Bell Apothecary, Inc.; Easton, PA; Hearing

Notice is hereby given that on August 15, 1986, the Drug Enforcement Administration, Department of Justice, issued to Bell Apothecary, an Order To Show Cause as to why the Drug Enforcement Administration should not revoke its DEA Certificate of Registration, BB0430734 and deny any pending applications for renewal of such registration.

Thirty days having elapsed since the said Order To Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. on Wednesday, April 29, 1987, in Courtroom 10, Room 309, United States Claims Court, 717 Madison Place, NW., Washington, DC.

Dated: April 20, 1987.

John C. Lawn,

Administrator, Drug Enforcement Administration.

[FR Doc. 87-9619 Filed 4-28-87; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 86-70]

The Boro Pharmacy, Easton, PA; Hearing

Notice is hereby given that on August 15, 1986, the Drug Enforcement Administration, Department of Justice, issued to The Boro Pharmacy, an Order To Show Cause as to why the Drug Enforcement Administration should not revoke its DEA Certificate of Registration, AL9145081 and deny any pending applications for renewal of such registration.

Thirty days having elapsed since the said Order To Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. on Wednesday, April 29, 1987, in Courtroom 10, Room 309, United States Claims Court, 717 Madison Place NW., Washington, DC.

Dated: April 20, 1987.

John C. Lawn,

Administrator, Drug Enforcement Administration.

[FR Doc. 87-9620 Filed 4-28-87; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 86-91]

Cumberland Prescription Center, Cumberland, RI; Hearing

Notice is hereby given that on November 1, 1986, the Drug Enforcement Administration, Department of Justice, issued to Cumberland Prescription Center, an Order To Show Cause as to why the Drug Enforcement Administration should not revoke its DEA Certificate of Registration, AC6283193, and deny any pending applications for renewal.

Thirty days having elapsed since the said Order To Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. on Thursday, April 30, 1987, in Courtroom 2, Room 1101, United States Bankruptcy Court, Boston, Federal Building, 10 Causeway Street, Boston, Massachusetts.

Dated: April 20, 1987.

John C. Lawn,

Administrator, Drug Enforcement Administration.

[FR Doc. 87-9621 Filed 4-28-87; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 86-79]

Richard L. Rogers, Mullins, SC; Hearing

Notice is hereby given that on September 29, 1986, the Drug Enforcement Administration, Department of Justice, issued to Richard L. Rogers, M.D., an Order To Show Cause as to why the Drug Enforcenent Administration should not deny his application for DEA registration, dated July 9, 1986.

Thirty days having elapsed since the said Order To Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. on Tuesday, April 28, 1987, in Courtroom 10, Room 309, United States Claims Court, 717 Madison Place, NW., Washington, DC.

Dated: April 20, 1987.

John C. Lawn,

Administrator, Drug Enforcement Administration.

[FR Doc. 87-4618 Filed 4-28-87; 8:45 am]

BILLING CODE 4410-01-M

[Docket No. 86-87]

Robert L. Venman, Middlebury, VT; Hearing

Notice is hereby given that on October 23, 1986, the Drug Enforcement Administration, Department of Justice, issued to Robert L. Venman, M.D., an Order To Show Cause as to why the Drug Enforcement Administration should not deny his application for registration dated July 3, 1986.

Thirty days having elapsed since the said Order To Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. on Tuesday, April 28, 1987, in Courtroom 2, Room 1101, United States Bankruptcy Court, Boston, Federal Building, 10 Causeway Street, Boston, Massachusetts.

Dated: April 20, 1987.

John C. Lawn,

Administrator, Drug Enforcement Administration.

[FR Doc. 87-9622 Filed 4-28-87; 8:45 am]

BILLING CODE 4410-09-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittees on Metal Components/Auxiliary Systems; Postponement of Meeting

The ACRS Subcommittee on Metal Components/Auxiliary Systems, meeting scheduled for May 5, 1987 has been postponed. Notice of this meeting was previously published Friday, April 17, 1987 (52 FR 12633).

Dated: April 23, 1987.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 87-9667 Filed 4-28-87; 8:45 am]

BILLING CODE 7590-01-M

Bi-Weekly Notice; Applications and Amendments to Operating Licenses Involving No Significant Hazards Considerations; Correction

On April 22, 1987, the **Federal Register** published the Bi-Weekly Notice of Applications and Amendments to Operating Licenses Involving No Significant Hazards Considerations. Two corrections need to be made to that notice:

1. On Page 13332, first column, paragraph 3, the first sentence reads, "By June 5, 1997, the licensee may file a request for a hearing . . ." The correct date should be "May 22, 1987."

2. On Page 13363, first column, last paragraph, second sentence, the date of "June 5, 1987" should also be "May 22, 1987."

Dated at Bethesda, Maryland, this 24th day of Apirl, 1987.

For the Nuclear Regulatory Commission.

Lester S. Rubenstein, *Director, Project Directorate II-2, Division of Reactor Projects—I/II.*

[FR Doc. 87-9695 Filed 4-28-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 72-3 (50-261)]

Carolina Power and Light Co.; Issuance of Amendment to Materials License SNM-2502

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 1 to Materials License No. SNM-2502 held by the Carolina Power and Light Company for the receipt and storage of spent fuel at the H.B. Robinson Independent Spent Fuel Storage Installation, located on the H.B. Robinson Steam Electric Plant No. 2 site, Darlington County, South Carolina. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications to change the minimum effective Boron-10 loading from 0.02 g/cm^2 to 0.004 g/cm^2. This change does not alter the condition that the fuel is maintained in a subcritical state. The k_{eff} value remains less than or equal to 0.95 with a 95 percent confidence level maintaining the same required safety margin.

The application for the amendment complies with the standards and

requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that, pursuant to 10 CFR 51.22(c)(11), an environmental assessment need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated October 31, 1986, et seq., and (2) Amendment No. 1 to Materials License No. SNM–2502, and (3) the Commission's letter to the licensee dated April 2, 1987. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the Local Public Document Room at the Hartsville Memorial Library, 220 N. Fifth Street, Hartsville, South Carolina 29550.

Dated at Silver Spring, Maryland, this 16th day of April 1987.

For the U.S. Nuclear Regulatory Commission.

Leland C. Rouse,

Chief, Fuel Cycle Safety Branch, Division of Fuel Cycle, Medical, Academic, and Commercial Use Safety.

[FR Doc. 87–9696 Filed 4–28–87; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–24368]

Zero-Coupon Securities

AGENCY: Securities and Exchange Commission.

ACTION: Notice to broker-dealers concerning disclosure requirements for mark-ups on zero-coupon securities.

SUMMARY: The Commission has become aware of potential abuses in the mark-up and mark-down practices of broker-dealers trading various zero-coupon securities. Because there is limited market information available concerning the secondary market for zero-coupon securities, and those securities generally are sold at a deep discount to the face amount, investors may not fully appreciate the size of the percentage mark-ups that sometimes have been charged by broker-dealers. Broker-dealers must recognize that sales of zero-coupon securities with mark-ups that are excessive and undisclosed violate the federal securities laws, and the rules and regulations of the Commission. Further, excessive mark-ups, whether or not disclosed, violate the rules of the National Association of Securities Dealers, Inc. ("NASD") and the Municipal Securities Rulemaking Board ("MSRB").

DATE: April 21, 1987.

FOR FURTHER INFORMATION CONTACT: Alden Adkins, Branch Chief, (202) 272–2857, or Christine Sakach, Attorney, (202) 272–2418, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION:

I. Background

Zero-coupon securities are debt securities that do not pay interest to the holder periodically prior to maturity, and are sold, therefore, at a substantial discount from the face amount.[1] Most bonds can be issued in zero-coupon form or can be stripped; the discount from face value in effect represents the aggregate interest the holder receives if he holds the security to its stated term of maturity. Zero-coupon securities have become increasingly popular with retail customers for various reasons including the substantially lower price of these instruments relative to coupon bonds and the locked-in yields they produce if held to maturity.[2] While stripped United States Treasury securities initially were the most prevalent type of zero-coupon security,[3] zero-coupon municipal securities also are now being issued.[4]

Dealers engaging in principal transactions with customers usually charge their customers a net price that, in lieu of or in addition to a commission or service charge, includes a mark-up or mark-down [5] over the prevailing inter-dealer market price as compensation for effecting the trade. Rule 10b–10 under the Securities Exchange Act of 1934 ("Exchange Act") [6] generally requires the customer's confirmation for transactions in debt securities to show the net dollar price and yield. It does not, however, require that the mark-up be separately stated. In addition to these confirmation requirements, Rule 10b–5 requires disclosure of excessive mark-ups [7] and the rules of the NASD

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[1] As used in this release the term "zero-coupon security" includes: (1) Original issue discount bonds (bonds sold by the issuer without coupons attached); (2) stripped coupon bonds (bonds originally issued with coupons from which the coupons have been stripped); and (3) interest coupons stripped from bonds and sold as separate instruments.

[2] The holders of coupon bonds bear the risk that they may not be able to reinvest periodic interest payments at the same rate as that used to calculate their original yield to maturity.

[3] More recently, an active secondary market has developed in "STRIPS," bonds that are directly issued by the U.S. Treasury in a format that allows dealers immediately to sell them as zero-coupon products and thus do not entail the repackaging steps that are necessary to transform straight Treasuries into zero-coupon instruments. Prior to Treasury's stripping program, stripped U.S. Treasury bonds were created as proprietary products of certain broker-dealers. Merrill Lynch, Pierce, Fenner & Smith Incorporated ("Merrill") and Salomon Brothers Inc. ("Salomon"), for example, sold proprietary zero-coupon U.S. Treasury products called TIGRs (Treasury Investment Growth Receipts) and CATS (Certificates of Accrual on Treasury Securities), respectively. Also, several other firms issued zero-coupon instruments under the nonproprietary name "Treasury Receipts." All were created by stripping the coupons from Treasury securities and selling a certificate representing an interest in the stripped coupons or securities. Since implementation of the Treasury program, Merrill and Salomon have not issued new TIGRs or CATS.

[4] Since enactment of the Tax Reform Act of 1986, Pub. L. No. 99–514, 100 Stat. ____ (1986), several broker-dealers have introduced stripped municipal bonds. *See* Monroe, "Stripped Municipal Bonds to Be Offered by Securities Firms Under New Tax Law," *Wall St. J.*, at 53, col. 2, October 21, 1986; "Morgan Stanley Joining Issuers of Stripped Munis," *Wall St. J.*, at 41, col. 1, October 29, 1986; and "More Zero-Coupons," *Daily Bond Buyer*, at 2, col. 4, November 5, 1986.

[5] This release generally will discuss broker-dealer sales transactions involving mark-ups. The principles stated in the release, however, are equally applicable to broker-dealer purchase transactions involving mark-downs.

[6] 17 CFR 240.10b–10 (1986). Rule 10b–10 applies to transactions by broker-dealers in U.S. Treasury securities and corporate bonds but not municipal securities. The rule applies to zero-coupon securities as well as other forms of debt. The NASD and MSRB have substantially similar confirmation rules. *See* Disclosure on Confirmations, *NASD Manual* (CCH) ¶ 2162; and MSRB Rule G–12, *MSRB Manual* (CCH) ¶ 3571.

[7] *See, e.g., Krome* v. *Merrill Lynch & Co.*, 637 F. Supp. 910 (S.D.N.Y. 1986). *But see Ettinger* v. *Merrill Lynch, Pierce, Fenner & Smith, Inc.*, Fed. Sec. L. Rep. (CCH) ¶ 93,102 (E.D. Pa. Dec. 22, 1986), appeal pending, No. 87–1045 (3d Cir.). In Ettinger, the court held that Rule 10b–5 does not require that excessive mark-ups be disclosed. The court also held that the Commission's failure to promulgate a rule defining under what circumstances a mark-up is excessive

Continued

and MSRB prohibit excessive dealer mark-ups.[8]

II. Discussion

A. Federal Securities Law

The antifraud provisions of the federal securities laws proscribe deceptive pricing practices by broker-dealers.[9] Charging retail customers excessive mark-ups without proper disclosure constitutes such a deceptive practice or scheme.[10] The fact that a broker-dealer is acting in a principal capacity does not diminish its obligation to deal fairly with public customers.[11] This duty of fair dealing includes the implied representation that the price a firm charges bears a reasonable relationship to the prevailing market price.[12] If a dealers price to a customer includes an excessive mark-up over the prevailing market price, then, absent proper disclosure, the dealer has violated section 10(b) of the Exchange Act, and Rule 10b–5 thereunder, and section 17(a) of the Securities Act of 1933 ("Securities Act").[13] The Commission consistently has held that, at the least, undisclosed mark-ups of more than 10% above the prevailing market price are fraudulent inthe sale of equity securities.[14] The Commission also consistently has taken the position that mark-ups on debt securities, including municipal securities, generally are expected to be lower than mark-ups on equity securities,[15] and has upheld NASD decisions finding mark-ups as low as 5.1% to violate the rules of the MSRB.[16]

As a result of the Commission's ongoing oversight of the secondary markets, the Commission believes that as a general matter, common industry practice regarding mark-ups is to charge a mark-up over the prevailing inter-dealer market price of between 1/32% and 3½% (including minimum charges) for principal sales to customers of conventional or "straight" Treasuries, depending on maturity, order size and availability. In light of this evidence, the Commission concludes that mark-ups on government securities, like mark-ups on corporate and municipal debt securities, usually are smaller than those on equity securities.

To determine the mark-up charged to the customer, the broker-dealer must determine the "prevailing market price." [17] The dealer mark-up equals the price charged to the customer minus the prevailing market price. The proper method for determining the prevailing market price for a security, however, is often the major contested issue in mark-up cases.[18]

As a general matter, the best evidence of the prevailing market price for a broker-dealer who is not making a market in the security is that dealer's contemporaneous cost of acquiring a security.[19] For integrated market makers (*i.e.*, dealers who both make a market in a security and sell it to retail customers), the best evidence of the prevailing market generally is contemporaneous sales by the firm (or by other market makers) to other dealers.[20] For actively traded securities, if ask quotations have been determined to be an accurate indication of the offer side of the market (*i.e.*, transactions generally occur at these quotations), they may be used instead of sales transactions. For inactively traded securities, inter-dealer sales transactions are of primary importance in calculating a firm's mark-ups because quotations for such securities frequently are the subject of negotiation.[21] Thus, the quotations for the security may not accurately reflect the prevailing market price for the security.[22]

B. NASD and MSRB Regulation

Since 1943 the NASD has enforced an interpretation of its Rules of Fair Practice that deems it inconsistent with

precluded the court's finding Merrill's mark-up excessive. The Commission disagrees with the district court's holding and will file a brief, *amicus curiae*, in the court of appeals arguing that Rule 10b–5 imposes an obligation to disclose excessive mark-ups to customers and that decided cases and rules provide adequate guidance regarding what constitutes an excessive mark-up.

[8] While disclosure is one of the factors to be considered in determining the reasonableness of a mark-up under self regulatory organization rules, *In re* Herrick, Waddell & Co., Inc., 25 S.E.C. 437, 448 (1947), these rules are not antifraud rules, but rules reflecting just and equitable principles of trade, and thus prohibit mark-ups which are unfair in the light of all other relevant circumstances, even if disclosed. *In re* Amsbray, Allen & Morton, Inc., 42 S.E.C. 919, 922 (1966); *In re* Thill Securities Corporation, 42 S.E.C. 89, 95 (1964).

[9] The Commission recently has announced settlement of a mark-up case involving zero-coupon securities. *See In re* Sutro & Co. Incorporated, Securities Exchange Act Release No. 23663, 36 S.E.C. Doc. 1199.

[10] The previous cases and Commission decisions have not addressed what disclosure would have been sufficient under the facts and circumstances of those cases.

[11] *In re* Duker & Duker, 6 S.E.C. 386 (1939), *cited in In re* Alstead, Dempsey & Co., Securities Exchange Act Release No. 20825 (April 5, 1984), 30 S.E.C. Doc. 259; and 3 L. Loss, *Securities Regulation* 1483 (1961).

[12] *Charles Hughes & Co., Inc. v. SEC*, 139 F.2d 434, (2d Cir.), *cert. denied*, 321 U.S. 786 (1943). *See* L. Loss, *Fundamentals of Securities Regulation* 946–58 (1983). Although some cases have not been couched in terms of disclosure, the Commission believes that the gravamen of a mark-up violation under the federal securities laws is charging excessive mark-ups without disclosure.

[13] *See, e.g., Ryan v. SEC*, Sec. Reg. & L. Rep. (BNA) No. 26 at 1273 (July 1, 1983) (9th Cir., May 23, 1983), *aff'g. In re* James E. Ryan, Securities Exchange Act Release No. 18617 (April 5, 1982), 24 S.E.C. Doc. 1859; *Barnett v. United States*, 319 F.2d 340 (8th Cir. 1961); *Samuel B. Franklin & Co. v. SEC*, 290 F.2d 719 (9th Cir.), *cert. denied*, 368 U.S. 889 (1961); and *Charles Hughes & Co. v. SEC*, 139 F.2d 434, 437 (2d Cir. 1943), *cert. denied*, 321 U.S. 788 (1944). If it needs repetition at this late date, dealers engaged in over-the-counter trading with their customers are held to a simple standard:

> When nothing [is] said about market price, the natural implication in the untutored minds of the purchasers [is] that the price asked [is] close to the market. The law of fraud knows no difference between express representation on the one hand and implied misrepresentation or concealment on the other . . . .

Charles Hughes & Co., 139 F.2d at 437. The dealer's disclosure obligation reflects Congress' determination to regulate broker-dealers so as to require a "high standard of business ethics." *U.S. v. Naftalin*, 441 U.S. 768, 778 (1979). The disclosure obligation also may be justified by that feature of the normal functioning of the secondary over-the-counter market which affords each purchaser the ability to make a realistic assessment of the risk of profit or loss upon resale immediately or (after allowing for intervening market movements and accompanying changes in inter-dealer bid-asked spreads) at some subsequent time. Undisclosed excessive mark-ups distort that risk and frustrate that ability.

[14] *In re* Alstead, Dempsey & Co., *supra* note 11; *In re* Peter J. Kisch, Securities Exchange Act Release No. 19005 (August 24, 1982), 25 S.E.C. 1533, 1539; *In re* Powell & Associates, Securities Exchange Act Release No. 18577 (March 22, 1982), 24 S.E.C. Doc. 1671, 1673; *James E. Ryan, supra* note 12; *In re* Sherman Gleason, 15 S.E.C. 639, 651 (1944); and *Duker & Duker*, supra note 11, at 386–87.

[15] *In re* Crosby & Elkin, Inc., 22 S.E.C. Doc. 772, 775 (1981); *In re* Edward J. Blumenfeld, 18 S.E.C. Doc. 1,379, 1,381 (1980); and *SEC v. Charles A. Morris & Associates, Inc.*, 786 F. Supp. 1327, 1334 n.5 (W.D. Tenn. 1973). The Commission has observed that it is the industry practice, in general, for broker-dealers in principal transactions to charge retail customers mark-ups on sales of debt securities that are measurably lower than those charged on sales of equity securities.

[16] *In re* Staten Securities Corporation, Securities Exchange Act Release No. 18628 (April 9, 1982), 25 S.E.C. Doc. 2006.

[17] *See* discussion, *infra* Section II C (1), on the method of determining the prevailing market price."

[18] *See* N. Wolfson, R. Phillips & T. Russo, *Regulation of Brokers, Dealers and Securities Markets* 2–46 (1977).

[19] *See e.g., In re* Peter J. Kisch, supra note 14, at 1539; and *In re* Alstead, Dempsey & Co., Inc., *supra* note 11.

[20] *See id.*

[21] Stated otherwise, the quotations are not firm and transactions often do not occur at or around the quotations.

[22] *See In re* Alstead, Dempsey & Co., Securities Exchange Act Release No. 20825 (April 5, 1984), 30 S.E.C. Doc. 259, *aff'g and rev'g. in part*, Alstead, Strangis & Dempsey, Incorporated, Admin. Pro. File No. 3–6135 (December 20, 1982). *Cf.* B. Becker & H. Kramer, SEC Plays Proper Role in OTC Pricing Regulation, *Legal Times*, November 26, 1984, at 14.

In situations where the security is not only inactively traded, but a competitive market does not exist, the use of market maker sales or quotations may be impractical or misleading. Accordingly, the most reliable basis for determining the prevailing market in such a "dominated" market generally is the dealer's contemporaneous cost, which is either the price the market maker paid to other dealers or is the price paid to retail customers, adjusted for (*i.e.*, by adding back) the mark-down inherent in the transaction.

just and equitable principles of trade for a member to enter into any transaction with a customer at a price not reasonably related to the current market price of the security.[23] Under the NASD's Mark-Up Policy, mark-ups for equity securities greater than 5% above the prevailing market price generally are considered to be unreasonable, and thus violative of NASD rules.[24]

Similarly, excessive mark-ups involving municipal securities have been held to violate MSRB Rule G–17, which requires dealers to deal fairly with their customers,[25] and MSRB Rule G–30, which requires dealers to sell municipal securities to customers at a price which is "fair and reasonable, taking into consideration all relevant factors." [26] The NASD and MSRB rules cannot be satisfied by disclosure of the amount of the mark-up.[27]

C. Applicability of Policies to Zero-Coupon Bonds

Mark-ups for corporate, municipal and government debt securities, including zero-coupon securities, are subject to the applicable rules and policies described above. Thus, charging an excessive, undisclosed mark-up on a transaction in a zero-coupon security violates section 10(b) and Rule 10b–5.[28] Similarly, excessive mark-ups on zero-coupon securities violate the NASD's and MSRB's rules within their respective jurisdictions.

(1) Prevailing Market Price [29]

As with other securities, the first step in calculating an appropriate mark-up for zero-coupon securities is to determine the prevailing market price. Ascertaining the prevailing market price is particularly difficult for zero-coupon securities because there usually is limited information regarding inter-dealer market transactions. Indeed, where the inter-dealer market is dominated by a single market maker (which may be the case where a zero-coupon security is a proprietary product of a broker-dealer), the best evidence of the prevailing market generally will be the broker-dealer's contemporaneous retail purchases, adjusted to reflect the mark-down inherent in such customer transactions.[30] Moreover, because both the stripped interest coupons and the bond are separate securities, it is not sufficient for a broker-dealer to assure itself that the aggregate mark-up for the unstripped security taken as a whole is not excessive. Instead, the broker-dealer must evaluate the mark-up for each stripped coupon and the stripped bond separately and ensure that each is not excessive.

(2) Amount of Mark-up

As noted above, the Commission, the NASD and the MSRB have indicated that the percentage mark-up for debt securities historically has been less than the amount charged for equity securities. It is expected, therefore, that percentage mark-ups on zero-coupon securities, as with other debt securities, usually will be smaller than those on equity securities. Therefore, broker-dealers should be advised when marking up debt securities, including zero-coupon securities, that what might be an appropriate mark-up for the sale of an equity security may be an excessive mark-up for a debt security transaction of the same size.[31]

The Commission has become aware of the practice of a number of broker-dealers of charging a percentage mark-up based on the face amount of a zero-coupon security for all maturities, a pricing practice often employed in the market for conventional coupon bonds. Although this percentage may be as low as 1% of the face amount, such pricing can result in a mark-up that is excessive relative to the prevailing market price because zero-coupon bonds trade at a deep discount.[32] This problem will be especially acute for securities with long maturities because the purchase price, net of the mark-up, that an investor will pay per $1,000 face amount for a zero-coupon bond with a long maturity is significantly less than that for a zero-coupon with a short maturity.

III. Conclusion

The established mark-up rules and policies of the Commission, the NASD and the MSRB apply fully to transactions in zero-coupon securities. The Commission's rules prohibit excessive undisclosed mark-ups, and the NASD's and MSRB's rules and policies prohibit excessive mark-ups whether or not disclosed. The Commission expects that mark-ups on zero-coupon securities, as with other debt securities, usually will be less than those charged for equity securities. In this regard, mark-ups calculated based upon the face amount at maturity may be excessive in relation to the discounted price of the security.

The Commission urges broker-dealers to review their procedures and policies for marking up zero-coupon securities to ensure that they are consistent with the federal securities laws, the rules and regulations of the Commission, and the rules of the NASD and the MSRB.

Dated: April 21, 1987.

By the Commission.

Jonathan G. Katz,

Secretary.

[FR Doc. 87–9626 Filed 4–28–87; 8:45 am]

BILLING CODE 8010–01–M

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[23] Interpretation of the Board of Governors on the NASD Mark-Up Policy, *NASD Manual* (CCH) ¶ 2154.

[24] *Samuel B. Franklin & Co., supra* note 13; and *In re* Voss & Co., Inc., Securities Exchange Act Release No. 21301 (September 10, 1984), 31 S.E.C. Doc. 459. As with the Commission's mark-up policy, the NASD's 5% threshold is only a guideline. The circumstances surrounding trading in a security may suggest that mark-ups less than 5% may be unreasonable, or that mark-ups greater than these figures may be reasonable. *See, e.g., In re* Staten Securities Corporation, *supra* note 16.

[25] *MSRB Manual* (CCH) ¶ 3581.

[26] *MSRB Manual* (CCH) ¶ 3646.

[27] *But cf., supra* note 8.

[28] *SEC* v. *MV Securities, Inc.*, (S.D.N.Y., No. 84 Civ. 1164). Litigation Rel. No. 10289 (February 21, 1984), 29 S.E.C. Doc. 1454; and Litigation Rel. No. 10303 (March 5, 1984), 29 S.E.C. Doc. 1591 (describing consent order). In that case, the Commission's memorandum of law requesting a temporary restraining order alleged mark-ups on zero-coupon bonds that were excessive compared to the firm's contemporaneous cost. *See* Memorandum in Support of Application for an Order to Show Cause, Temporary Restraining Order, and Motion for a Preliminary Injunction and Other Equitable Relief, at 23, in *SEC* v. *MV Securities, Inc.*, (S.D.N.Y., No. 84 Civ. 1164). *See In re* Sutro & Co. Incorporated, *supra* note 9.

[29] *See* discussion, *supra* Section II A.

[30] *In re* Alstead, Dempsey & Co., *supra* note 11. *See In re* Manthos, Moss & Co., 40 S.E.C. 542, 543–44 (1961). *See* N. Wolfson, R. Phillips & T. Russo, *supra* note 15, at 2–47; and 3 L. Loss, *Securities Regulation* 3688 (1961).

[31] *Cf., e.g.*, "[A] higher percentage of mark-up customarily applies to a common stock transaction than to a bond transaction of the same size." *See* NASD Mark-Up Policy, *NASD Manual* (CCH) ¶ 2154.

[32] For example, a 30-year Treasury zero might sell at 13.1, or $131 per $1,000 face amount, to equal the current market yield of 7%. A one-point mark-up to 14.1 only would be $10 per $1,000 face amount, but would be a 7.6% mark-up over the market price, and it would cut the yield to 6.76%.

[Release No. 34–24379; File No. SR–Amex–87–1]

Self-Regulatory Organizations; Order Approving Proposed Rule Change by the American Stock Exchange, Inc.

The American Stock Exchange, Inc. ("Amex" or "Exchange") submitted on January 12, 1987, copies of a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") 15 U.S.C. 78s(b)(1) and Rule 19b–4 thereunder to amend Amex Rule 618 relating to its schedule of fees to be deposited by parties in connection with arbitration claims filed with the Amex.

The proposed amendments to Rule 618(a) would increase the required deposit from $300 to $400 where the

amount in controversy is between $10,000 and $20,000. Where the amount in controversy is between $20,000 and $50,000, the deposit fee would be decreased from the current $500 fee to $400. The current $500 fee would remain unchanged for amounts in controversy between $50,000 and $100,000.[1] The deposit fee for claims where the amount in controversy is between $100,000 and $500,000 would be $750.[2] The Exchange would impose a new $1,000 deposit fee for all cases exceeding $500,000. Lastly, the proposed amendment to Rule 618(c) would increase the maximum fee allowable in disputes which do not involve or disclose money claims from $750 to $1,000.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by issuance of a Commission release (Securities Exchange Release No. 34132, February 24, 1987) and by publication in the **Federal Register** (52 FR 6640, March 4, 1987). No written comments were received by the Commission on the proposed rule change. Section 6(b)(4) of the Act requires that the rules of an exchange provide for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers, and other persons using its facilities. The Commission believes that the proposed revisions to the Amex's schedule of deposit fees is reasonable. In those situations where the proposal would result in a fee increase, the Commission believes that the increase will help the Amex defray a greater portion of the costs it incurs in providing an arbitration facility to its members and the public. In addition, the Amex indicated in its filing that the proposed rule change will conform the Amex's arbitration fee schedule to those adopted by the Uniform Code of Arbitration.[3] Accordingly, 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 the Commission, by the Division of Market Regulation, pursuant to delegated authority.[4]

Dated: April 22, 1987.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-9691 Filed 4-28-87; 8:45 am]

BILLING CODE 8010-01-M

[1] Currently, Amex Rule 618(a) provides that a $300 deposit is required where the amount in controversy is between $10,000 and $20,000; $500 where the amount in controversy is between $20,000 and $100,000; and $750 for all cases exceeding $100,000.

[2] We note that under the current rules, $750 is the maximum deposit fee required.

[3] In this regard, we note that the Commission has also received proposed rule changes providing for amendments similar to those proposed by the Amex from the New York Stock Exchange, Inc., notice of which was given in Securities Exchange Act Release No. 24182, March 5, 1987, 52 FR 7722, March 12, 1987; and from the Boston Stock Exchange Incorporated (File No. SR-BSE-86-5).

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and Opportunity for Hearing; Cincinnati Stock Exchange, Inc.

March 23, 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:

Dallas Corporation
Common Stock, $1.00 Par Value (File No. 7-9883)

Tosco Corporation
$2.37 Cumulative Convertible E Preferred (File No. 7-9884)

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 May 14, 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.

[4] 17 CFR 200.30-3.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-9688 Filed 4-28-87; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Inc.

April 23, 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:

Nicholas-Applegate Growth Equity Fund
Common Stock, $0.01 Par Value (File No. 7-9887)

First Capital Holdings Corp.
Common Stock, $.01 Par Value (File No. 7-9888)

St. Joe Gold Corporation
Common Stock, $.01 Par Value (File No. 7-9889)

Lifetime Corporation
Common Stock, $.01 Par Value (File No. 7-9890)

Armtek Corporation (Delaware) (Holding Company)
Common Stock, $1.00 Par Value (File No. 7-9891)

Signal Apparel Company, Inc.
Class A Common Stock, $.01 Par Value (File No. 7-9892)

Baker Hughes Incorporated
Common Stock, $1.00 Par Value (File No. 7-9893)

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 May 14, 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. 87-9689 Filed 4-28-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-24381; File No. SR-NASD-87-14]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change

The National Association of Securities Dealers, Inc. ("NASD") submitted on March 5, 1987, copies of a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b-4 thereunder to amend the Resolution of the Board of Governors following Part III, Section 43, of the NASD's Code of Arbitration Procedure to provide that an NASD member may not require its associated persons to waive arbitration of disputes arising form their association with the member.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission release (Securities Exchange Act Release No. 24221, March 16, 1987) and by publication in the **Federal Register** (52 FR 9232, March 23, 1987). No comments were received with respect to the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD and, in particular, the requirements of section 15A, 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 hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

Dated: April 22, 1987.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-9692 Filed 4-28-87; 8:45am]

BILLING CODE 8010-01-M

[Release No. 34-24380; File No. SR-PSE-86-34]

Self-Regulatory Organizations; Pacific Stock Exchange Inc.; Order Approving Proposed Rule Change

The Pacific Stock Exchange Incorporated ("PSE" or "Exchange") submitted on January 2, 1987, copies of a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") 15 U.S.C. 78s(b)(1) and Rule 19b-4 thereunder to amend its Equity Floor Procedure Advices ("Advices") relating to conduct on the Floor. The proposed amendments would prohibit eating and drinking on the Los Angeles Equity Trading Floor, increase the fine schedule for violations of the Advices, and require badges to be worn on the Los Angeles Equity Trading Floor.

Notice of the proposal together with its terms of substance was given by the issuance of a Commission release (Securities Exchange Act Release No. 24105, February 17, 1987) and by publication in the **Federal Register** (52 FR 5604, February 25, 1987). No comments were received regarding the proposal.

The Commission believes that it is appropriate for the Exchange to regulate the conduct of individuals who enter, work, and trade on the floor of the Exchange. In this regard, the Commission believes that the prohibition on eating and drinking on the floor is reasonably related to the PSE's need to avoid a spillage that could set off the fire alarm located on the Exchange floor and to prevent disruptive activities on the trading floor. In addition, the Commission believes that requiring individuals who enter the equity trading floor to display identification badges is appropriate for security reasons, and will aid PSE officials in preventing unauthorized entry onto the floor of the Exchange. Finally, we believe that the updated fine schedule for violations of the floor conduct Advices are reasonable increases that should be approved, and are consistent with the gravity of the offenses they cover. 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 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 the Commission, by the Division of Market Regulation, pursuant to delegated authority.[1]

Dated: April 22, 1987.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-9693 Filed 4-28-87; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Inc.

April 23, 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:

TransCanada Pipelines Limited
Common Stock, No Par Value (File No. 7-9885)

Philips N.V.
Common Shares, Par Value 10 Dutch Guilders (File No. 7-9886)

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 May 14, 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. 87-9690 Filed 4-28-87; 8:45 am]

BILLING CODE 8010-01-M

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[1] 17 CFR 200.30-3.

[Release No. 34-24375; File No. SR-Phlx-87-12]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Order Granting Accelerated Approval to Proposed Rule Change

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 March 27, 1987, the Philadelphia Stock Exchange, Inc. ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II 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

Presently, various options exchanges operate a pilot program that provides for four expiration months—including two near-term months. The PHLX proposes to extend its stock options pilot program for a period comparable to those requested by various other options exchanges.

II. Self-Regulatory Organization's Statement Regarding the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In June, 1985, in conjunction with the other options exchanges, the PHLX implemented a stock option pilot program (see SR-PHLX-85-12). Under the terms of the pilot program, for certain January cycle stock options, (a) one-month and two-month options were made available for trading at all times, and (b) the farthest-term expiration month was added one month later than it was added pursuant to the traditional January trading cycle. Thus, four expiration months are outstanding at any time.

The purpose of the pilot program was to determine whether a modified, near-term expiration cycle featuring four expiration months would improve investors' interest in designated stock options. After monitoring the trading volume of those stock options subject to the pilot program and having received favorable comments from both on-floor and off-floor options professionals, the Exchange has found that the pilot, on balance, has enhanced trading volume.

The Exchange previously has applied and received approval of one six-month extension of the pilot program, see SR-PHLX-86-22. The instant filing seeks to extend the PHLX pilot thru May 16, 1987, which is consistent with extensions now granted to various other options exchanges with respect to their pilot programs.

The proposed change is consistent with the requirements of the Securities Exchange Act of 1934 ("Exchange Act") and the rules and regulations thereunder applicable to the Exchange by continuing a pilot program tailored to meet investor preferences for stock options with near-term expiration cycles. Therefore, the proposed rule change is consistent with section 6(b)(5) of the Exchange Act, which provides in pertinent part, that the rules of the Exchange be designed to promote just and equitable principles of trade and to protect the investing public.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change will not impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments on this extension were neither solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange requests accelerated effectiveness of the proposed rule change pursuant to section 19(b)(2) of the Act to continue the pilot program without interruption. During the continuation of the pilot the Exchange will determine whether to file for permanent approval of the program.

The Commission finds that the proposed rule 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. As originally proposed, the monthly expiration pilot contemplated that the exchanges would be able to add additional options classes as they deemed appropriate.[1] This extension of the pilot allows the Exchange to keep in place a pilot program that the various exchanges have found to be successful. Accelerated approval will enable the Exchange to continue the pilot without interruption, during which time it may decide whether to request permanent approval of the program.

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 above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by May 19, 1987.

Accordingly, the proposed rule change is hereby approved. For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: April 21, 1987.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-9627 Filed 4-28-87; 8:45 am]

BILLING CODE 8010-01-M

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[1] See Securities Exchange Act Release No. 22099 (May 31, 1985), 50 FR 23862 (June 6, 1985).

[Release No. 34-24378; File No. SR-Phlx-87-09]

Self-Regulatory Organizations; Proposed Rule Change By the Philadelphia Stock Exchange, Inc. Relating to the Responsibility of Specialists and ROTs to Make Ten-Up Markets Under Given Circumstances

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 March 31, 1987 the Philadelphia Stock Exchange, Inc. 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 Philadelphia Stock Exchange, Inc. ("Phlx" or "Exchange"), pursuant to Rule 19b-4 of the Securities Exchange Act of 1934 ("Act"), proposes to amend Exchange Rule 1033 and the Exchange Option Floor Procedure Advices as follows:

Rule 1033(A) . . .

The Exchange, in its discretion, may require that when a specialist and/or Registered Options Trader ("ROT") is quoting the best bid or offer in certain options series, the specialist or ROT is responsible for ensuring that public orders in such series are filled to a minimum depth of ten contracts. The Exchange, in its discretion, may further require that a specialist or ROT is responsible for executing public orders in certain options series at prices reflecting the maximum quotation spreads for those series even where the specialist or ROT is not quoting the best bid or offer in those series.

Option Floor Procedure Advice

A-11

Responsibility to Make Ten-Up Markets. A specialist or Registered Options Trader ("ROT") is responsible for ensuring that orders are filled to a minimum of ten contracts under the following circumstances. This requirement applies only to the nearest expiring options that are at, just in and just out-of-the-money. Except as noted below a specialist or ROT is subject to this requirement only when the specialist or ROT is quoting the best bid or offer for his or her own account. The requirement only applies with respect to broker-dealer's public customer market or marketable limit orders.

In situations where the specialist and one or more ROTs are each quoting the best bid or offer, the specialist and each of the ROTs is responsible for providing a fill up to five contracts each. If only one specialist or ROT is quoting the best bid or offer, that specialist or ROT is responsible for providing a fill up to ten contracts. Where a specialist or ROT is not quoting the best bid (or offer) in the above-mentioned options series, the specialist or ROT nonetheless is responsible for providing a fill up to five contracts for a public customer order to sell (or buy) the option at a price calculated by subtracting (or adding) the maximum permitted quotation spread from (or to) the best offer (or bid) in the market. In availing himself of the provisions of this floor procedure advice, a broker may not seek a market in an option, leave the post for that option, and then return and seek to hold the specialist or ROTs to a ten-up market at the previously announced quotes.

Under fast market conditions or when otherwise approved in writing by two floor officials, a specialist or ROT may be excused from the requirement of this floor procedure advice. Moreover, with the prior written approval of two floor officials, these requirements may be lifted under fast market conditions for the entire floor.

For purposes of this advice, an at-the-money options series is the options series with an exercise price closest to the last sale price of the underlying security. Just in and just out-of-the-money options series are the two options series bracketing the at-the-money series. When the underlying security is trading at the mid-point between two series, the requirement applies only to those series.

FINE SCHEDULE

A-11

1st Occurrence	Warning.
2nd "	$50
3rd "	$100

4th and thereafter—Sanction is discretionary with the Business Conduct Committee

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statements of the Purpose of, and Statutory Basis for the Proposed Rule Change.

The Exchange believes that this proposal will greatly benefit public customers by increasing the size of orders for which they can be assured executions. While brokers are not required to avail themselves of the rule, a broker holding a customer order can, under the proposed rule, be assured that a public customer order he holds can receive an execution at the best bid or offer quoted by any one or more ROTs to a minimum depth of at least ten contracts. The rule does not apply to orders to broker-dealers. In addition, the rule applies only to the quotations of specialists and ROTs; public customer orders are not assured minimum ten-contract fills on the basis of orders on the book or quotes in the crowd that are not on behalf of specialists and ROTs.

The Exchange also believes that this proposal will encourage option specialists and ROTs to become more competitive in making size markets. In this regard, while the proposal applies only to near-term, near-the-money options series, the Exchange intends to study its experience under the rule to determine whether this requirement should be expanded further.

The proposed rule change is consistent with Section 6 of the Act, particularly section 6(b)(5). By assuring larger minimum execution of public customer orders in appropriate circumstances, it will promote just and equitable principles of trade and otherwise protect investors and promote the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Phlix does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No written comments were either solicited or 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 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 above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by May 20, 1987.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: April 22, 1987.

Jonathan G. Katz,

Secretary.

FR Doc. 87-9694 filed 4-28-87; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Long Beach Airport; Long Beach, CA; FAA Determinations on Noise Compatibility Program

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by the city of Long Beach under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96-193) and 14 CFR Part 150. These findings are made in recognition of the description of federal and nonfederal responsibilities in Senate Report No. 96-52 (1980). On January 16, 1987, the FAA determined that the noise exposure maps submitted by the city of Long Beach under Part 150 were in compliance with applicable requirements. On March 27, 1987 the Administrator approved the FAA determinations on the "Long Beach Airport Noise Compatibility Program." Eleven of the thirty-six recommendations of the program were approved; twenty-three of the recommendations were disapproved; and two required no FAA determinations under Part 150.

EFFECTIVE DATE: The effective date of the FAA's determination on the "Long Beach Airport Noise Compatibility Program," is March 27, 1987.

FOR FURTHER INFORMATION CONTACT: Howard S. Yoshioka, Airports Planning Officer, AWP-611, Federal Aviation Administration, Western-Pacific Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009, (213) 297-1250. Documents reflecting this FAA action may be obtained from the same individual.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has issued its determinations on the "Long Beach Airport," effective March 27, 1987.

Under section 104(a) of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator who has previously submitted a noise exposure map may submit to the FAA a noise compatibility program which sets forth the measure taken or proposed by the airport operator for the reduction of existing noncompatible land uses and prevention of additional noncompatible land uses within the area covered by the noise exposure maps. The Act requires such programs to be developed in consultation with interested and affected parties, including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with FAR Part 150 is a local program, not a federal program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measure should be recommended for action. The FAA's approval or disapproval of FAR Part 150 program recommendations is measured according to the standards expressed in Part 150 and the Act, and is limited to the following determinations:

a. The noise compatibility program was developed in accordance with the provisions and procedures of FAR Part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing noncompatible land uses around the airport and preventing the introduction of additional noncompatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government.

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the Navigable Airspace and Air Traffic Control Systems, or adversely affecting other powers and responsibities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport noise compatibility program are delineated in FAR Part 150, section 150.5. Approval is not a determination concerning the acceptability of land uses under federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for federal action, or approval to implement specific noise compatibility measures, may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA under the Airport and Airway Improvement Act of 1982.

Where federal funding is sought, requests for project grants must be submitted to the FAA Airports Division Office, in Hawthrone, California.

The city of Long Beach submitted to the FAA on July 24, and October 7, 1986, the noise exposure maps, descriptions, and other documentation produced during the noise compatibility planning study conducted from January 1984 through April 1986. The Long Beach Airport noise exposure maps were

determined by FAA to be in compliance with applicable requirements on January 16, 1987. Notice of this determination was published in the Federal Register on January 23, 1987.

The Long Beach Airport study contains a proposed noise compatibility program comprised of principles and elements. It was requested that the FAA evaluate and approve this material as a noise compatibility program as described in Section 104(b) of the Act. The FAA began it review of the program on January 19, 1987.

The submitted program contained thirty-six proposed measures. The FAA completed its review and determined that the procedural and substantive requirements of the Act and Far Part 150 have been safisfied with respect to eleven of the proposed measures. These eleven measures were approved. Two proposed measures did not require FAA determinations under Part 150. The remaining twenty-three proposed measures were disapproved by the FAA for reasons fully explained in the FAA's Record of Approval. Disapproved measures include a restriction on the number of aircraft operations in order to achieve a 65 CNEL contour which includes no noncompatible land uses, the establishement and enforcement of SENEL limits, the prohibition of aircraft that are not Stage 3 or equivalent, regulations of the hourly density of flights noise-based landing and departure fees, various flight procedures, and other measures. The FAA has indicated its Record of Approval that it is not necessarily opposed to the concepts proposed in some of the disapproved measures and has included constructive advice where possible in the Record of Approval to assist the city of Long Beach in pursuing further consideration of these concepts if the city do desires.

These determinations are set forth in detail in a Record of Approval signed by the Administrator on March 27, 1987. The Record of Approval, as well as the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative offices of the city of Long Beach.

Issued in Hawthorne, California, on April 6, 1987.

James J. Wiggins,

Acting Manager, Airports Division , FAA, Western-Pacific Region.

[FR Doc. 87-9610 Filed 4-28-87; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA); Executive Committee; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the RTCA Executive Commission to be held on May 15, 1987, in the RTCA Conference Room, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, DC, commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Opening Remarks and Introductions; (2) Approval of Minutes of the Meeting Held on March 20, 1987; (3) Executive Director's Report; (4) Special Committee Activities Report for March/April 1987; (5) Report of the Fiscal and Management Subcommittee; (6) Consideration of Proposals to Establish New Special Committees; (7) Consideration of Proposals of SC-147 Proposed Change Number 4 to RTCA/DO-185, Volumes I and II, "Maximum Operational Performance Standards for Traffic Alert and Collision Avoidance System (TCAS) Airborne Equipment"; and (8) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, DC. 20005; (202) 682-0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on April 16, 1987.

Wendie F. Chapman,

Designated Officer.

[FR Doc. 87-9612 Filed 4-28-87; 8:45 am]

BILLING CODE 4910-13-M

Research and Special Programs Administration

Grants and Denials of Applications for Exemptions

AGENCY: Research and Special Programs Administration, DOT.

ACTION: Notice of grants and denials of applications for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart D), notice is hereby given of the exemptions granted in March 1987. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

RENEWAL AND PARTY TO EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
2000-X	DOT-E 2000	Union Carbide Corp., Danbury, CT	49 CFR 172.101, 173.304(a), 173.316(a)(2).	To authorize use of a non-DOT specification portable tank or a DOT Specification 4L cylinder, for shipment of flammable liquefied compressed gases. (Mode 1.)
2709-X	DOT-E 2709	Independent Explosives Company of Pennsylvania, Scranton, PA.	49 CFR 173.52, 173.93, 177.821, 177.834(L)(1), 177.835(k).	To authorize use of DOT Specification 6J/2S or 6D/2S metal drum/polyethylene containers or non-DOT specification drums, for shipment of Class A and B explosive liquids. (Mode 1.)
2709-X	DOT-E 2709	United Technologies Corp., San Jose, CA	49 CFR 173.52, 173.93, 177.821, 177.834(L)(1), 177.835(k).	To authorize use of DOT Specification 6J/2S or 6D/2S metal drum/polyethylene containers or non-DOT specification drums, for shipment of Class A and B explosive liquids. (Mode 1.)
3109-X	DOT-E 3109	General Dynamics Corp., East Camden, AR.	49 CFR 173.301(e), 173.302(a)(1), 175.3	To authorize use of non-DOT specification pressure vessels, for shipment of a nonflammable, nonliquefied compressed gas. (Modes 1, 2, 3, 4, and 5.)
3109-X	DOT-E 3109	HR Textron, Inc., Pacoima, CA	49 CFR 173.301(e), 173.302(a)(1), 175.3	To authorize use of non-DOT specification pressure vessels, for shipment of a nonflammable, nonliquefied compressed gas. (Modes 1, 2, 3, 4, and 5.)
4338-X	DOT-E 4338	Stauffer Chemical Co., Westport, CT	49 CFR 173.119(m), 173.245a, 173.247, 174.63(b).	To renew and to provide shipment of triisobutylvanadate, classed as a flammable liquid, in DOT Specification 51 portable tanks. (Modes 1, 2, and 3.)
4453-P	DOT-E 4453	Woodard Explosives, Inc., Albuquerque, NM.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To become a party to Exemption 4453. (Modes 1, 3.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
5022-P	DOT-E 5022	McDonnell Douglas Astronautics Co., Huntington Beach, CA.	49 CFR 174.101(L), 174.104(d), 174.112(a), 174.86, 177.834(L)(1).	To become a party to Exemption 5022. (Modes 1, 2.)
5022-X	DOT-E 5022	United Technologies Corp., San Jose, CA.	49 CFR 174.101(L), 174.104(d), 174.112(a), 174.86, 177.834(L)(1).	To authorize shipment of certain Class A and Class B explosives in temperature controlled equipment. (Modes 1, 2.)
5600-X	DOT-E 5600	Ozark-Mahoning Co., Tulsa, OK	49 CFR 175.3, Part 173, Subparts D, Subpart F, G.	To authorize transport of flammable or nonflammable compressed gases, flammable or corrosive liquids presently authorized to be shipped in a DOT Specification 3A cylinder, to be shipped in a non-DOT specification cylinder made to DOT-3A specification with certain exceptions. (Modes 1, 2, and 4.)
5600-X	DOT-E 5600	Genus, Inc., San Marcos, CA	49 CFR 175.3, Part 173, Subparts D, Subpart F, G.	To authorize transport of those flammable or nonflammable compressed gases, flammable or corrosive liquids presently authorized to be shipped in a DOT Specification 3A cylinder, in a non-DOT specification cylinder made to DOT-3A specification with certain exceptions. (Modes 1, 2, and 4.)
6126-X	DOT-E 6126	Aceto Chemical Company, Inc., Flushing, NY.	49 CFR 173.253(a)	To authorize shipment of chloracetyl chloride in DOT Specification 6D/2S or 2SL composite packaging. (Modes 1, 3.)
6126-X	DOT-E 6126	Rhone-Poulenc Inc., Monmouth Junction, NJ.	49 CFR 173.253(a)	To authorize shipment of chloracetyl chloride in DOT Specification 6D/2S or 2SL composite packaging. (Modes 1, 3.)
6232-X	DOT-E 6232	U.S. Department of Defense, Washington, DC.	49 CFR 172.101, 173.102, 173.108, 173.176, 173.87, 175.3.	To authorize shipment of nonflammable and flammable gases, and flammable solid in the same outside packages. (Modes 1, 3, and 4.)
6267-X	DOT-E 6267	Berry Plastics, Inc., d.b.a. Imperial Plastics, Evansville, IN.	49 CFR 173.154, 173.217(a)	To authorize use of DOT Specification 12B corrugated fiberboard boxes with inside polyethylene bottles and non-DOT specification double-faced fiberboard boxes, for transportation of certain oxidizing materials. (Modes 1, 2, and 3.)
6267-X	DOT-E 6267	Imperial Plastics, Evansville, IN	49 CFR 173.154, 173.217(a)	To authorize use of DOT Specification 12B corrugated fiberboard boxes with inside polyethylene bottles and non-DOT specification double-faced fiberboard boxes, for transportation of certain oxidizing materials. (Modes 1, 2, and 3.)
6267-X	DOT-E 6267	Hydrotech Chemical Corp., Marietta, GA	49 CFR 173.154, 173.217(a)	To authorize use of DOT Specification 12B corrugated fiberboard boxes with inside polyethylene bottles and non-DOT specification double-faced fiberboard boxes, for transportation of certain oxidizing materials. (Modes 1, 2, and 3.)
6418-P	DOT-E 6418	Nexus Ag. Chemicals, Inc., Quincy, WA	49 CFR 173.357(b)	To become a party to Exemption 6418. (Mode 1.)
6418-P	DOT-E 6418	The McGregor Co., Eltopia, WA	49 CFR 173.357(b)	To become a party to Exemption 6418. (Mode 1.)
6418-P	DOT-E 6418	Basin Fumigation, Quincy, WA	49 CFR 173.357(b)	To become a party to Exemption 6418. (Mode 1.)
6418-P	DOT-E 6418	Cenex/Land O'Lakes AG Services, Vancouver, WA.	49 CFR 173.357(b)	To become a party to Exemption 6418. (Mode 1.)
6418-P	DOT-E 6418	J. R. Simplot Co., Pocatello, ID	49 CFR 173.357(b)	To become a party to Exemption 6418. (Mode 1.)
6418-P	DOT-E 6418	Tri-River Chemical Co., Inc., Pasco, WA	49 CFR 173.357(b)	To become a party to Exemption 6418. (Mode 1.)
6418-P	DOT-E 6418	Quincy Farm Chemicals, Inc., Quincy, WA	49 CFR 173.357(b)	To become a party to Exemption 6418. (Mode 1.)
6531-X	DOT-E 6531	Tavco, Inc., Chatsworth, CA	49 CFR 173.302(a)(1), 175.3	To authorize use of a non-DOT Specification pressure vessel for shipment of a nonflammable compressed gas. (Modes 1, 2, 4, and 5.)
6614-X	DOT-E 6614	Bison Laboratories, Inc., Buffalo, NY	49 CFR 173.263(a)(28), 173,277(a)(6)	To authorize use of non-DOT specification polyethylene bottles, packed inside a high density polyethylene box, for transportation of certain corrosive liquids. (Mode 1.)
6614-X	DOT-E 6614	GPS Industries, City of Industry, CA	49 CFR 173.263(a)(28), 173.277(a)(6)	To authorize use of non-DOT specification polyethylene bottles, packed inside a high density polyethylene box, for transportation of certain corrosive liquids. (Mode 1.)
6614-X	DOT-E 6614	Continental Chemical Co., Sacramento, CA.	49 CFR 173.263(a)(28), 173.277(a)(6)	To authorize use of non-DOT specification polyethylene bottles, packed inside a high density polyethylene box, for transportation of certain corrosive liquids. (Mode 1.)
6614-X	DOT-E 6614	Jones Chemicals, Incorp., Caledonia, NY	49 CFR 173.263(a)(28), 173.277(a)(6)	To authorize use of non-DOT specification polyethylene bottles, packed inside a high density polyethylene box, for transportation of certain corrosive liquids. (Mode 1)
6614-X	DOT-E 6614	Esbro Chemical, Redwood City, CA	49 CFR 173.263(a)(28), 173.277(a)(6)	To authorize use of non-DOT specification polyethylene bottles, packed inside a high density polyethylene box, for transportation of certain corrosive liquids. (Mode 1)
6658-P	DOT-E 6658	The Ensign-Bickford Co., Simsbury, CT	49 CFR 173.65	To become a party to Exemption 6658. (Mode 1)
6874-X	DOT-E 6874	Mitsui & Co., (U.S.A.), Inc., New York, NY	49 CFR 172.101, 173.370(a)(13)	To authorize transport of sodium and potassium cyanides in non-DOT specification wooden boxes. (Modes 1, 2, and 3)
7413-X	DOT-E 7413	Chilton Metal Products Division, Chilton, WI.	49 CFR 173.302(a), 173.304(a)(1), 175.3, 178.42.	To authorize transport of carbon dioxide or nitrogen, in a non-DOT specification brazed steel cylinder. (Modes 1, 2, 3, 4, and 5)
7495-X	DOT-E 7495	Brewer Chemical Corp., Honolulu, HI	49 CFR 173.315(a)(1), 173.353, 174.63(b).	To authorize use of a portable tank built to DOT Specification MC-331 for transportation of chlorine, sulfur dioxide, and methyl bromide. (Modes 1, 2, and 3)
7607-P	DOT-E 7607	SRW Associates Inc., Pittsburgh, PA	49 CFR 172.101, 175.3	To become a party to Exemption 7607. (Mode 5)
7657-X	DOT-E 7657	Welker Engineering Co., Sugar Land, TX	49 CFR 173.119, 173.302(a)(1), 173.304(a)(1), 173.304(b)(1), 175.3, 178.42.	To authorize manufacture, marking and sale of non-DOT specification stainless steel cylinders, for transportation of compressed gases. (Modes 1, 2, 3, and 4)
7721-X	DOT-E 7721	Applied Companies, San Fernando, CA	49 CFR 173.302(a)(4), 175.3	To authorize manufacture, marking and sale of non-DOT specification steel cylinders, for transportation of nonflammable, nonliquefied compressed gases. (Modes 1, 2, and 4)
7731-X	DOT-E 7731	Minnesota Valley Engineering, Inc., New Prague, MN.	49 CFR 172.203, 173.318, 173.320, 176.30, 176.76(h), 177.840, 178.334.	To authorize an additional portable tank model identical to the one presently authorized but built to a design pressure of 90 psi rather than 63 psi. (Modes 1, 3)
7876-P	DOT-E 7876	Hi-Pure Chemicals, Inc., Nazareth, PA	49 CFR 173.299(a), 175.3	To become a party to Exemption 7876. (Modes 1, 2, 3, and 4)
7879-X	DOT-E 7879	Gearhart Industries, Inc., Fort Worth, TX	49 CFR 173.246, 175.3, 178.42	To authorize shipment of bromine trifluoride, in non-DOT specification seamless cylinders. (Modes 1, 2, 3, and 4)
7991-P	DOT-E 7991	CSX Transportation, Inc., Jacksonville, FL	49 CFR Parts 100-177	To become a party to Exemption 7991. (Mode 1)
8051-X	DOT-E 8051	Mauser Packaging, Limited, Scarsdale, NY.	49 CFR 178.19, Part 173, Subpart D, E, F, H, Subpart K.	To authorize manufacture, marking and sale of DOT Specification 34 reusable, blowmolded, polyethylene container, for transportation of corrosive liquids and oxidizer. (Modes 1, 2, and 3)
8080-X	DOT-E 8088	American Chrome and Chemicals, Inc., Corpus Christi, TX.	49 CFR 173.164	To authorize transport of dry chromic acid in DOT-105A300W tank car which has been converted to DOT-111A100W1; a DOT-103AW tank car converted to DOT-103W; a DOT-111A10W2 tank car converted to DOT-111A100W1; or a true DOT-111A100W1 tank car. (Mode 2.)
8099-P	DOT-E 8099	Rhone-Poulenc, Inc., Monmouth Junction, NJ.	49 CFR 173.365(a)(15)	To become a party to Exemption 8099. (Modes 1, 2, and 3.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8099-X	DOT-E 8099	Union Carbide Corp., Danbury, CT	49 CFR 173.365(a)(15)	To authorize use of non-DOT specification corrugated fiberboard boxes with an inner heat-sealed bag, for transportation of poisonous solids. (Modes 1, 2, and 3.)
8196-X	DOT-E 8196	Societe Auxiliarie de Transports et d'Industries, Paris, France.	49 CFR 173.119, 173.315(a), 178.245	To authorize use of a non-DOT specification portable tank, for transportation of certain compressed gases. (Modes 1, 2, and 3.)
8196-X	DOT-E 8196	Eurotainer, S.A., Paris, France	49 CFR 173.119, 173.315(a), 178.245	To authorize use of a non-DOT specification portable tank, for transportation of certain compressed gases. (Modes 1, 2, and 3.)
8196-X	DOT-E 8196	Allied-Signal Inc., Morristown, NJ	49 CFR 173.119, 173.315(a), 178.245	To authorize use of a non-DOT specification portable tank, for transportation of certain compressed gases. (Modes 1, 2, and 3.)
8214-P	DOT-E 8214	Breed Automotive Corp., Boonton Township, NJ.	49 CFR 173.153, 173.154, 175.3	To become a party to Exemption 821. (Modes 1, 2, and 3.)
8232-X	DOT-E 8232	Eurotainer, S.A., Paris, France	49 CFR 173.123(a), 173.315	To authorize use of a non-DOT specification portable tank, for transportation of certain compressed gases and a flammable liquid. (Modes 1, 2, and 3.)
8232-X	DOT-E 8232	Societe Auxiliarie de Transports et d'Industries, Paris, France.	49 CFR 173.123(a), 173.315	To authorize use of a non-DOT specification portable tank, for transportation of certain compressed gases and a flammable liquid. (Modes 1, 2, and 3.)
8236-X	DOT-E 8236	Talley Defense Systems, Mesa, AZ	49 CFR 173.153, 173.154, 175.3	To authorize transport of a passive restraint system, and the inflator therefore, containing a class B explosive as a flammable solid. (Modes 1, 2, 3, and 4.)
8287-X	DOT-E 8287	Rohm and Haas Co., Philadelphia, PA	49 CFR 173.245(a)(16), 173.245(a)(26), 178.19-4(c), 178.35a-2(b).	To authorize shipment of a corrosive liquid in a DOT Specification 6D/2SL composite container or DOT Specification 34 drum equipped with a bung vent, or in a DOT Specification 12B fiberboard box with no more than four inside polyethylene bottles with vented closures. (Modes 1, 2, and 3.)
8495-X	DOT-E 8495	Walter Kidde, Wilson, NC	49 CFR 173.304(a)(1), 75.3, 178.47	To authorize manufacture, marking and sale of welded steel container, fabricated in compliance with DOT Specification 4DS with certain exceptions, for transportation of compressed gases. (Modes 1, 2, 4, and 5.)
8526-P	DOT-E 8526	Rohm and Haas Co., Philadelphia, PA	49 CFR 177.834(L)(2)(i)	To become a party to Exemption 8526. (Mode 1.)
8526-P	DOT-E 8526	Transhield Trucking, Inc., West Chicago, IL.	49 CFR 177.834(L)(2)(i)	To become a party to Exemption 8526. (Mode 1.)
8526-P	DOT-E 8526	The Glidden Co., Atlanta, GA	49 CFR 177.834(L)(2)(i)	To become a party to Exemption 8526. (Mode 1.)
8539-X	DOT-E 8539	Aero Taxi-Rockford, Inc., Rockford, IL	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107, Appendix B.	To authorize carriage of certain Class A, B and C explosives that are not permitted for air shipment or are in quantities greater than those prescribed for shipment by air. (Mode 4.)
8555-X	DOT-E 8555	Morton Thiokol, Incorp., Brighan City, UT	49 CFR 173.92	To authorize shipment of large rocket motor segment on a special highway vehicle. (Mode 1.)
8569-X	DOT-E 8569	U.S. Department of Defense, Falls Church, VA.	49 CFR 172.101(6)(b), 173.276, 175.3	To authorize shipment of 6.6 gallons of hydrazine, aqueous solution in non-DOT specification F-16 emergency fuel tanks. (Modes 1, 3, and 4.)
8569-X	DOT-E 8569	General Dynamics Corp., Fort Worth, TX	49 CFR 172.101(6)(b), 173.276, 175.3	To authorize shipment of 6.6 gallons of haydrazine, squeous solution in non-DOT specification F-16 emergency fuel tanks. (Modes 1, 3, and 4.)
8582-P	DOT-E 8582	Illinois Central Gulf Railroad Co., Chicago, IL.	49 CFR Parts 100-177	To become a party to Exemption 8582.
8748-P	DOT-E 8748	GE/Reuter-Stokes, Inc., Twinsburg, OH	49 CFR 172.101, 173.302, 175.3	To become a party to Exemption 8748. (Modes 1, 2, 3, 4, and 5.)
8815-X	DOT-E 8815	Atlas Powder Co., Dallas, TX	49 CFR 173.114a(b)	To authorize transport of certain blasting agents in a cement mixer motor vehicle. (Mode 1.)
8864-X	DOT-E 8864	Miller Transporters, Inc., Jackson, MS	49 CFR 173.245(a), 178.340-10, 178.340-8, 178.341-3, 178.341-4, 178.341-5, 178.341-7.	To authorize use of non-DOT specification cargo tanks complying with DOT Specification MC-306, for transportation of a corrosive liquid. (Mode 1.)
8877-X	DOT-E 8877	General Chemical Corp., Morristown, NJ	49 CFR 173.119, 173.245	To authorize shipment of certain materials described as flammable liquid, corrosive, n.o.s. (corrosive to skin only) and corrosivie liquids, n.o.s. in DOT-12B65, 12A65 and 12A80 fiberboard boxes with inside glass bottles having a capacity not to exceed one gallon. (Modes 1, 2, and 3.)
8877-X	DOT-E 8877	Mallinckrodt, Inc., Paris, KY	49 CFR 173.119, 173.245	To authorize shipment of certain materials described as flammable liquid, corrosive, n.o.s. (corrosive to skin only) and corrosive liquids, n.o.s. in DOT-12B65, 12A65 and 12A80 fiberboard boxes with inside glass bottles having a capacity not to exceed one gallon. (Modes 1, 2, and 3.)
8930-X	DOT-E 8930	General Aviation, Inc., Greenville, TN	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107, Appendix B.	To authorize carriage of certain Class A, B and C explosives that are not permitted for air shipment or are in quantities greater than those prescribed for shipment by air. (Mode 4.)
8995-X	DOT-E 8995	Worum Chemical Co., Saint Paul, MN	49 CFR 173.315(a)(1), 173.346, 174.63(b).	Request party status and to authorize toluene diisocyanage, class B poison as an additional commodity. (Modes 1 and 2.)
8995-P	DOT-E 8995	Industrial Polymer Corp., Orange, CA	49 CFR 173.315(a)(1), 173.346, 174.63(b).	To become a party to Exemption 8995. (Modes 1 and 2.)
8995-X	DOT-E 8995	Olin Corporation, Stamford, CT	49 CFR 173.315(a)(1), 173.346, 174.63(b).	Request party status and to authorize toluene diisocyanage, class B poison as an additional commodity. (Modes 1, 2)
9066-X	DOT-E 9066	Volvo North America Corp., Rockleigh, NJ.	49 CFR 173.154, 175.3	To authorize transport of an airbag gas generator as flammable solid, in a box constructed of a single wall corrugated fiberboard with an inside styropor container insert for shock absorption. (Modes 1, 2, 3, and 4)
9130-X	DOT-E 9130	Aquarius Pool & Spa Supply, Inc., Elk Grove Village, IL.	49 CFR 173.154	To authorize shipment of an oxidizer, n.o.s., in polyethylene containers of not over 10 pounds capacity each, overpacked in a non-DOT specification corrugated fiberboard box as prescribed in 49 CFR 173.217(c). (Modes 1, 2)
9220-Z	DOT-E 9220	Custom Packaging Systems, Inc., Manistee, MI.	49 CFR 173.182, 173.217, 173.245b	To authorize manufacture, marking and sale of non-DOT specification collapsible flexible bag, disposable bulk container, for transportation of corrosive solids and oxidizers. (Modes 1, 2, and 3)
9239-X	DOT-E 9239	Kane Closures Inc., Westfield, NJ	49 CFR 173.119, 173.128, 178.118-6	To authorize, marking and sale of non-DOT specification steel drums of 30-gallon capacity complying with DOT Specification 17H, except for 178.118-6, for shipment of traffic paint classed as flammable liquid. (Mode 1)
9262-P	DOT-E 9262	NL McCullough/NL Industries, Inc., Houston, TX.	49 CFR 173.100(v), 175.30	To become a party to Exemption 9262. (Modes 1, 3, and 4)
9265-X	DOT-E 9265	Guinn Flying Service, Houston, TX	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107, Appendix B.	To authorize carriage of certain Class A, B and C explosives that are not permitted for shipment by air, or in quantities greater then those prescribed for shipment by air. (Mode 4)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9289-X	DOT-E 9289	Stauffer Chemical Co., Westport, CT	49 CFR 173.118a(b)(1)	To renew and to authorize metal or polyethylene portable tanks with a volumetric capacity from 100 gallons to 250 gallons. (Mode 1)
9308-X	DOT-E 9308	Pennwalt Corp., Buffalo, NY	49 CFR 173.243	To authorize shipment of a corrosive liquid, n.o.s., in the DOT Specification 2E polyethylene bottle equipped with a vented closure, to be overpacked in a DOT Specification 12B40 fiberboard box. (Modes 1, 3)
9331-X	DOT-E 9331	Rio Linda Chemical Co., Sacramento, CA	49 CFR 173.263(a)(10)	To authorize shipment of sodium chlorite solutions, in DOT Specification MC-306 and MC-307 cargo tanks. (Mode 1)
9348-X	DOT-E 9348	DURACELL, Inc., Bethel, CT	49 CFR 173,206, 175.3, 175.85, Part 107, Appendix B.	To authorize cargo-only aircraft as an additional mode of transportation. (Modes 4, 5)
9348-X	DOT-E 9348	DURACELL, Inc., Bethel, CT	49 CFR 173,206, 175.3, 175.85, Part 107, Appendix B.	To authorize transport of a limited number of certain lithium batteries on passenger carrying aircraft. (Modes 4, 5)
9348-P	DOT-E 9348	Motorola, Inc., Fort Lauderdale, FL	49 CFR 173.206, 175.3, 175.85, Part 107, Appendix B.	To become a party to Exemption 9348. (Modes 4, 5)
9351-X	DOT-E 9351	Bemco, Inc., Chatham, Ontario, Canada	49 CFR 173.302(a)(1), 175.3, 178.42	To authorize manufacture, marking and sale of non-DOT specification steel spheres made in compliance with DOT Specification 3E, with certain exceptions. (Modes 1, 2, 3, 4, and 5.)
9357-X	DOT-E 9357	Dynatrans, Aktiebolag, Sweden	49 CFR 173.315, 178.245	To authorize use of non-DOT specification IMO Type 5 portable tanks, for transportation of liquefied compressed gases. (Modes 1, 2, and 3.)
9367-X	DOT-E 9367	Stone Container Corp., Arlington Heights, IL.	49 CFR 173.182, 173.217, 173.245b	To authorize manufacture, marking and sale of large non-DOT specification collapsible polyethylene-lined woven polypropylene bulk bags having a capacity of approximately 2000 pounds each, and top and bottom outlets, for shipment of corrosive solids and nitrates. (Modes 1, 2, and 3.)
9371-X	DOT-E 9371	Ronson Aviation Incorp., Trenton, NJ	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107, Appendix B.	To authorize carriage of Class A, B and C explosives that are not permitted for shipment by air, or are in quantities greater than those prescribed for shipment by air. (Mode 4.)
9374-X	DOT-E 9374	Poly Cal Plastics, Inc., French Camp, CA	49 CFR 173.114a(h)(3), 173.119, 173.256, 173.266, 176.415, 176.83, 178.19, 178.253, Part 173, Subpart F.	To authorize manufacture, marking and sale of non-DOT specification rotationally molded, cross-linked polythylene portable tank enclosed within a protective steel frame, for shipment of corrosive liquids, flammable liquids or an oxidizer. (Modes 1, 2, and 3.)
9374-X	DOT-E 9374	Poly Processing Company, Inc., Monroe, LA.	49 CFR 173.114a(h)(3), 173.119, 173.256, 173.266, 176.415, 176.83, 178.19, 178.253, Part 173, Subpart F.	To authorize manufacture, marking and sale of non-DOT specification rotationally molded, cross-linked polythylene portable tank enclosed within a protective steel frame, for shipment of corrosive liquids, flammable liquids or an oxidizer. (Modes 1, 2, and 3.)
9408-X	DOT-E 9408	Ethyl Corp., Baton Rouge, LA	49 CFR 173.301(d)(2), 173.302	To authorize transport of silicon tetrafluoride in DOT Specification 3AAX cylinders. (Mode 1.)
9413-X	DOT-E 9413	EM Science, Cincinnati, OH	49 CFR 173.286	To authorize transport of a chemical kit which contains small amounts of hydrochloric acid and zinc powder. (Mode 1.)
9428-P	DOT-E 9428	General American Transportation Corp., Chicago, IL.	49 CFR 179.102-2(a)(3)	To become a party to Exemption 9428. (Mode 2.)
9428-X	DOT-E 9428	CGTX, Inc., Montreal, Quebec Canada	49 CFR 179.102-2(a)(3)	To authorize use of a DOT Specification 105A500W tank car tank with a modified insulation system, for transportation of a nonflammable gas. (Mode 2.)
9430-X	DOT-E 9430	Bondico, Inc., Jacksonville, FL	49 CFR 173.3(c)	To authorize manufacture, marking and sale of non-DOT specification polyethylene/fiberglass removable head salvage drums of 90 gallon capacity for overpacking damaged or leaking packages of hazardous materials. (Modes 1 and 2.)
9467-P	DOT-E 9467	Electric Transport, Inc., Wilsonville, OR	49 CFR 177.834(k)	To become a party to Exemption 9467. (Mode 1.)
9486-X	DOT-E 9486	Bver, Inc., Chester, WV	49 CFR 173.119(a), (m), 173.245(a), 173.342-5, 173.346(a), 178-340-7, 178.343-5.	To authorize use of a non-DOT specification cargo tank designed and constructed in full compliance with DOT Specification MC-307/312, with exceptions, for transportation of a liquid and semi-solid waste material. (Mode 1.)
9571-P	DOT-E 9571	U.S. Department of Defense, Falls Church, VA.	49 CFR Parts 100-177	To become a party to Exemption 9571. (Modes 1, 2, 3, 4, and 5.)
9610-P	DOT-E 9610	Honeywell Inc., New Brighton, MN	49 CFR 172.203(a), (e), 172.204, 173.29(a), (d), Part 107, Appendix B, Parts 171-189.	To become a party to Exemption 9610. (Modes 1 and 2.)

NEW EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9507-N	DOT-E 9507	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 173.119, 173.302, 173.304, 173.328, 173.34, 173.346.	To authorize use of a non-DOT specification full removable head salvage cylinder of 45 gallon capacity for overpacking damaged or leaking packages of pressurized and non-pressurized hazardous materials. (Mode 1.)
9662-N	DOT-E 9662	National Agricuttural Chemicals Association, Washington, DC.	49 CFR 173.5(a)(2)	To authorize shipment of agricultural chemicals in 2.5 gallon capacity containers. (Mode 1.)
9690-N	DOT-E 9690	Snyder Industries, Inc., Lincoln, NE	49 CFR Part 173, subpart D, F	To authorize manufacture, marking and sale of non-DOT specification rotationally molded crosslinked or non-crosslinked polyethylene portable tank, for the shipment of corrosive liquids, flammable liquids or an oxidizer. (Modes 1, 2.)
9691-N	DOT-E 9691	Gottlieb Duttenhoefer GmbH & Co. KG, Federal Republic Germany.	49 CFR 178.134, 178.35, Part 173	To authorize manufacture, marking and sale of 15 gallon steel overpacks similar to DOT-37M except for slight reduction in wall thickness with polyethylene liner meeting DOT-2SL except for specification markings, for shipment of those hazardous materials authorized in DOT-37M/2SL. (Modes 1, 2, and 3.)
9700-N	DOT-E 9700	Dow Chemical Co., Midland, MI	49 CFR 173.315(i), 178.245	To authorize use of a DOT Specification 51 portable tank having pressure relief devices with a stary-to-discharge pressure of 75 psig, for transportation of flammable, poisonous liquid. (Modes 1, 3.)

NEW EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9711-N	DOT-E 9711	Konica USA, Inc./Konica Business Machine USA, Inc., Englewood Cliff, NJ.	49 CFR 173.245(a)(12)	To authorize shipment of a corrosive liquid in a nylon-reinforced polyethylene bag of 5-liter (1.22 gallon) capacity which is placed in an inside corrugated fiberboard carton with not more than two cartons overpacked in a DOT Specification 12B30 corrugated fiberboard box. (Mode 1.)

EMERGENCY EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 8080-X	DOT-E 8080	American Chrome Chemicals, Inc., Corpus Christi, TX.	49 CFR 173.164	To authorize transport of dry chromic acid in DOT-105A300W tank car which has been converted to DOT-111A100W1; a DOT-103AW tank car converted to DOT-103W; a DOT-111A100W2 tank car converted to DOT-111A100W1; or a true DOT-111A100W1 tank car. (Mode 2.)
EE 9737-N	DOT-E 9737	Gearhart Industries, Inc., Fort Worth, TX.	49 CFR 172.101, 175.30	To authorize transport, by cargo aircraft, of certain Class A explosives which are forbidden for shipment by air and certain Class C explosives. (Mode 4.)
EE 9738-N	DOT-E 9738	MarkAir, Anchorage, AK	49 CFR 172.101, column 6, 173.301, 175.30	To authorize shipment, by cargo aircraft, of acrolein, inhibited, in DOT Specification 51 portable tanks of 350 gallon capacity which exceeds the quantity limitation of 49 CFR 172.101 table, column 6. (Mode 4.)

Denials

EE 9720-N Request by Chemetron Fire Systems, Inc., University Park, IL to authorize an emergency exemption to place in service one lot of 66 cylinders made to DOT 4BW Specification having material chemistry and elongation not conforming with the requirements for that specification denied March 25, 1987.

Issued in Washington, DC, on April 20, 1987.

J. Suzanne Hedgepeth,

Chief, Exemptions Branch, Office of Hazardous Materials Transportation.

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BILLING CODE 4910-60-M

Grants and Denials of Applications for Exemptions

AGENCY: Research and Special Programs Administration, DOT.

ACTION: Notice of grants and denials of applications for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart D), notice is hereby given of the exemptions granted in February 1987. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

RENEWAL AND PARTY TO EXEMPTIONS

Application	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
3109-X	DOT-E 3109	Raytheon Co., Lowell, MA	49 CFR 173.301(e), 173.302(a)(1)(, 175.3	To authorize use of non-DOT specification pressure vessels, for shipment of a nonflammable, nonliquefied compressed gas. (Modes 1, 2, 3, 4, and 5.)
4177-X	DOT-E 4177	Hydrodyne Industries, Inc., Hauppauge, L.I., NY.	49 CFR 173.302(a)(1), 175.3	To authorize use of a non-DOT specification pressure vessel containing a nonflammable, nonliquefied gas. (Modes 1, 2, 3, and 4.)
4803-X	DOT-E 4803	Dowell Schlumberger, Inc., Tulsa, OK	49 CFR 173.245, 173.248, 173.249, 173.263, 173.272, 173.289, 178.343-5.	To authorize use of non-DOT specification cargo tank motor vehicles, for shipment of certain corrosive liquids. (Mode 1.)
5206-X	DOT-E 5206	Atlas Powder Co., Dallas, TX	49 CFR 173.114a	To authorize privately operated bulk hopper-type units, for transportation of blasting agents. (Mode 1.)
5403-X	DOT-E 5403	Vann Systems, Division of Halliburton Co., Houston, TX.	49 CFR 173.245(a)(31), 173.248(a)(6), 173.249(a)(6), 173.263(a)(10), 173.264(a)(14), 173.268(b)(3), 173.272(i)(21), 173.289(a)(4), 178.343-2(b), 178.343-5(b)(1)(i), 178.343-5(b)(2)(i).	To authorize use of a non-DOT specification cargo tank meeting the requirements of DOT Specification MC-312 and those with certain exceptions, in support of oil well acidizing and industrial cleaning operations. (Modes 1, 3.)
6293-X	DOT-E 6293	Hercules, Inc., Wilmington, DE	49 CFR 173.21(b), 173.248	To authorize shipment of specific corrosive materials, in DOT Specification MC-311 or MC-312 tank motor vehicles having insulated stainless steel cargo tanks. (Mode 1.)
6293-X	DOT-E 6293	Olin Corp., East Alton, IL	49 CFR 173.21(b), 173.248	To authorize shipment of specific corrosive materials, in DOT Specification MC-311 or MC-312 tank motor vehicles having insulated stainless steel cargo tanks. (Mode 1.)
6752-X	DOT-E 6752	Pennwalt Corp., King of Prussia, PA	49 CFR 173.301(d)(3), 173.304(a)(2)	To authorize use of DOT Specification 3A, 3AA, 3AX, 3AAX or 3T cylinders forming part of a tube trailer or tube bank, for transportation of a liquified flammable compressed gas. (Modes 1, 2, and 3.)
6762-X	DOT-E 6762	Taylor Chemicals, Inc., Sparks, MD	49 CFR 173.286(b)(2), 175.3	To renew and authorize an ORM-A, and ORM-B material and additional flammable liquids. (Modes 1, 2, 3, and 4.)
6961-X	DOT-E 6961	Monsanto Co., St. Louis, MO	49 CFR 173.28(h)	To authorize shipment of spent cobalt and/or nickel catalyst, in reconditioned DOT Specifications 37A steel drums. (Modes 1, 2, and 3.)
7071-X	DOT-E 7071	Clayton Chemical, Los Angeles, CA	49 CFR 172.101, 173.245, 175.3	To authorize shipment of a certain corrosive liquid, in non-DOT specification polyethylene bottles overpacked in a non-DOT specification single-wall fiberboard box, or DOT Specification 2U polyethylene containers overpacked in a DOT Specification 12P fiberboard box. (Modes 1, 2, 3, and 4.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
7546-X	DOT-E 7546	Gruman Aerospace Corp., Bethpage, NY	49 CFR 173.119, 173.302(a)(1), 173.304(a), 173.305(a), 173.34(d), 175.3.	To renew and authorize slightly larger heat pipe assembly, containing certain flammable and nonflammable gases, overpacked in specially designed wooden box and to add rail as additional mode. (Modes 1, 2, and 4.)
7641-X	DOT-E 7641	American President Lines, Ltd, Oakland, CA.	49 CFR 176.905(c)	To authorize carriage of motor vehicles aboard cargo vessels with battery cables connected. (Mode 3.)
7822-X	DOT-E 7822	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 173.318(a)	To authorize shipment of liquid helium in specifically insulated non-DOT specification, triple shell, portable tanks. (Modes 1, 3.)
7862-X	DOT-E 7862	General Electric Co., New Berlin, WI	49 CFR 173.302, 175.3	To authorize use of non-DOT specification aluminum, single trip, inside containers, for transportation of a nonflammable gas. (Modes 1, 4, and 5.)
8017-X	DOT-E 8017	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 173.301(d)(2), 173.302(a)(3)	To authorize use of DOT Specification 3AX, 3AAX, or 3T cylinders, for transportation of a flammable gas. (Mode 1.)
8053-X	DOT-E 8053	Eastman Kodak Co., Rochester, NY	49 CFR 173.148(a), 175.3	To authorize shipment of monoethylamine in inside glass bottles/metal cans, overpacked in DOT Specification 12B fiberboard boxes. (Modes 1, 2, and 4.)
8084-X	DOT-E 8084	IRECO, Inc., Salt Lake City, UT	49 CFR 173.65(a)(5)	To authorize transport of Class A explosives containing more than 5% of moisture in plastic tubes, overpacked in DOT Specification wooden or fiberboard boxes. (Modes 1, 2, and 3.)
8084-X	DOT-E 8084	E.I. du Pont de Nemours & Co., Inc., Wilmington, DE.	49 CFR 173.65(a)(5)	To authorize transport of Class A explosives containing more than 5% of moisture in plastic tubes, overpacked in DOT Specification wooden or fiberboard boxes. (Modes 1, 2, and 3.)
8115-X	DOT-E 8115	Acurex Corp., Mountain View, CA	49 CFR 173.302(a)(1), 173.304(a), 173.304(d), 175.3.	To authorize manufacture, marking and sale of non-DOT specification fiber reinforced plastic hoop wrapped cylinder, for transportation of certain nonflammable compressed gases. (Modes 1, 2, 3, 4, and 5.)
8126-X	DOT-E 8126	SLEMI, Paris, France	49 CFR 173.123, 173.315, 184.63(b)	To authorize use of non-DOT specification portable tanks, for transportation of certain liquefied petroleum gases and other gases classed as flammable gases and a flammable liquid. (Modes 1, 2, and 3.)
8126-X	DOT-E 8126	Arbel-Fauvet-Rail, Paris, France	49 CFR 173.123, 173.315, 174.63(b)	To authorize use of non-DOT specification portable tanks, for transportation of certain liquefied petroleum gases and other gases classed as flammable gases and a flammable liquid. (Modes 1, 2, and 3.)
8348-X	DOT-E 8348	Frell, Inc., Corpus Christi, TX	49 CFR 173.119(a), 173.119(m), 173..245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To authorize a rear door dump feature on non-DOT specification cargo tanks used for the shipment of certain waste materials. (Mode 1.)
8451-X	DOT-E 8451	Martin Electronics, Inc., Perry, FL	49 CFR 173.65, 173.86(e), 175.3	To authorize transport of not more than 25 grams of high explosives and pyrotechnic material in a special shipping container, classed as Class C explosive. (Modes 1, 2, and 4.)
8451-X	DOT-E 8451	Pyrotechnic Specialties, Inc., Byron, GA	49 CFR 173.65, 173.86(e), 175.3	To authorize transport of not more than 25 grams of high explosives and pyrotechnic material in a special shipping container, classed as Class C explosive. (Modes 1, 2, and 4.)
8494-X	DOT-E 8494	Fruehauf Corp., Omaha, NE	49 CFR 178.342-6(a)	To authorize manufacture, marking and sale of DOT Specification MC-307 aluminum cargo tanks equipped with glass sight gauges in lieu of the acceptable gauging devices, for transportation of flammable liquids. (Modes 1.)
8498-X	DOT-E 8498	Hunter Drums, Ltd., Bramalea, Ontario, Canada.	49 CFR 173.266, Part 173 Subpart F	To authorize hydrofluoric acid not over 52% strength, hydrozine solution, and fluoboric acid, classed as corrosive materials, as additional commodities. (Modes 1, 2, and 3.)
8519-X	DOT-E 8519	Polish Ocean Lines, Gdynia, Poland	49 CFR 176.905(L)	To authorize stowage of motor vehicles with their fuel tanks containing gasoline, classed as a flammable liquid, in the same cargo compartment with other hazards materials on specially equipped roll-on/roll-off cargo vessel. (Mode 3.)
8519-X	DOT-E 8519	Atlantic Container Line, Ltd., Elizabeth, NJ.	49 CFR 176.905(L)	To authorize stowage of motor vehicles with their fuel tanks containing gasoline, classed as a flammable liquid, in the same cargo compartment with other hazardous materials on specially equipped roll-on/roll-off cargo vessels. (Mode 3.)
8520-X	DOT-E 8520	Atlas Powder Co., Dallas, TX	49 CFR 173.114a(b)(6), 175.3	To authorize use of a "pipe test" on a material being evaluated as a blasting agent, instead of fire test prescribed in 173.114a(b)(6). (Modes 1, 2, 3, and 4.)
8523-X	DOT-E 8523	Arbel-Fauvet-Girel, Paris, France	49 CFR 173.304, 173.315	To authorize use of non-DOT IMCO Type 5 portable tanks, for transportation of flammable and nonflammable gases. (Modes 1, 2, and 3.)
8526-X	DOT-E 8526	3M Co., Saint Paul, MN	49 CFR 177.834(L)(2)(i)	To authorize shipment of flammable liquids and/or flammable gases, in temperature controlled equipment. (Mode 1.)
8536-X	DOT-E 8536	Pennwalt Corp., Buffalo, NY	49 CFR 173.157(a)(5)	To authorize an increase in the maximum allowable gross weight of a DOT Specification 12B corrugated fiberboard box, for shipment of wet benzoyl peroxide. (Modes 1, 3.)
8561-X	DOT-E 8561	HTL Industries, Inc., Duarte, Ca	49 CFR 173.304(a)(1), 175.3, 178.44	To authorize manufacture, marking and sale of non-DOT specification girth welded stainless steel cylinders, for transportation of a compressed gas. (Modes 1, 2, and 4.)
8802-X	DOT-E 8802	EVA, Eisenbahn-Verkehrsmittel GmbH, Dusseldorf, West Germany.	49 CFR 173.315	To authorize use of non-DOT specification IMO Type 5 portable tanks, for transportation of liquefied compressed gases. (Modes 1, 2, and 3.)
8862-X	DOT-E 8862	ABERCO Inc., Seabrook, MD	49 CFR 173.119, 173.305	To authorize shipment of propylene oxide, classed as a flammable liquid, in DOT Specification 5P lagged steel drums. (Mode 1.)
8906-X	DOT-E 8906	FMC Corp., Philadelphia, PA	49 CFR 173.365	To authorize shipment of used, essentially empty containers that contain residual amounts of carboluran, packed in a non-DOT specification double wall BC flute corrugated fiberboard box. (Mode 1.)
8955-X	DOT-E 8955	Dresser Industries, Inc., Houston, TX	49 CFR 173.110(c)(1), 173.80(b), 173.80(c).	To authorize transport of charged oil well guns with detonators attached. (Modes 1, 3.)
8968-X	DOT-E 8968	Degussa Corp., Teterboro, NJ	49 CFR 173.206	To authorize use of a non-DOT Specification IMO Type 1 portable tank, for transportation of a flammable solid. (Modes 1, 2, and 3.)
9019-X	DOT-E 9019	Completion Services, Inc., Lafayette, LA	49 CFR 173.119, 173.125, 173.263, 173.264, 173.277, 46 CFR 64.9.	To authorize use of a marine portable tank, for transportation of certain flammable and corrosive liquids. (Mode 1.)
9052-X	DOT-E 9052	Chemical Handling Equipment Co., Inc., Southfield, MI.	49 CFR 173.119, 173.125, 178.19, 178.253, Part 173, Subpart F.	To authorize an additional type hardwood-overpack to contain a polyethylene portable tank for shipment of certain corrosive or flammable liquids or an oxidixer. (Modes 1, 2, and 3.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9054-X	DOT-E 9054	Florida Drum Co., Inc., Pine Bluff, AR	49 CFR 173.157	To reinstate exemption to provide for shipment of benzoyl peroxide 50% concentration in DOT Specification 34 containers of 55 gallon capacity. (Modes 1, 2, and 3.)
9168-X	DOT-E 9168	All-Pak, Inc., Buffalo, NY	49 CFR 172.504, 173.118, 173.244, 173.3, 173.345, 173.346, 173.359, 173.370, 173.377, 175.3, 175.33, Part 172, Subpart E.	To increase quantity limitations for poison and flammable solids to 6¼ pounds. (Modes 1, 2, and 4.)
9343-X	DOT-E 9343	Aluminum Co. of America, Pittsburgh, PA	49 CFR 173.206	To authorize transportation of lithium metal in stainless steel DOT Specification portable tanks. (Mode 1.)
9344-X	DOT-E 9344	Industrial Farm Tank, Inc., Lewiston, OH	49 CFR 178.19, 178.253, Part 173, Subpart F.	To authorize manufacture, marking and sale of non-DOT specification rotationally molded, linear medium-density polyethylene portable tanks, for shipment of corrosive liquids. (Mode 1.)
9377-X	DOT-E 9377	Atlas Powder Co., Dallas, TX	49 CFR 173.64(a)(5)	To authorize transport of high explosives containing more than 5% moisture in packagings without inner plastic bags or other linings. (Modes 1, 2, and 3.)
9549-X	DOT-E 9549	Jet Research Center, Inc., Arlington, TX	49 CFR 173.100(v) 175.30	To become a party to Exemption 9549. (Modes 1, 3, and 4.)
9633-X	DOT-E 9633	McDonnell Douglas, Astronautics Co., Titusville, FL.	49 CFR 172.101 Column 6(b), 175.30	To authorize transport by cargo aircraft of certain Class A explosives, which are forbidden for transportation by air and non-regulated weapon components and certain Class C explosives. (Mode 4.)

NEW EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9405-N	DOT-E 9405	M & G Tankers, Ltd., West Midlands, England.	49 CFR 173.119, 178.340, 178.341	To manufacture, mark and sell non-DOT specification fiber reinforced plastic cargo tanks, mounted on a truck chassis, for transportation of gasoline, aviation fuel, and certain other flammable liquids (Mode 1.)
9524-N	DOT-E 9524	Natico, Inc., Chicago, IL	49 CFR 178.116	To authorize manufacture, marketing and sale of non-DOT specification steel drums, similar to DOT-17E drums except for reduced diameter top and bottom heads of 0.0330-inch minimum thickness (20 guage) and with chimes of seven ply construction, to be used for certain hazardous materials. (Modes 1, 2, and 3.)
9548-N	DOT-E 9548	Ethyl Corp., Baton Rouge, LA	49 CFR 173.254, 178.245	To authorize use of a non-DOT specification IMO Type 1 portable tank, for shipment of motor fuel antiknock compound. (Modes 1, 2, and 3.)
9703-N	DOT-E 9703	Moli Energy, Ltd., Burnaby, B.C., Canada	49 CFR 173.206, 175.3, 175.85, Part 107 Appendix B.	To authorize transport of a limited number of certain lithium batteries on passenger-carrying aricraft. (Mode 5.)

EMERGENCY EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 9633-X	DOT-E 9633	McDonnell Douglas Astronautics Co., Titusville, FL.	49 CFR 172.101 Column 6(b), 175.30	To authorize transport by cargo aircraft of certain Class A explosives, which are forbidden for transportation by air and non-regulated weapons components and certain Class C explosives. (Mode 4.)
EE 9721-N	DOT-E 9721	Zambelli Internationale Fireworks Manufacturing Co., New Castle, PA.	49 CFR 172.301(a), 173.91(a)	To authorize one-time shipment of special fireworks, Class B explosive, in non-DOT specification fiberboard boxes without the proper markings. (Mode 1.)

WITHDRAWALS

Application No.	Applicant	Regulation(s) affected	Nature of exemption threreof
6926-P	Rhone-Poulenc, Inc., Monmouth Junction, NJ	49 CFR 173.365(a)(6), 178.238-3	To become a party to Exemption 6929. (Modes 1, 2, 3, and 4.)

Denials

9108-X Request by Ensign-Bickford Company, Simsbury, CT to authorize reuse of DOT Specification 12H65 fiberboard box and to authorize use of common carriers for shipment of an initiating explosive denied February 6, 1987.

9523-N Request by Faber Industries S.p.A., Cividale, Italy to authorize DOT Specification 3HT specification cylinders for use other than "aircraft use only" as prescribed in 4 CFR 173.302(a)(2) denied February 6, 1987.

Issued in Washington, DC, on April 21, 1987.

J. Suzanne Hedgepeth,

Chief, Exemptions Branch Office of Hazardous Materials Transportation.

[FR Doc. 87-9597 Filed 4-28-87; 8:45 am]

BILLING CODE 4910-60-M

VETERANS ADMINISTRATION

Medical Research Merit Review Boards; Notice of Availability of Annual Report

Under section 10(d) of Pub. L. 94-463 (Federal Advisory Committee Act) notice is hereby given that the Annual Report for Calendar Year 1986 has been issued for the Veterans Administration Medical Research Merit Review Boards.

The Report summarizes activities of the Committee matters related to the review, discussion, and evaluation of individual investigator initiated medical research projects. They are available for public inspection at two locations:

Library of Congress, Federal Documents Section, Exchange and Gift Division, LM 632, Madison Building, Washington, DC 20540

and

Veterans Administration, Medical Research Service, Program Review Division (151D), Room 634, 810 Vermont Avenue NW., Washington, DC 20420.

Dated: April 15, 1987.

By direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 87-9593 Filed 4-28-87; 8:45 am]

BILLING CODE 8320-01-M

Career Development Committee; Availability of Annual Report

Under section 10(d) of Pub. L. 94-463, Federal Advisory Committee Act, notice is hereby given that the Annual Report for Fiscal Year 1986 has been issued for the Veterans Administration Career Development Committee.

The report summarizes activities of the committee matters related to the review and evaluation of career development applications. It is available for public inspection at two locations:

Library of Congress, Federal Documents Section, Exchange and Gift Division, LM 632, Madison Building, Washington, DC 20540

and

Veterans Administration, Medical Research Service, Career Development Program, Rm 642, 810 Vermont Avenue, NW., Washington, DC 20420

Dated: April 15, 1987.

By direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 87-9594 Filed 4-28-87; 8:45 am]

BILLING CODE 8320-01-M

Cooperative Studies Evaluation Committee; Availability of Annual Report

Under section 10(d) of Public Law 94-463, Federal Advisory Committee Act, notice is hereby given that the Annual Report for Fiscal Year 1986 has been issued for the Veterans Administration Cooperative Studies Evaluation Committee.

The report summarizes activities of the committee matters related to the review and evaluation of new and ongoing cooperative studies. It is available for public inspection at two locations:

Library of Congress, Federal Documents Section, Exchange and Gift Division, LM 632, Madison Building, Washington, DC 20540

and

Veterans Administration, Medical Research Service, Cooperative Studies Program (151J), 810 Vermont Avenue, NW., Washington, DC 20420

Dated: April 15, 1987.

By direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 87-9595 Filed 4-28-87; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 52, No. 82
Wednesday, April 29, 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).

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 52 FR 13008, Monday, April 20, 1987.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 2:00 p.m. (eastern time) Monday, April 27, 1987.

CHANGE IN THE MEETING: The above subject Meeting of the Equal Employment Opportunity Commission has been canceled.

CONTACT PERSON FOR MORE INFORMATION: Cynthia C. Matthews, Executive Officer, Executive Secretariat, (202) 634–6748.

Dated: April 27, 1987.

Cynthia Clark Matthews,

Executive Officer, Executive Secretariat.

[FR Doc. 87–9812 Filed 4–27–87; 3:45 pm]

BILLING CODE 6750-06-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 11:07 a.m. on Thursday, April 16, 1987, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider a recommendation regarding the initiation of an administrative enforcement proceeding against an insured bank.

In calling the meeting, the Board determined, on motion of Chairman L. William Seidman, seconded by Director C.C. Hope, Jr. (Appointive), concurred in by Director Robert L. Clarke (Comptroller of the Currency), that Corporation business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting pursuant to subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: April 24, 1987.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 87–9749 Filed 4–27–87; 11:53 am]

BILLING CODE 6714-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 11:05 a.m. on Wednesday, April 22, 1987, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to: (1) Accept the highest acceptable bid which may be submitted in accordance with the "Instructions for Bidding" for a purchase and assumption transaction, or (2) in the event no acceptable bid for a purchase and assumption transaction is submitted, accept the highest acceptable bid for an insured deposit transfer transaction which may be submitted, or (3) in the event no acceptable bid for either type transaction is submitted, make funds available for the payment of the insured deposits of the closed bank, with respect to each of the following: (a) Bank of North Mississippi, Oakland, Mississippi, which was expected to be closed by the Commissioner, Department of Banking and Consumer Finance for the State of Mississippi, on Wednesday, April 22, 1987; (b) The Peoples Bank, Collinsville, Alabama, which was expected to be closed by the Superintendent of Banks for the State of Alabama on Wednesday, April 22, 1987; (c) North Central National Bank, Austin, Texas, which was expected to be closed by the Deputy Comptroller of the Currency, Office of the Comptroller of the Currency, on Thursday, April 23, 1987; and (d) Osceola State Bank & Trust Co., Osceola, Iowa, which was expected to be closed by the Superintendent of Banking for the State of Iowa on Thursday, April 23, 1987.

At that same meeting, the Board also: (1) Considered matters relating to the possible closing of an insured bank; and (2) discussed matters relating to the Corporation's assistance agreement with an insured bank and matters relating to certain financial institutions.

In calling the meeting, the Board determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded by Director Robert L. Clarke (Comptroller of the Currency), concurred in by Chairman L. William Seidman, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not requrie consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(6), (c)(8), (c)(9)(A)(ii), and (c)—(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B).

Dated: April 24, 1987.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 87–9750 Filed 4–27–87; 11:53 am]

BILLING CODE 6714-01-M

FEDERAL TRADE COMMISSION

TIME AND DATE: 10:00 a.m., Wednesday, April 29, 1987.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

STATUS: Open.

MATTER TO BE CONSIDERED: Presentation by the Advertising Educatonal Foundation entitled "Comprehension and Miscomprehension of Print Communications; an Investigation of Mass Media Magazines."

CONTACT PERSON FOR MORE INFORMATION: Susan B. Ticknor.

Office of Public Affairs: (202) 326–2179
Recorded Message: (202) 326–2711

Emily H. Rock,

Secretary.

[FR Doc. 87–9755 Filed 4–27–87; 12:13 am]

BILLING CODE 6750-01-M

INTERNATIONAL TRADE COMMISSION

TIME AND DATE: Thursday, May 7, 1987 at 9:30 a.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 Minoxidil Powder, Minoxidil Salts and Compositions and Concentrates containing Minoxidil or its Salts (Docket Number 1389).
5. Inv. TA–203–16 (Stainless Steel and Alloy Tool Steel)—briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523–0161.

Kenneth R. Mason,

Secretary.

April 24, 1987.

[FR Doc. 87–9702 Filed 4–24–87; 4:35 pm]

BILLING CODE 7020–02–M

NATIONAL TRANSPORTATION SAFETY BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 52 FR 13374, Wednesday, April 22, 1987.

PREVIOUSLY ANNOUNCED TIME AND DATE: 9:00 a.m., Tuesday, April 28, 1987.

CHANGE IN MEETING: A majority of the Board Members determined by recorded vote the business of the Board required revising the agenda of this meeting and that no earlier announcement was possible. The following item was added to the agenda:

2. *Recommendation to FRA* re Concerning Advanced Train Control Systems (ATCS).

FOR MORE INFORMATION, CONTACT: Ray Smith (202) 382-6525.

Ray Smith,

Federal Register Liaison Officer.

April 24, 1987.

[FR Doc. 87–9703 Filed 4–27–87; 8:59 am]

BILLING CODE 7533–01–M

POSTAL SERVICE

Meeting

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold a meeting at 1:00 p.m. on Monday, May 4, 1987, in Washington, DC, and at 8:30 a.m. on Tuesday, May 5, 1987, in the Benjamin Franklin Room, Postal Service Headquarters, 475 L'Enfant Plaza, SW., Washington, DC. As indicated in the following paragraph, the May 4 meeting is closed to public observation. The May 5 meeting is open to the public. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about the meeting should be addressed to the Secretary of the Board, David F. Harris, at (202) 268–4800.

The Board voted in accordance with the provisions of the Government in the Sunshine Act to close to public observation its meeting scheduled for May 4, 1987, to consider: (1) Consideration of possible future rate increases; and (2) capital investment—Beverly Hills, California, post office. (See 52 FR 13171, April 21, 1987 and 52 FR 12111, April 14, 1987.)

Agenda

Monday Session

May 5, 1987—1:00 p.m. (Closed)

1. Consideration of possible future rate adjustments.
2. Capital Investment: Beverly Hills, California, Post Office.

Tuesday Session

May 4, 1987—8:30 a.m. (Open)

1. Minutes of the Previous Meeting, April 6–7, 1987.
2. Remarks of the Postmaster General.
3. Officer Compensation.
4. Consideration of Postal Rate Commission's Recommendation on Third-Class Mail Maximum Size Change. (Docket No. MC87–1)
5. Quarterly Report on Financial Performance.
6. Report on Finance and Planning Group Programs.
7. Tentative agenda for June 1–2, 1987, meeting in Washington, DC.

David F. Harris,

Secretary.

[FR Doc. 87–9809 Filed 4–27–87; 3:20 pm]

BILLING CODE 7710–12–M

RAILROAD RETIREMENT BOARD

Public Meeting

Notice is hereby given that the Railroad Retirement Board will hold a meeting on May 6, 1987, 9:00 a.m., at the Board's meeting room on the 8th floor of its headquarters building, 844 North Rush Street, Chicago, Illinois, 60611. The agenda for this meeting follows:

Portion Open to the Public

(1) Final Rule Regulation on Primary Insurance Amount Determinations
(2) Proposed Amendments to Parts 320 and 340 of the Board's Regulations
(3) Amendment of Consolidated Board Order 75–5
(4) Retirement Claims Processing System Cost Audit
(5) Litigation case—*Herman J. Atkins, John J. Barker, Louis Bertani, et al.* v. *Railroad Retirement Board*
(6) Board Order 75–1, Restating the Administrative Organization and Functions of the Board
(7) Appeal of Alexander Zelinsky of the Service and Compensation Credited Under the Railroad Retirement and Railroad Unemployment Insurance Acts
(8) Appeal to Nonwaiver of Overpayment, Bernice Smith
(9) Appeal to Nonwaiver of Overpayment, Juanita M. Finnicum
(10) Appeal to Nonwaiver of Overpayment, Paul A. Higgins
(11) Proposed Changes in the RUIA Regulations

Portion Closed to the Public

(A) Appeal from Referee's Denial of Disability Annuity, Oliver B. Fields

The person to contact for more information is Beatrice Ezerski, Secretary to the Board, COM No. 312–751–4920, FTS No. 386–4920

Dated: April 24, 1987.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 87–9739 Filed 4–27–87; 1:10 am]

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Part II

Environmental Protection Agency

40 CFR Parts 704, 716, and 722
Significant New Uses of Chemical Substances; General Provisions for New Chemical Follow-Up; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 704, 716 and 722

[OPTS-50553A; FRL-3153-6]

Significant New Uses of Chemical Substances; General Provisions for New Chemical Follow-Up

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Using its authority under sections 5, 8, and 26(c) of the Toxic Substances Control Act (TSCA), EPA is proposing to establish an expedited process for follow-up on certain new chemical substances. A generic significant new use rule (SNUR) would be promulgated under section 5(a)(2) and 26(c) of TSCA which would apply to (1) new chemical substances for which the Agency has issued orders under section 5(e) of the Act and (2) new chemical substances for which no section 5(e) orders have been issued but which may present hazards to health or the environment if exposures or releases are significantly different from those described in the premanufacture notice (PMN). If EPA makes the determinations specified in the proposed rule, substances in these categories could be subjected to significant new use notification requirements in an expedited manner. As a further follow-up tool, EPA is proposing to establish reporting requirements under section 8 (a) and (d) of the Act for new substances selected for SNURs and certain other new substances that raise health or environmental concerns. These requirements would enable EPA to monitor the production, importation, and use of selected new chemical substances of concern after the completion of premanufacture review and to obtain unpublished health and safety studies on such substances that were generated after submission of the PMNs.

DATES: Submit written comments on or before June 29, 1987.

ADDRESS: Submit written comments identified by the docket control number (OPTS-50553A) in triplicate to: TSCA Public Information Office (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-108, 401 M St., SW., Washington, DC 20460.

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, Telephone: (202-554-1404).

SUPPLEMENTARY INFORMATION: This notice announces proposed amendments to 40 CFR Parts 704, 716, and 722. The purpose of the proposed amendments is to establish more effective procedures for follow-up monitoring and review of new chemical substances of concern that have completed premanufacture review under section 5 of TSCA. The proposed amendments are based on EPA's authority under section 5(a)(2) to promulgate rules which require notification to EPA before a substance is manufactured, imported, or processed "for a significant new use"; on section 8(a), which authorizes EPA to require the reporting of manufacture, importation, and use information; and on section 8(d), which empowers the Agency to require submission of unpublished health and safety studies.

The provisions of the proposed amendments are the outgrowth of a consensus proposal submitted to EPA by the Toxic Substances Dialogue Group in the fall of 1985. The Dialogue Group was organized by the Conservation Foundation and includes representatives from industry and public interest organizations. Interested members of the public, representatives of the Dialogue Group, and EPA staff held several public meetings in 1986 to develop the proposed amendments.

I. Statutory Background

A. Overview of the PMN Process

Under section 5(a) of TSCA, persons must notify EPA at least 90 days before manufacturing or importing a new chemical substance for non-exempt commercial purposes. A new chemical substance, as defined in section 3(9) of TSCA, is any chemical substance that is not included on the Inventory compiled by EPA under section 8(b) of TSCA.

Section 5 gives EPA 90 days to review a PMN. However, the review period can be extended under section 5(c) for up to an additional 90 days for "good cause"; it may also be suspended voluntarily by the mutual consent of EPA and the submitter. During the review period, EPA may take action under section 5 (e) or (f) to prohibit or limit the production, processing, distribution in commerce, use, and disposal of new chemical substances that raise health or environmental concerns.

If EPA has not taken action under section 5 (e) or (f) to ban manufacture and import, the submitter may manufacture or import the new substance when the review period expires. No later than 30 days after the PMN submitter initiates these activities, it must provide EPA with a notice of commencement of manufacture or import (NOC). Section 8(b) of TSCA provides that, upon receipt of such a notice, EPA must add the substance to the TSCA Inventory. Thereafter, other manufacturers and importers may engage in commercial activities involving the new substance without submitting a PMN.

B. Actions Under Sections 5 (e) and (f)

Section 5(e) authorizes EPA to control commercial activities involving a new chemical substance for which available information is insufficient to permit a reasoned evaluation of potential health and environmental effects if EPA determines either (1) that the manufacture, processing, distribution in commerce, use, or disposal of the substance may present an unreasonable risk of injury to health or the environment, or (2) that the substance will be produced in substantial quantities and there will or may be significant or substantial human exposure to the substance or substantial release to the environment. The restrictions under section 5(e) are imposed pending the development of the test data or other information needed to evaluate the new substance's health or environmental effects.

Section 5(f) authorizes EPA to take regulatory action where it finds that there is a reasonable basis to conclude that the activities involving a new chemical substance will present an unreasonable risk of injury to health or the environment. If EPA makes such a determination, it may prohibit or limit manufacture, distribution in commerce, processing, use, and disposal of the new substance to protect against the unreasonable risk.

C. EPA's SNUR Authority

Section 5 also authorizes EPA to prescribe notification and review requirements for chemical substances under section 5(a)(2) based on a determination that a use of a chemical substance is a "significant new use." This determination is embodied in a rule that is promulgated after considering all relevant factors including: (1) Projected manufacturing and processing volume, (2) the impact of changes in use on the type or form of exposure to the substance, (3) the impact of changes in use on the magnitude and duration of exposure, and (4) reasonably anticipated methods of manufacturing, processing, distributing, and disposing of the substance.

Once a SNUR is in effect, section 5(a)(1)(B) requires submission of a

notice to EPA at least 90 days before the initiation of manufacture, import, or processing for a significant new use. Manufacture, import, and processing for uses which do not constitute significant new uses may be commenced at any time without notifying EPA.

Significant new use notices submitted under section 5(a)(1)(B) are subject to the same statutory requirements and procedures as PMNs submitted under section 5(a)(1)(A). Thus, in accordance with section 5(d), SNUR notices must include test data in the possession or control of the submitter, descriptions of other data that are known or reasonably ascertainable, and information about production volume, proposed uses, human exposure, and disposal.

Upon receiving a SNUR notice, EPA may take no action, thereby allowing the proposed new uses to proceed at the end of the 90-day review period. If EPA follows this course, section 5(g) requires the Agency to publish a **Federal Register** notice explaining its reasons for not taking action. Alternatively, EPA can invoke section 5 (e) or (f) where it is concerned about the potential effects of the proposed new uses on health or the environment.

D. Reporting Requirements Under Section 8

Section 8(a) authorizes EPA to promulgate rules imposing recordkeeping and reporting requirements on manufacturers, importers, and processors. Section 8(a)(2) identifies some categories of information for which reporting and recordkeeping can be required: Information about a substance's chemical identity, its actual and proposed uses, its manufacturing and processing volume, its byproducts, and the magnituie and duration of employee exposure. This information can be subject to recordkeeping or reporting insofar as it is "known" to or "reasonably ascertainable" by the person involved.

Section 8(d) authorizes EPA to require by rule the submission of unpublished health and safety studies. Such rules may apply to any person who manufactures, imports, processes, or distributes any chemical substance or mixture. Under section 8(d), EPA can require the submission of lists of studies and/or copies of such studies. The term "health and safety study" is defined by section 3(6) of TSCA to include "any study of any effect of a chemical substance or mixture on health or the environment. . . ."

II. Implementation of EPA'S New Chemical Review and Follow-Up Program

A. History of PMN Program

EPA issued the initial Inventory compiled under section 8(b) on June 1, 1979. Section 5 notice requirements took effect 30 days later, on July 1, 1979. As of that date, EPA began receiving and reviewing PMNS. Simultaneously, the Agency continued to develop regulations describing notice requirements and establishing procedures for the PMN program. Regulations were proposed on January 10, 1979 (44 FR 2242), reproposed on October 16, 1979 (44 FR 59764), and promulgated in final form on May 13, 1983 (48 FR 21722). In addition to describing notice requirements and review procedures, the final regulations prescribe a mandatory notice form for PMN submissions.

After receiving comments from the public, the etfective date of the final PMN rule, promulgated on May 13, 1983, was postponed so that EPA could review several provisions. In the **Federal Register** of September 13, 1983 (49 FR 41132), EPA stated that the final PMN rule would become effective on October 26, 1983, with the exception of four provisions. EPA proposed modifications of those stayed provisions on December 27, 1984 (49 FR 50201), and issued a revised final rule on April 22, 1986 (51 FR 15096). The final rule clarified and eliminated ambiguities in the stayed provisions of the rule, particularly the exemption from PMN requirements for small quantities of new substances produced solely for research and development, and simplified provisions affecting compliance and enforcement. The provisions were to become effective on June 5, 1986, but on June 23, 1986, in response to a request from the Chemical Manufacturers Association, the effective date was postponed until August 4, 1986 (51 FR 22812).

B. EPA's Review and Follow-Up Strategies

It has been EPA's experience that new substances in PMNs generally fall into three categories: (1) Substances that present minimal concern and do not warrant detailed review or restriction; (2) substances that present potential or known unreasonable risks of injury to health or the environment and merit restriction under section 5 (e) or (f); and (3) substances that are not of concern under the conditions of use described in the PMN but may warrant reevaluation if their exposure and release potential increase. EPA has used different review and follow-up strategies to address these categories of substances, as described below.

1. *Substances raising minimal concerns.* In EPA's experience, most new chemical substances do not raise significant health or environmental concerns and will not warrant detailed review or regulation. A large number of PMNs are for polymers, many of which are unlikely to have toxic effects. Many other new substances for which PMNs are filed belong to chemical classes that are well-characterized toxicologically, to a greater or lesser extent, and, on the basis of available data, are not associated with any known adverse health or environmental effects. In other cases, the PMN substance will possess physical or chemical properties that minimize potential risks under foreseeable conditions of use and exposure.

EPA has used a combination of approaches to streamline the review process, and reduce the expenditure of Agency and submitter resources for substances that raise minimal concerns. Generally, EPA's evaluation of such substances is completed during the first 14 days of the review process, and they do not enter detailed review. In addition, the Agency has used its authority under section 5(h)(4) of TSCA to establish an expedited review procedure for certain categories of substances that usually have low potential for unreasonable risk.

On November 21, 1984 (49 FR 46067), EPA promulgated a section 5(h)(4) rule for certain classes of new polymers. A similar rule was promulgated on April 2, 1985 (50 FR 16477), for new substances that will be manufactured in quantities of 1,000 kilograms per year or less and are not expected to cause serious acute or chronic health effects, or significant environmental effects, under conditions of manufacture, processing, distribution, and use described in the low volume exemption notices.

2. *Substances selected for action under section 5 (e) and (f).* In the last 3 years, approximately 3.6 percent of all new substances in PMNs have been regulated under section 5 (e) or (f). Voluntary testing has been conducted for 1.6 percent of PMNs, and submitters have withdrawn notices in the face of potential regulation for 2.8 percent of PMNs. During 1986, no new substances had been subject to section 5(f) actions, and 67 substances had been restricted under section 5(e) orders. These section 5(e) orders generally resulted from negotiation between the PMN submitter and EPA. As of the end of 1986, the notice review periods for 116 PMNs were suspended pending negotiation of

consent orders, withdrawal of the PMN, conduct of voluntary testing, or other action.

i. *Developing section 5(e) orders.* On occasion, EPA's concerns about a new substance are based on test data included in the PMN or obtained from other sources. However, in most cases, due to limited test data that are submitted or otherwise available on a new chemical substance, EPA identifies substances for section 5(e) action because they are similar in molecular structure or function to other substances known or suspected to have adverse health or environmental effects. Where structure-activity relationships (SAR) form the basis for EPA's concerns, the Agency frequently determines that the new substance "may present an unreasonable risk of injury" under section 5(e)(1)(A)(ii) and that "the information available . . . is insufficient to permit a reasoned evaluation of [its] health and environmental effects." In most such circumstances, EPA believes that it is appropriate to negotiate an order with the PMN submitter to control and limit human exposure and/or environmental releases until test data or other information sufficient to adequately assess the potential hazard become available. These orders, referred to as "consent orders," allow the PMN submitter to manufacture, import, process, distribute, use, and dispose of the substance under controls that reduce or eliminate the potential unreasonable risk.

Section 5(e) consent orders have specified a variety of control measures, including protective equipment, use limitations, process restrictions, labeling requirements, and prohibitions or limitations on environmental release. Recently, some section 5(e) consent orders have included testing requirements that are triggered when specified levels of production volume or other indices of increased exposure potential are reached; under these orders, the submitter may not exceed the production volume limitation or other restriction imposed by EPA until test data specified by the Agency have been developed and submitted by the PMN submitter and reviewed by EPA.

ii. *Use of SNURs as a follow-up tool.* Upon issuance of a final section 5(e) consent order, the PMN submitter is generally free to commence manufacture or import, as appropriate, subject to the restrictions prescribed by the order. Accordingly, once the Agency receives a NOC, the substance is added to the Inventory. At that point, the substance could be manufactured, imported, and processed by persons other than the PMN submitter without EPA review and without the restrictions.

EPA has used its SNUR authority to ensure that the limitations in section 5(e) orders are applicable to other manufacturers, importers, and processors. Typically, these SNURs are framed so that non-compliance with the control measures or other restrictions in the section 5(e) consent order is defined as a "significant new use." Thus, other manufacturers, importers, and processors of the regulated substance must either observe the SNUR restrictions or submit a notice to EPA at least 90 days before initiating activities that deviate from those restrictions. After receiving and reviewing such a notice, EPA has the option of either permitting the new use or acting under section 5 (e) or (f) to regulate the submitter's activities.

EPA currently uses individual notice-and-comment rulemaking procedures to develop SNURs for substances that are subject to section 5(e) orders. Because the PMN submitter is generally the only firm with an active commercial interest in the regulated substance at the time the SNUR is proposed, the Agency has received few comments during these rulemaking proceedings. Nevertheless, completing the various steps in the rulemaking process is time-consuming and resource-intensive. As a result, there is currently a backlog of substances subject to section 5(e) orders for which SNURs have not been developed.

3. *Substances that may raise concerns but are not regulated under section 5 (e) or (f).* The Agency also reviews some new substances that do not warrant action under section 5 (e) or (f) but merit other follow-up monitoring and evaluation. Typically, the Agency cannot determine that these substances may pose unreasonable risks when manufactured, processed, distributed in commerce, used, and disposed of under the exposure and release conditions described in the PMN. Nevertheless, on the basis of test data or SAR analysis, the Agency may identify potential health or environmental effects that could create a basis for concern if, because of changes in use and related activities, the substance's exposure or release potential later increases beyond that described in the PMN.

In most such cases, EPA believes it is appropriate to monitor the commercial development of these substances so that it can be apprised of significant increases in exposure potential, which may warrant control measures or testing. This monitoring could be accomplished using either the SNUR authority under section 5(a)(2) or the reporting authority under section 8. Because of resource constraints and other TSCA priorities, however, the Agency to date has been unable to develop an adequate follow-up program for new substances of concern that are not regulated under section 5 (e) and (f).

III. Origin of the Generic SNUR

A. The Dialogue Group Proposal

In the fall of 1985, the Toxic Substances Dialogue Group submitted to EPA a Consensus Statement proposing a modified scheme for follow-up on new chemical substances. The Dialogue Group, formed under the auspices of the Conservation Foundation, includes representatives from trade associations, individual companies, and public interest and environmental groups. Dialogue Group members represent the following organizations: Conservation Foundation, Natural Resources Defense Council, Dow Corning Corporation, Chemical Manufacturers Association, Monsanto Company, Chemical Specialties Manufacturers Association, Synthetic Organic Chemical Manufacturers Association, and Exxon Chemical Americas.

The Dialogue Group's Consensus Statement recommended establishment of an "interim inventory" to help EPA take follow-up action on substances that raised health or environmental concerns during PMN review. Under this concept, once a chemical substance has been placed on the interim inventory, a PMN would be necessary before the substance could be produced by another manufacturer or before the original submitter could initiate activities outside the scope of the PMN.

The Dialogue Group envisioned that chemical substances subject to section 5(e) orders would automatically be added to the interim inventory. It recommended that EPA consider adding to the interim inventory other substances "for which reasonably foreseeable changes in potential exposure create a basis for concern." According to the Dialogue Group, substances in this category "could be placed on the interim inventory or could be referred for standard follow-up control, at EPA's discretion after consultation with the PMN submitter."

The Dialogue Group also recommended that, to augment the interim inventory mechanism, EPA should use its section 8 reporting authority to obtain follow-up information on substances which are not regulated under section 5 (e) or (f) but

"for which there is a basis for concern." The Group urged EPA to initiate generic section 8 (a) and (d) rulemaking for this class of substances.

B. Implementation of the Dialogue Group Proposal

In February 1986, after reviewing the Dialogue Group proposal, EPA concluded that it would be desirable to initiate rulemaking to implement the interim inventory mechanism. Dialogue Group representatives met with the EPA staff on March 20, 1986, to discuss the concepts that would shape this rulemaking. Following this preliminary discussion, EPA issued a **Federal Register** notice announcing a series of public working meetings between Dialogue Group representatives, the EPA staff, and interested members of the public (51 FR 11346, April 2, 1986). Meetings were held on April 17, June 5, July 23, September 26, and November 6, 1986.

1. *Statutory basis and rationale for the Generic SNUR.* Early in their discussions, both EPA and Dialogue Group representatives expressed reservations about EPA's statutory authority to implement the original interim inventory concept using its section 8(b) authority. EPA and the Dialogue Group therefore decided to explore the use of other statutory mechanisms that might achieve the same goals as the interim inventory concept. It was ultimately concluded that a generic follow-up scheme for new substances of concern could be based on a combination of EPA's authority to regulate by "categories" under section 26(c), the SNUR authority in section 5(a)(2), and the reporting authority in section 8.

Section 26(c)(1) authorizes EPA to apply any provision of TSCA to a "category of chemical substances or mixtures." The term "category of chemical substances" is defined in section 26(c)(2) to include a group of substances which are "similar in molecular structure, in physical, chemical, or biological properties, in use, or in mode of entrance into the human body or into the environment, or . . . in some other way suitable for classification as such for purposes of this Act. . . ."

This proposal uses EPA's authority under section 26(c) as the basis for a significant new use rule applicable to two categories of substances: (1) New chemical substances for which EPA has issued section 5(e) orders, and (2) other new substances that have not been regulated under section 5(e) but may have adverse health or environmental effects which would be of concern if changes in manufacture, processing, distribution in commerce, use or disposal occur that result in increased exposure and release potential. Each of these categories conforms to TSCA's criteria for a SNUR. Failure to observe the restrictions in EPA's section 5(e) orders can be classified as a "significant new use" because the absence of controls on exposure and release could present an increased risk of health or environmental effects. Likewise, changes in the use of non-section 5(e) substances could result in increased risks if these substances raise identifiable health or environmental concerns and the changes in use are accompanied by the potential for increased human exposure or environmental release.

Members of the Dialogue Group and EPA believe that a generically-framed SNUR applicable to these two categories of substances would have important advantages over EPA's current follow-up program. Once this generic rule takes effect, EPA would not need to conduct separate rulemaking proceedings for each prospective SNUR substance. Instead, the generic rule would establish general criteria for filing SNUR notices and these criteria would be applied on a case-by-case basis to individual chemical substances. Thus, the time and effort required to develop chemical-specific SNUR requirements would be minimized, and EPA resources would be used more effectively. The organizations that belong to the Dialogue Group have stated that they recognize the need for a more effective follow-up program for new chemical substances under TSCA and believe that the expedited process established under this proposed rule will contribute significantly to that objective.

In their discussions, the Dialogue Group and EPA, also recognized that any generic SNUR should: (1) Prescribe specific criteria for selecting non-section 5(e) substances for SNUR requirements; (2) provide for publication of a statement by EPA of the health or environmental concerns, particularly for non-section 5(e) substances, which form the basis for its decision to impose SNUR requirements; (3) provide for EPA notification to PMN submitters of the development of SNUR provisions; (4) establish a procedure by which affected manufacturers, importers, and processors can raise concerns about EPA's rationale for applying SNUR requirements to a substance which EPA would address in a timely manner; and (5) establish criteria and procedures for revoking or limiting SNUR requirements where new information or other developments indicate that they are no longer justified. These provisions of the proposed rule are described later in this preamble.

2. *Rationale for reporting requirements.* To complement SNUR requirements, Dialogue Group representatives and EPA concluded that all substances subject to SNUR requirements should be added to EPA's generic section 8(d) rule. This would ensure that EPA becomes aware of all new unpublished health and safety studies on these substances. With the benefit of such data, EPA would be able to make more informed judgments about the disposition of SNUR notices and requests to revoke or limit SNUR requirements.

Section 8(a) reports, it was recognized, could also contribute to new substance follow-up. First, there may be some substances that raise health or environmental concerns during PMN review but do not warrant the application of SNUR requirements. Addition of these substances to a generic section 8(a) rule would provide an alternative means of monitoring their commercial development. Second, filing of section 8(a) reports could be required of persons who are manufacturing or importing SNUR substances in compliance with applicable restrictions. Although these persons would not need to file SNUR notices, the submission of reports about their activities would enable EPA to ensure compliance with SNUR restrictions and monitor commercial development of the substances in question.

In order to achieve these purposes, it was recognized, reports filed under section 8(a) should be submitted at the time of initial manufacture and updated periodically. These reports should include information about the sites where manufacture, import, or processing is occurring, current and proposed production and processing volume, and current and proposed categories of use. Such information would enable EPA to track the substance's commercial development and take any further action that is needed to protect health or the environment.

IV. Detailed Discussion of the Proposed Rule

A. Organization

1. *Present structure of Part 721.* At present, SNUR requirements are codified under 40 CFR Part 721, which is entitled "Significant New Uses of Chemical Substances." Subpart A, which was promulgated on September 5, 1984, contains general provisions applicable to SNURs. Subpart B lists the

specific substances subject to SNUR requirements and the significant new use designations applicable to each substance. EPA recently proposed to add a number of new sections to Subpart A, to redesignate Subpart B as Subpart C, without renumbering existing sections, and to establish a new Subpart B, to be entitled "Generic Requirements for Certain Significant New Uses" (51 FR 15096, April 22, 1986). Chemical-specific SNUR requirements, which were previously codified in Subpart B, would now be in the new Subpart C. The comment period on this proposal closed on June 23, 1986, and EPA is currently developing a final rule.

2. *Reorganization.* This **Federal Register** notice proposes a procedural rule to expedite EPA's New Chemical Follow-up Program. EPA is also proposing to change the general organization of the CFR Part for Significant New Use Rules. To avoid confusion, the Agency is proposing the new procedural rule and the new organization under a new Part 722. Until the new Part 722 is promulgated, the Agency will continue to use Part 721 for final chemical-specific SNURs. All proposed SNURs appearing after this proposed Part 722 has been published will be proposed to appear in Part 722, and when Part 722 is promulgated, all regulations contained in Part 721 will be reformatted and transferred to Part 722.

As previously stated, the Agency proposed to amend the general provisions in Subpart A (and to add a new Subpart B) of Part 721 for regulating SNURs on April 22, 1986 (51 FR 15096, April 22, 1986). This proposal will be finalized prior to the issuance of a final rule for Part 722, and all modifications from that final rule will be reflected in the final version of Part 722 Subparts A and B. The proposed revised text of Part 721 Subparts A and B appears as Part 722 Subparts A and B in its entirety for the convenience of the reader. The comment period for the April 22 proposed amendments to the general provisions for SNURs has closed, and the Agency is not soliciting further comments in this notice. When promulgated, the general provisions under Part 721 will be modified to reflect comments received in response to the April 22 proposal. When Part 722 is promulgated, it will contain the same general provisions that will already have been promulgated under Part 721.

All of Subparts C, D, and E of this proposed Part 722 are new. The following list identifies the provisions in Subparts A and B in Part 722 that are being proposed for the first time:

Subpart A, the following definitions in § 722.3: Acutely toxic effects, commercial use, consumer, consumer product, Director of the Office of Toxic Substances, environmentally transformed, metabolite, non-enclosed process, non-industrial use, process stream, serious acute effects, serious chronic effects, short-term test indicative of carcinogenic potential, short-term test indicative of the potential to cause developmentally toxic effects, significant adverse environmental effects, site-limited intermediate, and use stream.

Subpart B: § 721.63 Personal protective equipment, § 722.80 Industrial, commercial, and consumer activities, § 722.85 Disposal, § 722.90 Releases to water, and § 722.91 Computation of estimated surface water concentrations.

3. *Overview of Part 722.* The SNUR provisions being proposed in this document establish a Part 722 that would be organized as follows:

i. A new Subpart B would be created to codify certain generic significant new use designations which would then be incorporated in chemical-specific rules. This new Subpart B, would contain significant new uses defined as the failure to use specified personal protective equipment (§ 722.63); initiation of certain industrial, commercial, and consumer activities (§ 722.80); failure to comply with certain limitations on releases to water (§ 722.90); or failure to use certain disposal methods (§ 722.85). In addition, Subpart B would also contain significant new uses relating to communicating the potential hazards of SNUR substances (§§ 722.60, 722.67, 722.70, 722.75). (As mentioned above, EPA included these generic hazard communication provisions for SNUR substances in its April 22, 1986 proposal and is currently developing final requirements.) The significant new use designations in the new Subpart B would apply when referenced in specific SNURs in the new Subpart E (see below).

ii. A new Subpart C would be established to codify certain other generic requirements that could be incorporated into specific SNURs in Subpart E. Among these requirements would be provisions governing recordkeeping (§ 722.125).

iii. Subpart D would establish an expedited SNUR process for two categories of new substances—new chemical substances subject to section 5(e) orders (§ 722.160) and non-section 5(e) new substances that raise certain health or environmental concerns (§ 722.170). Before SNUR requirements could be prescribed for non-section 5(e) new substances, EPA would determine that certain criteria for adverse health or environmental effects have been met and would provide notice to the PMN submitter. In addition, this Subpart would establish procedures and criteria for revoking or limiting SNUR requirements on substances subject to the expedited process (§ 722.185).

In using the expedited SNUR process, EPA would generally designate significant new uses from Subpart B for individual substances. Depending on the provisions of the applicable consent order, EPA could designate for section 5(e) substances any of the uses in Subpart B or include other significant new uses in Subpart E necessary to implement the provisions of the section 5(e) order in the SNUR. For non-section 5(e) substances, however, significant new uses would be strictly limited to certain of the industrial, commercial, and consumer activities listed in § 722.80 (paragraphs (a) through (g), (j) through (m), and (p) through (r)), and to non-compliance with the disposal restrictions and water discharge in §§ 722.85 and 722.90.

iv. Chemical-specific SNUR requirements, which are now codified in Subpart B, would be transferred to a new Subpart E. This Subpart would codify SNUR requirements for substances that have completed the expedited SNUR process and substances that have become subject to SNURs following other rulemaking proceedings. For each substance added under the expedited SNUR process, Subpart E would specify the procedure by which SNUR requirements were developed, describe the activities including references to applicable provisions in Subpart B that constitute significant new uses, and list any additional requirements, from Subpart C. In addition, applicable reporting requirements under section 8 would be described.

4. *Overview of section 8 requirements.* The proposed amendments would also modify the portions of 40 CFR which govern section 8 reporting. Part 704, which contains chemical-specific reporting requirements imposed under section 8(a), would be amended so that EPA could, in its discretion, require reporting for section 5(e) and non-section 5(e) new substances subject to SNUR requirements under the expedited SNUR process and other substances identified as raising health or environmental concerns during PMN review. Additionally, Part 716, which contains EPA's generic rule under section 8(d), would be amended to include all section 5(e) and non-section 5(e) new substances subject to SNUR

requirements under the expedited SNUR process.

5. *Effective date.* Additions of substances to Subpart E under the expedited SNUR process would be effective immediately upon publication in the **Federal Register**; no opportunity for comment on the specific additions would be given. Additions of substances to a section 8 (a) or (d) rule would be effective 45 days after publication.

EPA is considering two approaches to determine which new substances will be potentially subject to these amendments. The first approach would apply the notification and reporting requirements under the proposed amendments only to new substances for which PMNs are submitted after the effective date of these amendments. SNURs and reporting requirements for new substances for which PMNs had already been submitted would continue to be imposed, where warranted, through separate rulemaking proceedings. The second approach would apply the notification and reporting requirements under the proposed amendments to new substances for which the PMN review period has not ended by the effective date of these amendments. Thus, new substances for which PMNs are submitted prior to the effective date but which are still in PMN review by the effective date would be eligible for the expedited SNUR procedure and section 8 (a) and (d) reporting requirements. EPA requests comment on which of these implementation approaches it should take.

6. *Flow chart.* The following flow chart and accompanying text describes the follow-up options available to EPA under the proposed rule:

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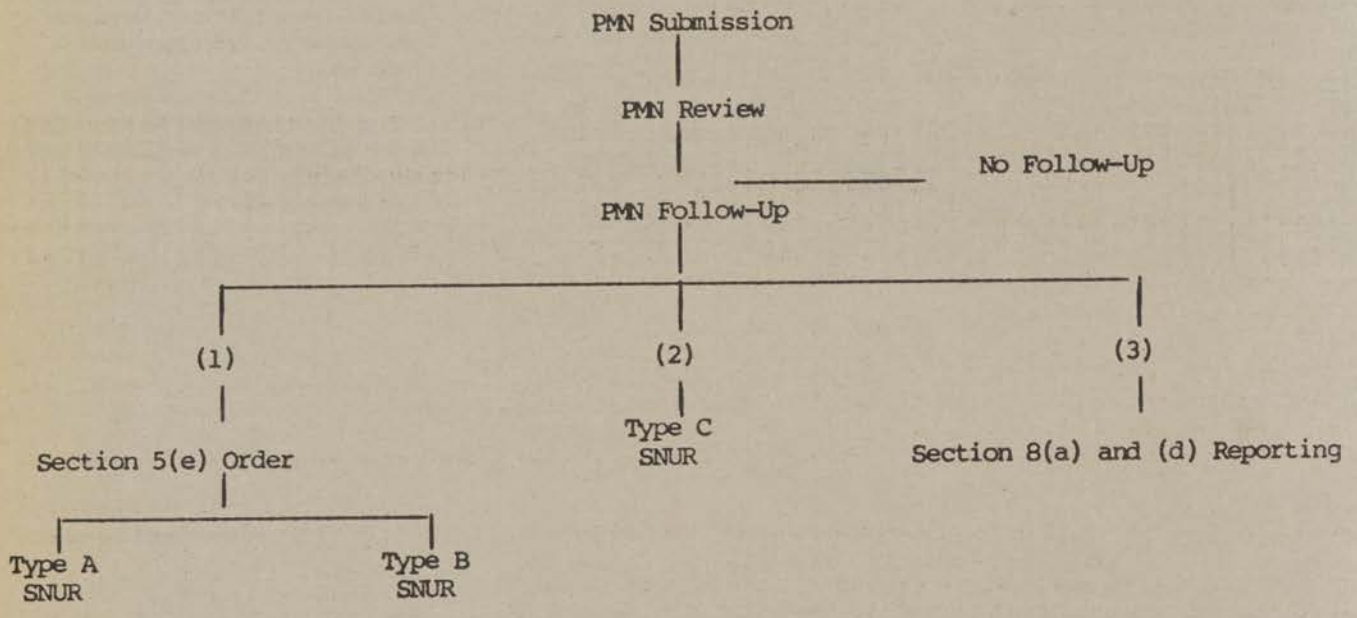
GENERIC SIGNIFICANT NEW USE RULE
FLOW CHART
OF
FOLLOW-UP ACTIONS ON PMN SUBSTANCES



BILLING CODE 6560-50-C

i. *Type A SNUR.* A Type A SNUR would be issued under § 722.160. Its effect would be to extend the requirements of a section 5(e) order to other manufacturers and processors. The SNUR requirements would be announced in the **Federal Register** no later than 90 days after receipt of a valid NOC.

ii. *Type B SNUR.* A Type B SNUR would be issued under both §§ 722.160 and 722.170. This SNUR would be used to extend the requirements of a section 5(e) order to other manufacturers and processors and, when any of the concern criteria in § 722.170(b) are met, to impose additional SNUR restrictions that were not necessary to control the activities described in the PMN. The SNUR requirements would be announced in the **Federal Register** no later than 90 days after receipt of a valid NOC.

iii. *Type C SNUR.* A Type C SNUR would be issued under § 722.170. Substances subject to this SNUR would have to meet one of the concern criterion in § 722.170(b). Significant new use designations for a chemical substance under this SNUR would be selected from the environmental release limitations in §§ 722.85 and 722.90, and certain of the industrial, commercial, and consumer activities in § 722.80. Significant new use designations would not include activities described in the PMN. No later than 5 days before the end of the PMN review period, PMN submitters would be notified that the substance has been selected for a SNUR. SNUR requirements would be announced in the **Federal Register** no later than 90 days after receipt of a valid NOC.

iv. *Section 8 (a) and (d) reporting.* Section 8(a) reporting requirements for a manufacturer and importer of a substance would be imposed at EPA's option and could be applied to substances subject to Type A, B, or C SNURs, or other new substances for which there are no SNURs, but that meet one of the concern criterion in § 722.170(b). Section 8(d) requirements would be mandatory for all substances subject to SNURs under the expedited process of this Generic SNUR.

B. SNUR Requirements for Activities Regulated Under Section 5(e) Orders

1. *Scope of SNUR provisions.* Proposed § 722.160 would provide for the promulgation of SNUR requirements for new substances for which final section 5(e) orders have been issued. Thus, in contrast to present practice, EPA would not conduct a separate notice-and-comment rulemaking under section 5(a)(2) for each section 5(e) substance. Instead, the Agency would convert the provisions of the section 5(e) order into SNUR requirements which would be immediately effective upon publication in the **Federal Register.**

The only situation in which SNUR requirements would not be issued under the expedited process is where the section 5(e) order prohibits manufacture and import of the PMN substance. In this circumstance, SNUR requirements would be unnecessary since no commercial activities involving the PMN substance would be permitted without further PMN review.

2. *Conversion of section 5(e) orders into SNURS.* Paragraph (b) of proposed § 722.160 provides that the significant new use definitions prescribed by EPA will be "based on and be consistent with" the section 5(e) order. This provision is intended to ensure that the original PMN submitter and subsequent manufacturers, importers, and processors are treated in an essentially equivalent manner and that the control measures and associated requirements adopted during section 5(e) negotiations are carried forward intact into the SNUR. Nevertheless, because section 5(e) orders are framed to apply only to the PMN submitter, minor wording changes may be needed to convert the order's provisions into generally applicable requirements. Paragraph (b) permits EPA to make such wording changes provided that they do not depart from the section 5(e) order's substantive requirements.

There may be situations where EPA believes that SNUR requirements should include provisions which did not appear in the original section 5(e) order. For example, the order may not impose limits on releases to water because the activities described in the PMN will not result in any water discharges; however, it may be necessary to include such limits in the SNUR in view of the potential for water discharges during the operations of other manufacturers and processors. Requirements which expand the scope of the original section 5(e) order will not be imposed under § 722.160. Rather, where they conform to the criteria in § 722.170, such requirements will be imposed using the expedited SNUR process for non-section 5(e) substances; in other cases, EPA will impose SNUR requirements after affording public notice and an opportunity for comment. EPA will not prescribe expanded SNUR requirements for section 5(e) substances to restrict the activities described in the PMN, but will impose such requirements only where the activities of other manufacturers, importers, or processors may present concerns that were not raised by the activities described in the PMN.

3. *Designation of significant new uses and other requirements.* As noted above, Subpart B contains "model" SNUR provisions requiring the use of personal protective equipment (§ 722.63), restricting industrial, commercial, and consumer activities (§ 722.80), prohibiting or limiting releases to water (§ 722.90), specifying disposal methods (§ 722.85), and requiring labeling and other hazard communication measures (§§ 722.60, 722.67, 722.70, 722.75). It has been EPA's experience that some or all of these provisions are often included in section 5(e) orders and therefore will be suitable for inclusion in corresponding SNURs. By codifying these "model" provisions in Part 722, it is not EPA's intent to discourage PMN submitters or the Agency from proposing alternative approaches during negotiations to develop a section 5(e) order. EPA recognizes the value of flexibility in addressing the issues raised by specific PMN substances; for example, although § 722.63(b) contemplates the use of respirators to limit inhalation exposure, the PMN submitter may be able to identify engineering controls which provide equivalent protection but can be implemented more efficiently. In such instances, the section 5(e) orders negotiated by the Agency may contain provisions which differ from the requirements of Subpart B, and the substance-specific approaches adopted by the Agency will be carried forward into the SNUR requirements developed under this proposed rule.

4. *Alternative control measures.* Where section 5(e) orders are tailored to the operations of the PMN submitter, they may place unnecessary burdens on other manufacturers, importers, and processors engaged in different activities. In such situations, some adjustment of SNUR requirements may be appropriate to accommodate the unique needs of subsequent manufacturers, importers, or processors without lessening overall protection of health or the environment.

EPA has previously proposed to establish a procedure which could be used to achieve this objective. Proposed § 721.12, which was published for comment on April 22, 1986, would permit manufacturers, importers, and processors of SNUR substances to request EPA approval of alternative control measures which provide "substantially the same degree of protection" as the original SNUR requirements. EPA would act on such requests within 45 days. If the request is

approved, failure to comply with the alternative control measures permitted by the Agency would be considered a significant new use.

EPA believes that the expedited review procedures established by proposed § 721.12 (proposed to be redesignated as § 722.30) would provide prompt relief where SNURs based on section 5(e) requirements are narrowly drawn and alternative control measures would achieve the Agency's goals. Of course, a SNUR notice would be necessary where the manufacturer, importer, or processor seeks to eliminate some or all of the protections embodied in SNUR requirements on the ground that the substance does not present the health or environmental concerns originally perceived by the Agency.

5. *Incorporation of testing requirements in SNURs.* As noted above, some section 5(e) orders have required the PMN submitter to conduct health or environmental effects testing. Typically, the results of these studies must be provided to EPA before a specified aggregate level of manufacture and importation volume has been reached; manufacture or import activities in excess of this level are prohibited if the required data have not been submitted. To implement testing requirements, section 5(e) orders have also specified procedures to govern the conduct of testing and criteria for evaluating the adequacy of the resulting test data.

Where testing is required under a section 5(e) order, EPA will include equivalent testing requirements in the SNUR. Accordingly, proposed § 722.80(o) provides that EPA may define as a significant new use "cumulative manufacture and importation volume" in excess of specified levels unless the manufacturer has submitted the results of particular health or environmental effects studies. The specific tests required for the SNUR substance would then be listed in the relevant portion of Subpart E.

Proposed § 722.80(o) provides that testing on SNUR substances must also comply with the "procedures and criteria for developing and evaluating data" prescribed in Subpart E. Here too, EPA intends to base SNUR requirements on the corresponding provisions of the section 5(e) order for the substance involved. Based on its section 5(e) experience, EPA has developed testing procedures and criteria to govern testing conducted under consent orders. The Agency expects that, where these procedures and criteria are accepted by the PMN submitter in the order, they will become the basis for SNUR requirements developed under the expedited process. Because of their length, these procedures and criteria will not be reprinted in Subpart E in every such instance but will be included in the first SNUR with such a testing requirement issued under the expedited process and then incorporated by reference when subsequent section 5(e) substances which require testing are added to Subpart E. Of course, where the PMN submitter and EPA agree on modifications of the testing criteria and procedures, the testing requirements included in Subpart E for that substance would be revised accordingly.

EPA considered adding a provision to Subpart B which would codify its testing procedures and criteria so that they could then be incorporated by reference in applicable chemical-specific SNURs. Some Dialogue Group representatives, however, emphasized that the subject of testing procedures and criteria has received considerable attention in section 5(e) negotiations and that EPA's approach to this subject may be revised in the future. Accordingly, the Agency concluded that codfication now of testing procedures and criteria for section 5(e) and SNUR substances in Subpart B would be premature. At a future date, EPA may include such provisions in Subpart B if sufficient experience has been obtained in the PMN program to justify this step. Language for use in Subpart E which would implement the testing procedures and criteria which EPA currently includes in section 5(e) orders is included in the record for this rulemaking. EPA welcomes comments on this language.

Because testing requirements derived from section 5(e) orders will be embodied in generally applicable SNURs, a possibility exists that identical studies might be initiated by two or more manufacturers or importers of the SNUR substance. EPA does not expect such situations to occur frequently. For instance, most new substances only have one manufacturer during the early years of commercialization and, even where two or more manufacturers exist, they would rarely be producing the SNUR substance in comparable quantities. Nevertheless, to minimize duplicative testing, proposed § 722.185(a)(6) permits EPA to withdraw volume-triggered testing requirements where test data conforming to applicable procedures and criteria have been submitted to and evaluated by the Agency. Once such requirements have been withdrawn, manufacturers and importers of the SNUR substance would be free to exceed the specified volume limit without conducting duplicative testing.

6. *Federal Register notice announcing SNUR requirements.* Under proposed § 722.160(d), SNUR requirements would become effective immediately upon publication of a **Federal Register** notice announcing that a section 5(e) substance has been added to Subpart E. This **Federal Register** notice would be published no later than 90 days after EPA has received a valid NOC for the section 5(e) substance. The notice would specify the chemical identity or generic chemical name of the regulated substance, provide the PMN number and CAS number for the substance where available, designate the significant new uses subject to reporting, and list other applicable requirements. Thus, manufacturers, importers, and processors with a commercial interest in the substance would be apprised of the applicability of SNUR requirements. In addition, the **Federal Register** notice would summarize EPA's findings under section 5(e)(1)(A). This summary would enable interested members of industry and the general public to understand the health or environmental concerns underlying EPA's invocation of the section 5(e) process.

C. SNUR Requirements for Activities Not Described in the PMN

1. *Scope of SNUR requirements.* Proposed § 722.170 establishes criteria and procedures for prescribing SNUR requirements on an expedited basis that are unnecessary to control the activities described in the PMN but will permit further Agency review or restriction of the PMN substance if changes in exposure or release potential occur. EPA intends to use this follow-up mechanism where it perceives no need to restrict the activities described in the PMN but determines that different activities which may be undertaken by manufacturers, importers, and processors could result in significant changes in human exposure or environmental release that may be of concern in view of the substance's potential to harm human health or the environment. Where EPA believes restrictions on the activities described in the PMN are needed, such restrictions will be imposed by an order under section 5(e) or action under section 5(f). Based on experience with the New Chemical Follow-up Program, EPA anticipates that the number of substances subject to SNURs under this section in any given year would not exceed approximately 3 percent of the valid premanufacture notices submitted to the Agency in that year.

Before applying SNUR requirements to non-section 5(e) substances, EPA

would identify some specific basis for concern about the substance's health or environmental effects. Detailed criteria for determining whether such concern is warranted are included in proposed § 722.170(b). Where these criteria are satisfied, EPA would designate one or more activities to constitute "significant new uses" because they may be accompanied by significant changes in exposure or release levels. These notification triggers would be selected from certain of the industrial, commercial, or consumer activities listed in proposed § 722.80 and the disposal and water discharge restrictions in proposed §§ 722.85 and 722.90. Manufacturers, importers, and processors who propose to engage in restricted activities would have to file SNUR notices with EPA; persons could manufacture, import, or process the substance without restriction if their activities are not designated as significant new uses. At least 5 days before the end of the PMN review period, EPA would notify the PMN submitter of the activities which the Agency intends to designate as significant new uses. SNUR requirements would be announced through publication of a **Federal Register** notice no later than 90 days after the Agency has received a valid NOC.

2. *Concern criteria for selecting chemical substances for expedited requirements.* Proposed § 722.170(b) specifies the criteria by which EPA will determine if sufficient concern exists about a new substance's health or environmental effects to justify subjecting the substance to SNUR requirements under the expedited SNUR process. These criteria will be applied in conjunction with the definitions in proposed § 722.3. The purpose of the criteria and definitions is to describe how EPA will evaluate the health or environmental effects of new substances on the basis of SAR or test data that are already available.

The criteria and definitions used to select non-section 5(e) substances for SNUR requirements received considerable attention during the public meetings between EPA, the Dialogue Group, and other interested parties. Key aspects of the criteria and definitions are highlighted below.

i. *Use of test data and SAR.* In keeping with current EPA practice for new chemical substances, the Agency intends to review SNUR candidates on the basis of test data if feasible but to rely on SAR if adequate data are not available.

Where EPA's concern about a substance is based on test data, the proposed rule provides that the data must be "valid." This does not mean that EPA will be precluded from considering studies that do not meet present-day quality assurance standards in all respects. However, EPA intends to critically review the quality of available data on substances under consideration for SNUR requirements. Data that do not provide a basis for meaningful conclusions because they fail to meet minimum scientific standards of validity and reliability will be disregarded.

The proposed rule also provides that, where EPA's concerns about a substance are based on SAR, the Agency must determine that the substance "is closely analogous, based on toxicologically relevant similarities in molecular structure and physical properties, to another chemical substance" that has adverse health or environmental effects. Factors that may be considered in evaluating structural similarity include the molecular size, shape, charge distribution, and weight, and the position, size, and chemical characteristics of functional groups.

These factors, however, cannot be examined in a vacuum. The absolute degree of structural similarity between two substances is less important than the toxicological significance of their common molecular characteristics. Thus, the proposed rule focuses on whether the two substances contain "toxicologically relevant similarities in molecular structure." This criterion requires an identifiable and plausible rationale for concluding that the referent substance and the new substance are likely to have similar toxic effects. In addition, the proposed rule requires that the new substance and analogue be similar in "physical properties." Chemical substances which possess significantly different physical properties, for example, because they have dissimilar solubility characteristics or vapor pressures, may present different hazards even if they belong to the same chemical class.

In situations where both test data and SAR analysis are available, EPA intends to place primary reliance on the results of testing unless the validity or significance of the data are questionable. In addition, where there are two or more possible analogues to the new substance, the proposed rule provides that EPA will give "greatest weight" to the "relevant data for the most appropriate analogues." This provision is intended to ensure that EPA's SAR analysis will be based on data (positive or negative) for the analogues which possess the greatest similarity to the PMN substance from a toxicological standpoint.

ii. *Concerns about carcinogenic effects.* Under proposed § 722.170(b)(1), a substance would qualify for SNUR requirements where EPA's analysis of test data or SAR gives rise to concern that the substance is potentially carcinogenic. EPA has identified carcinogenicity as a health effect of special concern under this proposed rule. Thus, a determination based on valid test data or plausible SAR that a substance is potentially carcinogenic can be sufficient to justify SNUR requirements.

Under the proposed rule, concern about the carcinogenic potential of a new substance in a PMN can derive either from valid long-term animal studies on the substance showing a positive response in one or more species or from short-term tests on the substance indicative of genotoxic potential. In addition, carcinogenic potential can be based on information from analogue substances having toxicologically relevant similarities in molecular structure and physical properties.

Proposed § 722.3 defines short-term tests to include (i) limited bioassays which measure tumor or preneoplastic induction, and (ii) tests indicative of interaction of a chemical with DNA, *i.e.*, a positive response in assays for gene mutation, chromosomal aberrations, DNA damage and repair, or cellular transformation. None of these tests merits definitive weight in identifying compounds with genotoxic potential. For this reason, the proposed rule provides that EPA's determination of genotoxic potential will be based on the "weight of the evidence" derived from relevant short-term tests. Under this approach, a positive result in a single short-term assay would not necessarily be viewed as evidence of genotoxic potential. Instead, EPA would apply scientific judgment to the entire body of relevant data and determine whether, viewed as a whole, it supports a finding of genotoxic potential. Of course, in circumstances where a full battery of screening tests has not been performed, EPA would necessarily base its analysis on the data which are available.

iii. *Acute toxicity.* SNUR requirements could also be based on concern that a substance is "acutely toxic." Under proposed § 722.3, a substance would be considered "acutely toxic" if it has a dermal LD_{50} of 50 mg/kg or less, an oral LD_{50} of 25 mg/kg or less, or an inhalation LC_{50} of 0.5 mg/L of air or less where the time of exposure is less than or equal to 8 hours. A new substance could also be considered acutely toxic if the substance is closely analogous,

based on toxicologically relevant similarities in molecular structure and physical properties, to another chemical substance that has been shown by valid test data to cause acutely toxic effects at levels specified above.

At the June 5, 1986 public meeting, a participant suggested that an inhalation LD_{50} of 0.5 mg/L or less per liter of gas or vapor, or 0.1 mg/L or less of mist, fume, or dust should be considered acutely toxic. Although this was incorporated in subsequent drafts of the proposed rule, the Agency intended the inhalation LD_{50} for acutely toxic effects to conform to EPA's criteria used to compile a list of acutely hazardous substances for its draft Emergency Preparedness Program. Since the public meetings, EPA has promulgated an interim final rule establishing criteria for its Emergency Planning and Community Right to Know Programs (51 FR 41570, November 17, 1986). The final rule does not contain a separate criterion for mists, fumes, and dusts. The Agency proposes that the emergency programs and Part 722 be consistent in this respect. Consequently, this proposed Part 722 does not contain a separate LD_{50} for mists, fumes, and dusts.

In the past, EPA has seldom found it necessary to regulate a new chemical substance on the basis of acute toxicity. In the rare instances where acute health effects have been of concern, they have generally been addressed by negotiating a section 5(e) order which requires protective equipment or other precautionary measures during handling and use. Accordingly, the Agency does not expect that many non-section 5(e) substances will be subject to SNUR requirements based on concern about acute toxicity. Should SNUR treatment be justified, reliance on the criteria used to prepare the Agency's acute hazards list will ensure consistency and enable EPA to control activities that could raise acute toxicity concerns.

EPA recognizes that its criteria for an inhalation LC_{50} contemplate exposing the test animals to the PMN substance for as long as 8 hours, whereas traditional testing practice typically calls for exposures no longer than 4 hours. EPA has adopted this approach because, in rare instances, exposures approaching 8 hours in duration are necessary before substances may exhibit acutely toxic effects. EPA does not intend to imply that an 8 hour exposure is necessary to obtain valid LC_{50} values nor are EPA's acute toxicity criteria intended to provide guidance on appropriate testing procedures.

iv. *Other serious acute or chronic effects.* Under proposed § 722.170(b)(3), EPA could also justify a SNUR by finding that a substance may cause serious chronic or serious acute effects based on valid test data or SAR analysis. These effects are defined in proposed § 722.3 as human disease processes, with a short or long latency period, that are likely to result in death or severe or prolonged incapacitation. Under this approach, effects would be considered "serious" if they lead to sudden death, shorten life expectancy, produce severe or intractable pain, cause reproductive damage or other serious organ effects, or cause serious chronic diseases like neurotoxicity or hepatotoxicity. Under certain circumstances, sensitization or severe skin or eye irritation could also be considered "serious" effects.

EPA recognizes that many chemical substances will have irreversible chronic or acute effects if the magnitude and duration of exposure are sufficiently great. Thus, proposed § 722.170(b)(3) provides that, in evaluating evidence of serious acute or chronic health effects, EPA must consider whether these effects occur or are suspected "at dose levels that could be of concern under reasonably anticipated conditions of exposure." The Agency does not plan to conduct a quantitative risk assessment to satisfy this standard. At the same time, the Agency expects to have a plausible basis for concern that harm could occur at the levels of exposure encountered during the foreseeable range of commercial activities that may be undertaken by manufacturers, importers, and processors.

v. *Developmental toxicity.* Under proposed § 722.170(b)(3), concerns about developmentally toxic effects could also form the basis for imposing SNUR requirements. Developmental toxicants vary considerably in potency. Thus, as in the case of serious acute or chronic effects, EPA will consider whether developmental toxicity has been observed or is suspected to occur "at dose levels that could be of concern under reasonably anticipated conditions of exposure."

EPA intends to evaluate developmental toxicity potential on the basis of SAR analysis or valid test data. Recently, a number of short-term tests have received attention as screening mechanisms for developmental toxicity potential. While these tests may not support definitively classifying a substance as a developmental toxicant, they are of value in determining whether sufficient concern exists about developmental effects to justify SNUR restrictions. Accordingly, proposed § 722.170(b)(3)(iv) provides that SNUR requirements may be based on the weight of the evidence in short-term tests indicative of the potential to cause developmentally toxic effects.

Such short-term tests are defined in § 722.3 to include *in vivo* preliminary developmental toxicity screens conducted in a mammalian species (for example, the Chernoff/Kavlock assay). EPA recognizes that *in vitro* developmental toxicity screens are less reliable than *in vivo* assays and require additional validation. Some *in vitro* screens, however, have been used across a broad range of chemicals or extensively applied within particular chemical classes; other screens may undergo similar evaluation in the future. Accordingly, the proposed rule permits EPA to base SNUR requirements on the results of *in vitro* developmental toxicity screens that have been extensively evaluated and judged reliable for their ability to predict developmental toxicity potential in intact systems across a broad range of chemicals or within a chemical class that includes the substance of concern.

vi. *Metabolites and environmental transformation products.* In applying the above criteria for adverse health effects, the proposed rule permits EPA to base SNUR requirements on concerns raised either by the new substance itself or by its potential metabolites or environmental transformation products. In the latter event, however, the formation of the metabolite or environmental transformation product must be known or reasonably anticipated based on scientific data or established scientific principles.

EPA will evaluate the metabolic potential of the new substance and identify potential metabolites and environmental transformation products. However, because metabolisn data on new chemical substances are virtually never available to EPA, the Agency's efforts to identify potential metabolites will often be based on metabolism test data for substances that are structurally or functionally analogous to the new substance.

In performing this analysis, EPA recognizes the importance of evaluating the evidence for, and likelihood that, the postulated metabolites may be formed *in vivo.* In some instances, EPA will have specific metabolism data on one or more substances which bear substantial structural or functional similarity to the new substances; in other cases, specifically applicable metabolism data will not be available. When metabolism data are not available, EPA will rely on the application of established principles of metabolisn to identify possible metabolites. The evaluation of metabolism and identification of

postulated metabolites will be performed using a "weight-of-the-evidence" approach. For example, if one or more of the postulated metabolites is projected to be formed only by an unusual reaction or requires a series of biotransformation reactions, such judgments will be taken into account in reaching assessment conclusions. In addition, EPA will take into account evidence of metabolism differences among species. Where there is reason to believe that a metabolite will not be formed in humans, this factor will be considered as well.

The term "established principles of metabolism" is intended to encompass concepts that are based on the results of valid and reliable studies. These "principles" can be taken from primary journal citations or from current or historically-important texts on biotransformation. Illustrative examples of the texts that EPA relies on in performing such analyses include:

1. *Detoxication Mechanisms* (R.T. Williams, John Wiley and Sons Inc., NY, 1959).
2. *Drug Metabolism: Chemical and Biochemical Aspects* (B. Testa and P. Jenner, Marcel Dekker Inc., NY, 1976).
3. *Concepts in Drug Metabolism, Parts A and B* (P. Jenner and B. Testa, Marcel Dekker Inc., NY, 1980 and 1981).
4. *The Biochemistry of Foreign Compounds* (D.V. Parke, Pergamon Press, Oxford, 1968).
5. *Foreign Compound Metabolism in Mammals*, Vol. 1–6 (D.E. Hathaway (ed.), The Chemical Society, London, 1970–1981).
6. *Bioactivation of Foreign Compounds* (M.W. Anders (ed.), Academic Press, NY, 1985).
7. *Enzymatic Basis of Detoxication*, Vol. I and II (W.B. Jacoby (ed.), Academic Press, NY, 1980).
8. *Biological Basis of Detoxication* (J. Caldwell and W.B. Jacoby (eds.), Academic Press, NY, 1983).
9. *Metabolic Basis of Detoxication* (W.B. Jacoby, J.R. Bend, and J. Caldwell (eds.), Academic Press, NY, 1982).
10. *Foreign Compound Metabolism* (J. Caldwell and G.D. Paulson (eds.), Taylor and Francis, London, 1984).

EPA intends to evaluate the potential formation of environmental transformation products in similar fashion to that described above for metabolites.

vii. *Environmental effects.* Under proposed § 722.170(b)(4), the selection of substances for SNUR requirements could also be based on concern about potential adverse environmental effects. In general, proposed § 722.3 would define these effects as "injuries to the environment that reduce or adversely affect the productivity, utility, value, or function of biological, commercial, or agricultural resources, or cause the loss of a member of a rare or endangered species." As a result of its PMN experience, EPA believes that the following specific criteria can be used to identify substances with the potential for adverse environmental effects: (1) An acute aquatic EC_{50} of 1 mg/L or less; (2) an acute aquatic EC_{50} of 20 mg/L or less where the ratio of aquatic vertebrate 24-hour to 96-hour EC_{50} or aquatic invertebrate 24-hour to 48-hour EC_{50} is greater than or equal to 2.0; (3) a Maximum Acceptable Toxicant Concentration (MATC) of less than or equal to 100 parts per billion (100 ppb); or (4) an aquatic EC_{50} of 20 mg/L or less coupled with either a measured bioconcentration factor (BCF) of 1,000x or greater or, in the absence of bioconcentration data, a log P value equal to or greater than 4.3.

EPA believes that these criteria encompass the spectrum of adverse ecological effects which raise sufficient concern to warrant the opportunities for follow-up review and control afforded by a SNUR. EPA has selected the criteria based on its experience reviewing PMNs as well as its review of available data-bases concerning the ecological effects of industrial chemicals. Each of the four criteria is described below.

a. EPA's structure activity team (SAT) assigns to new substances levels of concern (high, medium, low) for aquatic toxicity based on actual data, data on analogue substances, physical properties, or general experience with the class of compounds. Where measured or predicted acute EC_{50} values have been 1 ppm (or 1 mg/L) or less, EPA has assigned a "high" concern rating to the substance. Surface water concentrations of environmental toxicants in the part per billion range are not uncommon. Exposure at such levels to substances with EC_{50}s of 1 mg/L or less may result in adverse environmental effects either through acute or chronic toxicity.

A review of over 1,000 new substances evaluated during FY 1986 indicated that 17.3 percent were assigned a "high" concern rating on this basis. Accordingly, EPA believes that an acute aquatic toxicity value of 1 ppm (or 1 mg/l) represents a reasonable SNUR criterion. Of course, EPA would not rely on acute toxicity values alone where factors such as water solubility, bioaccumulation, or photolysis indicate a low degree of concern.

b. Some substances that are not acutely toxic at concentrations less than or equal to 1 mg/l may, nonetheless, be chronically toxic at concentrations that may be reasonably anticipated to be present in the environment. (These substances would not have been selected for review under the 1 mg/l criterion).

In the absence of actual chronic effects data, the Agency relies on "indicators of chronic toxicity" to identify substances with the potential to cause toxic effects as a result of chronic exposure at concentrations lower than those that cause effects as a result of acute exposure. A substance that causes a toxic effect as a result of chronic exposure at concentrations much lower than during acute exposure is said to have a "high" degree of chronic toxicity potential.

Such substances often produce cumulative toxicity in standard acute toxicity tests. Thus, one of the more frequently used indicators of chronic toxicity potential is the relationship: (1) Between 24-hour and 96-hour EC_{50}s, for fish, or (2) between 24-hour and 48-hour EC_{50}s, for aquatic invertebrates. The greater the decrease of the acute toxicity values over time (*e.g.*, significantly more organisms show an effect after 48 hours of exposure than show the effect after 24 hours of exposure), the greater the cumulative toxicity, which consequently increases the probability that a substance has a high degree of chronic toxicity.

The ratio of "2 or greater" that EPA uses is empirically derived from examining hundreds of chemicals for which both acute and chronic data are available. The data-bases on which EPA relied for this purpose are primarily derived from organic chemicals (principally pesticides) that did not undergo PMN review. There are not sufficient new substances with both acute and chronic fish or daphnid test data to provide a large enough sample for statistical analysis.

The standard EPA used to set the specific ratio of 2 or greater was that it would "catch" 95 percent of the substances known to present chronic toxicity problems. EPA recognizes that, for some classes of chemicals, a ratio of 2 or greater is unlikely to be associated with a high level of chronic toxicity because substances in this class are unlikely to persist in the environment or for other reasons. In such cases, EPA may not impose SNUR requirements even though the criteria for adverse environmental effects established under the rule may be satisfied.

c. The third criterion for identifying substances that have the potential to produce significant adverse environmental effects is an MATC of

100 ppb or less. The MATC is the endpoint measured by chronic toxicity tests. It is expressed as the geometric mean of the no-observed effect concentration and the lowest-observed effect concentration. As with the acute aquatic toxicity criterion discussed above, the MATC of 100 ppb or less is generally recognized by experts in the field of ecotoxicity as supportive of high concern for a substance's ability to produce adverse environmental effects. The reasons for such concern are that MATC is a direct measure of the ability of a substance to produce chronic toxicity, and environmental concentrations of 100 ppb or less are not unusual.

d. The fourth criterion for identifying substances that have the potential to produce significant adverse environmental effects is an acute aquatic EC_{50} of 20 mg/l or less, coupled with either a BCF equal to or greater than 1,000x or, in the absence of bioconcentration data, a log P value equal to or greater than 4.3. The EC_{50} value of 20 mg/l is used because, although some substances are not acutely toxic at low concentrations (e.g., below 1 ppm), they may nevertheless present hazards to aquatic organisms if coupled with a sufficiently high BCF value. A measured BCF value of 1,000x is used because this value is generally considered to be of concern in the field of ecotoxicity. A log P value of 4.3 is used because this value calculates out to a BCF of 1,000x in equations developed for estimating BCF values from log P.

While a log P value of 4.3 or greater is generally indicative of significant bioaccumulation potential, EPA recognizes that certain substances may not significantly bioaccumulate in the environment even though they meet this criterion. When EPA has additional information that indicates that a particular substance may not significantly bioaccumulate, EPA may decide not to impose SNUR requirements, regardless of the log P value and BCF for that substance.

viii. *Quantitative structure activity relationships.* Under the proposed rule, EPA's criteria for adverse environmental effects could be applied using data on the PMN substance or analogue substances; in the absence of such data, proposed § 722.170(b)(4)(iii) permits EPA to base SNUR requirements on "calculations using the substance's physical and chemical properties." This provision derives from EPA's experience in using Quantitative Structure Activity Relationships (QSARs) to predict a substance's acute and chronic aquatic toxicity.

QSARs are mathematical models in which chemical structure has been quantitatively correlated with biological activity. The chemical structure parameters may consist of measured physical or spectroscopic properties or calculated molecular descriptors. At the turn of the century, Meyer (1899) and Overton (1896, 1901) independently demonstrated correlations between partition coefficient (log P) and toxicity. For this reason, such correlations are generally referred to as Meyer-Overton relationships. Meyer-Overton relationships have been demonstrated for numerous classes of organic compounds such as hydrocarbons, alcohols, ethers, ketones, sulfones, halogenated hydrocarbons, and other types of nonreactive nonelectrolytes. Such substances, which are also referred to as narcotics or anesthetics because of their depressant action, are considered to interfere with the functioning of certain properties by means of their non-specific binding to hydrophobic sites.

The log P parameter alone has been found to provide reliable correlations of toxicity for many classes of non-electrolyte, nonreactive organic compounds. Applying similar methods, EPA has developed a Reference Manual which contains tables of estimated toxicity values based on these QSAR equations. This document, *Reference Manual for Quantitative Structure Activity Relationships (QSAR's) and Other Useful Relationships Used in PMN Assessments* (Richard G. Clements, Environmental Effects Branch, Health and Environmental Review Division, Office of Toxic Substance, U.S. EPA, 1986), which contains source documents for the basic QSAR approach, is included in the record of this proposed rulemaking.

Ideally, the following requirements should be satisfied before a QSAR is applied to predictive toxicology: (1) A substance acts by the same mechanism as those substances employed to derive the QSAR; (2) adequate experimental or calculated numerical values of the required parameter or parameters in the equation are obtainable for the candidate substances; and (3) the physiochemical properties of the candidate substance fall within the domain of the substances used to derive the QSAR. Those QSAR equations for which the biological mechanism and physiochemical property domains have been most thoroughly explored are considered to be of the greatest utility since unexpected discontinuities in pharmacokinetics or pharmacodynamics are less likely to be encountered.

For further information on QSAR methodology, the following articles by Lipnick are provided in the record of this rulemaking:

1. "Research Needs in Developing Structure Activity Relationships," *Aquatic Toxicity and Hazard Assessment: Eighth Symposium, ASTM STP 891,* (R.C. Bahner and D.J. Hansen (eds.), American Society for Testing Materials, Philadelphia, 1985), pp. 78–82.

2. "Validation and Extension of Fish Toxicity QSARs and Interspecies Comparisons for Certain Classes of Organic Chemicals," Proceedings of a Symposium, Prague, Czechoslavakia, September 12–14, 1984, *QSAR in Toxicology and Xenobiochemistry,* Volume 8 (M. Tichy (ed), Elsevier, NY, 1985), pp. 39–52.

3. "A perspective on Quantitative Structure-Activity Relationships in Ecotoxicology," *Environmental Toxicology and Chemistry,* Volume 4, (Pergamon Press, Oxford, 1985), pp. 255–257.

ix. *Impurities and byproducts.* Under proposed § 722.170(b)(5), EPA would be able to base SNUR requirements on concerns about the health or environmental effects of one or more impurities or byproducts of the new substance. In this situation, EPA would need to identify data, SAR, or QSAR demonstrating that the byproduct or impurity raises health or environmental concerns under the criteria in proposed §§ 722.170(b) (1) through (4). In addition, EPA would need to examine the byproduct or impurity's potential for exposure or release and make one of two showings depending on whether the byproduct or impurity is a new substance or an existing substance listed on the TSCA Inventory.

In the former event, EPA would need to find that the byproduct or impurity has been demonstrated or is suspected to cause adverse health or environmental effects and may be present in concentrations that could be of concern under reasonably anticipated conditions of exposure or release. In the latter event, EPA would need to find that reasonably anticipated activities involving the PMN substance may result in significantly greater exposure to the impurity or byproduct compared to the exposure levels resulting from existing commercial activities. The purpose of this finding is to ensure that EPA invokes the SNUR authority based on concern about Inventory-listed impurities or byproducts only where manufacture, processing, or other activities involving the new substance will contribute significantly to overall risks. If exposure to the byproduct or

impurity is already significant and will not be measurably affected by activities involving the PMN substance, EPA will not use the expedited SNUR authority, but may address risks presented by the byproduct or impurity using various provisions of TSCA.

3. *Significant new use designations.* Proposed § 722.170(c) provides that, where a non-section 5(e) substance presents health or environmental concerns under the criteria in proposed § 722.170(b), EPA will designate certain activities as significant new uses. These activities will only be selected from the environmental release restrictions in proposed § 722.85 and § 722.90 and/or from the list of industrial, commercial, or consumer activities in proposed § 722.80.

It should be noted that only some of the activities in § 722.80 are applicable to non-section 5(e) substances subject to SNUR requirements under proposed § 722.170. These activities are: (1) Use in non-enclosed processes; (2) any manner or method of manufacture or processing in non-enclosed processes associated with any use; (3) any manner or method of manufacture (excluding import) associated with any use; (4) use beyond the site of manufacture; (5) use other than as an intermediate; (6) use other than as a site-limited intermediate; (7) use as an intermediate where the concentration of the substance in products intended for distribution exceeds the percentage specified by EPA; (8) non-industrial use; (9) commercial use; (10) use in a consumer product; (11) annual manufacture and importation volume greater than that specified by EPA; and (12) manufacture, processing, or use in physical forms specified by EPA.

EPA decided that certain other designations in proposed § 722.80 are, by their nature, not applicable to non-section 5(e) SNURs. These include, for example, use other than as described in the PMN (paragraph (h)) and cumulative manufacture or import in excess of specified quantities in the absence of test data (paragraph (o)). These designations will be used only for SNURs based on section 5(e) orders. In addition, EPA will designate the failure to use personal protective equipment in proposed § 722.63 as a notification requirement only for SNURs on section 5(e) substances.

One of the activities that EPA may designate as a significant new use for non-section 5(e) substances is any manner or method of manufacture (excluding import) associated with any use (paragraph (d)). EPA intends to use this where the PMN was submitted by an importer and the Agency concludes that import activities do not raise sufficient concern to warrant issuance of a section 5(e) order. In such instances, EPA may issue SNUR requirements under the expedited process established by this rule if it concludes that manufacturing activities in the United States may be accompanied by an increased potential for human exposure or environmental release and the substance meets one or more of the concern criteria in proposed § 722.170(b).

For non-section 5(e) substances, EPA will designate as significant new uses only those activities that were not described in the PMN, or in any amendment, addition, or deletion to the PMN, and that may be accompanied by changes in exposure or release that are significant in relation to the health or environmental concerns identified by the Agency. Thus, EPA will review the activities described in the PMN in light of its concerns about the substance's health or environmental effects and then identify those changes in use outside the scope of the PMN that may result in increases in exposure or release that could harm health or the environment.

In some situations, narrower notification requirements may provide the Agency with an adequate opportunity to review changes in the substance's exposure and release profile. In such instances, the proposed rule allows EPA to limit notification requirements to use categories narrower than those enumerated in proposed § 722.80. For example, instead of requiring SNUR notification for all non-intermediate uses, EPA could limit notification to such uses which involve specified quantities of the new substance. However, while EPA may narrow notification requirements in particular instances, the Agency will not, under this expedited process, substitute broader and more restrictive requirements for those specified in proposed § 722.80.

4. *Notice to PMN submitter.* Proposed § 722.170(e)(1) provides that EPA will contact the PMN submitter, and describe the activities to be designated as significant new uses, no later than 5 days before the expiration of the notice review period. If this notice is by phone, it will be confirmed in writing no later than 30 days after the end of the review period. The purpose of the notification procedure is to minimize the possibility that the PMN submitter will set in motion activities, beyond the scope of the original PMN, that might later be designated as significant new uses and be restricted on this basis. In addition, the submitter may be able to alert EPA to factors which affect the need for and scope of SNUR requirements before these requirements are finalized. For example, based on its expertise in particular areas of chemistry, the submitter may be able to provide useful insights into the SAR analysis or identification of possible metabolites on which EPA's draft SNUR requirements may be based.

Non-section 5(e) substances for which SNUR requirements are being considered will also be listed in a separate section of the monthly "status report" on the PMN program which EPA is required to publish in the **Federal Register** under section 5(d)(3) of TSCA. This list of non-section 5(e) SNUR candidates will enable interested members of the public to monitor EPA's implementation of this rule.

5. *Announcement of SNUR requirements.* Proposed § 722.170(e)(2) provides that EPA will announce the application of SNUR requirements by issuing a **Federal Register** notice no later than 90 days after receiving a valid NOC for a new substance. The purpose of this notice is to ensure that SNUR requirements are publicized promptly once a substance has been added to the inventory. At this stage, other manufacturers, importers, and processors would be free to begin commercial activities involving the new substance, and a delay in announcing SNUR requirements could result in the initiation of activities that are later designated as significant new uses.

Under proposed § 722.170(e)(3), SNUR requirements would take effect immediately upon publication of the **Federal Register** notice. In addition to describing the identity of the SNUR substance, the notice would briefly outline the basis for EPA's concern about the substance's health or environmental effects and describe the reasoning underlying EPA's designation of significant new uses. Such a notice would perform the dual function of alerting prospective manufacturers, importers, and processors to the existence of SNUR requirements and explaining the data and analysis on which those requirements are based.

D. Environmental Release Significant New Uses

Proposed §§ 722.85 and 722.90 contain "model" provisions governing the release to water and disposal of SNUR substances. These model provisions are potentially applicable to both section 5(e) and non-section 5(e) substances. They will be incorporated in substance-specific SNURs, and referenced in Subpart E, as appropriate, to address concerns about adverse environmental effects. Failure to comply with specified

environmental release limitations will constitute a significant new use and trigger notification requirements.

The following discussion explains how EPA intends to select and apply the environmental release limitations in proposed §§ 722.85 and 722.90.

1. *Selection of limitations on releases to water.* During PMN review, EPA evaluates any environmental releases described in a PMN, or any releases that may result from activities described in the PMN, and the potential for aquatic toxicity of the substance for which the PMN was submitted. If both the hazard and releases are such that a "may present an unreasonable risk" finding can be made, a section 5(e) order is negotiated for the substance specifying appropriate conditions and terms for the manufacture, import, processing, distribution in commerce, use, or disposal of the substance. In many cases, these restrictions will include one or more of the limitations on releases to water specified in proposed § 722.90.

If there is no "may present an unreasonable risk" finding made for activities described in the PMN for the substance, the Agency may consider the substance to be appropriate for a non-section 5(e) SNUR if all of the following conditions are met:

i. The substance may cause "significant adverse environmental effects" as defined in proposed § 722.3.

ii. The fate of the substance in water is such that significant adverse environmental effects may occur "under reasonably anticipated conditions of release." For example, if EPA has good reason to believe that a substance has a very short half-life in water, then the substance would not be considered for a SNUR under the expedited SNUR process in proposed Subpart D of this new part 722.

iii. There is no significant concern for releases of the substance as described in the PMN, but the Agency would have concern if significant changes in release conditions were to occur. For example, a significant change may be a change in release conditions where the PMN specified primary and secondary wastewater treatment but subsequent manufacturers or processors may not subject their releases to these treatment technologies.

When EPA concludes that aquatic toxicity concerns exist for a substance and a non-section 5(e) SNUR is appropriate, EPA will need to determine the proper significant new use for release-to-water. The three significant new uses described below generally address the types of significant changes in release of the substance to water that cause the Agency to have concern for aquatic toxicity. EPA's criteria for invoking each one are as follows:

a. *Any predictable or purposeful release of a process stream containing the chemical substance associated with any use from any site into the waters of the United States.* (There is a similar one for release of the use stream.) Generally, this would be designated for a substance if: (i) there were no releases of the substance to water identified in the PMN; (ii) the acute or chronic aquatic toxicity of the substance is unusually high; and (iii) the fate of the substance in water is such that any predictable or purposeful release could result in surface water concentrations that may exceed the concern level for the substance, *e.g.*, removal by common wastewater treatment practices is sigificantly incomplete or EPA cannot predict the substance's fate. EPA expects that this designation will be used only when item c below cannot be realistically used.

b. *Any predictable or purposeful release of a process stream containing the substance associated with any use from any site into the waters of the United States without primary and secondary wastewater treatment.* (There is a similar one for use stream.) This designation would most likely be used where EPA is concerned about the volume of the substance being released but the Agency's concern may be minimized due to a combination of the following factors: (i) The substance is expected to be significantly removed or degraded in common wastewater treatment systems; (ii) the half-life of the substance is short; and (iii) EPA is primarily concerned about chronic aquatic effects.

c. *Any predictable or purposeful release of a process stream containing the substance associated with any use from any site into the waters of the United States if the result of the equation specified in proposed § 722.90(a)(3) exceeds the level specified for the substance in Subpart E of proposed Part 722.* (There is a similar one for use stream.) EPA expects that this designation will be most often used for addressing concerns for aquatic toxicity. This trigger would probably be invoked where: (i) Release of the substance to water was noted in the PMN but EPA had no significant concerns for its release as described in the PMN; (ii) the substance may cause "significant adverse environmental effects"; and (iii) the fate of the substance in water is such that a significant change in its release may result in "significant adverse environmental effects."

For the purposes of this designation under the proposed rule, EPA considers a significant change in release of a substance to mean surface water concentrations equal to or greater than 10 times the surface water concentrations resulting from releases described in the PMN. For example, if a resulting surface water concentration of 1 ppb for the substance were expected based on releases reported in the PMN and the substance met the criteria described above, then EPA may issue a non-section 5(e) SNUR under this proposed rule that would require notification when the surface water concentration of the substance, as estimated by the equation in the proposed rule, is expected to be 10 ppt or greater.

The value of 10 times the PMN activity release level will be applied across-the-board for such substances unless the concern level for the substance is higher than 10 times the PMN activity release level. In those cases, SNUR notification will be required at the concern level for the substance. For example, if the concern level for a substance was 15 ppb and release of the substance, as described in the PMN, resulted in a surface water concentration of 1 ppb, then the SNUR notification level would be set at 15 ppb, rather than 10 times the 1 ppb level, 10 ppb.

All of the water discharge designations discussed above incorporate the concept of a "predictable or purposeful release" of the SNUR substance. EPA recognizes that, under rare emergency conditions, it may be necessary to exceed discharge limits for SNUR substances in order to protect the integrity of wastewater treatment systems and that, because of the need for immediate action, submission of a SNUR notice may be impossible. Such releases might be described as "predictable or purposeful." Where true emergency conditions exist and justify a company's actions, however, EPA does not intend to include such releases in the SNUR. EPA requests conmment on how such releases should be excluded.

2. *Use of assessment factors to define concern levels.* In using all of the above designations, EPA will need to define "concern levels," *i.e* the levels at which releases to water raise concern about adverse environmental effects. EPA intends to define concern levels by using certain standard "assessment factors" developed in the PMN program. These assessment factors are applied to the available aquatic toxicity data to determine an environmental

concentration (concern level) that, if met or exceeded by the predicted environmntal concentration (PEC), would trigger a request for aquatic toxicity testing.

Assessment factors are intended to account for uncertainties that exist when only limited data are available. For example, when only a fish EC_{50} is available: (i) Other species (fish, aquatic invertebrates, or plants) may be even more acutely sensitive; (ii) chronic effect levels are usually lower than acute effect levels, sometimes by several orders of magnitude; or (iii) toxicity can vary because of differences in organism responses from laboratory to field, caused by such variables as water hardness, pH, temperature, or dissolved solids.

Table 1 below outlines the assessment factors EPA intends to use. Briefly, the assessment factor to be applied varies depending on the amount and kind of aquatic toxicity data available. When a chronic MATC for an analogue substance is available, the assessment factor is 10; when multiple acute EC_{50}s for analogue substances are available, the factor is 100 (For a definition of "multiple acute EC_{50}s," see *Estimating "Concern Levels" for Concentrations of Chemical Substances in the Environment*, Environmental Effects Branch (EEB), Health and Environmental Review Division, OTS, EPA, February 1984, available in the public record for this proposed rulemaking); where a single EC_{50} is available either on the new substance or on an analogue, the assessment factor is 1,000; and no factor is used where multiple EC_{50}s or a chronic MATC are available for the new substance because directly relevant data can be used to set release limits.

To determine the environmental concern level, the toxicity value (*e.g.*, EC_{50} on the most appropriate analogue) is divided by the appropriate assessment factor. For example, if the only data available are a single EC_{50} of 1 ppm, either on the PMN substance, on an analogue, or QSAR-generated, the appropriate assessment factor of 1,000 would be divided into the EC_{50} of 1 ppm, giving a concern level of 1 ppb (see Table 1). EPA would define releases to water in excess of this level as a significant new use for which notification is required. Thus, manufacturers, importers, and processors that would either have to observe the maximum permitted release level or submit a SNUR notice which includes the results of aquatic toxicity testing. Based on these data, EPA may either set a less stringent water discharge limit, retain the existing limit, or conclude that no limit is needed based on the assessment factors in the following Table 1:

TABLE 1.—USE OF ASSESSMENT FACTORS

Assessment factor	Ecotoxicity data available		
	PMN substance	Analogue substance	QSAR—calculated
1,000x	Single EC_{50}	Single EC_{50}	QSAR-EC_{50}
	Two EC_{50}s	Two EC_{50}s	
100x	Five EC_{50}s[2]	Three EC_{50}s[1]	
		Five EC_{50}s[2]	
10x		MATC	
No factor used	Three EC_{50}s[1]		
	MATC		

[1] At least one acute test for each of the three trophic groups (fish, invertebrates, and algae).
[2] At least five acute tests divided among two of the three trophic groups (fish, invertebrates and algae); for example, 2 fish, 3 invertebrates.

3. *Estimation of potential surface water concentrations.* Where EPA has defined releases to water in excess of specified levels as a significant new use, manufacturers, importers, and processors will need some mechanism for ensuring that their activities do not result in releases above permitted levels. The proposed rule provides two ways in which potential releases may be estimated: (i) Use of the equation specified in proposed § 722.90 (a)(3) and (b)(3); and (ii) monitoring. Either method may be used; however, if both methods are undertaken, then records for both methods should be kept in order to comply with specific recordkeeping requirements in Subpart C of this Part, if applicable.

i. *Use of the equation.* Instructions for the use of the equation are in proposed § 722.91. The equation provides a conservative estimate of the surface water concentration of a substance. The equation does not take into account the impact of treatment technologies or the fate of the substance in water. It also does not make allowances for flow rate where the point of release is a lake, estuary, bay, or ocean. These parameters will vary from case-to-case, and EPA believes it is impractical to devise a standard equation which reliably takes them into account.

Manufacturers, importers, and processors are free to present EPA with alternative calculations of surface water concentrations which are based on specific information regarding the fate of the substance in water, the removal rate of control technologies, or the flow rate of the receiving stream or other water body. Under the proposed rule, EPA must review these calculations within 45 days. If the Agency informs the firm that these calculations are acceptable, the firm will be deemed in compliance with applicable release limits. On the other hand, if EPA rejects the firm's calculations and if use of the standard equation indicates that estimated surface water concentrations will exceed the specified level, a SNUR notice will need to be submitted at least 90 days before releases above this level occur.

During review of a SNUR notice, EPA will refine the estimated surface water concentration reported in the notice based on information available regarding the fate of the substance in water and the removal rate of control technologies, identified in the SNUR notice, to be used. Based on the refined surface water concentration, EPA will evaluate the intended releases relative to the potential hazard of the substance to determine if the substance "may present an unreasonable risk." Where only limited information regarding environmental release is provided in the SNUR notice, EPA will evaluate the notice based on reasonable worst case assumptions.

ii. *Use of monitoring.* Under certain conditions, data obtained from monitoring may be used (i) to estimate the surface water concentration of a substance, instead of using the entire equation specified in proposed § 722.90 (a)(3) and (b)(3), or (ii) to derive the numerator value of the equation, that is the number of kilograms released. There are certain advantages to the use of the monitoring approach. Unlike the equation specified in the rule, monitoring may automatically take into account the effects of wastewater treatment and, to some extent, the environmental fate of the substance depending on the location where monitoring occurs.

In the event that a person believes that monitoring is an acceptable alternative to the equation, the conditions under which monitoring will occur, including location of the site, the monitoring protocols, and the rationale for using monitoring data in lieu of the equation must be evaluated by EPA prior to using the monitoring alternative. As guidance, EPA provides the following examples as situations under which monitoring may be appropriate:

a. *Monitoring to estimate the equation's numerator value, that is, the number of kilograms per day.* The substance is the subject of a SNUR requiring notification to EPA if releases to water of the substance exceed the level specified in the SNUR. Full-scale commercial production as described in the PMN is ongoing for the substance. However, the manufacturer intends to relocate the manufacturing site and is uncertain whether release of the substance to water from the new site will result in surface water concentrations that would require submission of a SNUR notice to EPA. While the receiving stream at the old site is diifferent, the manufacturing operation and production volume of the substance at the new site would be similar to those at the old site. In such a case, monitoring of the process stream prior to its release to the receiving stream may be used to calculate the numerator value, number of kilograms released per day. This estimate could be made by multiplying the concentration monitored in the process (use) stream by the volume of the process (use) stream and converting the results to kilograms. The denominator value, receiving stream flow, for the new site of release would be used to divide the monitored value (the numerator), to derive the quotient, to determine an estimated potential surface water concentration of the substance.

b. *Monitoring as a substitute for the entire equation.* A substance is subject to a SNUR that requires notification if a specified surface water concentration of the substance is exceeded. A PMN for the substance was submitted specifying a relatively low production volume, 1,000 kilograms per year; however, the PMN submitter plans to scale-up production to 10,000 kilograms per year. The production operation and site will remain the same. Monitoring data show that the concentration of the substance in the receiving stream at the point of release for the 1,000 kilogram production is 1 ppb. Since it is known that the increase in production volume is 10 times the original production volume, it may be assumed that the surface water concentration resulting from releases to the receiving stream from the larger production operation will be 10 ppb. In this instance, monitoring data could be used in lieu of the entire equation.

c. *Monitoring of analogue to substitute for the equation numerator or the entire equation.* Data from monitoring an analogue, either in the process stream or in the receiving stream may be used in lieu of monitoring data on a PMN substance that is the subject of a SNUR or in lieu of the equation values for such substance. The analogue must be a close analogue with similar physical/chemical properties and environmental fate to the new substance subject to a SNUR. In addition, depending on how the monitoring data will be substituted for the equation, the site, production volume, or operation, as appropriate, must be similar, as described in the two previous examples.

Where submitters seek EPA approval of the monitoring alternative, the Agency will respond to the submitter's request within 45 days, assuming all necessary information about the proposed monitoring methods is provided to the Agency.

4. *Disposal restrictions.* Proposed § 722.85 permits EPA to define failure to use certain disposal methods as a significant new use. Generally, EPA intends to specify these disposal methods where they would be required under the Resource Conservation and Recovery Act (RCRA) for substances raising analogous health or environmental effects concerns. Where EPA specifies a particular disposal method, it will not prescribe detailed disposal procedures but will instead require compliance with applicable Federal, State, and local regulations. Thus, for example, if the SNUR substance is subject to existing regulatory requirements which specify approved waste treatment techniques, manufacturers, importers, and processors would be required to meet these requirements. On the other hand, where no Federal, State, and local regulations apply to the SNUR substance, manufacturers, importers, and processors would be required to employ the general disposal method specified by EPA (*e.g.*, incineration), but the precise techniques used would be left to the firm's discretion.

E. Procedures for Revoking or Limiting SNUR Requirements

After SNUR requirements take effect, new information or the reevaluation of existing information may indicate that these requirements should be modified or revoked. Proposed § 722.185 identifies six situations where EPA could take this step: (1) Based on test data or other new information, EPA concludes that the activities defined as significant new uses do not present an unreasonable risk to health or the environment; (2) The concerns underlying the development of SNUR requirements are being addressed by a rule promulgated under section 4 or 6 of the Act, or action by EPA or another agency under another law, which eliminates the need for SNUR notification; (3) EPA has received SNUR notices for some or all of the activities defined as significant new uses and concluded that there is no need to require additional notices for identical or similar activities; (4) EPA has reanalyzed available test data, SAR, or other information and concluded that its original findings under section 5(e)(1)(A) were unwarranted; (5) EPA has reanalyzed test data or other relevant information for a non-section 5(e) substance and concluded that the concern criteria in § 722.170(b) cannot be met; and (6) certain activities were designated as significant new uses pending the completion of testing, and adequate test data developed in accordance with applicable procedures and criteria have been submitted to EPA.

Decisions to revoke or limit SNUR requirements may be made either at EPA's initiative or in response to a written request from manfacturers, importers, or processors. Since notice-and-comment procedures will not be utilized at the time substance-specific SNUR requirements are imposed, requests to reduce requirements should receive prompt and careful consideration. Accordingly, § 722.185(b) provides that EPA will respond within 45 days by certified letter to a request for revocation or limitation and, if it is denied, explain the Agency's reasons for concluding that SNUR requirements should remain in effect. These procedures will help ensure that well-founded concerns about the validity of SNUR requirements are acted on expeditiously and that a streamlined procedure for withdrawing or limiting those requirements is available.

Under proposed § 722.185(b)(3), EPA will announce the withdrawal or limitation of SNUR requirements in a **Federal Register** notice briefly describing the grounds for its action and advising interested parties of their opportunity to comment. The decision will take effect 30 days after publication of this notice unless EPA receives comments which cause it to reconsider its decision. Thus, modifications of SNUR requirements could be effected

without full notice-and-comment rulemaking, but persons would have an opportunity to make their views known before the Agency's action becomes final. EPA solicits comment on whether 30 days provides an adequate time period for interested persons to prepare and submit comments before the decision to revoke or limit SNUR requirements takes effect.

F. Recordkeeping Requirements

Proposed § 722.125 would establish recordkeeping requirements which apply to manufacturers, importers, and processors of SNUR substances. The specific records which are required will depend on the activities which have been designated as significant new uses; at the time a substance is added to Subpart E, EPA will specify the particular recordkeeping requirements which are appropriate in light of EPA's significant new use designations for the SNUR substance. Such records would have to be maintained for 5 years from the date of their creation.

In general, EPA has sought to frame recordkeeping requirements in flexible, performance-oriented terms. Rather than specify the particular types of records that must be kept, the proposed rule lists the general types of information required to document compliance with applicable SNUR requirements. Thus, manufacturers, importers, and processors would have discretion to determine which specific records must be retained. Where records created in the ordinary course of business will adequately document SNUR compliance, the creation of additional records would be unnecessary.

Table 2 below illustrates EPA's approach to recordkeeping by providing examples of the records that might document compliance with different SNUR requirements. These examples are intended merely to be illustrative. The records that would be necessary to document SNUR compliance in specific instances will depend on the precise nature of the SNUR restrictions and the particular operations of the manufacturer, importer, or processor. In many cases, the examples listed in Table 2 would be sufficient to document SNUR compliance; in some cases, fewer records might be sufficient; and in other cases, additional records might be necessary. EPA expects firms subject to SNUR requirements to exercise reasonable judgment in determining the steps necessary to meet their recordkeeping responsibilities.

TABLE 2.—ILLUSTRATIVE EXAMPLES OF RECORDS COMPLYING WITH § 722.125

Significant new use	Requirement	Examples
Hazard Communication Employee Training	Records documenting establishment and implementation of a program for employee information and training referenced in §§ 722.60, 722.67, 722.70, 722.75.	Written hazard communication program. Attendance sheets from training sessions. Copies of written materials distributed at training sessions. Copies of labels. Copies of MSDSs.
Hazard Communication Labeling	Records documenting the names and addresses of all persons to whom the substance is sold or transferred, the date of each sale or transfer, and the quantity of the substance sold or transferred on such date. Copies of labels used	Bills of sale. Copies of labels.
Manufacture, import, or processing without establishing a program whereby persons who may be dermally exposed to the substance are required to wear protective clothing, impervious gloves, and goggles.	Records documenting establishment and implementation of a program for the use of personal protective equipment referenced in § 722.63. Records documenting determinations under § 722.63(a)(1) that protective gloves are impervious to the substance.	Written hazard communication program. For gloves—Specifications supplied by manufacturer of gloves. Results of tests done on gloves. Attendance sheets from training sessions.
Manufacture, import, or processing without establishing a program whereby persons who may be exposed to the substance in the form of an aerosol or mist are required to wear respirators.	Records documenting establishment and implementation of a program for the use of personal protective equipment referenced in § 722.63.	Written hazard communication program. Process descriptions. Records of fit tests. Attendance sheets from training session.
Annual production volume greater than X	Records documenting the manufacture and importation volume of the substance.	Production records. Import records.
Water Release Limitations	Records demonstrating establishment and implementation of procedures that ensure compliance with any water discharge limitations referenced in § 722.90.	Process description diagram (as described in § 722.91). Equation computation and paperwork supporting equation results.
Disposal Methods	Records demonstrating establishment and implementation of procedures that ensure compliance with any disposal limitations referenced in § 722.85.	Certificates of destruction from disposal facility. Bill of lading. Manifest. Waste treatment systems inventory.
Use in non-enclosed processes Any manner or method of manufacture or processing in non-enclosed processes associated with any use. Use beyond the site of manufacture Any manner of method of manufacture (excluding import) within the United States Use other than as an intermediate Use other than as site-limited intermediate Use as an intermediate where the concentration of the intermediate substance in the product intended for distribution in commerce exceeds X percent Non-industrial use Commercial use Use in a consumer product	Records documenting compliance with any applicable industrial, commercial, and consumer use limitation referenced in § 722.80.	Batch slips. Process descriptions. Chemical inventory/plant inventory. Storage and production records.
Use in the form of a powder Any manner or method of manufacture or processing in the form of a powder associated with any use (or other form). Use involving application methods that generate vapors, mists, or aerosols Use involving application methods that generate dusts	Records documenting compliance with any applicable industrial, commercial, and consumer use limitation referenced in § 722.80.	Process descriptions.

G. Procedure for Informing Persons of Significant New Use and Other Reporting Requirements

As additional substances are selected for SNUR restrictions and section 8 (a) and (d) reporting requirements, it will be increasingly important to publicize the existence of these requirements so that prospective manufacturers, importers, and processors are aware of their obligations under TSCA. To promote maximum awareness of these obligations, substances will be listed in published versions of the TSCA section 8(b) Inventory with a symbol to indicate that SNUR requirements, and related 8 (a) and (d) requirements, apply. All such substances will also be listed in a special Appendix to the published Inventory which references the **Federal Register** notice and provisions of Subpart E where the applicable significant new use requirements, and related section 8 (a) and (d) requirements, appear.

Based on its experience with PMN and SNUR requirements to date, EPA expects that the specific identities of many of the substances selected for SNURs under the new rule will be claimed confidential by the PMN submitter. As in the past, these substances will be identified by their generic chemical names in the **Federal Register** notice announcing SNUR requirements and in the corresponding provisions of Subpart E. In such circumstances, prospective manufacturers, importers, and processors would be able to file Bona Fide Intent to Manufacture submissions under § 720.25(b) of the PMN rule and proposed § 722.10 of the SNUR rule to determine whether a substance is listed on the Inventory and subject to a SNUR. In accordance with § 722.10, EPA would respond to such a submission by confirming whether the substance is on the Inventory, informing the person whether any SNUR requirements apply to the substance, and outlining any restrictions that must be observed.

Because substances claimed as confidential may be listed in Subpart E by generic names, persons required to report on them under the section 8 (a) and (d) portions of this proposal would not necessarily be aware that the substances they manufacture, import, or process are subject to these requirements. EPA assumes that most persons who will be subject to the section 8 (a) and (d) portions of this proposed rule would also be subject to the SNUR requirements and, thus, that they would use the procedures in § 720.25(b) of the PMN rule and proposed § 722.10 to determine whether the substance they manufacture, import, or process is on the Inventory and subject to a SNUR. Accordingly, EPA is proposing, under § 722.10, to tell persons who have shown a *bona fide* intent to manufacture, import, or process a substance whether that substance is subject to a section 8 (a) or (d) reporting requirement under this proposed rule. EPA solicits comments on whether this approach will be adequate for section 8 (a) and (d) requirements as it has been for SNUR requirements.

H. Reporting Under Section 8(d)

Because SNUR substances will be added to the Inventory, they may have multiple manufacturers, importers, and processors. It is possible that some of these persons may initiate testing of the SNUR substance. Under section 5(d) of the Act, the results of this testing would have to be submitted as part of any SNUR notice which is filed with the Agency. However, manufacturers, importers, and processors who are observing the SNUR restrictions would not be required to file such SNUR notices, and thus would not be obligated to submit unpublished health and safety data to the Agency under section 5(d). (However, the submission may be required under section 8(e) of TSCA.)

To ensure that EPA obtains such data, proposed § 716.105(d) would add all section 5(e) and non-section 5(e) substances selected for SNURs to EPA's generic section 8(d) rule, which is codified at 40 CFR Part 716. Under the proposed amendments to § 716.105(d), the **Federal Register** notice announcing the substance's selection for SNUR requirements would also announce the application of section 8(d), and reporting requirements under that provision would take effect 45 days thereafter. The application of section 8(d) reporting requirements would also be noted in the portions of Subpart E of this Part codifying SNUR requirements for the specific substance.

EPA is proposing to apply section 8(d) requirements imposed under these proposed amendments only to the two groups of persons described in § 716.5(a) (2) and (3)—i.e., (1) persons who are manufacturing, importing, or processing the listed substance when it is added to EPA's section 8(d) rule and (2) persons who initiate or propose to initiate these activities at some time thereafter. Thus, reporting requirements would not apply to persons described in § 716.5(a)(1)—i.e., those who manufactured, imported, or processed the listed substance or proposed to do so during the 10 years preceding the effective date of reporting requirements. EPA believes it would be unduly burdensome to require firms with no ongoing commercial interest in a listed substance to search their files for reportable studies. Since the substances subject to reporting will be "new" substances at the time SNUR requirements are imposed, the likelihood of locating reportable studies in the files of such companies will be small and would not justify the effort and expense required to search for them.

The obligations imposed by section 8(d) are described fully in Part 716. For present purposes, it should be noted that, within 45 days after reporting requirements take effect, affected persons would have to submit copies of all completed health and safety studies and provide a list of any studies that are ongoing. Thereafter, EPA would have to be informed of the initiation of certain additional studies within 30 days, and copies of the studies would have to be submitted when they are completed.

EPA expects that unpublished studies submitted under section 8(d) will ensure that SNUR notices are reviewed using the most complete data-base available. In addition, section 8(d) reports will alert EPA to new data which either heighten or lessen the degree of concern raised by a SNUR substance. Thus, EPA will be in a position to reassess and adjust SNUR requirements if new information warrants a change in approach.

I. Reporting Requirements Under Section 8(a)

1. *Coverage of reporting requirements.* As a further follow-up tool, EPA is proposing to amend 40 CFR Part 704, which contains chemical-specific reporting requirements under section 8(a) of TSCA. The proposed reporting requirements would apply in two situations.

First, EPA could require reporting for section 5(e) and non-section 5(e) substances selected for SNURs under the expedited process in §§ 722.160 and 722.170. Reporting obligations would apply to all manufacturers and importers of these substances who have not filed a PMN or a SNUR notice during the year preceding the date when reporting requirements took effect. Thus, EPA would obtain information from persons who are manufacturing or importing SNUR substances but are not required to file SNUR notices because they are not engaged in significant new uses. The submission of reports by these firms would enable EPA to confirm their compliance with SNUR restrictions and to monitor commercial development of the substance in question.

Second, EPA would have discretion to apply reporting requirements to

substances that are not subject to SNUR restrictions but have been determined by EPA to have potential adverse health or environmental effects under the criteria specified in proposed § 722.170(b). Thus, where EPA identifies non-section 5(e) substances that raise health or environmental concerns, the Agency would have the option of using either the SNUR authority or section 8(a) reporting to monitor their commercial development.

2. *Initial and follow-up reports.* Under proposed § 704.6, both initial and follow-up reports would be filed. Persons manufacturing or importing substances subject to reporting requirements when the rule takes effect would have to file initial reports with EPA within 45 days after the effective date of those requirements; persons who subsequently initiate manufacture or importation would be required to file initial reports within 45 days after commencing these activities. The initial follow-up reporting period would be from August 25, 1990 to December 23, 1990, and additional follow-up reports would be required at 4-year intervals thereafter. Follow-up reports would be filed by all persons who manufactured or imported a designated substance at any time during the 4 years preceding onset of the follow-up reporting period.

3. *Scope of reported information.* The information to be included in initial and follow-up reports would be relatively limited in scope. As specified in § 704.6 (d) and (f), companies required to report would inform EPA of (1) the company name and address, (2) the principal technical contact, (3) the substance's uses and proposed uses, (4) the locations of the sites where the substance is being manufactured, imported, or processed, and (5) the quantities in which the substance has been manufactured, imported, or processed and is expected to be manufactured, imported, and processed during the following four years. As required by section 8(a), such information would be reportable to the extent it is known or reasonably ascertainable. EPA believes that the above information would enable it to monitor the commercial development of substances of concern while avoiding the submission of unnecessary or duplicative information.

4. *Relationship to inventory update rule.* EPA recognizes that substances subject to reporting under this section 8(a) proposal could potentially be within the coverage of the Agency's inventory update reporting rule, which was promulgated on June 12, 1986 (51 FR 21438). To minimize reporting burdens, EPA is coordinating the effective dates for follow-up reporting under the two rules so that information collection and submission under each rule can proceed simultaneously. In addition, § 710.35 of the inventory update reporting rule provides that reports submitted pursuant to other TSCA requirements within the preceding 12-month period need not be resubmitted for inventory update purposes for that particular reporting period. Thus, firms that file reports under EPA's follow-up rule for new substances will be simultaneously discharging their reporting responsibilities under the inventory update rule. Finally, as under the inventory update rule, firms subject to reporting requirements under this proposed rule would have to submit information for the last complete corporate fiscal year before the onset of the reporting period.

5. *Exemptions from reporting.* Section 8(a)(1) exempts "small manufacturers" from reporting and recordkeeping requirements. At § 704.3, EPA has adopted a generic definition of the term "small manufacturer" for purposes of all section 8 reporting rules. Proposed § 704.6(b) incorporates this definition by reference. It also incorporates the other exemptions from a section 8(a) reporting codified in § 704.5 (a) through (d).

6. *Announcement of reporting requirements.* In the **Federal Register** notice announcing the promulgation of SNUR requirements under the expedited process, EPA would also announce the application of reporting requirements, and the existence of these reporting requirements would then be referenced in the portion of Subpart E listing the activities designated as significant new uses for the particular substance. In addition, at least 60 days before the onset of the follow-up reporting period, a **Federal Register** notice announcing the need for follow-up reporting would be published; this notice would list all substances subject to reporting requirements.

7. *Revocation of reporting requirements.* As provided in § 704.6(j), reporting requirements may be revoked if EPA rescinds all significant new use notification requirements for a substance. Where reporting requirements were originally based on a determination that a substance meets the health or environmental effects criteria in proposed § 722.170(b), EPA may revoke reporting requirements if it later determines that these criteria are not satisfied. Finally, reporting requirements may be terminated where EPA determines that continued reporting is unnecessary to fulfill the objectives of TSCA.

V. Economic Analysis

A. Introduction

EPA has evaluated the potential economic inpact of establishing the new chemical substance follow-up procedures contained in this proposed rule. The complete economic analysis is available in the public record for this proposed rule (OPTS–50553A). The Agency's economic analysis is summarized below.

EPA's New Chemical Follow-up Program can be divided into actions triggered by the issuance of section 5(e) orders (section 5(e) Follow-up) and actions taken for other reasons (non-section 5(e) Follow-up). The following discussion addresses separately the impact that the procedures established under this proposed rule would have on industry and society under the section 5(e) Follow-up Program and under the non-section 5(e) Follow-up Program. Finally, the discussion will address the impact that the procedures would have on the Agency itself.

B. Section 5(e) Follow-up

A section 5(e) consent order limits the activities of the PMN submitter but not other persons. When a PMN submitter notifies the Agency that it has commenced manufacture or import of the PMN substance, the Agency adds the substance to the TSCA Chemical Substances Inventory. When a substance is listed on the Inventory, other persons may manufacture, import, or process the substance without limitations. When the Agency believes that there is a reasonable possibility that, once the substance is added to the Inventory, other persons may engage in the activities limited under the section 5(e) order, it issues a SNUR. Through the SNUR, the Agency ensures that all manufacturers, importers, and processors are subject to similar requirements. In addition, a SNUR affords EPA the opportunity to review exposure and toxicity information on the substance before a significant new use occurs and, if necessary, take action to ensure that people or the environment are not exposed to levels of the substance that are potentially hazardous.

The economic impact of this proposed rule would derive primarily from the fact that it would greatly reduce the time it takes the Agency to promulgate such SNURs. Under current follow-up procedures, it usually takes 1 year or longer for a SNUR to be proposed,

promulgated, and become effective. Under the proposed procedures, individual SNURs would become effective no later than 90 days after the chemical substance is added to the TSCA Inventory. The speed under the new procedures will provide several benefits.

Many section 5(e) orders restrict commercial distribution of the new chemical substance until a SNUR is promulgated. The proposed rule would reduce the time during which distribution is limited from 1 year or longer to a maximum of 90 days. The Agency has not quantified the benefits of reducing the period during which commercial distribution is limited.

Between the time a chemical substance subject to a section 5(e) order is added to the TSCA Inventory and the time a SNUR is promulgated, any person not regulated under the order may manufacture, import, or process the chemical without restriction. If a person begins such activities before the Agency proposes a SNUR, the Agency's authority to designate the activity as a significant new use is eliminated. Such activities may create a potential risk to humans or the environment. They may also put the PMN submitter, whose activities are limited by the section 5(e) order, at a competitive disadvantage. The new procedures will greatly reduce the likelihood of such an occurrence. The Agency has not quantified the benefits of the associated reduced risk to humans and the environment, and elimination of the competitive disadvantage resulting from the reduction in time necessary to put a follow-up regulation into effect.

The costs imposed upon industry through a SNUR would be identical whether they resulted from a SNUR written under current procedures, or from a SNUR promulgated in accordance with the procedures that would be established by this proposed rule.

The Agency does not believe that this proposed rule will result in section 5(e) follow-up SNUR related costs other than those incurred under the Agency's existing section 5(e) follow-up program. Thus, industry is not expected to experience any additional 5(e) follow-up costs as a result of the implementation of this proposed rule.

C. Non-Section 5(e) Follow-Up

For non-section 5(e) chemical substances, this proposed rule limits the activities that the Agency may designate as significant new uses. The hazard communication and worker protection requirements often found in section 5(e) follow-up rules would not be incorporated in SNURs written under the procedural rule. Requirements that would be incorporated concern certain industrial, commercial, and consumer activities, and certain forms of disposal and environmental release. The Agency has not quantified the cost to industry from these requirements. The costs will, however, be a function of the total number of non-section 5(e) follow-up SNURs written under the procedures established by this proposed rule. The Agency does not expect to issue non-section 5(e) follow-up SNURs for more than approximately 3 percent of PMNs submitted in any given year. The Agency expects to save between $3,425 to $11,600 per chemical substance regulated.

D. Agency Impact

The cost to EPA of issuing the proposed rule is estimated between $100,000 to $160,000. However, the Agency may save between $3,425 to $11,600 per chemical substance regulated under this proposed rule over the current individual notice-and-comment rulemaking process. The first year's savings, assuming 6.5 percent (3.5 percent related to section 5(e) follow-up and 3 percent for non-section 5(e) follow-up) of the approximately 1,600 PMN's are regulated under the procedures established in this proposed rule, would amount to between $0.256 to $1.05 million. These savings have been adjusted for the initial Agency cost of $100,000 to $160,000 to issue this procedural rule. Annual savings for subsequent years would be even greater.

In conclusion, the Agency believes there would be net benefits to society, industry, and EPA as a result of promulgation of this proposed rule. The magnitude of these benefits depends to a great extent on the number of substances that may be subject to this proposed SNUR.

VI. Rulemaking Record

EPA has established a record for this rulemaking, docket control number OPTS-50553A. This record contains the basic information considered by the Agency in developing this proposal, including the **Federal Register** notice announcing a series of public meetings on this proposed procedural rule (51 FR 11346, April 2, 1986), the summaries of public meetings held on April 17, June 5, July 23, September 26, and November 6, 1986, supporting documentation, and reference materials. Any written comments received on this proposal will be included in the rulemaking record.

The record is available for inspection in the OPTS Reading Room, Rm. NE-G004, 401 M St. SW., Washington, DC, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

VII. Other Regulatory Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and, therefore, subject to the requirement of a Regulatory Impact Analysis. EPA has determined that this proposed rule would not be a "Major" rule because it would not have an effect on the economy of $100 million or more and would not have a significant effect on competition, costs, or prices. EPA has determined this rule to be "Significant" because it would represent a significant change in the New Chemical Follow-up Program under TSCA. This rule was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any written comments from OMB to EPA, and any EPA response to those comments, will be included in the rulemaking record.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 605(b), EPA certifies that this proposed rule would not have a significant economic impact on a substantial number of small businesses. The Agency cannot determine whether parties affected by this proposed rule would be likely to be small businesses. However, EPA believes that the number of small businesses affected by this proposal would not be substantial even if all the companies affected by this proposed rule were small companies. EPA does not expect to regulate a large number of new chemical substances annually under this proposed rule.

C. Paperwork Reduction Act

The information collection requirements contained in this rule have been approved by OMB under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq., and have been assigned OMB control numbers 2070-0038 for the section 8(a) Chemical-Specific Information Gathering Requirements, and 2070-0012 for the Part 722 Significant New Use Notification Requirements.

List of Subjects in 40 CFR Parts 704, 716, and 722

Chemicals, Confidential business information, Environmental protection, Hazardous substances, Health and safety, Imports, Reporting and recordkeeping, Significant new uses.

Dated: April 17, 1987.

Lee M. Thomas,

Administrator.

PART 704—[AMENDED]

Therefore, it is proposed that 40 CFR Chapter I be amended as follows:

1. In Part 704:

a. The authority citation for Part 704 would be revised to read as follows:

Authority: 15 U.S.C. 2607(a) and 2625(c).

b. By revising § 704.1(a) to read as follows:

§ 704.1 Scope and compliance.

(a) *Scope.* This Part establishes procedures governing reporting by persons who manufacture or import or who propose to manufacture or import chemicals listed in Subpart B of this Part and by persons who manufacture or import certain chemical substances identified in Subpart E of Part 722 of this chapter.

* * * * *

c. By adding a new § 704.6 to read as follows:

§ 704.6 Reporting requirements for persons who manufacture or import certain chemical substances that have undergone premanufacture review.

(a) *Persons who shall report.* Except as provided in paragraph (b) of this section, EPA may apply reporting requirements to persons who manufacture or import:

(1) Chemical substances listed in Subpart E of Part 722 of this chapter pursuant to §§ 722.160 or 722.170 of this chapter.

(2) Other chemical substances listed in Subpart E of Part 722 of this chapter for which a premanufacture notice (PMN) and a notice of commencement of manufacture or import have been submitted in accordance with Part 720 of this chapter and which have been determined by EPA to have potential adverse health or environmental effects under the criteria in § 722.170(b) of this chapter.

(b) *Persons not subject to this section.* Persons who are described in § 704.5 (a) through (d) are not subject to the reporting requirements of this section.

(c) *Initial and follow-up reports.* Persons subject to reporting requirements under this section shall submit initial reports in accordance with paragraphs (e) and (f) of this section and, thereafter, submit follow-up reports in accordance with paragraphs (g) and (h) of this section.

(d) *Announcement of reporting requirements.* EPA will issue a **Federal Register** notice to announce when substances initially become subject to reporting requirements under this section. For substances subject to significant new use notification requirements under §§ 722.160 and 722.170 of this chapter, this notice will list the chemical name and Chemical Abstracts Service Registry (CAS) number, where available, of the substance or, if its identity is confidential, an appropriate generic chemical name. For substances selected for reporting under paragraph (a)(2) of this section, EPA's notice will provide this information and describe the potential adverse health or environmental effects identified by EPA under § 722.170(b) of this chapter. Reporting requirements will become effective 45 days after publication of a notice to that effect in the **Federal Register.**

(e) *When to file initial reports.* (1) Persons who are manufacturing or importing a chemical substance identified in a notice under paragraph (d) of this section on the effective date of reporting requirements for such substance shall file initial reports with EPA within 45 days after the effective date of reporting requirements.

(2) Persons who begin to manufacture or import a chemical substance identified in a notice under paragraph (d) of this section after the effective date of reporting requirements for such substance shall file initial reports with EPA within 45 days after beginning to manufacture or import the substance.

(f) *Information to be included in initial reports.* Initial reports submitted under this section shall include the following information, to the extent it is known to or reasonably ascertainable by the person making the report:

(1) Company name and address.

(2) Principal technical contact.

(3) A description of any existing uses of the substance and the proposed uses during the 4-year period following submission of the initial report.

(4) The locations of the sites where the person submitting the report is manufacturing, importing, or processing the substance.

(5) The quantities of the substance (by weight) that the person submitting the report:

(i) Manufactured, imported, or processed during the complete corporate fiscal year preceding submission of the initial report, if applicable.

(ii) Expects to manufacture, import, or process during the complete corporate fiscal year in which the initial report is submitted.

(iii) Expects to manufacture, import, or process during each of the following 3 complete corporate fiscal years.

(g) *When to file follow-up reports.* (1) The first follow-up reporting period is from August 25, 1990 to December 23, 1990. Subsequent follow-up reporting periods are from August 25th to December 23rd at 4-year intervals thereafter. EPA will announce each upcoming reporting period by issuing a **Federal Register** notice at least 60 days before the onset of the reporting period.

(2) All persons who manufactured or imported a chemical substance identified in a notice under paragraph (d) of this section at any time during the 4-year period preceding the beginning of a reporting period shall submit a report for that substance within 120 days after the date on which that reporting period begins.

(h) *Information to be included in follow-up reports.* Follow-up reports shall include the following information, to the extent that it is known to or is reasonably ascertainable by the person making the report:

(1) Company name and address.

(2) Principal technical contact.

(3) A description of the uses for the substance during the preceding 4 years and the proposed uses during the 4-year period following submission of the follow-up report.

(4) The locations of the sites where the substance has been manufactured, imported, or processed during the preceding 4 years by the person submitting the report.

(5) The quantities of the substance (by weight) that the person submitting the report:

(i) Manufactured, imported, or processed during each of the 3 complete corporate fiscal years preceding submission of the follow-up report.

(ii) Expects to manufacture, import, or process during the complete corporate fiscal year in which the follow-up report is submitted.

(iii) Expects to manufacture, import, or process during each of the following 3 complete corporate fiscal years.

(i) *Exclusion from reporting.* Any person subject to the requirements of this section need not submit:

(1) An initial report on a substance if the person has filed a PMN on the substance in accordance with Part 720 of this chapter within the 12-month period preceding the applicable filing date for the initial report.

(2) A follow-up report on a substance if the person has filed a significant new use notice on the substance in accordance with § 722.25 of this chapter within the 12-month period preceding the applicable filing date for the follow-up report.

(j) *Termination date.* EPA may issue a **Federal Register** notice, to revoke reporting requirements under this section applicable to a chemical substance when EPA does one of the following:

(1) Revokes all significant new use notification requirements for that substance in accordance with § 722.185 of this chapter.

(2) Determines that the substance does not meet the health or environmental effects criteria in § 722.170(b) of this chapter.

(3) Determines that the continued submission of reports is unnecessary to fulfill the objectives of the Act.

(k) *Where to send reports.* Reports must be submitted by certified mail to the OTS Document Control Officer, (TS-790), U.S. Environmental Protection Agency, 401 M St. SW., Washington, DC 20460. ATTN: Reporting on Substances Subject to New Chemical Follow-up Reporting Requirements.

(Approved by the Office of Management and Budget under OMB control number 2070-0038.)

PART 716—[AMENDED]

2. In Part 716:

a. The authority citation for Part 716 would be revised to read as follows:

Authority: 15 U.S.C. 2607(d) and 2625(c).

b. By revising § 716.1(a) to read as follows:

§ 716.1 Scope and compliance.

(a) This subpart sets forth requirements for the submission of lists and copies of health and safety studies on chemical substances and mixtures selected for priority consideration for testing rules under section 4(a) of TSCA and on other chemical substances and mixtures for which EPA requires health and safety information in fulfilling the purposes of TSCA, and for the submission of lists and copies of health and safety studies on certain chemical substances identified in Subpart E of Part 722 of this chapter.

* * * * *

c. By amending proposed § 716.105 by adding a paragraph (d) to read as follows:

§ 716.105 Additions of substances and mixtures to which this Subpart applies.

* * * * *

(d)(1) Substances that have been added, under §§ 722.160 and 722.170 of this chapter, to Subpart E of Part 722 of this chapter will be added to § 716.120 by means of a notice published in the **Federal Register** at the same time as publication of a notice under §§ 722.160(d) or 722.170(e). The addition of such substances to § 716.120 will be effective 45 days after publication of a notice to that effect in the **Federal Register.**

(2) Reporting requirements under this paragraph will apply only to persons described in paragraphs (a) (2) and (3) of § 716.5.

(3) EPA will publish a **Federal Register** notice to revoke reporting requirements under this paragraph applicable to a particular chemical substance when all significant new use notification requirements for that substance are revoked in accordance with § 722.185 of this chapter.

3. By establishing a new Part 722 to read as follows:

PART 722—SIGNIFICANT NEW USE NOTIFICATION REQUIREMENTS FOR CHEMICAL SUBSTANCES

Subpart A—General Provisions

Sec.

Subpart B—Certain Significant New Uses

Subpart C—Specific Requirements

Subpart D—Expedited SNUR Process for Selected Chemical Substances

Subpart E—Chemical Substances Subject to Notification Requirements

Authority: 15 U.S.C. 2604, 2607, and 2625(c).

Subpart A—General Provisions

§ 722.1 Scope and applicability.

(a) This Part identifies uses of chemical substances which EPA has determined are significant new uses under the authority of section 5(a)(2) of the Toxic Substances Control Act. In addition, it specifies procedures for manufacturers, importers, and processors to report on those significant new uses. This Subpart A contains general provisions applicable to this Part. Subpart B of this Part identifies generic requirements for certain significant new uses cross-referenced in specific provisions of Subpart E of this Part. Subpart E of this Part identifies chemical substances and their significant new uses.

(b) This Subpart A contains provisions governing submission and review of notices for the chemical substances and significant new uses identified in Subpart E of this Part. The provisions of this Subpart A apply to the chemical substances and significant new uses identified in Subpart E of this Part except to the extent they are specifically modified or supplanted by specific requirements in Subpart E of this Part. In the event of a conflict between the provisions of this Subpart A and the provisions of Subpart E of this Part, the provisions of Subpart E of this Part shall govern.

(c) The provisions of Part 720 of this chapter apply to this Part 722. For purposes of this Part 722, wherever the phrase "new chemical substance" appears in Part 720 of this chapter, it shall mean the chemical substance subject to this Part 722. In the event of a conflict between the provisions of Part 720 of this chapter and the provisions of this Part 722, the provisions of this Part 722 shall govern.

§ 722.3 Definitions.

The definitions in section 3 of the Act, 15 U.S.C. 2602, and § 720.3 of this chapter apply to this Part. In addition, the following definitions apply to this Part:

"Acutely toxic effects" means that a chemical substance would kill within a short time period (usually 14 days):

(1) At least 50 percent of the exposed mammalian test animals following oral administration of a single dose of the test substance at 25 milligrams or less per kilogram of body weight (LD_{50}).

(2) At least 50 percent of the exposed mammalian test animals following dermal administration of a single dose of the test substance at 50 milligrams or less per kilogram of body weight (LD_{50}).

(3) At least 50 percent of the exposed mammalian test animals following administration of the test substance for 8 hours or less by continuous inhalation at a steady concentration in air at 0.5 milligrams or less per liter of air (LC_{50}).

"CAS Number" means Chemical Abstracts Service Registry Number assigned to a chemical substance on the Inventory.

"Commercial use" means the use of a chemical substance or any mixture containing the chemical substance in a commercial enterprise providing saleable goods or a service to consumers (e.g., a commercial dry-cleaning establishment, painting contractor, etc.).

"Consumer" means a private individual who uses a chemical substance or any product containing the chemical substance in or around a permanent or temporary household or residence, during recreation, or for any personal use or enjoyment.

"Consumer product" means a chemical substance that is directly, or as part of a mixture, sold or made available to consumers for their use in or around a permanent or temporary household or residence, in or around a school, or in recreation.

"Customer" means any person to whom a manufacturer, importer, or processor distributes any quantity of a chemical substance, or of a mixture containing the chemical substance, whether or not a sale is involved.

"Director of the Office of Toxic Substances" means the Director of the EPA Office of Toxic Substances or any EPA employee delegated by the Office Director to carry out the Office Director's functions under this section.

"Environmentally transformed" means that a chemical substance has changed its chemical structure as a result of the action of environmental processes on it.

"Metabolite" means a chemical entity produced by one or more enzymatic or nonenzymatic reactions of a chemical substance as a result of exposure of an organism to the chemical substance.

"Non-enclosed process" means any equipment system (such as an open-top reactor, storage tank, or mixing vessel) in which a chemical substance is manufactured, processed, or otherwise used where significant direct contact of the bulk chemical substance and the workplace air may occur.

"Non-industrial use" means use other than at a facility where chemical substances or mixtures are manufactured, imported, or processed or are held for distribution for purposes of these activities.

"Powder or dry solid form" means a state where all or part of the substance would have the potential to become fine, loose, solid particles.

"Principal importer" means the first importer who, knowing that a chemical substance will be imported for a significant new use rather than manufactured domestically, specifies the chemical substance and the amount to be imported. Only persons who are incorporated, licensed, or doing business in the United States may be principal importers.

"Process for commercial purposes" means the preparation of a chemical substance or mixture containing the chemical substance, after manufacture of the substance, for distribution in commerce with the purpose of obtaining an immediate or eventual commercial advantage for the processor. Processing of any amount of a chemical substance or mixture containing the chemical substance is included in this definition. If a chemical substance or mixture containing impurities is processed for commercial purposes, then the impurities also are processed for commercial purposes.

"Process solely for export" means to process for commercial purposes solely for export from the United States under the following restriction on domestic activity: processing must be performed at sites under the control of the processor; distribution in commerce is limited to purposes of export; and the processor may not use the chemical substance except in small quantities solely for research and development.

"Process stream" means all reasonably anticipated transfer, flow, or disposal of a chemical substance, regardless of physical state or concentration, through all intended operations of manufacture or processing, including the cleaning of equipment.

"Serious acute effects" means human injury or human disease processes that have a short latency period for development, result from short-term exposure to a chemical substance, or are a combination of these factors and which are likely to result in death or severe or prolonged incapacitation.

"Serious chronic effects" means human disease processes that have a long latency period for development, result from long-term exposure to a chemical substance, are long-term illnesses, or are a combination of these factors and which are likely to result in death or severe or prolonged incapacitation.

"Short-term test indicative of carcinogenic potential" means (1) any limited bioassay that measures tumor or preneoplastic induction, or (2) any test indicative of interaction of a chemical substance with DNA (i.e., positive response in assays for gene mutation, chromosomal aberrations, DNA damage and repair, or cellular transformation).

"Short-term test indicative of the potential to cause developmentally toxic effects" means (1) any *in vivo* preliminary developmental toxicity screen conducted in a mammalian species[1], or (2) any *in vitro* developmental toxicity screen, including any test system other than the intact pregnant mammal, that has been extensively evaluated and judged reliable for its ability to predict the potential to cause developmentally toxic effects in intact systems across a broad range of chemicals or within a class of chemicals that includes the substance of concern.

"Significant adverse environmental effects" means injury to the environment by a chemical substance which reduces or adversely affects the productivity, utility, value, or function of biological, commercial, or agricultural resources, or causes the loss of a member of a rare or endangered species. A substance will be considered to have the potential for significant adverse environmental effects if it has one of the following:

(1) An acute aquatic EC_{50} of 1 mg/L or less.

(2) An acute aquatic EC_{50} of 20 mg/L or less where the ratio of aquatic vertebrate 24-hour to 96-hour EC_{50} or aquatic invertebrate 24-hour to 48-hour EC_{50} is greater than or equal to 2.0.

(3) A Maximum Acceptable Toxicant Concentration (MATC) of less than or equal to 100 parts per billion (100 ppb).

(4) An acute aquatic EC_{50} of 20 mg/L or less coupled with either a measured bioconcentration factor (BCF) equal to or greater than 1,000x or, in the absence of bioconcentration data, a log P value equal to or greater than 4.3.

"Site-limited intermediate" means an intermediate manufactured, processed, and used only at the site of manufacture and not intentionally distributed outside that site except for waste disposal. For purposes of this rule, "site of manufacture" means the site where the intermediate is produced. An imported intermediate is not site-limited.

"Spray application" means any method of projecting a jet of vapor of finely divided liquid onto a surface to be coated; whether by compressed air, hydraulic pressure, electrostatic forces, or other methods of generating a spray.

[1] For example, see EPA's final rule, "Preliminary Developmental Toxicity Screen," (50 FR 39428, September 27, 1985).

"Use stream" means all reasonably anticipated transfer, flow, or disposal of a chemical substance, regardless of physical state or concentration, through all intended operations of industrial, commercial, or consumer use.

§ 722.5 Persons who must report.

(a) The following persons must submit a significant new use notice as specified under the provisions of section 5(a)(1)(B) of the Act, Part 720 of this chapter, and § 722.25:

(1) A person who intends to manufacture, import, or process for commercial purposes a chemical substance identified in a specific section in Subpart E of this Part and intends to engage in a significant new use of the substance identified in that section.

(2) A person who intends to manufacture, import, or process for commercial purposes a chemical substance identified in a specific section in Subpart E of this Part and intends to distribute the substance in commerce. A person described in this paragraph is not required to submit a significant new use notice if that person can document one of the following:

(i) That the person has notified all recipients of the substance, in writing, of the specific section in Subpart E of this Part which identifies the substance and its designated significant new uses.

(ii) That the recipients have knowledge of the specific section in Subpart E of this Part which identifies the substance and its designated significant new uses.

(iii) That the recipients cannot undertake any significant new use described in the specific section in Subpart E of this Part.

(b) A person described in paragraph (a)(2) of this section must submit a significant new use notice if that person has knowledge at the time of commercial distribution of the substance identified in the specific section in Subpart E of this Part that a recipient intends to engage in a designated significant new use of that substance without submitting a notice under this Part.

(c) A person who processes a chemical substance identified in a specific section in Subpart E of this Part for a significant new use of that substance is not required to submit a significant new use notice if that person can document the following:

(1) That the person does not know the specific chemical identity of the chemical substance being processed.

(2) That the person is processing the chemical substance without knowledge that the substance is identified in Subpart E of this Part.

(d) If, at any time, after commencing distribution in commerce of a chemical substance identified in a specific section of Subpart E of this Part, a person described in paragraph (a)(2) of this section has knowledge that a recipient of the substance is engaging in a significant new use of that substance designated in that section without submitting a notice under this Part, the person is required to cease supplying the chemical substance to that recipient and to submit a significant new use notice for that chemical substance and significant new use, unless the person is able to document the following:

(1) That the person has ceased supplying the chemical substance to the recipient when the person had knowledge that the recipient is engaging in a significant new use or processing the substance for a significant new use without submitting a notice under this Part.

(2) That the person has promptly notified EPA enforcement authorities that the recipient is engaging in a significant new use or processing the chemical substance for a significant new use without submitting a notice under this Part.

(3) That the person has not resumed supplying the chemical substance to the recipient until all notices required under this Part have been submitted to EPA and the notice review periods have ended without regulatory action by EPA.

(e) Any significant new use notice relating to import of a substance must be submitted by the principal importer.

§ 722.10 Applicability determination when the specific chemical identity is confidential.

(a) A person who intends to manufacture, import, or process a chemical substance which is described by a generic chemical name in Subpart E of this Part may ask EPA whether the substance is subject to the requirements of this Part. EPA will answer such an inquiry only if EPA determines that the person has a *bona fide* intent to manufacture, import, or process the chemical substance for commercial purposes.

(b) To establish a *bona fide* intent to manufacture, import, or process a chemical substance, the person who intends to manufacture, import, or process the chemical substance must submit the following in writing to the Office of Toxic Substances, TS–799, 401 M St. SW., Washington, DC 20460:

(1) The specific chemical identity of the chemical substance that the person intends to manufacture, import, or process.

(2) A signed statement that the person intends to manufacture, import, or process the chemical substance for commercial purposes.

(3) A description of the research and development activities conducted to date and the purpose for which the person will manufacture, import, or process the chemical substance.

(4) An elemental analysis.

(5) Either an X-ray diffraction pattern (for inorganic substances), a mass spectrum (for most other substances), or an infrared spectrum of the particular chemical substance, or, if such data do not resolve uncertainties with respect to the identity of the chemical substance, additional or alternative spectra or other data to identify the substance.

(c) If an importer or processor cannot provide all the information required in paragraph (b) of this section because it is claimed as confidential business information by the importer's or processor's manufacturer or supplier, the manufacturer or supplier may supply the information directly to EPA.

(d) EPA will review the information submitted by the manufacturer, importer, or processor under paragraph (b) of this section to determine whether that person has shown a *bona fide* intent to manufacture, import, or process the chemical substance. If necessary, EPA will compare this information either to the information requested for the confidential chemical substance under § 720.7(e)(2)(v) of this chapter or the information requested under § 720.85(b)(3)(iii) of this chapter.

(e) If the manufacturer, importer, or processor has shown a *bona fide* intent to manufacture, import, or process the substance and has provided sufficient unambiguous chemical identity information to enable EPA to make a conclusive determination as to the identity of the substance, EPA will inform the manufacturer, importer, or processor whether the chemical substance is subject to this Part and, if so, which section in Subpart E of this Part applies. EPA will also inform the manufacturer, importer, or processor of any applicable reporting requirements under Parts 704 and 716 of this chapter.

(f) A disclosure to a person with a *bona fide* intent to manufacture, import, or process a particular chemical substance that the substance is subject to this Part will not be considered public disclosure of confidential business information under section 14 of the Act.

(g) EPA will answer an inquiry as to whether a particular chemical substance is subject to this Part within 30 days after receipt of a complete submission under paragraph (b) of this section.

§ 722.20 Exports and imports.

Persons who intend to export a substance identified in Subpart E of this Part, or in any proposed rule which would amend Subpart E of this Part, are subject to the export notification provisions of TSCA section 12(b). The regulations that interpret section 12(b) appear at 40 CFR Part 707. Persons who import a substance identified in a specific section in Subpart E of this Part are subject to the TSCA section 13 import certification requirements, which are codified at 19 CFR 12.118 through 12.127 and 127.28. The EPA policy in support of the import certification requirements appears at 40 CFR Part 707.

§ 722.25 Notice requirements and procedures.

(a) Each person who is required to submit a significant new use notice under this Part must submit the notice at least 90 days before commencing manufacture, import, or processing of a chemical substance identified in Subpart E of this Part for a significant new use. The submitter must comply with any applicable requirements of section 5(b) of the Act, and the notice must include the information and test data specified in section 5(d)(1) of the Act. The notice must be submitted on the notice form in Appendix A to Part 720 of this chapter and must comply with the requirements of Part 720, except to the extent that they are inconsistent with this Part 722.

(b) If two or more persons are required to submit a significant new use notice for the same chemical substance and significant new use identified in Subpart E of this Part, they may submit a joint notice to EPA. Persons submitting a joint notice must individually complete the certification section of Part I of the required notification form. Persons who are required to submit individually, but elect to submit jointly, remain individually liable for the failure to submit required information which is known to or reasonably ascertainable by them and test data in their possession or control.

(c) EPA will process the notice in accordance with the procedures of Part 720 of this chapter, except to the extent they are inconsistent with this Part 722.

(d) Any person submitting a significant new use notice in response to the requirements of this Part 722 shall not manufacture, import, or process a chemical substance identified in Subpart E of this Part for a signficant new use until the notice review period, including all extensions and suspensions, has expired.

§ 722.30 EPA approval of alternative control measures.

(a) In certain sections of Subpart E of this Part, significant new uses for the identified substances are described as the failure to establish and implement programs providing for the use of either: Specific measures to control worker exposure to or environmental release of substances which are identified in such sections, or alternative measures to control worker exposure or environmental release which EPA has determined provide substantially the same degree of protection as the specified control measures. Persons who manufacture, import, or process a chemical substance identified in such sections and who intend to employ alternative measures to control worker exposure or environmental release must submit a request to EPA for a determination of equivalency before commencing manufacture, import, or processing involving the alternative control measures.

(b) A request for a determination of equivalency must be submitted in writing and must contain:

(1) The name of the submitter.

(2) The specific chemical identity of the substance.

(3) The citation for the specific section in Subpart E of this Part which pertains to the substance for which the request is being submitted.

(4) A detailed description of the activities involved.

(5) The specifications of the alternative worker exposure control measures or environmental release control measures.

(6) An analysis justifying why such alternative control measures provide substantially the same degree of protection as the specific control measures identified in the specific section in Subpart E of this Part which pertains to the substance for which the request is being submitted.

(7) The data and information described in § 720.50 (a) and (b) of this chapter unless such data and information have already been submitted to the Office of Toxic Substances, EPA.

(c) Requests for determinations of equivalency will be reviewed by EPA within 45 days. Notice of the results of such determinations will be mailed to the submitter.

(d) If EPA notifies the submitter under paragraph (c) of this section that the Agency has determined that the alternative control measures provide substantially the same degree of protection as the specific control measures identified in the specific section of Subpart E of this Part which pertains to the substance for which the request is being submitted, then the submitter may commence manufacture, import, or processing in accordance with the specifications for alternative worker exposure control measures or environmental release control measures identified in the submitter's request, and may alter any corresponding notification to workers to reflect such alternative controls. Deviations from the activities described in the EPA notification constitute a significant new use and are subject to the requirements of this Part.

§ 722.35 Compliance and enforcement.

(a) Failure to comply with any provision of this Part is a violation of section 15(1) of the Act (15 U.S.C. 2614).

(b) Using for commercial purposes a chemical substance which a person knew or had reason to know was manufactured, imported, or processed in violation of this Part is a violation of section 15(2) of the Act (15 U.S.C. 2614).

(c) Failure or refusal to permit access to or copying of records, as required by section 11 of the Act, is a violation of section 15(3) of the Act (15 U.S.C. 2614).

(d) Failure or refusal to permit entry or inspection, as required by section 11 of the Act, is a violation of section 15(4) of the Act (15 U.S.C. 2614).

(e) Violators of the Act or of this Part may be subject to civil and criminal penalties in section 16 of the Act (15 U.S.C. 2615) for each violation. The submission of false or misleading information in connection with the requirement of any provision of this Part may subject persons to penalties calculated as if they had never filed a notice.

(f) Under the authority of sections 7 and 17 of TSCA, EPA may:

(1) Seek to enjoin the manufacture, import, or processing of a chemical substance in violation of this Part.

(2) Act to seize any chemical substance which is being manufactured, imported, or processed in violation of this Part.

(3) Take any other appropriate action.

§ 722.40 Recordkeeping.

Any person subject to the requirements of this Part must retain documentation of information contained in that person's significant new use notice. This documentation must be maintained for a period of 5 years from the date of the submission of the significant new use notice.

§ 722.45 Exemptions.

The persons identified in § 722.5 are not subject to the notification requirements of § 722.25 for a chemical

substance identified in Subpart E of this Part if:

(a) The person has applied for and has been granted an exemption for test marketing the substance for a significant new use identified in Subpart E of this Part in accordance with section 5(h)(1) of the Act and § 720.38 of this chapter.

(b) The person manufactures, imports, or processes the substance for a significant new use identified in Subpart E of this Part in small quantities solely for research and development in accordance with § 722.47.

(c) The person has applied for and been granted an exemption under section 5(h)(5) of the Act.

(d) The person manufactures, imports, or processes the substance only as an impurity.

(e) The person manufactures, imports, or processes the substance only as a byproduct which is used only by public or private organizations that (1) burn it as a fuel, (2) dispose of it as a waste, including in a landfill or for enriching soil, or (3) extract component chemical substances from it for commercial purposes.

(f) The person imports or processes the substance as part of an article.

(g) The person manufactures or processes the substance solely for export and, when distributing the substance in commerce, labels the substance in accordance with section 12(a)(1)(B) of the Act.

(h) The person submits a significant new use notice for the substance prior to the promulgation date of the section in Subpart E of this Part which identifies the substance, and the person receives written notification of compliance from EPA prior to the effective date of such section. The notice submitter must comply with any applicable requirement of section 5(b) of the Act. The notice must include the information and test data specified in section 5(d)(1) of the Act and must be submitted on the notice form in Appendix A to Part 720 of this chapter. For purposes of this exemption, the specific section in Subpart E of this Part which identifies the substance and §§ 722.1, 722.3, 722.5, 722.10, 722.20, 722.35, and 722.40 apply after the effective date of the section in Subpart E of this Part which identifies the substance. EPA will provide the notice submitter with written notification of compliance only if one of the following occurs:

(1) EPA is unable to make the finding that the activities described in the significant new use notice will or may present an unreasonable risk of injury to health or the environment under reasonably forseeable circumstances.

(2) EPA and the person negotiate a consent order under section 5(e) of the Act, such order to take effect on the effective date of the section in Subpart E of this Part which identifies the substances.

§ 722.47 Conditions for research and development exemption.

(a) A person who manufactures, imports, or processes a chemical substance identified in Subpart E of this Part for a significant new use identified in Subpart E of this Part is not subject to the notification requirements of § 722.25 if the following conditions are met:

(1) The person manufactures, imports, or processes the substance for the significant new use in small quantities solely for research and development.

(2) The manufacturer, importer, or processor notifies all persons in its employ or to whom it directly distributes the chemical substance, who are engaged in experimentation, research, or analysis on the chemical substance, including the manufacture, processing, use, transport, storage, and disposal of the substance associated with research and development activities of any risk to health, identified under paragraph (b) of this section, which may be associated with the substance. The notification must be made in accordance with paragraph (c) of this section.

(3) The chemical substance is used by or directly under the supervision of a technically qualified individual.

(b)(1) To determine whether notification under paragraph (a)(2) of this section is required, the manufacturer, importer, or processor must review and evaluate the following information to determine whether there is reason to believe that there is any risk to health which may be associated with the chemical substance:

(i) Information in its possession or control concerning any significant adverse reaction by persons exposed to the chemical substance which may reasonably be associated with such exposure.

(ii) Information provided to the manufacturer, importer, or processor by a supplier or any other person concerning a health risk believed to be associated with the substance.

(iii) Health and environmental effects data in its possession or control concerning the substance.

(iv) Information on health effects which accompanies any EPA rule or order issued under section 4, 5, or 6 of the Act that applies to the substance and of which the manufacturer, importer, or processor has knowledge.

(2) When the research and development activity is conducted solely in a laboratory and exposure to the chemical substance is controlled through the implementation of prudent laboratory practices for handling chemical substances of unknown toxicity, and any distribution, except for purposes of disposal, is to other such laboratories for further research and development activity, the information specified in paragraph (b)(1) of this section need not be reviewed and evaluated. (For purposes of this paragraph (b)(2), a "laboratory" is a contained research facility where relatively small quantities of chemical substances are used on a non-production basis, and where activities involve the use of containers for reactions, transfers, and other handling of substances designed to be easily manipulated by a single individual.)

(c)(1) The manufacturer, importer, or processor must notify the persons identified in paragraph (a)(2) of this section by means of a container labeling system, conspicuous placement of notices in areas where exposure may occur, written notification to each person potentially exposed, or any other method of notification which adequately informs persons of health risks which the manufacturer, importer, or processor has reason to believe may be associated with the substance, as determined under paragraph (b)(1) of this section.

(2) If the manufacturer, importer, or processor distributes a chemical substance manufactured, imported, or processed under this section to persons not in its employ, the manufacturer, importer, or processor must in written form:

(i) Notify those persons that the substance is to be used only for research and development purposes.

(ii) Provide the notice of health risks specified in paragraph (c)(1) of this section.

(3) The adequacy of any notification under this section is the responsibility of the manufacturer, importer, or processor.

(d) Quantities of the chemical substance, or of mixtures or articles containing the chemical substance, remaining after completion of research and development activities may be:

(1) Disposed of as a waste in accordance with applicable Federal, State, and local regulations, to the extent the disposal activity is not identified as a significant new use in Subpart E of this Part, or

(2) Used for a commercial purpose, to the extent the use is not identified as a significant new use is Subpart E of this Part.

(e)(1) Persons who manufacture, import, or process a chemical substance under this section must retain the following records:

(i) Copies of or citations to information reviewed and evaluated under paragraph (b)(1) of this section to determine the need to make any notification of risk.

(ii) Documentation of the nature and method of notification under paragraph (c)(1) of this section including copies of any labels or written notices used.

(iii) Documentation of prudent laboratory practices used instead of notification and evaluation under paragraph (b)(2) of this section.

(iv) The names and addresses of any persons other than the manufacturer, importer, or processor to whom the substance is distributed, the identity of the substance, the amount distributed, and copies of the notifications required under paragraph (c)(2) of this section.

(2) [Reserved]

Subpart B—Certain Significant New Uses

§ 722.50 Applicability.

This Subpart B identifies certain significant new uses of chemical substances identified in Subpart E of this Part. The provisions of this Subpart apply only when referenced for a chemical substance identified in Subpart E of this Part.

§ 722.60 Employee information.

Whenever referenced in Subpart E of this Part for a chemical substance, the requirements for providing employees with information on the identified chemical substance are as follows:

(a) The manufacturer, importer, or processor shall ensure that employees are provided with information, either in writing or through training, on the substance identified in the specific section in Subpart E of this Part, at the time of their initial assignment to a work area where the substance is present, and whenever the substance is introduced into their work area.

(b) Information provided to employees shall include:

(1) The potential human health and/or environmental hazards, as specified in the specific section in Subpart E of this Part.

(2) The personal protective equipment, engineering controls, and other measures to control worker exposure and/or environmental release identified in the specific section of Subpart E of this Part, or alternative control measures which EPA has determined under § 722.30 provide substantially the same degree of protection as the specified control measures.

(3) Identification of all operations in the employees' work areas where the substance is present.

(4) The location and availability of any material safety data sheets required for the substance by the specific section in Subpart E of this Part and provided in accordance with § 722.75.

(5) Methods and observations that may be used to detect the presence or release of the substance in the employee's work area (such as monitoring conducted by the employer, continuous monitoring devices, visual appearance, or odor).

§ 722.63 Personal protective equipment.

Whenever referenced in Subpart E of this Part for a chemical substance, a significant new use of the chemical substance is any manner or method of manufacturing, importing, or processing associated with any use of the substance without establishing a program whereby:

(a) Any person who is likely to be dermally exposed to the substance must wear the protective equipment described in this paragraph, or use alternative measures to control exposure which EPA has determined under § 722.30 provide substantially the same degree of protection against exposure to the substance as the specified protective equipment:

(1) Gloves determined by the manufacturer, importer, or processor to be impervious to the substance.

(2) Chemical safety goggles or equivalent eye protection.

(3) Clothing which covers any other exposed areas of arms, legs, and torso.

(b) Any person who is likely to be exposed to the substance via inhalation of airborne material (*e.g.*, vapors, mists, dusts) must use one of the respirators described in this paragraph in accordance with 29 CFR 1910.134 and 30 CFR Part 11, or use alternative measures to control exposure which EPA has determined under § 722.30 provide substantially the same degree of protection against exposure to the substance as the specified respirators:

(1) A National Institute for Occupational Safety and Health (NIOSH) approved category 21c respirator, equipped with a high efficiency particulate filter for maximum protection.

(2) A NIOSH-approved category 21c respirator, excluding single use or disposable types, equipped with a high efficiency particulate filter for maximum protection.

(3) A NIOSH-approved category 19c air-supplied positive pressure respirator.

(4) A NIOSH-approved category 23c respirator, equipped with combination cartridges and approved for paints, enamels, and lacquers.

(5) A NIOSH-approved category 23c respirator, excluding single use or disposable types, equipped with combination cartridges and approved for paints, enamels, and lacquers.

(6) A NIOSH-approved category 23c respirator approved for organic vapor and acid gas.

§ 722.67 Labeling for use in the workplace.

Whenever referenced in Subpart E of this Part for a chemical substance, the requirements for labeling containers for the use of the chemical substance in the workplace are as follows:

(a) The manufacturer, importer, or processor shall ensure that each container of the substance which is in the workplace is labeled, tagged, or marked in accordance with this section.

(b) The label, tag, or other method of warning shall contain the following information:

(1) The first word shall be the word "WARNING".

(2) The name of the substance as identified in the specific section of Subpart E of this Part and the trade name or names by which it may be commonly recognized.

(3) The potential human health and/or environmental hazards as identified in the specific section in Subpart E of this Part.

(4) Any personal protective equipment, engineering controls, or other measures to control worker exposure and/or environmental release identified in the specific section of Subpart E of this Part, or alternative control measures which EPA has determined under § 722.30 provide substantially the same degree of protection as the specified control measures.

(c) If the label or alternative method of warning is to be applied to a mixture containing a substance identified in a specific section in Subpart E of this Part, in combination with another substance identified in a specific section in Subpart E of this Part and/or a substance defined as a "hazardous chemical" for the purposes of the Occupational Safety and Health Administration's Hazard Communication Standard (29 CFR 1900.1200), the manufacturer, importer, or processor may prescribe on the label or alternative method of warning the measures to control worker exposure or environmental release which the manufacturer, importer, or processor

determines provide the greatest degree of protection. However, should these control measures differ from those identified in the specific sections in Subpart E of this Part, the manufacturer, importer, or processor must seek a determination of equivalency for such alternative control measures pursuant to § 722.30 before prescribing them under this paragraph.

(d) Manufacturers, importers, and processors subject to this section may use signs, placards, process sheets, batch tickets, operating procedures, or other such written materials in lieu of affixing labels to individual stationary process containers, as long as the chosen method of warning identifies the containers to which it is applicable and conveys the information required by paragraphs (b) (1) through (4) of this section. The written materials shall be readily accessible to the employees in their work area throughout each work shift.

(e) Manufacturers, importers, and processors subject to this section are not required to label portable containers into which substances identified in Subpart E of this Part are transferred from labeled containers, as long as the method chosen under paragraph (d) of this section identifies the containers to which it is applicable and conveys the information required by paragraphs (b) (1) through (4) of this section.

(f) The manufacturer, importer, or processor subject to this section shall ensure that the label or other form of warning is legible, in English, and prominently displayed on the container, or readily available in the work area throughout each work shift. Employers with employees who speak languages other than English may provide the information in the employees' languages as long as the information is presented in English as well.

(g) The label or other form of warning shall be made available, upon request, to designated representatives of EPA.

§ 722.70 Labeling for distribution in commerce.

Whenever referenced in Subpart E of this Part for a chemical substance, the requirements for labeling containers of the chemical substance for distribution in commerce are as follows:

(a) The manufacturer, importer, or processor shall ensure that each container of the substance leaving the workplace is labeled in accordance with this section.

(b) The label shall contain the following information:

(1) The first word on the label shall be the word "WARNING".

(2) The name of the substance as identified in the specific section in Subpart E of this Part and the trade name or names by which it may be commonly recognized.

(3) The potential human health and/or environmental hazards as identified in the specific section in Subpart E of this Part.

(4) The personal protective equipment, engineering controls, and other measures to control worker exposure and/or environmental release identified in the specific section of Subpart E of this Part, or alternative control measures which EPA has determined under § 722.30 provide substantially the same degree of protection as the specified control measures.

(c) The first word on the label shall be capitalized, and the type size of the first word shall be no smaller than 6 point type for a label 5 square inches or less in area, 10 point type for a label above 5 but no greater than 10 square inches in area, 12 point type for a label above 10 but no greater than 15 square inches in area, 14 point type for a label above 15 but no greater than 30 square inches in area, or 18 point type for a label over 30 square inches in area, and the type size of the remainder of the warning statement shall be no smaller than 6 point type.

(d) The label shall not conflict with the requirements of the Hazardous Materials Transportation Act (18 U.S.C. 1801 et seq.) and regulations issued under that Act by the Department of Transportation.

(e) If the label is to be applied to a mixture containing a substance identified in a specific section in Subpart E of this Part, in combination with another substance identified in a specific section in Subpart E of this Part and/or a substance defined as a "hazardous chemical" for the purposes of the Occupational Safety and Health Administration's Hazard Communication Standard (29 CFR 1900.1200), the manufacturer, importer, or processor may prescribe on the label the measures to control worker exposure or environmental release which the manufacturer, importer, or processor determines provide the greatest degree of protection. However, should these control measures differ from those identified in the specific sections in Subpart E of this Part, the manufacturer, importer, or processor must seek a determination of equivalency for such alternative control measures pursuant to § 722.30 before prescribing them on a label.

(f) The label shall be in English and shall be prominently displayed on the container. The label may be in languages other than English as long as the information is presented in English as well.

(g) The label shall be made available, upon request, to designated representatives of EPA.

§ 722.75 Material safety data sheets.

Whenever referenced in Subpart E of this Part for a chemical substance, the requirements for obtaining or developing a material safety data sheet (MSDS) for the chemical substance are as follows:

(a) Each MSDS shall be in English and shall contain at least the following information:

(1) The name of the substance as identified in the specific section in Subpart E of this Part and the trade name or names by which it may be commonly recognized.

(2) The potential human health and/or environmental hazards as identified in the specific section in Subpart E of this Part.

(3) Any personal protective equipment, engineering controls, or other measures to control worker exposure and/or environmental release identified in the specific section in Subpart E of this Part, or alternative control measures which EPA has determined under § 722.30 provide substantially the same degree of protection as the specified control measures.

(4) Any time-weighted average threshold limit value, or other exposure limit identified in the specific section in Subpart E of this Part.

(b) If the MSDS is to be associated with a mixture that contains a substance identified in a specific section in Subpart E of this Part, in combination with another substance identified in a specific section in Subpart E of this Part and/or a substance defined as a "hazardous chemical" for the purposes of the Occupational Health and Safety Administration Hazard Communication Standard (29 CFR 1900.1200), the manufacturer, importer, or processor may prescribe in the MSDS the measures to control worker exposure or environmental release which the manufacturer, importer, or processor determines provide the greatest degree of protection. However, should these control measures differ from those identified in the specific sections in Subpart E of this Part, the manufacturer, importer, or processor must seek a determination of equivalency for such alternative control measures pursuant to § 722.30 before prescribing them under this paragraph.

(c) Manufacturers, importers, and processors subject to this section shall

ensure that the information recorded in the MSDS accurately reflects the applicable terms and conditions provided in the specific section in Subpart E of this Part during the time that they manufacture, import, or process the substance identified in such section. Whenever the terms in the specific section of Subpart E of this Part are amended during the time that the manufacturer, importer, or processor is engaging in that activity, the manufacturer, importer, or processor shall revise the MSDS within 3 months of the effective date of such amendment.

(d) Manufacturers, importers, and processors subject to this section shall ensure that recipients of the substance identified in the specific section in Subpart E of this Part are provided an appropriate MSDS with their initial shipment and with the first shipment following the revision of an MSDS. The manufacturer, importer, or processor shall either provide the MSDS with the shipped containers or send the MSDS to the recipient prior to or at the time of shipment.

(e) The MSDS may be kept in any form, including operating procedures, and may be designed to cover groups of substances in a work area where it may be more appropriate to address the potential hazards of a process rather than individual substances. However, the manufacturer, importer, or processor shall ensure that, in all cases, the required information is provided for each substance and is readily accessible during each work shift to employees when they are in their work areas.

(f) The MSDS shall be made available, upon request, to designated representatives of EPA.

§ 722.80 Industrial, commercial, and consumer activities.

Whenever referenced in Subpart E of this Part for a chemical substance, the following are significant new uses of the chemical substance:

(a) Use in non-enclosed processes.

(b) Any manner or method of manufacture or processing in non-enclosed processes associated with any use.

(c) Use beyond the site of manufacture.

(d) Any manner or method of manufacture (excluding import) of the substance associated with any use.

(e) Use other than as an intermediate.

(f) Use other than as a site-limited intermediate.

(g) Use as an intermediate where the concentration of the intermediate substance in the product intended for distribution in commerce exceeds the percentage specified in Subpart E of this Part.

(h) Use other than as described in the premanufacture notice (PMN) referenced in Subpart E of this Part.

(i) Use other than as allowed by the section 5(e) consent order referenced in Subpart E of this Part.

(j) Non-industrial use.

(k) Commercial use.

(l) Use in a consumer product.

(m) Annual manufacture and importation volume for any use greater than that specified in Subpart E of this Part.

(n) Annual manufacture and importation volume for any use greater than that allowed by the section 5(e) consent order referenced in Subpart E of this Part.

(o) Cumulative manufacture and importation volume for any use greater than that specified in Subpart E of this Part unless the manufacturer or importer has submitted the results of the health or environmental effects studies listed in Subpart E of this Part and these studies comply with the procedures and criteria for developing and evaluating data prescribed by Subpart E of this Part.

(p) Use in the form of:

(1) A powder.

(2) [Reserved].

(q) Any manner or method of manufacture or processing of the substance in the following form associated with any use:

(1) A powder.

(2) [Reserved].

(r) Use involving application methods that generate:

(1) Vapors, mists, or aerosols.

(2) Dusts.

§ 722.85 Disposal.

Whenever referenced in Subpart E of this Part for a chemical substance, the following are significant new uses of the chemical substance:

(a) Disposal of the process stream associated with any use or with any manner or method of manufacture or processing associated with any use other than by:

(1) Incineration in accordance with applicable Federal, State, and local regulations.

(2) Landfill in accordance with applicable Federal, State, and local regulations.

(3) Deep well injection in accordance with applicable Federal, State, and local regulations.

(4) Primary and secondary waste water treatment in accordance with applicable Federal, State, and local regulations.

(b) Disposal of the use stream associated with any use, other than by:

(1) Incineration in accordance with applicable Federal, State, and local regulations.

(2) Landfill in accordance with applicable Federal, State, and local regulations.

(3) Deep well injection in accordance with applicable Federal, State, and local regulations.

(4) Primary and secondary waste water treatment in accordance with applicable Federal, State, and local regulations.

§ 722.90 Releases to water.

Whenever referenced in Subpart E of this Part for a chemical substance, the following are significant new uses of the chemical substance:

(a) Any predictable or purposeful release of a process stream containing the chemical substance associated with any use from any site:

(1) Into the waters of the United States.

$$\frac{\text{number of kilograms/day/site released}}{\text{receiving stream flow (million liters/day)}} \times 1000 = \text{N parts per billion}$$

exceeds the level specified in Subpart E of this Part, when calculated using the methods described in § 722.91. However, in lieu of calculating the above quotient, monitoring or alternative calculations may be used to predict the surface water concentration for the intended release of the substance, if the monitoring procedures or calculations have been approved for such purpose by EPA. EPA will review and act on written requests to approve monitoring procedures or alternative calculations within 45 days after such requests are received. The Agency will inform submitters of the disposition of such requests in writing and, where they are denied, will explain the reasons therefor.

(2) Into the waters of the United States without primary and secondary waste water treatment.

(3) Into the waters of the United States if the quotient from:

$$\frac{\text{number of kilograms/day/site released}}{\text{receiving stream flow (million liters/day)}} \times 1000 = \text{N parts per billion}$$

exceeds the level specified in Subpart E of this Part, when calculated using the methods described in § 722.91. However, in lieu of calculating the above quotient, monitoring or alternative calculations may be used to predict the surface water concentration for the intended release of the substance, if the monitoring procedures or calculations have been approved for such purpose by EPA. EPA will review and act on written requests to approve monitoring procedures or alternative calculations within 45 days after such requests are received. The Agency will inform submitters of the disposition of such requests in writing and, where they are denied, will explain the reasons therefor.

(b) Any predictable or purposeful release of a use stream containing the chemical substance associated with any use from any site:

(1) Into the waters of the United States.

(2) Into the waters of the United States without primary and secondary waste water treatment.

(3) Into the waters of the United States if the quotient from:

§ 722.91 Computation of estimated surface water concentrations; instructions.

These instructions describe the use of the equation specified in § 722.90 (a)(3) and (b)(3) to compute estimated surface water concentrations of a substance identified in Subpart E of this Part. The equation shall be computed for each site using the stream flow rate appropriate for the site according to paragraph (b) of this section and the highest number of kilograms calculated to be released for that site on a given day according to paragraph (a) of this section. In computing the equation, there are two variables that shall be considered: the number of kilograms released and receiving stream flow.

(a) *Number of kilograms released.* (1) To calculate the number of kilograms of substance to be released from manufacturing, processing, or use operations, as specified in the numerator of the equation, develop a process description diagram which describes each manufacturing, processing, or use operation involving the substance. The process description must include the major unit operation steps and chemical conversions. A unit operation is a functional step in a manufacturing, processing, or use operation where substances undergo chemical changes and/or changes in location, temperature, pressure, physical state, or similar characteristics. Include steps in which the new substance is formulated into mixtures, suspensions, solutions, etc.

(2) Indicate, on each diagram, the entry point of all feedstocks (*e.g.*, reactants, solvents, catalysts) used in the operation. Identify each feedstock and specify its approximate weight regardless of whether the process is continuous or batch.

(3) Identify all release points from which the substance or wastes containing the substance will be released into air, land, or water. Indicate these release points on the diagram. Do not include accidental releases or fugitive emissions.

(4) For releases identified in the diagram that are destined for water, estimate the amount of substance that will be released before the substance enters control technology. The kilograms of chemical released may be estimated based on:

(i) The mass balance of the operation, *i.e.*, totaling inputs and outputs, including wastes for each part of the process such that outputs equal inputs. The amount released to water may be the difference between the amount of

the substance in the starting material (or formed in a reaction) minus the amount of waste material removed from each part of the process and not released to water and the amount of the substance in the final product.

(ii) Physical properties such as water solubility where a known volume of water being discharged is assumed to contain the substance at concentrations equal to its solubility in water. This approach is particularly useful where the wastestream results from separation of organic/water phases or filtration of the substance from an aqueous stream to be discharged.

(iii) Measurements of flow rates of the process/use stream and known concentrations of the substance in the stream.

(5) After releases of a substance to water are estimated for each operation on a site, total the releases of the substance to water from all operations at that site. The value (number of kilograms) specified in the numerator of the equation should reflect total kilograms of substance released to water per day from all operations at a single site.

(6) Use the highest expected daily release of the substance for each site.

(b) *Receiving stream flow.* (1) The receiving stream flow shall be expressed in million liters per day (MLD). The flow rate data to be used must be for the point of release on the water body that first receives release of the substance whether by direct discharge from a site, or by indirect discharge through a Publicly-Owned Treatment Works (POTW) for each site. The flow rate reported shall be the lowest 7-day average stream flow with a recurrence interval of 10 years (7–Q–10). If the 7–Q–10 flow rate is not available for the actual point of release, the stream flow rate should be used from the U.S. Geological Survey (USGS) gauging station that is nearest the point of release that is expected to have a flow rate less than or equal to the receiving stream flow at the point of release.

(2) Receiving stream flow data may be available from the National Pollutant Discharge Elimination System (NPDES) permit for the site or POTW releasing the substance to surface water, from the NPDES permit-writing authority for the site or POTW, or from USGS publications, such as the water-data report series.

(3) If receiving stream flow data is not available for a stream, either the value of 100 million liters per day or the daily flow of wastewater from the site or POTW releasing the substance must be used as an assumed minimum stream flow. Similarily, if stream flow data is not available because the location of the point of release of the substance to surface water is a lake, estuary, bay, or ocean, then the flow rate to be used must be the daily flow of wastewater from the site or POTW releasing the substance to surface water. Wastewater flow data may be available from the NPDES permit, or NPDES authority, for the site or POTW releasing the substance to water.

Subpart C—Specific Requirements

§ 722.100 Applicability.

This Subpart C identifies certain additional requirements applicable to manufacturers, importers, and processors of chemical substances identified in Subpart E of this Part. The provisions of this Subpart apply only when referenced in Subpart E of this Part for a chemical substance and a significant new use designated in that Subpart. If the provisions in this Subpart C conflict with general provisions of Subpart A of this Part, the provisions of this Subpart C shall apply.

§ 722.125 Recordkeeping requirements.

At the time EPA adds a substance to Subpart E of this Part, the Agency will specify appropriate recordkeeping requirements which correspond to the significant new use designations for the substance selected from Subpart B of this Part. Each manufacturer, importer, and processor of the chemical substance shall maintain the records for 5 years from the date of their creation. In addition to the records specified in § 722.40, the records required to be maintained under this section may include the following:

(a) Records documenting the determinations under § 722.63(a)(1) that protective gloves are impervious to the substance.

(b) Records documenting the manufacture and importation volume of the substance.

(c) Records documenting the names and addresses of all persons to whom the substance is sold or transferred, the date of each sale or transfer, and the quantity of the substance sold or transferred on such date.

(d) Records documenting compliance with any applicable industrial, commercial, and consumer use limitations in § 722.80.

(e) Copies of labels used for the substance.

(f) Copies of Material Data Safety Sheets used for the substance.

(g) Records demonstrating establishment and implementation of procedures that ensure compliance with any applicable water discharge limitations in § 722.90.

(h) Records demonstrating establishment and implementation of procedures that ensure compliance with any applicable disposal limitations in § 722.85.

(i) Records documenting establishment and implementation of a program for the use of any applicable personal protective equipment in § 722.63.

(j) Records documenting establishment and implementation of a program for employee information and training in §§ 722.60, 722.67, 722.70, and 722.75.

Subpart D—Expedited SNUR Process for Selected Chemical Substances

§ 722.160 Notification requirements for new chemical substances subject to section 5(e) orders.

(a) *Selection of substances.* In accordance with the expedited process specified in this section, EPA will issue significant new use notification requirements and other specific requirements for each new chemical substance that is the subject of a final order issued under section 5(e) of the Act, except for an order that prohibits manufacture and import of the substance.

(b) *Designation of requirements.* The significant new use notification and other specific requirements will be based on and be consistent with the provisions included in the final order issued under section 5(e) for the substance. EPA may also designate additional activities as significant new uses which will be subject to notification if designated in accordance with the criteria and procedures in § 722.170, or after affording public notice and an opportunity for comment.

(c) *Listing requirements in Subpart E.* Significant new use requirements and other specific requirements designated under this section will be listed in Subpart E of this Part. For each substance, Subpart E will identify:

(1) The activities designated as significant new uses, which may include one or more of the activities described in Subpart B of this Part or any other activities controlled in the final section 5(e) order for the substance.

(2) Other specific requirements applicable to the substance, including those described in Subpart C of this Part or any other requirements included in the final section 5(e) order.

(d) *Adding substances to Subpart E; effective date.* (1) No later than 90 days after EPA receives a valid notice of

commencement of manufacture or import under § 720.102 of this chapter for a chemical substance described in paragraph (a) of this section, the Agency will issue a notice in the **Federal Register** adding the substance to Subpart E of the Part and designating the significant new uses subject to notification and any other applicable requirements.

(2) Significant new use notification requirements and other applicable requirements will be effective immediately upon publication of the **Federal Register** notice adding the substance to Subpart E of this Part.

(e) *Federal Register notice.* The **Federal Register** notice published pursuant to paragraph (d) of this section will contain the following:

(1)(i) The chemical identity of the substance or, if its specific identity is claimed confidential, an appropriate generic chemical name.

(ii) The PMN number.

(iii) The CAS number, where available and not claimed confidential.

(2) A summary of EPA's findings under section 5(e)(1)(A) of the Act for the final order issued under section 5(e).

(3) Designation of the significant new uses subject to notification and any other applicable requirements.

(4) Any modifications of Subpart A applicable to the specific substance and significant new uses.

(f) *Additional reporting requirements.* Each manufacturer and importer of a chemical substance added to Subpart E of this Part under this section may be required to submit reports in accordance with §§ 704.6 and 716.105 of this chapter. Subpart E will identify such reporting requirements applicable to each chemical substance listed in that Subpart.

§ 722.170 Notification requirements for selected new chemical substances that have completed premanufacture review.

(a) *Selection of substances.* In accordance with the expedited process specified in this section, EPA may issue significant new use notification requirements and other specific requirements referenced in Subpart C of this Part for any new chemical substance for which a PMN has been submitted under Part 720 of this chapter if EPA determines that activities other than those described in the PMN may result in significant changes in human exposure or environmental release levels and that concern exists about the substance's health or environmental effects.

(b) *Concern criteria.* EPA may determine that concern exists about a substance's health or environmental effects if it finds that:

(1) The substance may cause carcinogenic effects because the substance:

(i) Has been shown by valid test data to cause carcinogenic effects in humans or in at least one species of laboratory animal.

(ii) Has been shown to be a possible carcinogen based on the weight of the evidence in short-term tests indicative of the potential to cause carcinogenic effects.

(iii) Is closely analogous, based on toxicologically relevant similarities in molecular structure and physical properties, to another chemical substance that has been shown by test data to cause carcinogenic effects in humans or in at least one species of laboratory animal, provided that if there is more than one such analogue, the greatest weight will be given to the relevant data for the most appropriate analogues, or

(iv) Is known or can reasonably be anticipated, based on valid scientific data or established scientific principles, to be metabolized in humans or environmentally transformed to a chemical substance which may have the potential to cause carcinogenic effects under the criteria in paragraphs (b)(1)(i), (ii), and (iii) of this section.

(2) The substance has been shown by valid test data to cause acutely toxic effects in at least one species of laboratory animal or is closely analogous, based on toxicologically relevant similarities in molecular structure and physical properties, to another chemical substance that has been shown by valid test data to cause acutely toxic effects in at least one species of laboratory animal, provided that if there is more than one such analogue, the greatest weight will be given to the relevant data for the most appropriate analogues.

(3) The substance may cause serious chronic effects, serious acute effects, or developmentally toxic effects under reasonably anticipated conditions of exposure because the substance:

(i) Has been shown by valid test data to cause serious chronic effects, serious acute effects, or developmentally toxic effects in humans or in at least one species of laboratory animal at dose levels that could be of concern under reasonably anticipated conditions of exposure.

(ii) Is closely analogous, based on toxicologically relevant similarities in molecular structure and physical properties, to another chemical substance that has been shown by valid test data to cause serious chronic effects, serious acute effects, or developmentally toxic effects in humans or in at least one species of laboratory animal at dose levels that could be of concern under reasonably anticipated conditions of exposure, provided that if there is more than one such analogue, the greatest weight will be given to the relevant data for the most appropriate analogues.

(iii) Is known or can reasonably be anticipated, based on valid scientific data or established scientific principles, to be metabolized in humans or environmentally transformed to a chemical substance which may have the potential to cause serious chronic effects, serious acute effects, or developmentally toxic effects under the criteria in paragraphs (b)(3) (i) and (ii) of this section, or

(iv) Has been shown to potentially cause developmentally toxic effects based on the weight of the evidence in short-term tests indicative of the potential to cause developmentally toxic effects.

(4) The substance may cause significant adverse environmental effects under reasonably anticipated conditions of release because the substance:

(i) Has been shown by valid test data to cause significant adverse environmental effects at dose levels that could be of concern under reasonably anticipated conditions of release.

(ii) Is closely analogous, based on toxicologically relevant similarities in molecular structure and physical properties, to another chemical substance that has been shown by valid test data to cause significant adverse environmental effects at dose levels that could be of concern under reasonably anticipated conditions of release, provided that if there is more than one such analogue, the greatest weight will be given to the relevant data for the most appropriate analogues.

(iii) Has been determined that, based on calculations using the substance's physical and chemical properties, to be potentially able to cause significant adverse environmental effects at dose levels that could be of concern under reasonably anticipated conditions of release, or

(iv) Is known or can reasonably be anticipated, based on valid scientific data or established scientific principles, to be environmentally transformed to a chemical substance which may have the potential to cause significant adverse environmental effects under the criteria in paragraphs (b)(4) (i), (ii), and (iii) of this section.

(5) Concern exists about the health or environmental effects of one or more impurities or byproducts of the substance because the impurity or byproduct meets one or more of the criteria in paragraphs (b) (1) through (4) of this section and either:

(i) The impurity or byproduct is a new chemical substance and may be present in concentrations that could cause adverse health or environmental effects under reasonably anticipated conditions of exposure or release, or

(ii) Reasonably anticipated manufacture, processing, or use activities involving the substance for which a PMN has been submitted may result in significantly increased human exposure to or environmental release of the impurity or byproduct compared to exposure or release levels resulting from existing activities involving the impurity or byproduct.

(c) *Designation of requirements.* (1) When EPA concludes that a substance should be added to Subpart E because it meets the criteria in paragraph (a) of this section, EPA may designate as a significant new use one or more of the industrial, commercial, or consumer activities specified in § 722.80 (a) through (g), (j) through (m), and (p) through (r); environmental release activities specified in § 722.85 or § 722.90; or subcategories of these activities. In addition, EPA may designate other specific requirements described in Subpart C of this Part that are applicable to the substance.

(2) EPA may designate as a significant new use only those activities that (i) are different from those described in the PMN for the substance, including any amendments, deletions, and additions of activities to the PMN, and (ii) may be accompanied by changes in exposure or release levels that are significant in relation to the health or environmental concerns identified under paragraph (b) of this section.

(d) *Listing requirements in Subpart E.* Significant new use requirements designated under this section will be listed in Subpart E of this Part. For each substance, Subpart E of this Part will identify:

(1) The activities designated as significant new uses, which may include one or more of the activities described in paragraph (c) of this section.

(2) Other specific requirements described in Subpart C of this Part applicable to the substance.

(e) *Adding substances to Subpart E of this Part; effective date.* (1) Where, under this section, EPA selects a substance for addition to Subpart E of this Part, it will notify the person that submitted the PMN for the substance no later than 5 days before the expiration of the notice review period under § 720.75 of this chapter. In providing this notice, EPA will describe the health or environmental concerns identified under paragraph (b) of this section and the activities under consideration for designation as significant new uses. Such notice may be by telephone but in this event will be confirmed in writing no later than 30 days after completion of the notice review period. All substances for which notice has been provided under this paragraph will be listed in a separate section of the next monthly PMN Status Report appearing as a **Federal Register** notice issued by EPA in accordance with section 5(d)(3) of the Act.

(2) Where EPA decides to impose SNUR requirements after affording notice under paragraph (e)(1) of this section, it will publish a **Federal Register** notice adding the substance to Subpart E of this Part and designating the significant new uses subject to notification and any other applicable requirements from Subpart C of this Part. Such notice will be published no later than 90 days after EPA receives a valid notice of commencement of manufacture or import for the substance under § 720.102 of this chapter.

(3) Significant new use notification requirements and other applicable requirements from Subpart C of this Part will be effective immediately upon publication of the **Federal Register** notice adding the substance to Subpart E of this Part.

(f) **Federal Register** *notice.* The **Federal Register** notice published pursuant to paragraph (e)(2) of this section will contain the following:

(1)(i) The chemical identity of the substance or, if its specific identity is claimed confidential, an appropriate generic chemical name.

(ii) The PMN number.

(iii) The CAS number, where available and not claimed confidential.

(2) A description of the potential health or environmental effects identified by EPA under paragraph (b) of this section, including the data and analysis that form the basis for EPA's conclusions, to the extent not claimed confidential.

(3) Designation of the significant new uses subject to notification and any other applicable requirements from Subpart C of this Part.

(4) An explanation of EPA's reasons for concluding that the activities designated as significant new uses may be accompanied by a significant change in exposure to or release of the substance.

(5) Any modifications of Subpart A applicable to the specific substance and significant new uses.

(g) *Additional reporting requirements.* Each manufacturer and importer of a chemical substance added to Subpart E of this Part under this section may be required to submit reports in accordance with §§ 704.6 and 716.105 of this chapter. Subpart E of this Part will identify such reporting requirements applicable to each chemical substance listed in that Subpart.

§ 722.185 Limitation or revocation of certain notification requirements.

(a) *Criteria for limitation or revocation.* EPA may at any time limit the activities designated as significant new uses of a chemical substance under the procedures of §§ 722.160 and 722.170 or revoke those significant new use notification requirements entirely. Such action may be taken under this section if EPA makes one of the following determinations:

(1) Test data or other information obtained by EPA provide a reasonable basis for concluding that activities designated as significant new uses of the substance will not present an unreasonable risk of injury to health or the environment.

(2) EPA has promulgated a rule under section 4 or 6 of the Act, or EPA or another agency has taken action under another law, for the substance that eliminates the need for significant new use notification under section 5(a)(2) of the Act.

(3) EPA has received significant new use notices for some or all of the activities designated as significant new uses of the substance and, after reviewing such notices, concluded that there is no need to require additional notice from persons who propose to engage in identical or similar activities.

(4) EPA has reexamined the test data, other information, and analysis supporting its decision to add the substance to Subpart E of this Part under § 722.170 and has concluded that the substance does not meet the criteria in § 722.170(b).

(5) EPA has reexamined the test data or other information supporting its decision to add the substance to Subpart E of this Part under § 722.160 and has concluded that a rational basis no longer exists for the findings required under section 5(e)(1)(A) of the Act.

(6) For a substance added to Subpart E of this Part under § 722.160, certain activities involving the substance have been designated as significant new uses pending the completion of testing, and adequate test data developed in

accordance with applicable procedures and criteria have been submitted to EPA.

(b) *Procedures for limitation or revocation.* (1) Limitation or revocation of significant new use notification requirements under this section may occur either at EPA's initiative or in response to a written request.

(2) Any affected person may request limitation or revocation of significant new use notification requirements designated under §§ 722.160 and 722.170 by writing to the Director of the Office of Toxic Substances and stating the basis for such request. All requests should be sent to the OTS Document Control Officer, (TS–790), U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. ATTN: Significant New Use Notification Requirements. The request must be accompanied by information sufficient to support a determination described in paragraph (a) of this section. The Director of the Office of Toxic Substances will consider the request, make a final determination, and notify the requester of that determination by certified letter within 45 days of receipt of the request. If the request is denied, the letter will explain why EPA has concluded that the significant new use notification requirements should remain in effect.

(3)(i) If EPA concludes that significant new use notification requirements for a chemical substance should be limited or revoked, EPA will issue a notice in the **Federal Register** announcing this decision, briefly describing the grounds for the action, and advising interested parties of their opportunity to comment. The **Federal Register** notice published under this section will also announce whether reporting requirements under §§ 704.6 or 716.105 of this chapter are revoked for the chemical substance.

(ii) Such limitation or revocation will become effective 30 days following publication of the **Federal Register** notice unless, based on comments filed or other considerations, EPA issues a **Federal Register** notice rescinding its decision.

Subpart E—Chemical Substances Subject to Notification Requirements

722.200 Scope.

This Subpart identifies specific chemical substances that are the subject of significant new use notification requirements. For each specific substance identified, this Subpart: references the procedure by which these requirements were imposed; designates the activities that constitute significant new uses for which notification is required; designates other specific requirements; and references any applicable reporting requirements in Parts 704 and 716 of this chapter.

(Approved by the Office of Management and Budget under OMB control number 2070–0012)

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federal register

Wednesday
April 29, 1987

Part III

Department of Housing and Urban Development

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 888

Section 8 Housing Assistance Payments Program; Final Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 888

[Docket No. N-87-1644; FR-2292]

Section 8 Housing Assistance Payments Program; Fair Market Rent Schedules for Use in the Existing Housing Certificate Program; Loan Management and Property Disposition Programs, Moderate Rehabilitation Program, and Housing Voucher Program

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

ACTION: Final notice.

SUMMARY: Section 8(c)(1) of the United States Housing Act of 1937 requires the Secretary to publish Fair Market Rents periodically, but not less frequently than annually. The Department published proposed Fair Market Rents for the Section 8 Existing Housing Program on December 8, 1986 (51 FR 44198) and solicited public comment. Today's document is the first of two announcements of effective Fair Market Rents for the Section 8 Existing Housing Program. This notice establishes Fair Market Rents for 2,647 of the 2,760 rent market areas in the country.

EFFECTIVE DATE: These Fair Market Rents are effective on April 29, 1987.

FOR FURTHER INFORMATION CONTACT: Cecelia D. Livingston, Housing Voucher Division, Office of Elderly and Assisted Housing, telephone (202) 755-6477. For technical information on the development of schedules for specific areas or the method used for the rent calculations, contact Michael R. Allard, Economic and Market Analysis Division, Office of Economic Affairs, telephone (202) 755-5577. (These phone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION:

Background

Section 8 of the United States Housing Act of 1937 (the Act) (42 U.S.C. 1437f) authorizes a housing assistance program to aid lower income familes in renting decent, safe, and sanitary housing. Assistance payments are limited by Fair Market Rents (FMRs) established by HUD for different areas. The final FMRs contained in this document amend the schedules previously in effect for the Section 8 Existing Housing Certificate Program, including space rentals by owners of manufactured homes (Part 882, Subparts A, B, and F), for the Section 8 Moderate Rehabilitation Program (Part 882, Subparts D and E), and for Section 8 existing housing assisted under Part 886, Subparts A and C (Section 8 loan management and property disposition programs). FMRs also are used in determining the amount of subsidy for a family under the Housing Voucher Program.

Proposed Fair Market Rents

The Department proposed fiscal year 1987 FMRs for Section 8 existing housing on December 8, 1986 (51 FR 44198). These FMRs reflect estimated rent levels as of April 1, 1987. The criteria and methodology used by HUD in developing the proposed FMRs appear at 24 CFR Part 888, Subpart A and have been in use since 1983. The criteria used to compute FMRs are as follows: (1) The 45th percentile rent of standard quality rental units (*i.e.*, the rent below which 45 percent of the standard quality rental housing units in a market area are distributed); (2) Rents for units occupied by recent movers (households who moved within two years preceding the date of the survey data used in these calculations); and (3) Exclusion from the data base of all public housing units and recently completed housing (units built within two years of the survey dates). The FMRs for manufactured home spaces are based on the 45th percentile rent for manufactured home spaces. (See 24 CFR 888.113(a)).

Section 888.113(d) provides that HUD will use the most recent Census and American Housing Survey (AHS) data to compute base rents and will update these base rents through the use of the most current available Consumer Price Index (CPI) data. Last year, the Department completely revised the FMRs for all areas using 1980 Census data and post-1980 AHS data which were available for the first time. This year's FMRs built upon this recently completed process by considering more current CPI data. (A more complete description of HUD's calculations may be found at 51 FR 44198-99).

In its December 8, 1986 notice, the Department proposed FMRs with modest increases for most market areas, with increases generally ranging from two to five percent. No increases were proposed for the following areas: Boulder-Longmont, CO PMSA; Denver, CO PMSA; Brazoria, TX PMSA; Galveston-Texas City, TX PMSA; Houston, TX PMSA; Miami-Hialeah, FL PMSA; Fort Lauderdale-Hollywood-Pompano Beach FL PMSA; the State of Alaska; Puerto Rico; and the Virgin Islands.

Fair Market Rent Schedules in this Document

In the proposed notice, the Department indicated that it would develop its FMRs by publishing proposed FMRs for public comment, analyzing and reestimating rents based on the public comments, and publishing final FMRs. (See 24 CFR 888.115). Accordingly, in the proposed notice, the Department sought public comment for specific areas and described the documentation required to justify the proposed changes. In response to this request, HUD received 137 comments. These comments covered 128 of the 2,760 FMR areas.

This publication announces final FMRs for those market areas for which no public comments have been received, or for which all public comments received supported the proposed FMRs. The Department will publish a second notice announcing the final FMRs for effect in the remaining market areas as soon as the Department completes its review of the public comments. That document will contain an analysis and response to all public comments received. The second announcement may not include a republication of the FMRs made effective in today's announcement. The Department therefore encourages the retention of the listing of effective FMRs contained in this document.

The attached schedules announce the FMRs for 2,647 market areas. The FMRs are listed in two parts—Schedule B (Fair Market Rents for Existing Housing) and Schedule D (Fair Market Rents for Manufactured Home Spaces in the Section 8 Existing Housing Certificate Program). All areas for which public comments were submitted in opposition to the proposed FMRs have been omitted. For these areas, the 1986 FMRs will remain in effect until the Department reviews all comments and publishes the second notice of FMRs.

Administrative Fees

The FMRs published for effect will be used to calculate the administrative fee paid to PHAs under the covered Section 8 programs. (Administrative fees are not provided under the property disposition and loan management progarms (Part 886, Subparts A and C) because HUD, rather than the PHA, administers these programs.) For a PHA administering a Section 8 program in a jurisdiction where the two-bedroom FMR has been increased by this notice, the PHA's administrative fee will be adjusted as of the first day of the first month following

the effective date (today) of the FMRs appearing in this document.

Other Matters

A Finding of No Significant Impact with respect to the environment required by the National Environmental Policy Act (42 U.S.C. 4321–4374) is unnecessary, since the Section 8 Existing Housing program is categorically excluded from the Department's National Environmental Policy Act procedures under 24 CFR 50.20(d).

Under 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this Notice does not have a significant economic impact on a substantial number of small entities because FMRs reflect the rents for similar quality units in the area. Therefore, FMRs do not change the rent from that which would be charged if the project were not in the Section 8 program.

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

The Catalog of Federal Domestic Assistance program number is 14.156, Lower-Income Housing Assistance Program (Section 8).

Accordingly, the Fair Market Rent Schedules are amended as follows.

Dated: April 22, 1987.

Thomas T. Demery,

Assistant Secretary for Housing—Federal Housing Commissioner.

Section 8 Fair Market Rent Schedules for Use in the Existing Housing Certificate Program, Loan Management and Property Disposition Programs, Moderate Rehabilitation Program and Housing Voucher Program; Schedules B and D—General Explanatory Notes

1. Geographic Coverage

a. FMRs for Existing Housing (Schedule B) are established for all Metropolitan Statistical Areas (MSAs), Primary Metropolitan Statistical Areas (PMSAs), nonmetropolitan counties, and county equivalents in the United States, District of Columbia, Puerto Rico, the Virgin Islands, and Guam. FMRs also are established for nonmetropolitan parts of counties in the New England States.

b. FMRs for Manufactured Home spaces in the Section 8 Certificate Program (Schedule D) are established for all MSAs, PMSAs, selected nonmetropolitan counties, and the residual nonmetropolitan portion of each State.

c. The current 338 MSAs and PMSAs are those establishd by the Office of Management and Budget effective June 30, 1985.

2. Arrangement of FMR Areas and Identification of Constituent Parts

a. The FMR areas in Schedules B and D are listed alphabetically by MSA-PMSA and nonmetropolitan county within each State.

b. The constitutent counties (and New England towns and cities) included in each MSA and PMSA are listed immediately following the MSA-PMSA names in each State listed in Schedule B. All of the constituent parts of an MSA that are that are in more than one State can be identified by consulting the listings for each applicable State.

c. Two nonmetropolitan counties are listed alphabetically on each line of the nonmetropolitan county listings.

d. The New England towns and cities included in a nonmetropolitan part of a county are listed immediately following the county name.

e. The FMRs are listed by dollar amount on the first line beginning with the FMR area name.

BILLING CODE 4210-27-M

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 040187

FINAL FMRS

STATE: ALABAMA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ANNISTON, AL MSA COUNTY(IES): CALHOUN	223	270	318	398	446
BIRMINGHAM, AL MSA COUNTY(IES): BLOUNT, JEFFERSON, ST CLAIR, SHELBY, WALKER	261	317	373	465	521
COLUMBUS, GA-AL MSA COUNTY(IES): RUSSELL	231	277	328	410	461
DOTHAN, AL MSA COUNTY(IES): DALE, HOUSTON	260	315	371	463	519
FLORENCE, AL MSA COUNTY(IES): COLBERT, LAUDERDALE	236*	287	339	420	470
GADSDEN, AL MSA COUNTY(IES): ETOWAH	205	250	294	368	412
HUNTSVILLE, AL MSA COUNTY(IES): MADISON	262	318	374	467	523
MOBILE, AL MSA COUNTY(IES): BALDWIN, MOBILE	271	328	386	483	542
MONTGOMERY, AL MSA COUNTY(IES): AUTAUGA, ELMORE, MONTGOMERY	240	292	343	429	481
TUSCALOOSA, AL MSA COUNTY(IES): TUSCALOOSA	251	306	360	450	504

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BARBOUR	189	229	270	337	378
CHAMBERS	187	227	267	334	374
CHILTON	183	223	263	328	367
CLARKE	205	250	294	368	412
CLEBURNE	187	227	267	334	374
CONECUH	205	250	294	368	412
COUINGTON	189	229	270	337	378
DALLAS	205	250	294	368	412
ESCAMBIA	174	212	248	311	347
FRANKLIN	183	222	261	326	365
GREENE	183	223	263	328	367
HENRY	189	229	270	337	378
LAMAR	183	223	263	328	367
LEE	234	284	334	418	468
MARENGO	205	250	294	368	412
MARSHALL	201	245	286	356	397
MORGAN	228	277	326	408	457
PICKENS	183	223	263	328	367
SUMTER	205	250	294	368	412
TALLAPOOSA	187	227	267	334	374
WILCOX	205	250	294	368	412

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BIBB	183	223	263	328	367
CHEROKEE	187	227	267	334	374
CHOCTAN	205	250	294	368	412
CLAY	187	227	267	334	374
COFFEE	189	229	270	337	378
COOSA	187	227	267	334	374
CULLMAN	228	277	326	408	457
DE KALB	215	261	307	383	430
FAYETTE	183	223	263	328	367
GENEVA	189	229	270	337	378
HALE	183	223	263	328	367
JACKSON	215	261	307	383	430
LAWRENCE	228	277	326	408	457
LIMESTONE	194	236	278	347	389
MARION	183	222	261	326	365
MONROE	205	250	294	368	412
PERRY	205	250	294	368	412
RANDOLPH	187	227	267	334	374
TALLADEGA	187	227	267	334	374
WASHINGTON	205	250	294	368	412
WINSTON	183	222	261	326	365

STATE: ALASKA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ANCHORAGE, AK MSA COUNTY(IES): ANCHORAGE	448	545	641	801	897

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALEUTIAN I.	532	646	760	950	1064
BRISTOL BAY	532	646	760	950	1064
FAIRBKS-N.ST	438	532	626	783	877
JUNEAU	532	646	760	950	1064
KETCH-GATEWY	532	646	760	950	1064
KODIAK ISLND	532	646	760	950	1064
NOME	532	646	760	950	1064
P.WLS-O.KTCH	532	646	760	950	1064
SKGWY-YKT-AN	532	646	760	950	1064
VALDEZ-CORDO	438	532	626	783	877
WRNGLL-PTRBR	532	646	760	950	1064

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BETHEL	532	646	760	950	1064
DILLINGHAM	532	646	760	950	1064
HAINES	532	646	760	950	1064
KENAI-PENIN	438	532	626	783	877
KOBUK	532	646	760	950	1064
MATANUSKA-SU	438	532	626	783	877
NORTH SLOPE	532	646	760	950	1064
SITKA	532	646	760	950	1064
SE FAIRBANKS	438	532	626	783	877
WADE HAMPTON	532	646	760	950	1064
YKN-KOYKK	532	646	760	950	1064

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 040187
FINAL FMRS

S T A T E: ARIZONA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PHOENIX AZ MSA					
COUNTY(IES): MARICOPA	363	437	516	648	721
TUCSON, AZ MSA					
COUNTY(IES): PIMA	344	419	493	616	690

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
APACHE	252	305	360	450	503
COCONINO	319	388	456	570	638
GRAHAM	257	312	366	458	514
LAPAZ	324	394	463	579	649
NAUAJO	252	305	360	450	503
SANTA CRUZ	257	312	366	458	514
YUMA	324	394	463	579	649

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COCHISE	257	312	366	458	514
GILA	259	315	371	463	518
GREENLEE	257	312	366	458	514
MOHAUE	324	394	463	579	649
PINAL	259	315	371	463	518
YAVAPAI	319	388	456	570	638

S T A T E: ARKANSAS

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
FAYETTEVILLE-SPRINGDALE, AR MSA					
COUNTY(IES): WASHINGTON	244	296	348	435	487
FORT SMITH, AR-OK MSA					
COUNTY(IES): CRAWFORD, SEBASTIAN	237	288	339	424	475
LITTLE ROCK-NORTH LITTLE ROCK, AR MSA					
COUNTY(IES): FAULKNER, LONOKE, PULASKI, SALINE	282	342	402	503	563
MEMPHIS, TN-AR-MS MSA					
COUNTY(IES): CRITTENDEN	251	308	364	451	507
PINE BLUFF, AR MSA					
COUNTY(IES): JEFFERSON	234	285	336	420	470
TEXARKANA, TX-TEXARKANA, AR MSA					
COUNTY(IES): MILLER	233	283	334	417	467

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ARKANSAS	199	241	284	354	397
BAXTER	225	274	323	403	452
BOONE	225	274	323	403	452
CALHOUN	190	234	273	342	381
CHICOT	189	229	270	338	379
CLAY	211	257	302	378	423
CLEVELAND	196	238	280	349	391
CONWAY	195	237	279	348	389
CROSS	200	244	288	355	397
DESHA	189	229	270	338	379
FRANKLIN	176	213	251	313	351
GARLAND	208	253	297	372	417
GREENE	211	257	302	378	423
HOTSPRING	208	253	297	372	417
INDEPENDENCE	221	269	316	395	443
JACKSON	221	269	316	395	443
LAFAYETTE	194	234	276	346	387
LEE	200	244	288	355	397
LITTLE RIVER	194	234	276	346	387
MADISON	225	274	323	403	452
MISSISSIPPI	229	279	328	410	459
MONTGOMERY	208	253	297	372	417
NEWTON	225	274	323	403	452
PERRY	195	237	279	348	389
PIKE	208	253	297	372	417
POLK	210	255	300	375	420
PRAIRIE	171	207	244	305	341
ST FRANCIS	200	244	288	355	397
SEARCY	225	274	323	403	452
SHARP	221	269	316	395	443
UNION	190	234	273	342	381
WHITE	221	269	316	395	443
YELL	195	237	279	348	389

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ASHLEY	189	229	270	338	379
BENTON	234	283	330	406	452
BRADLEY	189	229	270	338	379
CARROLL	225	274	323	403	452
CLARK	208	253	297	372	417
CLEBURNE	221	269	316	395	443
COLUMBIA	190	234	273	342	381
CRAIGHEAD	248	300	353	441	495
DALLAS	190	234	273	342	381
DREW	189	229	270	338	379
FULTON	221	269	316	395	443
GRANT	196	238	280	349	391
HEMPSTEAD	194	234	276	346	387
HOWARD	194	234	276	346	387
IZARD	221	269	316	395	443
JOHNSON	195	237	279	348	389
LAWRENCE	211	257	302	378	423
LINCOLN	189	229	270	338	379
LOGAN	176	213	251	313	351
MARION	225	274	323	403	452
MONROE	171	207	244	305	341
NEVADA	194	234	276	346	387
OUACHITA	190	231	271	340	381
PHILLIPS	200	244	288	355	397
POINSETT	211	257	302	378	423
POPE	195	237	279	348	389
RANDOLPH	211	257	302	378	423
SCOTT	176	213	251	313	351
SEVIER	194	234	276	346	387
STONE	221	269	316	395	443
VAN BUREN	221	269	316	395	443
WOODRUFF	221	269	316	395	443

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 040187
FINAL FMRS
S T A T E: CALIFORNIA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ANAHEIM-SANTA ANA, CA PMSA COUNTY(IES): ORANGE	498	604	711	889	996
BAKERSFIELD, CA MSA COUNTY(IES): KERN	350	425	500	625	700
CHICO, CA MSA COUNTY(IES): BUTTE	307	373	439	549	614
FRESNO, CA MSA COUNTY(IES): FRESNO	319	388	457	571	639
LOS ANGELES-LONG BEACH, CA PMSA COUNTY(IES): LOS ANGELES	443	530	616	789	892
MERCED, CA MSA COUNTY(IES): MERCED	301	366	430	553	627
MODESTO, CA MSA COUNTY(IES): STANISLAUS	336	408	481	601	673
OAKLAND, CA PMSA COUNTY(IES): ALAMEDA, CONTRA COSTA	487	591	696	870	974
OXNARD-VENTURA, CA PMSA COUNTY(IES): VENTURA	426	517	608	760	852
REDDING, CA MSA COUNTY(IES): SHASTA	319	388	457	571	639
RIVERSIDE-SAN BERNARDINO, CA PMSA COUNTY(IES): RIVERSIDE, SAN BERNADIN	362	427	497	643	724
SACRAMENTO, CA MSA COUNTY(IES): EL DORADO, PLACER, SACRAMENTO, YOLO	338	402	481	698	740
SALINAS-SEASIDE-MONTEREY, CA MSA COUNTY(IES): MONTEREY	383	465	546	684	766
SAN DIEGO, CA MSA COUNTY(IES): SAN DIEGO	409	502	589	736	824
SAN JOSE, CA PMSA COUNTY(IES): SANTA CLARA	523	592	691	901	989
SANTA BARBARA-SANTA MARIA-LOMPOC, CA MSA COUNTY(IES): SANTA BARBAR	432	525	618	774	866
SANTA CRUZ, CA PMSA COUNTY(IES): SANTA CRUZ	477	579	682	852	955
SANTA ROSA-PETALUMA, CA PMSA COUNTY(IES): SONOMA	420	509	600	750	840
STOCKTON, CA MSA COUNTY(IES): SAN JOAQUIN	297	358	422	539	629
VALLEJO-FAIRFIELD-NAPA, CA PMSA COUNTY(IES): NAPA, SOLANO	391	445	523	755	814
VISALIA-TULARE-PORTERVILLE, CA MSA COUNTY(IES): TULARE	298	363	427	617	676
YUBA CITY, CA MSA COUNTY(IES): SUTTER, YUBA	264	321	377	496	556

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALPINE	350	425	500	625	700
CALAUERAS	350	425	500	625	700
DEL NORTE	319	388	457	571	639
HUMBOLDT	329	400	470	588	659
INYO	350	425	500	625	700
LASSEN	293	355	418	522	586
MARIPOSA	350	425	500	625	700
MODOC	293	355	418	522	586
NEVADA	392	477	560	701	784
SAN BENITO	289	351	442	568	636
SIERRA	392	477	560	701	784
TEHAMA	293	355	418	522	586
TUOLUMNE	350	425	500	625	700
AMADOR	350	425	500	625	700
COLUSA	265	322	379	475	532
GLENN	265	322	379	475	532
IMPERIAL	332	403	474	592	663
LAKE	319	388	457	571	639
MADERA	289	351	412	518	578
MENDOCINO	319	388	493	624	639
MONO	350	425	500	625	700
PLUMAS	293	355	418	522	586
SAN LUIS OBI	396	481	567	708	793
SISKIYOU	293	355	418	522	586
TRINITY	319	388	457	571	639

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 100786
FINAL FMRS

STATE: COLORADO

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BOULDER-LONGMONT, CO PMSA COUNTY(IES): BOULDER	373	454	534	667	747
COLORADO SPRINGS, CO MSA COUNTY(IES): EL PASO	286	347	409	511	572
DENVER, CO PMSA COUNTY(IES): ADAMS, ARAPAHOE, DENVER, DOUGLAS, JEFFERSON	355	420	495	615	690
FORT COLLINS-LOVELAND, CO MSA COUNTY(IES): LARIMER	329	400	470	588	659
GREELEY, CO MSA COUNTY(IES): WELD	285	346	407	509	570
PUEBLO, CO MSA COUNTY(IES): PUEBLO	284	344	405	507	568

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALAMOSA	284	344	405	507	568
BACA	248	299	347	434	487
CHAFFEE	315	382	449	562	629
CLEAR CREEK	315	382	449	562	629
COSTILLA	284	344	405	507	568
CUSTER	315	382	449	562	629
DELORES	284	344	405	507	568
ELBERT	243	296	347	434	487
GARFIELD	357	433	510	638	714
GRAND	375	454	534	668	749
HINSDALE	375	454	534	668	749
JACKSON	375	454	534	668	749
KIT CARSON	243	296	347	434	487
LA PLATA	316	379	447	558	626
LINCOLN	248	299	347	434	487
MESA	357	433	510	638	714
MOFFAT	357	433	510	638	714
MONTROSE	375	454	534	668	749
OTERO	248	299	347	434	487
PARK	315	382	449	562	629
PITKIN	375	454	534	668	749
RIO BLANCO	357	433	510	638	714
ROUTT	375	454	534	668	749
SAN JUAN	284	344	405	507	568
SEDGWICK	243	296	347	434	487
TELLER	315	382	449	562	629
YUMA	243	296	347	434	487

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ARCHULETA	284	344	405	507	568
BENT	248	299	347	434	487
CHEYENNE	243	296	347	434	487
CONEJOS	284	344	405	507	568
CROWLEY	248	299	347	434	487
DELTA	375	454	534	668	749
EAGLE	375	454	534	668	749
FREMONT	315	382	449	562	629
GILPIN	315	382	449	562	629
GUNNISON	375	454	534	668	749
HUERFANO	284	344	405	507	568
KIOWA	248	299	347	434	487
LAKE	315	382	449	562	629
LAS ANIMAS	284	344	405	507	568
LOGAN	243	296	347	434	487
MINERAL	284	344	405	507	568
MONTEZUMA	284	344	405	507	568
MORGAN	243	296	347	434	487
OURAY	375	454	534	668	749
PHILLIPS	243	296	347	434	487
PROWERS	248	299	347	434	487
RIO GRANDE	284	344	405	507	568
SAGUACHE	284	344	405	507	568
SAN MIGUEL	375	454	534	668	749
SUMMIT	375	454	534	668	749
WASHINGTON	243	296	347	434	487

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 040187
FINAL FMRS

STATE: CONNECTICUT

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BRISTOL, CT PMSA COUNTY: HARTFORD TOWNS OF BRISTOL, BURLINGTON, LITCHFIELD	323	392	461	577	646
NEW LONDON-NORWICH, CT-RI MSA COUNTY(IES): NEW LONDON, WINDHAM	372	452	531	664	744
NORWALK, CT PMSA COUNTY(IES): FAIRFIELD	438	533	627	783	877
STAMFORD, CT PMSA COUNTY(IES): FAIRFIELD	458	557	656	819	917

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
HARTFORD	323	392	461	577	646
NEW LONDON	287	349	410	513	575

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MIDDLESEX	400	485	571	713	799
TOLLAND	387	470	553	691	775

STATE: DELAWARE

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
WILMINGTON, DE-NJ-MD PMSA COUNTY(IES): NEW CASTLE	355	425	505	630	750

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KENT	262	318	374	472	523

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SUSSEX	262	318	374	472	523

STATE: DIST. OF COLUMBIA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
WASHINGTON, DC-MD-VA MSA COUNTY(IES): WASHINGTON	393	478	563	707	792

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 040187
FINAL FMRS
S T A T E: FLORIDA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BRADENTON, FL MSA					
COUNTY(IES): MANATEE	326	396	467	583	653
DAYTONA BEACH, FL MSA					
COUNTY(IES): VOLUSIA	316	382	450	563	631
FORT LAUDERDALE-HOLLYWOOD-POMPANO BEACH, FL PMSA					
COUNTY(IES): BROWARD	365	443	521	651	729
FORT MYERS-CAPE CORAL, FL MSA					
COUNTY(IES): LEE	335	407	479	599	671
FORT PIERCE, FL MSA					
COUNTY(IES): MARTIN, ST LUCIE	335	407	479	599	671
GAINESVILLE, FL MSA					
COUNTY(IES): ALACHUA, BRADFORD	284	345	406	508	568
JACKSONVILLE, FL MSA					
COUNTY(IES): CLAY, DUVAL, NASSAU, ST JOHNS	297	361	425	531	595
LAKELAND-WINTER HAVEN, FL MSA					
COUNTY(IES): POLK	268	326	383	480	538
MELBOURNE-TITUSVILLE-PALM BAY, FL MSA					
COUNTY(IES): BREVARD	307	368	433	542	607
MIAMI-HIALEAH, FL PMSA					
COUNTY(IES): DADE	372	445	520	655	730
NAPLES, FL MSA					
COUNTY(IES): COLLIER	344	417	491	615	689
OCALA, FL MSA					
COUNTY(IES): MARION	248	302	354	442	495
ORLANDO, FL MSA					
COUNTY(IES): ORANGE, OSCEOLA, SEMINOLE	328	399	469	571	637
PANAMA CITY, FL MSA					
COUNTY(IES): BAY	238	290	341	427	477
PENSACOLA, FL MSA					
COUNTY(IES): ESCAMBIA, SANTA ROSA	266	324	380	476	533
SARASOTA, FL MSA					
COUNTY(IES): SARASOTA	353	429	505	630	706
TALLAHASSEE, FL MSA					
COUNTY(IES): GADSDEN, LEON	280	339	400	500	559
TAMPA-ST. PETERSBURG-CLEARWATER, FL MSA					
COUNTY(IES): HERNANDO, HILLSBOROUGH, PASCO, PINELLAS	294	357	420	525	589

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BAKER	216	262	308	385	432
CHARLOTTE	324	394	464	579	649
DE SOTO	233	283	333	416	467
FLAGLER	250	303	357	446	500
GILCHRIST	199	243	286	357	400
GULF	183	222	261	327	366
HARDEE	233	283	333	416	467
HIGHLANDS	233	283	333	416	467
INDIAN RIVER	335	407	479	599	671
JEFFERSON	183	222	261	327	366
LAKE	261	317	372	466	522
LIBERTY	183	222	261	327	366
MONROE	380	461	610	729	792
PUTNAM	250	303	357	446	500
SUWANNEE	199	243	286	357	400
UNION	199	243	286	357	400
WALTON	249	302	356	445	498

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CALHOUN	183	222	261	327	366
CITRUS	248	300	354	442	495
DIXIE	199	243	286	357	400
FRANKLIN	183	222	261	327	366
GLADES	324	394	464	579	649
HAMILTON	199	243	286	357	400
HENDRY	324	394	464	579	649
HOLMES	213	258	304	380	426
JACKSON	191	231	272	340	381
LAFAYETTE	199	243	286	357	400
LEVY	248	302	354	442	495
MADISON	199	243	286	357	400
OKEECHOBEE	233	283	333	416	467
SUMTER	248	300	354	442	495
TAYLOR	199	243	286	357	400
WAKULLA	183	222	261	327	366
WASHINGTON	183	222	261	327	366

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 040187
FINAL FMRS
S T A T E: GEORGIA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALBANY, GA MSA COUNTY(IES): DOUGHERTY, LEE	247	299	353	441	494
ATHENS, GA MSA COUNTY(IES): CLARKE, JACKSON, MADISON, OCONEE	255	311	366	457	511
ATLANTA, GA MSA COUNTY(IES): BARROW, BUTTS, CHEROKEE, CLAYTON, COBB, COWETA, DE KALB, DOUGLAS, FAYETTE, FORSYTH, FULTON, GWINNETT, HENRY NEWTON, PAULDING, ROCKDALE, SPALDING, WALTON	336	407	477	597	667
AUGUSTA, GA-SC MSA COUNTY(IES): COLUMBIA, MCDUFFIE, RICHMOND	260	313	366	457	511
CHATTANOOGA, TN-GA MSA COUNTY(IES): CATOOSA, DADE, WALKER	277	336	396	495	555
COLUMBUS, GA-AL MSA COUNTY(IES): CHATTAHOOCHE, COLUMBUS	231	277	328	410	461
MACON-WARNER ROBINS, GA MSA COUNTY(IES): BIBB, HOUSTON, JONES, PEACH	256	313	369	461	513
SAVANNAH, GA MSA COUNTY(IES): CHATHAM, EFFINGHAM	260	316	372	465	521

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
APPLING	213	259	305	381	427
BACON	200	243	286	358	401
BALDWIN	203	247	291	364	407
BARTON	216	263	310	387	434
BERRIEN	211	256	301	377	422
BRANTLEY	200	243	286	358	401
BRYAN	246	286	337	421	472
BURKE	204	248	292	366	409
CAMDEN	236	286	337	421	472
CARROLL	246	297	349	436	487
CHATTOOGA	216	263	310	387	434
CLINCH	200	243	286	358	401
COLQUITT	206	250	294	367	412
CRAWFORD	173	210	247	309	345
DAWSON	195	240	279	346	384
DODGE	208	253	294	368	407
EARLY	208	253	294	368	412
ELBERT	197	239	281	352	394
EVANS	213	259	305	381	427
FLOYD	216	263	310	387	434
GILMER	232	281	330	413	463
GLYNN	236	286	337	421	472
GRADY	208	253	294	368	412
HABERSHAM	215	261	308	384	431
HANCOCK	208	253	294	368	407
HARRIS	210	256	297	369	412
HEARD	229	278	327	409	458
JASPER	208	253	294	368	407
JEFFERSON	204	248	292	366	409
JOHNSON	208	253	294	368	407
LANIER	211	256	301	377	422
LIBERTY	236	286	337	421	472
LONG	236	286	337	421	472
LUMPKIN	195	240	279	346	384
MACON	208	253	294	368	412
MERIWETHER	229	278	327	409	458
MITCHELL	208	253	294	368	412
MONTGOMERY	210	257	301	371	412
MURRAY	232	281	330	413	463
PICKENS	232	281	330	413	463
PIKE	191	232	273	341	381
PULASKI	208	253	294	368	407
QUITMAN	206	250	294	367	412
RANDOLPH	208	253	294	368	412
SCREVEN	210	257	301	371	412
STEPHENS	226	277	323	405	451
SUMTER	231	282	333	415	466
TALIAFERRO	204	248	292	366	409
TAYLOR	208	253	294	368	412
TERRELL	208	253	294	368	412
TIFT	211	256	301	377	422
TOWNS	195	240	279	346	384
TROUP	234	282	331	412	459
TWIGGS	173	210	247	309	345
UPSON	191	232	273	341	381
WARREN	204	248	292	366	409
ATKINSON	200	243	286	358	401
BAKER	208	253	294	368	412
BANKS	192	234	275	343	384
BEN HILL	211	256	301	377	422
BLECKLEY	208	253	294	368	407
BROOKS	211	256	301	377	422
BULLOCH	213	259	305	381	427
CALHOUN	208	253	294	368	412
CANDLER	213	259	305	381	427
CHARLTON	208	252	294	363	401
CLAY	208	253	294	368	412
COFFEE	200	243	286	358	401
COOK	211	256	301	377	422
CRISP	206	250	294	367	412
DECATUR	208	253	294	368	412
DOOLY	208	253	294	368	412
ECHOLS	211	256	301	377	422
EMANUEL	204	248	292	366	409
FANNIN	232	281	330	413	463
FRANKLIN	192	234	275	343	384
GLASCOCK	204	248	292	366	409
GORDON	216	263	310	387	434
GREENE	195	236	278	347	388
HALL	277	333	395	492	554
HARALSON	216	263	310	387	434
HART	192	234	275	343	384
IRWIN	211	256	301	377	422
JEFF DAVIS	213	259	305	381	427
JENKINS	204	248	292	366	409
LAMAR	191	232	273	341	381
LAURENS	203	247	291	364	407
LINCOLN	204	248	292	366	409
LOWNDES	211	256	301	377	422
MCINTOSH	236	286	337	421	472
MARION	210	256	297	369	412
MILLER	208	253	294	368	412
MONROE	173	210	247	309	345
MORGAN	195	236	278	347	388
OGLETHORPE	195	236	278	347	388
PIERCE	200	243	286	358	401
POLK	216	265	310	387	434
PUTNAM	208	253	294	368	407
RABUN	195	240	279	346	384
SCHLEY	210	256	297	369	412
SEMINOLE	208	253	294	368	412
STEWART	210	256	297	369	412
TALBOT	206	250	294	367	412
TATTNALL	213	259	305	381	427
TELFAIR	208	253	294	368	407
THOMAS	241	292	343	431	482
TOOMBS	213	259	305	381	427
TREUTLEN	208	253	294	368	407
TURNER	211	256	301	377	422
UNION	195	240	279	346	384
WARE	200	243	286	358	401
WASHINGTON	208	253	294	368	407

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 040187
FINAL FMRS
STATE: GEORGIA

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
WAYNE	213	259	305	381	427
WHEELER	208	253	294	368	407
WHITFIELD	232	281	330	413	463
WILKES	204	248	292	366	409
WORTH	208	253	294	368	412
WEBSTER	210	256	297	369	412
WHITE	195	240	279	346	384
WILCOX	208	253	294	368	407
WILKINSON	208	253	294	368	407

S T A T E: HAWAII

HONOLULU, HI MSA
COUNTY(IES): HONOLULU

0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
404	491	578	726	813

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
HAWAII	389	472	554	694	777
MAUI	389	472	554	694	777

S T A T E: IDAHO

BOISE CITY, ID MSA
COUNTY(IES): ADA

0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
333	404	476	594	666

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAMS	259	315	371	463	519
BEAR LAKE	269	327	384	481	539
BINGHAM	271	330	384	481	539
BOISE	259	315	371	463	519
BONNEVILLE	290	352	415	518	581
BUTTE	290	352	415	518	581
CARIBOU	271	330	384	481	539
CLARK	290	352	415	518	581
CUSTER	290	352	415	518	581
FREMONT	290	352	415	518	581
GOODING	275	334	394	491	551
JEFFERSON	290	352	415	518	581
KOOTENAI	269	327	384	481	539
LEMHI	290	352	415	518	581
LINCOLN	275	334	394	491	551
MINIDOKA	275	334	394	491	551
ONEIDA	269	327	384	481	539
POWER	271	330	384	481	539
TETON	290	352	415	518	581
VALLEY	259	315	371	463	519
BANNOCK	271	330	384	481	539
BENEWAH	269	327	384	481	539
BLAINE	275	334	394	491	551
BONNER	269	327	384	481	539
BOUNDARY	269	327	384	481	539
CAMAS	275	334	394	491	551
CASSIA	275	334	394	491	551
CLEARWATER	269	327	384	481	539
FRANKLIN	269	327	384	481	539
GEM	259	315	371	463	519
IDAHO	269	327	384	481	539
JEROME	275	334	394	491	551
LATAH	269	327	384	481	539
LEWIS	269	327	384	481	539
MADISON	290	352	415	518	581
NEZ PERCE	269	327	384	481	539
OWYHEE	259	315	371	463	519
SHOSHONE	269	327	384	481	539
TWIN FALLS	275	334	394	491	551

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 040187

FINAL FMRS

STATE: ILLINOIS

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
AURORA-ELGIN, IL PMSA	386	471	555	693	778
COUNTY(IES): KANE, KENDALL					
BLOOMINGTON-NORMAL, IL MSA	288	351	413	516	578
COUNTY(IES): MCLEAN					
CHAMPAIGN-URBANA-RANTOUL, IL MSA	281	341	402	503	562
COUNTY(IES): CHAMPAIGN					
CHICAGO, IL PMSA	375	460	539	676	756
COUNTY(IES): COOK, DU PAGE, MCHENRY					
DAVENPORT-ROCK ISLAND-MOLINE, IA-IL MSA	309	375	442	552	618
COUNTY(IES): HENRY, ROCK ISLAND					
DECATUR, IL MSA	281	341	402	503	562
COUNTY(IES): MACON					
JOLIET, IL PMSA	386	470	555	692	777
COUNTY(IES): GRUNDY, WILL					
KANKAKEE, IL MSA	278	337	397	496	556
COUNTY(IES): KANKAKEE					
LAKE COUNTY, IL PMSA	396	481	565	708	793
COUNTY(IES): LAKE					
PEORIA, IL MSA	325	395	464	581	650
COUNTY(IES): PEORIA, TAZEWELL, WOODFORD					
ROCKFORD, IL MSA	295	359	422	527	590
COUNTY(IES): BOONE, WINNEBAGO					
ST. LOUIS, MO-IL MSA	292	356	419	526	589
COUNTY(IES): CLINTON, JERSEY, MADISON, MONROE, ST CLAIR					
SPRINGFIELD, IL MSA	296	360	423	529	592
COUNTY(IES): MENARD, SANGAMON					

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAMS	220	267	314	393	440
BOND	242	295	346	433	485
BUREAU	268	326	384	480	537
CARROLL	249	302	356	445	498
CHRISTIAN	254	309	363	454	509
CLAY	227	276	325	406	455
CRANFORD	227	276	325	406	455
DE KALB	290	352	414	518	580
DOUGLAS	242	295	346	433	485
EDWARDS	220	267	314	393	440
FAYETTE	227	276	325	406	455
FRANKLIN	257	312	368	460	515
GALLATIN	204	247	292	364	407
HAMILTON	220	267	314	393	440
HARDIN	204	247	292	364	407
IROQUOIS	252	306	360	451	505
JASPER	227	276	325	406	455
JO DAVIESS	249	302	356	445	498
KNOX	261	316	372	466	522
LAWRENCE	227	276	325	406	455
LIVINGSTON	252	306	360	451	505
MCDONOUGH	242	294	343	426	473
MARION	227	276	325	406	455
MASON	252	303	358	442	492
MERCER	236	286	337	422	473
MORGAN	252	303	358	442	492
OGLE	249	302	356	445	498
PIATT	242	295	346	433	485
POPE	204	247	292	364	407
PUTNAM	268	326	384	480	537
RICHLAND	227	276	325	406	455
SCHUYLER	220	267	314	393	440
SHELBY	254	309	363	454	509
STEPHENSON	249	302	356	445	498
VERMILION	252	306	360	451	505
WARREN	242	294	343	426	473
WAYNE	220	267	314	393	440
WHITESIDE	304	369	434	543	608

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALEXANDER	204	247	292	364	407
BROWN	220	267	314	393	440
CALHOUN	246	299	352	439	492
CASS	252	303	358	442	492
CLARK	242	295	346	433	485
COLES	242	295	346	433	485
CUMBERLAND	242	295	346	433	485
DE WITT	242	295	346	433	485
EDGAR	242	295	346	433	485
EFFINGHAM	227	276	325	406	455
FORD	252	306	360	451	505
FULTON	268	326	384	480	537
GREENE	246	299	352	439	492
HANCOCK	236	286	337	422	473
HENDERSON	236	286	337	422	473
JACKSON	257	312	368	460	515
JEFFERSON	248	300	357	445	496
JOHNSON	204	247	292	364	407
LA SALLE	304	369	434	543	608
LEE	304	369	434	543	608
LOGAN	252	303	358	442	492
MACOUPIN	254	309	363	454	509
MARSHALL	268	326	384	480	537
MASSAC	204	247	292	364	407
MONTGOMERY	254	309	363	454	509
MOULTRIE	254	309	363	454	509
PERRY	242	295	346	433	485
PIKE	220	267	314	393	440
PULASKI	204	247	292	364	407
RANDOLPH	242	295	346	433	485
SALINE	204	247	292	364	407
SCOTT	252	303	358	442	492
STARK	268	326	384	480	537
UNION	204	247	292	364	407
WABASH	220	267	314	393	440
WASHINGTON	242	295	346	433	485
WHITE	220	267	314	393	440
WILLIAMSON	257	312	368	460	515

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 040187
FINAL FMRS

S T A T E: INDIANA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ANDERSON, IN MSA COUNTY(IES): MADISON	242	295	346	433	486
BLOOMINGTON, IN MSA COUNTY(IES): MONROE	262	318	374	468	524
CINCINNATI, OH-KY-IN PMSA COUNTY(IES): DEARBORN	254	310	366	458	509
ELKHART-GOSHEN, IN MSA COUNTY(IES): ELKHART	256	310	365	457	511
EVANSVILLE, IN-KY MSA COUNTY(IES): POSEY, VANDERBURGH, WARRICK	270	320	375	470	526
FORT WAYNE, IN MSA COUNTY(IES): ALLEN, DE KALB, WHITLEY	270	324	378	474	526
GARY-HAMMOND, IN PMSA COUNTY(IES): LAKE, PORTER	310	376	442	553	620
INDIANAPOLIS, IN MSA COUNTY(IES): BOONE, HAMILTON, HANCOCK, HENDRICKS, JOHNSON, MARION, MORGAN, SHELBY	263	320	376	469	526
KOKOMO, IN MSA COUNTY(IES): HOWARD, TIPTON	267	325	381	477	535
LAFAYETTE-WEST LAFAYETTE, IN MSA COUNTY(IES): TIPPECANOE	282	343	403	504	565
LOUISVILLE, KY-IN MSA COUNTY(IES): CLARK, FLOYD, HARRISON	247	300	351	438	490
MUNCIE, IN MSA COUNTY(IES): DELAWARE	233	280	329	408	457
SOUTH BEND-MISHAWAKA, IN MSA COUNTY(IES): ST JOSEPH	264	319	372	462	513
TERRE HAUTE, IN MSA COUNTY(IES): CLAY, VIGO	239	291	340	422	468

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAMS	238	288	336	420	470	BARTHOLOMEW	269	327	385	481	539
BENTON	228	277	327	408	457	BLACKFORD	215	262	308	385	431
BROWN	269	327	385	481	539	CARROLL	228	277	327	408	457
CLINTON	228	277	327	408	457	CRAWFORD	197	239	281	353	395
DAVIESS	222	269	318	397	444	DECATUR	269	327	385	481	539
DUBOIS	197	239	281	353	395	FAYETTE	232	279	327	408	457
FOUNTAIN	228	277	327	408	457	FRANKLIN	232	279	327	408	457
FULTON	221	268	315	395	442	GIBSON	256	310	365	457	511
GRANT	215	262	308	385	431	GREENE	222	269	318	397	444
HENRY	215	262	308	385	431	HUNTINGTON	235	286	336	420	470
JACKSON	269	327	385	481	539	JASPER	238	289	340	426	476
JAY	215	262	308	385	431	JEFFERSON	256	310	365	457	511
JENNINGS	269	327	385	481	539	KNOX	228	273	318	397	444
KOSCIUSKO	244	295	347	428	476	LAGRANGE	244	296	348	435	488
LA PORTE	259	314	369	462	518	LAWRENCE	247	301	354	442	495
MARSHALL	238	289	340	426	476	MARTIN	222	269	318	397	444
MONTGOMERY	228	277	327	408	457	NEWTON	238	289	340	426	476
NOBLE	243	296	348	435	488	OHIO	256	310	365	457	511
ORANGE	197	239	281	353	395	OWEN	261	317	372	466	522
PARKE	228	277	327	408	457	PERRY	197	239	281	353	395
PIKE	256	310	365	457	511	PULASKI	238	289	340	426	476
PUTNAM	236	287	337	422	472	RANDOLPH	215	262	308	385	431
RIPLEY	256	310	365	457	511	RUSH	228	277	327	408	457
SCOTT	244	297	350	437	490	SPENCER	197	239	281	353	395
STARKE	238	289	340	426	476	STEUBEN	243	296	348	435	488
SULLIVAN	228	277	327	408	457	SWITZERLAND	256	310	365	457	511
UNION	232	279	327	408	457	VERMILLION	236	286	334	415	460
WABASH	221	268	315	395	442	WARREN	228	277	327	408	457
WASHINGTON	264	321	377	472	529	WAYNE	233	280	329	408	457
WELLS	240	289	337	422	470	WHITE	228	277	327	408	457

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 040187
FINAL FMRS

S T A T E: IOWA	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CEDAR RAPIDS, IA MSA COUNTY(IES): LINN	300	364	428	536	601
DAVENPORT-ROCK ISLAND-MOLINE, IA-IL MSA COUNTY(IES): SCOTT	309	375	442	552	618
DES MOINES, IA MSA COUNTY(IES): DALLAS, POLK, WARREN	299	363	427	535	599
DUBUQUE, IA MSA COUNTY(IES): DUBUQUE	278	336	396	495	555
IOWA CITY, IA MSA COUNTY(IES): JOHNSON	315	383	450	563	631
OMAHA, NE-IA MSA COUNTY(IES): POTTAWATTAMI	273	331	390	488	547
SIOUX CITY, IA-NE MSA COUNTY(IES): WOODBURY	270	329	387	484	542
WATERLOO-CEDAR FALLS, IA MSA COUNTY(IES): BLACK HAWK, BREMER	301	365	430	538	603

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAIR	228	277	326	408	456	ADAMS	228	277	326	408	456
ALLAMAKEE	240	292	344	430	482	APPANOOSE	228	277	326	408	456
AUDUBON	241	294	346	432	484	BENTON	235	286	336	421	471
BOONE	275	333	392	490	549	BUCHANAN	240	292	344	430	482
BUENA VISTA	236	287	337	422	474	BUTLER	240	292	344	430	482
CALHOUN	241	294	346	432	484	CARROLL	241	294	346	432	484
CASS	248	300	353	442	495	CEDAR	268	326	384	480	538
CERRO GORDO	238	290	341	426	478	CHEROKEE	241	294	346	432	484
CHICKASAW	240	292	344	430	482	CLARKE	228	277	326	408	456
CLAY	236	287	337	422	474	CLAYTON	240	292	344	430	482
CLINTON	268	326	384	480	538	CRAWFORD	241	294	346	432	484
DAVIS	228	277	326	408	456	DECATUR	228	277	326	408	456
DELAWARE	268	326	384	480	538	DES MOINES	253	307	361	451	506
DICKINSON	236	287	337	422	474	EMMET	236	287	337	422	474
FAYETTE	240	292	344	430	482	FLOYD	238	290	341	426	478
FRANKLIN	238	290	341	426	478	FREMONT	248	300	353	442	495
GREENE	241	294	346	432	484	GRUNDY	240	292	344	430	482
GUTHRIE	241	294	346	432	484	HAMILTON	241	294	346	432	484
HANCOCK	238	290	341	426	478	HARDIN	251	304	358	448	502
HARRISON	248	300	353	442	495	HENRY	253	307	361	451	506
HOWARD	240	292	344	430	482	HUMBOLDT	241	294	346	432	484
IDA	241	294	346	432	484	IOWA	235	286	336	421	471
JACKSON	268	326	384	480	538	JASPER	255	310	364	455	510
JEFFERSON	252	305	359	449	503	JONES	235	286	336	421	471
KEOKUK	236	287	337	422	473	KOSSUTH	238	290	341	426	478
LEE	253	307	361	451	506	LOUISA	253	307	361	451	506
LUCAS	228	277	326	408	456	LYON	236	287	337	422	474
MADISON	255	310	364	455	510	MAHASKA	228	277	326	408	456
MARION	255	310	364	455	510	MARSHALL	251	304	358	448	502
MILLS	248	300	353	442	495	MITCHELL	238	290	341	426	478
MONONA	241	294	346	432	484	MONROE	228	277	326	408	456
MONTGOMERY	248	300	353	442	495	MUSCATINE	253	307	361	451	506
O BRIEN	236	287	337	422	474	OSCEOLA	236	287	337	422	474
PAGE	248	300	353	442	495	PALO ALTO	236	287	337	422	474
PLYMOUTH	241	294	346	432	484	POCAHONTAS	241	294	346	432	484
POWESHIEK	251	304	358	448	502	RINGGOLD	228	277	326	408	456
SAC	241	294	346	432	484	SHELBY	248	300	353	442	495
SIOUX	236	287	337	422	474	STORY	275	333	392	490	549
TAMA	251	304	358	448	502	TAYLOR	228	277	326	408	456
UNION	228	277	326	408	456	VAN BUREN	228	277	326	408	456
WAPELLO	268	325	383	479	536	WASHINGTON	235	286	336	421	471
WAYNE	228	277	326	408	456	WEBSTER	241	294	346	432	484
WINNEBAGO	238	290	341	426	478	WINNESHIEK	240	292	344	430	482
WORTH	238	290	341	426	478	WRIGHT	241	294	346	432	484

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 040187
FINAL FMRS

STATE: KANSAS

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KANSAS CITY, MO-KS MSA COUNTY(IES): JOHNSON, LEAVENWORTH, MIAMI, WYANDOTTE	286	347	408	510	571
LAWRENCE, KS MSA COUNTY(IES): DOUGLAS	302	366	431	538	603
TOPEKA, KS MSA COUNTY(IES): SHAWNEE	274	333	390	489	547
WICHITA, KS MSA COUNTY(IES): BUTLER, SEDGWICK	294	356	424	527	589

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALLEN	191	231	273	341	382
ATCHISON	220	267	314	393	440
BARTON	221	269	316	395	442
BROWN	220	267	314	393	440
CHAUTAUQUA	191	231	273	341	382
CHEYENNE	193	234	276	345	386
CLAY	241	293	345	431	482
COFFEY	241	293	345	431	482
COWLEY	191	231	273	341	382
DECATUR	193	234	276	345	386
DONIPHAN	220	267	314	393	440
ELK	191	231	273	341	382
ELLSWORTH	239	290	342	428	478
FORD	227	276	324	406	455
GEARY	241	293	345	431	482
GRAHAM	193	234	276	345	386
GRAY	227	276	324	406	455
GREENWOOD	241	293	345	431	482
HARPER	221	269	316	395	442
HASKELL	227	276	324	406	455
JACKSON	220	267	314	393	440
JEWELL	239	290	342	428	478
KINGMAN	221	269	316	395	442
LABETTE	202	246	289	362	406
LINCOLN	239	290	342	428	478
LOGAN	193	234	276	345	386
MCPHERSON	254	309	364	455	508
MARSHALL	241	293	345	431	482
MITCHELL	239	290	342	428	478
MORRIS	241	293	345	431	482
NEMAHA	220	267	314	393	440
NESS	227	276	324	406	455
OSAGE	209	254	299	373	418
OTTAWA	239	290	342	428	478
PHILLIPS	193	234	276	345	386
PRATT	221	269	316	395	442
RENO	254	309	364	455	508
RICE	254	309	364	455	508
ROOKS	193	234	276	345	386
RUSSELL	193	234	276	345	386
SCOTT	227	276	324	406	455
SHERIDAN	193	234	276	345	386
SMITH	193	234	276	345	386
STANTON	227	276	324	406	455
SUMNER	221	269	316	395	442
TREGO	193	234	276	345	386
WALLACE	193	234	276	345	386
WICHITA	227	276	324	406	455
WOODSON	191	231	273	341	382
ANDERSON	191	231	273	341	382
BARBER	221	269	316	395	442
BOURBON	191	231	273	341	382
CHASE	241	293	345	431	482
CHEROKEE	202	246	289	362	406
CLARK	227	276	324	406	455
CLOUD	239	290	342	428	478
COMANCHE	221	269	316	395	442
CRAWFORD	202	246	289	362	406
DICKINSON	241	293	345	431	482
EDWARDS	221	269	316	395	442
ELLIS	193	234	276	345	386
FINNEY	227	276	324	406	455
FRANKLIN	209	253	298	372	416
GOVE	193	234	276	345	386
GRANT	227	276	324	406	455
GREELEY	227	276	324	406	455
HAMILTON	227	276	324	406	455
HARVEY	254	309	364	455	508
HODGEMAN	227	276	324	406	455
JEFFERSON	209	254	299	373	418
KEARNY	227	276	324	406	455
KIOWA	221	269	316	395	442
LANE	227	276	324	406	455
LINN	191	231	273	341	382
LYON	241	293	345	431	482
MARION	241	293	345	431	482
MEADE	227	276	324	406	455
MONTGOMERY	202	246	289	362	406
MORTON	227	276	324	406	455
NEOSHO	202	246	289	362	406
NORTON	193	234	276	345	386
OSBORNE	193	234	276	345	386
PAWNEE	221	269	316	395	442
POTTAWATOMIE	241	293	345	431	482
RAWLINS	193	234	276	345	386
REPUBLIC	239	290	342	428	478
RILEY	241	293	345	431	482
RUSH	221	269	316	395	442
SALINE	239	290	342	428	478
SEWARD	227	276	324	406	455
SHERMAN	193	234	276	345	386
STAFFORD	221	269	316	395	442
STEVENS	227	276	324	406	455
THOMAS	193	234	276	345	386
WABAUNSEE	241	293	345	431	482
WASHINGTON	239	290	342	428	478
WILSON	191	231	273	341	382

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 040187
FINAL FMRS
STATE: KENTUCKY

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CINCINNATI, OH-KY-IN PMSA					
COUNTY(IES): BOONE, CAMPBELL, KENTON	254	310	366	458	509
EVANSVILLE, IN-KY MSA					
COUNTY(IES): HENDERSON	270	320	375	470	526
HUNTINGTON-ASHLAND, WV-KY-OH MSA					
COUNTY(IES): BOYD, CARTER, GREENUP	274	333	392	490	550
LEXINGTON-FAYETTE, KY MSA					
COUNTY(IES): BOURBON, CLARK, FAYETTE, JESSAMINE, SCOTT, WOODFORD	287	348	410	513	574
LOUISVILLE, KY-IN MSA					
COUNTY(IES): BULLITT, JEFFERSON, OLDHAM, SHELBY	247	300	351	438	490

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAIR	211	257	300	370	414
ALLEN	178	216	254	317	356
ANDERSON	263	321	377	471	527
BALLARD	216	262	308	385	432
BARREN	225	273	322	401	451
BATH	211	256	302	378	423
BELL	229	279	328	410	459
BOYLE	256	310	366	457	512
BRACKEN	211	256	302	378	423
BREATHITT	217	263	310	387	434
BRECKINRIDGE	208	253	297	372	416
BUTLER	178	216	254	317	356
CALDWELL	226	275	325	406	454
CALLOWAY	216	262	308	385	432
CARLISLE	216	262	308	385	432
CARROLL	217	264	310	388	434
CASEY	207	251	296	370	414
CLAY	195	237	278	347	389
CLINTON	211	257	300	370	414
CRITTENDON	226	275	325	406	454
CUMBERLAND	211	257	300	370	414
EDMONSON	178	216	254	317	356
ELLIOTT	195	237	279	348	390
ESTILL	256	310	366	457	512
FLEMING	211	256	302	378	423
FLOYD	230	280	329	412	461
FRANKLIN	263	321	377	471	527
FULTON	216	262	308	385	432
GALLATIN	217	264	310	388	434
GARRARD	256	310	366	457	512
GRANT	217	264	310	388	434
GRAVES	216	262	308	385	432
GRAYSON	208	253	297	372	416
GREEN	211	257	300	370	414
HANCOCK	219	266	313	392	438
HARDIN	236	287	337	421	472
HARLAN	229	279	328	410	459
HARRISON	191	232	273	342	383
HART	178	216	254	317	356
HENRY	194	236	276	346	387
HICKMAN	216	262	308	385	432
HOPKINS	226	275	325	406	454
JACKSON	195	237	278	347	389
JOHNSON	230	280	329	412	461
KNOTT	217	263	310	387	434
KNOX	201	244	287	373	401
LARUE	208	253	297	372	416
LAWRENCE	195	237	279	348	390
LEE	217	263	310	387	434
LESLIE	217	263	310	387	434
LETCHER	217	263	310	387	434
LEWIS	211	256	302	378	423
LINCOLN	256	310	366	457	512
LIVINGSTON	196	238	280	349	391
LOGAN	227	276	326	408	456
LYON	196	238	280	349	391
MCCRACKEN	226	265	312	385	432
MCCREARY	211	257	300	370	414
MCLEAN	219	266	313	392	438
MADISON	256	310	369	457	512
MAGOFFIN	230	280	329	412	461
MARION	208	253	297	372	416
MARSHALL	226	265	312	385	432
MARTIN	230	280	329	412	461
MASON	211	256	302	378	423
MEADE	236	287	337	421	472
MENIFEE	211	257	302	378	423
MERCER	263	321	377	471	527
METCALFE	178	216	254	317	356
MONROE	178	216	254	317	356
MONTGOMERY	211	256	302	378	423
MORGAN	211	257	302	378	423
MUHLENBERG	226	275	325	406	454
NICHOLAS	191	232	273	342	383
OHIO	219	266	313	392	438
OWEN	217	264	310	388	434
OWSLEY	217	263	310	387	434
PENDLETON	217	264	310	388	434
PERRY	217	263	310	387	434
PIKE	230	280	329	412	461
POWELL	191	232	273	342	383
PULASKI	211	257	300	370	414
ROBERTSON	211	256	302	378	423
ROCKCASTLE	195	237	278	347	389
ROWAN	211	256	302	378	423
RUSSELL	207	251	296	370	414
SIMPSON	227	276	326	408	456
SPENCER	194	236	276	346	387
TAYLOR	211	257	300	370	414
TODD	196	238	280	349	391
TRIGG	196	238	280	349	391
TRIMBLE	194	236	276	346	387
UNION	219	266	313	392	438
WARREN	227	276	326	408	456
WASHINGTON	208	253	297	372	416
WAYNE	211	257	300	370	414
WEBSTER	219	266	313	392	438
WHITLEY	229	279	328	410	459
WOLFE	217	263	310	387	434

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 040187
FINAL FMRS

STATE: LOUISIANA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALEXANDRIA, LA MSA					
COUNTY(IES): RAPIDES	241	292	345	431	482
BATON ROUGE, LA MSA					
COUNTY(IES): ASCENSION, E BATON ROUG, LIVINGSTON, W BATON ROUG	303	367	432	540	605
HOUMA-THIBODAUX, LA MSA					
COUNTY(IES): LAFOURCHE, TERREBONNE	268	325	383	478	536
LAFAYETTE, LA MSA					
COUNTY(IES): LAFAYETTE, ST MARTIN	303	367	432	540	605
LAKE CHARLES, LA MSA					
COUNTY(IES): CALCASIEU	244	293	343	427	478
MONROE, LA MSA					
COUNTY(IES): OUACHITA	240	291	343	429	480
NEW ORLEANS, LA MSA					
COUNTY(IES): JEFFERSON, ORLEANS, ST BERNARD, ST CHARLES, ST JOHN THE, ST TAMMANY	333	405	477	595	667
SHREVEPORT, LA MSA					
COUNTY(IES): BOSSIER, CADDO	273	331	391	488	547

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ACADIA	208	253	297	371	416
AVOYELLES	205	249	293	367	411
BIENVILLE	214	261	307	383	429
CAMERON	166	202	238	298	333
CLAIBORNE	214	261	307	383	429
DE SOTO	214	261	307	383	429
E FELICIANA	172	209	246	308	345
FRANKLIN	165	201	236	295	330
IBERIA	245	299	351	439	491
JACKSON	165	201	236	295	330
LA SALLE	205	249	293	367	411
MADISON	165	201	236	295	330
NATCHITOCHES	214	261	307	383	429
POINTE COUPE	172	209	246	308	345
RICHLAND	165	201	236	295	330
ST HELENA	172	209	246	308	345
ST LANDRY	199	241	284	355	398
TANGIPAHOA	194	236	278	347	389
UNION	165	201	236	295	330
VERNON	205	249	293	367	411
WEBSTER	186	226	266	332	372
WINN	205	249	293	367	411

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ASSUMPTION	180	219	256	321	359
BEAUREGARD	166	202	238	298	333
CALDWELL	165	201	236	295	330
CATAHOULA	205	249	293	367	411
CONCORDIA	205	249	293	367	411
EAST CARROLL	165	201	236	295	330
EVANGELINE	199	241	284	355	398
GRANT	205	249	293	367	411
IBERVILLE	172	209	246	308	345
JEFFERSON DA	166	202	238	298	333
LINCOLN	214	261	307	383	429
MOREHOUSE	165	201	236	295	330
PLAQUEMINES	301	364	429	537	600
RED RIVER	214	261	307	383	429
SABINE	214	261	307	383	429
ST JAMES	180	219	256	321	359
ST MARY	245	299	351	439	491
TENSAS	165	201	236	295	330
VERMILION	208	253	297	371	416
WASHINGTON	194	236	278	347	389
W FELICIANA	172	209	246	308	345

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 040187
FINAL FMRS

STATE: MAINE	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BANGOR, ME MSA COUNTY: PENOBSCOT TOWNS OF BANGOR, BREWER, EDDINGTON, GLENBURN, HAMPDEN, HERMON, HOLDEN, KENDUSKEAG, OLD TOWN, ORONO ORRINGTON, PENOBSCOT IN, VEAZIE WALDO	288	351	412	516	578
LEWISTON-AUBURN, ME MSA COUNTY(IES): ANDROSCOGGIN	304	361	408	456	519
PORTSMOUTH-DOVER-ROCHESTER, NH-ME MSA COUNTY(IES): YORK	378	460	541	675	757

NONMETROPOLITAN COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ANDROSCOGGIN	263	311	368	451	498	AROOSTOOK	268	326	384	479	537
CUMBERLAND	297	360	424	526	586	FRANKLIN	280	316	376	445	504
HANCOCK	282	334	392	489	546	KENNEBEC	282	342	403	504	564
KNOX	272	331	389	487	546	LINCOLN	268	325	383	479	536
OXFORD	280	316	376	445	504	PENOBSCOT	277	334	389	487	546
PISCATAQUIS	232	282	332	416	465	SAGADAHOC	307	413	445	519	608
SOMERSET	268	325	383	479	536	WALDO	272	331	389	487	546
WASHINGTON	272	331	389	487	546						

STATE: MARYLAND	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COLUMBIA, MD MSA COUNTY(IES): COLUMBIA	431	523	616	769	862
CUMBERLAND, MD-WV MSA COUNTY(IES): ALLEGANY	251	298	349	431	482
HAGERSTOWN, MD MSA COUNTY(IES): WASHINGTON	281	341	401	502	561
WASHINGTON, DC-MD-VA MSA COUNTY(IES): CALVERT, CHARLES, FREDERICK, MONTGOMERY, PRINCE GEORG	393	478	563	707	792
WILMINGTON, DE-NJ-MD PMSA COUNTY(IES): CECIL	355	425	505	630	750

NONMETROPOLITAN COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CAROLINE	265	318	374	468	524	DORCHESTER	272	330	389	486	545
GARRETT	252	306	360	450	504	KENT	277	337	396	496	554
ST MARYS	349	421	492	616	682	SOMERSET	272	330	389	486	545
TALBOT	303	368	433	542	606	WICOMICO	323	395	462	487	545
WORCESTER	274	334	389	486	545						

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 040187
FINAL FMRS
S T A T E: MASSACHUSETTS

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
FALL RIVER, MA-RI PMSA COUNTY: BRISTOL TOWNS OF FALL RIVER, SOMERSET, SWANSEA, WESTPORT	335	399	479	554	612
NEW BEDFORD, MA MSA COUNTY(IES): BRISTOL, PLYMOUTH	341	383	453	554	612

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BARNSTABLE	453	559	639	799	895
DUKES	453	559	639	799	895
HAMPDEN	312	379	446	557	624
NANTUCKET	453	559	639	799	895

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BRISTOL	330	399	469	564	628
FRANKLIN	346	410	479	602	671
HAMPSHIRE	405	469	575	692	804
PLYMOUTH	330	390	458	566	630

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 040187
FINAL FMRS
S T A T E: MICHIGAN

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ANN ARBOR, MI PMSA					
COUNTY(IES): WASHTENAW	367	445	525	655	734
BATTLE CREEK, MI MSA					
COUNTY(IES): CALHOUN	252	305	359	450	504
BENTON HARBOR, MI MSA					
COUNTY(IES): BERRIEN	280	340	399	499	559
FLINT, MI MSA					
COUNTY(IES): GENESEE	265	322	380	475	531
JACKSON, MI MSA					
COUNTY(IES): JACKSON	277	335	395	493	553
KALAMAZOO, MI MSA					
COUNTY(IES): KALAMAZOO	289	347	408	501	559
LANSING-EAST LANSING, MI MSA					
COUNTY(IES): CLINTON, EATON, INGHAM	302	363	425	527	589
MUSKEGON, MI MSA					
COUNTY(IES): MUSKEGON	246	299	352	440	492
SAGINAW-BAY CITY-MIDLAND, MI MSA					
COUNTY(IES): BAY, MIDLAND, SAGINAW	273	330	387	485	542

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALCONA	220	267	315	394	441
ALLEGAN	255	310	364	455	510
ANTRIM	275	333	392	490	549
BARAGA	225	272	321	401	450
BENZIE	275	333	392	490	549
CASS	250	302	356	446	499
CHEBOYGAN	220	267	315	394	441
CRAWFORD	220	267	315	394	441
EMMET	275	333	392	490	549
GOGEBIC	225	272	321	401	450
GRATIOT	276	334	393	492	551
HOUGHTON	225	272	321	401	450
IONIA	258	311	366	456	510
IRON	225	272	321	401	450
KALKASKA	275	333	392	490	549
LAKE	253	307	361	451	506
LENAWEE	273	331	390	488	547
MANISTEE	275	333	392	490	549
MASON	253	307	361	451	506
MENOMINEE	275	333	392	490	549
MONTCALM	255	310	364	455	510
NEWAYGO	253	307	361	451	506
OGEMAW	241	294	346	432	484
OSCEOLA	253	307	361	451	506
OTSEWO	220	267	315	394	441
ROSCOMMON	241	294	346	432	484
SANILAC	248	300	353	442	495
SHIAWASSEE	272	330	389	486	545
VAN BUREN	250	302	356	446	499

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALGER	217	263	311	388	434
ALPENA	220	267	315	394	441
ARENAC	241	294	346	432	484
BARRY	257	312	367	459	514
BRANCH	257	312	367	459	514
CHARLEVOIX	275	333	392	490	549
CLARE	241	294	346	432	484
DICKINSON	225	285	335	419	470
GLADWIN	241	294	346	432	484
GRD TRAVERSE	275	333	392	490	549
HILLSDALE	273	331	390	488	547
HURON	248	300	353	442	495
IOSCO	241	294	346	432	484
ISABELLA	276	334	393	492	551
KEWEENAW	225	272	321	401	450
LEELANAU	275	333	392	490	549
LUCE	217	263	311	388	434
MARQUETTE	275	333	392	490	549
MECOSTA	253	307	361	451	506
MISSAUKEE	275	333	392	490	549
MONTMORENCY	220	267	315	394	441
OCEANA	245	297	350	438	490
ONTONAGON	225	272	321	401	450
OSCODA	220	267	315	394	441
PRESQUE ISLE	220	267	315	394	441
ST JOSEPH	257	312	367	459	514
SCHOOLCRAFT	217	263	311	388	434
TUSCOLA	248	300	353	442	495
WEXFORD	275	333	392	490	549

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 040187
FINAL FMRS

STATE: MINNESOTA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DULUTH, MN-WI MSA					
COUNTY(IES): ST LOUIS	279	333	392	490	549
FARGO-MOORHEAD, ND-MN MSA					
COUNTY(IES): CLAY	281	342	402	504	564
MINNEAPOLIS-ST. PAUL, MN-WI MSA					
COUNTY(IES): ANOKA, CARVER, CHISAGO, DAKOTA, HENNEPIN, ISANTI, RAMSEY, SCOTT, WASHINGTON, WRIGHT	350	424	502	628	701
ROCHESTER, MN MSA					
COUNTY(IES): OLMSTED	296	359	423	528	591
ST. CLOUD, MN MSA					
COUNTY(IES): BENTON, SHERBURNE, STEARNS	282	342	402	504	564

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
AITKIN	253	308	363	454	508
BELTRAMI	243	296	347	434	487
BLUE EARTH	282	341	395	488	540
CARLTON	255	310	363	454	508
CHIPPEWA	225	274	323	404	452
COOK	253	308	363	454	508
CROW WING	238	288	361	446	496
DOUGLAS	252	307	361	452	506
FILLMORE	234	283	334	418	467
GOODHUE	243	296	345	429	480
HOUSTON	234	283	334	418	467
ITASCA	255	310	363	454	508
KANABEC	253	308	363	454	508
KITTSON	243	296	347	434	487
LAC QUI PARL	225	274	323	404	452
LAKE OF WOOD	243	296	347	434	487
LINCOLN	233	280	328	407	453
MCLEOD	266	323	379	475	531
MARSHALL	243	296	347	434	487
MEEKER	266	323	379	475	531
MORRISON	238	288	340	425	476
MURRAY	233	280	328	407	453
NOBLES	233	280	328	407	453
OTTER TAIL	252	307	361	452	506
PINE	253	308	363	454	508
POLK	243	296	347	434	487
RED LAKE	243	296	347	434	487
RENVILLE	266	323	379	475	531
ROCK	233	280	328	407	453
SIBLEY	264	321	376	470	527
STEVENS	252	307	361	452	506
TODD	238	288	340	425	476
WABASHA	243	296	345	429	480
WASECA	240	292	343	429	480
WILKIN	252	307	361	452	506
YELLOW MEDIC	225	274	323	404	452
BECKER	252	307	361	452	506
BIG STONE	225	274	323	404	452
BROWN	240	292	343	429	480
CASS	238	288	340	425	476
CLEARWATER	243	296	347	434	487
COTTONWOOD	225	274	323	404	452
DODGE	229	277	326	407	456
FARIBAULT	240	292	343	429	480
FREEBORN	275	334	394	492	551
GRANT	252	307	361	452	506
HUBBARD	243	296	347	434	487
JACKSON	233	280	328	407	453
KANDIYOHI	266	323	379	475	531
KOOCHICHING	253	308	363	454	508
LAKE	253	308	363	454	508
LE SUEUR	264	321	376	470	527
LYON	233	280	328	407	453
MAHNOMEN	243	296	347	434	487
MARTIN	240	292	343	429	480
MILLE LACS	253	308	363	454	508
MOWER	234	283	334	418	467
NICOLLET	264	321	376	470	527
NORMAN	243	296	347	434	487
PENNINGTON	243	296	347	434	487
PIPESTONE	233	280	328	407	453
POPE	252	307	361	452	506
REDWOOD	225	274	323	404	452
RICE	275	334	394	492	551
ROSEAU	243	296	347	434	487
STEELE	275	334	394	492	551
SWIFT	225	274	323	404	452
TRAVERSE	252	307	361	452	506
WADENA	238	288	340	425	476
WATONWAN	240	292	343	429	480
WINONA	235	283	334	418	467

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 040187
FINAL FMRS

STATE: MISSISSIPPI

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BILOXI-GULFPORT, MS MSA COUNTY(IES): HANCOCK, HARRISON	240	292	344	430	481
JACKSON, MS MSA COUNTY(IES): HINDS, MADISON, RANKIN	305	370	436	545	611
MEMPHIS, TN-AR-MS MSA COUNTY(IES): DE SOTO	251	308	364	451	507
PASCAGOULA, MS MSA COUNTY(IES): JACKSON	262	317	373	468	524

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAMS	210	244	287	380	412
AMITE	175	212	250	312	350
BENTON	196	239	281	352	394
CALHOUN	230	279	329	411	464
CHICKASAW	237	279	329	414	461
CLAIBORNE	175	212	250	312	350
CLAY	227	264	310	388	435
COPIAH	185	225	265	331	371
FORREST	228	277	326	407	456
GEORGE	178	216	255	318	356
GRENADA	176	214	251	314	352
HUMPHREYS	203	246	290	362	405
ITAWAMBA	216	262	309	386	432
JEFFERSON	175	212	250	312	350
KEMPER	228	276	323	404	452
LAMAR	228	277	326	407	456
LAWRENCE	175	212	250	312	350
LEE	229	279	327	409	456
LINCOLN	175	212	250	312	350
MARION	228	277	326	407	456
MONROE	216	262	309	386	432
NESHOBA	194	236	278	348	390
NOXUBEE	217	264	310	388	435
PANOLA	212	257	302	377	424
PERRY	178	216	255	318	356
PONTOTOC	237	279	329	414	461
QUITMAN	212	257	302	377	424
SHARKEY	203	246	290	362	405
SMITH	194	236	278	348	390
SUNFLOWER	203	246	290	362	405
TATE	212	257	302	377	424
TISHOMIGO	196	239	281	352	394
UNION	237	279	329	414	461
WARREN	257	312	367	459	515
WAYNE	178	216	255	318	356
WILKINSON	175	212	250	312	350
YALOBUSHA	176	214	251	314	352

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALCORN	209	254	299	373	418
ATTALA	176	214	251	314	352
BOLIVAR	203	246	290	362	405
CARROLL	176	214	251	314	352
CHOCTAW	227	264	310	388	435
CLARKE	228	276	323	404	452
COAHOMA	212	257	302	377	424
COVINGTON	178	216	255	318	356
FRANKLIN	175	212	250	312	350
GREENE	178	216	255	318	356
HOLMES	176	214	251	314	352
ISSAQUENA	203	246	290	362	405
JASPER	228	276	323	404	452
JEFFERSON DA	178	216	255	318	356
LAFAYETTE	230	279	329	411	461
LAUDERDALE	226	274	323	404	452
LEAKE	194	236	278	348	390
LEFLORE	230	255	300	390	420
LOWNDES	250	310	355	475	495
MARSHALL	196	239	281	352	394
MONTGOMERY	176	214	251	314	352
NEWTON	194	236	278	348	390
OKTIBBEHA	217	264	310	388	435
PEARL RIVER	228	277	326	407	456
PIKE	210	244	287	380	412
PRENTISS	196	239	281	352	394
SCOTT	194	236	278	348	390
SIMPSON	185	225	265	331	371
STONE	228	277	326	407	456
TALLAHATCHIE	212	257	302	377	424
TIPPAH	196	239	281	352	394
TUNICA	212	257	302	377	424
WALTHALL	175	212	250	312	350
WASHINGTON	203	246	290	362	405
WEBSTER	227	264	310	388	435
WINSTON	227	264	310	388	435
YAZOO	257	312	367	459	515

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 040187
FINAL FMRS

STATE: MISSOURI

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COLUMBIA, MO MSA COUNTY(IES): BOONE	275	334	394	492	552
JOPLIN, MO MSA COUNTY(IES): JASPER, NEWTON	212	259	304	380	426
KANSAS CITY, MO-KS MSA COUNTY(IES): CASS, CLAY, JACKSON, LAFAYETTE, PLATTE, RAY	286	347	408	510	571
ST. JOSEPH, MO MSA COUNTY(IES): BUCHANEN	226	274	323	403	452
ST. LOUIS, MO-IL MSA COUNTY(IES): FRANKLIN, JEFFERSON, ST CHARLES, ST LOUIS, ST. LOUIS	292	356	419	526	589
SPRINGFIELD, MO MSA COUNTY(IES): CHRISTIAN, GREENE	236	288	338	423	473

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAIR	215	261	307	385	431
ATCHISON	204	248	292	365	409
BARRY	199	241	285	356	398
BATES	194	235	276	345	388
BOLLINGER	228	277	326	407	457
CALDWELL	204	248	293	365	409
CAMDEN	218	264	310	388	435
CARROLL	209	255	300	374	420
CEDAR	194	235	276	345	388
CLARK	215	261	307	385	431
COLE	239	290	341	427	478
CRAWFORD	208	254	298	373	418
DALLAS	199	241	285	356	398
DE KALB	204	248	292	365	409
DOUGLAS	188	229	269	336	376
GASCONADE	208	254	298	373	418
GRUNDY	215	261	307	385	431
HENRY	194	235	276	345	388
HOLT	204	248	292	365	409
HOWELL	188	229	269	336	376
JOHNSON	218	265	311	390	436
LACLEDE	218	264	310	388	435
LEWIS	213	258	304	379	421
LINN	215	261	307	385	431
MCDONALD	199	241	285	356	398
MADISON	228	277	326	407	457
MARION	213	258	304	379	421
MILLER	218	264	310	388	435
MONITEAU	239	290	341	427	478
MONTGOMERY	208	254	298	373	418
NEW MADRID	188	229	269	336	376
OREGON	188	229	269	336	376
OZARK	188	229	269	336	376
PERRY	228	277	326	407	457
PHELPS	242	294	345	438	490
POLK	199	241	285	356	398
PUTNAM	215	261	307	385	431
RANDOLPH	208	254	298	373	418
RIPLEY	188	229	272	339	379
STE GENEVIEV	228	277	326	407	457
SALINE	209	255	300	374	420
SCOTLAND	215	261	307	385	431
SHANNON	188	229	269	336	376
STODDARD	188	229	269	336	376
SULLIVAN	215	261	307	385	431
TEXAS	188	229	269	336	376
WARREN	208	254	298	373	418
WAYNE	188	229	272	339	379
WORTH	204	248	292	365	409
ANDREW	226	274	323	403	452
AUDRAIN	239	290	341	427	478
BARTON	194	235	276	345	388
BENTON	194	235	276	345	388
BUTLER	188	229	272	339	379
CALLAWAY	239	290	341	427	478
CAPE GIRARDE	228	277	326	407	457
CARTER	188	229	272	339	379
CHARITON	209	255	300	374	420
CLINTON	204	248	292	365	409
COOPER	239	290	341	427	478
DADE	199	241	285	356	398
DAVIESS	204	248	293	365	409
DENT	208	254	298	373	418
DUNKLIN	188	229	269	336	376
GENTRY	204	248	292	365	409
HARRISON	204	248	293	365	409
HICKORY	194	235	276	345	388
HOWARD	239	290	341	427	478
IRON	228	277	326	407	457
KNOX	215	261	307	385	431
LAWRENCE	199	241	285	356	398
LINCOLN	208	254	298	373	418
LIVINGSTON	215	261	307	385	431
MACON	208	254	298	373	418
MARIES	208	254	298	373	418
MERCER	204	248	293	365	409
MISSISSIPPI	188	229	269	336	376
MONROE	208	254	298	373	418
MORGAN	218	264	310	388	435
NODAWAY	211	248	300	365	409
OSAGE	239	290	341	427	478
PEMISCOT	188	229	269	336	376
PETTIS	209	255	300	374	420
PIKE	208	254	298	373	418
PULASKI	218	264	310	388	435
RALLS	213	258	304	379	421
REYNOLDS	188	229	269	336	376
ST CLAIR	194	235	276	345	388
ST FRANCOIS	228	277	326	407	457
SCHUYLER	215	261	307	385	431
SCOTT	228	277	326	407	457
SHELBY	208	254	298	373	418
STONE	199	241	285	356	398
TANEY	199	241	285	356	398
VERNON	194	235	276	345	388
WASHINGTON	208	254	298	373	418
WEBSTER	199	241	285	356	398
WRIGHT	188	229	269	336	376

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 040187
FINAL FMRS
S T A T E: MONTANA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BILLINGS, MT MSA					
COUNTY(IES): YELLOWSTONE	320	390	459	573	642
GREAT FALLS, MT MSA					
COUNTY(IES): CASCADE	276	336	396	495	553

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BEAVERHEAD	275	335	394	492	551
BLAINE	257	312	367	459	514
CARBON	259	315	371	464	520
CHOUTEAU	257	312	367	459	514
DANIELS	257	312	367	459	514
DEER LODGE	275	335	394	492	551
FERGUS	259	315	371	464	520
GALLATIN	304	373	441	546	614
GLACIER	257	312	367	459	514
GRANITE	275	335	394	492	551
JEFFERSON	275	335	394	492	551
LAKE	281	342	402	503	564
LIBERTY	257	312	367	459	514
MCCONE	259	315	371	464	520
MEAGHER	275	335	394	492	551
MISSOULA	281	342	402	503	564
PARK	275	335	394	492	551
PHILLIPS	257	312	367	459	514
POWDER RIVER	259	315	371	464	520
PRAIRIE	259	315	371	464	520
RICHLAND	259	315	371	464	520
ROSEBUD	259	315	371	464	520
SHERIDAN	257	312	367	459	514
STILLWATER	259	315	371	464	520
TETON	257	312	367	459	514
TREASURE	259	315	371	464	520
WHEATLAND	259	315	371	464	520
YL-ST-NT-PK	275	335	394	492	551

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BIG HORN	259	315	371	464	520
BROADWATER	275	335	394	492	551
CARTER	259	315	371	464	520
CUSTER	259	315	371	464	520
DAWSON	259	315	371	464	520
FALLON	259	315	371	464	520
FLATHEAD	281	342	402	503	564
GARFIELD	259	315	371	464	520
GOLDEN VALLE	259	315	371	464	520
HILL	257	312	367	459	514
JUDITH BASIN	259	315	371	464	520
LEWIS+ CLARK	315	388	457	567	640
LINCOLN	281	342	402	503	564
MADISON	275	335	394	492	551
MINERAL	281	342	402	503	564
MUSSELSHELL	259	315	371	464	520
PETROLEUM	259	315	371	464	520
PONDERA	257	312	367	459	514
POWELL	275	335	394	492	551
RAVALLI	281	342	402	503	564
ROOSEVELT	257	312	367	459	514
SANDERS	281	342	402	503	564
SILVER BOW	275	335	394	492	551
SWEET GRASS	259	315	371	464	520
TOOLE	257	312	367	459	514
VALLEY	257	312	367	459	514
WIBAUX	259	315	371	464	520

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 040187
FINAL FMRS

S T A T E: NEBRASKA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LINCOLN, NE MSA					
COUNTY(IES): LANCASTER	278	337	397	497	556
OMAHA, NE-IA MSA					
COUNTY(IES): DOUGLAS, SARPY, WASHINGTON	273	331	390	488	547
SIOUX CITY, IA-NE MSA					
COUNTY(IES): DAKOTA	270	329	387	484	542

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAMS	249	302	356	445	498
ARTHUR	211	256	300	376	421
BLAINE	204	248	291	364	409
BOX BUTTE	232	283	332	415	465
BROWN	204	248	291	364	409
BURT	223	271	319	399	447
CASS	220	267	315	393	441
CHASE	211	256	300	376	421
CHEYENNE	204	248	291	364	409
COLFAX	223	271	319	399	447
CUSTER	204	248	291	364	409
DAWSON	211	256	300	376	421
DIXON	241	293	346	431	484
DUNDY	211	256	300	376	421
FRANKLIN	249	302	356	445	498
FURNAS	211	256	300	376	421
GARDEN	204	248	291	364	409
GOSPER	211	256	300	376	421
GREELEY	204	248	291	364	409
HAMILTON	249	302	356	445	498
HAYES	211	256	300	376	421
HOLT	208	255	299	372	415
HOWARD	249	302	356	445	498
JOHNSON	220	267	315	393	441
KEITH	211	256	300	376	421
KIMBALL	204	248	291	364	409
LINCOLN	211	256	300	376	421
LOUP	204	248	291	364	409
MADISON	241	293	346	431	484
MORRILL	204	248	291	364	409
NEMAHA	220	267	315	393	441
OTOE	220	267	315	393	441
PERKINS	211	256	300	376	421
PIERCE	241	293	346	431	484
POLK	220	267	315	393	441
RICHARDSON	220	267	315	393	441
SALINE	220	267	315	393	441
SCOTTS BLUFF	237	286	332	412	459
SHERIDAN	204	248	291	364	409
SIOUX	204	248	291	364	409
THAYER	220	267	315	393	441
THURSTON	223	271	319	399	447
WAYNE	241	293	346	431	484
WHEELER	204	248	291	364	409
ANTELOPE	241	293	346	431	484
BANNER	204	248	291	364	409
BOONE	223	271	319	399	447
BOYD	204	248	291	364	409
BUFFALO	249	302	356	445	498
BUTLER	220	267	315	393	441
CEDAR	241	293	346	431	484
CHERRY	204	248	291	364	409
CLAY	249	302	356	445	498
CUMING	223	271	319	399	447
DAWES	204	248	291	364	409
DEUEL	204	248	291	364	409
DODGE	223	271	319	399	447
FILLMORE	220	267	315	393	441
FRONTIER	211	256	300	376	421
GAGE	244	295	348	434	487
GARFIELD	204	248	291	364	409
GRANT	211	256	300	376	421
HALL	249	302	356	445	498
HARLAN	249	302	356	445	498
HITCHCOCK	211	256	300	376	421
HOOKER	211	256	300	376	421
JEFFERSON	220	267	315	393	441
KEARNEY	249	302	356	445	498
KEYA PAHA	208	255	299	372	415
KNOX	241	293	346	431	484
LOGAN	211	256	300	376	421
MCPHERSON	211	256	300	376	421
MERRICK	249	302	356	445	498
NANCE	223	271	319	399	447
NUCKOLLS	249	302	356	445	498
PAWNEE	220	267	315	393	441
PHELPS	249	302	356	445	498
PLATTE	223	271	319	399	447
RED WILLOW	211	256	300	376	421
ROCK	208	255	299	372	415
SAUNDERS	220	267	315	393	441
SEWARD	220	267	315	393	441
SHERMAN	204	248	291	364	409
STANTON	241	293	346	431	484
THOMAS	211	256	300	376	421
VALLEY	204	248	291	364	409
WEBSTER	249	302	356	445	498
YORK	220	267	315	393	441

S T A T E: NEVADA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LAS VEGAS, NV MSA					
COUNTY(IES): CLARK	387	469	553	691	774
RENO, NV MSA					
COUNTY(IES): WASHOE	477	579	682	852	955

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CHURCHILL	340	409	481	601	674
ELKO	340	409	481	601	674
EUREKA	337	409	481	601	674
LANDER	340	409	481	601	674
LYON	340	409	481	601	674
NYE	337	409	481	601	674
STOREY	340	409	481	601	674
CARSON CITY	340	409	481	601	674
DOUGLAS	340	409	481	601	674
ESMERALDA	337	409	481	601	674
HUMBOLDT	340	409	481	601	674
LINCOLN	337	409	481	601	674
MINERAL	340	409	481	601	674
PERSHING	340	409	481	601	674
WHITE PINE	337	409	481	601	674

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 040187

FINAL FMRS

STATE: NEW HAMPSHIRE	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MANCHESTER, NH MSA COUNTY: HILLSBOROUGH TOWNS OF BEDFORD, GOFFSTOWN, MANCHESTER, MERRIMACK, ROCKINGHAM	365	443	521	651	730
NASHUA, NH PMSA COUNTY(IES): HILLSBOROUGH, ROCKINGHAM	408	495	582	728	816
PORTSMOUTH-DOVER-ROCHESTER, NH-ME MSA COUNTY(IES): ROCKINGHAM, STRAFFORD	378	460	541	675	757

NONMETROPOLITAN COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CARROLL	313	380	447	559	626
GRAFTON	326	396	466	582	652
COOS	292	354	417	521	584
SULLIVAN	317	382	446	556	624

STATE: NEW JERSEY	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ATLANTIC CITY, NJ MSA COUNTY(IES): ATLANTIC, CAPE MAY	346	421	494	618	693
BERGEN-PASSAIC, NJ PMSA COUNTY(IES): BERGEN, PASSAIC	476	578	685	856	958
VINELAND-MILLVILLE-BRIDGETON, NJ PMSA COUNTY(IES): CUMBERLAND	336	408	480	600	672
WILMINGTON, DE-NJ-MD PMSA COUNTY(IES): SALEM	355	425	505	630	750

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SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 040187
FINAL FMRS

STATE: NEW MEXICO

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALBUQUERQUE, NM MSA					
COUNTY(IES): BERNALILLO	323	392	461	576	646
LAS CRUCES, NM MSA					
COUNTY(IES): DONA ANA	256	311	366	458	512
SANTA FE, NM MSA					
COUNTY(IES): LOS ALAMOS, SANTE FE	375	456	537	671	751

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CATRON	232	281	331	414	463
CIBOLA	232	281	331	414	463
CURRY	239	290	342	427	478
EDDY	277	336	396	495	554
GUADALUPE	239	290	342	427	478
HIDALGO	232	281	331	414	463
LINCOLN	252	305	359	449	503
MCKINLEY	321	390	459	574	642
OTERO	252	305	359	449	503
RIO ARRIBA	215	261	307	384	430
SANDOVAL	272	330	389	486	544
SAN MIGUEL	239	290	342	427	478
SOCORRO	252	305	359	449	503
TORRANCE	239	290	342	427	478
VALENCIA	232	281	331	414	463

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CHAVES	252	305	359	449	503
COLFAX	239	290	342	427	478
DE BACA	239	290	342	427	478
GRANT	232	281	331	414	463
HARDING	239	290	342	427	478
LEA	277	336	396	495	554
LUNA	232	281	331	414	463
MORA	239	290	342	427	478
QUAY	239	290	342	427	478
ROOSEVELT	239	290	342	427	478
SAN JUAN	321	390	459	574	642
SIERRA	252	305	359	449	503
TAOS	257	312	367	459	514
UNION	239	290	342	427	478

STATE: NEW YORK

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALBANY-SCHENECTADY-TROY, NY MSA					
COUNTY(IES): ALBANY, GREENE, MONTGOMERY, RENSSELAER, SARATOGA, SCHENECTADY	294	353	417	524	583
BINGHAMTON, NY MSA					
COUNTY(IES): BROOME, TIOGA	266	319	377	465	522
ELMIRA, NY MSA					
COUNTY(IES): CHEMUNG	268	326	384	480	538
GLENS FALLS, NY MSA					
COUNTY(IES): WARREN, WASHINGTON	277	337	396	495	555
NASSAU-SUFFOLK, NY PMSA					
COUNTY(IES): NASSAU, SUFFOLK	469	569	670	838	937
ROCHESTER, NY MSA					
COUNTY(IES): LIVINGSTON, MONROE, ONTARIO, ORLEANS, WAYNE	315	385	454	567	631
UTICA-ROME, NY MSA					
COUNTY(IES): HERKIMER, ONEIDA	242	294	346	433	484

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALLEGANY	237	284	332	416	466
CAYUGA	277	337	396	495	555
CHENANGO	274	332	391	489	547
COLUMBIA	261	316	373	466	522
DELAWARE	254	310	365	455	510
FRANKLIN	251	306	359	449	503
GENESEE	258	312	368	460	515
JEFFERSON	270	328	386	482	541
OTSEGO	254	310	365	455	510
SCHUYLER	261	316	373	466	522
STEUBEN	261	316	373	466	522
ULSTER	325	394	464	579	650
YATES	259	314	370	463	517

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CATTARAUGUS	233	283	332	416	466
CHAUTAUQUA	249	303	356	445	498
CLINTON	265	315	370	460	505
CORTLAND	284	345	406	508	569
ESSEX	252	306	359	449	503
FULTON	226	275	323	404	452
HAMILTON	251	306	359	449	503
LEWIS	270	328	386	482	541
ST LAWRENCE	258	312	368	460	515
SENECA	277	337	396	495	555
TOMPKINS	284	345	406	508	569
WYOMING	259	312	368	460	515

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 040187
FINAL FMRS

S T A T E: NORTH CAROLINA	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ASHEVILLE, NC MSA	248	302	355	443	496
COUNTY(IES): BUNCOMBE					
BURLINGTON, NC MSA	246	299	351	439	492
COUNTY(IES): ALAMANCE					
CHARLOTTE-GASTONIA-ROCK HILL, NC-SC MSA	276	333	390	487	545
COUNTY(IES): CABARRUS, GASTON, LINCOLN, MECKLENBURG, ROWAN, UNION					
FAYETTEVILLE, NC MSA	237	287	339	424	475
COUNTY(IES): CUMBERLAND					
GREENSBORO--WINSTON-SALEM--HIGH POINT, NC MSA	259	315	370	463	519
COUNTY(IES): DAVIDSON, DAVIE, FORSYTH, GUILFORD, RANDOLPH, STOKES, YADKIN					
HICKORY, NC MSA	227	275	324	405	454
COUNTY(IES): ALEXANDER, BURKE, CATAWBA					
JACKSONVILLE, NC MSA	235	286	337	421	472
COUNTY(IES): ONSLOW					
RALEIGH-DURHAM, NC MSA	297	361	425	531	594
COUNTY(IES): DURHAM, FRANKLIN, ORANGE, WAKE					
WILMINGTON, NC MSA	248	302	355	443	496
COUNTY(IES): NEW HANOVER					

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALLEGHANY	224	270	316	395	434	ANSON	226	271	316	396	443
ASHE	224	270	316	395	434	AVERY	224	270	316	395	434
BEAUFORT	248	302	355	443	496	BERTIE	248	302	355	443	496
BLADEN	240	292	343	429	480	BRUNSWICK	225	274	322	403	451
CALDWELL	224	271	319	400	447	CAMDEN	240	287	335	416	463
CARTERET	233	283	333	417	468	CASWELL	225	273	321	402	450
CHEROKEE	194	236	278	348	390	CHOWAN	240	287	335	416	463
CLAY	194	236	278	348	390	CLEVELAND	224	270	316	395	434
COLUMBUS	235	285	336	419	470	CRAVEN	233	283	333	417	468
CURRITUCK	273	327	376	465	514	DARE	240	287	335	416	463
DUPLIN	210	255	300	374	419	EDGECOMBE	233	283	333	417	468
GATES	240	287	335	416	463	GRAHAM	194	236	278	348	390
GRANVILLE	215	261	307	384	430	GREENE	217	263	310	388	434
HALIFAX	233	283	333	417	468	HARNETT	217	263	310	388	434
HENDERSON	244	298	350	438	490	HERTFORD	248	302	355	443	496
HOKE	210	255	300	374	419	HYDE	240	287	335	416	463
IREDELL	225	273	321	398	445	JACKSON	233	283	333	417	466
JOHNSTON	230	279	329	411	461	JONES	233	283	333	417	468
LEE	230	279	329	411	461	MCDOWELL	224	270	316	395	434
MADISON	244	298	350	438	490	MARTIN	248	302	355	443	496
MITCHELL	224	270	316	395	434	MONTGOMERY	226	271	316	396	443
MOORE	226	271	316	396	443	NASH	239	291	342	428	479
NORTHAMPTON	233	283	333	417	468	PAMLICO	233	283	333	417	468
PASQUOTANK	240	287	335	416	463	PENDER	206	250	294	367	412
PERQUIMANS	240	287	335	416	463	PERSON	215	261	307	384	430
PITT	248	302	355	443	496	POLK	224	270	316	395	434
RICHMOND	226	271	316	396	443	ROBESON	201	243	286	358	401
ROCKINGHAM	225	273	321	402	450	RUTHERFORD	224	270	316	395	434
SAMPSON	217	263	310	388	434	SCOTLAND	201	243	287	358	401
STANLY	222	270	318	398	445	SURRY	212	258	303	379	424
SWAIN	194	236	278	348	390	TRANSYLVANIA	244	298	350	438	490
TYRRELL	240	287	335	416	463	VANCE	215	261	307	384	430
WARREN	215	261	307	384	430	WASHINGTON	240	287	335	416	463
WATAUGA	224	270	316	395	434	WAYNE	217	263	310	388	434
WILKES	224	270	316	395	434	WILSON	239	291	342	428	479
YANCEY	224	270	316	395	434						

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 040187
FINAL FMRS

S T A T E: NORTH DAKOTA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BISMARCK, ND MSA					
COUNTY(IES): BURLEIGH, MORTON	281	342	403	503	564
FARGO-MOORHEAD, ND-MN MSA					
COUNTY(IES): CASS	281	342	402	504	564
GRAND FORKS, ND MSA					
COUNTY(IES): GRAND FORKS	268	325	383	478	536

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAMS	238	290	341	427	477
BARNES	244	297	348	436	489
BENSON	244	297	348	436	489
BILLINGS	238	290	341	427	477
BOTTINEAU	238	290	341	427	477
BOWMAN	238	290	341	427	477
BURKE	238	290	341	427	477
CAVALIER	244	297	348	436	489
DICKEY	244	297	348	436	489
DIVIDE	238	290	341	427	477
DUNN	238	290	341	427	477
EDDY	244	297	348	436	489
EMMONS	215	261	307	385	430
FOSTER	244	297	348	436	489
GOLDEN VALLY	238	290	341	427	477
GRANT	215	261	307	385	430
GRIGGS	244	297	348	436	489
HETTINGER	238	290	341	427	477
KIDDER	215	261	307	385	430
LA MOORE	244	297	348	436	489
LOGAN	244	297	348	436	489
MCHENRY	238	290	341	427	477
MCINTOSH	244	297	348	436	489
MCKENZIE	238	290	341	427	477
MCLEAN	215	261	307	385	430
MERCER	215	261	307	385	430
MOUNTRAIL	238	290	341	427	477
NELSON	244	297	348	436	489
OLIVER	215	261	307	385	430
PEMBINA	244	297	348	436	489
PIERCE	238	290	341	427	477
RAMSEY	244	297	348	436	489
RANSOM	222	269	317	396	443
RENVILLE	238	290	341	427	477
RICHLAND	222	269	317	396	443
ROLETTE	244	297	348	436	489
SARGENT	222	269	317	396	443
SHERIDAN	215	261	307	385	430
SIOUX	215	261	307	385	430
SLOPE	238	290	341	427	477
STARK	238	290	341	427	477
STEELE	222	269	317	396	443
STUTSMAN	244	297	348	436	489
TOWNER	244	297	348	436	489
TRAILL	222	269	317	396	443
WALSH	244	297	348	436	489
WARD	238	290	341	427	477
WELLS	244	297	348	436	489
WILLIAMS	238	290	341	427	477

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 040187
FINAL FMRS
S T A T E: OHIO

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
AKRON, OH PMSA COUNTY(IES): PORTAGE, SUMMIT	279	339	399	499	558
CANTON, OH MSA COUNTY(IES): CARROLL, STARK	244	297	348	436	489
CINCINNATI, OH-KY-IN PMSA COUNTY(IES): CLERMONT, HAMILTON, WARREN	254	310	366	458	509
CLEVELAND, OH PMSA COUNTY(IES): CUYAHOGA, GEAUGA, LAKE, MEDINA	291	354	415	519	582
COLUMBUS, OH MSA COUNTY(IES): DELAWARE, FAIRFIELD, FRANKLIN, LICKING, MADISON, PICKAWAY, UNION	278	335	397	495	557
HAMILTON-MIDDLETOWN, OH PMSA COUNTY(IES): BUTLER	285	347	408	510	571
HUNTINGTON-ASHLAND, WV-KY-OH MSA COUNTY(IES): LAWRENCE	274	333	392	490	550
LIMA, OH MSA COUNTY(IES): ALLEN, AUGLAIZE	259	314	370	463	519
LORAIN-ELYRIA, OH PMSA COUNTY(IES): LORAIN	274	334	393	491	550
MANSFIELD, OH MSA COUNTY(IES): RICHLAND	234	286	335	419	469
PARKERSBURG-MARIETTA, WV-OH MSA COUNTY(IES): WASHINGTON	255	309	364	456	510
STEUBENVILLE-WEIRTON, OH-WV MSA COUNTY(IES): JEFFERSON	262	318	373	467	524
TOLEDO, OH MSA COUNTY(IES): FULTON, LUCAS, WOOD	297	361	425	531	595
WHEELING, WV-OH MSA COUNTY(IES): BELMONT	258	313	369	462	517
YOUNGSTOWN-WARREN, OH MSA COUNTY(IES): MAHONING, TRUMBULL	259	314	370	463	519

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAMS	232	279	327	407	457
ASHTABULA	273	332	391	489	547
BROWN	232	279	327	407	457
CLINTON	236	288	338	423	473
COSHOCTON	211	258	304	376	423
DARKE	236	288	338	423	473
ERIE	267	324	381	476	534
GALLIA	255	309	364	456	510
HANCOCK	251	304	358	447	502
HARRISON	235	286	337	421	471
HIGHLAND	232	279	327	407	457
HOLMES	248	302	355	444	497
JACKSON	228	277	326	407	457
LOGAN	251	304	358	447	502
MEIGS	225	273	322	402	450
MONROE	253	307	361	452	506
MORROW	228	277	326	407	457
OTTAWA	267	324	381	476	534
PERRY	225	273	322	402	450
PREBLE	257	312	367	460	514
ROSS	236	288	338	423	473
SCIOTO	228	277	326	407	457
SHELBY	236	288	338	423	473
VAN WERT	255	309	364	456	510
WAYNE	256	311	366	458	512
WYANDOT	235	286	337	421	471

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ASHLAND	256	311	366	458	512
ATHENS	242	299	351	438	490
CHAMPAIGN	247	300	354	442	495
COLUMBIANA	242	294	346	433	485
CRAWFORD	235	286	337	421	471
DEFIANCE	264	320	376	471	528
FAYETTE	236	288	338	423	473
GUERNSEY	250	303	357	446	500
HARDIN	251	304	358	447	502
HENRY	264	320	376	471	528
HOCKING	225	273	322	402	450
HURON	235	286	337	421	471
KNOX	228	277	326	407	457
MARION	228	277	326	407	457
MERCER	236	288	338	423	473
MORGAN	253	307	361	452	506
NOBLE	253	307	361	452	506
PAULDING	264	320	376	471	528
PIKE	228	277	326	407	457
PUTNAM	255	309	364	456	510
SANDUSKY	267	324	381	476	534
SENECA	235	286	337	421	471
TUSCARAWAS	248	302	355	444	497
VINTON	255	309	364	456	510
WILLIAMS	264	320	376	471	528

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 040187
FINAL FMRS

STATE: OKLAHOMA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ENID, OK MSA					
COUNTY(IES): GARFIELD	284	345	406	508	569
FORT SMITH, AR-OK MSA					
COUNTY(IES): SEQUOYAH	237	288	339	424	475
LAWTON, OK MSA					
COUNTY(IES): COMANCHE	244	296	350	437	489
OKLAHOMA CITY, OK MSA					
COUNTY(IES): CANADIAN, CLEVELAND, LOGAN, MCCLAIN, OKLAHOMA, POTTAWATOMIE	308	370	435	533	600
TULSA, OK MSA					
COUNTY(IES): CREEK, OSAGE, ROGERS, TULSA, WAGONER	309	375	442	551	618

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAIR	191	233	273	340	378
ATOKA	167	204	240	299	335
BECKHAM	211	256	301	377	422
BRYAN	201	244	287	359	402
CARTER	201	244	287	359	402
CHOCTAW	167	204	240	299	335
COAL	167	204	240	299	335
CRAIG	242	294	346	433	485
DELAWARE	189	230	270	337	378
ELLIS	216	263	310	386	434
GRANT	250	303	357	447	500
HARMON	211	256	301	377	422
HASKELL	167	204	240	299	335
JACKSON	211	256	301	377	422
JOHNSTON	201	244	287	359	402
KINGFISHER	250	303	357	447	500
LATIMER	167	204	240	299	335
LINCOLN	239	290	341	426	478
MCCURTAIN	167	204	240	299	335
MAJOR	216	263	310	386	434
MAYES	251	304	359	449	502
MUSKOGEE	194	236	278	347	388
NOWATA	242	294	346	433	485
OKMULGEE	194	236	278	347	388
PAWNEE	239	290	341	426	478
PITTSBURG	167	204	240	299	335
PUSHMATAHA	167	204	240	299	335
SEMINOLE	199	242	286	353	392
TILLMAN	200	243	286	357	400
WASHITA	211	256	301	377	422
WOODWARD	216	263	310	386	434

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALFALFA	216	263	310	386	434
BEAVER	216	263	310	386	434
BLAINE	216	263	310	386	434
CADDO	200	243	286	357	400
CHEROKEE	191	233	273	340	378
CIMARRON	216	263	310	386	434
COTTON	200	243	286	357	400
CUSTER	211	256	301	377	422
DEWEY	216	263	310	386	434
GARVIN	201	244	287	359	402
GREER	211	256	301	377	422
HARPER	216	263	310	386	434
HUGHES	194	236	278	347	388
JEFFERSON	200	243	286	357	400
KAY	250	303	357	447	500
KIOWA	211	256	301	377	422
LE FLORE	167	204	240	299	335
LOVE	201	244	287	359	402
MCINTOSH	194	236	278	347	388
MARSHALL	201	244	287	359	402
MURRAY	201	244	287	359	402
NOBLE	250	303	357	447	500
OKFUSKEE	194	236	278	347	388
OTTAWA	242	294	346	433	485
PAYNE	239	290	341	426	478
PONTOTOC	201	244	287	359	402
ROGER MILLS	211	256	301	377	422
TEXAS	216	263	310	386	434
WASHINGTON	242	294	346	433	485
WOODS	216	263	310	386	434

STATE: OREGON

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
EUGENE-SPRINGFIELD, OR MSA					
COUNTY(IES): LANE	338	411	484	605	677
MEDFORD, OR MSA					
COUNTY(IES): JACKSON	336	408	480	600	672
SALEM, OR MSA					
COUNTY(IES): MARION, POLK	316	384	452	565	633

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BAKER	308	374	440	550	616
CLATSOP	299	364	428	534	599
COOS	321	390	460	574	643
CURRY	321	390	460	574	643
DOUGLAS	321	390	460	574	643
GRANT	308	374	440	550	616
HOOD RIVER	326	396	466	583	652
JOSEPHINE	321	390	460	574	643
LAKE	294	357	421	526	589
LINN	314	382	449	561	628
MORROW	308	374	440	550	616
TILLAMOOK	299	364	428	534	599
UNION	308	374	440	550	616
WASCO	326	396	466	583	652

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BENTON	314	382	449	561	628
COLUMBIA	299	364	428	534	599
CROOK	326	396	466	583	652
DESCHUTES	326	396	466	583	652
GILLIAM	308	374	440	550	616
HARNEY	294	357	421	526	589
JEFFERSON	326	396	466	583	652
KLAMATH	294	357	421	526	589
LINCOLN	299	364	428	534	599
MALHEUR	294	357	421	526	589
SHERMAN	326	396	466	583	652
UMATILLA	308	374	440	550	616
WALLOWA	308	374	440	550	616
WHEELER	308	374	440	550	616

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 040187
FINAL FMRS

STATE: PENNSYLVANIA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALTOONA, PA MSA COUNTY(IES): BLAIR	258	313	368	460	515
BEAVER COUNTY, PA PMSA COUNTY(IES): BEAVER	278	335	394	493	552
ERIE, PA MSA COUNTY(IES): ERIE	297	361	424	530	594
HARRISBURG-LEBANON-CARLISLE, PA MSA COUNTY(IES): CUMBERLAND, DAUPHIN, LEBANON, PERRY	307	368	435	543	608
JOHNSTOWN, PA MSA COUNTY(IES): CAMBRIA, SOMERSET	250	305	358	447	502
LANCASTER, PA MSA COUNTY(IES): LANCASTER	310	377	443	554	620
PITTSBURGH, PA PMSA COUNTY(IES): ALLEGHANY, FAYETTE, WASHINGTON, WESTMORELAND	291	354	416	520	582
READING, PA MSA COUNTY(IES): BERKS	290	353	414	518	580
SHARON, PA MSA COUNTY(IES): MERCER	275	333	393	491	551
STATE COLLEGE, PA MSA COUNTY(IES): CENTRE	331	403	474	592	663
WILLIAMSPORT, PA MSA COUNTY(IES): LYCOMING	250	305	358	447	502
YORK, PA MSA COUNTY(IES): ADAMS, YORK	279	340	399	499	559

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ARMSTRONG	288	349	411	514	576	BEDFORD	233	283	333	416	466
BUTLER	286	348	409	512	573	CAMERON	243	295	346	433	486
CLARION	236	288	339	423	474	CLEARFIELD	247	300	354	442	494
CLINTON	243	293	344	429	480	CRAWFORD	245	297	350	438	490
ELK	243	295	346	433	486	FOREST	236	288	339	423	474
FRANKLIN	265	323	379	475	531	FULTON	233	283	333	416	466
GREENE	247	300	354	442	494	HUNTINGDON	233	283	333	416	466
INDIANA	288	349	411	514	576	JEFFERSON	247	300	354	442	494
JUNIATA	240	292	343	429	480	LAWRENCE	245	297	350	438	490
MCKEAN	243	295	346	433	486	MIFFLIN	240	292	349	429	480
MONTOUR	247	300	354	442	494	NORTHUMBRLND	258	300	354	442	494
POTTER	243	295	346	433	486	SCHUYLKILL	268	315	382	462	503
SNYDER	240	292	343	429	480	SULLIVAN	239	291	342	427	478
SUSQUEHANNA	239	291	342	427	478	UNION	277	325	400	496	540
VENANGO	236	288	339	423	474	WARREN	245	297	350	438	490

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SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 040187
FINAL FMRS

S T A T E: RHODE ISLAND

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
FALL RIVER, MA-RI PMSA					
COUNTY: NEWPORT TOWNS OF LITTLE COMPT, TIVERTON	335	399	479	554	612
NEW LONDON-NORWICH, CT-RI MSA					
COUNTY(IES): WASHINGTON	372	452	531	664	744

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KENT	311	378	445	555	622

S T A T E: SOUTH CAROLINA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ANDERSON, SC MSA					
COUNTY(IES): ANDERSON	225	273	321	402	450
AUGUSTA, GA-SC MSA					
COUNTY(IES): AIKEN	260	313	366	457	511
CHARLESTON, SC MSA					
COUNTY(IES): BERKELEY, CHARLESTON, DORCHESTER	278	338	398	497	557
CHARLOTTE-GASTONIA-ROCK HILL, NC-SC MSA					
COUNTY(IES): YORK	276	333	390	487	545
COLUMBIA, SC MSA					
COUNTY(IES): LEXINGTON, RICHLAND	281	342	403	503	563
FLORENCE, SC MSA					
COUNTY(IES): FLORENCE	228	277	326	408	457
GREENVILLE-SPARTANBURG, SC MSA					
COUNTY(IES): GREENVILLE, PICKENS, SPARTANBURG	246	298	352	439	493

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ABBEVILLE	198	241	285	352	390
BAMBERG	206	251	295	370	414
BEAUFORT	255	311	366	457	512
CHEROKEE	198	240	283	354	397
CHESTERFIELD	197	239	281	352	394
COLLETON	255	311	366	457	512
DILLON	197	239	281	352	394
FAIRFIELD	194	236	278	347	389
GREENWOOD	198	241	285	352	390
HORRY	239	290	341	427	478
KERSHAW	223	270	318	398	446
LAURENS	198	241	285	352	390
MCCORMICK	194	236	278	347	389
MARLBORO	197	239	281	352	394
OCONEE	244	297	350	437	490
SALUDA	194	236	278	347	389
UNION	198	240	283	354	397

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALLENDALE	206	251	295	370	414
BARNWELL	206	251	295	370	414
CALHOUN	212	258	306	374	418
CHESTER	198	240	283	354	397
CLARENDON	223	270	318	398	446
DARLINGTON	197	239	281	352	394
EDGEFIELD	194	236	278	347	389
GEORGETOWN	239	290	341	427	478
HAMPTON	255	311	366	457	512
JASPER	255	311	366	457	512
LANCASTER	213	260	307	379	423
LEE	223	270	318	398	446
MARION	197	239	281	352	394
NEWBERRY	194	236	278	347	389
ORANGEBURG	206	251	295	370	414
SUMTER	223	270	318	398	446
WILLIAMSBURG	239	290	341	427	478

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 040187
FINAL FMRS

STATE: SOUTH DAKOTA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
RAPID CITY, SD MSA	258	310	361	447	501
COUNTY(IES): PENNINGTON					
SIOUX FALLS, SD MSA	272	330	388	485	544
COUNTY(IES): MINNEHAHA					

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
AURORA	232	279	327	408	457
BENNETT	210	255	300	375	420
BROOKINGS	227	273	319	397	448
BRULE	229	277	327	408	457
BUTTE	250	304	357	447	501
CHARLES MIX	229	277	327	408	457
CODINGTON	227	273	319	397	448
CUSTER	250	304	357	447	501
DAY	222	271	318	399	446
DEWEY	210	255	300	375	420
EDMUNDS	222	271	318	399	446
FAULK	222	271	318	399	446
GREGORY	210	255	300	375	420
HAMLIN	205	246	294	364	404
HANSON	232	279	327	408	457
HUGHES	273	335	391	489	546
HYDE	210	255	300	375	420
JERAULD	232	279	327	408	457
KINGSBURY	199	242	284	356	399
LAWRENCE	256	304	357	447	501
LYMAN	210	255	300	375	420
MCPHERSON	222	271	318	399	446
MEADE	258	310	361	447	501
MINER	199	242	284	356	399
PERKINS	210	255	300	375	420
ROBERTS	222	271	318	399	446
SHANNON	210	255	300	375	420
STANLEY	273	335	391	489	546
TODD	210	255	300	375	420
TURNER	232	279	327	408	457
WALWORTH	210	255	300	375	420
ZIEBACH	210	255	300	375	420

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BEADLE	232	279	327	406	451
BON HOMME	229	277	327	408	457
BROWN	247	299	350	438	489
BUFFALO	210	255	300	375	420
CAMPBELL	210	255	300	375	420
CLAY	229	277	327	408	457
CORSON	210	255	300	375	420
DAVISON	232	279	327	408	457
DEUEL	205	246	294	364	404
DOUGLAS	229	277	327	408	457
FALL RIVER	250	304	357	447	501
GRANT	227	273	319	397	448
HAAKON	210	255	300	375	420
HAND	232	279	327	406	451
HARDING	250	304	357	447	501
HUTCHINSON	229	277	327	408	457
JACKSON	210	255	300	375	420
JONES	210	255	300	375	420
LAKE	199	242	284	356	399
LINCOLN	232	279	327	408	457
MCCOOK	199	242	284	356	399
MARSHALL	222	271	318	399	446
MELLETTE	210	255	300	375	420
MOODY	199	242	284	356	399
POTTER	210	255	300	375	420
SANBORN	232	279	327	408	457
SPINK	222	271	318	399	446
SULLY	210	255	300	375	420
TRIPP	210	255	300	375	420
UNION	229	277	327	408	457
YANKTON	229	277	327	408	457

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 040187
FINAL FMRS

S T A T E: TENNESSEE

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CHATTANOOGA, TN-GA MSA COUNTY(IES): HAMILTON, MARION, SEQUATCHIE	277	336	396	495	555
JACKSON, TN MSA COUNTY(IES): MADISON	251	302	359	446	502
JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA MSA COUNTY(IES): CARTER, HAWKINS, SULLIVAN, UNICOI, WASHINGTON	233	282	332	415	465
KNOXVILLE, TN MSA COUNTY(IES): ANDERSON, BLOUNT, GRAINGER, JEFFERSON, KNOX, SEVIER, UNION	255	311	365	457	511
MEMPHIS, TN-AR-MS MSA COUNTY(IES): SHELBY, TIPTON	251	308	364	451	507
NASHVILLE, TN MSA COUNTY(IES): CHEATHAM, DAVIDSON, DICKSON, ROBERTSON, RUTHERFORD, SUMNER, WILLIAMSON, WILSON	303	369	434	542	608

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BEDFORD	218	274	311	387	434	BENTON	205	249	294	367	411
BLEDSOE	228	277	326	407	456	BRADLEY	228	277	326	407	456
CAMPBELL	185	226	267	333	369	CANNON	205	251	297	369	415
CARROLL	205	249	294	367	411	CHESTER	224	273	321	401	449
CLAIBORNE	185	226	267	333	369	CLAY	178	219	259	324	360
COCKE	207	251	295	369	414	COFFEE	218	274	311	387	434
CROCKETT	209	253	298	373	418	CUMBERLAND	205	251	297	369	415
DECATUR	224	273	321	401	449	DE KALB	205	251	297	369	415
DYER	209	253	298	373	418	FAYETTE	214	261	306	383	429
FENTRESS	205	251	297	369	415	FRANKLIN	246	297	349	436	487
GIBSON	209	253	298	373	418	GILES	218	274	311	387	434
GREENE	203	247	290	363	407	GRUNDY	228	277	326	407	456
HAMBLEN	215	261	308	384	431	HANCOCK	203	247	290	363	407
HARDEMAN	224	273	321	401	449	HARDIN	224	273	321	401	449
HAYWOOD	214	268	306	383	429	HENDERSON	224	273	321	401	449
HENRY	205	249	294	367	411	HICKMAN	218	274	311	387	434
HOUSTON	189	230	270	337	377	HUMPHREYS	189	230	270	337	377
JACKSON	178	219	259	324	360	JOHNSON	198	241	283	354	396
LAKE	209	253	298	373	418	LAUDERDALE	214	268	306	383	429
LAWRENCE	218	274	311	387	434	LEWIS	216	263	310	387	434
LINCOLN	246	297	349	436	487	LOUDON	218	268	313	392	438
MCMINN	228	277	326	407	456	MCNAIRY	224	273	321	401	449
MACON	205	251	297	369	415	MARSHALL	218	274	311	387	434
MAURY	218	274	311	387	434	MEIGS	228	277	326	407	456
MONROE	218	268	313	392	438	MOORE	218	274	311	387	434
MORGAN	185	226	267	333	369	OBION	212	261	298	375	418
OVERTON	205	251	297	369	415	PERRY	216	263	310	387	434
PICKETT	205	251	297	369	415	POLK	228	277	326	407	456
PUTNAM	211	256	301	377	422	RHEA	228	277	326	407	456
ROANE	218	268	313	392	438	SCOTT	185	226	267	333	369
SMITH	205	251	297	369	415	STEWART	189	230	270	337	377
TROUSDALE	205	251	297	369	415	VAN BUREN	211	256	301	377	422
WARREN	211	256	301	377	422	WAYNE	216	263	310	387	434
WEAKLEY	205	249	294	367	411	WHITE	211	256	301	377	422

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 040187
FINAL FMRS

S T A T E: TEXAS	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ABILENE, TX MSA					
COUNTY(IES): TAYLOR	276	336	395	494	554
AMARILLO, TX MSA					
COUNTY(IES): POTTER, RANDALL	254	309	364	454	508
AUSTIN, TX MSA					
COUNTY(IES): HAYS, TRAVIS, WILLIAMSON	326	391	460	575	644
BEAUMONT-PORT ARTHUR, TX MSA					
COUNTY(IES): HARDIN, JEFFERSON, ORANGE	292	354	417	522	584
BRAZORIA, TX PMSA					
COUNTY(IES): BRAZORIA	314	381	449	561	628
BROWNSVILLE-HARLINGEN, TX MSA					
COUNTY(IES): CAMERON	259	314	370	462	518
BRYAN-COLLEGE STATION, TX MSA					
COUNTY(IES): BRAZOS	343	417	490	613	687
CORPUS CHRISTI, TX MSA					
COUNTY(IES): NUECES, SAN PATRICIO	299	363	427	534	598
DALLAS, TX PMSA					
COUNTY(IES): COLLIN, DALLAS, DENTON, ELLIS, KAUFMAN, ROCKWALL	290	356	417	523	584
EL PASO, TX MSA					
COUNTY(IES): EL PASO	256	310	365	456	511
FORT WORTH-ARLINGTON, TX PMSA					
COUNTY(IES): JOHNSON, PARKER, TARRANT	290	356	417	523	584
GALVESTON-TEXAS CITY, TX PMSA					
COUNTY(IES): GALVESTON	293	356	419	524	587
HOUSTON, TX PMSA					
COUNTY(IES): FORT BEND, HARRIS, LIBERTY, MONTGOMERY, WALLER	280	340	400	500	560
KILLEEN-TEMPLE, TX MSA					
COUNTY(IES): BELL, CORYELL	252	306	360	450	504
LAREDO, TX MSA					
COUNTY(IES): WEBB	238	290	341	426	478
LONGVIEW-MARSHALL, TX MSA					
COUNTY(IES): GREGG, HARRISON	288	349	411	513	575
LUBBOCK, TX MSA					
COUNTY(IES): LUBBOCK	215	269	351	446	492
MC ALLEN-EDINBURG-MISSION, TX MSA					
COUNTY(IES): HIDALGO	258	313	368	460	516
MIDLAND, TX MSA					
COUNTY(IES): MIDLAND	331	402	472	592	662
ODESSA, TX MSA					
COUNTY(IES): ECTOR	329	400	469	587	657
SAN ANGELO, TX MSA					
COUNTY(IES): TOM GREEN	278	338	398	498	558
SAN ANTONIO, TX MSA					
COUNTY(IES): BEXAR, COMAL, GUADALUPE	282	339	401	503	560
SHERMAN-DENISON, TX MSA					
COUNTY(IES): GRAYSON	253	307	362	452	506
TEXARKANA, TX-TEXARKANA, AR MSA					
COUNTY(IES): BOWIE	233	283	334	417	467
TYLER, TX MSA					
COUNTY(IES): SMITH	291	353	416	520	582
VICTORIA, TX MSA					
COUNTY(IES): VICTORIA	355	431	507	635	711
WACO, TX MSA					
COUNTY(IES): MCLENNAN	241	288	339	420	468
WICHITA FALLS, TX MSA					
COUNTY(IES): WICHITA	262	318	375	468	525

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ANDERSON	221	268	315	394	442	ANDREWS	189	229	269	337	378
ANGELINA	257	311	367	458	513	ARANSAS	244	297	349	436	489
ARCHER	212	258	303	379	424	ARMSTRONG	230	279	329	411	460
ATASCOSA	227	276	326	407	455	AUSTIN	261	316	373	466	522
BAILEY	214	261	308	381	425	BANDERA	227	276	326	407	455
BASTROP	225	273	321	403	451	BAYLOR	212	258	303	379	424
BEE	244	297	349	436	489	BLANCO	208	254	298	373	418
BORDEN	208	254	298	373	417	BOSQUE	194	236	277	347	388
BREWSTER	189	229	269	337	378	BRISCOE	230	279	329	411	460
BROOKS	244	297	349	436	489	BROWN	214	261	308	381	425
BURLESON	227	275	324	405	453	BURNET	208	254	298	373	418
CALDWELL	225	273	321	403	451	CALHOUN	238	290	341	426	478
CALLAHAN	219	266	312	390	438	CAMP	203	246	291	363	407
CARSON	230	279	329	411	460	CASS	233	283	333	417	466
CASTRO	230	279	329	411	460	CHAMBERS	270	328	385	482	539
CHEROKEE	221	268	315	394	442	CHILDRESS	212	258	303	379	424
CLAY	212	258	303	379	424	COCHRAN	214	261	308	381	425

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 040187
FINAL FMRS
STATE: TEXAS

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COKE	198	241	283	354	396
COLLINGSWORT	230	279	329	411	460
COMANCHE	219	266	312	390	438
COOKE	243	295	347	434	487
CRANE	189	229	269	337	378
CROSBY	214	261	308	381	425
DALLAM	230	279	329	411	460
DEAF SMITH	230	279	329	411	460
DE WITT	238	290	341	426	478
DIMMIT	205	250	294	367	411
DUVAL	244	297	349	436	489
EDWARDS	211	258	302	372	413
FALLS	194	236	277	347	388
FAYETTE	225	273	321	403	451
FLOYD	214	261	308	381	425
FRANKLIN	233	283	333	417	466
FRIO	227	276	326	407	455
GARZA	214	261	308	381	425
GLASSCOCK	208	254	298	373	417
GONZALES	238	290	341	426	478
GRIMES	227	275	324	405	453
HAMILTON	208	254	298	373	418
HARDEMAN	212	258	303	379	424
HASKELL	219	266	312	390	438
HENDERSON	221	268	315	394	442
HOCKLEY	212	258	303	379	424
HOPKINS	233	283	333	417	466
HOWARD	208	254	298	373	417
HUNT	243	295	347	434	487
IRION	198	241	283	354	396
JACKSON	238	290	341	426	478
JEFF DAVIS	189	229	269	337	378
JIM WELLS	244	297	349	436	489
KENDALL	227	276	326	407	455
KENT	219	266	312	390	438
KIMBLE	198	241	283	354	396
KINNEY	211	258	302	372	413
KNOX	214	261	308	381	425
LAMB	214	261	308	381	425
LA SALLE	205	250	294	367	411
LEE	225	273	321	403	451
LIMESTONE	194	236	277	347	388
LIVE OAK	244	297	349	436	489
LOVING	189	229	269	337	378
MCCULLOCH	198	241	283	354	396
MADISON	234	283	334	417	467
MARTIN	208	254	298	373	417
MATAGORDA	261	316	373	466	522
MEDINA	227	276	326	407	455
MILAM	225	273	321	403	451
MITCHELL	219	266	312	390	438
MOORE	230	279	329	411	460
MOTLEY	214	261	308	381	425
NAVARRO	194	236	277	347	388
NOLAN	219	266	312	390	438
OLDHAM	230	279	329	411	460
PANOLA	221	268	315	394	442
PECOS	189	229	269	337	378
PRESIDIO	189	229	269	337	378
REAGAN	198	241	283	354	396
RED RIVER	233	283	333	417	466
REFUGIO	244	297	349	436	489
ROBERTSON	227	275	324	405	453
RUSK	221	268	315	394	442
SAN AUGUSTIN	202	246	290	363	406
SAN SABA	214	261	308	381	425
SCURRY	219	266	312	390	438
SHELBY	202	246	290	363	406
SOMERVELL	194	236	277	347	388
STEPHENS	219	266	312	390	438
STONEWALL	219	266	312	390	438
SWISHER	230	279	329	411	460
TERRY	214	261	308	381	425
TITUS	233	283	333	417	466
TYLER	234	283	334	417	467

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COLEMAN	214	261	308	381	425
COLORADO	261	316	373	466	522
CONCHO	198	241	283	354	396
COTTLE	212	258	303	379	424
CROCKETT	198	241	283	354	396
CULBERSON	189	229	269	337	378
DAWSON	208	254	298	373	417
DELTA	233	283	333	417	466
DICKENS	214	261	308	381	425
DONLEY	230	279	329	411	460
EASTLAND	219	266	312	390	438
ERATH	219	266	312	390	438
FANNIN	243	295	347	434	487
FISHER	219	266	312	390	438
FOARD	212	258	303	379	424
FREESTONE	194	236	277	347	388
GAINES	189	229	269	337	378
GILLESPIE	227	276	326	407	455
GOLIAD	238	290	341	426	478
GRAY	230	279	329	411	460
HALL	230	279	329	411	460
HANSFORD	230	279	329	411	460
HARTLEY	230	279	329	411	460
HEMPHILL	230	279	329	411	460
HILL	241	289	339	424	474
HOOD	261	316	373	466	522
HOUSTON	229	278	328	410	459
HUDSPETH	189	229	269	337	378
HUTCHINSON	230	279	329	411	460
JACK	212	258	303	379	424
JASPER	244	297	349	436	489
JIM HOGG	232	281	332	415	464
JONES	219	266	312	390	438
KENEDY	244	297	349	436	489
KERR	227	276	326	407	455
KING	214	261	308	381	425
KLEBERG	244	297	349	436	489
LAMAR	233	283	333	417	466
LAMPASAS	208	254	298	373	418
LAUACA	238	290	341	426	478
LEON	234	283	334	417	467
LIPSCOMB	230	279	329	411	460
LLANO	208	254	298	373	418
LYNN	214	261	308	381	425
MCMULLEN	244	297	349	436	489
MARION	203	246	291	363	407
MASON	198	241	283	354	396
MAVERICK	211	258	302	372	413
MENARD	198	241	283	354	396
MILLS	214	261	308	381	425
MONTAGUE	212	258	303	379	424
MORRIS	233	283	333	417	466
NACOGDOCHES	257	311	367	458	513
NEWTON	244	297	349	436	489
OCHILTREE	230	279	329	411	460
PALO PINTO	219	266	312	390	438
PARMER	230	279	329	411	460
POLK	257	311	367	458	513
RAINS	210	257	300	371	409
REAL	211	258	302	372	413
REEVES	189	229	269	337	378
ROBERTS	230	279	329	411	460
RUNNELS	214	261	308	381	425
SABINE	202	246	290	363	406
SAN JACINTO	257	311	367	458	513
SCHLEICHER	198	241	283	354	396
SHACKLEFORD	219	266	312	390	438
SHERMAN	230	279	329	411	460
STARR	202	245	289	360	404
STERLING	198	241	283	354	396
SUTTON	198	241	283	354	396
TERRELL	189	229	269	337	378
THROCKMORTON	219	266	312	390	438
TRINITY	234	294	346	432	485
UPSHUR	203	246	291	363	407

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 040187
FINAL FMRS
STATE: TEXAS

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
UPTON	208	254	298	373	417	UVALDE	211	258	302	372	413
VAL VERDE	211	258	302	372	413	VAN ZANDT	210	257	300	371	409
WALKER	266	324	381	477	533	WARD	189	229	269	337	378
WASHINGTON	234	283	334	417	467	WHARTON	261	316	373	466	522
WHEELER	230	279	329	411	460	WILBARGER	212	258	303	379	424
WILLACY	244	297	349	436	489	WILSON	187	227	267	334	374
WINKLER	189	229	269	337	378	WISE	261	316	373	466	522
WOOD	203	246	291	363	407	YOAKUM	214	261	308	381	425
YOUNG	212	258	303	379	424	ZAPATA	202	245	289	360	404
ZAVALA	211	258	302	372	413						

S T A T E: UTAH

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PROVO-OREM, UT MSA	264	320	376	470	527
COUNTY(IES): UTAH					
SALT LAKE CITY-OGDEN, UT MSA	308	367	436	541	609
COUNTY(IES): DAVIS, SALT LAKE, WEBER					

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BEAVER	288	350	412	514	576	BOX ELDER	266	322	380	475	532
CACHE	266	322	380	475	532	CARBON	329	399	469	587	657
DAGGETT	329	399	469	587	657	DUCHESNE	329	399	469	587	657
EMERY	329	399	469	587	657	GARFIELD	288	350	412	514	576
GRAND	329	399	469	587	657	IRON	288	350	412	514	576
JUAB	288	350	412	514	576	KANE	288	350	412	514	576
MILLARD	288	350	412	514	576	MORGAN	329	399	469	587	657
PIUTE	288	350	412	514	576	RICH	266	322	380	475	532
SAN JUAN	329	399	469	587	657	SANPETE	288	350	412	514	576
SEVIER	288	350	412	514	576	SUMMIT	329	399	469	587	657
TOOELE	266	322	380	475	532	UINTAH	329	399	469	587	657
WASATCH	329	399	469	587	657	WASHINGTON	315	378	446	556	625
WAYNE	288	350	412	514	576						

S T A T E: VERMONT

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BURLINGTON, VT MSA	372	452	531	664	744
COUNTY: CHITTENDEN TOWNS OF BURLINGTON, CHARLOTTE, COLCHESTER, ESSEX, HINESBURG, JERICHO, MILTON, RICHMOND, ST. GEORGE SHELBURNE, SOUTH BURLIN, WILLISTON, WINOOSKI FRANKLIN, GRAND ISLE					

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADDISON	298	361	425	531	595	BENNINGTON	303	372	436	542	611
CALEDONIA	254	308	362	453	508	CHITTENDEN	344	419	493	617	690
ESSEX	254	308	362	453	508	FRANKLIN	276	335	393	489	547
GRAND ISLE	254	308	362	453	508	LAMOILLE	254	308	362	453	508
ORANGE	276	335	393	489	547	ORLEANS	254	308	362	453	508
WASHINGTON	303	372	436	542	611	WINDHAM	288	350	412	516	577
WINDSOR	288	350	412	516	577						

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 040187
FINAL FMRS

S T A T E: VIRGINIA	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CHARLOTTESVILLE, VA MSA	321	391	459	575	643
COUNTY(IES): ALBEMARLE, FLUVANNA, GREENE, CHARLOTTESVI					
DANVILLE, VA MSA	246	299	351	439	491
COUNTY(IES): PITTSYLVANIA, DANVILLE					
JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA MSA	233	282	332	415	465
COUNTY(IES): SCOTT, WASHINGTON, BRISTOL					
LYNCHBURG, VA MSA	265	329	379	462	530
COUNTY(IES): AMHERST, CAMPBELL, LYNCHBURG					
ROANOKE, VA MSA	258	313	368	461	517
COUNTY(IES): BOTETOURT, ROANOKE, ROANOKE, SALEM					
WASHINGTON, DC-MD-VA MSA	393	478	563	707	792
COUNTY(IES): ARLINGTON, FAIRFAX, LOUDOUN, PRINCEWILLIA, STAFFORD, ALEXANDRIA, FAIRFAX, FALLS CHURCH, MANASSAS MANASSAS PRK					

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ACCOMACK	243	293	341	420	470	ALLEGHANY	257	312	367	459	515
AMELIA	213	258	304	380	426	APPOMATTOX	260	312	365	457	512
AUGUSTA	257	312	367	459	515	BATH	257	312	367	459	515
BEDFORD	222	270	318	397	445	BLAND	217	263	310	388	434
BRUNSWICK	202	244	287	360	403	BUCHANAN	246	299	351	439	492
BUCKINGHAM	213	258	304	380	426	CAROLINE	304	369	434	542	608
CHARLOTTE	213	258	304	380	426	CLARKE	258	313	368	461	517
CRAIG	202	244	287	359	402	CULPEPER	268	325	383	479	536
CUMBERLAND	213	258	304	380	426	DICKENSON	230	267	315	394	441
ESSEX	234	285	336	419	470	FLOYD	256	311	365	457	512
FREDERICK	258	313	368	461	517	GILES	256	311	365	457	512
GRAYSON	217	263	310	388	434	GREENSVILLE	202	244	287	360	403
HALIFAX	213	258	304	380	426	HIGHLAND	257	312	367	459	515
KING + QUEEN	234	285	336	419	470	KING GEORGE	304	369	434	542	608
KING WILLIAM	234	285	336	419	470	LANCASTER	234	285	336	419	470
LEE	220	267	315	394	441	LUNENBURG	213	258	304	380	426
MADISON	272	328	383	479	536	MATHEWS	234	285	336	419	470
MECKLENBURG	202	244	287	360	403	MIDDLESEX	234	285	336	419	470
MONTGOMERY	312	379	445	558	623	NELSON	226	274	322	403	451
NORTHAMPTON	243	293	341	420	470	NORTHUMBERLD	234	285	336	419	470
NOTTOWAY	213	258	304	380	426	ORANGE	272	328	383	479	536
PAGE	258	313	368	461	517	PATRICK	222	270	318	397	445
PRINCEEDWARD	213	258	304	380	426	PULASKI	256	311	365	457	512
RAPPAHANNOCK	268	325	383	479	536	RICHMOND	234	285	336	419	470
ROCKBRIDGE	257	312	367	459	515	ROCKINGHAM	257	312	367	459	515
RUSSELL	246	299	351	439	492	SHENANDOAH	258	313	368	461	517
SMYTH	217	263	310	388	434	SPOTSLYVANIA	304	369	434	542	608
SURRY	208	253	294	367	403	SUSSEX	202	244	287	360	403
TAZEWELL	246	299	351	439	492	WARREN	258	313	368	461	517
WESTMORELAND	234	285	336	419	470	WISE	248	300	353	441	494
WYTHE	236	286	332	411	458	BUENA VISTA	257	312	367	459	515
CLIFTON FORG	257	312	367	459	515	COVINGTON	257	312	367	459	515
EMPORIA	202	244	287	360	403	FRANKLIN	202	244	287	360	403
FREDERICKBUR	304	369	434	542	608	HARRISONBURG	257	312	367	459	515
LEXINGTON	257	312	367	459	515	MARTINSVILLE	258	313	368	460	516
NORTON	247	299	352	440	493	RADFORD	312	379	445	558	623
SOUTH BOSTON	213	258	304	380	426	STAUNTON	257	312	367	459	515
WAYNESBORO	257	312	367	459	515	WINCHESTER	258	313	368	461	517

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 040187
FINAL FMRS

STATE / AREA	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
STATE: WASHINGTON					
BELLINGHAM, WA MSA COUNTY(IES): WHATCOM	319	388	456	582	640
BREMERTON, WA MSA COUNTY(IES): KITSAP	320	390	458	573	642
OLYMPIA, WA MSA COUNTY(IES): THURSTON	332	403	474	593	664
RICHLAND-KENNEWICK-PASCO, WA MSA COUNTY(IES): BENTON, FRANKLIN	374	455	535	669	749
SEATTLE, WA PMSA COUNTY(IES): KING, SNOHOMISH	328	399	465	601	662
SPOKANE, WA MSA COUNTY(IES): SPOKANE	280	332	391	500	553
TACOMA, WA PMSA COUNTY(IES): PIERCE	283	343	404	525	585
YAKIMA, WA MSA COUNTY(IES): YAKIMA	292	354	416	521	584

NONMETROPOLITAN COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAMS	238	289	339	425	476
CHELAN	287	348	411	511	574
COLUMBIA	308	373	440	549	616
DOUGLAS	287	348	411	511	574
GARFIELD	308	373	440	549	616
GRAYS HARBOR	310	376	443	553	620
JEFFERSON	310	376	443	553	620
KLICKITAT	288	350	411	514	577
LINCOLN	238	289	339	425	476
OKANOGAN	262	318	375	469	525
PEND OREILLE	238	289	339	425	476
SKAGIT	316	384	451	565	632
STEVENS	238	289	339	425	476
WALLA WALLA	308	373	440	549	616

NONMETROPOLITAN COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ASOTIN	308	373	440	549	616
CLALLAM	310	376	443	553	620
COWLITZ	288	350	411	514	577
FERRY	238	289	339	425	476
GRANT	238	289	339	425	476
ISLAND	316	384	451	565	632
KITTITAS	262	318	375	469	525
LEWIS	288	350	411	514	577
MASON	310	376	443	553	620
PACIFIC	310	376	443	553	620
SAN JUAN	316	384	451	565	632
SKAMANIA	288	350	411	514	577
WAHKIAKUM	288	350	411	514	577
WHITMAN	308	373	440	549	616

STATE / AREA	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
STATE: WEST VIRGINIA					
CHARLESTON, WV MSA COUNTY(IES): KANAWHA, PUTNAM	333	403	475	594	666
CUMBERLAND, MD-WV MSA COUNTY(IES): MINERAL	251	298	349	431	482
HUNTINGTON-ASHLAND, WV-KY-OH MSA COUNTY(IES): CABELL, WAYNE	274	333	392	490	550
PARKERSBURG-MARIETTA, WV-OH MSA COUNTY(IES): WOOD	255	309	364	456	510
STEUBENVILLE-WEIRTON, OH-WV MSA COUNTY(IES): BROOKE, HANCOCK	262	318	373	467	524
WHEELING, WV-OH MSA COUNTY(IES): MARSHALL, OHIO	258	313	369	462	517

NONMETROPOLITAN COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BARBOUR	209	254	299	374	419
BOONE	238	288	339	424	474
CALHOUN	276	323	374	486	536
DODDRIDGE	233	284	334	417	467
GILMER	254	304	369	458	503
GREENBRIER	219	266	313	391	438
HARDY	229	279	328	410	459
JEFFERSON	229	279	328	410	459
LINCOLN	230	279	328	410	459
MCDOWELL	222	270	317	397	445
MASON	230	279	328	410	459
MINGO	230	279	328	410	459
MONROE	230	276	323	403	452
NICHOLAS	219	266	313	391	438
PLEASANTS	202	245	288	359	402
PRESTON	282	342	402	503	563
RANDOLPH	209	254	299	374	419
ROANE	276	323	374	486	536
TAYLOR	233	284	334	417	467
TYLER	202	245	288	359	402
WEBSTER	219	266	313	391	438
WIRT	202	245	288	359	402

NONMETROPOLITAN COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BERKELEY	229	279	328	410	459
BRAXTON	209	254	299	374	419
CLAY	238	288	339	424	474
FAYETTE	219	266	313	391	438
GRANT	229	279	328	410	459
HAMPSHIRE	229	279	328	410	459
JACKSON	276	323	374	486	536
LEWIS	209	254	299	374	419
LOGAN	230	279	328	410	459
MARION	282	342	402	503	563
MERCER	225	274	323	403	452
MONONGALIA	282	342	402	503	563
MORGAN	229	279	328	410	459
PENDLETON	229	279	328	410	459
POCAHONTAS	219	266	313	391	438
RALEIGH	230	276	318	397	445
RITCHIE	202	245	288	359	402
SUMMERS	230	276	323	403	452
TUCKER	209	254	299	374	419
UPSHUR	209	254	299	374	419
WETZEL	242	293	345	431	483
WYOMING	230	276	318	397	445

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 040187
FINAL FMRS

STATE: WISCONSIN

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
APPLETON-OSHKOSH-NEENAH, WI MSA					
COUNTY(IES): CALUMET, OUTAGAMIE, WINNEBAGO	254	309	364	455	509
DULUTH, MN-WI MSA					
COUNTY(IES): DOUGLAS	279	333	392	490	549
EAU CLAIRE, WI MSA					
COUNTY(IES): CHIPPEWA, EAU CLAIRE	252	307	361	451	505
GREEN BAY, WI MSA					
COUNTY(IES): BROWN	254	309	366	455	509
JANESVILLE-BELOIT, WI MSA					
COUNTY(IES): ROCK	281	342	402	503	563
KENOSHA, WI PMSA					
COUNTY(IES): KENOSHA	300	365	429	537	601
LA CROSSE, WI MSA					
COUNTY(IES): LA CROSSE	300	364	429	536	600
MINNEAPOLIS-ST. PAUL, MN-WI MSA					
COUNTY(IES): ST CROIX	350	424	502	628	701
RACINE, WI PMSA					
COUNTY(IES): RACINE	286	347	409	512	573
SHEBOYGAN, WI MSA					
COUNTY(IES): SHEBOYGAN	260	316	372	465	521
WAUSAU, WI MSA					
COUNTY(IES): MARATHON	254	309	364	455	509

NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAMS	259	314	370	463	519
BARRON	247	300	353	441	495
BUFFALO	234	284	335	418	469
CLARK	247	300	353	441	495
CRAWFORD	223	272	319	399	447
DOOR	233	281	330	407	455
FLORENCE	223	272	319	399	447
FOREST	242	293	345	432	483
GREEN	242	293	343	426	472
IOWA	233	283	333	416	467
JACKSON	234	284	335	418	469
JUNEAU	259	314	370	463	519
LAFAYETTE	233	283	333	416	467
LINCOLN	242	293	345	432	483
MARINETTE	227	274	321	401	447
MENOMINEE	227	277	325	407	456
OCONTO	223	272	319	399	447
PEPIN	234	284	335	418	469
POLK	247	300	353	441	495
PRICE	227	277	325	407	456
RUSK	227	277	325	407	456
SAWYER	227	277	325	407	456
TAYLOR	227	277	325	407	456
VERNON	223	272	319	399	447
WALWORTH	271	328	387	483	542
WAUPACA	227	277	325	407	456
WOOD	259	314	370	463	519

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ASHLAND	227	277	325	407	456
BAYFIELD	227	277	325	407	456
BURNETT	227	277	325	407	456
COLUMBIA	237	287	338	422	473
DODGE	237	287	338	422	473
DUNN	247	300	353	441	495
FOND DU LAC	279	336	382	475	519
GRANT	233	283	333	416	467
GREEN LAKE	254	309	364	455	509
IRON	227	277	325	407	456
JEFFERSON	271	328	387	483	542
KEWAUNEE	233	281	330	407	455
LANGLADE	242	293	345	432	483
MANITOWOC	233	281	330	407	455
MARQUETTE	227	277	325	407	456
MONROE	234	284	335	418	469
ONEIDA	242	293	345	432	483
PIERCE	234	284	335	418	469
PORTAGE	259	314	370	463	519
RICHLAND	233	283	333	416	467
SAUK	237	287	338	422	473
SHAWANO	227	277	325	407	456
TREMPEALEAU	234	284	335	418	469
VILAS	242	293	345	432	483
WASHBURN	227	277	325	407	456
WAUSHARA	227	277	325	407	456

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SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 040187
FINAL FMRS

S T A T E: WYOMING	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CASPER, WY MSA			368	447	525	657	736
COUNTY(IES): NATRONA							
CHEYENNE, WY MSA			305	368	436	547	610
COUNTY(IES): LARAMIE							

NONMETROPOLITAN COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALBANY	236	289	342	426	473	BIG HORN	242	294	347	431	483
CAMPBELL	236	289	342	426	473	CARBON	236	289	342	426	473
CONVERSE	236	289	342	426	473	CROOK	236	294	347	431	483
FREMONT	236	289	342	426	473	GOSHEN	236	289	342	426	473
HOT SPRINGS	242	294	347	431	483	JOHNSON	236	289	342	426	473
LINCOLN	236	289	342	426	473	NIOBRARA	236	289	342	426	473
PARK	242	294	347	431	483	PLATTE	236	289	342	426	473
SHERIDAN	326	399	468	583	657	SUBLETTE	236	289	342	426	473
SWEETWATER	236	289	342	426	473	TETON	310	373	441	552	620
UINTA	236	289	342	426	473	WASHAKIE	242	294	347	431	483
WESTON	242	294	347	431	483						

STATE: GUAM

NONMETROPOLITAN COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
GUAM	383	461	545	681	765

S T A T E: PUERTO RICO	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
AGUADILLA, PR MSA			225	275	325	405	455
COUNTY(IES): AQUADELLA							
ARECIBO, PR MSA			330	400	470	590	660
COUNTY(IES): ARECIBO							
CAGUAS, PR PMSA			275	330	390	490	545
COUNTY(IES): CAGUAS							
MAYAGUEZ, PR MSA			225	275	325	405	455
COUNTY(IES): MAYAGUEZ							
PONCE, PR MSA			320	390	460	575	645
COUNTY(IES): PONCE							
SAN JUAN, PR PMSA			320	390	460	575	645
COUNTY(IES): SAN JUAN							

NONMETROPOLITAN COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALL OTHER	215	265	310	390	435

STATE: VIRGIN ISLANDS

NONMETROPOLITAN COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
-CHAR.AMALIE	355	435	510	640	715	ST. CROIX	300	365	430	540	600
ST. THOMAS	335	410	480	600	670						

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SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 032387

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
NON METRO STATE: ALABAMA	64	73
MSA: ANNISTON, AL	67	74
MSA: BIRMINGHAM, AL	94	103
MSA: COLUMBUS, GA-AL	85	94
MSA: DOTHAN, AL	62	71
MSA: FLORENCE, AL	74	80
MSA: GADSDEN, AL	67	74
MSA: HUNTSVILLE, AL	94	103
MSA: MOBILE, AL	75	81
MSA: MONTGOMERY, AL	75	80
MSA: TUSCALOOSA, AL	87	99
EXCEPTION COUNTY: LIMESTONE	81	89
EXCEPTION COUNTY: MARSHALL	81	89
NON METRO STATE: ALASKA	202	202
MSA: ANCHORAGE, AK	224	224
EXCEPTION COUNTY: KETCHIKAN	202	214
NON METRO STATE: ARIZONA	88	112
MSA: PHOENIX, AZ	122	145
MSA: TUCSON, AZ	88	122
NON METRO STATE: ARKANSAS	37	41
MSA: FAYETTEVILLE-SPRINGDALE, AR	59	63
MSA: FORT SMITH, AR-OK	34	37
MSA: LITTLE ROCK-NORTH LITTLE ROCK, AR	50	52
MSA: MEMPHIS, TN-AR-MS	86	86
MSA: PINE BLUFF, AR	27	29
MSA: TEXARKANA, TX-TEXARKANA, AR	102	115
EXCEPTION COUNTY: BENTON	53	55
EXCEPTION COUNTY: LITTLE RIVER	88	99
NON METRO STATE: CALIFORNIA	137	180
PMSA: ANAHEIM-SANTA ANA, CA	317	317
MSA: BAKERSFIELD, CA	129	196
MSA: CHICO, CA	137	180
MSA: FRESNO, CA	196	220
PMSA: LOS ANGELES-LONG BEACH, CA	154	258
MSA: MERCED, CA	137	180
MSA: MODESTO, CA	204	220
PMSA: OAKLAND, CA	217	283

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 032387

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
MSA: REDDING, CA	137	180
PMSA: RIVERSIDE-SAN BERNARDINO, CA	131	207
MSA: SACRAMENTO, CA	158	188
MSA: SALINAS-SEASIDE-MONTEREY, CA	196	246
MSA: SAN DIEGO, CA	201	253
PMSA: SAN FRANCISCO, CA	233	303
PMSA: SAN JOSE, CA	276	322
MSA: SANTA BARBARA-SANTA MARIA-LOMPOC, CA	162	246
PMSA: SANTA CRUZ, CA	202	253
PMSA: SANTA ROSA-PETALUMA, CA	202	243
MSA: STOCKTON, CA	204	220
PMSA: VALLEJO-FAIRFIELD-NAPA, CA	211	240
MSA: VISALIA-TULARE-PORTERVILLE, CA	137	180
MSA: YUBA CITY, CA	137	180
EXCEPTION COUNTY: SAN LUIS OBI	187	220
NON METRO STATE: COLORADO	N/A	N/A
MSA: COLORADO SPRINGS, CO	129	145
MSA: FORT COLLINS-LOVELAND, CO	122	137
MSA: GREELEY, CO	122	137
MSA: PUEBLO, CO	122	137
EXCEPTION COUNTY: ALAMOSA	102	122
EXCEPTION COUNTY: ARCHULETA	122	137
EXCEPTION COUNTY: BACA	102	122
EXCEPTION COUNTY: BENT	102	122
EXCEPTION COUNTY: CHAFFEE	122	137
EXCEPTION COUNTY: CHEYENNE	102	122
EXCEPTION COUNTY: CLEAR CREEK	122	137
EXCEPTION COUNTY: CONEJOS	102	122
EXCEPTION COUNTY: COSTILLA	102	122
EXCEPTION COUNTY: CROWLEY	102	122
EXCEPTION COUNTY: CUSTER	122	137
EXCEPTION COUNTY: DELTA	122	137
EXCEPTION COUNTY: DELORES	122	137
EXCEPTION COUNTY: EAGLE	197	220
EXCEPTION COUNTY: ELBERT	102	122
EXCEPTION COUNTY: FREMONT	122	137
EXCEPTION COUNTY: GARFIELD	197	220
EXCEPTION COUNTY: GILPIN	164	189
EXCEPTION COUNTY: GRAND	122	137
EXCEPTION COUNTY: GUNNISON	122	137
EXCEPTION COUNTY: HINSDALE	122	137
EXCEPTION COUNTY: HUERFANO	102	122
EXCEPTION COUNTY: JACKSON	122	137
EXCEPTION COUNTY: KIOWA	102	122

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 032387

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
EXCEPTION COUNTY: KIT CARSON	102	122
EXCEPTION COUNTY: LAKE	122	137
EXCEPTION COUNTY: LA PLATA	122	137
EXCEPTION COUNTY: LAS ANIMAS	102	122
EXCEPTION COUNTY: LINCOLN	102	122
EXCEPTION COUNTY: LOGAN	102	122
EXCEPTION COUNTY: MESA	122	137
EXCEPTION COUNTY: MINERAL	102	122
EXCEPTION COUNTY: MOFFAT	197	220
EXCEPTION COUNTY: MONTEZUMA	122	137
EXCEPTION COUNTY: MONTROSE	122	137
EXCEPTION COUNTY: MORGAN	102	122
EXCEPTION COUNTY: OTERO	102	122
EXCEPTION COUNTY: OURAY	122	137
EXCEPTION COUNTY: PARK	122	137
EXCEPTION COUNTY: PHILLIPS	102	122
EXCEPTION COUNTY: PITKIN	197	220
EXCEPTION COUNTY: PROWERS	102	122
EXCEPTION COUNTY: RIO BLANCO	197	220
EXCEPTION COUNTY: RIO GRANDE	102	122
EXCEPTION COUNTY: ROUTT	197	220
EXCEPTION COUNTY: SAGUACHE	102	122
EXCEPTION COUNTY: SAN JUAN	122	137
EXCEPTION COUNTY: SAN MIGUEL	122	137
EXCEPTION COUNTY: SEDGWICK	102	122
EXCEPTION COUNTY: SUMMIT	197	220
EXCEPTION COUNTY: TELLER	102	122
EXCEPTION COUNTY: WASHINGTON	102	122
EXCEPTION COUNTY: YUMA	102	122
NON METRO STATE: CONNECTICUT	124	124
PMSA: BRIDGEPORT-MILFORD, CT	156	156
PMSA: BRISTOL, CT	124	124
PMSA: DANBURY, CT	119	119
PMSA: HARTFORD, CT	135	135
PMSA: MIDDLETOWN, CT	135	135
PMSA: NEW BRITAIN, CT	135	135
MSA: NEW HAVEN-MERIDEN, CT	121	121
MSA: NEW LONDON-NORWICH, CT-RI	115	115
PMSA: NORWALK, CT	146	146
PMSA: STAMFORD, CT	146	146
MSA: WATERBURY, CT	124	124
NON METRO STATE: DELAWARE	65	65

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 032387

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
PMSA: WILMINGTON, DE-NJ-MD	112	112
NON METRO STATE: DIST. OF COLUMBIA	149	149
MSA: WASHINGTON, DC-MD-VA	152	152
NON METRO STATE: FLORIDA	80	80
MSA: BRADENTON, FL	115	115
MSA: DAYTONA BEACH, FL	102	102
PMSA: FORT LAUDERDALE-HOLLYWOOD-POMPANO BEACH, FL	168	168
MSA: FORT MYERS-CAPE CORAL, FL	107	107
MSA: FORT PIERCE, FL	78	78
MSA: FORT WALTON BEACH, FL	80	80
MSA: GAINESVILLE, FL	80	80
MSA: JACKSONVILLE, FL	74	86
MSA: LAKELAND-WINTER HAVEN, FL	80	80
MSA: MELBOURNE-TITUSVILLE-PALM BAY, FL	94	94
PMSA: MIAMI-HIALEAH, FL	133	133
MSA: NAPLES, FL	80	80
MSA: OCALA, FL	80	80
MSA: ORLANDO, FL	94	94
MSA: PANAMA CITY, FL	80	80
MSA: PENSACOLA, FL	80	80
MSA: SARASOTA, FL	107	107
MSA: TALLAHASSEE, FL	74	74
MSA: TAMPA-ST. PETERSBURG-CLEARWATER, FL	107	107
MSA: WEST PALM BEACH-BOCA RATON-DELRAY BEACH, FL	135	135
EXCEPTION COUNTY: BAKER	72	84
EXCEPTION COUNTY: WAKULLA	72	84
NON METRO STATE: GEORGIA	58	58
MSA: ALBANY, GA	51	54
MSA: ATHENS, GA	58	58
MSA: ATLANTA, GA	87	93
MSA: AUGUSTA, GA-SC	78	80
MSA: CHATTANOOGA, TN-GA	51	74
MSA: COLUMBUS, GA-AL	85	94
MSA: MACON-WARNER ROBINS, GA	52	57
MSA: SAVANNAH, GA	65	74
EXCEPTION COUNTY: BRYAN	58	64
EXCEPTION COUNTY: TWIGGS	51	56
NON METRO STATE: HAWAII	N/A	N/A

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 032387

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
MSA: HONOLULU, HI	N/A	N/A
NON METRO STATE: IDAHO	102	102
MSA: BOISE CITY, ID	110	128
NON METRO STATE: ILLINOIS	98	105
PMSA: AURORA-ELGIN, IL	187	201
MSA: BLOOMINGTON-NORMAL, IL	110	110
MSA: CHAMPAIGN-URBANA-RANTOUL, IL	90	90
PMSA: CHICAGO, IL	197	211
MSA: DAVENPORT-ROCK ISLAND-MOLINE, IA-IL	120	126
MSA: DECATUR, IL	120	120
PMSA: JOLIET, IL	197	211
MSA: KANKAKEE, IL	88	88
PMSA: LAKE COUNTY, IL	187	201
MSA: PEORIA, IL	162	178
MSA: ROCKFORD, IL	159	170
MSA: ST. LOUIS, MO-IL	92	106
MSA: SPRINGFIELD, IL	105	112
NON METRO STATE: INDIANA	54	70
MSA: ANDERSON, IN	60	60
MSA: BLOOMINGTON, IN	57	57
PMSA: CINCINNATI, OH-KY-IN	103	108
MSA: ELKHART-GOSHEN, IN	78	78
MSA: EVANSVILLE, IN-KY	71	76
MSA: FORT WAYNE, IN	67	90
PMSA: GARY-HAMMOND, IN	95	110
MSA: INDIANAPOLIS, IN	84	96
MSA: KOKOMO, IN	78	89
MSA: LAFAYETTE-WEST LAFAYETTE, IN	72	106
MSA: LOUISVILLE, KY-IN	76	83
MSA: MUNCIE, IN	58	65
MSA: SOUTH BEND-MISHAWAKA, IN	89	93
MSA: TERRE HAUTE, IN	57	70
EXCEPTION COUNTY: ADAMS	57	75
EXCEPTION COUNTY: BLACKFORD	61	70
EXCEPTION COUNTY: GIBSON	60	70
EXCEPTION COUNTY: GRANT	61	70
EXCEPTION COUNTY: HENRY	61	70
EXCEPTION COUNTY: JAY	61	70
EXCEPTION COUNTY: MARSHALL	74	78
EXCEPTION COUNTY: RANDOLPH	61	70

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 032387

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
EXCEPTION COUNTY: SULLIVAN	55	66
EXCEPTION COUNTY: VERMILLION	55	66
EXCEPTION COUNTY: WAYNE	61	70
EXCEPTION COUNTY: WELLS	57	75
NON METRO STATE: IOWA	84	91
MSA: CEDAR RAPIDS, IA	96	112
MSA: DAVENPORT-ROCK ISLAND-MOLINE, IA-IL	120	126
MSA: DES MOINES, IA	103	110
MSA: DUBUQUE, IA	96	118
MSA: IOWA CITY, IA	96	110
MSA: OMAHA, NE-IA	91	105
MSA: SIOUX CITY, IA-NE	93	93
MSA: WATERLOO-CEDAR FALLS, IA	96	112
NON METRO STATE: KANSAS	74	84
MSA: KANSAS CITY, MO-KS	92	112
MSA: LAWRENCE, KS	76	87
MSA: TOPEKA, KS	74	84
MSA: WICHITA, KS	87	92
EXCEPTION COUNTY: JEFFERSON	71	81
EXCEPTION COUNTY: OSAGE	71	81
NON METRO STATE: KENTUCKY	71	77
PMSA: CINCINNATI, OH-KY-IN	103	108
MSA: CLARKSVILLE-HOPKINSVILLE, TN-KY	74	80
MSA: EVANSVILLE, IN-KY	71	76
MSA: HUNTINGTON-ASHLAND, WV-KY-OH	80	80
MSA: LEXINGTON-FAYETTE, KY	87	100
MSA: LOUISVILLE, KY-IN	76	83
MSA: OWENSBORO, KY	81	96
NON METRO STATE: LOUISIANA	75	87
MSA: ALEXANDRIA, LA	74	86
MSA: BATON ROUGE, LA	86	102
MSA: HOUMA-THIBODAUX, LA	73	85
MSA: LAFAYETTE, LA	80	94
MSA: LAKE CHARLES, LA	85	100
MSA: MONROE, LA	74	86
MSA: NEW ORLEANS, LA	91	105
MSA: SHREVEPORT, LA	80	94
EXCEPTION COUNTY: GRANT	72	84

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 032387

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
EXCEPTION COUNTY: WEBSTER	75	87
NON METRO STATE: MAINE	110	126
MSA: BANGOR, ME	110	126
MSA: LEWISTON-AUBURN, ME	84	84
MSA: PORTLAND, ME	136	155
MSA: PORTSMOUTH-DOVER-ROCHESTER, NH-ME	110	126
NON METRO STATE: MARYLAND	116	116
MSA: BALTIMORE, MD	169	169
MSA: CUMBERLAND, MD-WV	116	116
MSA: HAGERSTOWN, MD	145	145
MSA: WASHINGTON, DC-MD-VA	152	152
PMSA: WILMINGTON, DE-NJ-MD	112	112
EXCEPTION COUNTY: ST MARYS	158	158
NON METRO STATE: MASSACHUSETTS	135	135
PMSA: BOSTON, MA	127	137
PMSA: BROCKTON, MA	127	127
PMSA: FALL RIVER, MA-RI	84	84
MSA: FITCHBURG-LEOMINSTER, MA	101	101
PMSA: LAWRENCE-HAVERHILL, MA-NH	120	128
PMSA: LOWELL, MA-NH	120	128
MSA: NEW BEDFORD, MA	116	116
PMSA: PAWTUCKET-WOONSOCKET-ATTLEBORO, RI-MA	115	115
MSA: PITTSFIELD, MA	125	125
PMSA: SALEM-GLOUCESTER, MA	127	137
MSA: SPRINGFIELD, MA	99	99
MSA: WORCESTER, MA	87	87
NON METRO STATE: MICHIGAN	105	117
PMSA: ANN ARBOR, MI	146	158
MSA: BATTLE CREEK, MI	91	105
MSA: BENTON HARBOR, MI	105	117
PMSA: DETROIT, MI	143	153
MSA: FLINT, MI	128	128
MSA: GRAND RAPIDS, MI	96	104
MSA: JACKSON, MI	105	105
MSA: KALAMAZOO, MI	111	114
MSA: LANSING-EAST LANSING, MI	123	142
MSA: MUSKEGON, MI	96	98
MSA: SAGINAW-BAY CITY-MIDLAND, MI	112	112

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 032387

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
EXCEPTION COUNTY: BARRY	87	100
EXCEPTION COUNTY: IONIA	105	118
EXCEPTION COUNTY: OCEANA	92	94
EXCEPTION COUNTY: SHIAWASSEE	122	122
EXCEPTION COUNTY: VAN BUREN	105	109
NON METRO STATE: MINNESOTA	76	76
MSA: DULUTH, MN-WI	78	88
MSA: FARGO-MOORHEAD, ND-MN	118	134
MSA: MINNEAPOLIS-ST. PAUL, MN-WI	150	150
MSA: ROCHESTER, MN	109	109
MSA: ST. CLOUD, MN	96	96
EXCEPTION COUNTY: POLK	116	131
NON METRO STATE: MISSISSIPPI	75	87
MSA: BILOXI-GULFPORT, MS	86	102
MSA: JACKSON, MS	94	115
MSA: MEMPHIS, TN-AR-MS	86	86
MSA: PASCAGOULA, MS	74	86
EXCEPTION COUNTY: STONE	76	88
NON METRO STATE: MISSOURI	59	66
MSA: COLUMBIA, MO	84	91
MSA: JOPLIN, MO	59	66
MSA: KANSAS CITY, MO-KS	92	112
MSA: ST. JOSEPH, MO	87	93
MSA: ST. LOUIS, MO-IL	92	106
MSA: SPRINGFIELD, MO	61	67
EXCEPTION COUNTY: ANDREW	82	89
NON METRO STATE: MONTANA	N/A	N/A
MSA: BILLINGS, MT	152	169
MSA: GREAT FALLS, MT	129	145
EXCEPTION COUNTY: BEAVERHEAD	122	137
EXCEPTION COUNTY: BIG HORN	122	137
EXCEPTION COUNTY: BLAINE	88	102
EXCEPTION COUNTY: BROADWATER	122	137
EXCEPTION COUNTY: CARBON	122	137
EXCEPTION COUNTY: CARTER	88	102
EXCEPTION COUNTY: CHOUTEAU	88	102
EXCEPTION COUNTY: CUSTER	122	137
EXCEPTION COUNTY: DANIELS	88	102

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SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 032387

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
EXCEPTION COUNTY: DAWSON	122	137
EXCEPTION COUNTY: DEER LODGE	122	137
EXCEPTION COUNTY: FALLON	88	102
EXCEPTION COUNTY: FERGUS	88	102
EXCEPTION COUNTY: FLATHEAD	122	137
EXCEPTION COUNTY: GALLATIN	122	137
EXCEPTION COUNTY: GARFIELD	88	102
EXCEPTION COUNTY: GLACIER	88	102
EXCEPTION COUNTY: GOLDEN VALLE	88	102
EXCEPTION COUNTY: GRANITE	122	137
EXCEPTION COUNTY: HILL	88	102
EXCEPTION COUNTY: JEFFERSON	122	137
EXCEPTION COUNTY: JUDITH BASIN	88	102
EXCEPTION COUNTY: LAKE	122	137
EXCEPTION COUNTY: LEWIS+ CLARK	122	137
EXCEPTION COUNTY: LIBERTY	88	102
EXCEPTION COUNTY: LINCOLN	122	137
EXCEPTION COUNTY: MCCONE	88	102
EXCEPTION COUNTY: MADISON	122	137
EXCEPTION COUNTY: MEAGHER	122	137
EXCEPTION COUNTY: MINERAL	122	137
EXCEPTION COUNTY: MISSOULA	122	137
EXCEPTION COUNTY: MUSSELSHELL	122	137
EXCEPTION COUNTY: PARK	122	137
EXCEPTION COUNTY: PETROLEUM	88	102
EXCEPTION COUNTY: PHILLIPS	88	102
EXCEPTION COUNTY: PONDERA	88	102
EXCEPTION COUNTY: POWDER RIVER	122	137
EXCEPTION COUNTY: POWELL	122	137
EXCEPTION COUNTY: PRAIRIE	88	102
EXCEPTION COUNTY: RAVALLI	122	137
EXCEPTION COUNTY: RICHLAND	88	102
EXCEPTION COUNTY: ROOSEVELT	88	102
EXCEPTION COUNTY: ROSEBUD	122	137
EXCEPTION COUNTY: SANDERS	122	137
EXCEPTION COUNTY: SHERIDAN	88	102
EXCEPTION COUNTY: SILVER BOW	122	137
EXCEPTION COUNTY: STILLWATER	88	102
EXCEPTION COUNTY: SWEET GRASS	88	102
EXCEPTION COUNTY: TETON	88	102
EXCEPTION COUNTY: TOOLE	88	102
EXCEPTION COUNTY: TREASURE	122	137
EXCEPTION COUNTY: VALLEY	88	102
EXCEPTION COUNTY: WHEATLAND	88	102
EXCEPTION COUNTY: WIBAUX	88	102
EXCEPTION COUNTY: YL-ST-NT-PK	122	137

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SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 032387

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
NON METRO STATE: NEBRASKA	77	94
MSA: LINCOLN, NE	104	110
MSA: OMAHA, NE-IA	91	105
MSA: SIOUX CITY, IA-NE	93	93
NON METRO STATE: NEVADA	97	112
MSA: LAS VEGAS, NV	204	228
MSA: RENO, NV	204	228
NON METRO STATE: NEW HAMPSHIRE	100	110
PMSA: LAWRENCE-HAVERHILL, MA-NH	120	128
PMSA: LOWELL, MA-NH	120	128
MSA: MANCHESTER, NH	114	124
PMSA: NASHUA, NH	137	137
MSA: PORTSMOUTH-DOVER-ROCHESTER, NH-ME	110	126
NON METRO STATE: NEW JERSEY	103	103
MSA: ALLENTOWN-BETHLEHEM, PA-NJ	101	101
MSA: ATLANTIC CITY, NJ	157	157
PMSA: BERGEN-PASSAIC, NJ	208	209
PMSA: JERSEY CITY, NJ	201	201
PMSA: MIDDLESEX-SOMERSET-HUNTERDON, NJ	236	236
PMSA: MONMOUTH-OCEAN, NJ	181	219
PMSA: NEWARK, NJ	195	201
PMSA: PHILADELPHIA, PA-NJ	177	177
PMSA: TRENTON, NJ	157	157
PMSA: VINELAND-MILLVILLE-BRIDGETON, NJ	138	138
PMSA: WILMINGTON, DE-NJ-MD	112	112
NON METRO STATE: NEW MEXICO	92	105
MSA: LAS CRUCES, NM	92	105
MSA: ALBUQUERQUE, NM	102	118
MSA: SANTA FE, NM	92	105
EXCEPTION COUNTY: SANDOVAL	97	110
NON METRO STATE: NEW YORK	119	119
MSA: BINGHAMTON, NY	89	89
PMSA: BUFFALO, NY	112	112
MSA: ELMIRA, NY	95	95
MSA: GLENS FALLS, NY	119	119

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 032387

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
PMSA: NASSAU-SUFFOLK, NY	159	205
PMSA: NEW YORK, NY	165	165
PMSA: NIAGARA FALLS, NY	108	108
PMSA: ORANGE COUNTY, NY	114	114
MSA: POUGHKEEPSIE, NY	153	153
MSA: ROCHESTER, NY	135	135
MSA: SYRACUSE, NY	110	110
MSA: UTICA-ROME, NY	101	101
NON METRO STATE: NORTH CAROLINA	52	65
MSA: ASHEVILLE, NC	74	86
MSA: BURLINGTON, NC	74	86
MSA: CHARLOTTE-GASTONIA-ROCK HILL, NC-SC	74	86
MSA: FAYETTEVILLE, NC	74	86
MSA: GREENSBORO--WINSTON-SALEM--HIGH POINT, NC	74	86
MSA: HICKORY, NC	52	65
MSA: JACKSONVILLE, NC	52	65
MSA: RALEIGH-DURHAM, NC	74	86
MSA: WILMINGTON, NC	74	86
EXCEPTION COUNTY: BRUNSWICK	64	76
EXCEPTION COUNTY: CURRITUCK	101	101
EXCEPTION COUNTY: MADISON	64	76
NON METRO STATE: NORTH DAKOTA	95	110
MSA: BISMARCK, ND	135	149
MSA: FARGO-MOORHEAD, ND-MN	118	134
MSA: GRAND FORKS, ND	103	127
NON METRO STATE: OHIO	69	69
PMSA: AKRON, OH	103	103
MSA: CANTON, OH	74	74
PMSA: CINCINNATI, OH-KY-IN	103	108
PMSA: CLEVELAND, OH	111	111
MSA: COLUMBUS, OH	96	112
MSA: DAYTON-SPRINGFIELD, OH	74	74
PMSA: HAMILTON-MIDDLETOWN, OH	83	86
MSA: HUNTINGTON-ASHLAND, WV-KY-OH	80	80
MSA: LIMA, OH	96	96
PMSA: LORAIN-ELYRIA, OH	118	118
MSA: MANSFIELD, OH	91	91
MSA: PARKERSBURG-MARIETTA, WV-OH	80	80
MSA: STEUBENVILLE-WEIRTON, OH-WV	72	72
MSA: TOLEDO, OH	120	162

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SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 032387

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
MSA: WHEELING, WV-OH	74	74
MSA: YOUNGSTOWN-WARREN, OH	91	91
EXCEPTION COUNTY: CHAMPAIGN	69	78
EXCEPTION COUNTY: OTTAWA	100	134
EXCEPTION COUNTY: PREBLE	69	69
EXCEPTION COUNTY: PUTNAM	81	81
EXCEPTION COUNTY: VAN WERT	81	81
NON METRO STATE: OKLAHOMA	72	78
MSA: ENID, OK	72	78
MSA: FORT SMITH, AR-OK	34	37
MSA: LAWTON, OK	73	80
MSA: OKLAHOMA CITY, OK	75	83
MSA: TULSA, OK	80	86
EXCEPTION COUNTY: LE FLORE	33	36
EXCEPTION COUNTY: MAYES	72	78
NON METRO STATE: OREGON	130	137
MSA: EUGENE-SPRINGFIELD, OR	152	157
MSA: MEDFORD, OR	130	137
MSA: SALEM, OR	152	157
NON METRO STATE: PENNSYLVANIA	71	71
MSA: ALLENTOWN-BETHLEHEM, PA-NJ	101	101
MSA: ALTOONA, PA	92	92
PMSA: BEAVER COUNTY, PA	83	83
MSA: ERIE, PA	92	92
MSA: HARRISBURG-LEBANON-CARLISLE, PA	104	104
MSA: JOHNSTOWN, PA	92	92
MSA: LANCASTER, PA	96	96
PMSA: PHILADELPHIA, PA-NJ	177	177
PMSA: PITTSBURGH, PA	86	86
MSA: READING, PA	96	96
MSA: SCRANTON--WILKES-BARRE, PA	89	89
MSA: SHARON, PA	71	71
MSA: STATE COLLEGE, PA	71	71
MSA: WILLIAMSPORT, PA	71	71
MSA: YORK, PA	96	96
EXCEPTION COUNTY: SUSQUEHANNA	71	71
NON METRO STATE: RHODE ISLAND	110	110
PMSA: FALL RIVER, MA-RI	84	84

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SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 032387

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
MSA: NEW LONDON-NORWICH, CT-RI	115	115
PMSA: PAWTUCKET-WOONSOCKET-ATTLEBORO, RI-MA	115	115
PMSA: PROVIDENCE, RI	115	115
NON METRO STATE: SOUTH CAROLINA	58	58
MSA: ANDERSON, SC	58	58
MSA: AUGUSTA, GA-SC	78	80
MSA: CHARLESTON, SC	74	74
MSA: CHARLOTTE-GASTONIA-ROCK HILL, NC-SC	74	86
MSA: COLUMBIA, SC	65	74
MSA: FLORENCE, SC	58	58
MSA: GREENVILLE-SPARTANBURG, SC	65	65
NON METRO STATE: SOUTH DAKOTA	81	95
MSA: RAPID CITY, SD	81	95
MSA: SIOUX FALLS, SD	114	128
NON METRO STATE: TENNESSEE	58	58
MSA: CHATTANOOGA, TN-GA	51	74
MSA: CLARKSVILLE-HOPKINSVILLE, TN-KY	74	80
MSA: JACKSON, TN	58	58
MSA: JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA	80	80
MSA: KNOXVILLE, TN	65	65
MSA: MEMPHIS, TN-AR-MS	86	86
MSA: NASHVILLE, TN	86	102
NON METRO STATE: TEXAS	63	78
NON METRO STATE: TEXAS	63	78
MSA: ABILENE, TX	54	61
MSA: AMARILLO, TX	100	105
MSA: AUSTIN, TX	91	107
MSA: BEAUMONT-PORT ARTHUR, TX	94	107
PMSA: BRAZORIA, TX	108	126
MSA: BROWNSVILLE-HARLINGEN, TX	74	86
MSA: BRYAN-COLLEGE STATION, TX	91	102
MSA: CORPUS CHRISTI, TX	78	102
PMSA: DALLAS, TX	80	102
MSA: EL PASO, TX	104	118
PMSA: FORT WORTH-ARLINGTON, TX	80	102
PMSA: GALVESTON-TEXAS CITY, TX	105	118

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SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 032387

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
PMSA: HOUSTON, TX	112	131
MSA: KILLEEN-TEMPLE, TX	94	102
MSA: LAREDO, TX	65	80
MSA: LONGVIEW-MARSHALL, TX	86	99
MSA: LUBBOCK, TX	99	102
MSA: MC ALLEN-EDINBURG-MISSION, TX	85	102
MSA: MIDLAND, TX	102	107
MSA: ODESSA, TX	102	107
MSA: SAN ANGELO, TX	86	94
MSA: SAN ANTONIO, TX	74	86
MSA: SHERMAN-DENISON, TX	80	94
MSA: TEXARKANA, TX-TEXARKANA, AR	102	115
MSA: TYLER, TX	80	84
MSA: VICTORIA, TX	63	78
MSA: WACO, TX	83	94
MSA: WICHITA FALLS, TX	58	65
EXCEPTION COUNTY: CALLAHAN	53	59
EXCEPTION COUNTY: CLAY	57	63
EXCEPTION COUNTY: HOOD	70	88
EXCEPTION COUNTY: JONES	53	59
EXCEPTION COUNTY: WISE	70	88
NON METRO STATE: UTAH	N/A	N/A
MSA: PROVO-OREM, UT	122	137
MSA: SALT LAKE CITY-OGDEN, UT	137	152
EXCEPTION COUNTY: BEAVER	88	102
EXCEPTION COUNTY: BOX ELDER	88	102
EXCEPTION COUNTY: CACHE	88	102
EXCEPTION COUNTY: CARBON	122	137
EXCEPTION COUNTY: DAGGETT	88	102
EXCEPTION COUNTY: DUCHESNE	88	102
EXCEPTION COUNTY: EMERY	122	137
EXCEPTION COUNTY: GARFIELD	88	102
EXCEPTION COUNTY: GRAND	122	137
EXCEPTION COUNTY: IRON	88	102
EXCEPTION COUNTY: JUAB	88	102
EXCEPTION COUNTY: KANE	88	102
EXCEPTION COUNTY: MILLARD	88	102
EXCEPTION COUNTY: MORGAN	88	102
EXCEPTION COUNTY: PIUTE	88	102
EXCEPTION COUNTY: RICH	88	102
EXCEPTION COUNTY: SAN JUAN	88	102
EXCEPTION COUNTY: SANPETE	88	102
EXCEPTION COUNTY: SEVIER	88	102
EXCEPTION COUNTY: SUMMIT	88	102

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 032387

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
EXCEPTION COUNTY: TOOELE	108	120
EXCEPTION COUNTY: UINTAH	122	137
EXCEPTION COUNTY: WASATCH	88	102
EXCEPTION COUNTY: WASHINGTON	88	102
EXCEPTION COUNTY: WAYNE	88	102
NON METRO STATE: VERMONT	103	119
MSA: BURLINGTON, VT	103	119
NON METRO STATE: VIRGINIA	83	83
MSA: CHARLOTTESVILLE, VA	83	83
MSA: DANVILLE, VA	83	83
MSA: JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA	80	80
MSA: LYNCHBURG, VA	74	74
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MSA: RICHMOND-PETERSBURG, VA	115	115
MSA: ROANOKE, VA	80	80
MSA: WASHINGTON, DC-MD-VA	152	152
EXCEPTION COUNTY: APPOMATTOX	72	72
EXCEPTION COUNTY: CRAIG	78	78
NON METRO STATE: WASHINGTON	112	130
MSA: BELLINGHAM, WA	112	144
MSA: BREMERTON, WA	112	144
MSA: OLYMPIA, WA	112	144
MSA: RICHLAND-KENNEWICK-PASCO, WA	152	152
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MSA: SPOKANE, WA	122	137
PMSA: TACOMA, WA	128	151
PMSA: VANCOUVER, WA	162	179
MSA: YAKIMA, WA	122	129
NON METRO STATE: WEST VIRGINIA	80	80
MSA: CHARLESTON, WV	86	86
MSA: CUMBERLAND, MD-WV	116	116
MSA: HUNTINGTON-ASHLAND, WV-KY-OH	80	80
MSA: PARKERSBURG-MARIETTA, WV-OH	80	80
MSA: STEUBENVILLE-WEIRTON, OH-WV	72	72
MSA: WHEELING, WV-OH	74	74
EXCEPTION COUNTY: WIRT	78	78
NON METRO STATE: WISCONSIN	84	91

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 032387

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
MSA: APPLETON-OSHKOSH-NEENAH, WI	105	112
MSA: DULUTH, MN-WI	78	88
MSA: EAU CLAIRE, WI	98	106
MSA: GREEN BAY, WI	103	110
MSA: JANESVILLE-BELOIT, WI	103	110
PMSA: KENOSHA, WI	109	116
MSA: LA CROSSE, WI	93	101
MSA: MADISON, WI	155	161
PMSA: MILWAUKEE, WI	120	126
MSA: MINNEAPOLIS-ST. PAUL, MN-WI	150	150
PMSA: RACINE, WI	112	119
MSA: SHEBOYGAN, WI	84	91
MSA: WAUSAU, WI	84	91
NON METRO STATE: WYOMING	N/A	N/A
MSA: CASPER, WY	204	220
MSA: CHEYENNE, WY	122	146
EXCEPTION COUNTY: ALBANY	122	146
EXCEPTION COUNTY: BIG HORN	122	146
EXCEPTION COUNTY: CAMPBELL	204	220
EXCEPTION COUNTY: CARBON	204	220
EXCEPTION COUNTY: CONVERSE	204	220
EXCEPTION COUNTY: CROOK	122	146
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NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

[FR Doc. 87-9585 Filed 4-28-87; 8:45 am]
BILLING CODE 4210-27-C

federal register

Wednesday
April 29, 1987

Part IV

Department of Education

Office of Postsecondary Education

Pell Grant Program; Deadline Dates for Receipt of Applications, Reports, and Other Documents for the 1986-87 Award Year; Correction

DEPARTMENT OF EDUCATION

Office of Postsecondary Education

Pell Grant Program; Deadline Dates for Receipt of Applications, Reports, and Other Documents for the 1986–87 Award Year

AGENCY: Department of Education.

ACTION: Notice of Pell Grant Program; Deadline Dates for Receipt of Applications, Reports, and Other Documents for the 1986–87 Award Year; correction.

On January 12, 1987, the Secretary of Education published in the **Federal Register** a notice of deadline dates for receipt of documents from persons applying for financial assistance under, and from institutions participating in, the Pell Grant Program during the 1986–87 award year.

This notice corrects item VI. Submission to the Secretary of Student Aid Reports by Institutions as follows:

In column two, page 1290, paragraphs one and two, "December 15, 1987" is changed to read "December 31, 1987."

In column three, page 1290, line 16 "December 15, 1987" is changed to read "December 31, 1987."

Dated: April 23, 1987.

C. Ronald Kimberling,

Assistant Secretary for Postsecondary Education.

[FR Doc. 87–9682 Filed 4–28–87; 8:45 am]

BILLING CODE 4000–01–M

federal register

Wednesday
April 29, 1987

Part V

Department of Education

Office of Special Education and Rehabilitative Services

Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Severely Disabled Individuals; Notice of Proposed Funding Priorities for Fiscal Year 1987

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services

Special Projects and Demonstrations for Providing Vocational Rehabilitation Services To Severely Disabled Individuals

AGENCY: Department of Education.

ACTION: Notice of proposed funding priorities for fiscal year 1987.

SUMMARY: The Secretary proposes annual funding priorities for grants for Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Severely Disabled Individuals. The Secretary proposes four priorities to direct funds to the areas of greatest need during fiscal year 1987. The proposed priorities would support applications which propose to: (a) Include effective strategies to support transition from school to work for persons with severe learning disabilities; (b) demonstrate the best practices known today to overcome barriers to employment for persons with traumatic brain injuries: (c) develop employment programs for deaf-blind persons for whom competitive employment has previously been unlikely; and (d) demonstrate innovative transitional employment services for persons with chronic mental illness.

DATE: Comments must be received on or before May 29, 1987.

ADDRESS: All written comments and suggestions should be sent to Ed Sontag, Office of Developmental Programs, Rehabilitation Services Administration, Office of Special Education and Rehabilitative Services, Room 3342, Mary E. Switzer Building (MS 2312), Department of Education, 400 Maryland Avenue, SW., Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Delores Watkins, Telephone: (202) 732–1349.

SUPPLEMENTARY INFORMATION: Grants for Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Severely Disabled Individuals are authorized by section 311(a)(1) of the Rehabilitation Act of 1973, as amended (29 U.S.C. 777a(a)(1)). Program regulations are established at 34 CFR Part 373. The purpose of the Program of Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Severely Disabled Individuals is to support projects which hold the promise of expanding or improving vocational rehabilitation and other rehabilitation services to disabled persons (especially those with the most severe disabilities), irrespective of age or vocational potential.

Eligible Applicants

States or other public or nonprofit agencies and organizations are eligible to apply for grants under this program. Applicants may apply for project support for a period not to exceed 36 months.

Funds Available

The Congress appropriated $15,860,000 for the Program of Special Projects and Demonstrations in fiscal year 1987. Of this amount, approximately $3,934,000 will be available for the support of new projects announced under this notice. It is planned that $800,000 will be available for each of the four priority categories and $734,000 for a fifth group of applications that are not responsive to any of the priorities. An estimated 6 awards will be funded under each of the four priority categories at an average project award of $133,333. An estimated 6 projects will be funded under the non-priority category at an average project award of $122,333.

Proposed Priorities

In accordance with Education Department General Administrative Regulations (EDGAR) at 34 CFR 75.105(c)(3), the Secretary proposes to give an absolute preference to applications submitted in fiscal year 1987 in response to one of several priorities to be established.

All applications will be evaluated according to criteria which appear in program regulations at 34 CFR 373.30. Proposed priorities are:

Priority 1—Learning Disabled

Projects supported under this priority must include effective strategies to support transition from school to work for persons with severe learning disabilities. The Program of Special Projects and Demonstrations of the Rehabilitation Services Administration has previously supported projects and demonstrations in the area of learning disabilities. The National Institute on Disability and Rehabilitation Research currently supports research projects which focus on learning disabilities. As a result, there should be an adequate research and demonstration base for the generation of new program approaches that will lead to successful employment of individuals with severe learning disabilities. This priority is intended to solicit applications which propose projects that would: (1) Provide practical field testing of methods derived from previous and current research and demonstration projects; and (2) disseminate findings and information about training and placement practices with individuals who are learning disabled to encourage their replication by others.

Priority 2—Traumatic Head Injured

Persons who suffer traumatic head injuries often have severe problems obtaining and maintaining employment. According to information released by the National Institute on Disability and Rehabilitation Research, 400,000 to 682,000 persons suffer severe traumatic head injury each year. Of these, from 30,000 to 50,000 are left with disabilities so severe as to preclude return to a normal life. Although these individuals may vary significantly in the manifestation of their disability, they frequently have severe learning impairments coupled with loss of short-term memory and limited attention span. The intent of this priority is to solicit applications which propose projects that would demonstrate the best practices known today to overcome these barriers to employment, and in so doing, would document and disseminate those approaches which appear to work best with individuals with various behavioral characteristics.

Priority 3—Deaf-Blind

This priority supports projects which design, implement, and disseminate information about innovative practices in the job placement, job site training, and follow-up of deaf-blind persons. The practices must extend beyond, expand upon, complement, or supplement existing successful practices. These projects shall emphasize on-the-job skills adaptations, employee-employer relations, job acquisition, retention skills, and, where appropriate, supplemental support for the employment of deaf-blind persons on a long-term basis. These projects shall provide services for severely handicapped deaf-blind youth who typically have not been eligible for vocational rehabilitation services.

Priority 4—Chronically Mentally Ill

There is increasing awareness that in order for chronically mentally ill persons to live independently in the community, there must be adequate job opportunities and service procedures which will lead to competitive employment. The purpose of this priority

is to solicit applications which will demonstrate innovative employment services for chronically mentally ill persons that result in or lead to permanent employment. A primary concern is that the applicant provide or arrange for the necessary employment services in the community. It is expected that the applicant will actively identify and utilize permanent placement opportunities with local public and private enterprise employers. Special emphasis shall be given to the provision of project services to the chronically mentally ill who are at risk of being institutionalized or reinstitutionalized.

Invitation To Comment

Interested persons are invited to submit comments and recommendations regarding the proposed priorities. All comments submitted in response to these proposed priorities will be available for public inspection, during and after the comment period, in Room 3042, Switzer Building, 330 C Street, SW., Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

Authority: 29 U.S.C. 777a(a)(1).

(Catalog of Federal Domestic Assistance No. 84.128 Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Severely Disabled Individuals)

Dated: March 26, 1987.

William J. Bennett,

Secretary of Education.

[FR Doc. 87-9684 Filed 4-28-87; 8:45 am]

BILLING CODE 4000-01-M

[CFDA No.: 84.128A]

Invitation of Applications for New Awards Under the Program of Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Severely Disabled Individuals for Fiscal Year 1987

Purpose

To provide grants to States and to other public or nonprofit agencies and organizations for the purpose of establishing programs that hold promise of expanding or otherwise improving rehabilitation services to individuals with handicaps, especially those with the most severe handicaps, including blind or deaf individuals, irrespective of age or vocational potential.

Deadline for Transmittal of Applications: June 23, 1987.

Applications Available: May 8, 1987.

Project Period: Not to exceed 36 months.

Applicable Regulations: (a) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77 and 78); (b) regulations governing the Program of Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Severely Disabled Individuals (34 CFR Parts 369 and 373); and (c) when adopted in final form, the Notice of Proposed Priorities published in this issue of the **Federal Register.** Applicants should prepare their applications based on the proposed priorities. If there are any changes made when the final priorities are published, applicants will be given the opportunity to amend or resubmit their applications.

Priorities: As described in the Notice of Proposed Priorities, the Secretary proposes to establish the following priorities for fiscal year 1987. The Secretary intends to give an absolute preference to applications that meet any of these priorities.

Priority	Estimated available funds	Estimated number of awards
Learning disabled	$800,000	6
Traumatic brain injured	800,000	6
Deaf-blind	800,000	6
Chronically mentally ill	800,000	6

In addition, $734,000 will be available to support six applications that do not respond to any of the above priorities. If there is an insufficient number of approvable applications to use fully the available funds reserved for any of the four priority and non-priority categories, the unused balance will be applied to one or more of the remaining categories.

For Applications or Information Contact: Delores L. Watkins, U.S. Department of Education, Rehabilitation Services Administration, Office of Developmental Programs, 400 Maryland Avenue, SW., (Switzer Building, Room 3322—M/S 2312), Washington, DC 20202, Telephone: (202) 732-1349.

Program Authority: 29 U.S.C. 777a(a)(1).

Dated: April 24, 1987.

Madeleine Will,

Assistant Secretary, Office of Special Education and Rehabilitative Services.

[FR Doc. 87-9683 Filed 4-28-87; 8:45 am]

BILLING CODE 4000-01-M

federal register

Wednesday
April 29, 1987

Part VI

The President

Federal Register
Vol. 52, No. 82
Wednesday, April 29, 1987

Presidential Documents

Title 3—

The President

Proclamation 5639 of April 26, 1987

National Volunteer Week, 1987: Our Constitutional Heritage

By the President of the United States of America

A Proclamation

Two hundred years ago, when our Founding Fathers drafted the Constitution that has remained our charter of liberty, they began it with the immortal words, "We the People." These are but three words, yet they say everything about America and about Americans. We have God-given dignity and rights neither granted by the state nor subject to it; we take responsibility for living our lives in freedom; and we come to the assistance of our neighbors in time of need.

The spirit of "We the People" is the American spirit, and we Americans will always honor it and live by it. Just one example of this is our heritage of voluntarism, which is flourishing today. "We the People"—89 million of us—volunteer our time, energy, talents, and material resources to create a better America. There is no problem facing us today that volunteers are not addressing. We can all be grateful to America's generous volunteers and glad that the tradition of voluntarism will continue to serve us in the future as it has in the past.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, in recognition of the indispensable contributions volunteers make to our national life, do hereby proclaim the week of April 26 through May 2, 1987, as National Volunteer Week: Our Constitutional Heritage, and I call upon the people of the United States to commemorate the week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 26th day of April, in the year of our Lord nineteen hundred and eighty-seven, and of the Independence of the United States of America the two hundred and eleventh.

Ronald Reagan

[FR Doc. 87-9866
Filed 4-28-87; 11:18 am]
Billing code 3195-01-M

Presidential Documents

Proclamation 5640 of April 28, 1987

National Cancer Institute Month, 1987

By the President of the United States of America

A Proclamation

This year we celebrate the 50th anniversary of the Act that created the National Cancer Institute. For half a century the NCI staff has worked with talent, dedication, and creativity and made much progress in cancer control programs. Our national investment in the NCI is paying impressive dividends. Cancer patients are living longer today and leading fuller lives than ever before; since the early 1940s, the 5-year relative survival rate for cancer has risen from 30 percent to 50 percent.

In its first decade, the NCI began to assist State cancer control activities and launched a journal for the scientific community. In its second decade, the NCI expanded grants for research and cancer control and supported better training of doctors and dentists in cancer research, diagnosis, and treatment. In the 1960s, the NCI developed task forces for specific types of cancer, established discipline-oriented laboratories and clinics, and integrated laboratory and clinical research programs.

The National Cancer Act of 1971, capitalizing on early achievements and intensifying our Nation's commitment to cancer control, expanded the NCI's missions and made it a unique structure capable of coherent and systematic attack on the complex problem of cancer. The NCI, part of the National Institutes of Health within the Department of Health and Human Services, today conducts and sponsors research, education, and training and collects and disseminates information worldwide.

The NCI's basic research over the last 15 years has brought about unparalleled understanding of the cancer cell and extraordinary insights into cellular biology. Applying knowledge now at hand could cut the annual cancer death rate by 50 percent by the year 2000. To reach this goal, the NCI urges us to stop smoking, cut fat consumption to 30 percent or less of total calories, and double daily consumption of fiber from whole-grain breads, cereals, fruits, and vegetables. All adults should also ask their doctors about special early cancer detection tests. Two such tests are mammography for breast cancer and Pap smears for cervical cancer.

The NCI also calls for nationwide application of state-of-the-art treatments for cancer. A national network now links major laboratories and cancer centers with doctors in local communities, bringing research advances to the bedside. NCI programs provide the latest treatment news through the computerized PDQ (Physician Data Query) System. The Cancer Information Service, whose toll-free telephone number is 1–800–4–CANCER, answers cancer-related questions from the public, cancer patients and their families, and health professionals.

In recognition of the 50th anniversary of the National Cancer Institute and in appreciation of the Institute's achievements, the Congress, by Public Law 100–24, has designated May 1987 as "National Cancer Institute Month" and authorized and requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the month of May 1987 as National Cancer Institute Month. I urge health professionals, the media, civic organizations, and all other interested people and groups to unite during this time in public recognition of the contributions of the National Cancer Institute to our commitment to control cancer.

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

Ronald Reagan

[FR Doc. 87-9867
Filed 4-28-87; 11:19 am]
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H.R. 1123/Pub. L. 100-28

To amend the Food Security Act of 1985 to extend the date for submitting the report required by the National Commission on Dairy Policy. (Apr. 24, 1987; 101 Stat. 291; 2 pages) Price: $1.00