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Thursday
May 7, 1987

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

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THE FEDERAL REGISTER
WHAT IT IS AND HOW TO USE IT

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

WHO: The Office of the Federal Register.

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

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

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

WASHINGTON, DC

WHEN: June 9, at 9 a.m.
WHERE: Office of the Federal Register, First Floor Conference Room, 1100 L Street NW., Washington, DC.
RESERVATIONS: Gertrude E. Belton, 202–523–5237

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

CFR PARTS AFFECTED IN THIS ISSUE

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

Rules and Regulations

Federal Register
Vol. 52, No. 88
Thursday, May 7, 1987

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Part 318

[Docket No. 86-027F]

Approval of Increased Use Level of Potassium Sorbate as a Mold Retardant on the Casings of Dry Sausage

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) has been petitioned to amend the Federal meat inspection regulations to increase the current use level of potassium sorbate that is applied to the surface of dry sausage casings. Application of potassium sorbate by dipping in a water solution prevents the growth of surface molds at room temperature. The Federal meat inspection regulations permit the use of potassium sorbate in a dipping solution at a 2.5 percent level for application to dry sausage casings either before or after stuffing. The Federal meat inspection regulations also permit the use of potassium sorbate in margarine or oleomargarine as a mold retardant and as a preservative. The Food and Drug Administration (FDA) lists potassium sorbate as generally recognized as safe as a chemical preservative. FSIS has determined that it is appropriate to increase the use level of potassium sorbate to 10 percent in a dipping solution to retard mold growth on dry sausages. This increased use level of potassium sorbate for this purpose will enable processors to market dry sausages at room temperature without mold growth. The use of potassium sorbate will be declared as part of the product name, according to current regulations.

EFFECTIVE DATE: June 8, 1987.

ADDRESS: Written comments to: U.S. Department of Agriculture, Food Safety and Inspection Service, Attn: Policy Office, Room 3803, South Agriculture Building, Washington, DC 20250. (See also "Comments" under "SUPPLEMENTARY INFORMATION.")

FOR FURTHER INFORMATION CONTACT: Margaret O'K Glavin, Director, Standards and Labeling Division, Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250 (202) 447-6042.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Administrator has determined in accordance with Executive Order 12291 that this final rule is not a "major rule". It will not result in an annual effect on the economy of $100 million or more. There will be no major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. It will not have a significant adverse effect on competition, employment, investment, productivity, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule increases the use level of potassium sorbate in a dipping solution from a currently allowed amount of 2.5 percent (9 CFR 318.7(c)(4)) to 10 percent for application to the casings of dry sausages either before or after stuffing. Industry will benefit from this action through the ability to market shelf-stable, dry sausage without refrigeration. Also, the use of potassium sorbate in a dipping solution is voluntary.

Effect on Small Entities

The Administrator has determined that this final rule will not have a significant economic impact upon a substantial number of small entities, as defined by the Regulatory Flexibility Act (5 U.S.C. 601 *et. seq.*). This rulemaking will impose no new requirements on industry; rather, it will permit the meat industry to use a higher level of potassium sorbate on the casings of dry sausage to increase the shelf life of the product. The treated dry sausage could be marketed without refrigeration to prevent mold growth. Also, the use of potassium sorbate in a dipping solution is voluntary.

Comments

This is a final rule consistent with the provisions of § 318.7(a)(3) of the Federal meat inspection regulations (9 CFR 318.7(a)(3)). As such, no request for comments is being made. However, interested parties may inform the Agency of any additional information which raises questions about this action during the 30 day period between publication of this rule and its effective date.

Background

FSIS has been petitioned by Swift and Company, Oak Brook, Illinois, to amend the Federal meat inspection regulations to increase the use level of potassium sorbate in a dipping solution that is applied to the casings of dry sausage to increase shelf life and to prevent mold growth. The petitioner claims that, until recently, dry and semidry sausage products such as hard salami, pepperoni, genoa salami, and thuringer were marketed under refrigeration even though they are considered shelf-stable and require no refrigeration. However, Swift and Company, (the petitioner), is now producing vacuum-packaged, dry sausages which hold well in all cases unless a vacuum leak develops. In case of a leak, mold growth occurs in a matter of about two weeks.

The petitioner has supplied analytical data and supporting research references indicating that treatment of salami by dipping in a 2.5 percent potassium sorbate solution did not successfully prevent the growth of surface molds. However, when a 10 percent potassium sorbate solution is applied to the surface of all types of salami, visual inhibition of mold growth occurs. Once mold growth begins, it spreads rapidly and can cover the entire sausage within 24 hours. Therefore, if no mold growth is visible, no mold is present on the sausage. The analyses of the casing for the residual part of potassium sorbate (at a 10 percent dipping solution) was found to be 568 parts per million (ppm). The residual level of potassium sorbate on the basis of the entire salami was around 10 ppm. This level is far less than the current residual level of 1000 ppm which results from the addition of 0.1 percent of sorbic acid to margarine or oleomargarine. (9 CFR 318.700(b)(5)).

(Potassium sorbate, sodium sorbate and calcium sorbate are salt derivatives of sorbic acid and all provide the same technical effects, retarding mold growth and preserving product.) In addition, sorbic acid is permitted to be added directly to margarine or oleomargarine. Since this rule only authorizes an increase in the use level of potassium sorbate in a water solution for dipping sausage casings, which are not normally consumed, the residual level should be negligible. Even if the casing was consumed with a 10 ppm residual of potassium sorbate, this is still far below current permitted levels which are considered to be safe. Based on this information, FSIS has determined that product wholesomeness is not affected when dry sausages are treated with a 10 percent potassium sorbate dipping solution. The data referenced above are available for review at the Policy Office at the address noted previously in this document.

Issuance of Final Rule

Section 318.7 of the Federal meat inspection regulations (9 CFR 318.7(a)(1)–(4)) provides procedures for the approval of added substances for use in meat or meat products by issuing a final rule amending the chart of substances in § 318.7(c)(4) of the regulations (9 CFR 318.7(c)(4)). Under these procedures, a substance can be added to the table of approved substances upon a showing that (1) it has been previously approved by FDA for use in meat or meat food products as a food additive, color additive, or as a substance generally recognized as safe (GRAS), (2) it is listed in Title 21 of the Code of Federal Regulations, Parts 73, 74, 81, 172, 173, 179, 182, or 184, and (3) its use is in compliance with applicable FDA requirements. The substance may then be approved if the Administrator determines that: (1) The use will not result in products being adulterated or misbranded, or otherwise not in compliance with the Federal Meat Inspection Act, (2) it is both suitable and functional for the particular product, and (3) it is to be used at the lowest level necessary to accomplish the stated technical effect.

Potassium sorbate has been listed as GRAS by the FDA in 21 CFR 182.3640 when used as a chemical preservative in accordance with good manufacturing practices. Potassium sorbate is also listed in the Federal meat inspection regulations in 9 CFR 318.7(c)(4) which permit a 2.5 percent potassium sorbate solution to be applied to the surface of casings of dry sausage either before or after stuffing to retard mold growth. Use of potassium sorbate, a salt derivative of sorbic acid, is also permitted in margarine or oleomargarine as a preservative at a level of 0.1 percent individually, or if used in combination with other preservatives, 0.2 percent (expressed as the acids) (9 CFR 319.700(b)(5)).

The Administrator has found that information provided by the petitioner and other data available to the Agency indicate that: (1) The proposed use level of potassium sorbate in a dipping solution as described above will be in compliance with applicable FDA requirements, (2) the use and use level of potassium sorbate will be functional and suitable for the products intended, (3) potassium sorbate will be used at the lowest level necessary to accomplish its intended technical effect, and (4) the use of potassium sorbate will not render products in which it is used, adulterated, misbranded, or otherwise not in compliance with the requirements of the Federal Meat Inspection Act.

Therefore, the Department is amending the table of approved substances in the Federal meat inspection regulations (9 CFR Part 318.7(c)(4)) by increasing the use level of potassium sorbate from the currently allowed level of 2.5 percent in a dipping solution to 10 percent. When products, including dry sausages, are packed in, bear or contain any chemical preservative, a statement noting this fact is required on the label (9 CFR 317.2(j)(12)).

List of Subjects in 9 CFR Part 318

Meat inspection, Food additives.

1. The authority citation for Part 318 continues to read as follows:

Authority: 34 Stat. 1260, 81 Stat. 584, as amended (21 U.S.C. 601 et seq.), 72 Stat. 862, 92 Stat.1069, as amended (7 U.S.C. 1901 *et. seq.*), 76 Stat. 663 (7 U.S.C. 450 *et. seq.*), unless otherwise noted.

2. The table in paragraph (c)(4) of § 318.7 is amended by revision the entry for potassium sorbate to read as follows:

§ 318.7 Approval of substances for use in the preparation of products.

* * * * *

(c) * * *

(4) * * *

Class of substance	Substance	Purpose	Products	Amount
*	*	*	*	*
Miscellaneous	Potassium sorbate	To retard mold growth	Dry sausage	10 percent in water solution may be applied to casings after stuffing or casings may be dipped in a 10 percent water solution prior to stuffing.
*	*	*	*	*

* * * * *

Done at Washington, DC, on: April 30, 1987.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 87–10346 Filed 5–6–87; 8:45 am]

BILLING CODE 3410-DM-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 369

[Docket No. 70476–7076]

Restrictive Trade Practices or Boycotts; Interpretation

AGENCY: International Trade Administration, Commerce.

ACTION: Interpretation.

SUMMARY: The Department is announcing that the antiboycott regulations (15 CFR Part 369) do not apply to foreign boycotts against South Africa. The Department wishes to eliminate uncertainty by exercising its authority to interpret its regulations to make clear that compliance with foreign boycotts against South Africa is not subject to the antiboycott provisions of the Export Administration Regulations.

EFFECTIVE DATE: May 7, 1987.

FOR FURTHER INFORMATION CONTACT: William V. Skidmore, Director, Office of Antiboycott Compliance, U.S. Department of Commerce (202–377–4550).

SUPPLEMENTARY INFORMATION:

Background

The antiboycott provisions of the Export Administration Regulations (15 CFR Part 369) prohibit certain actions or agreements related to certain unsanctioned foreign boycotts. The prohibitions implement section 8(a) of the Export Administration Act of 1979, as amended, which applies to "any boycott fostered or imposed by a foreign country against a country which is friendly to the United States and which is not itself the object of any form of boycott pursuant to United States law or regulation. . . ." The antiboycott regulations also impose a requirement that certain boycott-related requests be reported if "the purpose of the request is to enforce, implement, or otherwise further, support, or secure compliance with an unsanctioned foreign boycott or restrictive trade practice." (15 CFR 369.6(a)(2)).

In light of recent actions by the United States against South Africa, there has been uncertainty as to whether foreign boycotts against that country are subject to the antiboycott regulations. This uncertainty creates a burden for U.S. firms attempting to engage in international trade. The Department wishes to eliminate that uncertainty by exercising its authority to interpret its regulations to make clear that compliance with foreign boycotts against South Africa is not subject to the antiboycott provisions of the Export Administration Regulations.

Procedural Requirements

1. This interpretation is exempt from the provisions of the Administrative Procedure Act requiring notice, an opportunity for comment, and a delay in effective date (5 U.S.C. 553) pursuant to provisions of that Act and Section 13(a) of the Export Administration Act of 1979, as amended, (50 U.S.C. app. 2412(a)) and will become effective upon publication in the **Federal Register**.

2. Because this interpretation concerns a foreign affairs function of the United States, it is not a rule or regulation within the meaning of section 1(a) of Executive Order 12291, and it is not subject to the requirements of that Order. Accordingly, no preliminary or final Regulatory Impact Analysis has to be or will be prepared.

3. This interpretation is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601(2).

4. This interpretation does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501, *et seq.*

List of Subjects in 15 CFR Part 369

Boycotts, Foreign trade, Reporting and recordkeeping requirements, Restrictive trade practices, Trade practices.

For the reasons stated in the Preamble, 15 CFR Part 369 is amended as follows:

PART 369—[AMENDED]

1. The authority citation for Part 369 continues to read as follows:

Authority: Pub. L. 96-72, 93 Stat. 503, 50 U.S.C. App. 2401 *et seq.*, as amended by Pub. L. 97-145 of December 29, 1981, and by Pub. L. 99-64 of July 12, 1985; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985).

2. Add Supplement No. 14 to the Appendix of Part 369 as follows:

Supplement No. 14

In light of recent actions by the United States against South Africa, there has been uncertainty as to whether foreign boycotts against that country are subject to the antiboycott regulations. This uncertainty creates a burden for U.S. firms attempting to engage in international trade. Accordingly, the Department takes the position that compliance with foreign boycotts against South Africa is not subject to the antiboycott provisions of the Export Administration Regulations.

The antiboycott provisions of the Export Administration Regulations (15 CFR Part 369) apply only to foreign boycotts aqainst a country which is friendly to the United States and which is not itself the object of any form of boycott pursuant to United States law or regulation. South Africa is deemed the object of a form of boycott pursuant to United States law within the meaning of the antiboycott provisions of the Export Administration Act. Foreign boycotts against South Africa are, therefore, not regarded as unsanctioned within the meaning of the antiboycott provisions of the Export Administration Regulations. Accordingly, the Department exercises its authority to interpret the Export Administration Regulations as providing that:

(a) Compliance with, furtherance of or support for such boycott is not subject to the antiboycott provisions of the Export Administration Regulations; and

(b) Requests to take any action which has the effect of furthering or supporting such boycotts are not reportable pursuant to those regulations.

Dated: April 30, 1987.

William V. Skidmore,

Director, Office of Antiboycott Compliance.

[FR Doc. 87-10185 Filed 5-6-87; 8:45 am]

BILLING CODE 3510-DT-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Parts 404 and 416

[Regulations Nos. 4 and 16]

Federal Old-Age, Survivors, and Disability Insurance; Supplemental Security Income for the Aged, Blind, and Disabled; Discontinuance of the SSA Representation Project

AGENCY: Social Security Administration, HHS.

ACTION: Final rule.

SUMMARY: We are revoking the regulations pertaining to all aspects of the field testing of the Social Security Administration (SSA) Representation Project (Project). 20 CFR 404.965 and 416.1465 published in the **Federal Register** on August 19, 1982 (47 FR 36117) established the SSA Representation Project. These regulations provided for a modified process for administrative law judge (ALJ) hearings involving the issue of disability under title II and title XVI of the Social Security Act. Specifically, the regulations permitted SSA to use special personnel known as "SSA Representatives" who reviewed disability case records before hearings and, if necessary, initiated the development of further evidence. In addition, when the claimant had a representative at the hearing, the SSA representative appeared at and participated in the hearing. These procedures were limited to five hearing offices selected to participate in the Project.

EFFECTIVE DATE: These rules are effective May 7, 1987.

FOR FURTHER INFORMATION CONTACT: Philip Berge, Legal Assistant, 3-B-4 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594-7452.

SUPPLEMENTARY INFORMATION:

Background and Proposed Regulations

The purpose of the Project was to determine whether, the participation of the SSA representatives in the ALJ hearing process would:

(a) Help to improve the overall disability adjudicatory process;

(b) Reduce delays in conducting hearings and issuing hearing decisions;

(c) Improve the quality of hearing decisions;

(d) Increase the productivity of ALJs;

(e) Achieve more uniformity and consistency in hearing decisions; and

(f) Reduce hearing costs.

The regulations further provided that "[t]he results of the project will be evaluated to determine whether to propose the implementation of SSA representation on a larger scale." 20 CFR 404.965(c)(2) and 416.1465(c)(2).

Our initial experience with SSA representation was generally favorable in terms of the purposes set out above. However, due to the limited duration of the Project, the normal start-up problems in implementing such a change in the usual hearing process, and the limited Appeals Council and court experience, we believed that a continuance of the Project was needed to evaluate fully the potential nationwide effects of SSA representation. For this reason, we published in the **Federal Register** the notice of April 9, 1984 (49 FR 13872) announcing to the public our intention to continue the Project for at least 1 year. A second notice published in the **Federal Register** on June 11, 1986 (51 FR 21156) continued the Project. The 1986 notice also created the Adjudicatory Improvement Project to manage and evaluate the Project. The Project was halted in response to an injunctive order of July 16, 1986 issued by the U.S. District Court for the Western District of Virginia.

After consideration of all the factors involved, we have decided that the Project will not be resumed, regardless of the ultimate disposition of the litigation. The decision to terminate is based on managerial, administrative, and budgetary considerations, and was made only after careful consideration of all factors, including the fact that SSA had to stop the Project to comply with the district court's injunctive order. Additionally, SSA had made commitments to Congress that the Project and the agency's evaluation of government representation in Social Security hearings would be concluded by April 1987. Resumption of the Project so as to generate sufficient information on which to evaluate government representation in Social Security hearings prior to that date is not possible. With increasing workloads before SSA, it was decided that the administrative resources which would have had to have been committed to the resumption of the Project and further testing of the concept of government representation can best be utilized in other ways.

The Department, even when not required by statute, as a matter of policy, generally follows the Administrative Procedure Act (APA) notice of proposed rulemaking and public comment procedures specified in 5 U.S.C. 553 in the development of our regulations. The APA provides exceptions to its notice and public comment procedures when an agency finds there is good cause for dispensing with such procedures on the basis that they are impracticable, unnecessary or contrary to the public interest. We have determined that, under 5 U.S.C. 553(b)(B), good cause exists for waiver of notice of proposed rulemaking and public comment procedures because such procedures would be unnecessary. In response to a lawsuit challenging the SSA Representation Project, the U.S. District Court for the Western District of Virginia issued an injunction on July 16, 1986 ordering that the Project be halted. The Department has since chosen to discontinue the Project, regardless of the outcome of the lawsuit, is no longer holding hearings under these regulations, and so informed the Court of Appeals for the Fourth Circuit, where the district court's order was on appeal. Repeal of these regulations is therefore merely a formality and use of notice and public comment procedures is unnecessary.

Regulatory Procedures

Executive Order 12291

The Secretary has determined that this is not a major rule under Executive Order 12291 because we are discontinuing the SSA Representation Project and the issuance of these regulations is not expected to result in significant costs. Therefore, a regulatory impact analysis is not required.

Paperwork Reduction Act

These regulations impose no new reporting or recordkeeping requirements requiring Office of Management and Budget clearance.

Regulatory Flexibility Act

We certify that these regulations will not have a significant economic impact on a substantial number of small entities because these rules will affect only individuals. Therefore, a regulatory flexibility analysis as provided in Pub. L. 96-354, the Regulatory Flexibility Act, is not required.

(Catalog of Federal Domestic Assistance Program Nos. 13.773 and 13.774, Medicare; 13.802-13.805, Social Security; and 13.807 Supplemental Security Income.)

List of Subjects

20 CFR Part 404

Administrative practice and procedure, Death benefits, Disability benefits, Old-Age, Survivors and Disability Insurance.

20 CFR Part 416

Administrative practice and procedure, Aged, Blind, Disability benefits, Public assistance programs, Supplemental Security Income (SSI).

Dated: April 28, 1987.

Dorcas R. Hardy,

Commissioner of Social Security.

Approved: May 1, 1987.

Otis R. Bowen,

Secretary of Health and Human Services.

Subpart J of Part 404 and Subpart N of Part 416 of Chapter III of Title 20 of the Code of Federal Regulations are amended as follows:

PART 404—[AMENDED]

1. The authority citation for Subpart J of Part 404 continues to read as follows:

Authority: Secs. 201, 204, 205, 1102, 1127, and 1631 of the Social Security Act (42 U.S.C. 401, 404, 405, 1302, 1320a-6, and 1383); sec. 5 of Reorganization Plan No. 1 of 1953.

§ 404.965 [Removal and reserved]

2. Section 404.965 is removed and reserved.

PART 416—[AMENDED]

3. The authority citation for Subpart N of Part 416 continues to read as follows:

Authority: Secs. 205, 1102, 1631, and 1633 of the Social Security Act (42 U.S.C. 405, 1302, 1383, and 1383b).

§ 416.1465 [Removal and reserved]

4. Section 416.1465 is removed and reserved.

[FR Doc. 87-10490 Filed 5-5-87; 2:33 pm]

BILLING CODE 4190-11-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Parts 1301, 1311 and 1312

Registration of Manufacturers, Distributors, and Dispensers of Controlled Substances; Registration of Importers and Exporters of Controlled Substances; Importation and Exportation of Controlled Substances; Updating Requirements

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Final rule.

SUMMARY: This is a final rule which amends Parts 1301, 1311 and 1312 of Title 21, Code of Federal Regulations. This rule reflects those statutory

changes to the Controlled Substances Import and Export Act (21 U.S.C. 951 *et seq.*) resulting from the Diversion Control Amendments which were included in the Comprehensive Crime Control Act of 1984 (Pub. L. 98-473) which became effective October 12, 1984.

Several of these amendments involve registration and other requirements for those who import and export controlled substances. As stated in the legislative history of the Diversion Control Amendments, the changes are designed to strengthen the regulatory controls while at the same time providing a workable, flexible regulatory system.

EFFECTIVE DATE: June 8, 1987.

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

SUPPLEMENTARY INFORMATION: A notice was published in the **Federal Register** on August 28, 1986, (51 FR 30675) proposing changes to Parts 1301, 1311, and 1312 of Title 21 of the Code of Federal Regulations. All interested persons were given until September 29, 1986, to submit objections, comments or requests for hearing regarding this proposal. Four responses were received. One response brought to DEA's attention a deletion of portions of 21 CFR 1311.42 in the proposal. The inadvertantly omitted sentence has been reinserted in that paragraph.

Although no hearings were requested, three separate objections were raised concerning the portion of the proposal in 21 CFR 1312.27(b)(4)(iii), requiring a statement by the exporter on DEA Form 236 that nonnarcotic controlled substances in Schedule III, IV and V will not be reexported. One respondent expressed an opinion that further manufacturing, packaging, and reexport are provided for in the statute which states that substances may only be exported "for consumption for medical, scientific, or other legitimate purposes." 21 U.S.C. 953(e)(1). A second respondent maintained that with few exceptions, the Diversion Control Amendments retained the distinction between the exportation of narcotic and non-narcotic controlled substances. In this respondent's opinion neither Congress nor DEA intended that the distinction between export permit requirements and the special controlled substances invoice requirements would be abolished by the Diversion Control Amendments. All three respondents requested that 21 CFR 1312.27(b)(4)(iii) be withdrawn.

One of the stated purposes for the Diversion Control Amendments is to decrease the disparity of control between narcotic and non-narcotic controlled substances. The Congressional intent to eliminate this disparity is clear. The Report of the United States Senate Committee on the Judiciary on the bill which became the Diversion Control Amendments stated:

> Section 520 amends this provision [21 U.S.C. 953(e)] to make it clear that the required documentation is to relate to the country where the controlled substance is destined for ultimate consumption for medical, scientific, or other legitimate purposes, and not to a country of transshipment.

After consideration of the comments submitted in response to the proposed rule, revisions have been made to 21 CFR 1312.27(b)(4), and a new paragraph (b)(5) has been added to that section which will permit the reexportation of Schedule III and IV non-narcotic controlled substances and Schedule V controlled substances under controlled conditions. These conditions will require additional information in the remarks section of the DEA-226 declaration form. Any export of Schedule III and IV nonnarcotic controlled substances and Schedule V controlled substances that do not meet the conditions specified in the regulation will not be permitted. For example, bulk controlled substance material must first undergo further manufacturing process before reexportation to a country of ultimate consumption. In either case, the subsequent reexport must be identified in advance together with evidence that it is for exclusive use for legitimate medical, scientific or industrial purposes within the receiving country and that necessary authorization for such reexportation has or will be obtained. Non-narcotic controlled substances in Schedules III and IV and controlled substances in Schedule V may be reexported into the United States if they are refused or undeliverable in the country of destination. These provisions allow for the concerns raised by the respondents in their comments, while imposing a regulatory mechanism which will inhibit the transshipment and unauthorized reexport of controlled substances.

List of Subjects

21 CFR Part 1301

Administrative practice and procedure, Drug traffic control, Security measures.

21 CFR Part 1311

Administrative practice and procedure, Drug traffic control, Exports, Imports.

21 CFR Part 1312

Administrative practice and procedure, Drug traffic control, Exports, Imports, Narcotics, Reporting and recordkeeping requirements.

The Deputy Assistant Administrator hereby certifies that this proposal will have no significant impact upon small entities whose interests must be considered under the Regulatory Flexibility Act, 5 U.S.C. 601, et seq. These regulatory changes apply to a very small number of individuals and firms who import and export controlled substances. They are already registered with the Drug Enforcement Administration to conduct these activities, and subject to reporting requirements. The changes will not impose new regulatory requirements, they will merely revise the type of reporting required by these firms with regard to specific substances.

Pursuant to section 3(c)(3) and 3(e)(2)(B) of Executive Order 12291, this proposed action has been submitted for review to the Office of Management and Budget, and approval of that Office has been requested pursuant to the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501, et seq.

Therefore, pursuant to the authority vested in the Attorney General by 21 U.S.C. 821 and 871(b) and delegated to the Administrator of the Drug Enforcement Administration and redelegated to the Deputy Assistant Administrator, Office of Diversion Control by 28 CFR 0.100 and 0.104, the Deputy Assistant Administrator hereby orders that Parts 1301, 1311, and 1312 of Title 21, Code of Federal Regulations be amended as follows:

PART 1301—[AMENDED]

1. The authority citation for Part 1301 continues to read as follows:

> **Authority:** 21 U.S.C. 821, 822, 823, 824, 871(b), 875, 877.

2. Section 1301.22 is amended by revising paragraph (a)(10) to read as follows:

§ 1301.22 Separate registration for independent activities.

(a) * * *

(10) Exporting controlled substances; and

* * * * *

PART 1311—[AMENDED]

1. The authority citation for Part 1311 continues to read as follows:

> Authority: 21 U.S.C. 952, 956, 957, 958.

2. Section 1311.02 is amended by revising paragraph (d) to read as follows:

§ 1311.02 Definitions.

* * * * *

(d) The term "exporter" includes every person who exports, or who acts as an export broker for exportation of, controlled substances listed in any schedule.

* * * * *

3. Section 1311.21 is revised to read as follows:

§ 1311.21 Persons required to register.

Every person who imports any controlled substance, or who exports any controlled substance, or who proposes to engage in such importation or exportation, shall obtain annually a registration unless exempted by law or pursuant to §§ 1311.24–1311.27. Only persons actually engaged in such activities are required to obtain registration; related or affiliated persons who are not engaged in such activities are not required to be registered. (For example, a stockholder or parent corporation importing controlled substances is not required to obtain a registration.)

4. Section 1311.26 is revised to read as follows:

§ 1311.26 Exemption for ocean vessels, commercial aircraft, and certain other entities.

Owners or operators of vessels, aircraft, or other entities described in § 1301.28 of this chapter or in Article 32 of the Single Convention on Narcotic Drugs, 1961, or in Article 14 of the Convention on Psychotropic Substances, 1971, shall not be deemed to import or export any controlled substances purchased and stored in accordance with that section or applicable article.

5. In § 1311.32 paragraphs (e) and (f) are redesignated as paragraphs (f) and (g), paragraph (d) is revised, and new paragraph (e) is added to read as follows:

§ 1311.32 Application forms; contents; signature.

* * * * *

(d) Each application for registration to import or export controlled substances shall include the Administration Controlled Substances Code Number, as set forth in Part 1308 of this chapter, for each controlled substance whose importation or exportation is to be authorized by such registration.

(e) Registration as an importer or exporter shall not entitle a registrant to import or export any controlled substance not specified in such registration.

* * * * *

6. Section 1311.42 is amended by revising paragraphs (a), (b)(6)(i) and (b)(6)(iv) to read as follows:

§ 1311.42 Application for importation of Schedule I and II substances.

(a) In the case of an application for registration or reregistration to import a controlled substance listed in Schedule I or II, under the authority of section 1002(a)(2)(B) of the Act (21 U.S.C. 952(a)(2)(B)), the Administrator shall, upon the filing of such application, publish in the **Federal Register** a notice naming the applicant and stating that such applicant has applied to be registered as an importer of a Schedule I or II controlled substance, which substance shall be identified. A copy of said notice shall be mailed simultaneously to each person registered as a bulk manufacturer of that controlled substance and to any other applicant therefor. Any such person may, within 30 days from the date of publication of the notice in the **Federal Register**, file written comments on or objections to the issuance of the proposed registration, and may, at the same time, file a written request for a hearing on the application pursuant to § 1301.54. If a hearing is requested, the Administrator shall hold a hearing on the application in accordance with § 1301.54. Notice of the hearing shall be published in the **Federal Register**, and shall be mailed simultaneously to the applicant and to all persons to whom notice of the application was mailed. Any such person may participate in the hearing by filing a notice of appearance in accordance with § 1301.54 of this chapter. Notice of the hearing shall contain a summary of all comments and objections filed regarding the application and shall state the time and place for the hearing, which shall not be less than 30 days after the date of publication of such notice in the **Federal Register**. A hearing pursuant to this section may be consolidated with a hearing held pursuant to §§ 311.43 or 1311.44 of this Part.

(b) * * *

(6) * * *

(i) Such amounts of crude opium, poppy straw, concentrate of poppy straw, and coca leaves as the Administrator finds to be necessary to provide for medical, scientific, or other legitimate purposes; or

* * * * *

(iv) Such limited quantities of any controlled substance listed in Schedule I or II as the Administrator shall find to be necessary for scientific, analytical or research uses; and

* * * * *

7. Section 1311.44 is amended by revising paragraphs (a) and (b), redesignating paragraphs (c) through (e) as (e) through (g), adding new paragraphs (c) and (d), and revising newly redesignated paragraphs (f)(1), (f)(2), (g)(1) and (g)(2) as follows:

§ 1311.44 Suspension or revocation of registration.

(a) The Administrator may suspend any registration pursuant to section 1008(d) of the Act (21 U.S.C. 958(d)) for any period of time.

(b) The Administrator may revoke or suspend a registration issued under section 1008(a) of the Act (21 U.S.C. 958(a)) if he determines that such registration is inconsistent with the public interest as defined in that section or with the United States obligations under international treaties, conventions, or protocols in effect on October 12, 1984.

(c) The Administrator may revoke or suspend a registration issued under section 1008(c) of the Act (21 U.S.C. 958(c)) if he determines that such registration is inconsistent with the public interest as defined in that section or with the United States obligations under international treaties, conventions, or protocols in effect on October 12, 1984.

(d) The Administrator may limit the revocation or suspension of a registration to the particular controlled substance, or substances, with respect to which grounds for revocation or suspension exist.

* * * * *

(f) * * *

(1) Deliver all controlled substances in his possession to the nearest office of the Administration pursuant to section 1008(d)(6) of the Act (21 U.S.C. 958(d)(6)); or

(2) Deliver all controlled substances in his possession to authorized agents of the Administration who will either remove the substances or place them under seal as described in section 1008(d)(6) of the Act (21 U.S.C. 958(d)(6)).

(g) * * *

(1) Deliver to the nearest office of the Administration, pursuant to section 1008(d)(6) of the Act (21 U.S.C. 958(d)(6)), all of the particular controlled substance or substances affected by the revocation or suspension which are in his possession; or

(2) Deliver all of such substances to authorized agents of the Administration who will either remove the substances

or place them under seal as described in section 1008(d)(6) of the Act (21 U.S.C. 958(d)(6).

8. Section 1311.47 is revised to read as follows:

§ 1311.47 Order to show cause.

(a) If, upon examination of the application for registration from any applicant and other information gathered by the Administration regarding the applicant, the Administrator is unable to make the determinations required by the applicable provisions of sections 303 and 1008(d) of the Act (21 U.S.C. 823 and 958(d)) to register the applicant, the Administrator shall serve upon the applicant an order to show cause why the application for registration should not be denied, as provided in § 1301.48 of this chapter.

(b) If, upon information gathered by the Administration regarding any registrant, the Administrator determines that the registration of such registrant is subject to suspension or revocation pursuant to section 1008(d) of the Act (21 U.S.C. 958(d)), the Administrator shall serve upon the registrant an order to show cause why the registration should not be revoked or suspended, as provided in § 1301.48 of this chapter.

9. Section 1311.53 is revised to read as follows:

§ 1311.53 Burden of proof.

(a) At any hearing on the granting or denial of an application to be registered to import or export any controlled substance listed in Schedule I or II, the applicant shall have the burden of proving that the requirements for such registration pursuant to sections 1008 (a) and (d) of the Act (21 U.S.C. 958 (a) and (d)) are satisfied. Any other person participating in the hearing pursuant to § 1311.42 shall have the burden of proving any propositions of fact or law asserted by him in the hearings.

(b) At any other hearing for the denial of an application for registration, the Administration shall have the burden of proving that the requirements for such registration pursuant to sections 1008 (c) and (d) of the Act (21 U.S.C. 958 (c) and (d)) are not satisfied.

(c) At any hearing for the revocation or suspension of a registration, the Administration shall have the burden of proving that the requirements for such revocation or suspension pursuant to section 1008(d) of the Act (21 U.S.C. 958(d)) are satisfied.

10. Section 1311.61 is revised to read as follows:

§ 1311.61 Modification in registration.

Any registrant may apply to modify his registration to authorize the handling of additional controlled substances or to change his name or address, by submitting a letter of request to the Registration Unit, Drug Enforcement Administration, Department of Justice, Post Office Box 28083, Central Station, Washington, DC 20005. The letter shall contain the registrant's name, address, and registration number as printed on the Certificate of Registration, and the substances (including the schedule and the Administration Controlled Substances Code Number, as set forth in Part 1308 of this chapter, for those substances) to be added to his registration or the new name and address, and shall be signed in accordance with § 1311.32(f). No fee is required for the modification. The request for modification shall be handled in the same manner as an application for registration. If the modification in registration is approved, the Administrator shall issue a new Certificate of Registration (DEA Form 223) to the registrant, who shall maintain it with the old Certificate of Registration until expiration.

PART 1312—[AMENDED]

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

Authority: 21 U.S.C. 952, 953, 954, 957, 958.

2. Section 1312.11 is amended by revising paragraphs (a) and (b) to read as follows:

§ 1312.11 Requirement of authorization to import.

(a) No person shall import or cause to be imported any controlled substance listed in Schedule I or II or any narcotic controlled substance listed in Schedule III, IV or V or any non-narcotic controlled substance in Schedule III which the Administrator has specifically designated by regulation in § 1312.30 of this part or any non-narcotic controlled substance in Schedule IV or V which is also listed in Schedule I or II of the Convention on Psychotropic Substances unless and until such person is properly registered under the Act (or exempt from registration) and the Administrator has issued him a permit to do so pursuant to § 1312.13 of this part.

(b) No person shall import or cause to be imported any non-narcotic controlled substance listed in Schedule III, IV or V, excluding those described in paragraph (a) of this section, unless and until such person is properly registered under the Act (or exempt from registration) and has filed an import declaration to do so with the Administrator, pursuant to § 1312.18 of this part.

* * * * *

3. Section 1312.12 is amended by revising the introductory text of paragraph (a) to read as follows:

§ 1312.12 Application for import permit.

(a) An application for a permit to import controlled substances shall be made on DEA Form 357. DEA Form 357 may be obtained from, and shall be filed with, the Drug Enforcement Administration, Drug Control Section, 1405 I Street, NW., Washington, DC 20537. Each application shall show the date of execution; the registration number of the importer; a detailed description of each controlled substance to be imported including the drug name, dosage form, National Drug Code (NDC) number, the Administration Controlled Substance Code Number as set forth in Part 1308 of this chapter, the number and size of packages or containers, the name and quantity of the controlled substance contained in any finished dosage units, and the net quantity of any controlled substance (expressed in anhydrous acid, base or alkaloid) given in kilograms or parts thereof. The application shall also include the following:

* * * * *

4. Section 1312.13 is amended by revising paragraph (a)(1), redesignating paragraphs (b) through (e) as (d) through (g), and adding new paragraphs (b) and (c), to read as follows:

§ 1312.13 Issuance of import permit.

(a) * * *

(1) That the substance is crude opium, poppy straw, concentrate of poppy straw, or coca leaves, in such quantity as the Administrator finds necessary to provide for medical, scientific, or other legitimate purposes;

* * * * *

(b) The Administrator may require that such non-narcotic controlled substances in Schedule III as he shall designate by regulation in § 1312.30 of this part be imported only pursuant to the issuance of an import permit. The Administrator may authorize the importation of such substances if he finds that the substance is being imported for medical, scientific or other legitimate uses.

(c) If a non-narcotic substance listed in Schedule IV or V is also listed in Schedule I or II of the Convention on Psychotropic Substances, 1971, it shall be imported only pursuant to the issuance of an import permit. The Administrator may authorize the importation of such substances if it is

found that the substance is being imported for medical, scientific or other legitimate uses.

* * * * *

5. Section 1312.18 is amended by revising paragraphs (a), (b) and (c)(2) to read as follows:

§ 1312.18 Contents of import declaration.

(a) Any non-narcotic controlled substance listed in Schedule III, IV, or V, not subject to the requirement of an import permit pursuant to § 1312.13 (b) or (c) of this chapter, may be imported if that substance is needed for medical, scientific or other legitimate uses in the United States, and will be imported pursuant to a controlled substances import declaration.

(b) Any person registered or authorized to import and desiring to import any non-narcotic controlled substance in Schedules III, IV, or V which is not subject to the requirement of an import permit as described in paragraph (a) of this section, must furnish a controlled substances import declaration on DEA Form 236 to the Drug Enforcement Administration, Drug Control Section, 1405 Eye Street, NW., Washington, DC 20537, not later than 15 calendar days prior to the proposed date of importation and distribute four copies of same as hereinafter directed in § 1312.19.

(c) * * *

(2) A complete description of the controlled substances to be imported, including drug name, dosage form, National Drug Code (NDC) number, the Administration Controlled Substances Code Number as set forth in Part 1308 of this chapter, the number and size of packages or containers, the name and quantity of the controlled substance contained in any finished dosage units, and the net quantity of any controlled substance (expressed in anhydrous acid, base, or alkaloid) given in kilograms or parts thereof; and

* * * * *

6. Section 1312.21 is amended by revising paragraphs (a) and (b) to read as follows:

§ 1312.21 Requirement of authorization to export.

(a) No person shall in any manner export or cause to be exported from the United States any controlled substance listed in Schedule I or II, or any narcotic substance listed in Schedule III or IV, or any non-narcotic substance in Schedule III which the Administrator has specifically designated by regulation in § 1312.30 of this part or any non-narcotic substance in Schedule IV or V which is also listed in Schedule I or II of the Convention on Psychotropic Substances unless and until such person is properly registered under the Act (or exempted from registration) and the Administrator has issued a permit pursuant to § 1312.23 of this part.

(b) No person shall in any manner export or cause to be exported from the United States any non-narcotic controlled substance listed in Schedule III, IV, or V, excluding those described in paragraph (a) of this section, or any narcotic controlled substance listed in Schedule V, unless and until such person is properly registered under the Act (or exempted from registration) and has furnished a special controlled substance export invoice as provided by section 1003 of the Act (21 U.S.C. 953(e)) to the Administrator pursuant to § 1312.28 of this part.

* * * * *

7. Section 1312.22 is amended by revising paragraph (a) to read as follows:

§ 1312.22 Application for export permit.

(a) An application for a permit to export controlled substances shall be made on DEA Form 161 which may be obtained from, and shall be filed with, the Drug Enforcement Administration, Drug Control Section, 1405 I Street, NW., Washington, DC 20537. Each application shall show the exporter's name, address, and registration number; a detailed description of each controlled substance desired to be exported including the drug name, dosage form, National Drug Code (NDC) number, the Administration Controlled Substance Code Number as set forth in Part 1308 of this chapter, the number and size of packages or containers, the name and quantity of the controlled substance contained in any finished dosage units, and the quantity of any controlled substance (expressed in anhydrous acid, base, or alkaloid) given in kilograms or parts thereof. The application shall include the name, address, and business of the consignee, foreign port of entry, the port of exportation, the approximate date of exportation, the name of the exporting carrier or vessel (if known, or if unknown it should be stated whether shipment will be made by express, freight, or otherwise, exports of controlled substances by mail being prohibited), the date and number, if any, of the supporting foreign import license or permit accompanying the application, and the authority by whom such foreign license or permit was issued. The application shall also contain an affidavit that the packages are labeled in conformance with obligations of the United States under international treaties, conventions, or protocols in effect on May 1, 1971, and that, to the best of affiant's knowledge and belief, the controlled substances therein are to be applied exclusively to medical or scientific uses within the country to which exported, will not be reexported therefrom and that there is an actual need for the controlled substance for medical or scientific uses within such country. In the case of exportation of crude cocaine, the affidavit may state that to the best of knowledge and belief, the controlled substances will be processed within the country to which exported, either for medical or scientific use within that country or for reexportation in accordance with the laws of that country to another for medical or scientific use within that country. The application shall be signed and dated by the exporter and shall contain the address from which the substances will be shipped for exportation.

8. Section 1312.23 is amended by redesignating paragraphs (b) through (d) as (d) through (f), and adding new paragraphs (b) and (c) to read as follows:

§ 1312.23 Issuance of export permit.

(a) * * *

(b) The Administrator may require that such non-narcotic controlled substances in Schedule III as shall be designated by regulation in § 1312.30 of this part be exported only pursuant to the issuance of an export permit. The Administrator may authorize the exportation of such substances if he finds that such exportation is permitted by section 1003(e) of the Act (21 U.S.C. 953(e)).

(c) If a non-narcotic substance listed in Schedule IV or V is also listed in Schedule I or II of the Convention on Psychotropic Substances, it shall be exported only pursuant to the issuance of an export permit. The Administrator may authorize the exportation of such substances if he finds that such exportation is permitted by section 1003(e) of the Act (21 U.S.C. 953(e)).

* * * * *

9. Section 1312.27 is amended by revising paragraphs (a), (b)(2), (b)(4), and adding a new paragraph (b)(5) to read as follows:

§ 1312.27 Contents of special controlled substance invoice.

(a) A person registered or authorized to export any non-narcotic controlled substance listed in Schedule III, IV, or V, which is not subject to the requirement of an export permit pursuant to § 1312.23 (b) or (c), or any person registered or authorized to export any controlled substance in Schedule V, must furnish a

special controlled substances export invoice on DEA Form 236 to the Drug Enforcement Administration, Drug Control Section, 1405 I Street, NW., Washington, DC 20537, not less than 15 calendar days prior to the proposed date of exportation, and distribute four copies of same as hereinafter directed in § 1312.28 of this part.

(b) * * *

(2) A complete description of the controlled substances to be exported including the drug name, dosage form, National Drug Code (NDC) number, the Administration Controlled Substances Code Number as set forth in Part 1308 of this chapter, the number and size of packages or containers, the name and quantity of the controlled substance contained in finished dosage units, and the net quantity of any controlled substance (expressed in anhydrous acid, base, or alkaloid) given in kilograms or parts thereof; and

* * * * *

(4) The name and address of the consignee in the country of destination, and any registration or license number if the consignee is required to have such numbers either by the country of destination or under United States law. In addition, documentation must be provided to show that:

(i) The consignee is authorized under the laws and regulations of the country of destination to receive the controlled substances, and that

(ii) The substance is being imported for consumption within the importing country to satisfy medical, scientific or other legitimate purposes, and that

(5) The reexport of non-narcotic controlled substances in Schedules III and IV, and controlled substances in Schedule V is not permitted under the authority of 21 U.S.C. 953(e), except as provided below:

(i) Bulk substances will not be reexported in the same form as exported from the United States, i.e, the material must undergo further manufacturing process. This further manufactured material may only be reexported to a country of ultimate consumption.

(ii) Finished dosage units, if reexported, will be in a commercial package, properly sealed and labeled for legitimate medical use in the country of destination.

(iii) Any reexportation be made known to DEA at the time the inital DEA Form 236, Controlled Substances Import/Export Declaration is completed, by checking the box marked "other" on the certification. The following information will be furnished in the remarks section:

(A) Indicate "for reexport".

(B) Indicate if reexport is bulk or finished dosage units.

(C) Indicate product name, dosage strength, commercial package size, and quantity.

(D) Indicate name of consignee, complete address, and expected shipment date, as well as, the name and address of the ultimate consignee in the country to where the substances will be reexported.

(E) A statement that the consignee in the country of ultimate destination is authorized under the laws and regulations of the country of ultimate destination to receive the controlled substances.

(iv) Shipments which have been exported from the United States and are refused by the consignee in the country of destination, or are otherwise unacceptable or undeliverable, may be returned to the registered exporter in the United States upon authorization of the Drug Enforcement Administration. In this circumstance, the exporter in the United States shall file a written request for reexport, along with a completed DEA Form 236, Import Declaration with the Drug Enforcement Administration, Drug Control Section, 1405 I Street, NW., Washington, DC 20537. A brief summary of the facts that warrant the return of the substance to the United States along with an authorization from the country of export will be included with the request. DEA will evaluate the request after considering all the facts as well as the exporter's registration status with DEA. The substance may be returned to the United States only after affirmative authorization is issued in writing by DEA.

* * * * *

10. Section 1312.28 is amended by revising paragraph (d) to read as follows:

§ 1312.28 Distribution of special controlled substance invoice.

* * * * *

(d) Copy 4 shall be forwarded, within the time limit required in § 1312.27 of this part, directly to the Drug Enforcement Administration, Drug Control Section, 1405 I Street, NW., Washington, DC 20537. The documentation required by § 1327.27(b)(4) of this part must be attached to this copy.

* * * * *

11. A new § 1312.30 under Exportation of Controlled Substances is added to read as follows:

§ 1312.30 Schedule III, IV, and V non-narcotic controlled substances requiring an import and export permit.

The following Schedule III, IV, and V non-narcotic controlled substances have been specifically designated by the Administrator of the Drug Enforcement Administration as requiring import and export permits pursuant to sections 1002(b)(2) and 1003(e)(3) of the Act (21 U.S.C. 952(b)(2) and 953(e)(3)):

(a) [Reserved]

Dated: April 3, 1987.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 87-10220 Filed 5-6-87; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 906

Approval of Amendments to the Colorado Permanent Regulatory Program

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

ACTION: Final rule.

SUMMARY: OSMRE is announcing the removal of two conditions which the Secretary placed on his approval of the Colorado permanent regulatory program (hereinafter referred to as the Colorado program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) and the approval of amendments to that program submitted by Colorado to satisfy the conditions listed at 30 CFR 906.11 (c) and (d). The amendments and conditions pertain to technical documents used to establish revegetation success standards and standards for revegetation success on small mines.

EFFECTIVE DATE: May 7, 1987.

FOR FURTHER INFORMATION CONTACT: Mr. Robert H. Hagen, Director, Albuquerque Field Office, Office of Surface Mining Reclamation and Enforcement, 219 Central Avenue NW., Albuquerque, New Mexico 87102. Telephone: (505) 766-1492.

SUPPLEMENTARY INFORMATION:

I. Background on the Colorado Program Submission

On December 15, 1980, following a review in accordance with 30 CFR Part 732, the Secretary approved Colorado's

proposed regulatory program subject to the correction of 45 minor deficiencies. Information pertinent to the general background, revisions, modifications, and amendments to the proposed program submission, as well as the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval can be found in the December 15, 1980 **Federal Register** (45 FR 82173–82214). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 906.11, 906.15 and 906.16.

II. Submission of Proposed Amendments

On November 25, 1986, Colorado submitted proposed amendments to its regulations at 2 CCR 407–2, 4.15.7(2)(d) (ii) and (vi) to satisfy the conditions of program approval listed at 30 CFR 906.11 (c) and (d) (Administrative Record No. CO–303). The Director announced receipt of the amendments in the February 6, 1987 **Federal Register** and invited the public to comment on their adequacy (52 FR 3825). No comments were received and since no one requested an opportunity to testify at a public hearing, the hearing scheduled for March 3, 1987, was cancelled.

III. Secretary's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are the Secretary's findings concerning the amendments submitted by Colorado on November 25, 1986.

Background

Condition (c) requires that Colorado amend its program to require the approval of the Director of OSMRE for all technical guidance documents used to establish standards for revegetation success. Condition (d) similarly requires that Colorado amend its program to require the Director's approval of revegetation success standards established for mines 40 acres or smaller in size.

These conditions were imposed as a result of a comparison of State rules 4.15.7(2)(d) (ii) and (vi) with the corresponding Federal regulations at 30 CFR 816.116 and 817.116 as promulgated on March 13, 1979. The Federal regulations required the Director's approval of all technical guides used to establish revegetation success standards [30 CFR 816.116(b)(1) and 817.116(b)(1)] and provided specific alternate success standards for permit areas 40 acres or smaller in size in locations with an average annual precipitation in excess of 26.0 inches [30 CFR 816.116(d) and 817.116(d)]. The Colorado rules required only that the State consult with the Director of OSMRE in the selection of technical guides and small-mine success standards.

Findings: Condition (c)

On September 2, 1983, the Federal regulations concerning revegetation were revised and reorganized (48 FR 40159). Although the new rules delete the specific requirement of previous 30 CFR 816.116(b)(1) and 817.116(b)(1) that the Director approve all technical documents used to establish success standards, they include a new requirement that all revegetation success standards and evaluation techniques be included in an approved regulatory program [30 CFR 816.116(a)(1) and 817.116(a)(1)]. Therefore, as explained in Findings 4 and 5 of the May 11, 1984 **Federal Register** notice approving certain amendments to the Colorado program (49 FR 18477–18478), conditions (c) and (d) could not be removed because the revised Federal rules require that all standards be included in an approved program, a requirement which is more extensive than the consultation provisions of the State rules.

To address condition (c) Colorado submitted a revision to State rule 4.15.7(2)(d)(ii) to require that any technical documents proposed for use in the establishment of revegetation success standards first be approved by the Director of OSMRE. This requirement will allow OSMRE to review the documents for inclusion in the program in accordance with 30 CFR 732.17. Therefore, with respect to the technical documents which are the subject of condition (c), the Secretary finds that State rule 4.15.7(2)(d)(ii) as revised on November 25, 1986 is no less effective than the Federal regulations at 30 CFR 816.116(a)(1) and 817.116(a)(1), which require that success standards be included in an approved regulatory program.

Findings: Condition (d)

The revised Federal regulations promulgated on September 2, 1983 (48 FR 40159) deleted all provisions allowing alternate revegetation success standards for permit areas 40 acres or smaller in size. Therefore, any alternate success standards provided for small mines by State programs must be no less effective than the general revegetation success standard requirements of 30 CFR 816.116(a) and 817.116(a) and the specific requirements of 30 CFR 816.116(b) and 817.116(b).

To address condition (d) Colorado revised State rule 4.15.7(2)(d)(vi) to specify the means of establishment for alternate revegetation success standards for permit areas 40 acres or smaller in size. The modified language provides that the standards will be set using premining data for the area to be disturbed which are obtained from statistically valid sampling procedures and collection methods, and which are representative of local conditions for land under proper management. The Statement of Basis and Purpose accompanying the amendment states that standards will be set using the premining data collected pursuant to rule 2.04.10(4), which requires a description of the vegetation communities in terms of herbaceous cover and production, woody plant density and species diversity. The statement further provides that, if precipitation was not subnormal and if the land was properly managed, one year's premining baseline data will be adequate to set the standard.

The introductory language of paragraph (a) of 30 CFR 816.116 and 817.116 requires that revegetation success be judged on the effectiveness of the revegetation for the approved postmining land use, the extent of cover compared to the naturally occurring cover of the area, and the general requirements of 30 CFR 816.111 and 817.111. Since the amendment does not exempt small mines from any of the revegetation requirements of rule 4.15, which correspond to the Federal requirements at 30 CFR 816.111, 817.111, 816.116 and 817.116, the amendment will not render the Colorado program less effective than the revised Federal regulations.

The provisions of amended Colorado rule 4.15.7(2)(d)(vi) are governed by the introductory language of rule 4.15.7(2)(d), which specifies that the revegetation success criteria of rules 4.15.8, 4.15.9 or 4.15.10, as appropriate, shall apply in all cases. The referenced sections establish success criteria based on the approved postmining land use and specify the parameters to be used to evaluate revegetation success in each case. Rule 4.15.8(2) requires that, at a minimum, the four parameters of cover, production, species diversity and woody plant density [which must also be evaluated prior to mining in accordance with rule 2.04.10(4)] be used to evaluate the success of revegetation for all postmining land uses except those identified in 4.15.8(1) (a) and (b) (cropland, previously mined areas, industrial and residential development). The parameters specified for each land use, including those identified in 4.15.8(1) (a) and (b), are consistent with

those contained in the Federal rules at 30 CFR 816.116(b) and 817.116(b).

Subparagraphs (ii) through (vi) of rule 4.15.7(2)(d) require that standards be based on premining data or historic records of premining conditions. By requiring that success standards be based on certain premining data parameters and values, Colorado has satisfied the requirement of 30 CFR 816.116(a)(2) and 817.116(a)(2) that the standards for success include criteria representative of unmined lands in the area being reclaimed to evaluate the appropriate vegetation parameters of ground cover, production or stocking. However, OSMRE expressed concern that the term "based on" could be interpreted as allowing the standards to be set at some figure lower than the actual premining data values, thus sanctioning substandard reclamation. Colorado responded that doing so would violate other program requirements and that standards "based on" premining data will be equal to the appropriate actual data values.

Based on this explanation, the provision in the Statement of Basis and Purpose excluding data collected in years of subnormal precipitation, and the fact that the proposed amendment does not exempt small mines from any requirements of rule 4.15 as discussed above, the Secretary finds that revised Colorado rule 4.15.7(2)(d)(ii) will provide for the establishment of revegetation success standards that meet the general requirements of 30 CFR 816.116(a) and 817.116(a), and which are no less effective than the specific requirements set forth at 30 CFR 816.116(b) and 817.116(b). The Director has, by letter of May 7, 1986, separately notified Colorado of certain provisions within rule 4.15, other than the two provisions revised in this rulemaking, which must be amended to be no less effective than the revised Federal regulations. The Secretary's findings do not alter the provisions of that letter except as they reference the specific provisions amended in this rulemaking.

IV. Public Comment

The Director solicited comment on the proposed amendment in the February 6, 1987 **Federal Register** (52 FR 3825). No comments were received. Pursuant to section 503(b) of SMCRA and 30 CFR 732.17(b)(10)(i), comments were also solicited from various Federal agencies, but none were received.

V. Secretary's Decision

The Secretary, based on the above findings, is approving the proposed amendments as submitted by Colorado on November 25, 1986. Consequently, he is also removing conditions (c) and (d). To correct an oversight in an earlier rulemaking, the Secretary is also removing the remaining introductory language in condition (bb) to clarify that that condition has been fully satisfied. The Federal rules at 30 CFR Part 906 are being amended to implement this decision.

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

VI. Procedural Determinations

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared for this rulemaking.

2. *Compliance with the Regulatory Flexibility Act:* The Secretary hereby determines that this proposed rule will not have a significant economic impact on small entitles within the meaning of the Regulatory Flexibility Act, U.S.C. 601 *et seq.*). This rule will not impose any new requirements; rather it will ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Compliance with Executive Order No. 12291:* On August 28, 1981, the Office of Management and Budget (OMB) granted the Office of Surface Mining Reclamation and Enforcement an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for all actions taken to approve, or conditionally approve, State regulatory programs, actions, or amendments. Therefore, a Regulatory Impact Analysis and regulatory review by OMB are not needed for this program amendment.

List of Subjects in 30 CFR Part 906

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

Dated: April 30, 1987.

J. Steven Griles,

Assistant Secretary, Lands and Minerals Management.

PART 906—COLORADO

Part 906 of Title 30, Code of Federal Regulations, is amended as follows:

1. The authority citation for Part 906 continues to read as follows:

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

§ 906.11 [Amended]

2. Section 906.11 is amended by removing and reserving paragraphs (c), (d), and (bb).

3. Section 906.15 is amended by adding a new paragraph (i) to read as follows:

§ 906.15 Approval of regulatory program amendments.

* * * * *

(i) The following amendment is approved effective May 7, 1987: Revised Colorado regulations 2 CCR 407–2, 4.15.7(2)(d) (ii) and (vi) as adopted by the Colorado Mined Land Reclamation Board on October 23, 1986, and submitted to OSMRE on November 25, 1986, and the Statement of Basis and Purpose accompanying the revised regulations. This approval is conditioned upon final promulgation of the revised regulations in a form substantively identical to that in which they were submitted to and reviewed by OSMRE.

[FR Doc. 87–10390 Filed 5–6–87; 8:45 am]
BILLING CODE 4310–05–M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 230

[DoD Instruction 1000.12]

Procedures Governing Banking Offices on DoD Installations

AGENCY: Department of Defense.

ACTION: Final amended rule.

SUMMARY: A proposed rule to modify leasing provisions for banking offices constructed on DoD installations was published in 52 FR 90, January 2, 1987. It proposed the extension of leases beyond the former 25 year limitation, provided the banking institution agreed to continue maintaining the building and reimbursing the Government for any utilities and services provided. Comments received as a result of the notice all concurred in the proposed rule.

DATES: The final amended rule is effective April 27, 1987.

FOR FURTHER INFORMATION CONTACT: Dr. Ronald L. Adolphi, Office of the Deputy Assistant Secretary of Defense (Management Systems), The Pentagon, Room 1A656, Washington, DC 20301–1100, telephone (202) 697–8281.

SUPPLEMENTARY INFORMATION:

List of Subjects in 32 CFR Part 230

Banks, Military banking facilities, Savings associations.

PART 230—[AMENDED]

1. The authority citation for Part 230 continues to read as follows:

Authority: 10 U.S.C. 136.

2. Appendix A, Section C, paragraph 2 is amended by redesignating paragraph c to d.

3. Appendix A, Section C, paragraph 2 is amended to add a new paragraph c to read as follows:

Appendix A—Procedures for Establishing, Supporting, and Terminating Onbase Banking Offices

C. Leases of Government Real Property

* * * * *

2. Government-Owned Land

* * * * *

c. If determined, in accordance with 10 U.S.C. 2667 to be in the Government's interest, an existing lease of land may be extended prior to expiration of its term. Passage of title to facilities will be deferred until all extensions have expired. Such extensions shall be for periods not to exceed five years at the appraised fair market rental of the land only as determined on the date of each such extension. The banking institution will continue to maintain the premises and pay for utilities and services furnished in accordance with 32 CFR Part 288.

Linda M. Lawson,

Alternate OSD Federal Register Liaison, Officer, Department of Defense.

April 30, 1987.

[FR Doc. 87–10158 Filed 5–6–87; 8:45 am]

BILLING CODE 3810–01–M

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32 CFR Part 231a

[DoD Instruction 1000.10]

Procedures Governing Credit Unions on DoD Installations

AGENCY: Department of Defense.

ACTION: Final amended rule.

SUMMARY: A revised proposed rule to modify leasing provisions for credit union offices constructed on DoD installations was published at 52 FR 6348, March 3, 1987. That revision proposed the extension of leases beyond the former 25 year limitation. It also waived ground rent, except for excess space, once buildings were ceded to the Government, provided the credit unions (1) continued to have a membership comprised of at least 95 percent Government employees and (2) agreed to maintain the buildings and reimburse the Government for any utilities and services provided. That amendment resulted from comments received as a result of a proposed rule published at 51 FR 40828, November 10, 1986. Comments received as a result of the March 3, 1987 notice were considered in preparing the final amended rule. As a result, the requirement to pay ground rent on excess space has been eliminated. In addition, provisions have been clarified concerning the membership criterion for credit unions to qualify for logistical support.

DATES: The final amended rule is effective April 23, 1987.

FOR FURTHER INFORMATION CONTACT: Dr. Ronald L. Adolphi, Office of the Deputy Assistant Secretary of Defense (Management Systems), The Pentagon, Room 1A658, Washington, DC 20301–1100, telephone (202) 697–8281.

SUPPLEMENTARY INFORMATION:

List of Subjects in 32 CFR Part 231a

Credit unions, Defense credit unions.

PART 231a—[AMENDED]

1. The authority citation for Part 231a continues to read as follows:

Authority: 10 U.S.C. 136.

2. Section 231a.5. is amended by revising paragraphs (h)(1)(i) and (j)(3) and by adding paragraph (j)(4) to read as follows:

§ 231a.5 General operating policies and procedures.

* * * * *

(h) * * *

(1) * * *

(i) In accordance with section 124 of the Federal Credit Union Act, the provision of no-cost office space and other real property is limited to credit unions having a membership of at least 95 percent of which is composed of individuals who are, or who were at the time of admission into the credit union, military personnel or Federal employees, or members of their families. This percentage criterion applies to the total credit union membership, not just to members who use the onbase office.

(j) * * *

(3) If determined, in accordance with 10 U.S.C. 2667 to be in the Government's interest, an existing lease of land may be extended prior to expiration of its term. Passage of title to facilities will be deferred until all extensions have expired. Such extensions shall be for periods not to exceed five years at the appraised fair market rental of the land only as determined on the date of each such extension. The credit union will continue to maintain the premises and pay for utilities and services furnished in accordance with 32 CFR Part 288.

(4) When, under the terms of a lease or extension, title to improvements passes to the Government, the credit union shall be given first choice to continue occupying those improvements under a facility lease.

(i) The lease shall require the credit union to maintain the premises and pay for utilities and services furnished in accordance with 32 CFR Part 288.

(ii) In addition, the lease for a credit union not qualifying under the 95 percent criterion in § 231a.5(h), shall require that the credit union pay fair market rental for land underlying the improvements.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

May 4, 1987.

[FR Doc. 87–10428 Filed 5–6–87; 8:45 am]

BILLING CODE 3810–01–M

Department of the Navy

32 CFR Part 701

[SECNAV Instruction 5211.5C]

Availability of Department of the Navy Records and Publications of the Navy Documents Affecting the Public; Correction

AGENCY: Department of the Navy, DOD.

ACTION: Final rule; Correction.

SUMMARY: The Department of the Navy published a final rule which appeared in the **Federal Register** on April 7, 1987 (52 FR 11051) pertaining to the Department of the Navy's Privacy Act Program. This document corrects that final rule to include two paragraphs which were inadvertently omitted.

EFFECTIVE DATE: April 7, 1987.

FOR FURTHER INFORMATION CONTACT: Mrs. Gwendolyn R. Aitken, Head, 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: In Subpart F, § 701.116 Blanket routine uses, a blanket routine uses was omitted and should appear as paragraph (j).

In Subpart G, § 701.119 Exemptions for specific Navy record systems, an exemption rule was omitted and should appear as paragraph (g)(2).

Accordingly, the following corrections are made to FR Doc. 87–7588, published on page 11051.

(1) In § 701.116, paragraph (j) is added to read as follows:

§ 701.116 Blanket routine uses.

* * * * *

(j) *Routine use—Counterintelligence purposes.* A record from a system of records maintained by this component may be disclosed as a routine use outside the DOD or the U.S. Government for the purpose of counterintelligence activities authorized by U.S. Law or Executive Order or for the purpose of enforcing laws which protect the national security of the United States.

(2) In § 701.119, paragraph (g)(2) is added to read as follows:

§ 701.119 Exemptions for specific Navy record systems.

* * * * *

(g) *Naval Inspector General.*

(1) *ID–N04385–1.*

* * * * *

(2) *ID—N04385–2.*

System Name. Hotline Program Case File.

Exemption. Portions of this system of records are exempt from the following subsections of Title 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), (I) and (f).

Authority. 5 U.S.C. 552a(k) (1), (2), (5), (6) and (7).

Reasons. Exempted portions of this system consist of information compiled for the purpose of investigations, including reports of informants and investigators. Such investigations may be associated with identifiable individuals. Disclosure of files in this system would interfere with orderly investigations, and possibly result in the concealment, destruction, or fabrication of evidence, and possibly jeopardize the safety and well-being of informants, witnesses and their families. Such disclosures could also reveal and render ineffectual investigatory techniques and methods and sources of information and could further result in the invasion of the personal privacy of individuals only incidentally related to an investigation. Depending on the nature of the complaint, records may contain information that: is currently and properly classified pursuant to executive order and must be kept secret in the interest of national defense or foreign policy, is confidentially provided information located in investigatory records compiled for the purposes of enforcement of non-criminal law, relates to qualifications, eligibility, or suitability for Federal employment, is test or examination material used to determine qualifications for appointment or promotion in the Federal service, is confidentially provided information used to determine potential for promotion in the armed services.

* * * * *

Dated: April 29, 1987.

Harold L. Stoller,

Commander, JAGC, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 87–10348 Filed 5–6–87; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD3–86–56]

Security Zone; New London Harbor, CT

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is enlarging Security Zone "A" in the Thames River, New London Harbor, CT by extending the zone from buoy C–15, northwest to the shore. The enlargement is necessary in order to protect shoreline piers, which may be used for mooring submarines and other U.S. Naval vessels, from sabotage or other subversive acts.

DATES: This regulation becomes effective on June 8, 1987. Comments on this regulation must be received on or before June 22, 1987.

ADDRESS: Comments should be mailed to Captain of the Port, New London, CT, c/o Fort Trumbull, New London, CT 06320–5593. The comments will be available for inspection and copying at this address. Normal office hours are between 8 a.m. and 4 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: LT (jg) Jon Hammond, (203) 442–4471.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days from the date of publication. Because it involves a military affairs function of the United States, this rulemaking is exempt under 5 U.S.C. 553(a)(1) from normal rulemaking procedures.

Although this regulation is published as a final rule without prior notice, an opportunity for public comment is nevertheless desirable to ensure that the regulation is both reasonable and workable. Accordingly, persons wishing to comment may do so by submitting written comments to the office listed under "ADDRESS" in this preamble. Commenters should include their names and addresses, identify the docket number for the regulations, and give reasons for their comments. Based upon comments received, the regulation may be changed.

Drafting Information

The drafters of this regulation are LT (jg) Jon Hammond, project officer, Captain of the Port, New London, CT and Ms. M.A. Arisman, project attorney, Third Coast Guard District Legal Office.

Discussion of Regulation

The U.S. Navy has requested that Security Zone "A" be enlarged to include additional waters not presently protected. The addition will extend to the shore at a point that is on U.S. Navy property. Naval vessels currently moor in these waters and submarines may moor there in the future. The extension of the security zone will complete the security perimeter around the facility and enable security forces to better determine whether or not a security zone violation is in fact occurring. With the current boundaries, unauthorized vessels could, through intent or ignorance, come very close to vessels moored within the security zone, and pose a threat to the safety and security of military interests of the United States.

Only those persons or vessels associated with United States Naval or Coast Guard operations, or those vessels authorized by Captain of the Port New London, will be allowed to enter or remain within Security Zone "A".

This regulation is issued pursuant to 50 U.S.C. 191 as set out in the authority citation for all of Part 165.

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034); February 26, 1979).

The economic impact is expected to be so minimal that a full regulatory evaluation is unnecessary. The enlargement of Security Zone "A" will not encroach upon a shipping channel and will encompass a relatively small water area adjacent to the existing zone. Commercial and recreational fishermen currently do not use the affected waters. Since the economic impact of these regulations is expected to be minimal, the Coast Guard certifies that they will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 165

"Harbors, Marine safety, Navigation (water), Security measures, Vessels, waterways".

Final Regulation

PART 165—[AMENDED]

In consideration of the foregoing, Part 165 of Title 33 Code of Federal Regulations, is amended as follows:

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5.

2. Section 165.302(a)(1) is revised to read as follows:

§ 165.302 New London Harbor, Connecticut—security zone.

(a) * * *

(1) *Security Zone A.* The waters of the Thames River off State Pier enclosed by a line beginning at the midpoint of the southeast face of State Pier; then to 41 21'24" N, 72 05'21.2" W; then to 41 21'26.2" N, 72 05'19.3" W; then to 41 21'34" N, 72 05'18.1" W; then extending northwest through buoy C15 to the shoreline at 41 21'42" N, 72 05'23" W; then along the shoreline and pier to the point of beginning.

* * * * *

Dated: September 30, 1986.

J. Rutkovsky,

Lieutenant Commander U.S. Coast Guard, Captain of the Port, New London, Connecticut.

Editorial note.—This document was received at the Office of the Federal Register on May 4, 1987.

[FR Doc. 87–10395 Filed 5–6–87; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 165

[COTP San Francisco Bay Regulation 87–04]

Safety Zones Regulations; San Francisco Bay, CA

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: Redmond Productions, under the direction of Ceremonies and Festival Fund, Inc. is coordinating Golden Gate Bridge 50th Anniversary Ceremonies in May 1987. Two large fireworks displays are planned for opening and closing the festivities. The opening fireworks will be on May 21st, with a rain date of May 22nd and the closing fireworks will be on May 28th with a raindate of May 29th. The opening and the closing day displays will be of similar design and scope. Plans include a fireworks and light display from the Golden Gate Bridge and from 10 to 14 barges near the bridge and offshore of Crissy Field.

In order to assist authorities in preserving the safety of numerous boats and spectators, the Captain of the Port San Francisco is establishing a safety zone around the Golden Gate Bridge and barges being used for the display. Entry into the Safety Zone is prohibited without the permission of the Captain of the Port, San Francisco Bay. The Safety Zone will be closed to marine traffic between approximately 7:00 P.M. and 10:00 P.M. on the affected days. The area could be extremely congested with small craft, making transits by commercial vessels virtually impossible without serious risk of life. Therefore, large vessels should plan transits under the Golden Gate Bridge to be well in advance of or after the hours the Safety Zone is in effect.

EFFECTIVE DATES: The approximate times that these regulations are in effect are between 7:00 P.M. PDT and 10:00 P.M. PDT on: Thursday May 21, 1987, or if the display is postponed, Friday May 22, 1987; and on Thursday May 28, 1987, or if the display is postponed, Friday May 29, 1987.

FOR FURTHER INFORMATION CONTACT: LTJG Raymond J. Perry, Coast Guard Marine Safety Office San Francisco Bay, CA, 415–437–3073.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a Notice of Proposed Rulemaking (NPRM) was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Publishing a NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to prevent danger to persons and property.

Drafting Information

The drafters of this notice are LTJG Raymond J. Perry, Project Officer, MSO San Francisco Bay, and LCDR Wayne C. Raabe, Project Attorney, Twelfth Coast Guard District Legal Office.

Discussion of Regulation

The events requiring these regulations will begin at approximately 8:30 P.M. PDT, or shortly thereafter, on the dates mentioned above. The regulations will be in effect from between approximately 7:00 P.M. PDT and 10:00 P.M. PDT. The Safety Zone will be located under the Golden Gate Bridge and offshore of Crissy Field, San Francisco, California. In these areas, it is expected that fireworks debris will fall into the water. Vessels will not be able to transit into or out of the bay. The Captain of the Port or his representative may allow small vessels to transit under the bridge through the northern half of the west bound San Francisco Bay Traffic Separation Lane for as long as it is deemed safe up until the actual fireworks begin.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Safety Measures Vessels, Waterways.

Regulations

PART 165—[AMENDED]

In consideration of the foregoing Subpart C of Part 165 of Title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1225 and 1231, 50 U.S.C. 191, 49 CFR 1.46 and 33 CFR 1.05–1(g), 6.04–1, 6.04–6 and 160.5

2. A new § 165.T1204 is added to read as follows:

§ 165.T1204 Safety Zones: San Francisco Bay Golden Gate Bridge 50th Anniversary, Opening and Closing day fireworks, 21 and 28 May 1987.

(a) *Location:* The following area is a Safety Zone: Golden Gate Bridge Anniversary Opening and Closing Days Safety Zones: the waters of San Francisco Bay described by the following coordinates:

Starting at: 37°48'29" N LAT 122°28'38" W LONG West to 37°48'29" N LAT 122°28'57" W LONG Northerly to 37°49'37" N LAT 122°29'11" W LONG Easterly along the shoreline to Horseshoe Bay Pier at position 37°49'53" N LAT 122°28'32" W LONG Easterly to 37°49'47" N LAT 122°28'16" W LONG Southerly to 37°49'16" N LAT 122°27'58" W LONG East to 37°49'16" N LAT 122°26'12" W LONG South to 37°48'42" N LAT 122°26'12" W LONG Westerly to Fort Point Pier at position 37°48'23" N LAT 122°27'54" W LONG Westerly along the shoreline to the starting coordinates.

The above coordinates describe an irregular area extending approximately 750 yards in a westerly direction toward the open ocean from the Golden Gate Bridge, and then easterly from the Golden Gate Bridge into San Francisco Bay approximately 4,000 yards. It provides for access into the bay from marinas located along the San Francisco and Marin coast line. These Safety Zones will be in effect between approximately 7:00 P.M. PDT and 10:00 P.M. PDT on: Thursday May 21, 1987, or

if the display is postponed, Friday May 22, 1987; and on Thursday May 28, 1987, or if the display is postponed, Friday May 29, 1987.

(b) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into these zones is prohibited unless authorized by the Captain of the Port San Francisco Bay. Section 165.23 contains other general requirements.

Dated: April 3, 1987.

David Zawadzki,

Captain, U.S. Coast Guard, Captain of the Port San Francisco Bay.

[FR Doc. 87-10393 Filed 5-6-87; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 165

[COTP San Francisco Bay Regulation 87-03]

Safety Zones Regulations; San Francisco Bay, CA

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Friends of the Golden Gate Bridge and the Golden Gate Bridge Highway and Transportation District are coordinating a Golden Gate Bridge 50th Anniversary Ceremony. One of the events scheduled is a "Ceremonial Sea Parade" to be held on Sunday May 24th, 1987. Planned participants include Coast Guard and Naval vessels, commercial ships of all types and sizes, private sail boats, public vessels from other nations, and tall ships. In order to preserve the safety of parade participants and spectators, the Captain of the Port San Francisco is establishing a moving safety zone around the flotilla of large vessels participating in the "Ceremonial Sea Parade". Vessels not officially registered as a parade participant may not enter this moving zone without the permission of the Captain of the Port.

EFFECTIVE DATES: This regulation is effective on Sunday, May 24, 1987 between 11:30 A.M. PDT and 2:00 P.M. PDT.

FOR FURTHER INFORMATION CONTACT: LTJG Raymond J. Perry, Coast Guard Marine Safety Office San Francisco Bay, CA 415-437-3073.

SUPPLEMENTARY INFORMATION:

Discussion of Regulation

The event requiring this regulation will begin at approximately 12:00 Noon PDT, May 24, 1987 with a parade of twenty or more large vessels proceeding through the Main Ship Channel inbound into San Francisco Bay. The vessels will sail in a single column with the lead vessel crossing under the Golden Gate Bridge at approximately 12:00 Noon PDT. The vessels will be spaced about 500 yards apart and proceed at approximately 8 knots. The parade of ships will sail along the San Francisco waterfront, pass under the San Francisco-Oakland Bay Bridge, and then disperse to their respective moorings. The larger vessels proceeding through the Bay in single column formation require unobstructed waters for safe navigation and to maintain the formation. Therefore, large vessels not participating in the parade should plan to transit the area well in advance of or after the "Parade of Ships."

In accordance with 5 U.S.C. 553, a Notice of Proposed Rulemaking (NPRM) was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Publishing a NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to prevent danger to persons and property.

Drafting Information

The drafters of this notice are LTJG Raymond J. Perry, Project Officer, MSO San Francisco, and LCDR Wayne C. Raabe, Project Attorney, Twelfth Coast Guard District Legal Office.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

PART 165—[AMENDED]

Regulations

In consideration of the foregoing, Subpart C of Part 165 of Title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1225 and 1231, 50 U.S.C. 191, 49 CFR 1.46 and 33 CFR 1.05-1(g), 6.04-1, 6.04-6 and 160.5.

2. A new § 165.T1203 is added to read as follows:

§ 165.T1203 Safety Zone: San Francisco Bay Golden Gate Bridge 50th Anniversary, Ceremonial Sea Parade, May 24, 1987.

(a) *Location:* The following area is a Safety Zone:

(1) The waters surrounding the single column formation of large commercial and public vessels proceeding inbound at a speed of approximately 8 knots from the Golden Gate Bridge, along the San Francisco city waterfront, to the San Francisco-Oakland Bay Bridge on May 24, 1987 from 12:00 Noon PDT to approximately 2:00 P.M. PDT. This is a moving safety zone from 400 yards ahead of the lead vessel to 200 yards astern of the last vessel, and 200 yards either side of all the large commercial, public and private vessels in the parade including all waters between these vessels.

(b) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port San Francisco Bay. Section 165.23 contains other general requirements.

(2) All vessels are prohibited from passing between the parade vessels in formation, or otherwise entering the zone established in paragraph (a)(1) of this section.

Dated: April 3, 1987.

David Zawadzki,

Captain, U.S. Coast Guard, Captain of the Port San Francisco Bay.

[FR Doc. 87-10394 Filed 5-6-87; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 165

[COTP San Francisco Bay Regulation 87-02]

Safety Zone Regulations; San Francisco Bay, CA

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Friends of the Golden Gate Bridge and the Golden Gate Bridge Highway and Transportation District are coordinating Golden Gate Bridge 50th Anniversary Ceremonies. One of the scheduled events is a fireworks display to be held on the evening of May 24, 1987, or if postponed by weather, on May 25, 1987. This event will include fireworks displays from both the bridge and offshore of Crissy Field in San Francisco, CA.

In order to preserve the safety of spectators and vessels, the Captain of the Port, San Francisco Bay, is establishing a safety zone in the bay. Entry into the safety zone is prohibited without permission of the Captain of the Port San Francisco Bay. The area could be extremely congested with small craft thus making transits by large vessels virtually impossible without serious risk of life. As a result, large vessels should plan on transiting under the Golden Gate Bridge either well in advance of or after the Safety Zone is in effect. The safety zone will be closed to traffic between approximately 7:30 P.M. and 10:00 P.M. PDT on the affected day.

EFFECTIVE DATES: This regulation is effective between approximately 7:30 P.M. and 10:00 P.M. PDT on May 24, 1987, or on May 25, 1987, should the display on the 24th be postponed.

FOR FURTHER INFORMATION CONTACT: LTJG Raymond J. Perry, Coast Guard Marine Safety Office, San Francisco Bay, CA, 415–437–3073.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a Notice of Proposed Rulemaking (NPRM) was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Publishing a NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to prevent danger to persons and property.

Drafting Information

The drafters of this notice are LTJG Raymond J. Perry, Project Officer, MSO San Francisco Bay, and LCDR Wayne C. Raabe, Project Attorney, Twelfth Coast Guard District Legal Office.

Discussion of Regulation

The event requiring these regulations will begin at sunset, 9:15 P.M PDT, or shortly thereafter, on May 24, 1987. The regulations will be in effect between approximately 7:30 P.M. PDT and 10:00 P.M. PDT.

The Safety Zone will be located under the Golden Gate Bridge and offshore of Crissy Field, San Francisco, California. In these areas, it is expected that fireworks will fall into the water. Vessels will not be permitted to transit into or out of the bay; however, the Captain of the Port or his representative will allow small vessels to transit under the bridge through the northern half of the west bound San Francisco Bay Traffic Separation Lane for as long as it is deemed safe up until the actual fireworks begin.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

Regulations

PART 165—[AMENDED]

In consideration of the foregoing, Subpart C of Part 165 of Title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1225 and 1231, 50 U.S.C. 191, 49 CFR 1.46 and 33 CFR 1.05–1(g), 6.04–1, 6.04–6 and 160.5.

2. A new § 165.T1202 is added to read as follows:

§ 165.T1202 Safety Zones: San Francisco Bay Golden Gate Bridge 50th Anniversary Ceremonies.

(a) *Location:* The following area is a Safety Zone:

(1) The waters of San Francisco Bay described by the following coordinates:

Starting at: 37°48'29" N LAT 122°28'38" W LONG West to 37°48'29" N LAT 122°28'57" W LONG Northerly to 37°49'37" N LAT 122°29'11" W LONG Easterly along the coast to Horseshoe Bay Pier at position 37°49'53" N LAT 122°28'32" W LONG Easterly to 37°49'47" N LAT 122°28'16" W LONG Southerly to 37°49'16" N LAT 122°27'58" W LONG Southerly to 37°48'36" N LAT 122°27'57" W LONG Easterly to 37°48'44" N LAT 122°26'53" W LONG Southerly to 37°48'25" N LAT 122°26'52" W LONG Westerly along the coast to the starting position.

The above coordinates describe two areas that join together between the Coast Guard Pier, Fort Point and a point approximately 450 yards north of the Coast Guard Pier. The larger area is bisected by the Golden Gate Bridge. This area extends the full length of the bridge and extends approximately 950 yards to the east of the bridge and 700 yards to the west of the bridge. The smaller area extends approximately 700 yards offshore of Crissy Field. It extends from the shore between Coast Guard Pier, Fort Point, to a point approximately 450 yards west of Anita Rock Light. This safety zone will be in effect between approximately 7:30 P.M. PDT, to 10:00 P.M. PDT on May 24, 1987, or if the display is postponed, on May 25, 1987.

(b) *Regulations.* (1) In accordance with the general regulations in Section 165.23 of this part, entry into these zones is prohibited unless authorized by the Captain of the Port San Francisco Bay. Section 165.23 contains other general requirements.

Dated April 27, 1987.

David Zawadzki,

Captain, U.S. Coast Guard, Captain of the Port San Francisco Bay.

[FR Doc. 87–10398 Filed 5–6–87; 8:45 am]

BILLING CODE 4910–14–My

DEPARTMENT OF THE TREASURY

48 CFR Part 1033

Acquisition Regulations; Technical Amendment

AGENCY: Department Offices, Treasury.

ACTION: Final rule; technical amendment.

SUMMARY: This document revises the authority citation for 48 CFR Part 1033 due to a renumbering of the Treasury Directives system. Part 1033 covers protests, disputes, and appeals.

EFFECTIVE DATE: May 7, 1987.

FOR FURTHER INFORMATION CONTACT: Thomas P. O'Malley, Director, Office of Procurement, or Robert E. Lloyd, Procurement Analyst, 1500 Pennsylvania Ave., NW., Washington, DC 20220, telephone (202) 566–2115.

List of Subjects in 48 CFR Part 1033

Government procurement.

PART 1033—[AMENDED]

Title 48, Part 1033 is amended by revising the authority citation as follows:

Authority: 41 U.S.C. 418b (a) and (b), as delegated by Department of the Treasury Order 101–30 and Treasury Directive 12–11.

Dated: April 27, 1987.

Thomas P. O'Malley,

Director, Office of Procurement [Procurement Executive].

[FR Doc. 87–10313 Filed 5–6–87; 8:45 am]

BILLING CODE 4810–25–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 651

[Docket No. 60549–6141]

Northeast Multispecies Fishery

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

ACTION: Notice of fishery reopening.

SUMMARY: The Secretary of Commerce (Secretary) issues this notice to open a portion of the Haddock Spawning Closed Area I on Georges Bank. This will allow access to fish and fishing grounds otherwise not available to the fleet during the closed period. The intended effect is to relieve an unnecessary restriction on fishermen, while not impacting on spawning haddock.

EFFECTIVE DATES: May 4, 1987, through May 31, 1987.

FOR FURTHER INFORMATION CONTACT: Peter Colosi, Resource Policy Analyst, 617–281–3600, extension 252.

SUPPLEMENTARY INFORMATION: The Secretary issues this notice to open the northwest portion of Haddock Spawning Closed Area I. This action responds to a crisis situation that exists for Gloucester-based fishermen who traditionally fish on Georges Bank. The New England Fishery Management

Council (Council) voted to open this area at its March 4, 1987 meeting.

The Northeast Multispecies Fishery Management Plan (FMP), which was prepared by the Council, became effective on September 19, 1986. The interim rule implementing the FMP (51 FR 29642, August 20, 1986) continued the Georges Bank Haddock Spawning Closed Areas I and II from previous groundfish management plans, and extended the closure to include the month of February for further protection of spawning fish. The interim rule established the Haddock Spawning Closed Areas I and II to be in effect from February through May each year under the FMP. Bottom trawling is prohibited in both areas during the closed period.

Under § 651.21(a)(4), the Regional Director has determined, based on substantial information supplied by the Northeast Fisheries Center, NMFS, that spawning concentrations of haddock are not located in the northwest portion of Haddock Spawning Closed Area I. Accordingly, the Regional Director exercises his authority to open that part of Haddock Spawning Closed Area I which is north of 41°30′ N. latitude and west of 69°00′ W. longitude (see § 651.21, Figure 2).

The portion of Haddock Spawning Closed Area I which will remain closed is bounded by the coordinates given below (Figure 4).

Point	Latitude	Longitude
a	41°53′ N	68°53′ W.
b	41°35′ N	68°30′ W.
c	41°50′ N	68°45′ W.
d	41°50′ N	69°00′ W.
e	41°30′ N	69°00′ W.
f	41°30′ N	69°23′ W.
a	40°53′ N	68°53′ W.

This action is taken under § (651.21(a)(4)) and complies with Executive Order 12291.

(16 U.S.C. 1801 *et seq.*)

List of Subjects in 50 CFR Part 651

Fisheries.

Dated: May 1, 1987.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

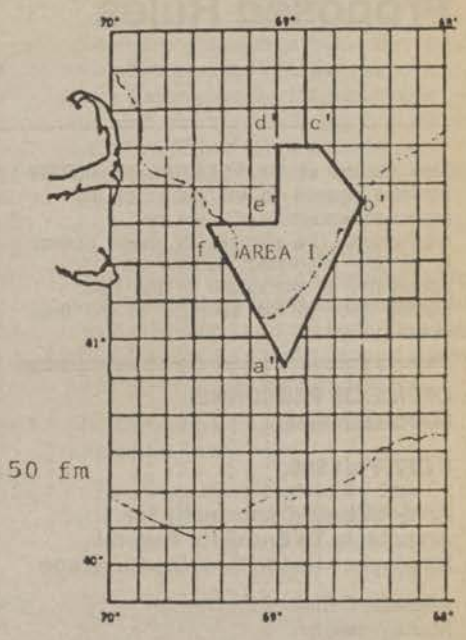


FIGURE 4. Haddock Spawning Closed Area I.

[FR Doc. 87-10373 Filed 5-4-87; 4:16 pm]
BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 52, No. 86
Thursday, May 7, 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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 890

An Additional Opportunity for Annuitants To Enroll for Federal Employees Health Benefits Coverage

AGENCY: Office of Personnel Management.

ACTION: Proposed Rulemaking.

SUMMARY: The Office of Personnel Management (OPM) is proposing to issue regulations to permit an annuitant who is covered by the Federal Employees Health Benefits (FEHB) enrollment of another person to enroll either for self only or for self and family coverage in the same plan and option when the covering enrollment is canceled. The existing FEHB regulations currently permit only active employees to take such action following the cancellation of a covering enrollment. These proposed regulations would correct this inequity by allowing eligible annuitants the same enrollment opportunities that employees receive after the cancellation of the covering enrollment.

DATE: Comments must be received on or before July 6, 1987.

ADDRESS: Written comments may be sent to Reginald M. Jones, Jr., Assistant Director for Retirement and Insurance Policy, Retirement and Insurance Group, Office of Personnel Management, P.O. Box 57, Washington, DC 20044, or delivered to OPM, Room 4351, 1900 E Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: John Ray, (202) 632–4634.

SUPPLEMENTARY INFORMATION: The current FEHB regulations provide various opportunities to employees and annuitants who are covered by the FEHB enrollments of others to enroll in their own right if the covering enrollment is changed to self only or if coverage is lost for reasons other than voluntary cancellation; e.g., divorce, death of the enrollee, etc. Even in the event of a voluntary cancellation of coverage filed by the enrollee, an *employee* who was covered by the enrollment is permitted to enroll in the same plan and option within 31 days after cancellation of the covering enrollment. This opportunity to enroll in the same plan and option following cancellation of the covering enrollment has not been made available to *annuitants* to date in the regulations. Our proposed regulations, however, would correct this inequity and afford eligible annuitants the same enrollment opportunities as employees following loss of FEHB coverage because of a voluntary cancellation.

For annuitants to continue FEHB coverage during retirement or to enroll in the FEHB Program following loss of coverage under another FEHB enrollment, they must meet two statutory requirements. The FEHB law requires that they have retired on an immediate annuity and have been enrolled or covered by a plan in the FEHB Program since their first oportunity to enroll or for the 5 years of service immediately prior to their separation for retirement. Our current regulations (§ 890.301(f)) concerning the enrollment of annuitants following a change in the covering enrollment to self only are not as specific on this point as they should be. Therefore, we are also adding a sentence to § 890.301(f)(2) to specify that an annuitant who loses FEHB coverage because the covering enrollment is changed to self only must be otherwise eligible to enroll in his or her own right.

E.O. 12291, Federal Regulation

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

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because the regulations will apply only to annuitants seeking to continue their FEHB coverage.

List of Subjects in 5 CFR Part 890

Administrative practice and procedures, Claims, Government employees, Health insurance, Retirement.

U.S. Office of Personnel Management.

James E. Colvard,

Deputy Director.

Accordingly, OPM proposes to amend 5 CFR Part 890 as follows:

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

1. The authority citation for Part 890 continues to read as follows:

Authority: 5 U.S.C. 8913; Sec. 890.102 also issued under 5 U.S.C. 1104 and sec. 3(5) of Pub. L. 95–454, 92 Stat. 1112; Sec. 890.301 also issued under 5 U.S.C. 8905(b); Sec. 890.302 also issued under 5 U.S.C. 8901(5) and 5 U.S.C. 8901(9); Sec. 890.701 also issued under 5 U.S.C. 8902(m)(2); Subpart H also issued under Title I of Pub. L. 98–615, 98 Stat. 3195, and Title II of Pub. L. 99–251.

2. In § 890.301, a new paragraph (f)(3) is added and paragraph (g)(4) is revised to read as follows:

§ 890.301 Opportunities to register to enroll and change enrollment

* * * * *

(f) *Change to self alone.* * * *

(3) In order for an employee annuitant to be eligible to elect self only coverage under authority of this paragraph, he or she must meet the statutory requirements of having retired on an immediate annuity and having been covered by a plan under this part (including enrollment in his or her own right) since his or her first opportunity to enroll or for the 5 years immediately preceding his or her retirement, whichever is shorter.

(g) *Loss of coverage under Federal programs.* * * *

(4) An employee or annuitant who is not enrolled, but is covered by the enrollment of another enrollee under this part, may register to be enrolled in the same plan and option within 31 days after cancellation of the other's enrollment. If the employee is not eligible to enroll in the plan from which coverage is lost, he or she may enroll in the same option of any available plan. In order for an employee annuitant to be eligible to enroll under authority of this paragraph, he or she must meet the statutory requirements of having retired on an immediate annuity and having been covered by a plan under this part (including enrollment in his or her own right) since his or her first opportunity to enroll or for the 5 years immediately

preceding his or her retirement, whichever is shorter.

[FR Doc. 87-10443 Filed 5-6-87; 8:45 am]

BILLING CODE 6325-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 249

[Release No. 34-24402; File No. S7-15-87]

Request for Comments on Proposed Revision of Form BD

AGENCY: Securities and Exchange Commission.

ACTION: Proposed form revision.

SUMMARY: The Commission is publishing for comment a proposed revision of Form BD, the form that is filed by an applicant to become registered as a broker-dealer under section 15(b) of the Securities Exchange Act of 1934 (the "Act"). The revision would add to the form an explicit consent to service of process for actions brought by the Commission or self-regulatory organizations.

DATES: Comments should be submitted by June 8, 1987.

ADDRESSES: All comments should be submitted in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, and should refer to File No. *S7-15-87.* All submissions will be available for public inspection at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC, 20549.

FOR FURTHER INFORMATION CONTACT: Henry E. Flowers, Esq. at (202) 272-2848, Division of Market Regulation, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION:

I. Introduction

In April, 1985 the Commission proposed revisions to Form BD.[1] The proposed revisions were the result of continuing efforts of the North American Securities Administrators Association, Inc. Special Committee to reduce the regulatory burden upon broker-dealers while at the same time providing more meaningful information to the Commission and other securities regulators. At that time, the Commission's Special Instructions to Form BD included a provision explicitly providing for consent to service of process by registering broker-dealers, to submit to the Commission as part of their Form BD. However, when the revision to Form BD were adopted by the Commission [2] the provision providing for consent to service of process was deleted from the Commission's Special Instructions, in an effort to abbreviate these instructions. The instructions on Form BD continued to require that the contact employee on the form must be authorized to receive "all compliance information, communications, and mailings" at the address designated on the form.

It is the Commission's view that a broker-dealer submits to the Commission's jurisdiction and perforce consents to the means necessary to assure that jurisdiction when it registers with the Commission. A registered broker-dealer has a continuing obligation to keep its Form BD application, including its mailing address, current; [3] therefore, the broker-dealer is responsible if service of process at the specified address is not received by the firm. Notwithstanding the significance of this obligation, the Commission believes the Form BD should include a consent provision thus explicitly recognizing that service or notice of process provided to the contact employee is adequate for notice and jurisdictional purposes.

II. Proposed Revision to Form BD

The Commission's proposed revision to Form BD would provide that the applicant consents that service of any civil action brought by or notice of any proceeding before the Securities and Exchange Commission or any self-regulatory organization in connection with the applicant's broker-dealer activities may be given by registered or certified mail or confirmed telegram to the applicant's contact employee at the main address identified on Form BD, or mailing address if different. Minor changes to the state consent to service of process language also are being proposed.

Currently, Rule 15b1-5 requires non-resident broker-dealers and their general partners and managing agents to furnish the Commission with consent to service of process designating the Commission as an agent for service of process, pleadings, or other papers in any civil action in connection with the non-resident's U.S. broker-dealer activities. The proposed revision to Form BD would apply to non-resident broker-dealers. Non-resident broker-dealers have not been excluded from this consent language to avoid overly complicating the Form BD execution page. Consequently, the proposed revision would provide the Commission with two different consents by non-resident broker-dealers. The proposed consent would provide that process would be served on the broker-dealer's contact employee rather than the Commission itself and would not extend to private litigants. However, execution of this consent is not intended to change the Commission's jurisdictional control over non-resident broker-dealers.

III. Regulatory Flexibility Act Considerations

The Regulatory Flexibility Act establishes procedural requirements applicable to agency rulemaking that has a "significant economic impact on a substantial number of small entities."[4] The Chairman of the Commission has certified that the proposed revision to Form BD, if adopted, will not have a significant economic impact on a substantial number of small entities. The proposed amendments would not provide any additional cost on broker-dealers.

It is highly unlikely that the proposed amendment to Form BD would have a significant impact. New broker-dealers would consent to service of process only when completing the Form BD as otherwise required. In addition, existing broker-dealers will execute this consent to service of process only when they amend Form BD for some other reason.

IV. Statutory Authority

The proposed change to Form BD would be adopted pursuant to sections (5)(b), 17(a) and 23(a) of the Act.

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

§ 249.501 [Form BD Amended]

Form BD prescribed by § 249.501 is

[1] Securities Exchange Rel. No. 21981 (April 26, 1985).

[2] Securities Exchange Rel. No. 22468 (September 26, 1985).

[3] Rule 15b3-1 of the Act.

[4] Although section 601(b) of the Regulatory Flexibility Act defines the term "small entity", the statute permits agencies to formulate their own definitions. The Commission has adopted definitions of the term small entity for purposes of Commission rulemaking in accordance with the Regulatory Flexibility Act. Those definitions, as relevant to this proposed rulemaking, are set forth in Rule 0-10, 17 CFR 240.0-10. See Securities Exchange Act Release No. 34-18452 (January 28, 1982). A broker or dealer generally is a "small business" or "small organization" if it had total capital of less than $500,000 on the date in the prior fiscal year as of which its audited financial statements were prepared pursuant ot 17 CFR 17a-5(d). *See* Rule 0-10(c).

amended by revising the Execution paragraph as follows:

Uniform Application for broker-dealer Registration

* * * * *

Execution: For the purpose of complying with the laws of the State(s) designated in Item 2 relating to either the offer or sale of securities or commodities, the undersigned and applicant hereby certify that the applicant is in compliance with applicable state surety bonding requirements and irrevocably appoint the administrator of each of those State(s) or such other person designated by law, and the successors in such office, attorney for the applicant in said State(s) upon whom may be served any notice, process, or pleading in any action or proceeding against the applicant arising out of or in connection with the offer or sale of securities or commodities, or out of the violation or alleged violation of the laws of those State(s), and the applicant hereby consents that any such action or proceeding against the applicant may be commenced in any court of competent jurisdiction and proper venue within said State(s) by service of process upon said appointee with the same effect as if applicant were a resident in said State(s) and had lawfully been served with process in said State(s).

The applicant consents that service of any civil action brought by or notice of any proceeding before the Securities and Exchange Commission or any self-regulatory organization in connection with the applicant's broker-dealer activities; may be given by registered or certified mail or confirmed telegram to the applicant's contact employee at the main address, or mailing address if different, given in Item 1 G.

* * * * *

By the Commission.

Dated: April 29, 1987.

Jonathan G. Katz,

Secretary.

Regulatory Flexibility Act Certification

I, John S.R. Shad, Chairman of the Securities and Exchange Commission, hereby certify pursuant to 5 U.S.C. 605(b) that the proposed amendments to form BD set forth in Securities Exchange Act Release No. 34–24402, if promulgated, will not have a significant economic impact on a substantial number of small entities. The reason for this certification is that the proposed amendment, if adopted, would result in no additional cost on broker-dealers.

John S.R. Shad,

Chairman.

Dated: April 29, 1987.

[FR Doc. 87–10423 Filed 5–6–87; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1919

[Docket No. S–770]

Gear Certification

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Request for comments and information.

SUMMARY: The Occupational Safety and Health Administration (OSHA) seeks information which could lead to the revision and updating of: (1) Present OSHA standards governing the testing and certificating of vessel cargo gear and shore-based material handling devices to assure that they are safe for worker use; and (2) procedures for the accreditation by OSHA of persons who may conduct this testing and issue the necessary certification.

OSHA solicits information and comments on issues raised in this Request for Comments and Information, and any other pertinent information that will aid in the Agency's administration of the accreditation program.

DATES: All comments on this notice should be received by August 5, 1987.

ADDRESSES: All comments should be submitted in quadruplicate to the Docket Officer, Docket No. S–770, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3670, 200 Constitution Avenue NW., Washington, DC 20210. Telephone: (202) 523–7894. Comments will be available for public inspection and copying at the above location.

FOR FURTHER INFORMATION CONTACT: Mr. James Foster, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3637, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone: (202) 523–8148.

SUPPLEMENTARY INFORMATION:

Background

As a result of the high incidence of fatalities and injuries occurring to longshoremen and shipyard employees due to failure of ship cargo gear and shore-based material handling devices, the U.S. Department of Labor in 1963 issued standards for examining, testing and certificating cargo handling gear. In 1969, certain provisions were added to include shore-based material handling devices such as container cranes.

The standards also included provisions for Department of Labor accreditation of testing personnel and surveyors to operate this system. These standards were promulgated under the authority of the Longshore and Harbor Workers' Compensation Act (LHWCA), 33 U.S*C. 941.

In 1971, the Occupational Safety and Health Act (OSH Act) 29 U.S.C. 650 et seq, became effective. Under section 6(a) of the OSH Act, 29 U.S.C. 655(a), OSHA adopted all of the LHWCA maritime standards as OSHA standards. OSHA thus began to implement the Part 1919 requirements, and began to accredit individuals to perform these testing and certificating duties.

The standards and procedures contained in Part 1919 implement the following requirements located elsewhere in the OSHA standards:

1. In 29 CFR Part 1915, the Shipyard Employment Standards, § 1915.115(a)(1) requires that derricks and cranes which are a part of, or regularly placed aboard, barges, other vessels, or on wingwalls of floating drydocks, and are used to transfer materials or equipment from or to a vessel or drydock, be tested and certificated.

2. In 29 CFR Part 1917, the Marine Terminals Standard, § 1917.50(c) indicates the type of gear and material handling devices (such as cranes and derricks) which are required to be tested and certificated.

3. In 29 CFR Part 1918, the Longshoring Standards, §§ 1918.12(c) and (d), 1918.13(a) and 1918.14, indicate the type of material handling devices that are required to be tested and certificated when used in "longshoring operations."

Issues

1. The wording of the current provisions in those subparts of Part 1919 dealing with Certification of Vessels' Cargo Gear; Certification of Vessels; Tests and Proof Loads; Heat Treatment; Competent Persons; and Certification of ShoreBased Materials Handling Devices may not provide adequate protection in light of the significant changes which have occurred in both the design and composition of today's materials handling devices.

The basic OSHA requirements for quadrennial certifications (based upon proof load testing and thorough examinations) and annual certifications remain valid for the modern equipment now in service. However, because of the current "operating cycles" and increased movement of components with modern equipment (as compared with cargo handling methods more prevalent years ago wherein derricks generally remained in fixed positions

and only the cargo purchase rigging was "active"). OSHA is seeking comment as to whether consideration should be given to requiring more frequent proof load testing for certification of shore-based cranes.

Large transtainers, roll-on/roll-off vessels with their numerous power operated ramps, and recent changes in appropriate International Organization for Standardization, International Labor Organization and International Maritime Organization standards and conventions are but a few innovations and developments to which gear certification standards might apply. OSHA solicits comment on these items and any others which need to be considered in the updating process connected with the Gear Certification Standards.

2. When the Part 1919 regulations were initially promulgated, *only* the Part 1918 longshore standards were mentioned in Part 1919 as being implemented by the Gear Certification regulations. The fact of the matter is that gear certification in the other maritime standards (Parts 1915 and 1917) is implemented by Part 1919 as well. OSHA is considering deleting any reference to any other Part of 29 CFR that currently appears within Part 1919. Rather, it would be the Agency's goal to have Part 1919 serve as the central repository of gear certification rules which would apply whenever specifically referenced within the other maritime standards.

3. Agency experience with the accreditation procedures has indicated the need to examine more closely the qualifications of the individuals or firms becoming involved. This has generated complaints from the public about delays in processing applications and the propriety of the evaluation criteria currently used by OSHA. Subpart B of Part 1919, which sets forth the procedure governing accreditation, uses the words "qualified" and "technically qualified" in evaluating the capabilities of a person or firm to perform inspections and examinations. OSHA seeks comment on whether these terms are adequate for the purpose. How much further into detail should OSHA go in order to establish competency and to spell out more clearly the qualifications needed?

4. In § 1919.3, paragraphs (b)(5), (6), and (7) ask that the applicant provide a detailed schedule of fees proposed to be charged for the various gear certification services performed; evidence of financial stability; and the names of at least three business references.

In 1979, OSHA revised its OSHA Form 70 (Application for Accreditation to Perform Gear Certification Functions). In so doing, the requirements for scheduled fees and for having to list financial references were deleted, and the required number of business references was increased from three to four. The revised form conflicts with the language of the standard.

In addition, with the current mix of OSHA accredited persons and organizations, and the many financial variables involved, OSHA is not always able to evaluate on any fair basis the service fees applied by such persons or organizations. For example, some applicants have insurance and others do not; some derive income from "other related activities" while others do not; and the like. These elements may or may not be relevant to the qualifications of the applicant to perform gear certification functions.

OSHA seeks comment as to the necessity and/or value of requiring detailed fee schedules and evidence of financial stability as set forth in § 1919.3(b).

5. Section 1919.6(a)(2), which applies only to accreditation to certificate vessels' cargo gear, presently requires that applicants working in coastal or Great Lakes ports shall not be accredited unless they conduct at least 1,500 hours of cargo gear certification work per year."

There is no similar provision for accredited persons who perform work on the inland rivers. Is this provision necessary? If this requirement were vigorously enforced, many of those persons presently accredited would have to be denied renewal of their accreditation.

6. Section 1919.36(a) discusses heat treatment and annealing of wrought iron, which today is hardly used at all as a part of ship cargo handling gear.

The current ILO Code of Practice for Dockwork (1977) states that wrought iron loose gear components should not be used in new assemblies. Furthermore, the Code suggests that any such components presently in use be scrapped.

OSHA is seeking comment as to whether § 1919.36(a) should be deleted.

7. Section 1919.50(b) sets forth conditions to be met by the owner of shore-based equipment in order for him to designate a member of his organization to carry out certification functions respecting the owner's equipment. One of these requirements is for the designee to have been recognized or appointed as a surveyor by a "nationally operating certification agency." That phrase is used only in (b)(2), and in no other place within the Part 1919 standards. Is the use of this phrase too restrictive? There are many accredited persons who would not qualify to provide oversight since their accreditation is restricted to a given geographical area. By removing the words "nationally operating" any accredited agency could be used to satisfy this condition. Given the neutral third-party intent of these certification functions, would any relaxation of OSHA's current rules be appropriate? Should the rules be modified?

8. Subparts D, E, F, G, and H of Part 1919 address issues that have specific analogs within the newer ILO Convention 152, which speaks to safety and health in dockwork generically. Although the U.S. has not as yet ratified this Convention, OSHA believes that many of its provisions are well considered. Should parallel provisions within those Part 1919 Subparts be revised to replicate the new International Convention? Specifically, which ILO provisions are best suited?

9. Section 1919.18 speaks of "grace periods," in which required examinations/tests can be deferred. Are such periods necessary to take account of any practical or theoretical considerations, such as national flag or classification requirements?

10. Section 1919.71(c) addresses the unit proof testing of shore-based cranes. Within that paragraph, some discussion is directed at cranes of foreign manufacture. Specifically, in arriving at overload proof-testing criteria, OSHA requires that the manufacturer's specification must be reviewed by accredited agencies who must ascertain that such specifications are in accord with current U.S. practice. Some doubt remains, however, as to what "U.S. practice" actually is. In OSHA's standards for marine terminals, the Agency has employed an owner's warranty/professional engineering review concept in evaluating these particular pieces of equipment (see § 1917.50(a)(2)). Basically, this concept provides that owners of foreign manufactured cranes must warrant such crane's design adequacy and further, base that warranty on a thorough examination of design specifications by a registered professional engineer who is familar with the equipment. Shall that approach be incorporated here?

11. Currently, the Agency charges no fees for the processing of applications of individuals desiring to become accredited agencies. Attendant to the accreditation process are numerous background checks, interviews, etc. As a consequence, substantial costs are incurred by the government in the

administration of this program. Oftentimes, successful applicants perform virtually no certification work after being granted accredited agency status. Since it does not actually increase the availability of active certification services, OSHA's effort in approving such applicants is essentially wasted. Would it perhaps be advisable for OSHA to levy a modest application fee to help defray some or all of these administrative costs?

12. In reviewing its program costs, OSHA has also given consideration to the possibility of revising its regulations to select or allow a private sector entity to administer all or part of the cargo gear certification program. The Agency has many concerns about the feasibility of such an action. For example, given the international aspects of this program, wherein most maritime trading nations serve as the "authorities" for the administration of their individual cargo gear rules, would the United States be perceived to be acting "out of step" with the international community? Or would such an action be considered entirely proper? OSHA invites comment that would speak to the merits and drawbacks of such a proposition, and to the details of its possible implementation.

Public Participation

Interested persons are invited to submit written data, views and information with respect to the issues raised in this Request for Comments and Information. Written comments should be submitted by August 5, 1987, in quadruplicate, to the Docket Officer, Docket No. S–770, Room N–3670, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. Written submissions should clearly identify the issues and. areas which are addressed and the position taken with respect to each issue and area. Whenever possible, these positions should be supported or augmented with any current cost data or statistical data available to the commenter.

Authority

This document was prepared under the direction of John A. Pendergrass, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. It is issued under sections 6 and 8 of the Occupational Safety and Health Act (29 U.S.C. 655, 657) and section 41 of the Longshore and Harborworkers' Compensation Act (33 U.S.C. 941).

Signed at Washington, DC, this 30th day of 1987.

John A. Pendergrass,

Assistant Secretary of Labor.

[FR Doc. 87–10123 Filed 5–6–87; 8:45 am]

BILLING CODE 4510–26–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CGD14–87–02]

Anchorage Ground, Apra Harbor, Island of Guam

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rule making.

SUMMARY: The Coast Guard is considering a proposal to establish an explosives anchorage around Mooring Buoy 702 in Apra Harbor, Guam. Military Sealift Command ships loaded with explosives will be using this mooring on a regular basis. The purpose of the regulation is to provide a safe separation between vessels loaded with explosives and other vessels at anchor.

DATES: Comments must be received on or before June 22, 1987.

ADDRESSES: Comments should be mailed to Commander (oan), Fourteenth Coast Guard District, Prince Kalanianaole Federal Building, 300 Ala Moana Blvd., Honolulu, Hawaii 96850–4982. The comments and other materials referenced in this notice will be available for inspection and copying at the PJKK Federal Building, 300 Ala Moana Blvd., Room 9139, Honolulu, Hawaii. Normal office hours are between 6:30 a.m. and 3:30 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: LT M. D. West, (808) 541–2315.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, data or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD14–87–02) and the specific section of the proposal to which their comments apply, and give reasons for each comment.

The regulations may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but only one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The drafters of this notice are LT M. D. West, project officer, Fourteenth Coast Guard District Aids to Navigation Office, and LT M. G. Fetrow, project attorney, Fourteenth Coast Guard District Legal Office.

Discussion of Proposed Regulations

The United States Navy has announced its intention of use mooring 702 in Apra Harbor to moor Maritime Preposition Ships operated by the Military Sealift Command on a regular basis. These vessels will carry explosives in amounts of more than 25 tons. The U.S. Coast Guard has established a security zone around vessels at the mooring, and around the mooring buoy when not in use. This regulation is being proposed to provide safe separation distance between explosive laden vessels and other vessels at anchor beyond the area provided by the security zone. This regulation was initiated at the request of the U.S. Navy. The District Engineer, U.S. Army Corps of Engineers, has been contacted and has no objection to the issuance of this regulation.

This regulation is issued pursuant to 33 U.S.C. 471 as set out in the authority citation for all of 33 CFR Part 110.

Economic Assessment and Certification

This proposed regulation is considered to be non-major under Executive Order 12291 on Federal Regulation and non-signficant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. Mooring 702 has been maintained by the U.S. Navy for several years. The buoys has been made available on occasion in the past to commercial vessels. Buoy 702 will no longer be available for commercial vessels, but sufficient mooring buoys and anchorage grounds exist outside the proposed anchorage. The only effect of this regulation is to provide protection for vessels at the mooring. The regulation does not restrict access to any fairway or channel, or limit access to any facility or area previously accessible to vessels affected by the regulation. The primary intent of the proposed regulation is to require that vessels at anchor provide a wide berth to explosives laden vessels at mooring

buoy 702. To prevent confusion in the event of periodic changes in charting survey datum, an editorial change has been made to the affected section of the regulations to indicate that all position information refers to Guam 1963 datum. The regulations for Explosives Anchorage 701 have been revised to indicate the existence of a second explosives anchorage. Paragraphs in § 110.238(b) were renumbered for clarity.

Since the impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 110

Anchorage grounds

Proposed Regulations:

PART 110—[AMENDED]

In consideration of the foregoing, the Coast Guard proposes to amend Part 110 of Title 33, Code of Federal Regulations as follows:

1. The authority citation for Part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 2030, 2035 and 2071; 49 CFR 1.46 and 33 CFR 1.05–1(g). Section 110.1a and each section listed in 110.1a are also issued under 33 U.S.C. 1223 and 1231.

2. Section 110.238 is revised to read as follows:

§ 110.238 Apra Harbor, Guam.

(a) The anchorage grounds (based on Guam 1963 Datum)—(1) General Anchorage. The waters of Apra Outer Harbor enclosed by a line beginning at Southwest Point at latitude 13°27′29″ N., longitude 144°39′32″ E; thence to latitude 13°27′18″ N., longitude 144°39′18″ E.; thence to Spanish Rocks at latitude 13°27′09.5″ N., longitude 144°37′20.6″ E.; thence along the shoreline to the point of beginning.

(2) Explosives Anchorage 701. In Naval Anchorage A, a circular area with a radius of 350 yards, centered at latitude 13°26′51″ N., longitude 144°37′48.7″ E.

(3) Naval Explosives Anchorage 702. In the General Anchorage, a circular area with a radius of 350 yards centered at latitude 13°27′26.9″ N., longitude 144°38′08.2″ E.

(4) Naval Anchorage A. The area enclosed by a line beginning at latitude 13°26′44.3″ N., longitude 144°37′37.8″ E.; thence to latitude 13°26′59″ N., longitude 144°37′37.8″ E., thence to latitude 13°27′07.6″ N., longitude 144°38′56″ E.; thence to latitude 13°26′56.6″ N., longitude 144°38′56″ E.; thence to latitude 13°26′56.6″ N., longitude 144°39′03.8″ E.; thence to latitude 13°26′51.3″ N., longitude 144°39′03.8″ E.; thence to latitude 13°26′51.3″ N., longitude 144°39′19.4″ E.; thence to latitude 13°26′39.2″ N., longitude 144°39′19.4″ E.; thence to latitude 13°26′37.4″ N., longtitude 144°37′57″ E.; thence to the point of beginning.

(5) Naval Anchorage B. The area enclosed by a line beginning at latitude 13°26′40.7″ N., longitude 144°39′48.5″ E.; thence to latitude 13°26′50.6″ N., longitude 144°39′59″ E., thence to latitude 13°26′48″ N., longitude 144°40′01.2″ E.; thence to latitude 13°26′38″ N., longitude 144°39′51.2″ E.; thence to the point of beginning.

(b) The regulations—(1) Gerneral Anchorage. Any vessel may anchor in the General Anchorage except vessels carrying more than 25 tons of high explosives.

(2) Explosives Anchorage 701. Vessels carrying more than 25 tons of high explosives must use Anchorage 701, unless otherwise directed by the Captain of the Post.

(3) Naval Explosives Anchorage 702. Except Naval vessels using the anchorage as directed by local Naval authorities, no vessel may anchor so that any part of the hull or rigging, or the anchor tackle may extend into Anchorage 702 at any time.

(4) Naval Anchorages A and B. (i) Except as provided in paragraph (b)(3)(ii) of this section, non-naval vessels may not anchor within these anchorages or use the mooring buoys therein without permission of the local Naval authorities obtained through the Captain of the Port. (There is a user charge for the use of these mooring buoys.)

(ii) Small craft that are continuously manned and capable of getting underway may anchor within these anchorages during daylight hours without prior approval of the Captain of the Port.

(5) General regulations. (i) Vessels may use the naval mooring buoys in the General Anchorage without charge for a period up to 72 hours if authorized by the Captain of the Port. Vessels so moored shall promptly move to their own expense upon notification from the Captain of the Port.

(ii) Except for vessels not more than 65 feet in length, all vessels shall anchor in an anchorage ground.

(iii) Vessels anchored in an anchorage ground shall place their anchors within the anchorage ground so that no portion of the hull or rigging at any time extends outside the anchorage ground.

(iv) No vessel may anchor in the harbor for more than 30 consecutive days without permission of the Captain of the Port.

Dated: April 10, 1987.

P.A. Bunch,

Captain, U.S. Coast Guard, Acting Commander, 14th Coast Guard District.

[FR Doc. 87–10401 Filed 5–6–87; 8:45 am]

BILLING CODE 4910–14–M

33 CFR Part 165

[CG 07–87–07]

Safety Zone; Tampa Bay, Hillsborough Bay and Approaches

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is considering a proposal to amend 33 CFR 165.703 by establishing a requirement for applicable vessels to provide certain information twenty-four hours prior to their arrival or departure. This twenty-four hour notification is essential to coordinate implementation of the required safety zone and provide adequate notification to all affected maritime interests. This notification requirement would have no major economic impact on affected parties as this requirement was previously mandated by Captain of the Port Orders over the past five years and all applicable parties are currently voluntarily providing a twenty-four hour advance notification of arrival or departure.

DATE: Comments must be received on or before June 22, 1987.

ADDRESSES: Comments should be mailed to: Commander (mps), Seventh Coast Guard District, 51 SW First Ave., Miami, FL 33130.

The comments and other materials referenced in this notice will be available for inspection and coping at this office, Room 1231. Normal office hours are between 7:30 a.m. and 4:00 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Lieutenant Michael E. Maes Telephone (813) 228–2194.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their name and address, identify this notice (CCGD7 (87) and the specific section of the proposal to which their comments apply, and give reasons for each comment. Receipt of comments will be

acknowledged if a stamped self-addressed postcard or envelope is enclosed.

The regulations may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting information: The drafters of this notice are Lieutenant Michael E. Maes, project officer, Marine Safety Office, Tampa, Florida and LCDR F.T. Fuger, Jr., project attorney, Seventh Coast Guard District Legal Office.

Discussion of proposed regulations: This amendment will provide for twenty-four hour advance notification of arrival or departure for applicable vessels. This will afford all affected parties adequate time to coordinate the implementation and notification requirements of the mandated safety zone. This notification is currently being provided voluntarily by all anhydrous ammonia carrying vessels. No known adverse impact will occur by the establishment of this necessary notification requirement.

Economic assessment and certification: These proposed regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. During the past five years, all anhydrous ammonia carriers have provided the twenty-four advance arrival notification either voluntarily or by direction of the Captain of the Port Orders. This amendment would simply make current voluntary standards mandatory.

Since the impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 165

Harbors Marine Safety, Navigation (water), Vessels, Waterways.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 165 of Title 33, Code of Federal Regulations, by adding § 165.703(i) to read as follows:

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46; and 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5.

2. A new § 165.703(i) is added to read as follows:

§ 165.703 Tampa Bay, Florida—Safety Zone.

* * * * *

(i) The owner, master, agent or person in charge of a vessel or barge, loaded with anhydrous ammonia shall report the following information to the Captain of the Port, Tampa at least twenty-four hours before entering Tampa Bay or its approaches or departing from Tampa Bay:

(1) Name and country of registry of the vessel or barge:

(2) The name of the port or place of departure;

(3) The name of the port or place of destination:

(4) The estimated time that the vessel is expected to begin its transit of Tampa Bay and the time it is expected to commence its transit of the safety zone.

(5) The cargo carried and amount.

Dated: April 17, 1987.

T.W. Boerger,

Captain, U.S. Coast Guard, Captain of the Port, Tampa, FL.

[FR Doc. 87–10042 Filed 5–6–87; 8:45 am]

BILLING CODE 4910–14–M

National Highway Traffic Safety Administration

49 CFR Part 571

Federal Motor Vehicle Safety Standards; Denial of Petition for Rulemaking

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Denial of petition for rulemaking.

SUMMARY: This notice denies a petition by the Center for Auto Safety requesting that NHTSA issue a new Federal motor vehicle safety standard requiring filters to protect against fine particles in power steering systems. The petitioner asserts that fine particles contaminating power steering fluid sometimes lodge in clearances between two critical valves causing the vehicle's wheels to lock in whatever direction the driver last turned. The result, according to petitioner, is increased accidents and injuries due to "lock-up" and "self-steer."

NHTSA is denying this petition because contrary to its assertions, petitioner offers no new data to support its allegation that lock-up due to fluid contamination was or continues to be a significant safety problem; and because agency assessments in reviewing this petition reveal no current data supporting petitioner's proposition.

FOR FURTHER INFORMATION CONTACT: Vernon Bloom, Office of Rulemaking, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–5277.

SUPPLEMENTARY INFORMATION: By a petition dated August 5, 1986, the Center for Auto Safety (CAS or petitioner) requested that NHTSA issue a Federal motor vehicle safety standard (FMVSS) requiring fine porosity filters in power steering systems. In support of its petition, CAS identified the specific safety concern as the collection of foreign matter in the power steering fluid causing conditions the petitioner describes as "lock-up" and "self-steer."

When the wheels of a motor vehicle equipped with a power steering system resist turning in the direction the driver steers, a hydraulic pump assembly operates to "assist" the driver. The "assist" results from the force of hydraulic fluid pushing against a piston that is connected to the wheels through linkage, moving them either to the right or left, depending on which way the driver steers. According to CAS, when contaminants collect in the pump assembly of the power steering system. some of these fine particles lodge in the clearances between two critical valves. The result, according to the petitioner, is that the wheels "lock" in the direction last steered, and the driver loses control of the vehicle steering.

Petitioner suggests that NHTSA promulgate an FMVSS to require filters that will remove contaminants of one-to-five microns present in the hydraulic fluid as a result of poor machining of original assembly components. improper servicing, or ordinary wear.

In support of its petition, CAS makes these principal assertions: (1) That "hydraulics experts are of the unanimous opinion that hydraulic systems such as those employed in vehicle power steering systems should have fine filters;" (2) that NHTSA's Office of Defects Investigation's (ODI) resolution of investigation #C4–26 led to an erroneous conclusion that 400 accidents involving 1967–73 General Motors vehicles allegedly caused by lock-up were equally likely to be the result of driver error; (3) that the Honda Accord, which contained a filter system until the power steering assembly was revised substantially in 1986, is "significantly underrepresented among

major automakers in the kind of accident frequently caused by loss of steering control;" and (4) that injuries and accidents from lock-up caused by contaminants in power steering fluid continue to be a significant safety problem.

Having reviewed the documents CAS references in its petition, and having searched for more current material concerning this matter, NHTSA has determined to deny the CAS petition. There are two essential reasons for the agency's denial. The first is that while CAS claims to have new information implicating "lock-up" as a safety problem, it presents no such information in its petition, and the agency is aware of none. The second is that many of the CAS claims supporting the significance of this alleged safety problem rest on anecdote and supposition, and not on factual data. The agency addresses each CAS assertion in turn below.

Unanimous support for filters among hydraulics experts. Petitioner supplies no data demonstrating that it conducted any kind of valid and reliable survey which supports this statement.

The #C4–26 investigation. NHTSA opened this investigation following reports from CAS of possible steering problems in 1967–1973 General Motors passenger cars. The kinds of problems alleged were steering lock-up, steering binding, self-steering, and loss of power assist. Most of the problems alleged were attributed to sticking or binding spool valves in the power steering assemblies. The investigation included alleged power steering gear problems in passenger cars made by the following manufacturers: GM; Ford Motor Company; American Motor Corporation; Rolls Royce Motors, Inc.; Checker Motors; and Excalibur Automotive Corporation. Among other things, ODI collected data from 31 sources including CAS, participated in demonstration drives where vehicle power steering systems were grossly contaminated with various particles, and inspected production facilities where the subject steering gears were manufactured.

After completing the investigation, NHTSA concluded that with respect to the steering gear spool valves under scrutiny, there was no trend of lock-up, binding or self-steering; personal or property injury; or other safety-related problems related to fluid contamination problems.

In assessing the current petition, NHTSA again reviewed the C4–26 investigatory file, and finds that questions respecting the validity or resolution of the investigation are without foundation. CAS makes no factual assertion challenging either ODI's investigatory methods nor the validity of the data used in the investigation itself. CAS makes an unsupported assertion that the agency reached the wrong conclusion. The agency believes that the C4–26 file adequately and objectively supports the study's conclusions.

Petitioner cites 11 other documents it alleges involved lock-up complaints. One of these involved door glass shattering problems in the Ford Escort and Lynx carlines. Nine addressed steering problems unrelated to contamination in the steering fluid. The final document concerned power steering fluid contamination and was a review of 39 letters rather than a full investigation of the character described earlier. In any event, that review predated the comprehensive #C4–26 investigation.

Underrepresentation of Honda Accord in accidents frequently caused by loss of steering control. CAS failed to furnish any information supporting this statement. On page 13 of its petition, CAS references information from NHTSA's National Center for Statistics and Analysis (NCSA). However, NCSA has no data on single-car accidents broken down by vehicle make. Further, a check of data from the Insurance Institute for Highway Safety (IIHS) did not reveal single-accident data segmented by automobile maker.

Lock-up from contaminated fluid a continuing safety problem. CAS suggests that fluid contamination causing lock-up was and continues to be a significant safety problem. The agency found no evidence supporting this assertion in the data that CAS referenced in its petition. In addition, in a litany of statements reportedly from internal GM documents, the most recent dated document was 1974. Of the statements set out on page 9 of the petition, the most current is dated April 1971.

Furthermore, after having searched the ODI data base for all complaints with "steering system" in the title for model years 1984 through 1986, the agency found 2 fatalities, 4 injuries, and 50 accidents attributable to power steering systems. These figures arise in the context of a total vehicle population of over 22 million vehicles. Each of these fatalities, accidents, or injuries was unrelated to fluid contaminants.

Petitioner has supplied no data to support its claims of the size of alleged contaminant particles in steering systems, nor of a relationship between certain sized particles and incidents of "lock-up" or "self-steer." While CAS apparently established particle size determinations with reference to various hydraulic design system manuals, there are no facts determining the size of particles within power steering systems.

For the preceding reasons, NHTSA denies the CAS petition that the agency issue a FMVSS requiring fine porosity filters in power steering systems.

(Secs. 103, 119, and 124, Pub. L. 89–563, 80 Stat 718, 115 U.S.C. 1392, 1407, 1410a); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on April 29, 1987.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 87–10388 Filed 5–6–87; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 215

[Docket No. 70477–7077]

Subsistence Taking of North Pacific Fur Seals; Request for Public Comment

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

ACTION: Notice and request for public comment.

SUMMARY: The 1986 rule on Subsistence Taking of North Pacific Fur Seals requires NMFS to publish in the **Federal Register** by April of each year, a summary of the data obtained from the previous year's harvest and a discussion of the number of seals expected to be taken that year to meet the subsistence needs of the Aleut residents of the Pribilof Islands. This notice summarizes the 1986 harvest and estimates the number of seals which may be taken in 1987. Following a 30-day public comment period, a final notice of the expected harvest levels will be published before the start of the harvest season on June 30.

DATE: Comments must be received on or before June 8, 1987.

ADDRESS: Comments may be mailed to Nancy Foster, Director, Office of Protected Species and Habitat, F/M4, NMFS, Washington, DC 20235.

FOR FURTHER INFORMATION CONTACT: Steven Zimmerman (Alaska Regional Office), 907–586–7233 or Georgia Cranmore, 202–673–5351.

SUPPLEMENTARY INFORMATION:

Background

Northern fur seal (*Callorhinus ursinus*) meat has heen a dietary staple of Aleuts living on the Pribilof Islands,

Alaska, for 200 years. The use of fur seals for subsistence continues to this day. On both St. Paul Island and St. George Island, fur seals remain the most heavily used animal resource (see Veltre and Veltre, 1981).

Aleut dietary requirements for fur seal meat were traditionally met from animals taken in an annual commercial harvest of pelts. This harvest, which ranged between 22,000 and 25,000 animals annually between 1980–84, was suspended in 1984 with the lapse of the Interim Convention on Conservation of North Pacific Fur Seals. This Convention had governed the commercial harvest and cooperative international management of fur seals since 1957. Because the United States Senate did not ratify a Protocol which would have extended the Convention, a commercial harvest for seal skins could not be conducted in 1985 or 1986. Without authority to allow a commercial harvest, NMFS issued emergency interim regulations in 1985 to ensure that the dietary requirements of the Pribilovians would be met while providing protection for the fur seal population (50 FR 27914, July 8, 1985). Permanent regulations to govern the subsistence harvest were published on July 9, 1986 (51 FR 24828).

The 1986 rule requires, in 50 CFR 215.32(b), that NMFS publish in the **Federal Register** by April 1 of each year, a summary of the data obtained from the previous year's harvest and a discussion of the number of seals expected to be needed that year to meet the subsistence requirements of the Aleuts on each island. This notice summarizes the 1986 harvest and estimates the number of seals which may be taken in 1987. Following a 30-day public comment period, a final notice of the expected harvest levels will be published.

Summary of the 1986 Harvest

(1) Duration of the Harvest and Number of Animals Taken

St. Paul Island

Although the fur seal harvest season opened on June 30, fur seals were first taken on St. Paul Island on July 14. With the exception of Monday, August 4, the harvest was carried out each weekday through August 8. A total of 1,228 seals were taken during this four week period. As required by 50 CFR 215.32(f)(1), the harvest was terminated on August 8. On September 10, NMFS received a request from the Acting Chairman of the St. Paul Aleut Fur Seal Commission, requesting an extension of the harvest through September 30. Such an extension is permissible under the terms of 50 CFR 215.32(f)(2) if certain conditions are met. This request stated that 36 individuals had requested an additional 359 seals to fulfill their subsistence needs. After obtaining the comments of interested parties, the Assistant Administrator for Fisheries, NMFS, determined that the subsistence needs of the residents of St. Paul Island had not been set and that the harvest could continue through September 30, until the island's subsistence needs had been met, or until the accidental take of female seals exceeded allowable levels. On September 27 an additional 71 animals were harvested. Because six of these animals were initially determined to be female, (this number was later increased to 12 based on laboratory analyses of teeth and reproductive tracts), the harvest had to be terminated after the single additional harvest day.

To protect the reproductive potential of the declining northern fur seal population, the subsistence regulations place strict limits on the number of female seals that can be taken. After the first week in August, the likelihood of subadult females being present on the hauling grounds is substantially increased. Section 215.32(f)(2) specifies that the harvest will terminate if, during an extension beyond August 8, the percentage of females taken exceeds 0.5 percent of the total number of seals harvested or more than five female seals are taken within any consecutive seven-day period. The number of female seals taken on September 21; exceeded both of these limits and, therefore, the harvest on St. Paul Island was terminated. The total number of seals harvested during 1986 on St. Paul Island was 1,299.

St. George Island

On St. George Island the harvest began on July 15. Seals were harvested on three other occasions prior to the close of the season on August 8. A total of 119 seals were taken during this period. On August 13 the NMFS received a request from the President, Traditional Village Council of St. George, requesting an extension of the subsistence harvest on St. George Island through September 30. After holding a meeting in Washington, DC to obtain comments from interested parties, the request for the extension was granted by the Assistant Administrator for Fisheries, NMFS, on August 25. While informing the NMFS observer on St. George Island of the decision to extend the harvest, it was learned that several seals had been found dead of undetermined causes and that an empty box of rifle shells had been found near some of the dead seals. Pending an investigation into the cause(s) of death of those seals, NMFS effected a temporary suspension on the harvest extension. After surveying the major rookeries, approximately 100 dead seals had been found. The investigation confirmed that one seal had been illegally taken out of season and off limits at the Staraya Artil Rookery but determined that the other deaths could not be attributed to human activities. Accordingly, on August 27 the North Rookery was reopened for subsistence harvesting.

On August 28 the Zapadni Rookery was also reopened. Because the cause of death of the seals at North Rookery remained undetermined, St. George residents were concerned about the safety of the seal meat for human consumption and decided to forego further subsistence harvesting until tests for contamination had been conducted. Four animals were sacrified to provide tissues for these analyses. This brought the total number of seals taken on St. George Island during 1986, including the one confirmed illegal take, to 124. No female animals were harvested.

(2) Use of the Meat and Other Parts

St. Paul Island

During the 1985 and 1986 harvests NMFS collected data on the percent-use of seal carcasses, and the weight of seal meat taken for human consumption. During 1986 these values were estimated by weighing approximately 10 percent of the carcasses taken each day before and after butchering. For a discussion of estimation methods, see Zimmerman and Letcher, 1986.

Approximately 47 percent of each seal carcass was used tor subsistence purposes on St. Paul Island in 1986. This is slightly higher than the estimated 44 percent-use recorded in 1985. Although the difference between years is not statistically significant, there did appear to be a greater use of hindquarters in 1986 than was observed in 1985. In 1985, the community employed persons who carried out the butchering under the direction of a foreman. Consequently, butchering was quite uniform each day; shoulders, flippers, chests, ribs, backbones, hearts and livers were taken for consumption. Very few hindquarters were taken in 1985, and no use was made of pelts, blubber, skulls or internal organs other than hearts and livers. In 1986, the harvest was carried out by experienced sealers based on requests for seals by members of the community. Butchering was generally done by the individuals who had requested the seals for their own use. Many of these individuals were observed removing only the skull, pelt, blubber, and some

internal organs and then taking the rest of the carcass intact and the heart and liver.

The mean weight of meat taken per seal in 1986 was 11.1 kg (24.4 pounds). This is somewhat less than the 12.5 kg (28.5 pounds) per seal taken in 1985. The difference results from the smaller size and younger age of seals taken in 1986. There was a greater percentage of two year old animals harvested in 1986 (38 percent) than in 1985 (7 percent). Most of the animals taken in 1985 were three year olds (78 percent). In 1986, three year old animals only accounted for 54 percent of the animals harvested. This reduction in size and age of animals harvested is believed to reflect an Aleut preference for younger animals for food. Greater selectivity in the size of animals to be harvested was possible in 1986 because fewer animals were harvested each day. In 1985, 225 seals were harvested per day, compared to 65 seals per day in 1986.

The estimated total amount of meat taken for human consumption on St. Paul Island in 1986 was 14,412 kg (31,706 pounds). In 1985, meat not removed for direct personal consumption was stored by the community either in a large freezer or in large boxes after salting. Because questions were raised concerning the quality of the meat, there was little subsequent demand for this stored meat. There was no community storage of seal meat in 1986. Instead, the daily take in 1986 was based on the number of orders placed with the Conservation Officer for the Tribal Government of St. Paul. When queried, persons who had placed large orders (5–25 animals) indicated that most of their meat would be frozen and used throughout the remainder of the year. Persons who had placed smaller orders usually indicated that they were planning to eat the meat soon thereafter. Assuming that the permanent native population of St. Paul Island is 483 (1980 census data) the 14,412 kg of meat taken for human consumption would allow a theoretical mean daily consumption of 0.08 kg (approximately 3 ounces) of seal meat (with bone) per person per day for one year.

Although 50 CFR 215.33 allows the sale of pelts or other fur seal parts after they have been transformed into articles of handicraft, most of the pelts from animals harvested on St. Paul Island were discarded. On the second day of the harvest one individual took all of the skins, indicating that he was going to "see what he could make out of them." During the rest of the harvest, skins were occasionally taken from the field for possible handicraft purposes. There was no observed taking of bacula (seal sticks) or other seal parts except for an occasional removal by teenagers who appeared to be acting out of curiosity.

St. George Island

An attempt was made to collect data on St. George Island which would be comparable to the data collected on St. Paul Island. Unfortunately, no NMFS observer was on St. George Island during the first harvest day, July 15. During the three subsequent days of harvesting, such a small number of seals were taken, and the butchering proceeded so rapidly, that it was impossible for the single observer to obtain a representative number of unbiased samples. In addition, of the eight total samples taken, three weights were determined to be inaccurate because of a malfunction in the scale. Thus, only the estimated mean weight of carcasses may be considered reliable. Based on the limited samples available, it appears that somewhat larger seals (27.3 kg; 60.0 pounds) were harvested on St. George Island than on St. Paul. Percent use of carcasses on St. George Island appeared to be somewhat less than on St. Paul Island although taking in a "wasteful manner", as defined in 50 CFR 215.2(i), was not observed on either island.

Estimated Number of Seals Needed for Subsistence in 1987

NMFS is required by its regulations to include in this notice a discussion of the anticipated harvest levels for 1987 that will satisfy the subsistence needs of the residents of the Pribilof Islands. Because employment levels have fluctuated widely on the Pribilof Islands and economic conditions are currently unpredictable, the Pribilovians' need for seal meat may vary from year to year. Furthermore, it is difficult to provide a point estimate of needs since a purely subsistence harvest has been conducted for only two seasons and the available data on subsistence needs are limited. Because of these difficulties in calculating point estimates of the subsistence needs for each island, the NMFS is providing a projected range of the expected harvest levels.

St. Paul Island

During the 1986 harvest, 1,228 seals were harvested on St. Paul Island by the August 8 close of the season. A survey of island residents conducted in late August indicated that an additional 359 seals would be needed to meet the remaining subsistence needs. Since the 1986 harvest was carried out on a personal demand basis, and since the August survey was carried out by island residents without any known bias, it must be assumed that the number of seals needed by residents of St. Paul Island in 1986 was 1,587.

However, until harbor construction on St. Paul Island has been completed, and the economy has stabilized, it will be difficult to estimate each year's subsistence needs. Based upon the 1986 harvest, the lower bound of the range of projected subsistence needs may be set at 1,600 seals. Once the lower bound is reached, the harvest must be suspended for up to 48 hours, under 50 CFR 215.32(e)(1)(iii), pending a review of the harvest data to determine if the subsistence needs of St. Paul Island residents have been met. The upper end of the range for 1987 is set at 4,000 seals, which is not greatly in excess of the 3,384 seals which were taken for subsistence on St. Paul Island in 1985.

St. George Island

NMFS does not believe that the number of seals harvested on St. George Island in 1986 (124 seals) represents the true subsistence needs of residents of that island. Because of conflicts with other activities, residents apparently had planned to harvest most of their seals during an extension period (August 25–September 30). The discovery in August of a number of dead seals on the North Rookery (discussed above), however, led to concern among island residents that the seal meat might not be fit for human consumption. Chemical analyses of seal meat to determine its safety could not be completed by September 30. Consequently, much of the proposed seal harvest on St. George Island never occurred. Since the population of St. George Island is approximately one-third that of St. Paul Island, it is reasonable to assume that their subsistence needs might be proportionately similar. Therefore, the lower end of the projected range for St. George is 530 seals and the upper end of the range is accordingly set at 1,320 seals.

References

Veltre, D.W. and M.J. Veltre. 1981. A preliminary baseline study of subsistence resource utilization in the Pribilof Islands. Subsistence Division, Alaska Department of Fish and Game, P.O. Box 3–2000, Juneau, Alaska 99802. Technical Paper 57, 216p.

Zimmerman, S.T. and J.P. Letcher. 1986. The 1985 subsistence harvest of northern fur seals, *Callorhinus ursinus*, on St. Paul Island, Alaska. Marine Fisheries Review 48(1): 10–14.

Dated: April 30, 1987.

William E. Evans,

Assistant Administrator for Fisheries.

[FR Doc. 87–10372 Filed 5–6–87; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 52, No. 88
Thursday, May 7, 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

Soil Conservation Service

Upper Locust Creek Watershed, Missouri

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of availability of a record of decision.

SUMMARY: Paul F. Larson, Responsible Federal Official for projects administered in the State of Missouri under the provisions of Pub. L. 83–566, 16 U.S.C. 1001–1008, is hereby providing notification that a record of decision to proceed with the installation of the Upper Locust Creek Watershed project is available. Single copies of this record of decision may be obtained from Paul F. Larson at the address shown below.

FOR FURTHER INFORMATION CONTACT: Paul F. Larson, State Conservationist, Soil Conservation Service, 555 Vandiver Drive, Columbia, Missouri 65202, telephone 314/875–5214.

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.904—Watershed Protection and Flood Prevention—and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials.)

Dated: April 3, 1987.

Paul F. Larson,

State Conservationist.

[FR Doc. 87–10338 Filed 3–6–87; 8:45 am]

BILLING CODE 3410–16–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

North Pacific Fishery Management Council; Amended Meeting Notice

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The agenda as published in the **Federal Register** (52 FR 15365, April 28, 1987) for the North Pacific Fishery Management Council's public meeting (May 20–22, 1987) has been amended to include discussion of procedures for processing management measures for halibut, as well as review of foreign permit applications received since the last Council meeting. The Council has been requested to review NOAA's penalty schedules for fishery violations and to make recommendations for changes.

All other information remains unchanged. For further information contact Jim H. Branson, Executive Director, North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510; telephone: (907) 274–4563.

Dated: May 4, 1987.

Richard B. Roe,

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

[FR Doc. 87–10369 Filed 5–6–87; 8:45 am]

BILLING CODE 3510–22–M

Western Pacific Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Western Pacific Fishery Management Council's advisory bodies will convene public meetings as listed below, at 1164 Bishop Street, Conference Room 602, Honolulu, HI (telephone: 808–523–1368).

Precious Corals Plan Monitoring Team; and Advisory Panel—will convene jointly, May 15, 1987, at 1 p.m., to review a plan amendment to increase the Hawaii "exploratory area" quota from 1,000 kilograms to 5,000 kilograms.

Bottomfish Advisory Panel—will convene May 19, 1987 at 9 a.m., to review a two-tiered permit system for limiting access into the fishery for bottomfish in the Northwestern Hawaiian Islands.

Pelagic Species Plan Advisory Panel (Hawaii members only)—will convene May 19 at 1 p.m. to review an experimental permit to fish with drift-gillnet gear; review the final rules for the Pelagic Species Fishery Management Plan (FMP) which became effective March 23, 1987; discuss the trigger mechanisms in the FMP; discuss the Planning Team Report.

Bottomfish and Seamount Groundfish Plan Monitoring Team—will convene May 20 at 9 a.m. to discuss the status of the annual report preparation; discuss Amendment #1 to the FMP; discuss the two-tiered permit system for the Ho'omolu Zone, as well as discuss other Team business. For further information contact Kitty Simonds, Executive Director, Western Pacific Fishery Management Council, 1164 Bishop Street, Room 1405, Honolulu, HI 96813; telephone: (808) 523–1368.

Dated: May 4, 1987.

Richard B. Roe,

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

[FR Doc. 87–10370 Filed 5–6–87; 8:45 am]

BILLING CODE 3510–22–M

Western Pacific Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Western Pacific Fishery Management Council's Pelagic Species Plan Monitoring Team will convene a public meeting, May 15, 1987, at 9 a.m., at the National Marine Fisheries Services, Honolulu Laboratory, 2570 Dole Street, Conference Room #120, Honolulu, HI (telephone: 808–523–1368 or 943–1221). The Team will review an experimental permit to fish with drift-gillnet gear; discuss the status of the annual report preparation; review the final rules of the Pelagic Species Fishery Management Plan, and discuss the status of programmatic funding requests.

For further information contact Kitty Simonds, Executive Director, Western Pacific Fishery Management Council, 1164 Bishop Street, Room 1450, Honolulu, HI 96813; telephone: (808) 523–1368.

Dated: May 4, 1987.

Richard B. Roe,

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

[FR Doc. 87–10371 Filed 5–6–87; 8:45 am]

BILLING CODE 3510–22–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Establishing an Import Restraint Limit for Certain Wool Textile Products from the People's Republic of Bulgaria

May 1, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on May 8, 1987. For further information contact William Dawson, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of this limit, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, please call (202) 377–3715.

Background

On March 3, 1987, a notice was published in the **Federal Register** (52 FR 6372) which established an import restraint limit for certain wool textile products, produced or manufactured in the People's Republic of Bulgaria and exported during the twelve-month period which began on May 1, 1986 and extends through April 30, 1987.

In the letter published below, the Chairman of the Committee for the Implementation of Textiles Agreements directs the Commissioner of Customs to prohibit entry for consumption of wool textile products in Category 435, produced or manufactured in Bulgaria and exported during the twelve-month period which begins on May 1, 1987 and extends through April 30, 1988, in excess of the designated limit. This limit is reduced to account for carryforward used in the previous agreement year.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

Ronald L. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Mr. Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extended on July 31, 1986; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on May 8, 1987, entry into the United States for consumption and withdrawal from warehouse for consumption of wool textile products in Category 435, produced or manufactured in Bulgaria and exported during the twelve-month period which begins on May 1, 1987 and extends through April 30, 1988, in excess of 10,925 dozen.

In carrying out this directive, entries of textile products in Category 435, produced or manufactured in Bulgaria, which have been exported during the period which began on May 1, 1986 and extends through April 30, 1987, shall, to the extent of any unfilled balances, be charged to the level established for that period. In the event the limit established for the period has been exhausted by previous entries, such goods shall be subject to the level set forth in this directive.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

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

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87–10431 Filed 5–6–87; 8:45 am]

BILLING CODE 3510–DR–M

Amendment of an Import Level for Certain Cotton Products Produced or Manufactured in Mexico

May 1, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on May 8, 1987. For further information contact Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of this limit, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port or call (202) 535–9481. For information on embargoes and quota re-openings, please call (202) 377–3715.

Background

A CITA directive dated April 7, 1987 (52 FR 12230) established import limits for certain cotton, wool and man-made fiber textile products, produced or manufactured in Mexico and exported during the twelve-month period which began on January 1, 1987 and extends through December 31, 1987.

The Governments of the United States and Mexico have agreed to further amend their Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of February 26, 1979, as amended and extended, to increase the consultation level for Category 369pt. (cotton shoe uppers), produced or manufactured in Mexico and exported during the twelve-month period which began on January 1, 1987 and extends through December 31, 1987. The letter to the Commissioner of Customs which follows this notice implements this increase.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

May 1, 1987

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of April 7, 1987, which directed you to prohibit entry of certain cotton, wool and man-made fiber textile products, produced or manufactured in Mexico and exported during the twelve-month period which began on January 1, 1987 and extends through December 31, 1987.

Effective on May 8, 1987, the directive of April 7, 1987 is hereby amended to increase the level for cotton textile products in Category 369pt.[1] to 1,245,583 pounds.[2]

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553 (a)(1).

Sincerely,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-10432 Filed 5-6-87; 8:45 am]

BILLING CODE 3510-DR-M

Announcing an Import Level for Certain Cotton Textile Products Produced or Manufactured in Peru

May 1, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on May 8, 1987. For further information contact William Dawson, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of this limit, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, please call (202) 377-3715.

Background

On February 11, 1987, a notice was published in the **Federal Register** (52 FR 4375) which established an import restraint limit for cotton textile products in Category 338/339, produced or manufactured in Peru and exported during the ninety-day period which began on December 30, 1986 and extended through March 29, 1987.

On April 8, 1987, the Governments of the United States and Peru exchanged diplomatic notes to further amend the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of January 3, 1985, as amended, to include a specific limit for certain cotton textiles products in Category 338/339, including a sublimit for other than tank tops and tee shirts, produced or manufactured in Peru and exported during the four-month period which began on January 1, 1987 and extends through April 30, 1987. The twelve-month level beginning May 1, 1987 was published in the **Federal Register** on April 16, 1987 (52 FR 12449).

In the letter which follows this notice, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to control imports in Category 338/339 for goods imported into the United States between January 1, 1987 and April 30, 1987 at the designated level.

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

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

May 1, 1987

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229

Dear Mr. Commissioner: This directive cancels and supersedes the directive of February 6, 1987 issued to you by the Chairman of the Committee for the Implementation of Textile Agreements, which directed you to prohibit entry for consumption or withdrawal from warehouse for consumption of certain cotton textile products in Category 338/339, produced or manufactured in Peru and exported during the ninety-day period which began on December 30, 1986 and extends through April 29, 1987.

Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extended on July 31, 1986; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of January 3, 1985, as amended, between the Governments of the United States and Peru; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on May 8, 1987, entry into the United States for consumption and withdrawal from warehouse for consumption of textile products in Category 338/339, produced or manufactured in Peru and exported during the period which began on January 1, 1987 and extends through April 30, 1987, in excess of the following restraint limit [1]:

Category	4-month restraint limit
338/339	150,000 dozen of which not more than 100,000 dozen shall be in the sublimit for other than tank tops and tee shirts[1].

[1] All TSUSA numbers in Category 338/339, except 381.0220, 381.0230, 381.4010, 381.41020, 384.0205, 384.0207, 384.0208, 384.0212, 384.0219, 384.0220, 384.0221, 384.2806, 384.2810, 384.2812, 384.2814, 384.2910, 384.2914, 384.2915

Category 338/339 remains subject to the group limit for Categories 330-359 established in the directive of April 11, 1986 for cotton textile products, produced or manufactured in Peru and exported during the twelve-month period which began on May 1, 1986 and extends through April 30, 1987.

Also effective on May 8, 1987, you are directed to deduct from Categories 338 and 339 the following charges made to the group limit for Categories 330-359 established in the directive of April 11, 1986.

Category	Deduct
338	5,620 dozen.
339	65,729 dozen.

The following amounts are to be charged to the limit established in this directive for Categories 338 and 339:

Category	Charge
338	5,620 dozen of which 5,054 dozen to the sublimit [1].

[1] The limit has not been adjusted to account for any imports exported after April 30, 1986.

[1] In Category 369, only TSUSA numbers 386.0410 and 386.5210.

[2] The limit has not been adjusted to reflect any imports exported after December 31, 1986.

Category	Charge
339	65,729 dozen of which 23,367 dozen to the sublimit.[2]

[1] In Category 338, all TSUSA numbers, except, 381.0220, 381.0230, 381.4010, 381.4120.

[2] In Category 339, all TSUSA numbers, except, 384.0205, 384.0207, 384.0208, 384.0212, 384.0219, 384.0220, 384.0221, 384.2806, 384.2810, 384.2812, 384.2814, 384.2910, 384.2914 and 384.2915.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924) December 14, 1983, 48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions or 5 U.S.C. 553.

Sincerely,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-10433 Filed 5-6-87; 8:45 am]

BILLING CODE 3510-DR-M

Investigation of Export Licenses for Textiles and Textile Products Produced or Manufactured in the People's Republic of China

May 4, 1987.

The purpose of this notice is to advise the public that an investigation is being conducted by the Governments of the United States and the People's Republic of China concerning the possibility of fraudulent export licenses covering shipments of textiles and textile products, produced or manufactured in the People's Republic of China and exported to the United States.

At the request of the Government of the People's Republic of China, shipments of textiles and textile products from China identified by the Government of the People's Republic of China and suspected by the U.S. Customs Service to contain a fraudulent export license will not be permitted entry for consumption, and/or withdrawn from warehouse for consumption in the United States without timely verification from the Government of the People's Republic of China that the export license, in fact, was issued by the Government of the People's Republic of China. These shipments will be detained at the port of entry in order to conduct this verification.

Shipments of goods accompanied by an export license confirmed in a timely manner by the Government of the People's Republic of China to be counterfeit will be denied entry.

Visa waivers and replacement visas will not be issued for shipments accompanied by counterfeit export licenses.

The U.S. Customs Service may request redelivery of those goods which have entered the commerce of the United States before March 1, 1987 with export licenses subsequently identified by the Government of the People's Republic of China to be counterfeit. In addition, the U.S. Customs Service may request redelivery of shipments which have entered the United States with replacement visas or visa waivers as a result of counterfeit export licenses.

Anyone who wishes to verify the authenticity of his export license from China may call Mr. Du Baolai at the Embassy of the People's Republic of China in Washington at (202) 328-2527 or write to the Embassy of the People's Republic of China at 2300 Connecticut Ave., NW., Washington, DC 20008.

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-10434 Filed 5-6-87; 8:45 am]

BILLING CODE 3510-DR-M

COMMODITY FUTURES TRADING COMMISSION

Financial Products Advisory Committee; First Renewal

The Commodity Futures Trading Commission has determined to renew again for a period of two years its advisory committee designated as the "Commodity Futures Trading Commission Financial Products Advisory Committee." As required by section 14(a)(2)(A) of the Federal Advisory Committee Act, 5 U.S.C. App. I, 14(a)(2)(A), and 41 CFR 101-6.1007 and 101-6.1029, the Commission has consulted with the Committee Management Secretariat of the General Services Administration, and the Commission certifies that the renewal of the advisory committee is in the public interest in connection with duties imposed on the Commission by the Commodity Exchange Act, 7 U.S.C. 1, *et seq.*, as amended.

The objectives and scope of activities of the Financial Products Advisory Committee are to conduct public meetings and submit reports and recommendations on issues concerning individuals and industries interested in or affected by financial markets regulated by the Commission.

Commissioner Robert R. Davis serves as Chairman and Designated Federal Official of the Financial Products Advisory Committee. The Committee's membership represents a cross-section of interested and affected persons and groups including representatives of new institutional market participants, such as commercial banks, broker-dealers, insurance companies and trust companies; traditional market participants, such as futures commission merchants, commodity pool operators and commodity trading advisors; and other appropriate public participants.

Interested persons may obtain information or make comments by writing to the Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581.

Issued in Washington, DC this 4th day of May, 1987 by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 87-10387 Filed 5-6-87; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Flood Damage Reduction Study, Saugus River and Tributaries; Lynn, Malden, Revere and Saugus, MA

AGENCY: New England Division, U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. *Description of action:* The proposed project would reduce damages due to tidal flooding in the communities of Lynn, Malden, Revere and Saugus, MA. The flood-affected areas are adjacent to the Saugus and Pines River estuary, as well as the coastal shorefronts in Lynn and Revere. Approximately 1700 acres of wetland are contained within the Saugus/Pines estuary. Surrounding the estuary and along the Lynn and Revere shorefronts are a mixture of residential, commercial and industrial land uses. The study area is divided into seven flood prone areas (Revere Beach Backshore, Point of Pines, North Gate, Town Line Brook, East Saugus, Lynn and Upper Saugus River

and Shute Brook) for which protection of approximately 5000 residential, public, commercial and industrial buildings is being considered.

2. *Alternatives:* Three basic options for flood damage reduction are being considered.

Option 1. *Four Structural Local Protection Plans*—would reduce flood damages in the Revere Beach Backshore, Town Line Brook, East Saugus and Lynn areas. About 9.8 miles of dikes, floodwalls and revetment would be constructed along the edge of the estuarine wetland and the banks of the Saugus and Pines Rivers as well as along parts of the Revere Beach, Lynn Harbor and Lynn Beach shorefronts. This option would physically impact 31 acres of vegetated wetlands and 32 acres of coastal mudflats, riverbanks and river bottom.

Option 2. *Nonstructural Plans*—would reduce the vulnerability to flooding through flood preparedness plans and floodproofing of buildings. However, currently available information suggests that floodproofing would protect less than 5% of the structures in the floodplain if results over the entire study area are similar to those already determined for Revere.

Option 3. *Regional Saugus River Flood Gate Plan*—A tidal flood gate plan is being considered, to protect all seven of the flood-prone areas. The flood gates would be located at the mouth of the Saugus River. Physical features of the flood gate plan with 3.0 miles of structures would include a navigation gate and flushing gates in a 1300 foot long concrete or earth dike structure across the rivermouth. The gates would maintain both safe navigation and the natural flushing of the rivers and wetlands by remaining open until the threat of a flood. During storm tide conditions, which normally occurs up to possibly several times a year, the gates would be closed for a few hours during high tide. Shorefront features along Revere Beach, Lynn Harbor and Lynn Beach would be similar to those in Option 1. This option would physically impact 14 acres of coastal mudflats or river bottom, but no vegetated wetlands at all.

Based on initial studies, and coordination with Federal, State and local agencies and officials, it appears at the present time that Option 3—the Regional Saugus River Flood Gate Plan is the most desirable alternative from an engineering, economic, social and environmental point-of-view.

3. *Scoping process:* The Corps of Engineers held a series of five preliminary meetings with Federal, State and local agencies to introduce the study and solicit initial environmental concerns, during the period November, 1985—January, 1986.

The Corps is planning to prepare a combined Draft EIR/EIS, under the Massachusetts Environmental Policy Act (MEPA), and the National Environmental Policy Act (NEPA), respectively, for the proposed project. MEPA Scoping was initiated with the release of an *Environmental Notification Form* (ENF) signed by officials of the four affected communities and noticed in the MEPA Monitor dated March 26, 1987. Availability of the ENF was also advertised in three newspapers and by an associated press release. Over 100 copies of the ENF were mailed to agencies and individuals having interest in the study, prior to the public notification. ENF's were also provided to those requesting them based on the public notification. A Public MEPA Scoping Meeting was held at Revere High School on April 7, 1987. All recipients of the ENF were notified of the meeting and a press release was also provided to the media as a means of notification. The meeting was attended by 50–60 people. The Secretary of Environmental Affairs of the Commonwealth of Massachusetts will issue a Scope of Work for the EIR to the Corps on April 27, 1987.

The Corps will meet with a Technical Group and Citizen Steering Committee throughout the study process to obtain feedback on the study and discuss issues as they may develop. Public meetings will also be held during the study to keep the general public informed.

The DEIS will analyze in depth potential direct and indirect impacts on the Saugus/Pines River estuary, and the Lynn and Revere shorefronts, including for example: Water quality, wetlands, fisheries, benthic organisms, wildlife, birds, open space, recreation and aesthetics. Construction and operational phase impacts will be considered, as well as cumulative and secondary impacts.

The Corps will request that the following agencies accept Cooperating Agency status for this study:

National Marine Fisheries Service
U.S. Environmental Protection Agency
U.S. Fish and Wildlife Service

4. *Scoping meeting.* The Corps plans to hold a NEPA–EIS Scoping Meeting on or about May 27, 1987 at a location to be announced within the study area. All interested agencies, organizations and the public are invited to attend this meeting. Sufficient notification will be provided.

5. *Availability.* It is anticipated that the DEIS would be made available for review in December, 1988.

ADDRESS: Questions about the proposed action and DEIS can be answered by Mr. Robert G. Hunt, Project Manager, New England Division, Corps of Engineers, 424 Trapelo Road, Waltham, MA 02254–9149. Phone: 617–647–8216, or FTS 839–7216.

Dated: April 24, 1987.

Joseph L. Ignazio,

Chief, Planning Division.

[FR Doc. 87–10339 Filed 5–6–87; 8:45 am]

BILLING CODE 3710-24-M

DEPARTMENT OF EDUCATION

[CFDA No.: 84.039]

Inviting Applications for New Awards Under the Library Research and Demonstration Program

Purpose: Provides grants to institutions of higher education and other public or private agencies, institutions, and organizations for research and demonstration programs related to the improvement of libraries, training in librarianship, and for the dissemination of information derived from those projects.

Deadline for transmittal of applications: June 26, 1987.

Deadline for intergovernmental review comments: August 25, 1987.

Applications available: May 11, 1987.

Available funds: $273,000.

Estimated average size of awards: $50,000–$100,000.

Estimated number of awards: 3–5.

Project period: 12 months.

Applicable regulations: (a) The Higher Education Act Library Research and Demonstration Program, 34 CFR Part 777, and (b) The Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, 78, and 79.

For applications or information contact: Frank A. Stevens, Director, Library Development Staff, U.S. Department of Education, 555 New Jersey Avenue NW., Room 402M, Washington, DC 20208–1430. Telephone (202) 357–6315.

Program Authority: 20 U.S.C. 1031 *et seq.*

Dated: May 4, 1987.

Chester E. Finn, Jr.,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 87–10365 Filed 5–6–87; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Richland Operations Office; Restriction of Eligibility for Cooperative Agreement

AGENCY: U.S. Department of Energy, Richland Operations Office.

ACTION: Notice of restriction of eligibility for cooperative agreement.

SUMMARY: In accordance with the DOE Financial Assistance Rules, 10 CFR 600.9, the Department of Energy, Richland Operations Office announces that it intends to issue a solicitation for cooperative agreement proposal (SCAP) to the State of Alaska to establish a demonstration commodity irradiator in the state.

Solicitation for proposal: DE–SC06–87RL11396.

Authority: October 15, 1986 Conference Report on H.J.R. 738 Continuing Resolution, p. 648. DOE Financial Assistance Rule 10 CFR 600.

Scope of project: The Congress provided $5,000,000 to the DOE in the FY 1986 appropriations and directed the DOE to provide for a civilian integrated byproducts program with a primary emphasis on food irradiation. An additional $5,000,000 was provided in the FY 1987 appropriations. Based on the language accompanying the FY 1987 appropriation the program should be directed at establishing six demonstration irradiators to address various agricultural commodities and markets. The Department was directed to make funds available only for the following regional projects: Florida Department of Agriculture and Consumer Services; Hawaii Department of Planning and Economic Development; Iowa State University; Oklahoma, Red-Ark Development Authority; Washington, Port of Pasco; and State of Alaska.

The performance of this cooperative agreement is therefore being limited to the State of Alaska. The state is a major U.S. producer of seafood, including major products, such as salmon, halibut, and crab. The value of these products could be significantly increased if a greater percentage of them could be used in fresh markets, a possibility if the products were treated with radiation. Other Alaska commodities may also be candidates for irradiation treatment.

The initial step in the project will be to complete an options analysis which addresses product flows; irradiator size; location and design characteristics; economics; regulatory status; and overall project impacts. The irradiation facility will enable research on the benefit and overall effects of irradiating Alaska commodities; irradiation of sufficient quantities of these commodities to test marketability; evaluation and demonstration of irradiator design concepts for commercial scale use of the irradiation process for Alaska commodities; and technology transfer, including training, for the fisheries industry both in Alaska and worldwide. The facility will be designed in accordance with all applicable regulatory criteria and will be licensed by the appropriate regulatory authority as a facility using nuclear byproduct material. In order to establish the facility, DOE and the State of Alaska will assume various roles and responsibilities with regard to design, construction, and operation (up to three years) of the facility. These roles and responsibilities will be defined in detail when the cooperative agreement between DOE and the State is proposed by the State, evaluated by DOE and negotiated. It is anticipated that this agreement will be phased over a period of several years as the irradator is designed, built and operated. The total estimated cost of this project is $3.0M–$4.5M with a FY 1987 allocation of $150,000. The SCAP will be issued May 8, 1987.

The proposal is due June 1, 1987

For further information contact: Hilda Chavallo, U.S. Department of Energy, Richland Operations Office, P.O. Box 550, Richland, WA 99352, (509) 376–2004.

Issued in Richland, WA.

Dated: April 27, 1987.

Robert D. Larson,

Director, Procurement Division.

[FR Doc. 87–10376 Filed 5–6–87; 8:45 am]

BILLING CODE 6450–01–M

Office of Conservation and Renewable Energy

Energy Conservation Program for Consumer Products; Petition for Waiver of Central Air Conditioner Test Procedures From The Trane Company (CAC–003)

AGENCY: Conservation and Renewable Energy Office, DOE.

SUMMARY: Today's notice publishes a "Petition for Waiver" from The Trane Company (Trane) of Tyler, Texas, requesting a waiver from the existing Department of Energy (DOE) test procedures for central air conditioners. Trane manufactures residential and commercial air conditioning appliances. The petition requests DOE to grant relief from the test procedure as applied to the heating mode of Trane's TWS variable-speed model series central air conditioners (heat pumps). Trane seeks to test using maximum, minimum, and nominal capacity compressor speeds instead of the single speed specified in the DOE test procedures. Trane requests the test and calculation methods as proposed in DOE's proposed central air conditioners rulemaking, published in the **Federal Register** on October 7, 1986, [51 FR 35745] and Appendix B to the Air Conditioning and Refrigeration Institute Standard 210/240–84, with modifications, be substituted for the current DOE test procedures for central air conditioners. DOE is soliciting comments, data, and information respecting the petition.

DATE: DOE will accept comments, data and information not later than June 8, 1987.

ADDRESS: Written comments and statements shall be sent to: Department of Energy, Office of Conservation and Renewable Energy, Case No. CAC–003 Mail Stop CE–132, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Michael J. McCabe, U.S. Department of Energy, Office of Conservation and Renewable Energy, Mail Station CE–132, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9127

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC–12, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9507

Background

The Energy Conservation Program for Consumer Products (other than automobiles) was established pursuant to the Energy Policy and Conservation Act (EPCA), Pub. L. 94–163, 89 Stat. 917, as amended by the National Energy Conservation Policy Act (NECPA), Pub. L. 95–619, 92 Stat. 3266, and the National Appliance Energy Conservation Act of 1987, Pub. L. 100–12, which requires DOE to prescribe standardized test procedures to measure the energy consumption of certain consumer products, including central air conditioners. The intent of the test procedures is to provide a comparable measure of energy consumption that will assist consumers in making purchasing decisions. These test procedures appear at 10 CFR 430, Subpart B.

DOE has amended the prescribed test procedures by adding 10 CFR 430.27, Petitions of Waiver, to allow the Assistant Secretary for Conservation and Renewable Energy temporarily to waive test procedures for a particular

basic model. 45 FR 64108, Sept. 26, 1980. DOE further amended the Department's appliance test procedure waiver process to allow the Assistant Secretary for Conservation and Renewable Energy to grant an interim waiver from test procedure requirements to manufacturers that have petitioned DOE for a waiver of such prescribed test procedures. 51 FR 42823, Nov. 26, 1986. Waivers may be granted when one or more design characteristics of a basic model either prevent testing of the basic model according to the prescribed test procedures, or lead to results so unrepresentative of the model's true energy consumption as to provide materially inaccurate comparative data. Waivers generally remain in effect until final test procedure amendment become effective, resolving the problem that is the subject of a waiver.

Trane's petition seeks a waiver from the DOE test provisions that require testing heat pumps in the heating mode at a single compressor speed. Trane was granted a waiver from the DOE test provisions that require testing its TWS series heat pump in the cooling mode at a single compressor speed on April 13, 1987, [52 FR 11855]. Trane requests allowance to use a proposed DOE test procedure and Appendix B of the Air Conditioning and Refrigeration Institute (ARI) Standard 210/240–84 with amendments. Trane's petition requests that steady state test points be at maximum, minimum and a "nominal capacity" speeds in order to accurately reflect the system's HSPF rating. Trane requests the frost/defrost test be run at the intermediate speed specified in the April 13 Decision and Order for the cooling test with a tolerance of ±5%. Trane further requests to use DOE's proposed procedure for cyclic testing with both capacity and fan power integrated to the time determined by the units automatic controls. Trane also wants to use ARI 210/240–84 to determine the heating part load factor.

Trane submitted an application for interim waiver to DOE, dated March 17, 1987, following its submission of a petition for waiver. DOE will address the application for interim waiver in a separate notice.

Pursuant to paragraph (b) of 10 CFR 430.27, DOE is hereby publishing the "Petition for Waiver" in its entirety. The petition contains no confidential information. DOE solicits comments, data, and information respecting the petition.

Issued in Washington, DC, April 24, 1987.

Donna R. Fitzpatrick,

Assistant Secretary, Conservation and Renewable Energy.

March 10, 1987.

U.S. Department of Energy,
Assistant Secretary, Conservation and Renewable Energy, 1000 Independence Avenue, SW., Washington, DC 20585

Gentlemen: This petition for waiver is being submitted pursuant to 10 CFR Part 430, Appendix M to Subpart B, *Test Procedures for Central Air Conditioners, Including Heat Pumps.* The requested test and rating method is based on DOE's published Proposed Rulemaking Procedures (Reference 1), and includes both modifications outlined in DPG's comments on DOE's proposed procedures (Reference 2) and minor modifications to maintain consistency with our requested Petition for Waiver for the cooling mode (References 3 and 4)*

Waiver is requested for Trane's TWS model variable speed heat pumps in the heating mode. Models in the TWS product line use variable speed motors to drive the compressor, indoor blower, and outdoor fan. The compressor is controlled over a wide range of speeds; the indoor blower and outdoor fan motors operate over narrower ranges. The system requires the use of our microprocessor design in conjunction with a special thermostat.

Carrier was granted permission to use a modified test and rating procedure on October 3, 1986 for their variable speed product line. This granted waiver was too broad and non-specific to ensure a consistent interpretation of test data for the rating of our variable speed product line. Verification by an independent laboratory using Carrier's procedure could result in an unacceptably large variation in the test values, as was addressed in Reference 3.

After Carrier's waiver was granted, DOE published a variable speed rating procedure in their Proposed Rulemaking on October 7, 1986 (Reference 1). While this procedure is more specific, it requires a few minor modifications, as were discussed in detail in Reference 2.

The intent of the current petition is to provide a rating method for Trane DPG's variable speed product line that is consistent with all four references cited within this petition. We request the authorization to substitute the test and calculation methods as described in this letter and its attachment, for Appendix M, Subpart B of Part 430, *Test Procedures for Central Air Conditioners, Including Heat Pumps,* as applied to the heating mode of Trane's model TWS variable speed heat pumps. A petition for an interim waiver for the procedures described herein will be submitted to you as soon as possible.

The requested test and rating method is summarized below. Details can be found in the attachment.

Steady state testing: Two steady state test points at both minimum and maximum speed are used to establish a pair of lines that describe the extremes of the operating range as a function of outdoor temperature. The specific points and equations for the lines are the same as those in Reference 1.

ARI Standard 210/240–84 includes an optional "Nominal Capacity" test at 70–47/43 for some intermediate speed, which is discussed in Reference 2. The heating building load line is based on this capacity in lieu of the maximum speed 70–47/43 test data. This is the only use of the nominal capacity test data.

The "Nominal Capacity" test is not clearly defined in the ARI standard. However, it does provide a procedure for the rating of a variable speed heat pump that is able to provide a substantially higher heating capacity than cooling capacity via a higher maximum heating speed than maximum cooling speed. This can be accomplished by controls. The higher maximum heating speed provides additional heating capacity, thus reducing the amount of electric heat required to satisfy the heating building load. Under DOE's proposed procedures, this energy saving feature cannot be reflected in a variable speed system's HSPF rating.

We propose that a nominal capacity test be included, with the definition of nominal being "the lesser of the heating capacity at the maximum compressor speed allowed by the controls in the cooling mode or the maximum speed allowed by the controls in the heating mode". The addition of this test maintains a consistent procedure between current rating methods and gives a legitimate credit to those systems having controls that allow a higher maximum operating speed in heating than in cooling.

Frost/defrost test: We request that we be allowed to run the frost/defrost test at the same speed as the cooling intermediate test speed. This speed, which will be measured during the load-match test described in Reference 3, is approximately one-third of the way between maximum and minimum speed. The rationale for this speed selection is discussed in Reference 2. The tolerance allowed on the heating intermediate speed will be ±5% (Reference 2).

It is further requested that HSPF credit for demand defrost be given as a function of frost/defrost cycle time, with the specific HSPF enhancement to be used as outlined in Reference 2 and in the attachment. This credit is in lieu of the flat 4% HSPF enhancement proposed in DOE's variable speed procedures, and is consistent with DOE's proposed single speed credit for demand defrost.

Cyclic testing: Cyclic testing will be performed at the temperature and speed conditions outlined in DOE's proposed procedure. We request that we be allowed to use the current damper method in lieu of the continuous fan method proposed by DOE, and that both net capacity and indoor fan power be integrated to the time determined by the automatic controls. The compressor "on" time will be 6 minutes or the minimum allowed by the controls, whichever is greater. The "off" time will be four times the "on" time, thus preserving the duty cycle currently standardized in the industry for cyclic testing. These compressor "on/off" times are consistent with the amended cyclic test procedure in Reference 4.

Heating part load factor: It is requested that we be allowed to use the heating part

load factor specified in ARI 210/240–84. This will maintain a consistent calculation method between Reference 3 and this interim heating rating method. There is minimal difference in the resulting HSPF values; the PLF defined in ARI 210/240–84 results in a slightly more conservative rating value.

Reference 4 and sections from Reference 2 that apply to variable speed procedures are attached for your convenience. A complete copy of Reference 2 can be supplied at your request; it is a matter of record. Copies of Reference 2 were also sent to ARI and NBS. Supporting details, such as test data, can be supplied at your request on a proprietary basis.

References

1. **Federal Register**, Volume 51, Number 194, 10 CFR Part 430, "Energy Conservation Program for Consumer Products; Test Procedures for Central Air Conditioners, Including Heat Pumps; Proposed Rule and Public Hearing", published October 7, 1986, pp. 35745–35769, inclusive.

2. L.E. Chaump, Trane Comments on reference 1, Letter dated January 5, 1987.

3. **Federal Register**, Volume 51, Number 192, "Energy Conservation Program for Consumer Products; Petition for Waiver of Central Air Conditioner Test Procedures from The Trane Company (CAC–002)"; published October 3, 1986, pp. 35410–35419, inclusive.

4. L.E. Chaump, Rebuttal of Comments Received by DOE for Reference 3, Letter dated November 24, 1986.

Sincerely,

L.E. Chaump,

Vice-President, Engineering.

Attachment I—Details of Rating Method for Variable Speed Products in the Heating Mode

This attachment is a revised version of DOE's Proposed Rulemaking for 10 CFR Part 430, published in the **Federal Register** October 7, 1986 and only addresses heating rating procedures for variable speed heat pumps. The changes herein are to adapt the proposed procedures to Trane's interim heating rating method until such time that a final ruling on DOE's procedures has been made.

Air flow Rates

Proposed Rulemaking reference: Section 2.1.3, Appendix M1

The air flow rate at fan speeds less than the maximum fan speed shall be determined by using the fan laws for a fixed resistance system. The air flow rate is then given by the ratio of the actual fan speed to the maximum fan speed multiplied by the air flow rate at the maximum fan speed. Minimum static pressure requirements only apply when the fan is running at the maximum speed.

Test Procedures: Cycling

Proposed Rulemaking reference: Section 3.1.1, Appendix M1

Test procedures shall be as specified in section 5.0 of ARI Standard 210/240–84 and in section 8.0 ANSI/ASHRAE Standard 116–1983, with the inclusion of the following conditions.

Heating cyclic tests shall be conducted by cycling the compressor "on" for the greater of six (6) minutes or the minimum time allowed by the controls and "off" for four (4) times the "on" time. The method of test shall be the damper method, which is described in the current 10 CFR Part 430, Published December 27, 1979 in the **Federal Register.**

The indoor air moving equipment shall also cycle "off" as governed by any automatic controls normally installed with the unit. Both net capacity and power shall be integrated. This last requirement applies to units having an indoor fan time delay. Units not supplied with an indoor fan time delay shall have the indoor air moving equipment cycle "on" and "off" as the compressor cycles "on" and "off."

In lieu of conducting heating cyclic tests, an assigned value of 0.35 shall be used for the degradation coefficient.

Test Procedures; Intermediate Speed

Proposed Rulemaking Reference: Section 3.1.2

The frost accumulation test shall be conducted at the temperature conditions in Appendix B of ARI 210/240–81.

The unit shall be operated at a constant, intermediate compressor speed (K = Vn). The intermediate compressor speed shall be within 5% of the intermediate speed measured during the intermediate speed test in the cooling mode.

Heating seasonal performance factor.

Proposed rulemaking reference: Section 4.2.

The heating seasonal performance factor (HSPF) shall be expressed in Btu per watt-hour. For each of the six regions specified in Table 2 of this appendix, a separate HSPF shall be determined for the standardized maximum DHR, the standardized minimum DHR and for all other standardized DHR's (See Table 3 of this Appendix) between the maximum and minimum values.

For air-source units that are equipped with "demand defrost control systems", the value for HSPF, as determined above shall be multiplied by an enhancement factor, F_{def} to compensate for improved performance not measured in the Frost Accumulation Test.

The factor, F_{def} depends on the number of defrost cycles in a 12-hour period (n) and should be calculated as follows:

The factor, F_{def} depends on the length of the defrost cycle (t) from the frost accumulation test, and shall be calculated as follows:

$F_{def} = 1.03 + 0.03 * (90\text{-}t)/630$ for $t \geq 90$ minutes

$F_{def} = 1.03$ for $t < 90$ minutes

where t = length of the defrost accumulation period in minutes.

Reference section 4.2.4.

HSPF shall be defined as the heating seasonal performance factor (HSPF) as specified in 2.2 of Appendix B of ARI Standard 210/240–84 multiplied by 3.413 Btu/hr in which the number of hours in the J^{th} temperature bin (n_j) in the equations for HSPF and for supplementary resistance heat term (RH (t_j)) is defined in Table 2 of this appendix and in which the part-load factor (PLF) in the equation for power input (E(t_j)) is defined in Section 2.2 of Appendix B of ARI 210/240–84.

The HSPF shall be determined by the method for two speed or two compressor units, as specified in ANSI/ASHRAE Standard 116–1983 and ARI Standard 210/240–84, and in accordance with the following changes. The DHR shall be determined by heating capacity at 70–47/43, nominal compressor speed, using Table 6.2.6 in ARI 240–81 as defined in ARI 210/240–84 Appendix A. "Nominal" shall be defined as the lesser of the heating capacity at the maximum compressor speed allowed by the controls in the cooling mode or the maximum speed allowed by the controls in the heating mode.

The capacity for the unit modulating at the intermediate compressor speed (k = v) at any temperature (t_j) is deterrmined by:

$$q^{k=v}(t_j) = q^{k=v}\ (35) + M_q\ (t_j - 35)$$

where: $q^{k=v}(35)$ = the capacity of the unit at 35°F determined at the intermediate compressor speed (k=v) in the frost accumulation test

M_q = slope of the capacity curve for the intermediate compressor speed (k=v)

$$M_q = \frac{Q_{ss}^{k=1}\ (62) - Q_{ss}^{k=1}\ (47)}{62 - 47} * (1 - N_q) + N_q \frac{Q_{ss}^{k=2}\ (47) - Q_{ss}^{k=2}\ (17)}{47 - 17}$$

$$N_q = \frac{Q_{ss}^{k=v}\ (35) - Q_{ss}^{k=1}\ (35)}{Q_{ss}^{k=2}\ (35) - Q_{ss}^{k=1}\ (35)}$$

Once the equation for $q^{k=v}\ (t_j)$ has been determined, the temperature where $q^{k=v}(t_j)=BL(t_j)$ can be found. This temperature is designated as t_{VH}. A separate t_{VH} shall be determined for each design heating requirement.

The electrical power for the unit operating at the intermediate compressor speed (k=v) and at the temperature (t_{VH}) is determined by:

$$E_{ss}^{k=v}\ (t_{VH}) = E_{ss}^{k=v}\ (35) + M_E(t_{VH} - 35)$$

where: $E_{ss}^{k=v}\ (35)$ = the electrical power input of the unit at 35°F determined at the intermediate compressor speed (k=v) in the frost accumulation test

M_E = slope of the electrical power input curve for the intermediate compressor speed (k=v)

$$M_E = \frac{E_{ss}^{k=1}\ (62) - E_{ss}^{k=1}\ (47)}{62 - 47} * (1 - N_E) + N_E \frac{E_{ss}^{k=2}\ (47) - E_{ss}^{k=2}\ (17)}{47 - 17}$$

$$N_E = \frac{E_{ss}^{k=v}\ (35) - E_{ss}^{k=1}\ (35)}{E_{ss}^{k=2}\ (35) - E_{ss}^{k=1}\ (35)}$$

The following section replaces Case II in Section 2.2 of ARI 210/240-84.

Case II

When the compressor speed varies between maximum speed (k=2) and minimum speed (k=1) such that k=v to satisfy the building load at temperature t_j, evaluate the following equations:

$$q_{ss}^{k=v}(t_j) = BL\ (t_j)$$

where: $q_{ss}^{k=v}\ (t_j)$ = steady-state capacity delivered by the unit at any speed between the minimum and maximum compressor speeds at temperature t_j

when $t_j \geq t_{VH}$

$$E_{ss}^{k=v}(t_j) = E_{ss}^{k=v}(t_{VH}) + \frac{E_{ss}^{k=1}(t_3) - E_{ss}^{k=v}(t_{VH})}{t_3 - t_{VH}} * (t_j - t_{VH}),$$

where: $E_{ss}^{k=v}(t_j)$ = the electrical power input required by the unit at temperature t_j and at a variable compressor speed between the minimum and maximum compressor speeds

$E_{ss}^{k=v}(t_{VH})$ = the electrical power input required by the unit at temperature t_{VH} and at the intermediate compressor speed (k=v), as determined above

$E_{ss}^{k=1}(t_3)$ = the electrical power input required by the unit at temperature t_3 and at the minimum compressor speed

t_3 = temperature at which $q_{ss}^{k=1}(t_j) = BL(t_j)$

when $t_j < t_{VH}$

$$E_{ss}^{k=v}(t_j) = E_{ss}^{k=v}(t_{VH}) + \frac{E_{ss}^{k=2}(t_4) - E_{ss}^{k=v}(t_{VH})}{t_{VH} - t_4} * (t_{VH} - t_j)$$

where: $E_{ss}^{k=2}(t_4)$ = the electrical power input required by the unit at temperature t_4 and at the maximum compressor speed

t_4 = temperature at which $q_{ss}^{k=2}(t_j) = BL(t_j)$

For units that are equipped with "demand defrost control systems," the value for HSPF, as determined above, shall be multiplied by an enhancement factor of F_{def}, as defined above, to compensate for improved performance not measured in the Frost Accumulation Test.

Annual performance factor:

DOE proposed rulemaking: Section 4.3.

The annual performance factor (APF) shall be expressed in Btu per watt-hour. For each of the six regions in Table 2 of this appendix, a separate APF shall be determined for the standardized maximum DHR, the standardized minimum DHR and for all other standardized DHR's (See Table 3 of this appendix) between the maximum and minimum values, APF shall be defined as:

$$APF = \frac{[CLH * \bar{Q}_{ss}(95)] + [HLH * DHR * C]}{\frac{CLH * Q_{ss}(95)}{SEER} + \frac{HLH * DHR * \bar{C}}{HSPF}}$$

where:

CLH = cooling load hours for a specific location as reported in Figure 1 of this appendix

$Q_{ss}(95)$ = Steady state capacity as measured in Test A

HLH = heating load hours for a specific location as reported in Figure 2 of this appendix

DHR = standardized design heating requirement

C = adjustment factor which serves to adjust the calculated design heating load hours to the actual heating load hours experienced by a heating system and is 0.77

SEER = seasonal energy efficiency ratio as determined by 4.1 of this appendix

HSPF = heating seasonal performance factor as determined by 4.2 of this appendix

TABLE 2.—DISTRIBUTION OF TEMPERATURE BIN HOURS FOR COOLING

Bin No. (j)	Representative Bin temperature (Tj)	Temperature Bin Hours for each region					
		I	II	III	IV	V	VI
1	218	268	268	297	291	311	
2	179	236	248	250	253	566	
3	145	204	241	232	236	591	
4	97	179	240	209	209	561	
5	61	140	236	225	214	388	
6	31	110	206	245	239	209	
7	14	70	161	283	280	94	
8	4	30	82	196	258	22	
9	1	10	37	124	204	8	
10	0	3	16	81	151	0	
11	0	0	9	58	129	0	
12	0	0	4	29	105	0	
13	0	0	2	14	80	0	
14	0	0	0	5	50	0	
15	0	0	0	2	28	0	
16	0	0	0	0	14	0	
17	0	0	0	0	6	0	
18	0	0	0	0	3	0	

TABLE 4.—REGIONAL COOLING LOAD HOURS (CLH), HEATING LOAD HOURS (HLH), OUTDOOR DESIGN TEMPERATURE (T_{OD}) and Mean Ground-Water Temperature (T_w)

Region	CLH	HLH	T_{OD}	T_w
I	2,400	750	37	72
II	1,800	1,250	27	68
III	1,200	1,750	17	62
IV	800	2,250	5	53
V	400	2,750	-10	45
VI	200	2,750	30	55

Attachment II—Sections From Reference 2

Cyclic Testing

Indoor fan time delay devices. In the revised Appendix there is no provision for recognition of the use of indoor fan time delay devices. We assume this was an oversight since the current procedure includes such recognition. We believe that these devices provide real efficiency improvements by delivering stored heat to the conditioned space, which would otherwise be lost in many common applications where the supply ducts are located outside the space. The effect should be measured by extension of the integration period for both net capacity and indoor fan power to the time determined by the automatic controls provided with the equipment.

Preferred method. The Trane Company has opposed the continuous air test method since its inception. Our objection was and remains that the method causes a redefinition of SEER and HSPF because of differing results versus the damper method. We do not believe that the benefits claimed for the continuous air method justify the disruption caused by the redefinition. Several benefits of the method have been presented. Our experience does not support these claims as discussed below.

Less costly testing. The only difference we have observed in the test time results from

the fact that occasionally with the damper method, the facility does not return to precisely the same air flow when restarted after the off period. This is adjusted in a matter of seconds. The difference is insignificant when compared to the total test time.

The difference in cost is small for facilities to conduct the two methods. Recently, we prepared a cost estimate for conversion of one of the company's facilities for cyclic testing. The estimate was prepared for internal approval of the expenditure. The estimate is shown in Table CA1 below:

TABLE CA1

Item	Investment
Computer Data Acquisition	$35,000
Temperature Recorder	4,200
Power Measurement & Recording	8,400
Dampers (Including Installation)	7,000
Total	54,600

It can be seen that the major investment is for the data acquisition equipment for measurement of transient temperatures, which is necessary for either method. The equipment and installation costs for the dampers are small compared to the total.

Better repeatability. In recent months, we have conducted a number of tests of highest sales volume combinations for introduction of new models. For several models we measured cyclic performance for all samples using both the damper method and the ASHRAE/ARI continuous air test. The results are shown in Table CA2 for cooling and Table CA3 for heating. The test numbers refer to different samples of the same model. Sample standard deviations were calculated for Cd in each case as the measure of variability. It can be seen that the mean of these standard deviations is slightly higher for the continuous air method. Using a common test, it can be shown that there is no statistically significant difference in the mean for the two methods. For models with high variability, it is high for both methods. It is concluded that variability is more likely to be caused by equipment variations than by testing differences. In addition, we have experienced no difficulties with our ratings in certification tests that were caused by differences in ETL cyclic test results versus our own. We conclude that the claim of better repeatability for the continuous air method is not supported by our experience.

Facility considerations. It has been claimed that the required indoor test cell space is less for the continuous air method. Cell volume is determined by code requirements which limit air velocity. We have converted several facilities for damper cyclic testing, and in no case has the indoor cell volume been a limiting factor.

More technically correct. Both methods have provisions which are departures from real installations. The most obvious of these are dry coil conditions, dampers and continuous fan operation which we believe is not common in residential applications. The standardized 6/24 minute cycle time is also a compromise. These are necessary for reasonable non-steady state performance measurement. We do not believe that the continuous air method is significantly closer to reality than the damper method.

TABLE CA2.—TEST METHOD VARIABILITY COOLING DEGREDATION COEFFICIENT

Model and expansion type	Damper Cd			6/8 Cont Air Cd			Std Deviation	
	Test 1	Test 2	Test 3	Test 1	Test 2	Test 3	Dampers	Cont Air
A—Fixed	0.296	0.277	0.311	0.171	0.213	0.214	0.01390	0.02000
B—Fixed	.240	.245		.166	.229		.00250	.03150
C—Fixed	.144	.156	.164	.097	.078	.081	.00820	.00830
D—Fixed	.134	.141		.081	.074		.00350	.00350
E—Fixed	.159	.168	.186	.094	.081	.105	.01120	.00980
F—Fixed	.196	.158	.166	.091	.058	.078	.01640	.01360
G—Fixed	.138	.139		.077	.071		.00050	.00300
H—Fixed	.191	.162		.098	.081		.01450	.00850
I—Fixed	.098	.095		.036	.047		.00050	.00550
J—Fixed	.112	.157		.013	.068		.02250	.02750
K—Fixed	.113	.144	.167	.048	.085	.075	.02210	.01560
L—BTXV	.112	.111		.031	.031		.00050	.00000
M—NBTXV	.126	.100	.115	.118	.089	.119	.01070	.01390
N—NBTXV	.091	.108	.087	.080	.105	.104	.00910	.01160
O—NBTXV	.068	.085		.073	.095		.00850	.01100
Average STD deviation							.00964	.01222

TABLE CA3.—TEST METHOD VARIABILITY HEATING DEGREDATION COEFFICIENT

Model and expansion type	Damper Cd			6/8 Cont Air Cd			Std Deviation	
	Test 1	Test 2	Test 3	Test 1	Test 2	Test 3	Dampers	Cont Air
B—BTXV	0.252	0.246		0.205	0.213		0.00300	0.00400
C—BTXV	.305	.340	0.295	.287	.273	0.309	.01930	.01480
D—BTXV	.273	.266		.226	.216		.00350	.00500
E—BTXV	.246	.267	.271	.212	.228	.212	.01100	.00750
F—BTXV	.273	.284	.284	.178	.197	.209	.00520	.01280
G—BTXV	.212	.223		.164	.167		.00550	.00150
H—BTXV	.239	.238		.175	.154		.00050	.01050
I—BTXV	.212	.223		.170	.148		.00550	.01100
J—BTXV	.215	.243		.159	.206		.01400	.02350
K—BTXV	.199	.219		.142	.162		01000	.01000
L—NBTXV	.235	.240	.211	.183	.184	.193	.01270	.00450
M—NBTXV	.193	.197	.222	.153	.158	.180	.01280	.01170
Average STD deviation							.00858	.00973

Demand Defrost Credit

DOE has proposed revising the demand credit from a constant enhancement of capacity measured in the Frost Accumulation Test to an HSPF credit which is a function of the number of defrosts during a twelve hour period. We support this concept as a reasonable approach when units must be considered which have very long defrost times. However, we anticipate a problem with the specific equation proposed. This equation is:

$Fdef = 1 + 0.4*(N-1)/7$

where N is the number of defrosts in a twelve hour period. Fdef is defined as 1.04 for N greater than 8.0. This equation can be restated as a function of t, the measured time between defrost terminations as follows:

$Fdef = 1 + 0.04*(720/t-1)/7$

where Fdef is defined as 1.04 for t less than or equal to 90 minutes. This relationship is shown in Figure DC1 attached.

The problem with this relationship is that it is an inverse function of t and its slope is

very steep in the range of t between 90 and 200 minutes. This will cause an increase in sample to sample variability for the measurement and calculation of HSPF. Table DC1 below shows an array of test data for some of our heat pump models having demand defrost controls.

TABLE DC1.—TIME BETWEEN DEFROST TERMINATIONS

	Test 1	Test 2	Test 3
Model:			
A	109	111	146
B	147	100	.....
C	60	152	64
D	62	63	.....
E	95	268	228
F	132	89	91
G	80	119	91
H	79	82	.....
I	78	58	.....
J	79	65	.....
K	216	83	.....

TABLE DC1.—TIME BETWEEN DEFROST TERMINATIONS—Continued

	Test 1	Test 2	Test 3
L	146	140	154
M	91	104	140
N	99	100	.....
O	79	79	.....
P	94	110	100

These controls are designed and applied to give defrost initiation at a constant percent degredation in capacity. The time of frost accumulation is variable. The variability is caused by individual sample differences and slight differences in facility humidity control during the test, and can be quite large as shown in the table. This increase in HSPF variability will result in:

—Reduced ratings for those who chose to limit their testing to two samples and rate at the lower 90% confidence limit divided by 0.95.

—More testing for those who wish to maximize their ratings by sampling until the valid rating is the sample mean.

Both these results are considered undesirable. The problem can be eliminated and the intent of the change preserved by the use of the following linear equation of defrost time:

$$Fdef = 1.03 + 0.03 * (90 - t)/630$$

Fdef for this recommended procedure is defined as 1.03 for t less than or equal to 90 minutes. The relationship is shown in Figure DC2 attached and compared to the DOE proposal. The maximum Fdef is set at 1.03 to preserve the current rating levels as closely as possible. We find for our products that the net result of the current 7% defrost capacity credit is close to a 3% increase in HSPF.

BILLING CODE 6450-01-M

FIGURE DC1

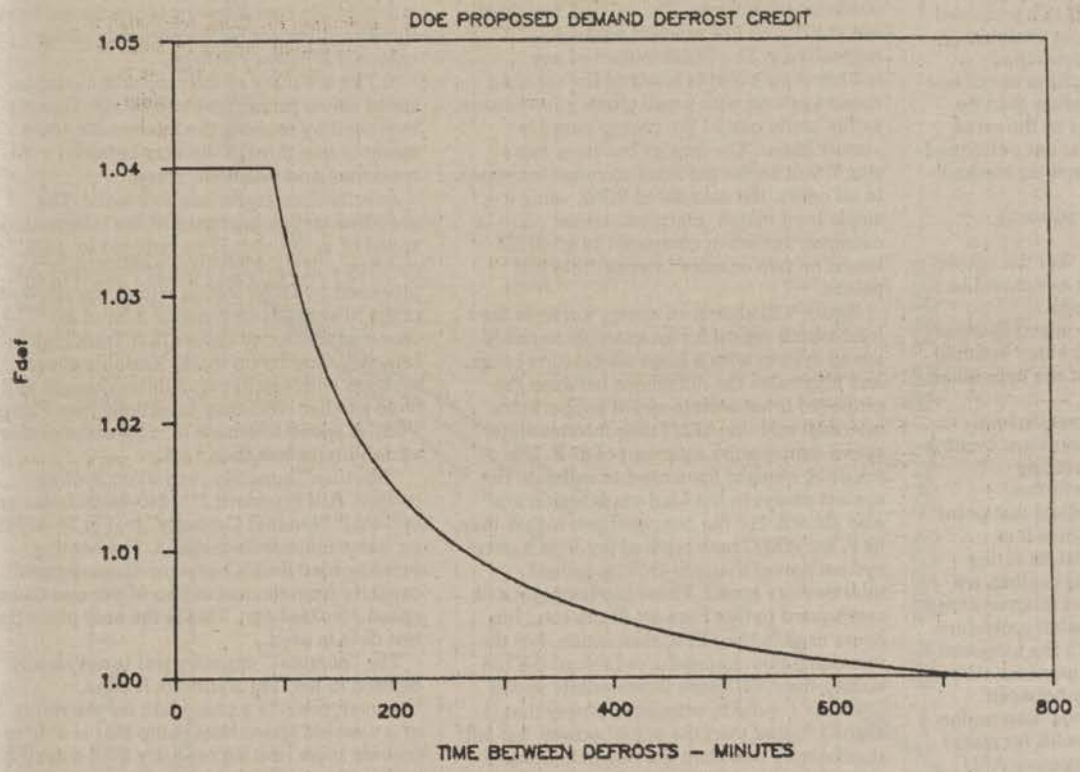
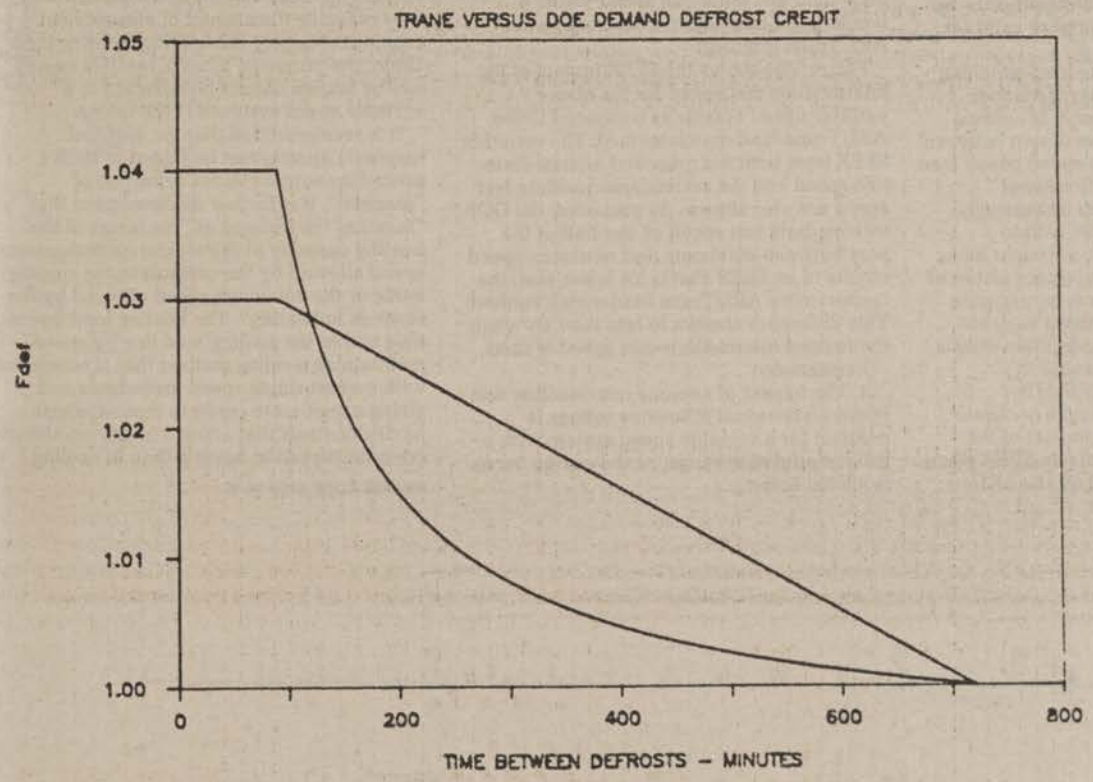


FIGURE DC2



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Variable Speed Rating Procedure

Intermediate speed specification. The biggest difference between DOE's proposed SEER calculation procedure for variable speed systems and Trane's petitioned procedure is that the intermediate speed test point is specified by speed rather than by matching the system capacity to the rated building load. We believe that our petitioned load-match procedure is a superior method for several reasons:

1. The intermediate speed power is measured, not extrapolated.

2. The procedure confirms that the system is able to load match (within a reasonable tolerance) at the test conditions.

3. All comparable variable speed systems would be tested based on the same building load, which is independent of the individual system' modulation range.

It would be difficult, however, to load-match in heating due to the transient frosting conditions under which the heating intermediate speed test is performed. Specifying a heating intermediate test point by speed is more practical. Since it is desirable to maintain a consistent rating procedure in both heating and cooling, we support the specification of an intermediate test speed in lieu of a load-match procedure.

We disagree, however, with the proposed intermediate test speed. An intermediate test speed of "one-half of the way between maximum and minimum speeds" can underestimate the SEER as much as 3% (or more) when compared to the conservative ARI/Trane load-match method. The impact of the intermediate test speed on HSPF appears to be less. Since the magnitude of this impact is greater for SEER, the following discussion addresses ony the cooling rating procedures. The conclusions and summary are valid for both heating and cooling.

When system power in the load-matching region is plotted as a function of outdoor temperature, the resulting curve is convex with respect to a straight line drawn between the maximum and minimum speed power (see Figure VS1). As the modulation range increases, the curve becomes increasingly non-linear, making it more difficult to accurately represent with two straight lines. Estimating this curve with a larger number of small, straight lines yields a more accurate estimation, particularly for those variable speed systems with large modulation ranges. However, the additional increase in calculated SEER is modest *if the first intermediate test speed is properly chosen.*

Figure VS2 illustrates the impact of the number of intermediate points on SEER when compared to an SEER based on the ARI/Trane load-match method. The first intermediate test point is load-matched at 87F outdoor temperature. The second and third are at 82F and 92F outdoor ambients, respectively. The SEER impact of any intermediate point is minimal for variable speed systems with small modulation ranges, as the upper end of the energy curve is almost linear. The impact becomes more significant as the modulation range increases. In all cases, the calculated SEER using a single load-match intermediate test point is conservative when compared to an SEER based on two or more intermediate test points.

Figure VS3 shows an energy curve in the load-match region for an example variable speed system with a large modulation range, and illustrates the difference between the proposed intermediate speed temperature intercept and the ARI/Trane intermediate speed temperature intercept of 87 F. The resulting straight lines used to estimate the system power in the load-math region are also shown. For bin temperatures higher than 89 F, the ARI/Trane method predicts higher system power than the DOE proposed intermediate speed. These bin temperatures correspond to less than 8% of the total bin hours used in the SEER calculation. For the remaining bin temperatures (92% of the bin hours), the ARI/Trane intermediate speed intercept results in estimated power that is slightly higher than the actual power, but still significantly less than the power estimated using the proposed intermediate speed. In the case of a variable speed system with a large modulation range, a revised intermediate test speed of one-third of the way between maximum and minimum speed yields a temperature intercept that is close to the ARI/Trane intercept.

Figure VS4 shows the SEER impact of the intermediate test speed for the above variable speed system as compared to the ARI/Trane load-match method. The resulting SEER from both the proposed intermediate test speed and the revised intermediate test speed are also shown. As proposed, the DOE intermediate test speed of one-half of the way between maximum and minimum speed results in an SEER that is 3% lower than the conservative ARI/Trane load-match method. This difference shrinks to less than 1% when the revised intermediate test speed is used.

In summary:

1. The impact of any one intermediate test speed on seasonal efficiency ratings is minimal for a variable speed system with a small modulation range, as the energy curve is almost linear.

2. For variable speed systems with large modulation ranges, the speed at which the intermediate speed testing is conducted has a significant impact on the accuracy of the seasonal efficiency ratings.

3. The accuracy of the proposed variable speed rating procedures can be significantly improved by revising the intermediate test speed to one-third of the way between maximum and minimum speed.

Intermediate test speed tolerance. The specified testing tolerance of the intermediate speed of ±10% should be reduced to ±5% (cooling and heating rating procedures). As proposed by DOE, testing within the allowed range of speeds can produce a band of seasonal efficiency values that, from high to low, will vary by up to 3%. Variable speed systems with smaller modulation ranges will have smaller efficiency variations (See Figure VS5). A speed tolerance of ±5% reduces this variability to less than 1.5%.

"Nominal" capacity provision, heating ratings. ARI Standard 210/240–84 includes an optional "Nominal Capacity" test at 70–47/43 for some intermediate speed. The heating building load line is based on the measured capacity from the test in lieu of the maximum speed 70–47/43 test. This is the only place the test data is used.

The "nominal" capacity test is not clearly defined in the ARI standard. It does, however, provide a procedure for the rating of a variable speed heat pump that is able to provide more heating capacity than a system with a comparable rated cooling capacity. This can be accomplished by controls which allow the system to run at a higher speed in heating than in the cooling mode. The higher speed provides additional heating capacity, thus reducing the amount of electric heat required to satisfy the heating building load. Under the proposed procedures, this energy saving feature cannot be reflected in a variable speed system's HSPF rating.

It is recommended that the optional nominal capacity test be added to DOE's procedure with a clearer definition of "nominal". It is further recommended that "nominal" be defined as "the lesser of the heating capacity at the maximum compressor speed allowed by the controls in the cooling mode or the maximum speed allowed by the controls in heating". The heating load line is thus tied to the cooling load line by speed, maintaining a rating method that is consistent with current single speed procedures and giving a legitimate credit to those systems having controls that allow a higher maximum operating speed in heating than in cooling.

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FIGURE VS1

SYSTEM WATTS IN LOAD MATCH REGION

Variable Speed System Example

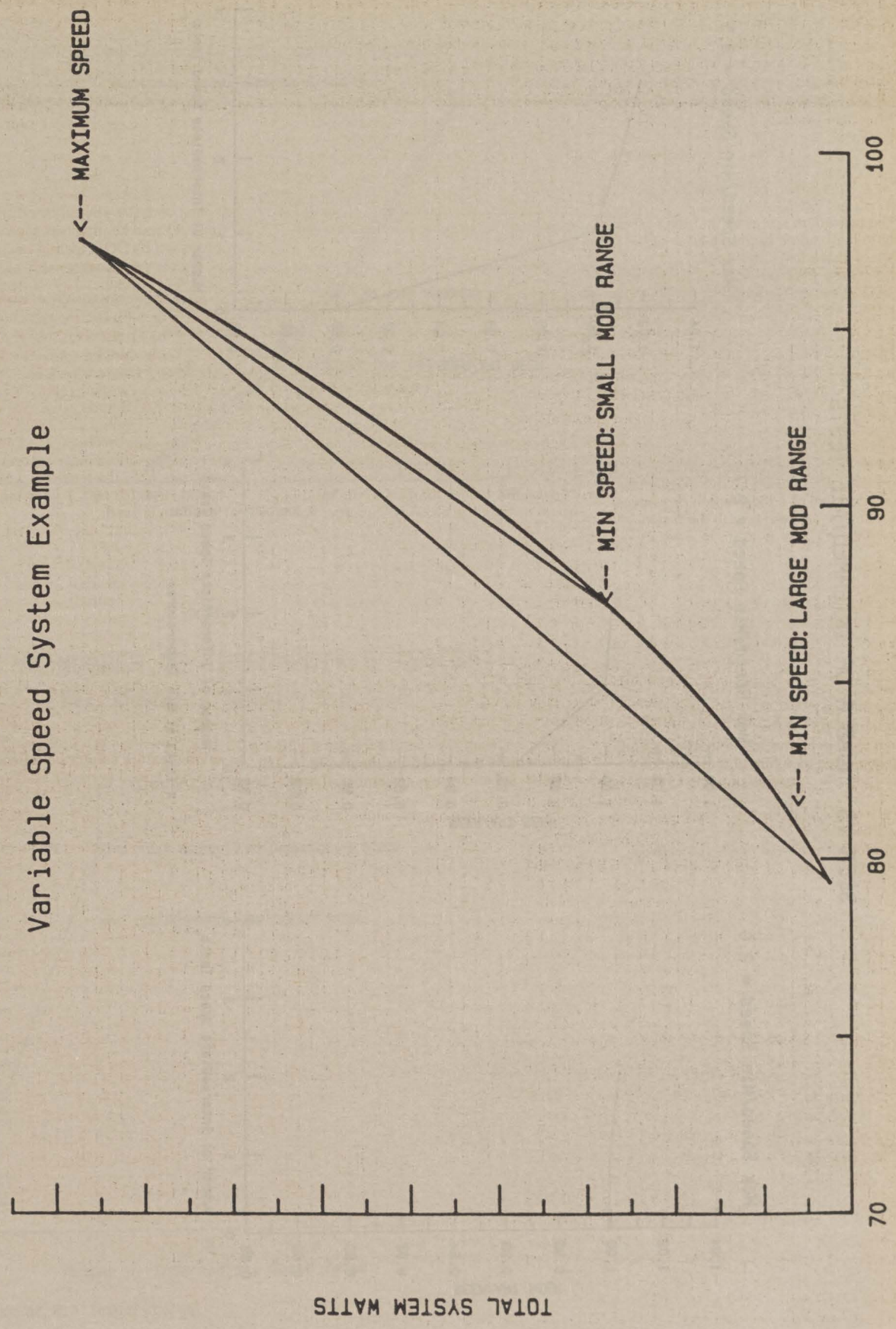
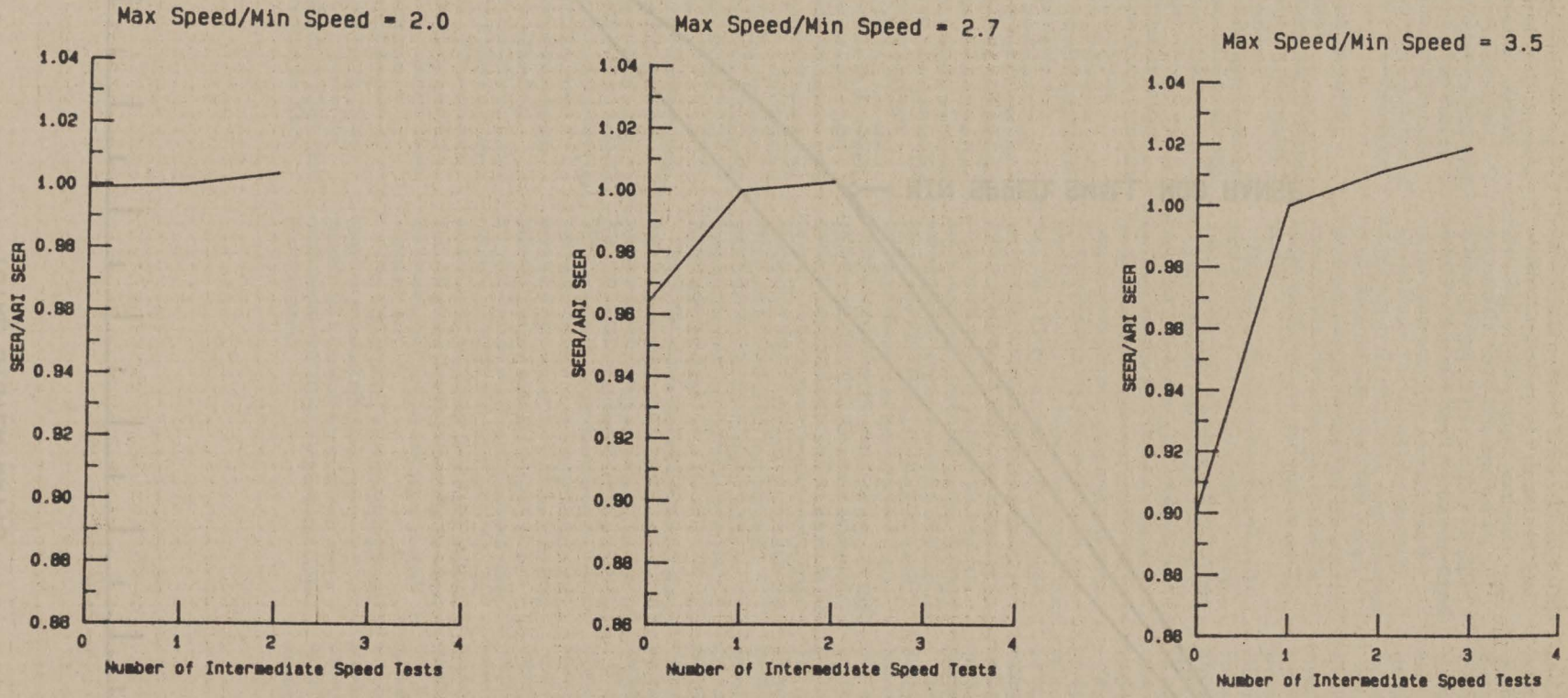


FIGURE VS2

SEER VS. NUMBER OF INTERMEDIATE TESTS *



* Tests at Bin Temperatures

FIGURE VS3

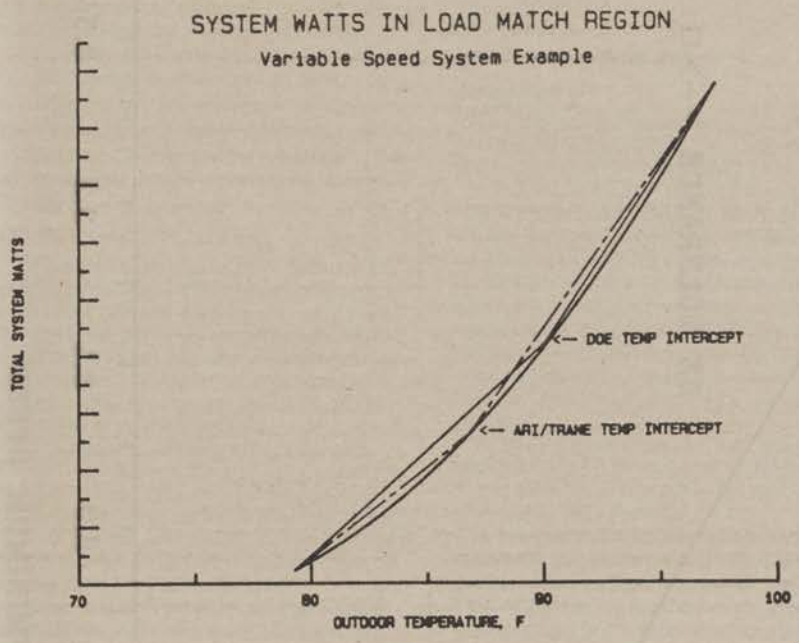
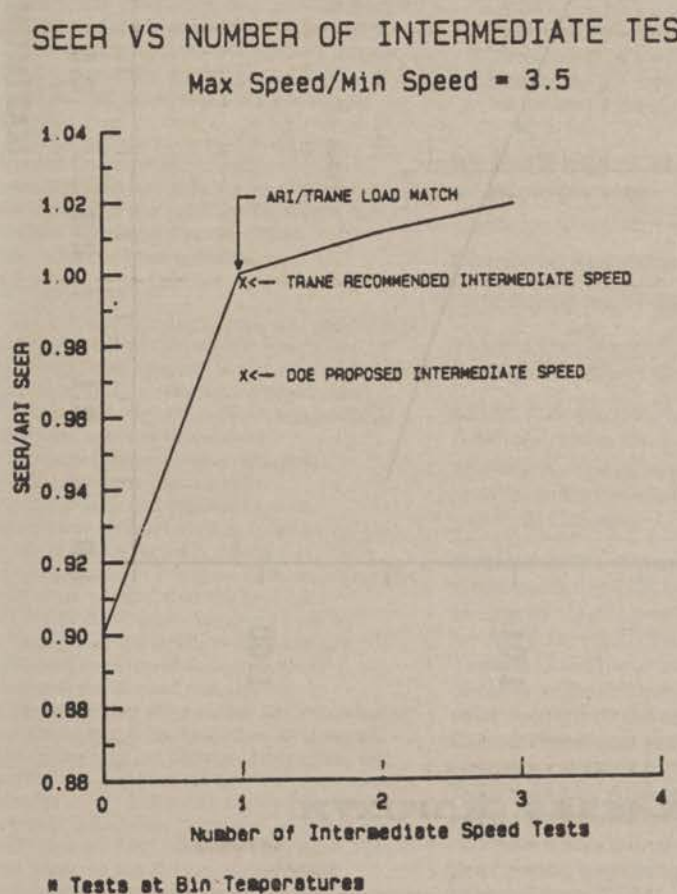


FIGURE VS4

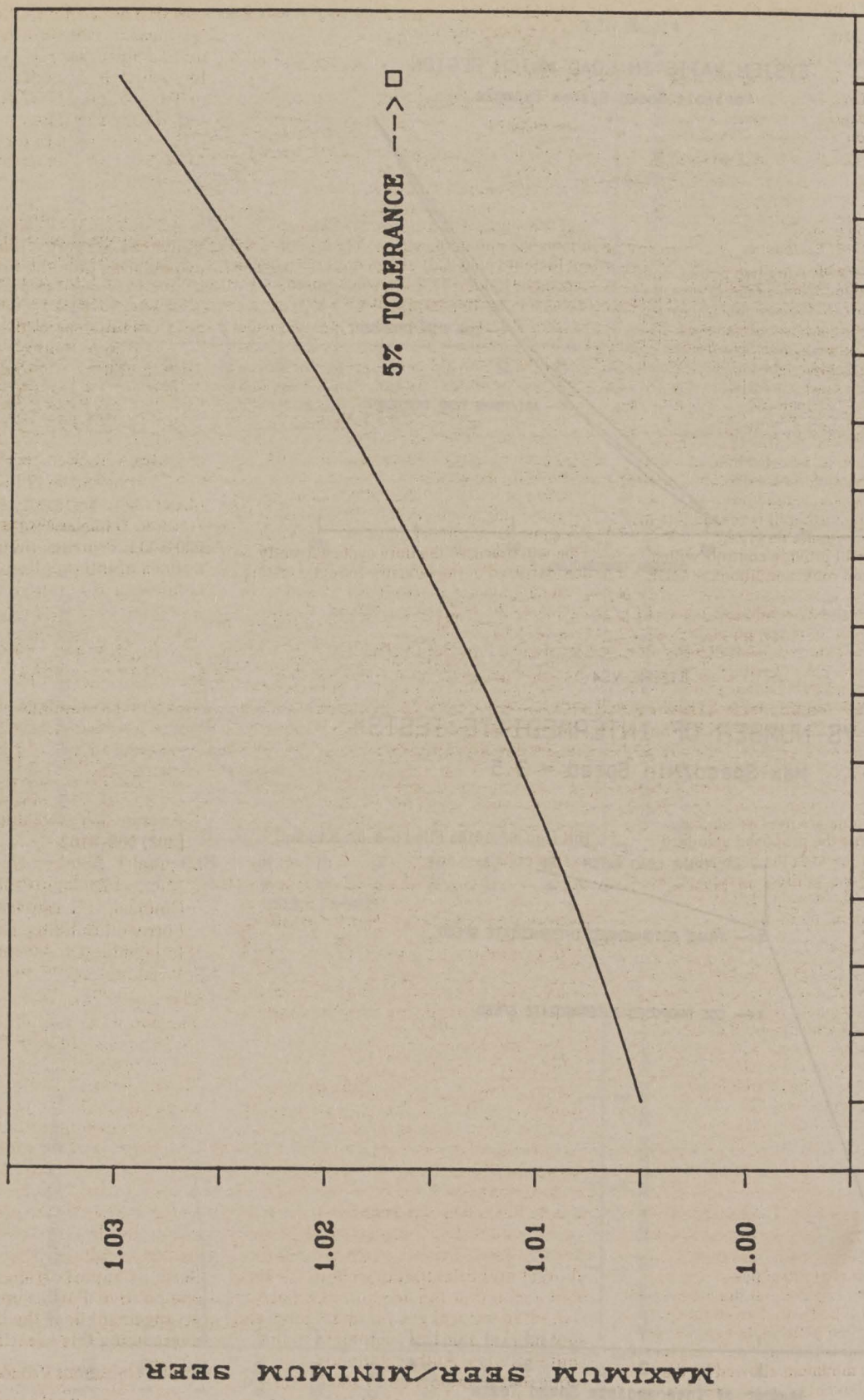


* Tests at Bin Temperatures

FIGURE VS5

RANGE OF SEER VARIATION

TEN PERCENT SPEED TOLERANCE



BILLING CODE 6450-01-C

Attachment III—Reference 4

November 24, 1986.

U.S. Department of Energy,
Test Procedures for Consumer Products, Case No. CAC–002, Mail Station CE–132, 1000 Independence Avenue, SW., Washington, DC. 20585

Attention: Mr. Douglass S. Abramson

Gentlemen: Below are the rebuttals to the two comments which we received November 17, 1986.

ICG (Heil Quaker) Comments

ICG seems to be making two points, both of which are spurious. Their opening assertion is that ARI 210/240–84 does not accurately represent the performance of variable speed systems in the cooling mode. Comments on our petition's refinement of 210/240 hardly constitute the appropriate forum for ICG's objections to ARI 210/240–84.

ICG's remarks dealing with presumed differences between the effects of automatic and manual controls are also inappropriate. The detailed characteristics of HVAC system controls are not, and should not be, subject to DOE regulation. Further, it is reasonable to assume that any reputable HVAC manufacturer will provide controls which maintain desired room conditions through load matching.

ICG stated that they would like to see additional intermediate test points between minimum and maximum speed. Again, their argument is with ARI, not with our petition. However, the weight of evidence strongly suggests that if the additional test burden for more intermediate points were imposed, the effect would be to *raise* the rated efficiency of the system. We elected not to seek additional tests because the benefits are modest.

ICG's comments are overwhelmingly directed towards the proposed standard procedure, not towards the particular refinements of our petition. Therefore, these remarks should be disregarded in deliberation on our petition.

Carrier Comments

The current standard cyclic test procedures were established for one-speed systems by DOE with NBS support. It was contended that the resulting adjustment of seasonal efficiency correspond well with expectations for actual systems in the field.

In our petition, we have attempted to provide the broadest possible accommodation of different system modulation characteristics. In so doing, we have created a recommendation which is admittedly rather complex and confusing. On reflection, we find that the seasonal efficiency differences resulting from our refinement of the cyclic testing are not sufficient to warrant departure from previously endorsed procedures.

Therefore, we request that the amendment in Attachment II be treated as an integral part of the original petition. In essence, our revised proposal is that the "on" time be six minutes or the minimum allowed by the controls, whichever is greater; and that the "off" time be four times the "on" time. This will preserve the duty cycle currently standardized in the industry for cyclic testing.

Shoud you have any questions, please feel free to contact my office.

Sincerely,

L.E. Chaump,

Vice President, Engineering.

Attachment II

The following replaces Item 5 in Trane's petition for waiver (Case No. CAC–002), proposed modifications to ARI 210/240–84:

5. For the portion of the load line where the unit is cycling, ARI 210/240–84, Appendix B allows the option of using a degradation coefficient value (Cd) of 0.25 or performing cyclic tests at the 67°F bin temperature, which we agree is representative of the temperature range in which cycling occurs for variable speed products. However, the testing does not take into consideration minimum "on" or "off" times allowed by the unit controls.

A. We proposed that the "on" time for cyclic testing be determined by the greater of 6 (six) minutes or the minimum "on" time allowed by the controls.

B. We propose that the "off" time be the greater of the minimum "off" time allowed by the controls or 4 (four) times the "on" time. This will preserve the duty cycle currently standardized in the industry for cylic testing.

The following replaces Items 1.2 and 1.3 in Attachment I of Trane's petition for waiver (Case No. CAC–002):

1.2 The "on" time for cyclic testing is determined by the greater of 6 (six) minutes or the minimum "on" time allowed by the controls.

1.3 The "off" time for cyclic testing is determined by the greater of the minimum "off" time allowed by the controls or 4 (four) times the minimum "on" time.

[FR Doc. 87–10165 Filed 5–6–87; 8:45 am]

BILLING CODE 6450–01–M

Economic Regulatory Administration

[ERA Docket No. 87–22–NG]

Texaco Gas Marketing Inc.; Application To Import Natural Gas From Canada

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of application for blanket authorization to import natural gas from Canada.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt on April 13, 1987, of an application from Texaco Gas Marketing Inc. (TGMI) for blanket authorization to import, for its own account or the account of others, Canadian natural gas for short-term and spot market sales to customers in the United States. Authorization is requested to import up to 100 MMcf per day and a maximum of 73 Bcf for a two-year period beginning on the date of the first delivery. TGMI, a Delaware corporation with its principal place of business in Houston, Texas, is a wholly-owned subsidiary of Texaco Producing Inc. which is a wholly-owned subsidiary of Texaco Inc. TGMI proposes to purchase natural gas from various Canadian suppliers for itself, or as agent for others, on a short-term basis for resale to pipelines, electric utilities, distribution companies, and commercial and industrial end users in the United States. TGMI states that it intends to use existing pipeline facilities for the transportation of the proposed imports. TGMI also states that it will advise the ERA of the date of first delivery of the import and submit quarterly reports giving details of individual transactions in the month following each calendar quarter. TGMI has requested that the authorization be granted on an expedited basis.

The application is filed with the ERA pursuant to section 3 of the Natural Gas Act and DOE Delegation Order No. 0204–111. Protests, motions to intervene, notices of intervention and written comments are invited.

DATE: Protests, motions to intervene, or notices of intervention, as applicable, and written comments are to be filed no later than June 8, 1987.

FOR FURTHER INFORMATION CONTACT:

Edward J. Peters Jr., Natural Gas Division, Economic Regulatory Administration, Forrestal Building, Room GA–076, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–8162.

Michael T. Skinker, Natural Gas and Mineral Leasing, Office of General Counsel, U.S. Department of Energy, Forrestal Building, Room 6E–042, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–6667.

SUPPLEMENTARY INFORMATION: The decision on this application will be made consistent with the DOE's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). Parties that may oppose this application should comment in their responses on the issue of competitiveness as set forth in the policy guidelines. The applicant asserts that this import arrangement is competitive. Parties opposing the arrangement bear the burden of overcoming this assertion.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable,

and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate procedural action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR Part 590. They should be filed with the Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Room GA–076, RG–23, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–9478. They must be filed no later than 4:30 p.m., e.d.t., June 8, 1987.

The Administrator intends to develop a decisional record on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or a trial-type hearing. A request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, the ERA will provide notice to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official, record including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A Copy of TGMI's application is available for inspection and copying in the Natural Gas Division Docket Room, GA–076–A at the above address. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, April 24, 1987.

Constance L. Buckley,

Director, Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 87–10344 Filed 5–6–87; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 87–11–NG]

Thermal Exploration, Inc.; Order Approving Blanket Authorization To Import Natural Gas

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of order approving blanket authorization to import natural gas.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice that it has issued an order granting blanket authorization to Thermal Exploration, Inc. (Thermal), to import Canadian natural gas on a short-term basis. The order issued in ERA Docket No. 87–11–NG authorizes Thermal to import up to 73 Bcf of Canadian natural gas during a two-year term beginning on the date of first delivery.

A copy of this order is available for inspection and copying in the Natural Gas Division Docket Room, GA–076, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, April 28, 1987.

Constance L. Buckley,

Director, Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 87–10343 Filed 5–6–87; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

Notice of Hydroelectric Application Filed with the Commission

May 4, 1987.

Take notice that the following hydroelectric application has been filed with the Federal Energy Regulatory Commission and is available for public inspection.

a. Type of Application: Amendment of License.

b. Project No.: 3190–005.

c. Date Filed: February 5, 1987.

d. Applicant: City of Santa Clara.

e. Name of Project: Black Butte.

f. Location: At the existing Corps of Engineers' Black Butte Dam on Stoney Creek in Tehama County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. Contact Person:

Mr. James W. Beck, City of Santa Clara, 1500 Warburton Avenue, Santa Clara, CA 95050, (408) 984–3161;

Mr. Marcell Hall, RMI, 1010 Hurley Way, Suite 500, Sacramento, CA 95825, (916) 924–1534.

i. Comment Date: May 18, 1987.

j. Description of Amendment of License: The City of Santa Clara (licensee) proposes to abandon the 1,500-foot-long, 12-kV transmission line, authorized in the license, connecting the project to Pacific Gas and Electric Company's 12-kV line downstream of the powerhouse and construct a new 9.5-mile-long, 60-kV transmission line connecting the project to an existing Pacific Gas and Electric Company 60-kV line near the City of Orland, California. The proposed transmission line would be located along established road ways known as Newville Road (County Road No. 200), Cedar Avenue (Road FF), and Road 9. The licensee states the proposed 60-kV transmission line would be more efficient than the 12-kV transmission line.

k. This notice also consists of the following standard paragraphs: B and C.

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, 385.211, and 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 Regulatory 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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87–10379 Filed 5–6–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CS74–147–002, et al.]

Vernon E. Faulconer and Marwell Petroleum, Inc. (Vernon E. Faulconer), et al.; Applications for Small Producer Certificates [1]

May 1, 1987.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the Commission's Regulations thereunder for a small producer certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make a protest with reference to said applications should on or before May 19, 1987, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

Kenneth F. Plumb,

Secretary.

Docket No.	Date filed	Applicant
CS74–147–002	[1] 4–10–87	Vernon E. Faulconer and Marwell Petroleum, Inc. (Vernon E. Faulconer) P.O. Box 7995, Tyler, Texas 75711.
CS87–62–000	3–31–87	HEMUS, INC., 6565 West Loop South, Suite 555, Bellaire, Texas 77401.
CS87–64–000	4–6–87	PNG Operating Company, 14000 Quail Springs Parkway, Suite 410, Oklahoma City, Oklahoma 73134.
CS87–65–000	4–13–87	C.D. & G. DEVELOPMENT COMPANY, P.O. Box, 231, Pikeville, Kentucky 41501.
CS87–66–000	4–13–87	G A W Oil Co., Inc., Enid, Oklahoma 73702.
CS87–67–000	4–23–87	RenRag, Inc., 14425 Torrey Chase Blvd., Suite #190, Houston, Texas 77014.

[1] Applicant states he has formed another operating entity, Marwell Petroleum, Inc., and requests the addition of this company to his small producer certificate.

[FR Doc. 87–10380 Filed 5–6–87; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 9602–001]

Como Lake, Inc.; Surrender of Preliminary Permit

May 1, 1987.

Take notice that Como Lake, Inc., permittee for the Como Lake Hydropower Project No. 9602, has requested that its preliminary permit be terminated. The preliminary permit for Project No. 9602 was issued on May 8, 1986, and would have expired on April 30, 1989. The project would have been located on Rock Creek near Hamilton, Ravalli County, Montana.

The permittee filed the request on November 18, 1986, and the preliminary permit for Project No. 9602 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday or holiday as described in 18 CFR 385.2007, in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87–10382 Filed 5–6–87; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 9570–002]

Story Associates; Surrender of Preliminary Permit

May 1, 1987.

Take notice that Story Associates, permittee for the Story Associates Hydropower Project No. 9570, has requested that its preliminary permit be terminated. The preliminary permit for Project No. 9570 was issued on March 12, 1986, and would have expired on February 28, 1989. The project would have been located on South Piney Creek near Story in Johnson and Sheridan Counties, Wyoming.

The permittee filed the request on April 2, 1987, and the preliminary permit for Project No. 9570 shall remain in effect through the thirtieth day after issuance of this notice unless the day is a Saturday, Sunday or holiday as described in 18 CFR 385.2007, in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87–10381 Filed 5–6–87; 8:45 am]

BILLING CODE 6717–01–M

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

[Docket No. CI87-502-000, et al]

Alex N. Campbell et al.; Applications for Abandonment With Limited-Term Pregranted Abandonment for Eighteen Months for Sales Under Small Producer Certificates

May 1, 1987

The Applicants listed herein have filed applications pursuant to section 7 of the Natural Gas Act for authorization to abandon service. Applicants further request limited-term pregranted abandonment for eighteen months to make sales for resale in interstate commerce of the released gas under their small producer certificates. Details are shown in the applications and in the attached tabulation.

The circumstances presented in the applications meet the criteria for consideration on an expedited basis, pursuant to § 2.77 of the Commission's rules as promulgated by Order Nos. 436 and 436-A, issued October 9, and December 12, 1985, respectively, in Docket No. RM85-1-100, all as more fully described in the applications which are on file with the Commission and open to public inspection.

Accordingly, persons 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, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party 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 Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price Per Mcf	Pressure base
CI87-502-000, April 7, 1987.	Alex N. Campbell, c/o GeoLectric, Inc., 103 North Main, Aztec, New Mexico 87410.	El Paso Natural Gas Company, Basin Dakota Field, San Juan County, New Mexico.	[1] [2]	
CI87-503-000, B April 7, 1987.	Benjamin Elenbogen	Balard PC Field, Sandoval County, New Mexico.	[1] [3]	
CI87-504-000, B April 7, 1987.	do	do	[1] [3]	
CI87-505-000, B April 7, 1987.	do	do	[1] [3]	
CI87-506-000, B April 7, 1987.	do	do	[1] [3]	
CI87-507-000, B April 7, 1987.	do	do	[1] [3]	
CI87-508-000, B April 7, 1987.	do	do	[1] [3]	
CI87-509-000, B April 7, 1987.	Curtis J. Little	Pinon Fruitland Field, San Juan County, New Mexico.	[1] [4]	
CI87-510-000, B April 7, 1987.	do	do	[1] [4]	
CI87-511-000, B April 7, 1987.	John C. Pickett	Aztec Fruitland Field, San Juan County, New Mexico.	[1] [5]	
CI87-512-000, B April 7, 1987.	R.N. Usher	do	[1] [6]	
CI87-513-000, B April 7, 1987.	Frank Yockey	Lindrith Gallup Field, Rio Arriba County, New Mexico.	[1] [7]	

[1] In support of its application, Applicant indicates its gas is shut-in due to market conditions, and states it is subject to substantially reduced takes without payment. The related wells, NGPA price category and estimated daily deliverability are shown below.

Abandonment docket designation	Well name	NGPA category	Daily deliverability (Mcf/d)
CI87-502-000	Federal Tonkin #1	Section 108	35
CI87-503-000	Jic. A-55 #1	Section 108	8
CI87-504-000	Jic. A-55 #2	Section 108	20
CI87-505-000	Jic. A-55 #3	Section 108	20
CI87-506-000	Jic. A-55 #7	Section 108	34
CI87-507-000	Jic. 55 #2	Section 108	27
CI87-508-000	Jic. 55 #3	Section 108	6
CI87-509-000	USA Gentle #1	Section 104 Post-1974	68
CI87-510-000	USA Gentle #2	Section 108	9
CI87-511-000	Grace Pearce #1	Section 108	53
CI87-512-000	Troxel #1	Section 108	34
CI87-513-000	Ingwerson #4	Section 104 Flowing gas	85
			399

[2] Applicant is small producer certificate holder in Docket No. CS72-358.
[3] Applicant is small producer certificate holder in Docket No. CS71-298.
[4] Applicant is small producer certificate holder in Docket No. CS75-154.
[5] Applicant is small producer certificate holder in Docket No. CS72-316.
[6] Applicant is small producer certificate holder in Docket No. CS72-360.
[7] Applicant is small producer certificate holder in Docket No. CS72-363.
Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 87-10383 Filed 5-6-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP87-42-000]

Grynberg Production Co. et al. v. Mountain Fuel Resources, Inc.; Complaint

May 1, 1987.

Take notice that on April 8, 1987, Grynbert Production Company, Jack Grynberg, and Celeste Brynberg filed with the Commission, pursuant to § 385.206 of the Commission's regulations, a complaint against Mountain Fuel Resources, Inc., alleging that Mountain Fuel has improperly cancelled eight gas purchase contracts in a manner not permitted by the good faith negotiation rule established by Order Nos. 451 [1] and 451-A.[2] As a result, Mountain Fuel's abandonment of purchases under the contracts allegedly violates section 7(b) of the Natural Gas Act.

The complainants state that a contract was executed for the sale of gas from the State Grynberg No. 1 Well to Mountain Fuel on March 1, 1971. Jack Grynberg was one of the six sellers who were signatory parties to that contract. In January 1980, he assigned his interest in the contract to Celeste Grynberg. She, in turn, assigned her interest in March 1986 to Grynberg Production Company (GPC). The contract has an indefinite price escalation clause.

The complainants allege that the State Grynberg No. 1 Well stopped producing in August 1986 because of insufficient pressure. In January 1987, Jack Grynberg, the President of GPC, advised Mountain Fuel that GPC intended to install compression but he expressed concern about recovering the costs. The complainants allege that, although Mountain Fuel knew, and should have told Grynberg, that the well could qualify for the NGPA section 108 stripper well ceiling price, Mountain Fuel instead suggested that GPC initiate good faith negotiation under Order Nos. 451 and 451-A. Mountain Fuel allegedly said that in response it would propose a price sufficient to justify installation of compression. Accordingly, on January 28, 1987, GPC requested that Mountain Fuel nominate a price for the gas produced from the State Grynberg No. 1 Well under the good faith negotiation rule. However, Mountain Fuel did not, within sixty days, nominate a price in resonse to GPC's nomination request.[3] Instead, the complainants state, on March 9, 1987, Mountain Fuel advised GPC that its January 28 letter constituted an offer to release Mountain Fuel from the contract and that Mountain Fuel was accepting that offer effective March 31, 1987. Mountain Fuel also stated that seven other contracts to which GPC was not a party but Jack Grynberg or Jack and Celeste Grynberg were parties, were also released effective March 31.

Based on these allegations, GPC alleges that Mountain Fuel improperly enticed GPC into intiating good faith negotiation through misrepresentation and that the conditions for abandonment of purchases under the good faith negotiation rule have not been satisfied. Accordingly, GPC requests that the Commission (1) declare invalid GPC's notice initiating good faith negotiation and Mountain Fuel's attempted abandonment of purchases under the eight contracts in question; (2) order Mountain Fuel to cease and desist from its unlawful abandonment of purchases unless and until it complies with the requirements of NGA section 7(b); and (3) provide other relief.

Any person desiring to be heard or to protest this complaint should file a motion to intervene or protest in accordance with Rules 211 and 214 of the Commission's rules of practice and procedure. All motions to intervene or protests should be submitted to the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, not later than 30 days after publication of this notice in the **Federal Register**. All protests will be considered by the Commission but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene in accordance with Rule 214. Copies of the petition filed in this proceeding are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-10384 Filed 5-6-87; 8:45 am]

BILLING CODE 6717-01-M

[1] 51 FR 22168 (June 18, 1986).

[2] 51 FR 46762 (December 24, 1986).

[3] *See* 18 CFR 270.201(c)(1). Mountain Fuel also did not request, within thirty days, that GPC nominate a price for any of its multi-vintage gas. *See* 18 CFR 270.201(b)(2).

FEDERAL COMMUNICATIONS COMMISSION

[FCC 87-97]

Radio Broadcast Services; Certification of Financial Qualifications by Applicants for Broadcast Station Construction Permits

AGENCY: Federal Communications Commission.

ACTION: Public notice.

SUMMARY: All applicants and potential applicants for AM, FM, or TV station construction permits are informed that the Commission has instructed its staff to institute procedures to detect and deter certain abuses of the Commission's processes. Applicants for broadcast station construction permits now need only to certify, rather than document, that they are financially qualified, *i.e.*, that they possess the financial resources to construct the proposed station and operate for three months without relying on advertising or other station revenues to meet operating costs. After five years of experience with the certification requirement in lieu of documentation, it is clear that a number of broadcast construction permit applicants have certified their finanical qualifications without any basis or justification. In order to prevent this abuse of process, the Commission has directed the staff to institute a program of random checks of the financial qualifications of applicants for broadcast station construction permits, to be conducted as part of the staff's pre-designation processing. If such financial certification check reveals that the certification is false, hearing issues will be added, and the applicant may be subject to additional sanctions as outlined in the Public Notice.

EFFECTIVE DATE: May 7, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Mark L. Solberg, Policy and Rules Division, Mass Media Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Public Notice*, FCC 87-97, adopted March 19, 1987.

The full text of this Commission Public Notice is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room

230), 1919 M Street NW., Washington, DC 20554. The complete text of this Public Notice may also be purchased from the Commission's copy contractor, International Transcription Services, (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio Broadcast Services.

William J. Tricarico,

Secretary.

[FR Doc. 87–10206 Filed 5–6–87; 8:45 am]

BILLING CODE 6712–01–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.: 224–011094.

Title: Virginia Port Authority Operating Agreement.

Parties:

Virginia Port Authority

Virginia International Terminals, Inc.

Synopsis: The proposed agreement divides the responsibilities for marketing, operations, and engineering among others, between the Virginia Port Authority and its affiliate operating company, Virginia International Terminals, Inc. The agreement would continue until terminated.

Dated: May 4, 1987.

By order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 87–10391 Filed 5–6–87; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Change in Bank Control Notice; Acquisition of Shares of Banks or Bank Holding Companies

The notificant listed below has applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than May 22, 1987.

A. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Philep S. Buerk,* Alan D. Clark, Douglass C. Cogswell, Wilton W. Cogswell III, John A. Marta; Lee Pittle, Gary R. Swanson, Richard Walker, Internal Medicine Associates Employee Profit Sharing Plan (Lawrence P. Donahue), Internal Medicine Associates Employee Profit Sharing Plan (William J. Weller), and William J. Weller, M.D., all of Colorado Springs, Colorado; Raymond E. Kandt, Shawnee Mission, Kansas; and Larry D. Shoemaker, Monument, Colorado; to acquire 45 percent of the voting shares of State Bank and Trust of Colorado Springs, Colorado Springs, Colorado.

Board of Governors of the Federal Reserve System, May 1, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87–10353 Filed 5–6–87; 8:45 am]

BILLING CODE 6210–01–M

Keycorp; Formations of, Acquisitions by, and Mergers of Small Bank Holding Companies; Correction

This notice corrects two previous **Federal Register** notices. The first (FR Doc. 87–9117), published at page 13522 of the issue for Thursday, April 23, 1987.

Under the Federal Reserve Bank of New York, the entry for Keycorp, is revised to read as follows:

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Keycorp,* Albany, New York, and Key Pacific Bancorp, Anchorage, Alaska; to acquire 100 percent of the voting shares of First Northwest Bancorporation, Seattle, Washington, and thereby indirectly acquire Northwest Bank, Seattle, Washington, and Cascade Security Bank, Enumclaw, Washington. Comments on this application must be received by May 8, 1987.

The second (FR Doc. 87–6408), published at page 9541 of the issue for Wednesday, March 25, 1987.

Under the Federal Reserve Bank of New York, the entry for Key Corp, is revised to read as follows:

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Key Corp,* Albany, New York, and Key Pacific Bancorp, Anchorage, Alaska; to engage directly through their subsidiary, Seattle Trust & Savings Bank, Seattle, Washington, in the sale of group life, property, casualty, and credit-related insurance.

Comments on this application must be received by May 22, 1987.

Board of Governors of the Federal Reserve System, May 1, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87–10356 Filed 5–6–87; 8:45 am]

BILLING CODE 6210–01–M

Liberty Bancshares, Inc., et al.; Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than May 28, 1987.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President)

701 East Byrd Street, Richmond, Virginia 23261:

1. *Liberty Bancshares, Inc.*, Montgomery, West Virginia; to acquire 100 percent of the voting shares of The National Bank of Ansted, Ansted, West Virginia.

B. **Federal Reserve Bank of Chicago** (David S. Epstein, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Elcho Bancorporation, Inc.*, Altoona, Iowa; to become a bank holding company by acquiring 100 percent of the voting shares of State Bank of Elcho, Elcho, Wisconsin.

C. **Federal Reserve Bank of Minneapolis** (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Community First Minnesota Bankshares, Inc.*, Fargo, North Dakota; to become a bank holding company by acquiring 100 percent of the voting shares of First Bank Benson, N.A., Benson, Minnesota; First Bank (N.A.)-Little Falls, Little Falls, Minnesota; The First State Bank in Paynesville, Paynesville, Minnesota; First Bank Southwest, N.A., Marshall, Minnesota; First Bank of Wheaton, N.A., Wheaton, Minnesota; and The First National Bank of Windom, Windom, Minnesota.

2. *Community First North Dakota Bankshares, Inc.*, Fargo, North Dakota; to become bank holding company by acquiring 100 percent of the voting shares of The First State Bank of Cooperstown, Cooperstown, North Dakota; First National Bank of Lidgerwood, Lidgerwood, North Dakota; First Bank of North Dakota (N.A.) Wahpeton, Wahpeton, North Dakota; and 86.35 percent of the voting shares of The First National Bank and Trust Company of Dickinson, Dickinson, North Dakota.

3. *Community First South Dakota Bankshares, Inc.*, Fargo, North Dakota; to become a bank holding company by acquiring 100 percent of the voting shares of Community First State Bank of Hot Springs, Hot Springs, South Dakota; Community First State Bank of Huron, Huron, South Dakota; Community State Bank in Lemmon, Lemmon, South Dakota; Community First State Bank of Platte, Platte, South Dakota; Community First State Bank of Redfield, Redfield, South Dakota; and Community First State Bank of Vermillion, Vermillion, South Dakota.

D. **Federal Reserve Bank of Dallas** (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Citizens Equity Corporation*, Weatherford, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of The Citizens National Bank of Weatherford, Weatherford, Texas.

Board of Governors of the Federal Reserve System, May 1, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-10354 Filed 5-6-87; 8:45 am]

BILLING CODE 6210-01-M

Security Bancshares, Inc.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23 (a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23 (a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 28, 1987.

A. **Federal Reserve Bank of St. Louis** (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Security Bancshares, Inc.*, Des Arc, Arkansas; to acquire Security Insurance Agency of Des Arc, Inc., Des Arc, Arkansas, and thereby engage in the sale of insurance in a town with a population of less than 5,000 pursuant to § 225.25(b)(8)(iii) of the Board's Regulation Y. This activity will be conducted in Des Arc, Arkansas.

Board of Governors of the Federal Reserve System, May 1, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-10355 Filed 5-6-87; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID-010-07-4322-02]

Advisory Council/Grazing Advisory Board; Meeting, Boise District, ID

AGENCY: Bureau of Land Management, Boise District Office.

ACTION: Boise District, Idaho, advisory council/grazing advisory board meeting.

SUMMARY: In accordance with Pub. L. 92-463, the Federal Advisory Committee Act, and Pub. L. 94-579, the Federal Land Policy and Management Act, notice is hereby given that the Boise District Advisory Council and Boise District Grazing Advisory Board will meet on May 21 and 22, 1987, from 8:00 a.m. to 4:00 p.m. the first day and from 8:00 a.m. to 12:00 p.m. the second day.

SUPPLEMENTARY INFORMATION: This is an emergency meeting of both Advisory Council and Grazing Advisory Board to discuss the current drought conditions within the Boise District. The meeting will begin at 8:00 a.m. each day in the lower conference room at the Bureau of Land Management, Boise District Office, 3948 Development Avenue in Boise, Idaho. The only agenda item is a discussion of the current drought conditions and possible mitigating measures. The first day will consist primarily of a field tour of sites and will leave the District Office at 9:00 a.m. No transportation will be provided for non-Council or Board members, although the public is welcome to attend.

FOR FURTHER INFORMATION CONTACT: Boise District, Bureau of Land Management, 3948 Development Avenue, Boise, Idaho 83705 phone (208) 3340-1582. Minutes of the meeting will be available for public inspection at the District Office.

Gene T. Schloemer,

Acting District Manager

[FR Doc. 87-10310 Filed 5-6-87; 8:45 am]

BILLING CODE 4310-GG-M

[ID-030-07-4830-04]

Idaho Falls District Advisory Council; Meeting; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Meeting of the Idaho Falls district advisory council.

SUMMARY: The Idaho Falls District Advisory Council will meet June 25, 1987. Notice of this meeting is in accordance with Pub. L. 92-463. The meeting will begin at 8:00 a.m. at the Idaho Falls District Office, 940 Lincoln Road, Idaho Falls, Idaho.

The agenda for this meeting includes a float along a portion of the South Fork of the Snake River. During the float, various issues associated with public land management along the Snake River corridor will be discussed. The meeting is open to the public. However, interested persons must provide their own transportation. Public comments on agenda items will be accepted at the District Office from 8:00 to 8:30 a.m.

The agenda items are: Issues and Concerns to be addressed in the Snake River Activity and Operations Plan.

Summary minutes of the meeting will be kept in the District Office and will be available for public inspection and reproduction during business hours (7:45 a.m. to 4:30 p.m.) within 30 days after the meeting.

FOR FURTHER INFORMATION CONTACT: Scott Powers, Bureau of Land Mangement, 940 Lincoln Road, Idaho Falls, Idaho 83401, at (208) 529-1020.

Dated: May 1, 1987.

Lloyd H. Ferguson,

District Manager.

[FR Doc. 87-10407 Filed 5-6-87; 8:45 am]

BILLING CODE 4310-66-M

[MT-060-4410-08-2111]

Lewistown District Advisory Council; Meeting; Montana

AGENCY: Bureau of Land Management—Lewistown District Advisory Council, Interior.

ACTION: Notice of meeting.

SUMMARY: The Lewistown District Advisory Council will meet June 9, 1987, from approximately 9:00 a.m. to 4:00 p.m. at the Lewistown District Office.

The council will review the draft West HiLine Resource Management Plan which addresses future management options for approximately 626,098 surface acres and 1,328,014 subsurface acres in north central Montana.

The plan focuses on management options to resolve these five issues: landownership adjustments; off-road vehicle designations; the location of major lineal rights-of-way; identification and management of emphasis areas; and recreational management of the Upper Missouri National Wild and Scenic River.

Public comment will be sought during the meeting.

DATE: June 9, 1987, 9:00 a.m.-4:00 p.m.

ADDRESS: BLM District Office, Airport Road, Lewistown, Montana.

FOR FURTHER INFORMATION CONTACT: Wayne Zinne, District Manager, Bureau of Land Mangement, Lewistown, Montana 59457. Telephone Number: (406) 538-7461.

SUPPLEMENTARY INFORMATION: The Lewistown Advisory Council is authorized under section 309 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1739). The Council advises the District Manager concerning the planning for the management of the public lands administered within the Lewistown District.

Dated: April 30, 1987.

Wayne Zinne,

District Manager.

[FR Doc. 87-10408 Filed 5-6-87; 8:45 am]

BILLING CODE 4310-DN-M

[NM-943-07-4111-13; NM NM 57288]

Proposed Reinstatement of Terminated Oil and Gas Lease; Lea County, NM

United States Department of the Interior, Bureau of Land Management, Santa Fe, New Mexico 87504. Under the provisions of 43 CFR 3108.2-3, Wayne Newkumet, petitioned for reinstatement of oil and gas lease NM NM 57288 covering the following described lands located in Lea County, New Mexico:

T. 14 S., R. 35 E., NMPM, New Mexico
Sec. 12: W½NE¼, NW¼.
Containing 240.00 acres.

It has been shown to my satisfaction that failure to make timely payment of rental was due to inadvertence.

No valid lease has been issued affecting the lands. Payment of back rentals and administrative cost of $500.00 has been paid. Future rentals shall be at the rate of $7.00 per acre per year and royalties shall be at the rate of 12⅔ percent. Reimbursement for cost of the publication of this notice shall be paid by the lessee.

Reinstatement of the lease will be effective as of the date of termination, April 1, 1986.

Dated: April 28, 1987.

Tessie R. Anchondo,

Chief, Adjudication Section.

[FR Doc. 87-10409 Filed 5-6-87; 8:45 am]

BILLING CODE 4310-FB-M

[Mt-930-07-4214-13; M-59144]

Opening Order; Public Land in Missoula and Granite Counties, MT

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of conveyance and order providing for opening of public land in Missoula and Granite Counties, Montana.

SUMMARY: This order will open lands reconveyed to the United States in and exchange under the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1701 et seq. (FLPMA), to the operation of the public land laws. It also informs the public and interested state and local governmental officials of the issuance of the conveyance document.

DATE: At 9 a.m. on July 8, 1987, the lands reconveyed to the United States shall be open to the operation of the public land laws, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. The lands described in paragraph one below were segregated from settlement, sale, location and entry, but not from exchange, by the Notice of Realty Action published in the Federal Register on May 18, 1984 (49 FR 21126). The segregation terminated on May 18, 1986.

FOR FURTHER INFORMATION CONTACT: Edward Croteau, Chief, Lands Adjudication Section, BLM, Montana State Office, P.O. Box 36800, Billings, Montana 59107, Phone (406) 57-6082.

SUPPLEMENTARY INFORMATION:

1. Notice is hereby given that pursuant to Sec. 206 of FLPMA, the following-described land was conveyed to Earl M. Pruyn and Bertha Pruyn:

Principal Meridian, Montana

T. 12 N., R. 15 W.,
Sec. 8, SW¼, W½SE¼, SE¼SE¼;
Sec. 18, lot 4, E½SW¼.
Containing 413.52 acres.

2. In exchange for the above-selected land, the United States acquired the surface estate of the following-described land in Missoula and Granite Counties, Montana:

Principal Meridian, Montana

T. 12 N., R. 15 W.,
Sec. 1, E½SW¼, W½SE¼.
Sec. 12, NW¼NE¼, NW¼, NE¼SW¼, W½SW¼;
Sec. 13, W½NW¼.

Containing 560 acres.

3. The values of federal public land and the nonfederal land in the exchange were both appraised at $266,000.

4. At 9 a.m. on July 8, 1987, the lands described in paragraph two above that were conveyed to the United States will be open to the operation of the public land laws.

John. A. Kwiatkowski,

Deputy State Director, Division of Lands and Renewable Resources.

April 29 1987.

[FR Doc. 87-10410 Filed 5-6-87; 8:45 am]

BILLING CODE 4310-DN-M

[MT-930-07-4212-13; M-66519]

Opening Order; Public Land in Powder County, MT

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of conveyance and order providing for opening of public land in Powder River County, Montana.

SUMMARY: This order will open lands reconveyed to the United States in an exchange under the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1701 et seq. (FLPMA), to the operation of the public land laws. It also informs the public and interested state and local governmental officials of the issuance of the conveyance document.

DATE: At 9 a.m. on July 1, 1987, the lands reconveyed to the United States shall be open to the operation of the public land laws, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. The lands described in paragraph one below were segregated from settlement, sale, location and entry, but not from exchange, by the Notice of Realty Action published in the **Federal Register** on October 17, 1986 (51 FR 37084-37085). The segregation terminated on issuance of the patent on February 18, 1987.

FOR FURTHER INFORMATION CONTACT: Edward Croteau, Chief, Lands Adjudication Section, BLM, Montana State Office, P.O. Box 36800, Billings, Montana 59107, Phone (406) 657-6082.

SUPPLEMENTARY INFORMATION: .

1. Notice is hereby given that pursuant to section 206 of FLPMA, the following described surface estate was conveyed to E. Amory Hubbard:

Principal Meridian, Montana

T. 8 S., R. 48 E.,
Sec. 21, lot 13;
Sec. 22, lot 11;
Sec. 27, lot 12;
Sec. 28, lot 14.
T. 8 S., R. 49 E.,
Sec. 21, SE¼SW¼, S½SE¼;
Sec. 27, S½SW¼;
Sec. 28, N½N½, SW¼NW¼;
Sec. 29, SW¼NW¼, SW¼SE¼;
Sec. 32, SE¼NE¼;
Sec. 33, NW¼SW¼, SE¼SW¼;
Sec. 34, SE¼SW¼, S½SE¼;
Sec. 35, SW¼SW¼.
R. 9 S., R. 49 E.,
Sec. 2, W½NW¼NE¼, S½NE¼, NW¼, N½NW¼SW¼, W½SW¼NW¼SW¼, E½SE¼NW¼SW¼, NE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 4, SW¼NW¼, NW¼SW¼, N½NE¼SW¼SW¼, W½SW¼SW¼, S½SE¼SW¼SW¼, SE¼SE¼;
Sec. 5, SE¼NE¼, NE¼SE¼;
Sec. 7, NE¼SE¼NE¼, S½SE¼NE¼;
Sec. 9, NW¼NW¼, W½SW¼;
Sec. 10, NE¼SE¼;
Sec. 11, N½NE¼NE¼NE¼, W½NE¼NE¼, S½SE¼NE¼NE¼;
Sec. 21, E½;
Sec. 22,, NE¼SW¼, S½SW¼, SW¼SE¼;
Sec. 25, SE¼NE¼, W½SE¼, SE¼SE¼;
Sec. 27, W½NW¼;
Sec. 28, N½NE¼, SW¼NE¼;
Sec. 25, NE¼, E½NW¼, NE¼SW¼, N½SE¼.
R. 9 S., R. 50 E.,
Sec. 19, lots 10 and 11;
Sec. 30, lots 1, 2, 6, 9-11, SW¼NE¼, N½SE¼, SE¼SE¼;
Sec. 31, lots 1-14, S½NE¼,N½SE¼

Aggregating 4,123.32 acres.

2. In exchange for the above selected land, the United States acquired the surface estate of the following described land in Powder River County, Montana:

Principal Meridian, Montana

T. 8 S., R. 48 E.,
Sec. 28, lot 6, SW¼NE¼.
T. 9 S., R. 48 E.,
Sec. 21, NW¼NW¼, S½NW¼, SW¼, S½SE¼;
Sec. 22, S½;
Sec. 23, S½SW¼, SW¼SE¼;
Sec. 25, N½S½, SE¼SW¼; SE¼SE¼;
Sec. 26, N½N½, S½NW¼, W½SW¼, SE¼SW¼, N½SE¼, SW¼SE¼;
Sec. 27, SE¼NE¼, W½NW¼, SE¼NW¼, NE¼SW¼, SE¼;
Sec. 28, N½NE¼;
Sec. 34, N½NE¼, SE¼NE¼;
Sec. 35, lots 1, 2, NE¼, NW¼SE¼.
T. 8 S., R. 49 E.,
Sec. 34, N½NE¼;
Sec. 35, NE¼SW¼, N½SE¼.
T. 9 S., R. 49 E.,
Sec. 18, S½SE¼;
Sec. 20, SW¼NW¼; NW¼SW¼, SE¼SW¼;
Sec. 29, NE¼NW¼, SE¼SW¼, W½SE¼;
Sec. 32, W½NE¼, SE¼NE¼, NE¼SE¼.

Aggregating 3,156.22 acres.

3. The following described lands were also acquired by the United States, but because these parcels are adjacent to existing Wilderness Study Areas, they will not be opened to the public land laws until an intensive wilderness inventory is completed on them:

Principal Meridian, Montana

T. 8 S., R. 48 E.,
Sec. 27, lot 8;
Sec. 28, lot 13, SW¼SE¼.
T. 9 S., R. 48 E.,
Sec. 9, SW¼NE¼.
T. 9 S., R., 49 E.,
Sec. 18, lot 1, NW¼SE¼.

Aggregating 220.88 acres.

4. The values of federal public land and the nonfederal land in the exchange were both appraised at $324,000. No minerals were transferred by either party in the exchange.

5. At 9 a.m. on July 1, 1987, the lands described above in paragraph two *only* that were conveyed to the United States will be open to the operation of the public land laws.

John A. Kwiatkowski,

Deputy State Director, Division of Lands and Renewable Resources.

April 29, 1987.

[FR Doc. 87-10411 Filed 5-6-87; 8:45 am]

BILLING CODE 4310-DN-M

[ID-040-4410-08]

Approval of Resource Management Plan for Lemhi Resource Area, Idaho

AGENCY: Bureau of Land Management, Salmon District Office.

ACTION: Public notice that the Idaho state director has approved, in a record of decision (ROD), the resource management plan (RMP) for the Lemhi resource area.

SUMMARY: In accordance with 43 CFR 1610.5 and section 102(2)(c) of the National Environmental Policy Act of 1969 (40 CFR 1505.2), the Department of Interior, Bureau of Land Management, notice is hereby given of the issuance of the Record of Decision for the Lemhi Resource Management Plan. Initiation of actions which implement this plan can begin with the signing of the Record of Decision.

DATES: The Record of Decision became effective with the signing of that document on April 8, 1987 by Delmar D. Vail, State Director, Idaho. Copies of this document will be mailed to those people who received the draft and final Resource Management Plan/ Environmental Impact Statement documents.

ADDRESS: Requests for copies of the approved Resource Management Plan Record of Decision or questions on specific activity plans, management plans or development/protection plans should be addressed to Jerry Wilfong, Lemhi Resource Area Manager, Bureau

of Land Management, Salmon District, P.O. Box 430, Salmon, Idaho 83467.

SUPPLEMENTARY INFORMATION: The Draft Resource Management Plan/ Environmental Impact Statement was released for a 90 day public comment on October 3, 1985. A public hearing to receive written and oral comments on the Draft Resource Management Plan/ Environmental Impact Statement was held on November 20, 1985. The proposed Resource Management Plan/ Final Environmental Impact Statement was released for public review on July 11, 1986. One protest was received, analyzed and denied by the Director, Bureau of Land Management. The Governor of Idaho did not identify any inconsistencies with State or local plans, programs or policies or recommend any changes in the proposed plan.

Alternatives Analyzed

Seven alternatives for managing 459,566 acres of public land in the Lemhi Planning area were analyzed in the Resource Management Plan/ Environmental Impact Statement.

Alternative A—represents the existing situation. The present level of management on the public lands would be continued, with measures being taken to prevent or correct deteriorating conditions. Any changes in management would be brought about through monitoring and the environmental analysis process. All actions would be handled on a case-by-case basis. The Eighteenmile Wilderness Study Area would not be recommended for wilderness designation. The area would be managed for multiple land use values.

Alternative B—emphasizes livestock grazing, given present and anticipated future budget levels. A total of 14,796 acres would be recommended as suitable for wilderness and 10,126 acres as nonsuitable.

Alternative C—emphasizes wildlife and fisheries enhancement, wilderness and recreational values, cultural resource management, and watershed protection. A total of 24,922 acres would be recommended as suitable for wilderness designation.

Alternative D—emphasizes mineral development on the public lands. The objective is to manage the federal mineral estate to allow optimum exploration and development, while minimizing unnecessary impacts to other resources. The Eighteenmile Wilderness Study Area would not be recommended for wilderness designation. The area would be managed for multiple use values.

Alternative E—emphasizes intensive management on 30,309 acres of commercial forest land for sustained yield production. The 24,922 acres in the Eighteenmile Wilderness Study Area would be recommended as nonsuitable for wilderness designation.

Alternative F—is now the approved Lemhi Resource Management Plan. In this alternative a variety of resource uses will be allowed. Production and use of commodity resources and commercial use authorization will occur, while protecting fragile resources and wildlife habitat, preserving natural systems and cultural values, and allowing for nonconsumptive resource uses.

Alternative G—is identical with the proposed action (Alternative F) except in the Eighteenmile WSA. It was developed to manage those resources that would be affected if Congress did not designate as wilderness the Eighteenmile Wilderness Study Area recommended in Alternative F.

Decision

The decision is to adopt the Proposed Plan as the Lemhi Resource Management Plan. Major actions contained in the plan are to:

Consider 4,495 acres for transfer from federal ownership through pubic sales or exchanges. An additional 1,340 acres will be considered for transfer under the Desert Land Act. The BLM will attempt to acquire 5,600 acres primarily through exchange.

A total of 161,909 acres will be open for oil and gas leasing with standard stipulations, 221.519 acres with seasonal occupancy restrictions, and 77,369 acres with no-surface-occupancy restrictions. Approximately 14,796 acres will be closed to oil and gas leasing and 15,596 acres closed to geothermal leasing. A total of 455,434 acres will be open for location of mining clams while 18,921 acres will be closed to mineral entry. Material sales will not be allowed on 92,010 acres, but the remaining 382,888 acres will be open to material sales.

Approximately 28,865 acres of public forest land will be open to commerical harvest. Of this, 1,179 acres will receive restricted management to reduce impacts to crucial elk winter range. Set-asides included in this alternative will reduce the timber production base by 1,444 acres. About 23,138 acres of woodland will be available for non-sawtimber products, while 3,131 acres will be closed.

Livestock management will provide 43,602 AUMs of livestock forage. The BLM will maintain or improve existing perennial forage plants, maintain or improve soil stability and stabilize or improve area currently in a downward trend. Range improvements will be implemented to help achieve these objectives.

Game populations of 9,350 deer, 2,194 elk, 2,950 antelope, and 200 bighorn sheep will utilize 6,466 AUMs of forage. Project development will occur, providing water, habitat, and safety for wildlife. Six habitat management plans will be developed on 260,056 acres.

A total of 15.5 miles of riparian area will be fenced and four watershed activity plans will be written. New timber harvest roads will be closed when timber sales were completed, except for use in forest and fire management.

The BLM will maintain 94.7 miles of fisheries habitat in present condition and improve 3.0 miles. Surface-disturbing activities adversely affecting Class III streams will be avoided, if practical.

Recreation will be recognized as the principal use of the lands in the three special recreation management areas (SRMAs). Additional mineral withdrawals, restrictions on some nonrecreational uses, and restrictive visual management practices will be implemented. A recreation area management plan will be written for each SRMA.

Off-road vehicle use will continue to be limited during winter months on 16,230 acres of big game range. A year-round closure to all vehicle use will be placed on 14,796 acres because of wilderness designation.

A total of 14,796 acres will be recommended as suitable for wilderness designation.

Full suppression fire management guidelines will be followed on 444,770 acres. Prescribed burns will be conducted on 30,078 acres, and heavy fuel loading caused by logging debris and dead trees will be reduced on 10,000 acres to decrease the likelihood of having a disastrous fire.

Cultural resource management plans will be completed for the Chief Tendoy Cemetery, Salmon River Corridor, Indian Area A, and Indian Area B. A recreation area management plan will be written for the Lewis and Clark Trail that will also provide for protection of its cultural and historic values.

Mitigating Measures

All practicable measures will be taken to mitigate adverse impacts. These measures will be strictly enforced during plan implementation. Monitoring will tell how effective these measures are in minimizing environmental impacts. Therefore, additional measures to

protect the environment may be taken during or following monitoring.

Dated: April 30, 1987.

Jerry W. Goodman,

District Manager.

[FR Doc. 87-10406 Filed 5-6-87; 8:45 am]

BILLING CODE 4310-GG-M

Filing of Plat of Survey; Utah

AGENCY: Bureau of Land Management, Utah, Interior.

ACTION: Notice.

SUMMARY: These plats of survey of the following described land will be filed in the Utah State Office, Salt Lake City, Utah, immediately:

Salt Lake Meridian, Utah

T. 3 S., R. 23 E.

This plat represents the dependent resurvey of portios of T. 3 S., R. 23 E., Salt Lake Meridian, Utah, for Group 655 accepted January 5, 1987.

Salt Lake Meridian, Utah

T. 26 S., R. 22 E.

This plat represents the dependent resurvey of portions of T. 26 S., R. 22 E., Salt Lake Meridian, Utah, for Group 662 accepted January 5, 1987.

Salt Lake Meridian, Utah

T. 8 N., R. 2 W.

This plat represents the dependent resurvey of portions of T. 8 N., R. 2 W., Salt Lake Meridian, Utah, for Group 667 accepted January 5, 1987.

Salt Lake Meridian, Utah

T. 7 N., R. 4 E.

This plat represents the dependent resurvey of portio of T. 7 N., R. 4 E., Salt Lake Meridian, Utah, for Group 668 accepted January 5, 1987.

Salt Lake Meridian, Utah

T. 3 S., R. 8 W.

This plat represents the dependent resurvey of a portion of T. 3 S., R. 8 W., Salt Lake Meridian, Utah, for Group 673 accepted January 8, 1987.

Salt Lake Meridian, Utah

T. 8 N., R. 19 W.

This plat represents the dependent resurvey of portions of T. 8 N., R. 19 W., Salt Lake Meridian, Utah, for Group 649 accepted February 9, 1987.

Salt Lake Meridian, Utah

T. 7 S., R. 4 E.

This plat represents the dependent resurvey of a portion of T. 7 S., R. 4 E., Salt Lake Meridian, Utah, for Group 635 accepted February 27, 1987.

Salt Lake Meridian, Utah

T. 34 S., R. 5 E.

This plat represents the dependent resurvey of a portion of T. 34 S., R. 5 E., Salt Lake Meridian, Utah, for Group 700 accepted March 2, 1987.

Salt Lake Meridian, Utah

T. 43 S., R. 16 W.

This supplemental plat shows a portion of T. 43 S., R. 16 W., Salt Lake Meridian, Utah, was accepted March 23, 1987.

Salt Lake Meridian, Utah

T. 42 S., R. 10 W.

This plat represents the dependent resurvey of a portion of T. 42 S., R. 10 W., Salt Lake Meridian, Utah, for Group 697 accepted March 31, 1987.

Glen B. Hatch,

Chief, Branch of Cadastral Survey.

[FR Doc. 87-10337 Filed 5-6-87; 8:45 am]

BILLING CODE 4310-DQ-M

[MT-070-07-4351-11]

Off-Road Designations; Montana

AGENCY: Butte District Bureau of Land Management, Interior.

ACTION: Notice of off-road vehicle designation decision.

SUMMARY: Notice is hereby given in accordance with the authority and requirements of Executive Orders 11644 and 11989, and regulations contained in 43 CFR Part 8340. The following described lands under the administration of the Bureau of Land Management are designated as limited to off-road motorized vehicle use pursuant to the provisions of 43 CFR 8342.1.

Affected by the designation are approximately 275 acres of public lands in the Garnet Resource Area. The lands are managed under the Garnet Resource Management Plan dated September 1985. They are located in Missoula County and are part of the Ashby Creek cooperative road closure.

Included are all public lands north and west of Ashby Creek in section 4 (T. 12 N., R. 16 W.).

All public lands in the Ashby Creek road are closed to all motorized vehicles except for authorized administrative uses from September 1 through November 30.

Detailed maps showing the location of the above-described designation are available from the offices listed below.

FOR FURTHER INFORMATION CONTACT: District Manager, Butte District Office, P.O. Box 3388, Butte, Montana 59702, Phone (406) 494-5059; or Area Manager, Garnet Resource Area, 3255 Fort Missoula Road, Missoula, Montana 59801, Phone (406) 329-3914.

James A. Moorhouse,

District Manager.

April 30, 1987.

[FR Doc. 87-10340 Filed 5-6-87; 8:45 am]

BILLING CODE 4310-DN-M

[MT-070-07-4212-13; M70647]

Montana; Realty Action; Exchange

AGENCY: Bureau of Land Management, Interior.

ACTION: Correction of Notice of Realty Action for M70647, exchange of public lands in Powell, Granite, Lewis and Clark, and Silver Bow Counties for private lands in Granite County.

SUMMARY: This notice corrects the original Notice of Realty Action for M70647 published on February 27, 1987 (52 FR 6078 and 6079). The legal description of tract B-5 which read T. 9 N., R. 2 W., Section 34: SE¼SW¼ in the original Notice is hereby corrected to read T. 9 N., R. 1 W., Section 34: SE¼SW¼.

James A. Moorhouse,

District Manager.

May 1, 1987.

[FR Doc. 87-10341 Filed 5-6-87; 8:45 am]

BILLING CODE 4310-DN-M

[WY-930-07-4220-11; W-71701, W-71704, W-71705, W-0150196, W-0316699, W-71696, W-71697, W-71698, W-73053]

Proposed Modification and Continuation of Withdrawals; Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Forest Service proposes that the withdrawal of 2115.88 acres covering portions of 54 recreation/administrative sites in the Shoshone National Forest and one administrative site on public land be modified to establish a 20-year term and to modify the segregation on 5 sites to be closed only to mining location. Additionally, certain legal descriptions will be modified to conform to current maps, cadastral protraction diagrams, or surveys. The land will remain closed to mining, but has been, with the exception of the East Fork (No. 44) Administrative Site, and will remain open to mineral leasing.

DATE: Comments should be received by August 5, 1987.

ADDRESS: Chief, Branch of Land Resources, Bureau of Land Management, P.O. Box 1828, Cheyenne, WY 82003.

FOR FURTHER INFORMATION CONTACT: Tamara J. Gertsch, Wyoming State Office, (307) 772–2072.

The Forest Service proposes that the existing land withdrawn by the Secretarial Orders of November 25, 1907*, January 24, 1908*, February 28, 1907*, and December 4, 1906*; and Public Land Order Nos. 298, 2682, 2845, 5278, 2978, 3250, 3841 dated October 10, 1945, May 23 1962, December 7, 1962, October 11, 1972, March 18, 1963, October 10, 1963, and October 8, 1965, respectively, be continued for a period of 20 years, and those *five* orders marked with an asterisk(*) be modified to segregate the lands only from location under the mining laws pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714. The land is described as follows:

Sixth Principal Meridian

*Wood River Administrative Site

T. 46 N., R. 102 W.,
Sec. 21, NW¼ of lot 7.

Dead Indian Campground

T. 55 N., R. 104 W.,
Sec. 8, E½SW¼SW¼, W½SE¼SW¼.

Lake Creek Campground

T. 57 N., R. 106 W.,
Sec. 17, W½SW¼NW¼;
Sec. 18, SE¼SE¼NE¼.

Horse Creek Ranger Station

T. 43 N., R. 107 W.,
Sec. 24, NE¼SW¼SE¼.

Dickinson Park Guard Station Administrative Site

T. 33 N., R. 102 W.,
Sec. 5, SE¼SE¼SE¼.

Middle Fork Guard Station Administrative Site

T. 32 N., R. 101 W.,
Sec. 24, NE¼SE¼NW¼, NW¼NW¼ SW¼.

Fiddlers Lake Campground

T. 31 N., R. 101 W.,
Sec. 27, E½NW¼SE¼, SW¼NE¼SE¼.

Popo Agie Campground

T. 30 N., R. 101 W.,
Sec. 1, NW¼ of lot 4.

Sunlight Ranger Station

T. 55 N., R. 105 W.,
Sec. 19, NE¼SW¼, N½SE¼SW¼.

Mummy Cave Archaeological Site

T. 52 N., R. 107 W.,
Sec. 21, E½NE¼SE¼.

Island Lake Campground

T. 57 N., R. 105 W.,
Sec. 10, NW¼NE¼NW¼, S½NE¼NW¼, E½NW¼NW¼.

Pahaska Campground

T. 52 N., R. 109 W.,
Sec. 3 SE¼SE¼SW¼, W½SW¼SE¼.

Elk Fork Campground

T. 52 N., R. 106 W.,
Sec. 21, S½NW¼SE¼NW¼, SW¼SE¼ NW¼, E½NE¼NW¼SW¼, NW¼NE¼ SW¼.

Clearwater Picnic Ground

T. 52 N., R. 106 W.,
Sec. 19, W½NE¼SW¼.

Horse Creek Picnic Ground

T. 52 N., R. 106 W.,
Sec. 23, S½S½NE¼NW¼, N½SE¼NW¼.

Clay Butte Lookout

T. 57 N., R. 106 W.,
Sec. 1, SW¼SW¼SW¼.

Dead Indian Hill Observation

T. 55 N., R. 104 W.,
Sec. 16, SE¼NE¼SE¼.

Falls Campground

T. 43 N., R. 109 W.,
Sec. 7, SE¼NE¼NE¼, E½SE¼NE¼;
Sec. 8, W½SW¼NW¼, N½NW¼SW¼.

Double Cabin Administrative and Recreation Site

T. 44 N., R. 106 W.,
Sec. 3 SE¼ of lot 2, NE¼SW¼NE¼, E½NE¼SW¼, W½NW¼SE¼.

Brown Mountain Campground

T. 46 N., R. 103 W.,
Sec. 23, S½SE¼NW¼SE¼, N½NE¼ SW¼SE¼.

Brooks Lake Recreation Area

T. 44 N., R. 110 W.,
Sec. 24, SE¼SW¼SE¼, SW¼SE¼SE¼;
Sec. 25, NW¼NE¼NE¼, NE¼NW¼NE¼, N½NW¼SW¼.

Worthen Meadows Recreation Area

T. 32 N., R. 101 W.,
Sec. 32, N½NW¼SW¼, SE¼NW¼SW¼, NE¼Sw¼.

Sinks Canyon Winter Sports Site

T. 32 N., R. 100 W.,
Sec. 19, lots 2, 3.

*Wapiti Administrative Site

T. 52 N., R. 106 W.,
Sec. 21, S½NE¼SE¼NE¼, SE¼SE¼NE¼, S½NW¼SW¼NW¼, SW¼SW¼NW¼.

*Timber Creek Administrative Site

T. 47 N., R. 103 W.,
Sec. 14, NW¼NE¼NE¼.

*South Fork Administrative Site

T. 48 N., R. 106 W.,
Sec. 4, lot 8.

Wood River Campground

T. 46 N., R. 102 W.,
Sec. 29, W½NW¼NW¼.

Sunlight Campground

T. 55 N., R. 104 W.,
Sec. 7, lot 4.

Crazy Creek Campground (Unsurveyed)

T. 57 N., R. 107 W.,
Sec. 3, SE¼SW¼SE¼, SW¼SE¼SE¼;
Sec. 10, NE¼NW¼NE¼, NW¼NE¼NE¼.

Reef Creek Campground (Unsurveyed)

T. 56 N., R. 105 W.,
Sec. 7, S½NW¼SW¼.

Louis Lake Guard Station

T. 30 N., R. 101 W.,
Sec. 12, lot 2.

Louis Beach Campground

T. 30 N., R. 101 W.,
Sec. 1, lots 6, 7, 10.

Sinks Canyon Campground

T. 32 N., R. 100 W.,
Sec. 19, lot 1.

Brooks Lake Campground (Unsurveyed)

T. 44 N., R. 110 W.,
Sec. 25, S½NE¼NW¼, N½SE¼NW¼.

Beartooth Lake Campground (Unsurveyed)

T. 57 N., R. 105 W.,
Sec. 6, E½SW¼SE¼, SE¼SE¼.

Louis Lake Boat Site

T. 30 N., R. 101 W.,
Sec. 12, lot 6.

Louis Lake Campground

T. 30 N., R. 101 W.,
Sec. 12, lots 3, 4, 5.

Louis Beach Picnic Ground

T. 30 N., R. 101 W.,
Sec. 1, lots 8, 9;
Sec. 12, lot 1.

Fremont County Youth Camp

T. 32 N., R. 101 W.,
Sec. 33, NE¼SW¼SE¼, NW¼SE¼SE¼, W½NE¼SE¼SE¼, S½S½SW¼NE¼ SE¼, S½S½SE¼NW¼SE¼.

Fire Fighter's Memorial

T. 52 N., R. 107 W.,
Sec. 21, W½NE¼SE¼SW¼, E½NW¼ SE¼SW¼.

Eagle Creek Campground

T. 52 N., R. 108 W.,
Sec. 17, SE¼SW¼, S½SW¼SE¼, NW¼SW¼SE¼.

Tie Hack Memorial

T. 43 N., R. 109 W.,
Sec. 34, W½SW¼SE¼NW¼, E½SE¼ SW¼NW¼.

Newton Creek Campground

T. 52 N., R. 107 W.,
Sec. 28, NW¼SW¼NW¼, SW¼NW¼ NW¼;
Sec. 29, N½SE¼NE¼, S½NE¼NE¼.

Sleeping Giant Winter Sports Area

T. 52 N., R. 109 W.,
Sec. 11, W½SE¼, W½SE¼SE¼, SW¼NE¼SE¼, S½SW¼NE¼.

Wind River Lake Picnic Ground

T. 44 N., R. 110 W.,
Sec. 28 NE¼SE¼, N½SE¼SE¼.

Hanging Rock Campground

T. 52 N., R. 106 W.,
Sec. 24, N½SE¼SW¼, N½S½SE¼SW¼.

Horse Creek Campground

T. 43 N., R. 106 W.,
Sec. 30, W½NW¼NW¼.

Frank Hammit Memorial

T. 56 N., R. 104 W.,
Sec. 30, S½SW¼SW¼ SW¼;
Sec. 31, N½NW¼NW¼NW¼.

Sleeping Giant Campground

T. 52 N., R. 109 W.,
Sec. 12, SE¼SW¼NW¼, W½SW¼ SE¼NW¼, N½NE¼NW¼SW¼.

Buffalo Bill Scout Camp

T. 52 N., R. 108 W.,
Sec. 22, S½SW¼SE¼, S½N½SW¼SE¼;
Sec. 27, N½NW¼NE¼.

Hunter Peak Campground

T. 57 N., R. 106 W.,
Sec. 27, E½SW¼SE¼;
Sec. 34, NE¼NW¼NE¼, excluding HES 96.

Rex Hale Campground

T. 52 N., R. 107 W.,
Sec. 21, NW¼NE¼SE¼, NE¼NW¼SE¼.

Wapiti Campground

T. 52 N., R. 106 W.,
Sec. 21, NW¼SW¼NE¼, S½SW¼ NW¼NE¼, NE¼SE¼NW¼, S½SE¼ NE¼NW¼, NE¼NW¼SE¼NW¼, SE¼SW¼NE¼NW¼, NE¼SW¼ NE¼NW¼, NW¼SE¼NE¼NW¼.

*East Fork (No. 44) Administrative Site

T. 43 N., R. 104 W.,
Sec. 17, SW¼SW¼.

The area described contains 2115.88 acres in Fremont, Sublette and Park Counties, Wyoming.

The purpose of these withdrawals is to protect the financial investment in the recreational and administrative facilities on these sites. The withdrawals segregate the lands from location under the mining laws and those marked with an asterisk(*) are further segregated from the operation of the public land laws generally. The lands in the East Fork (No. 44) Administrative Site are additionally segregated from mineral leasing. All other lands have been and will remain open to mineral leasing. A modification in the segregative effect of the lands marked with an asterisk (*) is proposed to remove the segregation on the lands to the operation of the public land laws and mineral leasing laws.

For a period of 90 days from the date of publicaton of this notice, all persons who wish to submit comments in connection with the proposed withdrawals may present their views in writing to the Chief, Branch of Land Resources, in the Wyoming State Office.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing potential demand for the land and its resources. A report will also be prepared for consideraton by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawals will be continued, and if so, for how long. The final determination on the continuation of the withdrawals will be published in the **Federal Register.** The existing withdrawals will continue until such final determination is made.

David J. Walter,

Acting State Director.

[FR Doc. 87–10342 Filed 5–6–87; 8:45 am]

BILLING CODE 4310–22–M

Minerals Management Service

Hearings on Draft Environmental Impact Statement (EIS) on Proposed Marine Mineral Lease Sale in the Hawaiian Archipelago and Johnston Island Exclusive Economic Zone (EEZ)

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of public hearings.

SUMMARY: The notice of availability of a draft EIS relating to the proposed lease sale for minerals other than oil, gas, and sulphur (minerals) of available blocks in the Hawaiian Archipelago and Johnston Island EEZ for cobalt-rich manganese crusts was published in the **Federal Register** on March 27, 1987 (52 FR 9958). This notice confirms the schedule for the public hearings on the draft EIS, jointly prepared by the Minerals Management Service (MMS) and the State of Hawaii, as published on March 27, 1987, and again solicits comments from interested parties.

DATES: The hearings will be held on the following dates and times indicated:

a. Wednesday, May 27, 1987; State Capitol Auditorium, State Capitol (corner of Punchbowl and Beretania Streets); Honolulu, Hawaii; 10:00 a.m. and 7:00 p.m.

b. Thursday, May 28, 1987; University of Hawaii at Hilo; Campus Center, Room 306; Hilo, Hawaii; 10:00 a.m. and 7:00 p.m.

c. Friday, May 29, 1987; Kona Hilton, Resolution Room; 75–5822 Alii Drive; Kailua-Kona, Hawaii; 7:00 p.m.

A short public briefing on the joint Federal and State activities to date and future steps in the process will be presented by technical experts approximately one-half hour prior to the beginning of each hearing session.

ADDRESSES: Requests to make an oral presentation at the scheduled hearings or to obtain a copy of the draft EIS should be directed in writing or by telephone to the following:

Dr. Charles L. Morgan, State EIS Coordinator, Manganese Crust EIS Project, 1110 University Avenue, Room 411, Honolulu, Hawaii 96826, (808) 942–9556

Robert G. Paul, Federal EIS Coordinator, Office of Strategic and International Minerals, Minerals Management Service, 11 Golden Shore, Suite 260, Long Beach, California 90802, (213) 514–6140 or (FTS) 795–6140

Written testimony and comments on the draft EIS should be addressed to the Program Director, Office of Strategic and International Minerals; Minerals Management Service; 11 Golden Shore, Suite 260; Long Beach, California 90802.

FOR FURTHER INFORMATION CONTACT: Robert G. Paul, Office of Strategic and International Minerals, Minerals Management Service, telephone (213) 514–6140 or FTS 795–6140; or Dr. Charles L. Morgan, State of Hawaii EIS Coordinator, telephone (808) 942–9556.

SUPPLEMENTARY INFORMATION:

Background

The Department of the Interior, pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, in conjunction with the State of Hawaii, is considering the potential economic and environmental impacts resulting from the recovery of cobalt-rich manganese crusts found in the EEZ surrounding the Hawaiian Archipelago and Johnston Island.

In accordance with 30 CFR 256.26, MMS and the State of Hawaii will hold public hearings to receive comments and suggestions relating to the draft EIS. The hearings will provide the Secretary of the Interior with information from Government Agencies and the public which will help to evaluate the potential effects of marine cobalt-rich manganese crust mining.

At the public hearings, time limitations may make it necessary to limit the oral presentations to 10 minutes. Therefore, an oral statement may be supplemented by a more complete written statement and may be submitted to a hearing official at the time of oral presentation or by mail to the Program Director, Office of Strategic and International Minerals, at the address listed above no later than June 25, 1987. This will allow those unable to testify at a public hearing an opportunity to make their views known and for those presenting oral testimony to submit supplemental information and comments.

Dated: May 1, 1987.

Richard B. Krahl,

Acting Associate Director for Offshore Minerals Management.

[FR Doc. 87–10347 Filed 5–6–87; 8:45 am]

BILLING CODE 4310–MR–M

Development Operations Coordination Document; Union Texas Petroleum

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Union Texas Petroleum has submitted a DOCD describing the activities it proposes to conduct on Lease OCS–G 5525, Block 371, Eugene Island Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Fourchon, Louisiana.

DATE: The subject DOCD was deemed submitted on April 30, 1987. Comments must be received within 15 days of the date of this Notice or 15 days after the Coastal Management Section receives a copy of the plan from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico Region, Minerals Management Service, 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, Attention OCS Plans, Post Office Box 44487, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Ms. Angie D. Gobert; Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Telephone (504) 736–2876.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to section 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685).

Those practices and procedures are set out in revised section 250.34 of Title 30 of the CFR.

Dated: May 1, 1987.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 87–10412 Filed 5–6–87; 8:45 am]

BILLING CODE 4310–MR–M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB–18 (Sub-No. 92X)]

The Chesapeake and Ohio Railway Co.; Abandonment Exemption for Railroad Line in Richmond, VA

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the prior approval requirements of 49 U.S.C. 10901, *et seq.*, the abandonment by The Chesapeake and Ohio Railway Company (C&O) of a 0.90-mile line of railroad in Richmond, VA, known as the Gilley's Creek Interchange Track: (1) Between Valuation Station PS 4277+67.3 (=0+00) and Valuation Station 29+09 at the end of the tail track; and (2) between Valuation Station PS 17+71.7 (=0+00) and Valuation Station 18+60 at the end of C&O ownership, subject to standard employee protective conditions.

DATES: This exemption is effective on June 8, 1987. Petitions to stay must be filed by May 18, 1987, and petitions for reconsideration must be filed by May 27, 1987.

ADDRESSES: Send pleadings referring to Docket No. AB–18 (Sub-No. 92X) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative: Lawrence H. Richmond, CSX Transportation, Inc., 100 North Charles Street, Baltimore, MD 21201.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 275–7245.

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

Decided: April 30, 1987.

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

Noreta R. McGee,

Secretary.

[FR Doc. 87–10242 Filed 5–6–87; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Office of the Attorney General

Federal Judicial District, Certification to Eighth Circuit

The Attorney General pursuant to section 303 of the Bankruptcy Judges, United States Trustees, and Family Farmer Act of 1986, Pub. L. No. 99–554, hereby certifies to the United States Court of Appeals for the Eighth Circuit on this date that, in the region specified in paragraph 581(a)(12) of title 28, United States Code, composed of the federal judicial districts for the states of Minnesota, Iowa, North Dakota, and South Dakota, the amendments made by section 113 and subtitle A of title II of the Act and section 1930(a)(6) of title 28, United States Code, will apply 30 days after this date as to all cases commenced under chapter 7, 11, 12, or 13 of title 11, United States Code, on or after November 26, 1986. The amendments will also apply in cases commenced prior to November 26, 1986, one year after this certification, unless a final report and account of the administration of the estate required under section 704 of title 11, United States Code, has been filed, or a plan has been confirmed under section 1129, 1225, or 1325 of title 11.

The amendments cited above implement the United States Trustee system in the region and also impose quarterly fees in chapter 11 cases commenced on or after November 26, 1986. The implementation of the United States Trustee system and the imposition of quarterly fees in those chapter 11 cases commenced prior to November 26, 1986, in which a plan has not been confirmed, will become effective one year after the date of this certification.

The United States Trustee presently serving for the districts of Minnesota, North Dakota, and South Dakota is responsible, pursuant to section 301(a)

of the Act, for implementing the amendments made by the Act in the region hereby certified.

Dated: May 1, 1987.

Edwin Meese III,

Attorney General.

[FR Doc. 87-10385 Filed 5-6-87; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

Quotas for Controlled Substances in Schedule I

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of Established 1987 Aggregate Production Quotas.

SUMMARY: This notice establishes 1987 aggregate production quotas for ibogaine, mescaline and normorphine.

DATE: This order is effective upon publication.

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

SUPPLEMENTARY INFORMATION: Section 306 of the Controlled Substances Act (21 U.S. Code, section 826) requires the Attorney General to establish aggregate production quotas for all controlled substances in Schedules I and II each year. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration pursuant to § 0.100 of Title 28 of the Code of Federal Regulations.

On March 2, 1987, a notice proposing aggregate production quotas for ibogaine, mescaline and normorphine was published in the **Federal Register** (52 FR 6229). All interested persons were invited to comment on or object to the proposal on or before April 1, 1987. No comments or objections were received.

Pursuant to sections 3(c)(3) and 3(e)(2)(C) of Executive Order 12291, the Director of the Office of Management and Budget has been consulted with respect to these proceedings.

The Administrator hereby certifies that this matter will have no significant impact upon small entities within the meaning and intent of the Regulatory Flexibility Act, 5 U.S. Code 601, et seq. The establishment of annual aggregate production quotas for Schedules I and II controlled substances is mandated by law and by the international commitments of the United States. Such quotas impact predominantly upon major manufacturers of the affected controlled substances.

Therefore, under the authority vested in the Attorney General by Section 306 of the Controlled Substances Act of 1970 (21 U.S. Code, section 826) and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations, the Administrator hereby orders that the 1987 aggregate production quotas for ibogaine, mescaline and normorphine, expressed in grams of anhydrous base, be established as follows:

Basic class schedule I	1987 aggregate production quotas
Mescaline	5
Normorphine	2
Ibogaine	35

Dated: April 15, 1987.

John C. Lawn,

Administrator, Drug Enforcement Administration.

[FR Doc. 87-10375 Filed 5-6-87; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-16,061 et al]

Great Western Sugar Co.; Negative Determination on Second Remand

Loveland, Colorado	TA-W-16,061
Denver, Colorado	TA-W-16,062
Fort Morgan, Colorado	TA-W-16,105
Sterling, Colorado	TA-W-16,129
Goodland, Kansas	TA-W-16,150
Greeley, Colorado	TA-W-16,194
Bayard, Nebraska	TA-W-16,215
Ovid, Colorado	TA-W-16,216
Billings, Montana	TA-W-16,424

Pursuant to the U.S. Court of International Trade remand, dated April 22, 1987, in *Western Conference of Teamsters* v. *Secretary of Labor* (USCIT No. 86-04-00436) the Department is submitting a response with additional evidence for inclusion into the certified supplemental record as a result of the supplemental statement of position that was submitted by plaintiff pursuant to a USCIT remand order of Febrary 17, 1987.

The Great Western Sugar Company produced refined sugar from sugar beets until it ceased production operations in March, 1985. The Department had found in its initial investigation that the increased import criterion was not met. U.S. imports of refined sugar were negligible during the period applicable to the petition. Also, the contributed importantly test for refined sugar and high fructose corn syrup (HFCS) was not met. The Department's survey revealed that the predominant portion of Great Western's customers did not purchase imported refined sugar or HFCS.

On remand the Department surveyed the same Great Western's customers for raw sugar to determine if an imported article (raw sugar) is directly competitive with a domestic article (refined sugar) at a later stage of processing. The survey showed that raw sugar was not competitive with refined sugar for the Great Western Sugar Company. Most of the respondents in the survey did not import raw cane sugar. The few customers who reported import purchases of raw sugar also purchased domestic raw sugar and, in general, their purchases of domestic and foreign raw sugar ran in tandem with each other. The survey showed that certain food company customers of Great Western who require a steady supply of refined sugar for their plants would buy both domestic and foreign raw sugar and have it delivered to an independent domestic refinery to be refined for a tolling charge. These respondents indicated that they do not use raw sugar as a substitute for refined sugar. The responding bottling companies reported a reduced reliance on both domestic and foreign raw sugar for increased domestic purchases of HFCS.

The Department found on remand that there was nothing substantive in counsel's supplemental statement of position of March 3, 1987 that would form a basis for certification. Counsel for the union stated that "raw sugar prices are the single most important determinant of profitable operation of the domestic sugarbeet industry" and implied that the Department did not consider imports of liquid sugar or invert sugar despite the fact that counsel admitted that sugar imports are 99.9 percent raw sugar. Lastly, counsel quoted from the record (R. 230) which states that since 1980 the company could not offer the growers enough compensation for their bets because of the depressed sugar market caused by increased imports.

On further reconsideration, the Department found that commodity specialists aver that the profitability of firms in the beetsugar industry depends on (1) the efficiency of the sugarbeet refineries and (2) the U.S. price support system for growers. Accordingly, in 1984 the world price for raw sugar was 5.18¢ per pound; the New York spot price for raw sugar was 21.74¢ per pound. The U.S. price support system for sugar seems to be the more determinant factor

in the price of raw sugar. Also, beet sugar prices vary by regions depending on location and transportation differentials. In any event neither prices nor profitability are criteria for worker group certification.

Counsel for the union cites from the U.S. International Trade Commission Publication #1253 on Sugar dated June, 1982 that raw sugar accounts for 99.9 percent of all sugar imports. The remaining .1 percent of sugar imports consists of refined sugar, liquid sugar or blends and invert sugar. The Department has already looked at imports of refined sugar. Imports of liquid blends and invert sugar would account for a miniscule portion of the .1 percent of sugar imports. With respect to liquid blends, Presidential Proclamation 5071 dated June 29, 1983 established zero import quotas for liquid blends. Hence, liquid blends were not a factor in the demise of operations at the Great Western Sugar Company. Also, according to government commodity specialists, imports of invert sugar during the period applicable to the petition were negligible. Invert sugar does not readily lend itself to being imported since it contains a high percentage of water and is more easily contaminated than dry sugar.

The claim that the company could not offer the growers enough compensation for their beets because of the depressed sugar market caused by increased imports since 1980 would not be a basis for certification under the Trade Act of 1974. Events occurring in 1980 are too far removed and are not applicable to the time of the worker petitions.

Conclusion

After reconsideration on remand, I reaffirm the original denial of eligibility to apply for adjustment assistance for former workers of Great Western Sugar Company at the instant locations.

Signed at Washington, D.C., this 5th day of May 1987.

Stephen A. Wandner,

Deputy Director, Office of Legislation and Acturial Services, UIS.

[FR Doc. 87-10598 Filed 5-6-87; 9:17 am]

BILLING CODE 4510-80-M

Occupational Safety and Health Administration

National Advisory Committee on Occupational Safety and Health; Full Committee Meeting

Notice is hereby given that the National Advisory Committee on Occupational Safety and Health (NACOSH) will meet on May 20 and 21, 1987, at 9:00 a.m. in Room N-3437 ABC at the Frances Perkins Department of Labor Building, 200 Constitution Avenue NW., Washington, DC.

NACOSH was established under section 7(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656) to advise the Secretary of Labor and the Secretary of Health and Human Services on matters relating to the administration of the Act.

The public is invited to attend these meetings. The committee will discuss general issues affecting the workplace safety and health. A detailed agenda will be prepared, made publicly available and sent to members prior to the meeting. Anyone who wishes to make an oral presentation should notify the Division of Consumer Affairs before the meeting date. The request should include the amount of time desired, the capacity in which the person will appear, and a brief outline of the content of the presentation. Oral presentations will be scheduled at the discretion of the Committee chairperson to the extent to which time permits.

For additional information contact: Tom Hall, Division of Consumer Affairs, Occupational Safety and Health Administration, Room N-3647, Third Street and Constitution Avenue NW., Washington, DC 20210. Telephone: 202-523-8615.

Official records of the meetings will be available for public inspection at the Division of Consumer Affairs.

Signed at Washington, DC, this 1st day of May, 1987.

John R. Pendergrass,

Assistant Secretary.

[FR Doc. 87-10438 Filed 5-6-87; 8:45 am]

BILLING CODE 4510-26-M

National Foundation on the Arts and Humanities

National Endowment for the Arts; Dance Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Dance Advisory Panel (Choreographers Fellowships Prescreening Section) to the National Council on the Arts will be held on May 29-30, 1987, from 9:00 a.m.-5:30 p.m. in room 716 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information wih reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

April 30, 1987.

John H. Clark,

Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 97-10413 Filed 5-6-87; 8:45am]

BILLING CODE 7537-01-M

National Endowment on the Arts; Visual Arts Advisory Panel;

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Visual Arts Advisory Panel (Challenge/Special Projects Section) to the National Council on the Arts will be held on May 26-27, 1987, from 9:00 a.m. - 6:00 p.m. in room 730 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the national Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further Information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

April 30, 1987.

John H. Clark,

Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 87-10414 Filed 5-6-87; 8:45 am]

BILLING CODE 7537-01-M

PENSION BENEFIT GUARANTY CORPORATION

Request for Approval Under the Paperwork Reduction Act of Reinstatement of an Information Collection Requirement

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of request for OMB approval.

SUMMARY: The Pension Benefit Guaranty Corporation has requested approval by the Office of Management and Budget for a reinstatement of a previously approved information collection requirement (1212-0023) without any change in the substance or in the method of collection. The information collection is contained in the PBGC's regulation on Extension of Special Withdrawal Liability Rules, 29 CFR Part 2645. The purpose of this notice is to advise the public of the PBGC's request for OMB approval of this information collection requirement.

ADDRESSES: All written comments (at least three copies) should be addressed to: Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Pension Benefit Guaranty Corporation, 3208 New Executive Office Building, Washington, DC 20503. The request for extension will be available for public inspection at the PBGC Communications and Public Affairs Department, Suite 7100, 2020 K Street, NW., Washington, DC 20006, between the hours of 9:00 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: J. Ronald Goldstein, Manager, Regulations Division, Corporate Policy and Regulations Department, Code 35100, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, DC 20006, 202-778-8850 (202-778-8859 for TTY and TDD). These are not toll-free numbers.

Issued at Washington, DC, this 1st of May 1987.

Kathleen P. Utgoff,

Executive Director.

[FR Doc. 87-10358 Filed 5-6-87; 8:45 am]

BILLING CODE 7708-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-24414; File No. SR-ISE-86-1]

Self-Regulatory Organizations; Order Approving Proposed Rule Change by the Intermountain Stock Exchange Relating to the Withdrawal of the ISE's Current Rules

The Intermountain Stock Exchange, Inc. ("ISE") submitted, on October 31, 1986, 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 withdraw its current body of rules permitting its operation as a national securities exchange.[1] The proposal reflects an agreement between the ISE and the Commodities Exchange, Inc. ("Comex"), reached on June 25, 1986, in which the Comex acquired certain assets of the ISE. In return, the ISE agreed to fulfill certain terms and conditions, including the delisting of all ISE-listed securities,[2] and the withdrawal of the majority of their rules.[3] Under the proposal, the registration of the ISE is to become dormant, with no trading, listings, or members (other than the Comex). The Comex intends to maintain the registration with the Commission for a reasonable period of time, during which time it will develop specific plans for the utilization of the registration.

The Comex has agreed with the Commission's understanding that ownership of the dormant ISE registration would not excuse the Comex from any regulatory requirements imposed upon a national securities exchange by Sections 6 and 19 of the Act. Further, the Comex has provided that it will not represent the ISE as anything other than a dormant, albeit registered, national securities exchange, and that the existing ISE structure will not result in any securities trading on ISE.[4]

In addition, the Comex has requested that during the period of inactivity of the ISE, it not be required to comply with the periodic and annual filing requirements for the ISE under Section 6 of the Act.[5] The Commission has determined that such relief is not contrary to the public interest. Therefore, the ISE will not be required to file either periodic amendments to its registration statements pursuant to Rule 6a-2 under the Act, or supplemental materials pursuant to Rule 6a-3 under the Act during the ISE's dormancy. The Commission notes, however, that any action by Comex for the purpose of making the ISE an active exchange, such as the submission of new rules, would retrigger, for the Exchange, the filing and reporting requirements under Rules 6a-2 and 6a-3 under the Act.

The Commission finds that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange. Specifically, the Commission notes that the proposed changes are consistent with section 6(b)(5) of the Act in that the withdrawal of these rules effectively permits the sale of the ISE to the Comex, while protecting investors by ensuring that there will be no securities activity on the ISE. The period of dormancy of the ISE registration will afford the Comex an opportunity to devise a new set of rules and regulations meeting Commission requirements, should the Comex decide to once again make the ISE a viable entity.[6]

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: April 30, 1987.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-10416 Filed 5-6-87; 8:45 am]

BILLING CODE 8010-01-M

[1] Notice of the proposed rule change, together with the terms of substance of the proposal, was given by issuance of a Commission release (Securities Exchange Act Release No. 24037, January 29, 1987) and by publication in the **Federal Register** (52 FR 4068, February 9, 1987). No comments were received regarding the proposal.

[2] *See* Securities Exchange Act Release No. 23760 (October 30, 1986).

[3] The ISE did not propose to repeal its Constitution, or Articles I (Memberships Qualification and Duties), II (Conducting of Elections), IX(1) Member Firm Requirements and Duties), X(1) (Member Corporation Requirements and Duties), and XV(2) (Dues, Fees and Fines) of its Rules. The ISE left these provisions in effect to ensure the retention of its not-for-profit status under Utah law during the period of its dormancy.

[4] *See* Letter from Alan J. Brody, President, Comex, to Richard Ketchum, Director, Division of Market Regulation, SEC, dated August 6, 1986.

[5] *See* Letter from Philip McBride Johnson, counsel to Comex, to Howard Kramer, Assistant Director, Division of Market Regulation, SEC, dated February 17, 1987.

[6] We note that the Commission would have to approve new rules for the ISE pursuant to section 19(b) of the Act before the Comex would be permitted to reactive the ISE as an exchange.

[Release No. 34-24408; File No. SR-MSE-87-3]

Self-Regulatory Organizations; Midwest Stock Exchange Inc.; Order Approving Proposed Rule Change

The Midwest Stock Exchange, Inc. ("MSE") submitted on February 26, 1987 copies of a proposed rule change (SR-MSE-87-3) pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b-4 thereunder to reflect the MSE's current use and commitment to future use of the Uniform Application for Securities Industry Registration or Transfer (Form U-4).

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. 34-24226, March 17, 1987) and by the publication in the **Federal Register** (52 FR 9604, March 25, 1987). No comments were received with respect to the proposed rule filing.

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 MSE and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordererd, pursuant to section 19(b)(2) of the Act, that the above-mentioned 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).

Jonathan G. Katz,

Secretary.

April 29, 1987.

[FR Doc. 87-10417 Filed 5-6-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-24413; File No. SR-NYSE-87-5]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Aproval of Proposed Rule Change by New York Stock Exchange, Inc. Relating to the Extension of the Effectiveness of NYSE Rule 103A from March 31, 1987 to July 31, 1987.

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 4, 1987, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") filed with the Securities and Exchange Commission ("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 form interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would extend the effectiveness on NYSE Rule 103A until July 31, 1987. Rule 103A authorizes the Market Performance Committee of the NYSE to withdraw NYSE approval of a member's registration as specialist in one or more stocks if the specialist has consistently recieved evaluations by floor brokers on the quarterly Specialist Performance Evaluation Questionnaire ("SPEQ") which are below a level of acceptable performance as specified in the Rule.

The proposed rule change also concerns revisions to the Options "SPEQ" [1] to reflect editorial changes in the form used to administer Rule 103A.

The proposed rule change also consists of a "housekeeping" change in paragraph .40 of Rule 103A to reflect the correct Article and Section (as a result of the recodification of the Exchange Constitution) under which a specialist may request a review by the Board of Directors of a decision of the Market Performance Committee pursuant to the procedures set out in Rule 103A.

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 Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) Purpose

The purpose of the proposed rule change is to extend the effectiveness of Rule 103A to July 31, 1987.

Prior to that time the Exchange intends to enhance, codify, and file with the Commission its procedures for specialist performance review and counseling. That filing will also reiterate the Exchange's request that Rule 103A be approved as a permanent rule of the Exchange.

As described in more detail in File No. SR-NYSE-81-11, Rule 103A authorizes the Market Performance Committee of the NYSE to withdraw NYSE approval of a member's registration as specialist in one or more stocks if the specialist has consistently received evaluations by floor brokers on the quarterly SPEQ which are below a level of acceptable performance as specified in the Rule.

As described in File No. SR-NYSE-85-14, and File No. SR-NYSE-86-19, the Exchange conducted a pilot program to test revisions to the current Specialist Performance Evaluation Questionnaire and its associated processes.

The Market Performance Committee's Subcommittee on Performance Measures and Procedures is continuing to analyze data produced by the revised SPEQ and developing additional measures and standards of specialist performance, such as DOT turnaround performance, to be incorporated into a revised Rule 103A. The Exchange believes that additional experience is needed with the data produced by the revised SPEQ, and the preliminary data being collected on possible additional measures, before appropriate standards as to acceptable performance can be developed.

The Exchange is requesting this extension of Rule 103A, in part, because it continues to view the rule as providing a basis for on-going performance improvements initiatives, such as counseling of specialist units by the Market Performance Committee, which it believes has proven to be effective in improving both individual and overall specialist performance on the Exchange. The Exchange intends that the Market Performance Committee will continue its counseling procedures during the period when appropriate standards as to acceptable performance are being developed.

In addition, the Exchange requests that the Commission extend the applicability of Rule 103A to the options SPEQ. The questionnaire will be graded on the seven-point scoring and analysis method defined in existing Rule 103A.10. As a result, the current standards of acceptable performance described in the Rule will be applicable to options specialists as determined by their SPEQ scores and would provide a basis for the Exchange to initiate reallocation proceedings against an options specialist unit under Rule 103A.

[1] In its filing, the Exchange submitted to the Commission copies of the revised options SPEQ. Copies of the revised SPEQ are available from the Commission at the address noted in Section IV below and from the NYSE.

Revisions to the Options "SPEQ" as submitted herein are editorial in nature, such as the questionnaire being renamed the Options Specialist General Information Questionnaire. The revisions also reflect the listing and delisting of options classes, additional options specialist units and name changes to several options specialist units.

The rule change also consists of a "housekeeping" change in paragraph .40 of Rule 103A to reflect the correct Article and section (as a result of the recodification of the Exchange Constitution) under which a specialist may request a review by the Board of Directors of a decision of the Market Performance Committee pursuant to the procedures set out in Rule 103A.

(2) Basis Under the Act for Proposed Rule Change

The statutory basis for the rule change is section 6(b)(5) of the Act as amended which, among other things, requires Exchange rules to be designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling and processing information with respect to and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free, open market in general and to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

This rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange requests that the proposed rule change be given accelerated effectiveness pursuant to section 19(b)(2) of the Act.

Since Rule 103A is intended to improve specialist performance, thereby adding to the overall quality of the NYSE market, the Exchange requests that the Commission approve the proposed rule change on an accelerated basis so that the pilot program can continue.

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 NYSE. All submissions should refer to the file number in the caption above and should be submitted by May 28, 1987.

V. Conclusion

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 in that it continues an existing program to evaluate the performance of specialists in handling their specialty stock and seeks to identify those specialists that may need improvements.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after date of publication of notice of filing thereof in that it will provide the Exchange with the additional time necessary to prepare a permanent Rule 103A to be filed with the Commission upon termination of the extended pilot period, while at the same time permitting the pilot to remain in effect without interruption. In addition, an extension of the pilot program will permit the Exchange to develop additional measures and standards of specialist performance to be incorporated into Rule 103A. The Exchange will be able to provide a detailed account of its experiences with the Rule when the pilot expires and the Exchange requests permanent approval of Rule 103A. The Commission also finds that the proposed extension of applicability of Rule 103A to the options SPEQ is consistent with the Act, in that, it will permit the NYSE to evaluate the performance of options specialists to ensure that these specialists provide the best possible markets for their registered securities as well as provide a basis for the Exchange to reallocate options in those situations where the specialist has performed below minimum acceptable standards.

It is therefore ordered, pursuant to section19(b)(2) of the Act, the proposed rule change referred to above be, and hereby is, approved effective, nunc pro tunc, March 31, 1987.

For the Commission, by the Division of Market Regulation, pursuant to delegate authority.[2]

Dated: April 30, 1987.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-10418 Filed 5-6-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-24410; File No. SR-PSE-87-08]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness; the Pacific Stock Exchange Inc.

The Pacific Stock Exchange Inc.; Relating to certain changes in the rate schedules of equities and options transaction fees, certain booth fees and certain special services provided to floor members.

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 30, 1987, the Pacific Stock exchange incorporated ("PSE" or the "Exchange") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Pacific Stock Exchange Incorporated ("PSE" or the "Exchange"), is submitting this rule filing for the purpose of changing rate schedules in equities and options transaction fees, certain options booth fees, and certain special services provided to floor members. The proposed increase to existing fees and the creation of certain new fees is designed to increase annualized revenue by some $1,000,000. These additional funds are necessary to

[2] 17 CFR 200.30-3.

assist in offsetting substantial costs incurred in implementing technological upgrades on both the equities and options trading floors. A description of the proposed changes is given in Exhibit A.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

The Exchange is currently in the process of implementing substantial technological improvements to both the equity and option trading floors. These advancements are aimed at improving the Exchange's ability to handle order flow and enable its Specialists and Market Makers to perform their function.

On the equities floors, the Exchange is developing sophisticated electronic work stations for its Specialists. The new fee for alternate Specialist transactions and the increase in Post service charges are intended to help offset the cost of providing the new technology to the Specialists.

On the options floor, one of the systems being developed is an auto quote system. This system will assist the Market Makers in performing their function. To help offset this cost, transaction and comparison fees are being increased to those participants. To assist in financing other automation-related enhancements to the trading floor, fees will now be charged for special services that the Exchange had been providing for some of its members. For example, fees will now be in place for monthly billing reports which were generated by independent brokers. Also, when members request special customized reports, they will be expected to be responsible for the costs incurred by the Exchange. Finally, a surcharge will be charged for booth space used to accept stock orders for execution on other floors.

It is the intention of the Exchange to put these new or increased fees into effect as of the Exchange's May 1987 billing cycle. For equities charges, this would take effect as of April 20, 1987. For options, the rates would go into effect as of April 30, 1987.

The proposed rate changes and this rule proposal are consistent with section 6(b)(4) of the Securities Exchange Act of 1934 (the "Act") in that they provide an equitable allocation of reasonable dues, fees and other charges among its members using the facilities of the Exchange. In addition, the proposal is consistent with section 6(b)(5) in that it will enable the Exchange to enhance its ability to facilitate transactions.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change imposes a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the 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 that those than may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the PSE. All submissions should refer to the file number in the caption above and should be sumbitted by May 28, 1987.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: April 29, 1987.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-10419 Filed 5-6-87; 8:45 am]

BILLING CODE 8010-01-M

EXHIBIT A.—SUMMARY OF RATE CHANGES

Fee category	Current fee	New fee
Equities:		
1. Transaction fee for alternate specialists.	No charge	$.015/share.
2. Post service charge	$225/month	$425/month.
Options:		
1. Transaction fee for market makers on equity options.	$.05/contract	$.075/contract.
2. Transaction fee for market makers on index options.	$.05/contract	$.10/contract.
3. Comparison fee for market makers and non-market makers.	$.28/trade entry ticket.	$.25/trade entry ticket + $.005/contract.
4. Reports provided to independent brokers.	No charge	$100/month.
5. Surcharge for stock execution firms on a per booth basis.	No charge	$150/month.
6. Customized reports provided by DPI.	No charge	Passthrough of costs associated with development and production of customized reports.

[FR Doc. 87-10419 Filed 5-6-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-24409; File No. SR-PSE-86-27]

Self-Regulatory Organizations; Pacific Stock Exchange, Inc.; Order Approving Proposed Rule Change

On December 2, 1986, the Pacific Stock Exchange, Inc. ("PSE" or "Exchange"), submitted to the Securities and Exchange Commission ("Commission"), pursuant to section 19(b)(1) under the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b-4 thereunder,[2] a proposed rule change to clarify PSE Rule VI, section 64 concerning the discretion an options floor broker may exercise over an order.

The proposed rule change was noticed in Securities Exchange Act Release No.

[1] 15 U.S.C. 78s(b)(1) (1982).

[2] 17 CFR 240.19b-4 (1985).

23923 (March 3, 1987), 52 FR 7953 (March 13, 1987). No comments were received on the proposal.

PSE Rule VI, section 64, paragraph (A) currently prohibits any PSE options floor broker from executing or causing to be executed any transaction on the Exchange with respect to which the floor broker has discretion as to (1) the class or series of options to be bought or sold, (2) the number of option contracts to be bought or sold, or (3) whether the transaction shall be one of purchase or sale. The PSE stated in its rule filing that this rule was intended, among other things, to limit the maximum amount of contracts a broker may have discretion to buy or sell. However, the PSE believes that the current language of the rule could be interpreted to prohibit a broker from working a "Not Held" order.[3] Because the Exchange does not wish to prohibit a broker from accepting this type of order, the Exchange has proposed, in the present rule filing, to amend section 64 to state that a floor may not be vested with discretion as to "the *stated* number of option contracts to be bought or sold" or have "the ability to increase the stated volume." A new sentence also will be added to section 64, stating that "[A] Floor Broker may be vested with discretion as to the ability to decrease the stated number of option contracts."

The Commission believes that the proposed rule change will benefit market participants by facilitating certain type transactions. In addition, the proposal will remove a possible impediment to a free and open market by clarifying the intent of the Rule. For these reasons, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of section 6,[4] and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[5] that the proposed rule change is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

[3] A "Not Held" order is one which is marked "Not Held", "Take time" or which bears any qualifying notation giving discretion as to the price or time at which such order is to be executed. *See* Phlx Rule 1066.

[4] 15 U.S.C. 78f (1982).

[5] 15 U.S.C. 78s(b)(2) (1982).

[6] 17 CFR 200.30-3(a)(12) (1985).

Dated: April 29, 1987.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-10420 Filed 5-6-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-24407; File No. S7-33-86]

Joint Industry Plan; Order Approving Proposed Reporting Plan for National Market System Securities Traded on an Exchange

On December 17, 1986, pursuant to Rules 11Aa3-2 and 11Aa3-1 under the Securities Exchange Act of 1934 ("Act"), the National Association of Securities Dealers, Inc. ("NASD"), together with the Midwest Stock Exchange ("MSE") filed with the Commission a proposed plan ("Plan") governing the collection, consolidation and dissemination of quotation and transaction information for certain National Market System ("NMS") securities listed on an exchange or traded on an exchange pursuant to a grant of unlisted trading privileges ("UTP"). Notice of the Plan was published in Securities Exchange Act Release No. 23968 (January 7, 1987), 52 FR 1406. The Commission received two comments. For the reasons discussed below, the Commission is approving the Plan as proposed.[1]

I. Background and Description of the Plan

Currently, exchanges trade only securities listed on the exchange or, pursuant to UTP, securities listed on another national securities exchange. On September 16, 1985, after lengthy proceedings,[2] the Commission issued a release announcing the terms and conditions under which the Commission would consider granting exchanges UTP in NMS securities.[3] Generally, the Commission determined to establish a one-year pilot in which each exchange could receive UTP in up to 25 NMS Securities. The Commission conditioned the grant of UTP, however, on agreement by the exchanges and the NASD on a plan for providing joint dissemination of quotation and transaction information on securities traded on a UTP basis ("consolidated plan").[4] The Commission also determined that, while it was premature to require any specific type of market linkages prior to the initiation of trading, the exchanges must provide OTC market makers direct access to the exchange specialists in UTP securities to facilitate intermarket trading in these securities. The Commission also conditioned the grant of OTC/UTP on the exchanges not applying their off-board trading restrictions to those securities. Finally, the Commission stated that it would evaluate trading under the one-year pilot and at the end of the pilot would determine what further action to take.

Since October 1985, the NASD, American ("Amex"), Boston ("BSE"), Cincinnati ("CSE"), Pacific ("PSE") and Philadelphia ("Phlx") Stock Exchanges and the Chicago Board Options Exchange ("CBOE") have been negotiating the terms of the consolidated plan. Although negotiations have progressed, open issues remain and the MSE determined that it was no longer in its best interests to delay commencement of trading OTC securities on an unlisted basis until completion of those negotiations. Thus, the MSE and NASD negotiated the Plan as an interim reporting plan.

Under the Plan, the NASD and MSE[5] will use the existing NASDAQ System and the NASD's transaction reporting system to collect, consolidate and disseminate quotation and transaction information received from NASDAQ market makers and the MSE in eligible securities.[6] Initially the MSE would use NASDAQ terminals to submit quotations and a computer-to-computer link with the NASD to submit transaction reports.[7] The processor

[1] The Commission today also approves the MSE's application for UTP in 25 NMS securities. See Securities Exchange Act Release No. 24406 (April 29, 1987).

[2] On November 16, 1984, the Commission issued a release soliciting comment on both the general issue of whether UTP in over-the-counter ("OTC") stocks should be granted, and on specific questions to be addressed before the grant of such privileges. Securities Exchange Act Release No. 21498 (November 16, 1984), 49 FR 46156. *See* Securities Exchange Act Release Nos. 22583 (December 18, 1984), 50 FR 730; and 22127 (June 21, 1985), 50 FR 26584.

[3] Securities Exchange Act Release No. 22412 (September 16, 1985), 50 FR 38640 ("OTC/UTP Release").

[4] This requirement parallels the systems for disseminating information on listed securities, where all exchanges and the NASD are participants in the Consolidated Tape Association ("CTA") and Consolidated Quotation System ("CQS").

[5] Although no exchanges other than the MSE have elected to become participants, the Plan states that "[a]ny other national securities association or national securities exchange . . . may become a [p]articipant" upon execution of the Plan on the same basis as the MSE.

[6] The Plan defines "eligible securities" as NMS securities traded on an exchange on a listed or UTP basis.

[7] The Plan specifically requires that transaction reports be submitted within 90 seconds after execution of the transaction.

would disseminate consolidated quotation and transaction information to vendors, subscribers and others "in a fair and non-discriminatory manner." NASD would disseminate on NASDAQ Level 1 service[8] a consolidated best bid and asked quotation with size based upon quotation information for eligible securities received from the MSE and NASDAQ market makers. Under the proposed plan the consolidated best bid and asked quotation and transaction reports will not contain market identifiers. Additionally, the Plan provides that the processor shall tabulate and disseminate at the conclusion of each day the aggregate volume reported in eligible securities but shall not break down the aggregate volume by market place.[9]

The Plan also provides that the MSE shall permit NASDAQ market makers direct telephone access to the specialist post in each eligible security in which the market maker is registered and requires the NASD to ensure the MSE equivalent telephone access to NASDAQ market makers.

The Plan makes specific provision for administration of the plan by the participants through an operating committee. Unanimous votes would be required for certain matters including amendments to the Plan; reduction of fees charged by the Plan; and termination of the processor for other than "reasonable cause."

The Plan also specifies procedures for the selection of and evaluation of the performance of the processor, which for an initial five-year term would be NASDAQ. The Operating Committee is empowered to remove the NASD as processor prior to the expiration of this five-year period by a majority vote of the Committee if the NASD fails to perform its functions "in a reasonably acceptable manner" consistent with the Plan [10] or if its reimbursable expenses become unjustifiably high.

The Plan also contains provisions on applicable fees and on revenue sharing. With the exception of charges for NASDAQ Level 3 service and related equipment charges, the Plan does not provide for the imposition of any fees or charges in connection with the collection, consolidation and dissemination of information on eligible securities. In fact, the Plan prohibits the MSE from imposing, or permitting the imposition of, any access or execution fee, or any other fee or charge for transactions in eligible securities effected with NASDAQ market makers that are communicated to the floor. Similarly, the Plan prohibits the NASD from imposing any access or execution fee, or any other fee or charge for transactions in eligible securities effected by a MSE member.

The MSE and NASD have agreed to defer consideration of the method of revenue-sharing until one year after the date upon which the Plan becomes effective. The Plan provides, however, that certain net operating revenues from Level 1, Level 2, NASDAQ/NMS Last Sale and NQDS [11] will be distributed to the participants on the basis of either transaction or share volume by each participant in relation to the total transaction or share volume in the security. Prior to distribution, however, all operating or administrative expenses of the processor in connection with the Plan shall be offset against operating revenues.

II. Comments

The Commission received two comment letters on the Plan. Amex opposed the approval of the Plan for several reasons.[12] First, Amex stated that to approve the plan, the Commission would have to ignore the fact that the exchanges participating in the negotiations on the consolidated plan, on two occasions, rejected unanimously the "interim plan approach." Moreover, Amex believes, the Commission would have to disregard the fact that the OTC/UTP Release called for a joint industry plan. Amex believes that permitting the MSE to agree to fewer competitive protections than the other exchanges are willing to accept will put other exchanges at a competitive disadvantage. Amex believes that the provision in the MSE/NASD agreement that other exchanges may join the Plan does not alleviate the problem.

Amex also expressed concern that if the Commission were to approve the Plan, the NASD would have little incentive to continue good faith negotiations on a consolidated plan which is reasonable in terms of its cost to participants and which contains the competitive protections lacking in the Plan. Finally, Amex raised the concern that regardless of the Commission's assertion that the OTC/UTP pilot would not begin until the consolidated plan was approved, once the MSE's UTP application is approved, a *de facto* pilot will be in effect. Thus, Amex fears that if the MSE's venture into OTC/UTP is unsuccessful as a business matter, it will doom all exchanges' efforts to provide facilities for UTP on OTC securities.

The MSE also submitted a letter when it submitted the Plan to the Commission.[13] The MSE limited its comments to the question of foreign dissemination of consolidated transaction reports and quotation information. Specifically, the MSE stated its objection to the language in the Plan which reserved to the NASD complete discretion to disseminate to foreign marketplaces transaction and quotation information in any manner the NASD "deems proper."

The MSE believes section 11A(b) of the Act clearly requires an exclusive securities information processor such as NASDAQ to make information available in a non-discriminatory manner. The MSE believes that any refusal by the NASD to make available consolidated transaction and quotation data to foreign vendors would constitute a denial of access in contravention of section 11A(b).

III. Discussion

As noted earlier, today the Commission also is approving the MSE's application for UTP in 25 OTC securities. The Commission's approval of UTP in those securities is conditioned on its approval of the Plan. In reviewing the Plan, the Commission must determine that it meets the standards set forth in section 11A of the Act and Rules 11Aa3–2 and 11Aa3–1 thereunder.

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[8] NASDAQ Level 1 service provides the best bid and offer quotations in each NASDAQ security without identifying market makers.

[9] The NASD and MSE have agreed, however, that should the consolidated plan (which the Commission expects to include market identifiers) not be executed by November 20, 1987, or should negotiations on the consolidated plan be abandoned before that date, the NASD and MSE will use their best efforts to implement market identifiers for the best bid and ask quotations (as well as to implement volume dissemination and computer-to-computer quotation entry capacity) under the Plan within six months. Letter from Charles V. Doherty, President, MSE, to Frank Wilson, General Counsel, NASD, dated November 20, 1986.

[10] The Plan specifically forbids requests for technology enhancements prior to one year from the commencement of trading and states that the reasonableness of the processor's response to such requests after one year will be evaluated in terms of the "cost to the processor of purchasing the same service from a third party and integrating such service into the processor's existing systems . . . ."

[11] "Level 1" service provides vendors with the best bid and offer; "Level 2" service is sold directly to subscribers by the NASD and contains a listing of all market makers' bids and offers for each security; "NASDAQ/NMS Last Sale" service is a stream of last sale reports for all NASDAQ/NMS securities; "NQDS" service provides the same information as Level 2 service but is provided to vendors for processing and sale to their subscribers.

[12] Letter, dated February 27, 1987, from Kenneth R. Leibler, President and Chief Operating Officer, Amex, to Jonathan G. Katz, Secretary, SEC.

[13] *See* Letter, dated November 19, 1986, from Charles V. Doherty, President, MSE, to Jonathan G. Katz, Secretary, SEC.

Section 11A of the Act directs the Commission to facilitate the development of a NMS for securities, "having due regard for the public interest, the protection of investors, and the maintenance of fair and orderly markets." Rule 11Aa3–1 provides that any NMS plan shall specify, at a minimum: (1) Reporting requirements with respect to transactions in listed equity securities or NMS securities for any broker or dealer subject to the plan; (2) the manner of collecting, processing, sequencing, making available and disseminating transaction reports and the last sale data reported pursuant to such plan; (3) the manner transaction reports reported pursuant to such a plan are to be consolidated with transaction reports from exchanges and associations reported pursuant to any other effective transaction reporting plan; (4) the applicable standards and methods which will be utilized to ensure promptness of reporting, and accuracy and completeness of transaction reports; (5) any rules or procedures which may be adopted to ensure that transaction reports or last sale data will not be disseminated in a fraudulent or manipulative manner; (6) specific terms of access to transaction reports made available or disseminated pursuant to the plan; and (7) that transaction reports or last sale data made available to any vendor for display on an interrogation device identify the marketplace where each transaction was executed.

Additionally, Rule 11Aa3–2 requires that a NMS plan describe to the extent applicable: (1) The terms and conditions under which brokers, dealers, and/or SROs will be granted or denied access (including specific procedures and standards governing the granting or denial of access); (2) the method by which any fees or charges collected on behalf of all of the sponsors and/or participants in connection with access to, or use of, any facility contemplated by the plan or amendment will be determined and imposed (including any provision for distribution of any net proceeds from such fees or charges to the sponsors and/or participants) and the amount of such fees or charges; (3) the method by which, and the frequency with which, the performance of any person acting as plan processor with respect to the implementation and/or operation of the plan will be evaluated; and (4) the method by which disputes arising in connection with the operation of the plan will be resolved.

The Commission believes that the Plan substantially meets the standards outlined above and substantially addresses the specific concerns the Commission described in the OTC/UTP Release in discussing the prerequisites to its granting of OTC/UTP. The Commission remains concerned, however, about several aspects of the Plan.[14]

A. Market Identifiers

As described above, the plan does not provide for market identifiers for transaction reports and the consolidated best bid and offer quotations. Subsection (b)(2)(vii) of the Transaction Reporting Rule, however, requires that any transaction reporting plan submitted to the Commission must provide market identifiers for transaction reports or last sale data made available to vendors. The absence of market identifiers may reduce, to some extent, the MSE's ability to attract order flow through the dissemination of competitive quotations relating to both price and size. While the Commission continues to believe market identifiers enhance opportunities for fair competition among markets, we also believe that it may be appropriate for an exchange, in exercising its business judgment, to decide to commence trading OTC stocks on a UTP basis without these identifiers.[15] Thus, the Commission has decided to grant the MSE and the NASD a temporary exemption from this requirement pursuant to paragraph (g) of the Transaction Reporting Rule. The Commission reiterates, however, that market identifiers eventually will have to be provided for transaction and consolidated quotation reports for OTC/UTP securities [16] and thus the Commission has determined to grant the exemption for a one-year period from the date the Commission approves the Plan.[17]

B. Regulatory Halts

The plan provides that whenever the primary market [18] calls a "regulatory halt" (*i.e.*, halt or suspension of trading or publication of quotations because of a lack of adequate or accurate public information), the primary market must notify the processor and each participant trading the security. The plan further provides that the processor shall cease disseminating quotations to vendors if the primary market calls such a halt or suspension.[19] Although the NASD has the authority to suspend quotations in a security, it currently does not have procedures to halt trading by its members.[20] Additionally, the MSE Rules do not require exchange members to stop trading during a quotation suspension. Rule 11Ac1–1 under the Act, the "Quote Rule," however, requires an exchange or the NASD to make available to vendors quotations of any of their members who continue to trade "subject securities" during a quotation suspension.[21]

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[14] For example, although the Commission has not conditioned the grant of OTC/UTP to the MSE on the implementation of an automated trading linkage between the NASD and the MSE, the Commission urges the NASD and the exchanges to continue to consider the advisability of implementing an automated linkage as part of their negotiations on the consolidated plan. In this connection, the Commission believes that the ITS/CAES interface (ITS and CAES are the automated order routing systems of the exchanges and the NASD, respectively) might be a cost-effective linkage for trading OTC/UTP securities and urges the NASD and exchanges to review this possibility.

The Commission also notes that the Plan does not contain trade-through rules, although the NASD has indicated it will consider MSE's quotations in determining whether NASD's members have complied with their best execution obligations. Letter from Frank Wilson, General Counsel, NASD, to Richard G. Ketchum, Director, Division of Market Regulation, SEC, dated December 3, 1986. The Commission will continue to focus on whether the existence of linkages and trade-through rules will be necessary prior to additional grants of OTC/UTP.

[15] In this connection, the Commission notes it previously has provided NASDAQ and vendors with exemptions from the requirements of Rules 11Ac1–1 and 11Ac1–2 under the Act regarding market identifiers for transaction and quotation reports for NMS securities. These exemptions will continue to apply to dissemination of information under the Plan. *See* Securities Exchange Act Release No. 18585 (March 23, 1982), 48 FR 13265; and letter, dated March 30, 1982, from Richard G. Ketchum, Associate Director, Division of Market Regulation, SEC, to James M. Yates, Bridge Data Company.

[16] *See* Securities Exchange Act Release No. 22413 (September 16, 1985), 51 FR 38515, 38517; and OTC/UTP Release, *supra*, note 3, at 45.

[17] The NASD and MSE already have agreed to use their best efforts to provide such identifiers by May 1988. *See supra*, note 9.

[18] The "primary market" is defined to mean NASDAQ unless another market obtains 50% of share and transaction volume in a security over a twelve-month period. Thus, for at least the first year of OTC/UTP trading, the NASD will be the primary market.

[19] The NASDAQ system currently does not have the capability to disseminate selectively MSE quotations during a NASDAQ quote halt.

[20] On February 20, 1987, however, the NASD filed a proposed rule change (File No. SR–NASD–87–13) which, if approved, would amend the NASD's rules to prohibit its members from executing any transactions in a security which is subject to a trading halt. Notice of the proposal was published on March 4, 1987. *See* Securities Exchange Act Release No. 24176 (March 4, 1987), 52 FR 7718.

[21] *See* Rule 11Ac1–1(b) (i) and (ii). Thus, the MSE and NASD have requested "no-action" positions from the Division of Market Regulation under the Quote Rule with respect to quotation halts under the Plan. *See* letter dated April 15, 1987, from George T. Simon, Esq., Coffield, Ungaretti, Harris & Slavin, to Brandon C. Becker, Associate Director, Division of

Continued

The Commission believes, however, that this problem will be temporary. The Commission expects that the NASD and the exchanges will ensure that the new UTP processing facility, unlike the current NASDAQ system, will have the capacity to disseminate exchange quotes during a NASDAQ quotation suspension. The Commission also expects that the consolidated plan being negotiated by the NASD, MSE and the other exchanges will require the dissemination of quotations of any exchange that continues to trade during a NASDAQ quotation suspension.

C. Foreign Dissemination

The terms of the Plan require the processor to disseminate consolidated quotation and transaction information to vendors, subscribers and others "in a fair and non-discriminatory manner." The NASD also reserved the right for itself or its subsidiaries to disseminate outside the United States quotation and transaction information regarding any OTC/UTP security in any manner "it deems proper." [22] The MSE, in its letter submitting the Plan, expressed concerns regarding this provision; suggesting that the NASD might use this discretion to deny consolidated UTP data (*i.e.*, consolidated NASDAQ and exchange data) to those non-U.S. entities that requested the information.[23]

The Commission anticipates that the NASD would respond to any request by non-U.S. entities in a manner consistent with the goals of section 11A of the Act. The information display requirements to which the NASD is subject domestically [24] are derived from the goals of the NMS as specified in section llA of the Act (particularly, fair competition among markets and the ability of investors to achieve best execution).[25] The Commission believes that those goals would be furthered by the availability to non-U.S. vendors of consolidated quotation and transaction information for UTP securities; particularly in view of the increasing internationalization of markets and the consequent increased competition among U.S. markets for foreign order flow. Therefore, the Commission expects the NASD to provide non-U.S. vendors with consolidated information for UTP securities.

D. Amex's Comment

The Commission has considered Amex's comments and believes that approval of the MSE/NASD plan will not unduly prejudice exchange and NASD efforts to negotiate an appropriate permanent UTP plan. Moreover, the Commission does not believe that approval of the MSE/NASD plan will place an undue competitive burden on the other exchanges. The Commission expects the NASD to continue negotiating in good faith as it has been since the issue of OTC/UTP first was raised.[26] The Commission understands that agreement has been reached on all but a few significant issues.

The chief remaining issue appears to be the cost of developing the processor, about which the Commission understands the participants are close to agreement. Approval of the Plan should not encourage delay in negotiations on this issue, nor does it deprive the Commission of the ability to ensure that the design and cost of the processor as well as the transaction and quotation collection and dissemination requirements of the plan are reasonable and meet the requirements of the Act.[27]

The Commission also disagrees with Amex's argument that approval of the Plan will disadvantage competitively the non-participating exchanges if the MSE is successful as a business matter in trading OTC securities on a UTP basis. The Commission believes, on the contrary, that permitting MSE to begin trading with the reporting conditions contained in the Plan will have little effect on the Amex and other exchanges' ability to compete later under different conditions. On the other hand, requiring the MSE to delay commencement of OTC/UTP on terms it finds acceptable would impose a clear and immediate competitive burden on the MSE to avoid a speculative competitive burden on the other exchanges. The Commission refuses to impose this burden on the MSE to avoid the Amex's speculative competitive concerns.[28]

In essence, the Amex is urging the Commission to refrain from approving any plan until the participants have come to terms on the consolidated plan. Although the Commission also is anxious for the negotiations on the consolidated plan to come to fruition, it does not believe that approving the MSE's interim plan will encourage delay in completing the negotiations or diminish the Commission's authority to ensure that the consolidated plan contains the full protections of the Act. If undue delays in negotiations do occur in the future, the Commission has the authority to take direct action to propose and adopt, if necessary, a plan applicable to all the parties.

IV. Conclusion

The Commission believes that the approval of the NASD and MSE's interim UTP reporting plan is an important first step toward enhancing market efficiency and fair competition; avoiding investor confusion and facilitating regulatory surveillance of concurrent exchange and OTC trading. Nevertheless, the Commission strongly encourages the NASD and the exchanges to continue in earnest their negotiations on a permanent OTC/UTP reporting plan that includes all the competitive protections the Commission indicated in the OTC/UTP Release it would require of a permanent joint reporting plan.[29]

For the reasons discussed above, the Commission finds that the MSE/NASD quotations and transaction reporting plan is consistent with the requirements of the Act and the rules and regulations thereunder and, in particular, Section

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Market Regulation and letter dated April 28 1987, from Frank J. Wilson, Vice President and General Counsel, NASD, to Alden Adkins, Branch Chief, Division of Market Regulation.

[22] The Plan specifically reserves to the NASD the right to continue its existing quotation sharing arrangement with the International, formerly London, Stock Exchange of the United Kingdom and Republic of Ireland, Ltd.

[23] Letter from Charles V. Doherty, President, MSE, to Jonathan G. Katz, Secretary, SEC, dated November 19, 1986.

[24] *See* Rule 11Acl-2 under the Act.

[25] *See* Sections 11A(a)(1)(C) (ii) and (iv).

[26] For example, the NASD has agreed to provide for market identifiers and the collection and dissemination of transaction and quotation information in a neutral fashion.

[27] In its letter, Amex also expressed concern over the lack of size priority for the best bid and offer. While market identifiers will be required in the permanent plan, size is a separate issue and was not addressed in the OTC/UTP Release. In any event, Commission approval of the Plan would not foreclose a Commission decision in the future to require size priority pursuant to the Vendor Display Rule, should that become appropriate.

[28] The Amex also is concerned about the consequences to other exchanges of MSE not succeeding under the Plan. Rather than putting other exchanges not participating in the Plan at a disadvantage, the Commission believes such failure, if it were to occur, might corroborate the Amex's and other exchanges' judgment to wait to begin trading until they have additional protections (e.g., market identifiers) that improve their ability to compete.

[29] As discussed above and in the notice of the Plan's submission, the one-year pilot program described in the OTC/UTP release will not begin with commencement of trading under the Plan because of the lack of features such as market identifiers. Nonetheless, MSE still will be limited to 25 stocks and, in this connection, the Commission notes that MSE can substitute stocks by following 12(f.1(1)(C) procedures, which require, among other things, approval by the Commission only when that is consistent with fair and orderly markets. In addition, the Commission expects that both the MSE and NASD will monitor OTC/UTP trading and provide the Commission information with which to evaluate that trading experience.

11A(a)(1) and Rules 11Aa3–1 and 11Aa3–2.

It is therefore ordered, pursuant to Section 11A of the Act and paragraph (c)(2) of Rule 11Aa3–2 thereunder, that the above-described plan be, and hereby is, approved. Further, the Commission hereby orders that the MSE and the NASD be granted a temporary exemption from the Rule 11Aa3–1 requirement that transaction reporting plans include market identifiers for transaction reports and last sale data for a one-year period commencing on the date of this order.

By the Commission.

Dated: April 29, 1987.

Jonathan G. Katz,

Secretary.

[FR Doc. 87–10415 Filed 5–6–87; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Incorporated

April 30, 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:

Davis Water & Wast Industries
Common Stock, $1.00 Par Value (File No. 7–9913)
Chicago Pacific Corporation
Common Stock, $.01 Par Value (File No. 7–9914)
Par Pharmaceutical Inc.
Common Stock, $.01 Par Value (File No. 7–9915)
Raychem Corporation (Delaware)
Common Stock, No Par Value (File No. 7–9916)

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 21, 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. 87–10422 Filed 5–6–87; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 35–24378]

Filings Under the Public Utility Holding Company Act of 1935 ("Act")

April 30, 1987.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by May 25, 1987 to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the addresses specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Central Ohio Coal Company (70–7277)

Central Ohio Coal Company ("COCCo"), 1 Riverside Plaza, Columbus, Ohio 43215, a wholly owned coal mining subsidiary of Ohio Power Company, an electric utility subsidiary of American Electric Power Company, Inc., a registered holding company, has filed an application pursuant to section 6(b) of the Act.

COCCo proposes to issue and sell short-term, unsecured notes ("Notes") to banks from May 30, 1987 to December 31, 1988, in aggregate amounts not to exceed $27 million outstanding at any one time, to mature in not more than 270 days after the date of issuance or renewal, but not later than June 30, 1989, under various lines of credit which are currently available to COCCo, with different terms, including rates at prime. The proceeds from the issuance and sale of the Notes will be used to acquire and erect a new 110 Cubic Yard Dragline to be operated by COCCo in its coal mining operations, which will replace certain existing mining equipment.

Gulf Power Company (70–7394)

Gulf Power Company ("Gulf"), 500 Bayfront Parkway, Pensacola, Florida 32501, a wholly owned subsidiary of The Southern Company, a registered holding company, has filed a declaration pursuant to sections 6(a), 7, and 12(d) of the Act and Rule 50(a)(5) promulgated thereunder.

Gulf proposes to enter into a loan agreement with Escambia County, Florida ("County"), under which the County will issue up to $32 million aggregate principal amount of Revenue Bonds for the purpose of making a loan to Gulf, and Gulf will issue a non-negotiable promissory note to the County, which may be secured by the issuance of Collateral Bonds, the delivery of a Letter of Credit, the issuance of an insurance policy, the conveyance to the County of a subordinated security interest in Gulf's property, or by a guarantee of payment. Gulf requests that the issuance of the Note and the Collateral Bonds be excepted from the competitive bidding requirements of Rule 50 under Subsection (a)(5) thereunder.

Gulf will use the proceeds of the loan to refund its 12.60% Pollution Control Revenue Bonds in the aggregate principal amount of $32 million.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87–10424 Filed 5–6–87; 8:45 am]

BILLING CODE 8010–01–M

[Release No. IC–15714; File No. 812–6584]

Computer Memories Incorporated; Application for Temporary Order

April 30, 1987.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for an order under the Investment Company Act of 1940 (the "1940 Act"); and order of temporary exemption.

Applicant: Computer Memories Incorporated ("Applicant").

Relevant 1940 Act sections: Order requested under section 3(b)(2), or, alternatively, under section 6(c) exempting the Applicant from all provisions of the 1940 Act.

Summary of application: Applicant seeks an order declaring it not to be an investment company or, alternatively, granting it an exemption from all provisions of the 1940 Act and rules and regulations thereunder during the period ending August 15, 1987. Applicant further requests a temporary order pursuant to section 6(c) of the 1940 Act exempting it during the period from March 1, 1987, until the Commission shall make a final determination on the request for exemption in the Application.

Filing date: The Application was filed on December 31, 1986, and amended on April 9 and 27, 1987.

Hearing or notification of hearing: If no hearing is ordered, the Application will be granted. Any interested person may request a hearing on this Application, or ask to be notified if a hearing is ordered. Any request must be received by the SEC by 5:30 p.m., on May 26, 1987. Request a hearing in writing, giving the nature of your request, the reason for the request, and the issue you contest. Serve the Applicant with the request, either personally or by mail, and also send the request to the Secretary of the SEC, along with proof of service by affidavit, or, for lawyers, by certificate. Request notification of the date of hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 Fifth Street NW., Washington, DC 20549. Computer Memories Incorporated, 21020 Lassen Street, Chatsworth, California 91311, Attention: President and Chairman of the Board; with a copy to Wilson, Sonsini, Goodrich & Rosati, Two Palo Alto Square, Suite 900, Palo Alto, California 94306, Attention: Douglas H. Collam, Esq.

FOR FURTHER INFORMATION CONTACT: Dennis R. Molleur, Staff Attorney (202) 272–2363, or Brion R. Thompson, Special Counsel (202) 272–3016, of the Division of Investment Management (Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: Following is a summary of the Application. The complete Application is available for a fee from either the SEC's public reference branch in person, or the SEC's commercial copier 800–231–3282 (in Maryland, 301–258–4300).

Applicant's Representations

1. Until recently, the Applicant was engaged in the design, assembly and marketing of 5¼ inch Winchester technology magnetic rigid disk drives. Applicant states that, for reasons beyond its control and in spite of its efforts to maintain its business, Applicant has substantially terminated its disk drive operations and has actively sought other potential long-term opportunities, including opportunities in other industries.

2. During the five months ended December 31, 1985, a number of developments occurred which had a material adverse effect on the Applicant and its business. These developments included an announcement by its principal customer in August 1985 that such customer would not renew its agreement with the Applicant for the purchase of disk drives after December 31, 1985; the inability of the Applicant to offset the resulting loss of sales; and the settlement by the Applicant of significant patent litigation brought against it, pursuant to which the Applicant agreed to terminate sales of its principal line of disk drives, thus effectively eliminating its principal source of revenue. In addition, as of December 31, 1985, the Applicant recorded a charge of approximately $16.1 million, representing a write-down of inventory and excess property and equipment to estimate net realizable value.

3. The unaudited balance sheet of Applicant at December 31, 1985, reflected total assets of approximately $49.2 million, of which approximately $28.9 million was recorded as cash. Of this cash amount, approximately $15.9 million had been invested by Applicant in short-term investments, representing approximately 32 percent of Applicant's total assets. The remaining $13 million, representing a significant receivable paid by IBM in late December 1985, was invested by January 31, 1986, in short-term investment securities, representing approximately 26 percent of Applicant's total assets. After taking into account other adjustments to the balance sheet at January 31 1986, resulting from continuing operations, the Applicant owned "investment securities" having a value exceeding 40 percent of the value of its total assets (approximately 58 percent), bringing the Applicant within the meaning of an investment company under section 3(a)(3) of the 1940 Act. Thereafter, Applicant relied on the "transient investment company" exemption provided by Rule 3a–2 under the 1940 Act to exempt it from being deemed an investment company under the 1940 Act for a period of time not to exceed one year.

4. For the three months ended December 31, 1986, Applicant derived its entire interest and other income from its investment in short-term securities, representing approximately 42 percent of Applicant's total assets. Substantially all of Applicant's cash balances are maintained in short-term investment securities, consisting exclusively of certificates of deposit, bankers' acceptances of major banks and commercial paper with sound credit ratings. All investments are managed by Applicant's Comptroller, without day-to-day involvement or supervision by senior management or the Board of Directors of Applicant. The Comptroller spends approximately one hour of every working day administering the Applicant's cash investments, and the accounting staff of four spend approximately three days at the end of each month reconciling investment account activity to the Applicant's records. The Board of Directors and the Applicant's independent auditors review the schedule of the Applicant's investments on a monthly basis. Applicant's investment securities at December 31, 1986 represented 99 percent of its total assets (exclusive of cash items and government securities).

5. During the six-month period ended June 30, 1986, the Applicant initiated the process which ultimately resulted in the termination of its disk drive operations. This process included the Applicant's decision to consolidate its operations and to convert the majority of its assets to cash; the decision by the Applicant to maintain repair and warranty operations for disk drives previously sold by it; and the retention of Alex Brown & Sons ("Alex Brown"), an investment banking firm, to assist the Applicant in identifying and evaluating potential long-term opportunities, principally in the disk drive industry, that would involve the acquisition or merger of the Applicant by or with a third party in a non-investment company business.

6. In the six-month period ended December 31, 1986, and continuing up to the present date, Applicant and Alex Brown have actively pursued Applicant's primary objective of locating a company or companies engaged in a non-investment company business which presents a long term business opportunity and in which the Applicant can productively employ its assets. During this period, Applicant and/or Alex Brown engaged in discussions with over twenty-five companies. In spite of the numerous

companies contacted, Applicant and Alex Brown were unable to bring any discussions concerning acquistion or merger to a successful conclusion within the one year provided by exemptive Rule 3a–2.

6. The Applicant adheres to an investment policy designed solely to preserve the value of the principal pending application of such assets to an acquisition of, or merger into, a non-investment company business. None of the Applicant's cash balances are invested in the equity stock of other companies. By formal resolution, Applicant's Board of Directors confirmed its intention to continue the search for one or more non-investment businesses which the Applicant may acquire as soon as reasonably possible and not act as, or hold itself out as, an investment company. Statements by Applicant affirming its continuing evaluation of possible acquisitions are contained in its Quarterly Reports on Form 10-Q filed with the Commission under the Securities Exchange Act of 1934, and other public documents released during this period.

7. On March 11, 1987, Applicant reached an agreement in principle with Hemdale Film Corporation ("Hemdale"), a privately held Delaware corporation with principal offices located in Los Agneles, California. Hemdale is engaged in the motion picture industry. The proposed acquisition of Hemdale is subject to regulatory approvals, approvals of the Applicant and Hemdale Boards of Directors and shareholders, and other customary closing conditions. Applicant expects that the acquisition will be completed as promptly as practicable. Applicant states that, upon the completion of the acquisition, it will no longer be an investment company within the meaning of sections 3(a)(1) and 3(a)(3) of the 1040 Act.

9. The Applicant maintains that it is necessary and appropriate for the Commission to clarify the Company's status under the 1940 Act so as to remove any doubt as to its ability to conclude the proposed acquisition of Hemdale and thus become involved in a business not subject to regulation under the 1940 Act.

10. The Applicant states that its failure to become primarily engaged in an operating business on or before the termination of the one year exemption provided by Rule 3a-2 was due to factors beyond its control. Further, the Applicant states that it has maintained a concerted and good faith effort to become primarily engaged in a non-investment company business. In addition, Applicant believes the requested exemption is necessary or appropriate in the public interest, and consistent with the underlying policy objectives under the 1940 Act to protect the shareholders of the Applicant.

Applicant's Conditions: If the requested order is granted, the Applicant agrees to the following conditions:

1. The order will remain in effect until (a) August 15, 1987 or (b) such earlier time as the circumstances giving rise to the order no longer exist.

2. Pending completion of the proposed acquisition of Hemdale as described in the Application, the Applicant will refrain from the business of investing, reinvesting, owning, holding or trading in securities for speculative purposes.

Temporary Order

The request for temporary exemptive relief pending a final determination on the application by the Commission has been considered, and it is found that, in view of the circumstances set forth above and in the Application, that it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act to grant an immediate temporary order as requested by Applicant. Accordingly,

It is ordered, pursuant to Section 6(c) of the 1940 Act, that the Application for a temporary order exempting Applicant from all provisions of the 1940 Act be, and hereby is, granted, during the period from March 1, 1987 until the Commission shall make a final determination upon the request for exemption set forth in the Application, subject to the undertakings to which Applicant has consented and which are set forth above and in the application.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87–10425 Filed 5–6–87; 8:45 am]

BILLING CODE 8010–01–M

[Release No. IC–15712; 812–6339]

Residential Resources, Inc.; Notice of Application

April 29, 1987.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Exemption under the Investment Cocmpany Act of "1940 (The "1940 Act").

Applicant: Residential Resources, Inc. (The "Applicant").

Relevant 1940 Act sections: Exemption requested under Section 6(c) from all provisions of the 1940 Act.

Summary of application: The Applicant seeks an order conditionally exempting certain trusts that it may from time to time from all provisions of the 1940 Act for the limited purpose of issuing collateralized mortgage obligations and selling beneficial interests in such trusts.

Filing date: The application was filed on April 4, 1986 and amended on January 15, 1987 and April 27, 1987.

Hearing or notification of hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m. on May 26, 1987. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicant with the request, either personally of by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, for lawyers, by certificate. Request notification of the date of hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 Fifth Street NW, Washington, DC 20549.

Applicant: One East Camelback Road, Suite 700A, Phoenix, Arizona 85012.

FOR FURTHER INFORMATION CONTACT: Joyce M. Pickholz, Staff Attorney, (202) 272–3046, or H.R. Hallock, Jr., Special Counsel, (202) 272–3030 (Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier (800) 231–3282 (in Maryland (301) 258–4300).

Applicant's Representations

1. The Applicant is an Arizona corporation incorporated on April 3, 1986, and is a limited purpose finance corporation wholly owned by James C. Marshall, Joseph M. Corrigan, and Steven B. Chotin incorporated to facilitate the financing of mortgages either directly or through affiliates or Trusts, and will not engage in any other unrelated business activities.

2. The Application relates only to mortgage-collateralized bonds as described herein ("Bonds") issuable from time to time in series ("Series") by certain trusts ("Trust(s)"). Any such Trust will be created under the laws of one of the States of the United States of

America by an agreement (the "Deposit Trust Agreement") between the Applicant, as depositor and the initial sole beneficial owner, and an independent bank, trust company or fiduciary, acting as owner-trustee (the "Owner-Trustee"). Each such Trust will be established solely for the purpose of issuing one Series of Bonds and will be limited under the Deposit Trust Agreement creating such Trust to activities relating to the issuance and sale of such Series of Bonds and to other limited activities as described in the Application. The Series of Bonds issued by a Trust will constitute obligations solely of the Trust.

3. Under the terms of each Deposit Trust Agreement, the Applicant will convey trust property to the Trust which is a party to such Deposit Trust Agreement in return for certificates or other other instruments evidencing beneficial ownership of the Trust created under such Deposit Trust Agreement (the "Certificates of Beneficial Ownerships").

4. Each Series of Bonds will consist of one or more classes of Bonds, which may include one or more classes of Bonds bearing fixed interest rates and one or more classes of Bonds hearing variable interest rates. A variable interest rate Bond is one on which the interest rate adjusts periodically according to a fixed index set forth in the prospectus supplement and in the Indenture with respect to such Bonds.

5. The Mortgage Callateral securing a Series of Bonds covered by the Application will consist of one or more of the following: fully-modified pass-through certificates ("GNMA Certificates") guaranteed as to timely payment of principal and interest by the Government National Mortgage Association, mortgage pass-through certificates ("FNMA Certificates") guaranteed as to timely payment of principal and interest by the Federal National Mortgage Association and mortgage participation certificates ("FHLMC Certificates") guaranteed as to timely payment of interest and ultimate collection of principal by the Federal Home Loan Mortgage Corporation, (collectively, "Mortgage Certificates" or "Mortgage Collateral"). Each Series of Bonds also may be secured by certain funds and accounts (including proceeds accounts, debt service funds, reserve funds and over-collateralization funds) and by other credit enhancement devices described in the prospectus supplement for a Series of Bonds.

6. The Mortgage Collateral securing each Series of Bonds will have scheduled cash flows sufficient (together with cash available to be withdrawn from any debt service funds, reserve funds, over-collateralization funds or other funds), together with reinvestment income thereon at assumed reinvestment rates acceptable to each Rating Agency rating the Bonds of such Series, to make timely payments of principal of and interest on the Bonds of such Series in accordance with their terms.

7. The Collateral securing each Series of Bonds will be owned either by the Trust issuing the Bonds of such Series or by limited purpose financing entities affiliated with homebuilders, thrifts, commercial banks, mortgage bankers and other entities engaged in mortgage finance (the "Finance Companies") and pledged to secure such Series of Bonds pursuant to funding agreements with repsect to such Series of Bonds (the "Funding Agreements"). The Mortgage Collateral pledged by the Finance Companies pursuant to the Funding Agreements to secure a Series of Bonds covered by the Application will be limited to Mortgage Certificates.

8. The Indenture with respect to a Series of Bonds will provide that amounts may be released from the lien of such Indenture after each payment date for the Bonds of such Series ("Payment Date") and remitted to the Trust issuing such Bonds only if (i) the Bond Trustee for such Series of Bonds has made the scheduled payments of principal of and interest on such Bonds, (ii) such Bond Trustee has received all fees currently owed to it, (iii) the firm of independent accountants has received all fees owed to it for services rendered under such Indenture, and (iv) if and to the extent required, deposits have been made to certain reserve funds securing such Bonds. Under the Deposit Trust Agreement with respect to a Series of Bonds, the Owner-Trustee will be obligated to collect all amounts released from the lien of the Indenture with respect to such Series of Bonds by the Bond Trustee for such Series of Bonds, to pay all other current expenses of the Trust issuing such Bonds, and to remit the balance to the Beneficial Owners of such Trust on a pro rata basis. Each Deposit Trust Agreement creating a Trust will provide that, once amounts have been released from the lien of the Indenture for the Bonds of the Series issued by such Trust, the Owner-Trustee for such Trust will have a lien superior to that of the Beneficial Owners of such Trust to the remaining cash flow.

9. Neither the fact that a Trust is the issuer of the Bonds nor the identity of the Beneficial Owners will alter in any respect the rights of the related Bondholders or their investment experience. Further, because Certificates of Beneficial Ownership in each Trust will be sold only to Eligible Investors (described below) in transactions not involving any public offering and pursuant to a private placement memorandum containing all material information about the Certificates of Benficial Ownership in such Trust, such Eligible Investors do not need the protections of the Act.

Conditions of Order

Applicant agrees that the requested order may be expressly conditoned upon the following:

Conditions Relating to the Bonds

(1) Each Series of Bonds will be registered under Securities Act of 1933 ("the 1933 Act"), unless offered in a transaction exempt from registration pursuant to Section 4(2) of the 1933 Act.

(2) The Bonds will be "mortgage related securities" within the meaning of Section 3(a)(41) of the Securities Exchange Act of 1934. However, the Mortgage Collateral directly securing each Series of Bonds (whether owned by the Trust issuing such Series of Bonds or pledged pursuant to the Funding Agreements) will be limited to GNMA, FNMA, and FHLMC Certificates.

(3) If new Mortgage Collateral is substituted as security for a Series of Bonds, the substitute collateral must: (i) Be of equal or better quality then the Mortgage Callateral replaced; (ii) have similar payment terms and cash flow as the Mortgage Collateral replaced; (iii) be insured or guaranteed to the same extent as the Mortgage Collateral replaced; and (iv) meet the conditions set forth in paragraphs (2) and (4). In addition, new collateral may not be substituted for more than 40% of the aggregate face amount of the Mortgage Certificates initially pledged as Mortgage Collateral. In no event may any new Mortgage Collateral be substituted for any substitute Mortgage Collateral. New Funding Agreements may be substituted for Funding Agreements initially pledged only if the substitution of Mortgage Collateral underlying those instruments would be permitted under this condition.

(4) All collateral securing a Series of Bonds will be assigned to and held by the Bond Trustee for such Series of Bonds or on behalf of such Bond Trustee by an independent custodian. Neither the Bond Trustee nor the custodian for a Series of Bonds may be an affiliate (as the term "affiliate" is defined in Rule 405 under the 1933 Act, 17 CFR 230.405) of the Trust issuing such Series of Bonds. The Bond Trustee for such Series will be

granted a first priority perfected security or lien interest in and to all Bond Collateral securing such Series of Bonds.

(5) Each Series of Bonds will be rated in one of the two highest bond rating categories by at least one nationally recognized statistical rating organization that is not affiliated with the Applicant or the Trust issuing such Series of Bonds. The Bonds will not be considered redeemable securities within the meaning of Section 2(a)(32) of the 1940 Act.

(6) No less often than annually, an independent public accountant will audit the books and records of each Trust and in addition will report on whether the anticipated payments of principal and interest on the Mortgage Collateral securing each Series of Bonds, together with reinvestment income thereon at the assumed reinvestment rate, will continue to be adequate to pay the principal of and interest on the Bonds of each such Series in accordance with their terms. Upon completion of such audits, copies of the accountants' reports will be provided to the Bond Trustee for each Series of Bonds.

Additional Conditions Relating to Varible-Rate Bonds

(7) Each Class of Bonds of a Series bearing a variable interest rate will have a set maximum interest rate.

(8) At the time of the deposit of the Collateral with a Trust, as well as during the term of the Bonds issued by such Trust, the Mortgage Collateral securing such Bonds will have scheduled cash flows sufficient (together with cash available to be withdrawn from any debt service funds, reserve funds, over-collateralization funds or other funds), together with reinvestment income thereon at asssumed reinvestment rates acceptable to the Rating Agency rating the Bonds of such Series, to make timely payments of principle of and interest on the Bonds in accordance with their terms and to pay all of the fees and expenses of the Trust with respect to the Series of Bonds, assuming the maximum interest rate on each Class of Bonds bearing a variable interest rate. Such Collateral will be paid down as the mortgages underlying the Mortgage Collateral are repaid, but will not be released from the lien of the indenture prior to payment of the Bonds.

Conditions Relating to REMICs

The election by any Trust to be treated as a REMIC will have no effect on the level of the expenses that would be incurred by any such Trust. Any Trust that makes a REMIC election will provide for the payment of administrative fees and expenses as set forth in the application and the anticipated level of fees and expenses will be more than adequately provided for regardless of the method selected.

Conditions Relating to the Sale of Certificates of Beneficial Ownership

(1) The Beneficial Owners of each Trust will agree to be bound by the terms of the applicable Deposit Trust Agreement.

(2) Certificates of Beneficial Ownership in each Trust will be offered and sold only to (i) institutions or (ii) non-institutions which are "accredited investors" as defined in Rule 501(a) of the 1933 Act. Institutional investors will have such knowledge and experience in financial and business matters as to be capable of evaluating the risks of the purchase of the Certificates of Beneficial Ownership and understand the volatility of interest rate fluctuations as they affect the value of mortgages, mortgage-related securities and residual interests in mortgage related securities, such as those represented by the Certificates of Beneficial Ownership. Non-institutional accredited investors will be limited to not more than 15, will purchase at least $200,000 of the Certificates of Beneficial Ownership and will have a net worth at the time of purchase that exceeds $1,000,000 (exclusive of their primary residence). In addition, non-institutional accredited investors will have such knowledge and experience in financial and business matters, specifically in the field of mortgage-related securities, as to be capable of evaluating the risks of the purchase of the Certificates of Beneficial Ownership and will have direct, personal and significant experience in making investments in mortgage-related securities and because of such knowledge and experience, understand the volatility of interest rate fluctuations as they affect the value of mortgage-related securities and residual interests in mortgage-related securities (such institutional investors and non-institutional investors, "Eligible Investors"). Eligible Investors will be limited to mortgage lenders, thrift institutions, commerical and investment banks, savings and loan associations, pension funds, employee benefit plans, insurance companies, mutual funds, real estate investment trusts or other institutional or knowledgable non-institutional investors as described above which customarily engage in the purchase of mortgages and mortgage-related securities. The Owner-Trustee with respect to a Trust will act as trustee for and at the direction of the Beneficial Owners of such Trust.

(3) Each sale of Certificates of Beneficial Ownership in a Trust to an Eligible Investor will qualify as a transaction not involving any public offering within the meaning of section 4(2) of the 1933 Act.

(4) The Deposit Trust Agreement relating to each Trust will prohibit the transfer of any Certificate of Beneficial Ownership in such Trust if there would be more than one hundred Beneficial Owners of such Trust at any time.

(5) The Deposit Trust Agreement relating to each Trust will require that each purchaser of a Certificate of Beneficial Ownership in such Trust represent that it is purchasing such Certificate of Beneficial Ownership for investment purposes and not with a view to distribution thereof, in whole or in part, and that it will hold such Certificate of Beneficial Ownership in its own name and not as nominee for undisclosed investors.

(6) The Deposit Trust Agreement relating to each Trust will provide that (i) no Beneficial Owner of such Trust may be affiliated with the Bond Trustee for such Trust, (ii) no holders of a controlling (as that term is defined in Rule 405 under the 1933 Act) equity interest in such Trust may be affiliated with either the custodian of the Collateral for a Series of Bonds issued by such Trust or the Rating Agency rating the Bonds issued by such Trust, and (iii) the Owner-Trustee for such Trust will not purchase any Certificates of Beneficial Ownership in such Trust but will function as a legal stakeholder for the assets of such Trust.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-10426 Filed 5-6-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-15716; File No. 812-6655]

Robert T. Shaw et al.; Notice of Filing of Application and Order of Temporary Exemption

May 1, 1987.

Notice is hereby given that Robert T. Shaw ("Shaw"), I.C.H. Financial Services, Inc. ("Financial") 4211 Norbourne Boulevard, Louisville, Kentucky 40207, and Southwestern Life Insurance Company ("Southwestern"), 500 North Akard, Dallas, Texas 75201, (collectively, the "Applicants") have filed an application and amendments thereto requesting orders of the Commission pursuant to section 9(c) of the Investment Company Act of 1940, as amended (the "Act"), that would: (i)

Permanently exempt Applicants from the provisions of sections 9(a)(2) and 9(a)(3) of the Act in respect of the circumstances described below; and (ii) temporarily exempt Applicants from the provisions of sections 9(a)(2) and 9(a)(3) of the Act until such time as the Commission shall take final action on the application.

The Applicants state that Shaw is Chairman of the Board of Directors of I.C.H. Corporation ("I.C.H."), a holding company which owns life insurance and accident and health insurance companies. On December 31, 1986, I.C.H. acquired Southwestern, a stock insurance company which acts as depositor of a management investment company and a unit investment trust (collectively, the "Separate Accounts"). The Separate Accounts are registered under the Act. Upon consummation of the acquisition of Southwestern by I.C.H., Shaw became Chairman of the Board of Directors of Southwestern.

The Applicants further state that Financial is a registered investment adviser and a wholly-owned subsidiary of I.C.H. Financial proposes to act as an investment adviser to the management investment company and to the underlying investment company the shares of which the unit investment trust purchases.

On March 18, 1964, in an action entitled *SEC v. The American Foundation for Advanced Education of Arkansas,*[1] *the United States District Court for the Western District of Louisiana entered an order of permanent injunction against Shaw. The order enjoined Shaw against future violations of the registration provisions of the Securities Act of 1933.*

Section 9(a)(2) of the Act applies to persons who, by reason of misconduct, have been enjoined from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security. The section prohibits these persons from serving or acting as an employee, officer, director, member of an advisory board, investment adviser, or depositor of any registered investment company, or principal underwriter for any registered open-end company, registered unit investment trust, or registered face-amount certificate company. Section 9(a)(3) extends these prohibitions to companies whose affiliated persons are subject to the prohibitions of section 9(a)(2).

Shaw is subject to the prohibitions of section 9(a)(2) by virtue of the entry of the permanent injunction against him. While Shaw is affiliated with the companies, section 9(a)(3) thereof prohibits Southwestern from acting as depositor of the Separate Accounts and Financial from acting as investment adviser to the management investment company and to the underlying management company for the unit investment trust.

Section 9(c) of the Act provides that, upon application, the Commission may grant, either unconditionally or on an appropriate temporary or conditional basis, an exemption from the provisions of section 9(a). The applicant must establish that the prohibitions of section 9(a), as applied to such person, are unduly or disproportionately severe or that the conduct of such person has been such as not to make it against the public interest or the protection of investors to grant such application.

Applicants submit that the prohibitions of section 9(a) of the Act, to the extent applicable by virtue of the injunction against Shaw, would be unduly or disproportionately severe as applied to them. Applicants also submit that the conduct of Shaw has been such as not to make it against the public interest or the protection of investors to grant the Application. The Applicants therefore request that the Commission, pursuant to section 9(c) of the Act, grant Shaw, Southwestern, and Financial a permanent exemption from the provisions of section 9(a) operative as a result of the entry of the injuction against Shaw. The Applicants also request a temporary exemption granting the relief requested above on or before April 30, 1987. The temporary exemption would remain in effect until such time as the Commission shall take final action on the application.

The Applicants make the following representations in support of their arguments that the prohibitions of section 9(a) as applied to them would be unduly or disproportionately severe and that the conduct of Shaw has been such as not to make it against the public interest or the protection of investors to grant the application:

1. 23 years have passed since the entry of the injunction against Shaw. In that time, Shaw has not been the subject of any other enforcement action by any regulatory body and has not, to his knowledge, been the subject of any governmental investigation involving violations of the federal securities laws.

2. The allegations of the complaint do not relate to the activities of Southwestern, the Separate Accounts, or Financial nor to any of Shaw's activities on behalf of a Southwestern or the Separate Accounts.

3. Shaw has fully complied with the terms of the injunction.

4. Neither Southwestern, the Separate Accounts, nor Financial has been the subject of any regulatory enforcement action.

5. Shaw was not affiliated with Southwestern or Financial at the time the activities alleged in the complaint took place.

6. When Shaw was elected Chairman of the Board of Directors of Southwestern, neither he nor Southwestern was aware of the need for a section 9(a) exemption.

7. Shaw is not involved in the management of the investment affairs of the Separate Accounts other than as Chairman of the Board of Directors of I.C.H., the parent of Financial, and as Chairman of the Board of Directors of Southwestern.

The Applicants make the following additional points in support of their request for a temporary exemption pending disposition of the Application:

1. The shareholders of the Separate Accounts have approved the contracts pursuant to which Financial will serve as investment adviser and, thus, the temporary exemption will effectuate the will of the shareholders of the investment companies.

2. Post-effective amendments have been filed with the Commission for the Separate Accounts indicating the replacement of the current adviser with Financial. The amendments are scheduled to become effective on May 1, 1987. If the temporary exemption is not granted, it is doubtful that the necessary revisions to the filings can be made by May 1. Thus, if the temporary exemption is not granted the companies will likely be required to stop selling their securities and the issuers and current security holders could suffer substantially.

3. Temporary relief is needed to prevent Southwestern from being in apparent violation of the Investment Company Act since Southwestern currently serves as depositor of the Separate Accounts and Shaw is currently the Chairman of the Board of Directors of Southwestern.

The Applicants further represent that they acknowledge, understand, and agree that the Commission's issuance of the order requested by their application shall not prejudice not limit the Commission's rights in any manner with respect to any investigation, enforcement action, or proceeding under section 9(b) of the Investment Company Act, based, in whole or in part, upon conduct other than that giving rise to the application.

The Commission has considered this matter and finds that the Applicants

[1] Civ. Action No. 9734 (W.D. La., September 12, 1963).

have made the necessary showing under section 9(c) of the Act for the granting of a temporary exemption.

Accordingly, it is ordered that, pursuant to section 9(c) of the Act, Applicants be and hereby are granted a temporary exemption from the provisions of sections 9(a) (2) and (3) of the Act to the extent applicable by virtue of the permanent injunction entered against Shaw in the action entitled *SEC* v. *The American Foundation for Advanced Education of Arkansas*, until such time as the Commission shall take final action on the application.

Notice is further given that any interested person may, not later than May 26, 1987 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application, accompanied by a statement as to the nature of his or her interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, DC 20549. A copy of such request shall be served personally or by mail upon the Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponement thereof.

By the Commission.

Jonathan G. Katz,

Secretary.

[FR Doc. 87–10427 Filed 5–6–87; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Agency Information Collection Activities Under OMB Review

AGENCY: Office of the Secretary, DOT.

ACTION: Notice.

SUMMARY: This notice lists those forms, reports, and recordkeeping requirements imposed upon the public which were transmitted by the Department of Transportation on May 1, 1987, to the Office of Management and Budget (OMB) for its approval in accordance with the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

FOR FURTHER INFORMATION CONTACT: John Chandler, Annette Wilson or Cordelia Shepherd, Information Requirements Division, M–34, Office of the Secretary of Transportation, 400 Seventh Street, SW., Washington, DC 20590, telephone (202) 366–4735, or Gary Waxman or Sam Fairchild, Office of Management and Budget, New Executive Office Building, Room 3228, Washington, DC 20503, (202) 395–7340.

SUPPLEMENTARY INFORMATION:

Background

Section 3507 of Title 44 of the United States Code, as adopted by the Paperwork Reduction Act of 1980, requires that agencies prepare a notice for publication in the **Federal Register**, listing those information collection requests submitted to the Office of Management and Budget (OMB) for initial approval or for renewal under that Act. OMB reviews and approves agency submittals in accordance with criteria set forth in that Act. In carrying out its responsibilities, OMB also considers public comments on the proposed forms, reporting and recordkeeping requirements. OMB approval of an information collection requirement must be renewed at least once every three years.

Information Availability and Comments

Copies of the DOT information collection requests submitted to OMB may be obtained from the DOT officials listed in the "For Further Information Contact" paragraph set forth above. Comments on the requests should be forwarded, as quickly as possible, directly to the OMB officials listed in the "For Further Information Contact" paragraph set forth above. If you anticipate submitting substantive comments, but find that more than 10 days from the date of publication are needed to prepare them, please notify the OMB officials of your intent immediately.

Items Submitted for Review by OMB

The following information collection requests were submitted to OMB on May 1, 1987.

DOT No: 2883.
OMB No: 2115–0141.
Administration: U. S. Coast Guard.
Title: Retention of Records Related to Equipment Approval.
Need for information: This recordkeeping requirement is needed to show that the Coast Guard has approved safety equipment for the applicable period.
Proposed use of information: The manufacturer of safety equipment retains records to identify the specific equipment approval and to allow further production of identical equipment.
Frequency: 5 Year Retention.
Burden estimate: 40 hours.
Respondents: Safety Equipment Manufacturers.
Form(s): None.

DOT No: 2884.
OMB No: 2127–0001.
Administration: National Highway Traffic Safety Adm.
Title: Request for National Drive Registry File Check/Reporting of License Withdrawal/Denial.
Need for information: To provide a central driver-records identification facility containing the names of drivers whose licenses have been denied, suspended or revoked.
Proposed use of information: Data used by the National Driver Register to conduct file searches and to record revocation information which will assist States in identifying and controlling dangerous drivers.
Frequency: On Occasion.
Burden estimate: 2,905 hours.
Respondents: States.
Form(s): HS Forms 1046 and 1047.

DOT No: 2885.
OMB No: New.
Administration: National Highway Traffic Safety Adm.
Title: Defect Notification and First Purchaser Information.
Need for information: This information collection requirement is necessary to ensure that first purchasers of boats and engines subject to recall are notified of defective equipment.
Proposed use of information: The manufacturers will use the information to locate the purchasers of boats and engines which have been recalled for defects which create a substantial risk of personal injury to the public and for failures to comply with applicable regulations. The manufacturers will also use this information to arrange for inspection, repair or replacement of defective or noncomplying products.
Frequency: On occasion.
Burden estimate: 88,263 Hours.
Respondents: Manufacturers, dealers and distributors of recreational boats and associated equipment.
Form(s): None.

DOT No: 2886.
OMB No: New.
Administration: Urban Mass Transportation Administration.

Title: Section 6.
Need for information: The information is needed as part of the application for grants and cooperative agreement and as a project management tool.
Proposed use of information: The purpose of the data is to assist UMTA in providing technical assistance to improve mass transportation (facilities, equipment, etc.) and assist State or local governments, transit and planning agencies, etc., in such improvements.
Frequency: Quarterly, Semi-Annually, Annually.
Burden estimate: 3,720 hours.
Respondents: State or local governments, businesses or other for profit and non-profit.
Form(s): SF–424.
DOT No: 2887.
OMB No: New.
Administration: Urban Mass Transportation Administration.
Title: Section 10 (Managerial) and Section 11 (University Research) Training Programs.
Need for information: Collection is necessary to assist the Federal Government in providing important training programs for the transit industry.
Proposed use of information: Information will be used to determine the eligibility of grant applicants, assure that UMTA/Federal requirements are met, and to collect data on the number of transit employees training and the cost effectiveness of the training grant program.
Frequency: Annually and Quarterly.
Burden estimate: 10,296 hours.
Respondents: State of local governments, businesses or other for profit, and non-profit institutions.
Form(s): SF–424.
DOT No: 2888.
OMB No: 2133–0504.
By: Maritime Administration.
Title: Regulations for making excess or surplus Federal property available to the U.S. Merchant Marine Academy, the state maritime academics and approved nonprofit training institutions.
Need for information: This information is needed to distribute equitably to needy schools.
Proposed use of information: To properly evaluate eligible schools.
Frequency: As required.
Burden Estimate: 120 hours.
Respondents: U.S. Merchant Marine Academy, state maritime academies, approved non-profit training schools.
Form(s): N/A
DOT No: 2889.
OMB No: 2115–0131.
By: United States Coast Guard.
Title: Plan Approval and Records for Tank Vessels.
Need for information: This information collection requirement is necessary to determine if a vessel's construction, arrangement and equipment meet the standards established by applicable requlations. The plans are those normally developed by a shipyard designer or manufacturer, and are not developed solely for the Coast Guard.
Proposed use of infomation: The Coast Guard uses the information to approve the ships structure prior to building the ship to ensure the vessel owner or builder has met the regulatory standards.
Frequency: On occasion.
Burden estimate: 741 hours.
Respondents: Ship owners, builders, designers and operators.
Form(s): None.
DOT No: 2890.
OMB No: 2115–0100.
Administration: U.S. Coast Guard.
Title: Shipment of Hazardous Bulk Solids.
Need for information: This information collection is needed in compliance with the laws and regulations for safe transportation and stowage of hazardous solid bulk cargoes. It is needed to: (1) Determine the physical and chemical properties of materials to be shipped for proper classification of the new cargo; (2) to study the experience of the manufacturer in handling the materials; and, (3) to determine the recommended safety precautions to use in preparing the special permit.
Proposed use of information: The Coast Guard requires Shipping Papers for barges and vessels and Dangerous Cargo Manifests for vessels for the following reasons: (1) To inform the shipper, handlers, and persons in charge of the shipment of the nature and quantity of the hazardous materials being transported; (2) to provide the Coast Guard inspectors the information needed to make certain that proper safety precautions and safe stowage requirements are being observed; and, (3) to allow for necessary emergency responses if problems of a hazardous nature should develop.
Frequency: On occasion.
Burden estimate: 1,346 hours.
Respondents: Solid Bulk Cargo Vessel Owners/Operators.
Form(s): None.
DOT No: 2891.
OMB No: 2127–0501.
Administation: National Highway Traffic Safety Adm.
Title: Incentive Grant Criteria for Alcohol Traffic Safety Programs.
Need for information: To receive funding for the Alcohol Traffic Safety Program.
Proposed use of information: Alcohol Incentive Grant Program is amended to include: (1) Projects to combat drugged driving as one criteria a State can use to qualify for an incentive grant; (2) encouraging Stats to enact laws specifying minimum sentencing standards for persons convicted of drunk driving by establishing an additional grant.
Frequency: Annual.
Burden estimate: 2,340 hours.
Respondents: State and Local Governments.
Form(s): None.
DOT No: 2892.
OMB No: 2125–0032.
Administration: Federal Highway Administration.
Title: A Guide to Reporting Highway Statistics.
Need for information: For FHWA to prescribe policies and procedures for reporting statistical information on road-user taxation, highway finance, motor vehicle registration, driver licensing and related subjects.
Proposed use of information: For FHWA and Congress to evaluate the effectiveness of the Federal-Aid Highway Programs.
Frequency: Occasionally, monthly, annually biennially.
Burden estimate: 34,768 hours.
Respondents: State highway agencies.
Form(s): FHWA–531, 532, 534, 536, 541, 542, 543, 551M, 556, 561, 562, 566, 571, 1502.
DOT No: 2893.
OMB No: 2127–0511.
Administration: National Highway Traffic Safety Adm.
Title: 49 CFR 571.213, Child Restraint Systems.
Need for information: To add the agency in achieving many of the safety goals.
Proposed use of information: Manufacturers are required to provide each child restraint with a permanently attached label and an instruction brochure giving the model, manufacturer's name, date of manufacture and certifying that the seat conforms with the applicable standard.
Frequency: On occasion.
Burden estimate: 5,600 hours.
Respondents: Businesses.
Form(s): None.
DOT No: 2894.
OMB No: 2115–0122.
Administration: U.S. Coast Guard.
Title: Independent Laboratory Acceptance.

Need for information: This information collection requirement is needed to ensure: (1) That laboratories desiring to inspect lifesaving and safety equipment are independent from the manufacturers of the products to be tested; and, (2) that they are qualified to accomplish the task intended.

Proposed use of information: Coast Guard uses the information to: (1) Identify the laboratory and principal persons to contact; (2) verify the organizational independence of the test personnel; (3) verify the technical qualifications of the test personnel; and (4) verify the adquacy of equipment and facilities to conduct the testing for which application is made.

Frequency: On occasion.

Burden estimate: 40 hours.

Respondents: Independent Testing Laboratories.

Forms: None.

DOT No: 2895.

OMB No: 2115–0507.

Administration: U.S. Coast Guard.

Title: Cargo Pump System Test.

Need for information: This information is needed to evaluate the safety of cargo pump systems used in transferring liquefied gas and dangerous cargo.

Proposed use of information: Coast Guard uses this information to determine regulatory compliance with testing requirements.

Frequency: Yearly.

Burden estimate: 1,650 hours.

Respondents: Waterfront Facilities Owners/Operators.

Forms: None.

Issued in Washington, DC on May 1, 1987.

John E. Turner,

Director of Information Resource Management.

[FR Doc. 87–10439 Filed 5–6–87; 8:45 am]

BILLING CODE 4910–62–M

Coast Guard

[CGD 87–029]

Report to Congress on the Coast Guard Auxiliary

AGENCY: Coast Guard, DOT.

ACTION: Notice of study, request for public comment.

SUMMARY: The Coast Guard Authorization Act of 1986 (Pub. L. 99–640) requires the Coast Guard to submit a report to Congress on the overall performance and effectiveness of the Coast Guard Auxiliary. This notice invites comments and views from interested persons in the maritime community on the topics required to be covered in the report. The report may include recommendations by the Coast Guard for legislative and administrative actions necessary to correct deficiencies and maintain the Auxiliary at optimum strength and effectiveness.

DATES: Written comments must be received on or before July 6, 1987.

ADDRESSES: Written comments must be mailed to the Marine Safety Council (G–CMC), Room 2110, U.S. Coast Guard Headquarters, 2100 Second St., SW., Washington, DC 20593–0001. Comments should identify this notice (CGD 87–029) and the sector of the maritime community that the commenter represents (see "Sectors of the Maritime Community" under Supplementary Information). Between the hours of 7:30 a.m. and 5:00 p.m. Monday through Friday, except holidays, written comments may be hand-delivered to, and are available for inspection at this address.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Bergen, Chief, Consumer Affairs Staff, Office of Boating, Public, and Consumer Affairs (tel: 202–267–0972). Normal office hours are between 7:30 a.m. and 4:00 p.m., Monday through Friday, except holidays.

SUPPLEMENTARY INFORMATION:

Background on the Auxiliary

The Coast Guard Auxiliary was created by an Act of Congress in 1941 as a volunteer, nonmilitary organization under the direction and administration of the Coast Guard. Under the law (14 U.S.C. 821 et seq., and implementing regulations in 33 CFR Part 5), the function of the Auxiliary is to assist the Coast Guard by:

(1) Promoting safety and effecting rescues on and over the high seas and U.S. navigable waters;

(2) Promoting efficiency in the operation of recreational boats;

(3) Fostering knowledge of and compliance with laws and regulations governing the operation of recreational boats; and

(4) Facilitating other operations of the Coast Guard.

In carrying out these functions, Auxiliarists typically perform a number of tasks that benefit the maritime community, including:

(1) Conducting safety patrols in assigned areas of responsibilities, and for special events such as marine regattas and boat races;

(2) Surveying aids to navigation and reporting discrepancies that could affect the safety of navigation;

(3) Providing formal classroom instruction available to the general public on boating safety topics;

(4) Providing free safety examinations of recreational boats on request of the owner (Courtesy Marine Examination program);

(5) Providing special boating safety demonstrations at marinas, yacht clubs, schools, and in the workplace; and

(6) Assisting boat and associated equipment dealers in providing safety information and education to their customers (the Participating Marine Dealer Visit Program).

Auxiliarists undergo training and qualification to prepare them to perform these tasks. In most operational tasks (e.g., safety patrols on the water), Auxiliarist perform under the authority of official Coast Guard orders. When performing under operational orders, Auxiliarists must wear a distinctive uniform and their vessels must fly the Auxiliary patrol boat ensign. Auxiliarist are not compensated for their time, but may receive reimbursement for fuel and some types of expenses incurred directly as a result of performing specific duties assigned under Coast Guard orders. Auxiliarists have no law enforcement power; they cannot cite, arrest, or detain a person who may be in violation of laws or regulations enforced by the Coast Guard. Membership in the Auxiliary is open to any U.S. citizen, at least 17 years of age, who owns or is a part owner of a boat, aircraft, or radio station, or who by virtue of other training or experience can assist the Auxiliary in its various functions.

Coast Guard Towing Policy

In 1983, the Coast Guard established internal guidelines for all Coast Guard units regarding towing and other aid for vessels in need of assistance, but not in immediate danger or distress (for example, boats that may run out of fuel or suffer unexpected breakdowns, or vessels aground without structural damage or leakage). The guidelines are a reflection of a long-standing Coast Guard policy to avoid inappropriate competition between the Coast Guard and private towing and salvage operators. Under the policy, the Coast Guard refers calls for assistance in non-emergency situations to qualified commercial towing operators whenever such operators are ready and willing to respond. This towing policy, or non-emergency assistance policy as it is sometimes called, applies not only to regular Coast Guard and Coast Guard Reserve units, but to Auxiliary members when operating under official Coast Guard orders.

Comments and Views Desired

In researching and preparing the report, the Coast Guard wishes to give interested persons in the maritime community an opportunity to present relevant comments, views, and data on the following issues:

Auxiliary Performance

- The competence, professionalism, and reliability of the Auxiliary in the areas of life saving, safety patrols, Courtesy Marine Examinations, public education, and other missions in support of the Coast Guard.
- If there has been a noticeable decline in the performance of the Auxiliary in recent years, what are the possible reasons for the decline?
- The effect, if any, of the Coast Guard's towing policy on the effectiveness and usefulness of the Auxiliary in any particular sector of the maritime community.

Auxiliary Membership and Retention

- For current or ex-members of the Auxiliary, what mission or facet of Auxiliary activity initially attracted the person to join the Auxiliary.
- What activities or tasks gave the member the most enjoyment or satisfaction.
- What activity or other aspect of Auxiliary administration gave the least enjoyment.
- How does the member or ex-member feel about the Coast Guard's towing policy?
- For ex-members, what were the reasons for disenrolling from the Auxiliary?

Auxiliary Roles and Missions

- Ideas or recommendations for new tasks for the Auxiliary, or changes in current tasking?
- Any other recommendations for ways to maintain the vitality and usefuleness of the Auxiliary in the maritime community?

Sectors of the Maritime Community

The Coast Guard is particularly interested in receiving views and comments on the foregoing topics from recreational boaters, Coast Guard Auxiliarists past and present, operators of commercial towing vessels, and any other member of the maritime community who may be affected by the programs and activities of the Coast Guard Auxiliary.

All comments received by the comment deadline will be considered in preparing the report to Congress and, if appropriate, in any future policymaking, legislative proposals, or rulemaking proposals affecting the Auxiliary. Late comments will be considered to the extent practicable without delaying preparation of the report.

Issued in Washington, DC, May 4, 1987.

T.T. Matteson,

Rear Admiral, U.S. Coast Guard Chief, Office of Boating, Public and Consumer Affairs.

[FR Doc. 87-10396 Filed 5-6-87; 8:45 am]

BILLING CODE 4910-14-M

[CGD 87-035]

Vessel Certificates and Exemptions Under the International Regulations for Preventing Collisions at Sea (72 COLREGS)

AGENCY: Coast Guard, DOT.

ACTION: Notice of Granting of Certificates of Alternative Compliance to Vessels.

SUMMARY: This notice lists commercial vessels granted Certificates of Alternative Compliance by the Commander, Eighth Coast Guard District since 22 October 1985. This notice lists vessels which, due to their special construction and purpose, cannot comply fully with certain provisions of the International Navigation Rules for Preventing Collisions at Sea (72 COLREGS) without interfering with the vessel's special functions. The intent of this notice is to advise the mariner of those vessels that have been granted Certificates of Alternative Compliance.

EFFECTIVE DATE: May 7, 1987.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Dean W. Kutz, USCG, Commander, Eighth Coast Guard District (mvs), Hale Boggs Federal Building, Room 1341, 500 Camp Street, New Orleans, LA 70130-3396. Telephone (504) 589-6271.

SUPPLEMENTARY INFORMATION: Under the provisions of subsection 1605(c) of Title 33 United States Code, the Coast Guard publishes, in the **Federal Register**, a listing of vessels granted Certificates of Alternative Compliance. Certificates of Alternative Compliance are based on a determination that a vessel cannot comply fully with International Rules for light(s), shape(s), and sound signal provisions without interference with the vessel's special function. The alternative allowed results in the closest possible compliance with Annex I of the 72 COLREGS. The Eighth Coast Guard District has on record a total of 40 vessels to which it granted Certificates of Alternative Compliance since 22 October 1985. These vessels are incapable of complying with the 72 COLREGS light provisions. The following list of commercial vessels are not in compliance with the 72 COLREGS and have been issued Certificates of Alternative Compliance.

The following vessel's after masthead light is obscured 19.44 minutes of arc 3.55 degrees on either side of the centerline and 49.14 minutes of arc 4.84 degrees on either side of the centerline.

Vessel	Official No.
ADM WM. M. CALLAGHAN	511744

The following vessels carry the after (second) masthead light at the noted horizontal distance from the forward masthead light:

Vessel	Official No.	After masthead light carried at a designated horizontal distance (in meters from the forward masthead light
USNS WRIGHT	T-AVB3	74.07 M
USNS CURTIS	T-AVB4	74.07 M
PBR 358	656674	10.6 M
MR CLEAN III	697051	16.66 M
RESOURCEFUL	694880	15.75 M
DAMON CHOUEST	906136	16.7 M

The following vessels' after masthead lights are obstructed by the radar mast the indicated amount of arc.

Vessel	Official No.	Degree of obstruction in minutes of arc
ST. EMILION	272077	15.120
MONTRACHET	279334	13.266
CHABLIS	283424	13.266
DEL MONTE	514758	14.983
DEL VALLE	516600	14.983
DEL VIENTO	517540	14.983
POMEROL	276911	12.0

The following vessels carry the side lights forward of the masthead (single) light.

Vessel	Official No.	Sidelights carried at designated horizontal distance (in meters) forward of the masthead (single) light
GULFSTREAM I	607642	2.53 M
GULFSTREAM II	603298	1.73 M
EL JAGUAR GRANDE	576898	2.44 M
LEOPARDO GRANDE	574955	2.44 M
ELEFANTE GRANDE	573192	2.44 M
NAVJO	295621	0.305 M
GEO TIDE	642135	3.65 M
EL TORO GRANDE II	577747	0.91 M
EL LOBO GRANDE II	596941	1.82 M
EL OSO GRANDE II	643637	1.82 M
RIO BRAVO	551937	1.82 M

Vessel	Official No.	Sidelights carried at designated horizontal distance (in meters) forward of the masthead (single) light
EL PATO GRANDE	542118	1.82 M
EL BURRO GRANDE	524008	0.914 M
LOOP LINE	627806	0.15 M
LOOP LOADER	625319	0.15 M
JOSEPH CHOUEST	639909	2.74 M
GALE CHOUEST	613664	0.33 M
KIRT CHOUEST	590456	2.74 M
AMY CHOUEST	613665	0.33 M
CORY CHOUEST	609064	0.33 M
ELLA G	629193	0.33 M
LOLITA CHOUEST	634677	0.355 M
TRAILBLAZER	659377	1.52 M
SIDNEY C	596828	2.74 M
GALE B	292748	1.52 M
OYSTER EXPRESS	544458	1.98 M

The following vessel carries the sidelights 0.152 meters forward of the single masthead light, 12.12 meters above the main deck and 0.637 meters port and starboard of the centerline.

DIXIE PROGRESS	517333	

Dated: April 27, 1987.

Peter J. Rots,

Rear Admiral, U.S. Coast Guard Commander, Eighth Coast Guard District.

[FR Doc. 87–10397 Filed 5–6–87; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1986 Rev., Supp. No. 17]

Surety Companies Acceptable on Federal Bonds; Termination of Authority; Colonial Surety Company

Notice is hereby given that the Certificate of Authority issued by the Treasury to Colonial Surety Company, under the United States Code, Title 31, sections 9304–9308, to qualify as an acceptable surety on Federal bonds is terminated effective this date.

The Company was last listed as an acceptable surety on Federal bonds at 51 FR 23931, July 2, 1986.

With respect to any bonds currently in force with Colonial Surety Company, bond-approving officers for the Government should secure new bonds with acceptable sureties in those instances where a significant amount of liability remains outstanding.

Questions concerning this notice may be directed to the Department of the Treasury, Financial Management Service, Finance Division, Surety Bond Branch, Washington, DC 20226, telephone (202) 634–2298.

Dated: April 30, 1987.

Mitchell A. Levine,

Assistant Commissioner, Comptroller Financial Management Service.

[FR Doc. 87–10374 Filed 5–6–87; 8:45 am]

BILLING CODE 4810–35–M

UNITED STATES INFORMATION AGENCY

United States Advisory Commission on Public Diplomacy; Meeting

A meeting of the U.S. Advisory Commission on Public Diplomacy will be held May 13, 1987, in Room 600, 301 4th Street, SW., Washington, DC from 10:00 a.m. to 11:00 a.m.

The Commission will meet with Ambassador Charles Bray, Director, Foreign Service Institute and Mr. Harold Radday, Chief, Training and Development Division, USIA, to discuss media and advocacy skills training programs in the State Department and USIA.

Please call Gloria Kalamets, (202) 485–2468, if you are interested in attending the meeting since space is limited and entrance to the building is controlled.

Dated: May 4, 1987.

Charles N. Canestro,

Management Analyst, Federal Register Liaison.

[FR Doc. 87–10357 Filed 5–6–87; 8:45 am]

BILLING CODE 8230–01–M

Sunshine Act Meetings

Federal Register
Vol. 52, No. 88
Thursday, May 7, 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).

U.S. COMMISSION ON CIVIL RIGHTS

May 5, 1987.

PLACE: 1121 Vermont Avenue, NW., Room 512, Washington, DC 20425.

DATE AND TIME: Friday, May 15, 1987, 9:00 a.m.–5:00 p.m.

STATUS OF MEETING: Open to the public.

MATTERS TO BE CONSIDERED:

I. Approval of Agenda
II. Approval of Minutes of Last Meeting
III. Staff Director's Report
  A. Status of Earmarks
  B. Personnel Report
  C. Activity Report
IV. Rules and Procedures for the Conduct of Commission Meetings
V. Analysis of Hate Crimes Statistics Act
VI. Discussion: EEOC Chapter, Federal Equal Employment Enforcement Study
VII. Analysis of *Johnson* v. *Transportation Agency*
VIII. Discussion of Proposed School Desegregation Report
IX. Regional Directors' Report on SAC Chairs Meetings

PERSON TO CONTACT FOR FURTHER INFORMATION: Thomas Olson, Press and Communications Division (202) 376–8105.

William H. Gillers,

Solicitor, 376–8514.

[FR Doc. 87–10444 Filed 5–5–87; 9:33 am]

BILLING CODE 6335–01–M

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10:00 a.m., May 12, 1987.

PLACE: 2033 K St., NW., Washington, DC, 5th Floor Hearing Room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Application of the Chicago Board of Trade for designation as a contract market in Institutional Index Futures
Staffing Report and Program Objectives, Fourth Quarter, FY 1987

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 87–10460 Filed 5–5–87; 10:57 am]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., May 12, 1987.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Enforcement Objectives

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 87–10461 Filed 5–5–87; 10:57 am]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11:30 a.m., May 12, 1987.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Enforcement Matters

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 87–10462 Filed 5–5–87; 10:57 am]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:00 a.m., May 19, 1987.

PLACE: 2033 K St., NW., Washington, DC, 5th Floor Hearing Room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Proposed Rule 4.6—relief from CTA regulation; relief for certain CPO's from disclosure, reporting and record keeping requirements

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 87–10463 Filed 5–5–87; 10:57 am]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:30 a.m., May 19, 1987.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Rule enforcement reviews

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 87–10464 Filed 5–5–87; 10:57 am]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., May 19, 1987.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Enforcement Matters

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 87–10465 Filed 5–5–87; 10:57 am]

BILLING CODE 6351–01–M

FARM CREDIT ADMINISTRATION

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), of an addition to the agenda of the forthcoming regular meeting of the Farm Credit Administration Board (Board). The agenda was posted for public information on April 24, 1987. The regular meeting of the Board is scheduled for May 5, 1987.

DATE AND TIME: The meeting is scheduled to be held at the offices of the Farm Credit Administration in McLean, Virginia, on May 5, 1987, from 10:00 a.m. until such time as the Board may conclude its business.

FOR FURTHER INFORMATION CONTACT: William A. Sanders, Jr., Secretary to the Farm Credit Administration Board, 1501 Farm Credit Drive, McLean, Virginia 22102–5090 (703–883–4010).

ADDRESS: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090.

SUPPLEMENTARY INFORMATION: Parts of this meeting of the Board will be open to the public (limited space available), and parts of the meeting will be closed to the public. For the convenience of the public the entire agenda is being republished. Item No. 4 is the additional matter to be considered by the Board. The matters to be considered at the meeting are:

1. Approval of Minutes.
2. Final Regulations: Part 605—Information Security—Technical Amendments.
*3. Examination and Enforcement Matters.
*4. Review of Financial Conditions of Farm Credit System Institutions and Consideration of Certifying to the Treasury That the System is in Need of Financial Assistance.

*Session closed to the public-exempt pursuant to 5 U.S.C. 52b(c) (4), (8) and (9).

Dated May 4, 1987.

[FR Doc. 87-10430 Filed 5-4-87; 4:21 pm]

BILLING CODE 6705-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 9:37 a.m. on Wednesday, April 29, 1987, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to

(A)(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 hightest 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) People State Bank, Turkey, Texas, which was expected to be closed by the Banking Commissioner for the State of Texas on Thursday April 30, 1987; and (b) Unitedbank — Houston, Houston, Texas, which was expected to be closed by the Banking Commissioner for the State of Texas on Thursday, April 30, 1987; and

(B)(1) accept the highest acceptable bid which may be submitted in accordance with the "Instructions for Bidding" for the transfer of insured deposits in Heritage Bank & Trust, Salt Lake County (P.O. Salt Lake City), Utah, which was expected to be closed by the Commissioner of Financial Institutions for the State of Utah on Wednesday, April 29, 1987, or (2) in the event no acceptable bid for a deposit transfer transaction is submitted make funds available for the payment of the insured deposits of the closed bank.

At that same meeting, the Board also considered a bank supervisory matter.

In calling the meeting, the Board determined on motion of Director C.C. Hope, Jr. (Appointive), seconded by Mr. Robert J. Herrman, acting in the place and stead of Director Robert L. Clarke (Comptroller of the Currency), concurred in by Chairman L. William Seidman, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(2), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: May 1, 1987.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Assistant Executive Secretary.

[FR Doc. 87-10441 Filed 5-4-87; 4:40pm]

BILLING CODE 6714-01-M

FEDERAL ELECTION COMMISSION

[Federal Register No. 87-9932]

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, May 7, 1987, 10:00 a.m.

THE FOLLOWING ITEM HAS BEEN ADDED TO THE AGENDA: Draft Advisory Opinion 1987-9—Charles Day on behalf of Stop the Arms Race Political Action Committee.

DATE AND TIME: Tuesday, May 12, 1987, 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. 437g.
Audits conducted pursuant to 2 U.S.C. 437g, 438(b), and Title 26, U.S.C.
Matters concerning participation in civil actions or proceedings or arbitration.
Internal personnel rules and procedures or matters affecting a particular employee.

DATE AND TIME: Thursday, May 14, 1987, 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC, Ninth Floor.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of Dates for Future Meetings.
Correction and Approval of Minutes.
Eligibility Report for Candidates to Receive Presidential Primary Matching Funds.
Routine Administrative Matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, Telephone: 202-376-3155.

Marjorie W. Emmons,

Secretary of the Commission.

[FR Doc. 87-10508 Filed 5-5-87; 2:35 pm]

BILLING CODE 6715-01-M

FEDERAL RESERVE SYSTEM

TIME AND DATE: 10:00 a.m., Wednesday, May 13, 1987.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C. Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Request by the General Accounting Office for Board comment on a draft report regarding access to brokers services in the government securities market.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: May 5, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-10527 Filed 5-5-87; 3:20 pm]

BILLING CODE 6210-01-M

Corrections

Federal Register
Vol. 52, No. 88
Thursday, May 7, 1987

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

International Trade Administration

[A-588-019]

Cyanuric Acid and Its Chlorinated Derivatives From Japan; Final Results of Antidumping Duty Administrative Review

Correction

In notice document 87-9948, beginning on page 15970 in the issue of Friday, May 1, 1987, make the following correction:

On page 15970, in the third column, in the third complete paragraph, in the 10th line, between "verification" and "did" insert "in accordance with section 618 of the 1984 Act, the petitioner'.'

BILLING CODE 1505-01-D

DEPARTMENT OF EDUCATION

34 CFR Part 215

Elementary and Secondary Education; Follow Through Program

Correction

In proposed rule document 87-9788 beginning on page 15896 in the issue of Thursday, April 30, 1987, make the following correction:

On page 15898, in the first column, in the 15th line, "2000" should read "200".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51665; FRL-3168-7]

Certain Chemicals Premanufacture Notices

Correction

In the issue of Monday, April 13, 1987, on page 11914, a correction to FR Doc 87-5563 appeared. The second item was inaccurate and should have appeared as follows:

2. On page 8963, in the third column, under **P87-705**, the 10th and 11th lines should read: "*Toxicity Data.* Acute oral: <2,000 mg/kg; Acute dermal: >2,000 mg/kg;"

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51669; FRL-3182-7]

Certain Chemicals Premanufacture Notices

Correction

In notice document 87-7745 beginning on page 11338 in the issue of Wednesday, April 8, 1987, make the following correction:

On page 11339, in the third column, under **P 87-866**, in the 11th line, "2,00 mg/kg" should read "2,000 mg/kg".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Advisory Committees; Meetings

Correction

In notice document 87-8353 beginning on page 12254 in the issue of Wednesday, April 15, 1987, make the following correction:

On page 12254, in the second column, in the third line from the bottom, "John" should read "Joan".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 86-AWA-41]

Establishment of Airport Radar Service Areas

Correction

In rule document 87-9547 beginning on page 15476 in the issue of Tuesday, April 28, 1987, make the following correction:

§ 71.501 [Corrected]

On page 15480, in the third column, in § 71.501, in the entry for Allentown-Bethlehem-Easton Airport, in the third line from the bottom, "25°" should read "285°".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 773

Requirements for Surface Coal Mining and Reclamation Permit Approval: Ownership and Control; Reopening of Public Comment Period.

Correction

In proposed rule document 87–10039 beginning on page 16275 in the issue of Monday, May 4, 1987, make the following correction:

On page 16276 in the first column, in the second complete paragraph, in the first line "not" should read "now".

BILLING CODE 1505-01-T

federal register

Thursday
May 7, 1987

Part II

Department of Education

34 CFR Part 350 etc.

National Institute on Disability and Rehabilitation Research; Proposed Rule and Notices Concerning Proposed Funding Priorities and Invitations for Applications for Fiscal Year 1987

DEPARTMENT OF EDUCATION

34 CFR Parts 350, 351, 352, 353, 354, 355, 356, 357, 358, and 359

National Institute on Disability and Rehabilitation Research

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes to amend the regulations governing the National Institute on Disability and Rehabilitation Research (NIDRR). These regulations are needed to implement certain changes to Titles I and II of the Rehabilitation Act of 1973 as amended by the Rehabilitation Act Amendments of 1986. The proposed regulations would revise the selection criteria for Rehabilitation Research and Training Centers (RRTCs) and Rehabilitation Engineering Centers (RECs) supported by NIDRR, incorporate site visits into the review of applications for grants for amounts above $299,999, provide for the consideration of an applicant's past performance in the evaluation of applications under the RRTC and REC programs, and incorporate certain technical requirements of the amendments.

DATES: Comments must be received on or before June 22, 1987.

ADDRESSES: Comments should be addressed to: Betty Jo Berland, National Institute on Disability and Rehabilitation Research, Department of Education, 400 Maryland Avenue, SW., Switzer Building, Room 3070, Washington, DC 20202.

A copy of any comments that concern information collection requirements should also be sent to the Office of Management and Budget at the address listed in the Paperwork Reduction Act section of this preamble.

FOR FURTHER INFORMATION CONTACT: Betty Jo Berland; Telephone: (202) 732–1139; deaf or hearing impaired persons who use telecommunication devices for the deaf (TDD) may call (202) 732–1198.

SUPPLEMENTARY INFORMATION: The National Institute on Disability and Rehabilitation Research (NIDRR), created under Title II of the Rehabilitation Act of 1973, as amended by Public Laws 95–602, 98–221, and 99–506, carries out a variety of research and related activities under that statutory authority. On September 10, 1981, the Secretary published final program regulations governing many of those activities (46 FR 45300), and on March 12, 1984, June 18, 1984, and April 26, 1985, revised those regulations (49 FR 9324 and 24978, and 50 FR 16672). The Secretary now proposes regulations to implement changes to the Act affecting NIDRR made by Pub. L. 99–506, the Rehabilitation Act Amendments of 1986, enacted on October 21, 1986. The 1986 amendments made a number of technical changes in the authority governing NIDRR and several significant changes affecting the manner in which applications are reviewed and selected for funding.

Technical Changes

The amendments to the Act designate a new name for the Institute, which was formerly known as the National Institute of Handicapped Research, and provide new definitions of several terms affecting NIDRR. These terms are: "an individual with handicaps"; "an individual with severe handicaps"; "rehabilitation engineering"; "Indian tribes and organizations"; and "supported employment." These proposed revisions to the regulations incorporate these definitions as appropriate.

The amendments to the Act also expand or clarify the authority of NIDRR to conduct research programs in several types of areas. These include research in the areas of: recreation for individuals with handicaps; supported employment; psychological services to disabled children and their families; issues affecting disabled individuals in rural areas; the rehabilitation needs of American Indians; and orphan technological devices, such as tele-Braille systems for deaf-blind individuals or special respirators for technology-dependent infants, to aid persons with disabilities. These provisions are incorporated in these proposed regulations.

The Act, as amended, also authorizes Rehabilitation Engineering Centers (REC's) to demonstrate and disseminate innovative models for the delivery of cost-effective rehabilitation engineering services to urban and rural areas. This authority is incorporated into the description of the types of activities supported in Rehabilitation Engineering Centers in § 353.10.

The amendments also specify that Indian tribes and tribal organizations are eligible to receive funds under all NIDRR grant programs. This provision is implemented in proposed § 350.2.

The amendments to the Act state that the Director of NIDRR, in making awards for special demonstration projects for spinal cord injury, shall take into account the appropriate geographic and regional allocation of these projects. This provision is reflected in § 359.32 as an additional factor that the Secretary will consider when making awards under that program.

The statutory amendments also provide that host institutions of Rehabilitation Research and Training Centers may not collect in excess of fifteen percent in indirect costs. These proposed regulations implement that requirement in § 352.40.

Revisions to Methods of Selecting Grantees

The Act, as amended, provides that past performance shall be a factor in the review of applications for new awards from previously funded Rehabilitation Research and Training Centers (RRTC's). These proposed amendments to the regulations would implement this provision by making past performance part of the selection criteria used to evaluate all applications for new RRTC's and Rehabilitation Engineering Centers (REC's) regardless of past funding. The Secretary has decided to apply this provision to all applicants under Center programs in order to ensure fairness and to base selections for funding on the most complete and relevant information.

The Secretary also proposes other changes to the selection criteria for the RRTC and REC programs. The Secretary believes that Centers differ significantly from research projects, and thus proposes to make the general selection criteria in Part 350 inapplicable to these two programs and instead establish particular criteria in Parts 352 and 353.

The proposed new selection criteria would provide for the evaluation of four major components of each proposed Center: the relevance and importance of the research program; the design of the research program; the training and dissemination components; and the organization and management plan. The new selection criteria are intended to focus on those aspects of a Center that the Secretary believes are most important in creating cohesive and comprehensive programs that will serve as national resources for knowledge in rehabilitation.

The proposed selection criteria incorporate all of the elements specified as selection criteria in the Education Department General Administrative Regulations (EDGAR). However, these proposed regulations would group those criteria into the four categories described above.

The final major change in the grantee selection process implements the statutory requirement that site visits be a part of the review process before any grant award in excess of $299,999 per year is made. The purpose of the site visits, which would involve at least one member of the peer review group that

reviewed the application, would be to verify and clarify information in the application, and to provide findings that assist in determining the order in which applicants are selected for funding.

Executive Order 12291

These proposed regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations specified in the order.

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations would not have a significant economic impact on a substantial number of small entities. The small entities which might be affected by these regulations are small institutions of higher education, Indian tribes, or public or private organizations. However, these regulations would not have a significant economic impact on the small entities affected because they do not impose excessive regulatory burdens or reporting requirements, nor do they require unnecessary Federal supervision.

Paperwork Reduction Act of 1980

Sections 352.31 and 353.31 contain information collection requirements. As required by Section 3504(b) of the Paperwork Reduction Act of 1980, the Department of Education will submit a copy of these proposed regulations to the Office of Management and Budget (OMB) for its review.

Organizations and individuals desiring to submit comments on the information collection requirements should direct them to the Office of Information and Regulatory Affairs, OMB, Room 3002, New Executive Office Building, Washington, DC 20503; Attention: Joseph F. Lackey, Jr.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding these proposed regulations.

All comments submitted in response to these proposed priorities will be available for public inspection, during and after the comment period, in Room 3070 of the Switzer Building, 330 C Street SW., Washington, DC, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday of each week except Federal holidays.

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and their overall requirement of reducing regulatory burden, the Secretary invites comment on whether there may be further opportunities to reduce any regulatory burdens found in these proposed regulations.

Assessment of Educational Impact

The Secretary particularly requests comments on whether the regulations in this document would require transmission of information that is being gathered by or is available from any other agency or authority in the United States.

List of Subjects

34 CFR Part 350

Administrative practice and procedure, Education, Educational research, Grant programs—education, Handicapped.

34 CFR Part 352

Education, Educational research, Grant programs—education, Handicapped, Manpower training program, Vocational rehabilitation.

34 CFR Part 358

Education, Educational research, Grant programs—education, Handicapped, Reporting and recordkeeping requirements, Vocational rehabilitation.

34 CFR Part 359

Education, Educational research, Grant program—education, Handicapped, Vocational rehabilitation.

(Catalog of Federal Domestic Assistance Number 84.133, National Institute on Disability and Rehabilitation Research)

Dated: April 16, 1987.

William J. Bennett,

Secretary of Education.

The Secretary proposes to amend Title 34 of the Code of Federal Regulations by amending Parts 350, 351, 352, 353, 354, 355, 356, 357, 358, and 359 as follows:

1. The authority citation for Part 350 is revised to read as follows:

Authority: 29 U.S.C. 760–762, unless otherwise noted.

2. The title of Part 350 is revised to read as follows:

PART 350—DISABILITY AND REHABILITATION RESEARCH: GENERAL PROVISIONS

3. In § 350.1, the introductory text of (a) is republished, and the section is amended by revising the section heading, paragraphs (a) (1) and (3), and the citation of legal authority to read as follows:

§ 350.1 Disability and rehabilitation research.

(a) The purposes of activities funded by the Institute are to:

(1) Support the conduct of research and demonstration projects, centers, and related activities that address rehabilitation problems in areas such as vocational rehabilitation, independent living, and community integration for persons with handicaps, including programs of rehabilitation for children with handicaps and persons with handicaps aged sixty or older (fifty-five or older in the case of American Indians), and programs that train persons who provide rehabilitation services or conduct research;

* * * * *

(3) Improve the distribution of technological devices and equipment for persons with handicaps; and

* * * * *

(Authority: Secs. 200, 202, and 204; (29 U.S.C. 760, 761a, and 762))

4. Section 350.2 is amended by revising paragraphs (b) and (c), adding a new paragraph (d), and revising the citation of legal authority to read as follows:

§ 350.2 Who is eligible for assistance under these programs?

* * * * *

(b) Private agencies or organizations;

(c) Institutions of higher education; and

(d) Indian tribes and tribal organizations.

(Authority: Sec 204(a); 29 U.S.C. 762a)

5. Section 350.3 is amended by revising the introductory text and paragraph (a)(2) to read as follows:

§ 350.3 What regulations apply to these programs?

The following regulations apply to grants under the Disability and Rehabilitation Research Programs—

(a) * * *

(2) Part 75 (Direct Grant Programs), except as noted in 34 CFR 352.33, 352.40, and 358.3;

* * * * *

6. Section 350.4 is amended by revising the introductory text in paragraphs (a) and (b), by removing the definitions of "Director" and "Handicapped individual", by revising the definition of "Institute", and adding new definitions of "American Indian", "Indian tribe", "Individual with handicaps", "Individual with severe handicaps", "Rehabilitation engineering", and "Supported employment", to read as follows:

§ 350.4 What definitions apply to these programs?

(a) The following definitions in 34 CFR Part 77 apply to the programs under Disability and Rehabilitation Research—

* * * * *

(b) The following definitions also apply to programs under Disability and Rehabilitation Research—

* * * * *

"American Indian" means an individual who is a member of an Indian tribe.

(Authority: Sec. 7(20); 29 U.S.C. 706(20))

* * * * *

"Indian tribe" means any Federal or State Indian tribe, band, rancheria, pueblo, colony, or community, including any Alaskan native village or regional village corporation, as defined in or established pursuant to the Alaska Native Claims Settlement Act.

(Authority: Sec. 7(21); 29 U.S.C. 706(21))

"Individual with handicaps" means any individual who: (1) Has a physical or mental disability which for that individual constitutes or results in a substantial handicap to employment; and (2) can reasonably be expected to benefit in terms of employability from the provision of vocational rehabilitation services.

(Authority: Sec. 7(8)(A); 29 U.S.C. 706(8)(A))

"Individual with severe handicaps" means an individual with handicaps: (1) Who has a severe physical or mental disability that seriously limits one or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of employability; (2) whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and (3) who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculoskeletal disorders, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia, other spinal cord conditions, sickle cell anemia, specific learning disability, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an evaluation of rehabilitation potential to cause comparable substantial functional limitation.

(Authority: Sec. 7(15)(A); 29 U.S.C. 706(15)(A))

"Institute" means the National Institute on Disability and Rehabilitation Research.

* * * * *

"Rehabilitation engineering" means the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of and address the barriers confronted by individuals with handicaps in areas that include education, rehabilitation, employment, transportation, independent living, and recreation.

(Authority: Sec. 7(12); 29 U.S.C. 706(12))

* * * * *

"Supported employment" means competitive work in integrated work settings for individuals with severe handicaps for whom competitive employment has not traditionally occurred, or for whom competitive employment has been interrupted or intermittent as a result of severe disability, and who, because of the handicaps, need on-going support services to perform that work. The term includes transitional employment for individuals with chronic mental illness.

(Authority: Sec. 7(18); 29 U.S.C. 706(18))

* * * * *

7. Section 350.30 is revised to read as follows:

§ 350.30 What are the peer review panels for these programs?

The Secretary refers each application for a grant under the Disability and Rehabilitation Research Programs to a peer review panel established by the Secretary. Peer review panels review applications on the basis of the applicable selection criteria described in 34 CFR 350.34, 352.31, 353.31, 358.32, or 359.31.

(Authority: Sec. 202(e); 29 U.S.C. 761a(e))

8. Section 350.32(a) is revised to read as follows:

§ 350.32 What is the composition of a peer review panel?

(a) The Secretary selects as members of a peer review panel scientists and other experts in rehabilitation or related fields who are qualified, on the basis of training, knowledge, or experience, to give expert advice on the merit of applications. Applications for awards of $60,000 or more, except those for the purposes of evaluation, dissemination of information, or conferences, must be reviewed by a peer review panel that consists of a majority of non-Federal members.

* * * * *

(Authority: Secs. 18 and 202(e); 29 U.S.C. 717 and 761a(e))

9. Section 350.33 is amended by revising paragraphs (a), (b), and (e) and the first sentence of paragraph (c) to read as follows:

§ 350.33 How does the Secretary evaluate an application under 34 CFR Parts 351, 354, 355, or 357?

(a) The Secretary evaluates an application under 34 CFR Part 351, 354, 355, or 357 on the basis of the selection criteria in § 350.34.

(b) Each criterion applies to all types of projects under the programs governed by these parts; the elements within each criterion also apply to all of the activities within the projects unless the regulations specifically state that their application is limited to certain types of activities.

(c) The Secretary awards up to five possible points for each criterion. * * *

* * * * *

(e) The maximum possible score for an application is 100 points.

(Authority: Sec. 202(e); 29 U.S.C. 761a(e))

10. The heading of § 350.34 is revised to read as follows:

§ 350.34 What selection criteria does the Secretary use in reviewing applications under Parts 351, 354, 355, or 357?

* * * * *

11. In Subpart D, a new § 350.35 is added to read as follows:

§ 350.35 What additional factors does the Secretary consider in reviewing applications under any Institute program:

(a) In making grants of more than $299,999 per year under any Institute program, the Secretary also considers the findings of an on-site review of the applicant. An on-site review is made of the applicant rated most highly by the peer review panel, and, at the discretion of the Secretary, of other applicants that are very highly rated by the peer review panel.

(b) The purpose of an on-site review is to verify certain aspects of the application, including facilities and resources, client populations, staffing, management structure, institutional support, and relations with other agencies, and to clarify certain aspects of the proposed activity if recommended by the members of the peer review panel.

(c) An on-site review is conducted by a group that includes one or more members of the peer review panel that originally reviewed the application, supplemented by other experts as necessary.

(d) The Secretary uses the findings of the site review to assist in determining the order in which applications are selected for funding.

(Authority: Secs. 204(d)(2); 29 U.S.C. 762(d))

12. In § 350.40, the introductory text of (b)(1) is republished, and the section is amended by revising paragraph (b)(1)(iii) to read as follows:

§ 350.40 What are the matching requirements?

* * * * *

(b)(1) The Secretary may make grants to pay for part or all of the costs of the following activities:

* * * * *

(iii) Research projects concerned with end-stage renal disease, telecommunications, rehabilitation of children with handicaps and persons with handicaps who are aged sixty or older (or American Indians with handicaps who are aged fifty-five or older), attracting and retaining rehabilitation professionals in rural areas, producing and distributing captioned video cassettes for deaf individuals, and innovative methods for providing services for children with handicaps and their parents.

* * * * *

13. The authority citation for Part 351 is revised to read as follows:

Authority: 29 U.S.C. 760–762, unless otherwise noted.

14. The title of Part 351 is revised to read as follows:

PART 351—DISABILITY AND REHABILITATION RESEARCH: RESEARCH AND DEMONSTRATION PROJECTS

§ 351.1 [Amended]

§ 351.10 [Amended]

15. In Part 351, for each section listed in the left column in the list below, remove the phrase in the middle column from wherever it appears in the section, and add the phrase indicated in the right column in its place:

Sec.	Remove	Add
351.1	"handicapped individual".	"individual with handicaps".
	"handicapped individuals".	"individuals with handicaps".
	"the most severely handicapped".	"individuals with the most severe handicaps".
351.10	"handicapped individual".	"individual with handicaps".
	"handicapped individuals".	"individuals with handicaps".
	"handicapped children".	"children with handicaps".
	"handicapped preschool children".	"children of preschool age with handicaps".
	"handicapped individuals aged sixty years and older".	"individuals with handicaps who are aged sixty years and older, or, in the case of American Indians, are aged fifty-five years or older".

16. In § 351.10, the introductory text of the section and the introductory text of paragraph (b) are republished, and the section is amended by revising paragraph (a), revising paragraphs (b)(6) and (7), and adding new paragraphs (b)(8) and (9) to read as follows:

§ 351.10 What types of projects are authorized under this program?

The Research and Demonstration Projects Program provides financial assistance for the following types of projects—

(a) Research and Demonstration Projects as follows—Scientific, technical, methodological, and other investigations into the nature of disability, methods of analyzing disability, and techniques for rehabilitation, including basic research where related to rehabilitation techniques or services; studies and analyses of medical, industrial, vocational, social, recreational, psychiatric, psychological, economic, and other factors affecting rehabilitation of individuals with handicaps; research concerned with the special problems of homebound and institutionalized individuals; other research related to problems encountered by individuals with handicaps in their daily activities, especially problems related to employment, including supported employment; and demographic studies of individuals with handicaps.

(b) Specialized research activities as follows—

* * * * *

(6) Projects to develop and demonstrate methods to attract and retain professionals to serve in rural areas in the rehabilitation of individuals wth handicaps;

(7) Research and demonstration projects related to the provision of services to children of preschool age with handicaps;

(8) Studies of the rehabilitation needs of American Indian populations, and of effective means for delivery of rehabilitation services to American Indians residing on and off reservations; and

(9) Studies and demonstration programs to develop procedures to encourage development, manufacture, and marketing or orphan technological devices, such as tele-Braille systems for persons who are deaf-blind or special respirators for technology-dependent children, designed to enable individuals with handicaps to achieve independence and access to gainful employment.

(Authority: 204(a), 204(b)(3)–(5), 204(b)(7)–(9), 204(b)(11), 204(b)(14)–(15), and 202(b)(8); 29 U.S.C. 762(a), 762(b)(3)–(5), 762(b)(7)–(9), 762(b)(11), 762(b)(14)–(15), and 761a(b)(8))

17. The authority citation for Part 352 is revised to read as follows:

Authority: 29 U.S.C. 762(b)(1), unless otherwise noted.

18. The title of Part 352 is revised to read as follows:

PART 352—DISABILITY AND REHABILITATION RESEARCH: REHABILITATION RESEARCH AND TRAINING CENTERS

19. Section 352.10 is amended by revising paragraphs (b) and (d) to read as follows:

§ 352.10 What types of centers are authorized under this program?

* * * * *

(b) The research to be conducted at each center must be based on the particular needs of individuals with handicaps in the geographic area served by the center. Centers may conduct basic research, if related to identifiable rehabilitation techniques or services, as well as applied rehabilitation research; research regarding the medical, psychological, and social aspects of rehabilitation; and research related to vocational rehabilitation, independent living, and the rehabilitation of children with handicaps, individuals with handicaps who are sixty years of age or older, or American Indians with handicaps who are fifty-five years of age or older; and research on problems related to disability in rural areas.

* * * * *

(d) A center may use part of its grant funds to provide to individuals with handicaps services that are connected with its research and training activities.

(Authority: Sec. 204(b)(1); 29 U.S.C. 762(b)(1))

20. Section 352.31 is revised to read as follows:

§ 352.31 What selection criteria are used under this program?

The Secretary evaluates applications under this program according to the following criteria:

(a) *Relevance and importance of the research program.* (25 points) The

Secretary reviews each application to determine to what degree—

(1) The proposed activities are responsive to a priority established by the Secretary and address a significant need of a disabled target population and rehabilitation service providers;

(2) The overall research program of the Center includes appropriate interdisciplinary and collaborative research activities, is likely to lead to new and useful knowledge in the priority area, and is likely to become a nationally recognized source of scientific knowledge; and

(3) The applicant demonstrates that all component activities of the Center are related to the overall objective of the Center, and will build upon and complement each other to enhance the likelihood of solving significant rehabilitation problems.

(b) *Quality of the research design.* (25 points) The Secretary reviews each application to determine to what degree—

(1) The applicant proposes a comprehensive research program for the entire project period, including at least three interrelated research projects;

(2) The research design and methodology of each proposed activity are meritorious in that—

(i) The literature review is appropriate and indicates familiarity with current research in the field;

(ii) The research hypotheses are important and scientifically relevant;

(iii) The sample populations are appropriate and significant;

(iv) The data collection and measurement techniques are appropriate and likely to be effective;

(v) The data analysis methods are appropriate; and

(vi) The applicant assures that human subjects, animals, and the environment are adequately protected; and

(3) The application discusses the anticipated research results and demonstrates how those results would satisfy the original hypotheses and could be used for planning future research, including generation of new hypotheses where applicable.

(c) *Quality of the training and dissemination program.* (25 points): The Secretary reviews each application to determine the degree to which—

(1) The proposed plan for training and dissemination provides evidence that research results will be effectively disseminated and utilized based on the identification of appropriate and accessible target groups; the proposed training materials and methods are appropriate; the proposed activities are relevant to the regional and national needs of the rehabilitation field; and the training materials and dissemination packages will be developed in the form usable by persons with all types of disabilities;

(2) The proposed plan for training and dissemination provides for—

(i) Advanced training in rehabilitation research;

(ii) Training rehabilitation service personnel and other appropriate individuals to improve practitioner skills based on new knowledge derived from research;

(iii) Training packages that make research results available to service providers, researchers, educators, disabled individuals, parents, and others;

(iv) Technical assistance or consultation that is responsive to the concerns of service providers and consumers; and

(v) Dissemination of research findings through publication in professional journals, textbooks, and consumer and other publications, and through other appropriate media such as audiovisual materials and telecommunications.

(d) *Quality of the organization and management.* (25 points): The Secretary reviews each application to determine the degree to which—

(1) The staffing plan for the Center provides evidence that the principal investigator and other personnel have appropriate training and experience in disciplines required to conduct the proposed activities; the commitment of staff time is adequate to conduct all proposed activities; and the Center, as part of its nondiscriminatory employment practices, will ensure that its personnel are selected for employment without regard to race, color, national origin, gender, age, or handicapping condition.

(2) The budgets for the Center and for each component project are reasonable, adequate, and cost-effective for the proposed activities;

(3) The facilities, equipment, and other resources are adequate and are appropriately accessible to persons with disabilities;

(4) The plan of operations is adequate to accomplish the Center's objectives and to ensure proper and efficient management of the Center;

(5) The proposed relationships with Federal, State, and local rehabilitation service providers and consumer organizations are likely to ensure that the Center program is relevant and applicable to the needs of consumers and service providers;

(6) The past performance and accomplishments of the applicant indicate an ability to complete successfully the proposed scope of work;

(7) The application demonstrates appropriate commitment and support by the host institution and opportunities for interdisciplinary activities and collaboration with other institutions and organizations; and

(8) The plan for evaluation of the Center provides for an annual assessment of the outcomes of the research, the impact of the training and dissemination activities on the target populations, and the extent to which the overall objectives have been accomplished.

(Authority: Secs. 202(e), 202(i)(1), and 204(b)(1); 29 U.S.C. 761a(e), 761a(i)(1)), and 762(b)(1))

21. A new Subpart E, consisting of § 352.40, is added to read as follows:

Subpart E—What Conditions Apply to a Grantee?

§ 352.40 What are the indirect cost requirements for this program?

A host institution with which a center is affiliated may not collect in excess of fifteen percent of the total grant award as indirect cost charges, notwithstanding the provisions in § 75.562 of EDGAR.

(Authority: Sec. 204(b)(1); (29 U.S.C. 762(b)(1))

22. The authority citation for Part 353 is revised to read as follows:

Authority: 29 U.S.C. 762(b)(2), unless otherwise noted.

23. The title of Part 353 is revised to read as follows:

PART 353—DISABILITY AND REHABILITATION RESEARCH: REHABILITATION ENGINEERING CENTERS

24. Section 353.1 is amended by revising paragraphs (b) and (c) to read as follows:

§ 353.1 What is the rehabilitation engineering program?

* * * * *

(b) Development of systems of technical and engineering information exchange and coordination, including systems to disseminate innovative methods for the delivery of rehabilitation technology services; and

(c) Development of improvements in the distribution of technology devices and equipment to individuals with handicaps.

(Authority: Secs. 200(3), 204(b)(2); 29 U.S.C. 760(3), 762(b)(2)), unless otherwise noted)

25. In § 353.10, the introductory texts of (a) and (b) are republished, and the

section is amended by removing the word "and" at the end of paragraph (a)(iii), removing the period at the end of paragraph (a)(iv) and adding, in its place, a semicolon and the word "and", adding a new paragraph (a)(v), and revising paragraph (b)(1), to read as follows:

§ 353.10 What types of projects are authorized under this program?

* * * * *

(a) Establishment and support of Rehabilitation Engineering Research Centers.

* * * * *

(v) The activities of a Center may include developing and demonstrating innovative models for the delivery to rural and urban areas of cost-effective rehabilitation engineering services to address the barriers to employment and independent living needs confronted by individuals with handicaps.

(b) Research and demonstration projects of an engineering or technological nature as follows—

(1) Studies, analyses, and demonstrations of architectural and engineering design adapted to meet the special needs of individuals with handicaps, and projects to reduce environmental barriers;

* * * * *

26. Section 353.31 is revised to read as follows:

§ 353.31 What selection criteria are used under this program?

(a) *Relevance and importance of the research program.* (25 points) The Secretary reviews each application to determine to what degree—

(1) The proposed activities are responsive to a priority established by the Secretary and address a significant need of a disabled target population and rehabilitation service providers;

(2) The overall research program of the Center includes appropriate interdisciplinary and collaborative research activities, is likely to lead to new and useful knowledge in the priority area and to the development of new technology or new applications of existing technology, and is likely to become a nationally recognized source of information on technology in the priority area; and

(3) The applicant demonstrates that all component activities of the Center are related to the overall objectives of the Center, and will build upon and complement each other to enhance the likelihood of finding solutions to significant rehabilitation problems.

(b) *Quality of the research design.* (25 points) The Secretary reviews each application to determine to what degree—

(1) The applicant proposes a comprehensive program of research for the total project period, including at least three interrelated research projects;

(2) The research design and methodology of each proposed activity are meritorious in that—

(i) The literature review is appropriate and indicates familiarity with the state-of-the-art and current research in rehabilitation technology;

(ii) The research hypotheses are important and scientifically relevant;

(iii) The sample populations are appropriate and significant;

(iv) The data collection and measurement techniques are appropriate and likely to be effective;

(v) The data analysis methods are appropriate; and

(vi) The applicant assures that human subjects, animals, and the environment are adequately protected;

(3) The plan for development, clinical testing, and evaluation of new devices and technology is likely to yield significant products; and

(4) The application discusses the anticipated research results and demonstrates how those results would satisfy the original hypotheses and could be used for planning additional research, including the generation of new hypotheses where applicable.

(c) *Quality of the dissemination and utilization program.* (25 points) The Secretary reviews each application to determine the degree to which—

(1) The proposed plan for dissemination provides evidence that research results will be effectively disseminated and utilized based on the identification of appropriate and accessibe target groups; the proposed activities are relevant to the regional and national needs of the rehabilitation field; and dissemination packages will be prepared in a form usable by individuals with all types of disabilities;

(2) The proposed plan for dissemination and utilization of the research and development provides for—

(i) Orientation programs for rehabilitation service personnel to improve the application of rehabilitation technology;

(ii) Programs which specifically demonstrate means for utilizing rehabilitation technology;

(iii) Technical assistance and consultation that are responsive to concerns of service providers and consumers; and

(iv) Dissemination of research findings through publication in professional journals, textbooks, and consumer and other publications, and through other appropriate media such as audiovisual materials and telecommunications, in an effort to make research results accessible to manufacturers, rehabilitation service providers, researchers, educators, disabled individuals and their families, and others; and

(3) There is an appropriate plan to ensure the distribution and utilization of new devices and technology.

(d) *Quality of the organization and management.* (25 points): The Secretary reviews each application to determine the degree to which—

(1) The staffing plan for the Center provides evidence that the principal investigator and other personnel have appropriate training and experience in disciplines required to conduct the proposed activities; the commitment of time for all staff is adequate to conduct all proposed activities; and the Center, as part of its nondiscriminatory employment practices, will ensure that its personnel are selected for employment without regard to race, color, national origin, gender, age, or handcapping condition;

(2) The budgets for the Center and each of the proposed activities are reasonable, adequate, and cost-effective for the proposed activities;

(3) The facilities, equipment, and other resources are adequate and are appropriately accessible to persons with disabilities;

(4) The plan of operations is adequate to accomplish the Center's objectives and to ensure proper and efficient management of the Center;

(5) The proposed relationships with Federal, State, and local rehabilitation service providers and consumer organizations are likely to ensure that the Center program is relevant and applicable to the needs of consumers and service providers;

(6) The past performance and accomplishments of the applicant indicate an ability to complete successfully the proposed scope of work;

(7) The application demonstrates appropriate commitment and support by the host institution and opportunities for interdisciplinary activities and collaboration with other institutions; and

(8) The plan for evaluation of the Center will assess annually the outcomes of the discrete and

interrelated research projects, the impact of the training and dissemination activities on the target populations, and the extent to which the overall objectives have been accomplished.

(Authority: Secs. 202(e), 202(i)(1), and 204(b)(2); 29 U.S.C. 761a(e), 761a(i)(1), and 762(b)(2))

27. The citation of authority for Part 354 is revised to read as follows:

Authority: 29 U.S.C. 762(b)(12), unless otherwise noted.

28. The title of Part 354 is revised to read as follows:

PART 354—DISABILITY AND REHABILITATION RESEARCH: MODEL RESEARCH AND TRAINING PROGRAM

29. The citation of authority for Part 355 is revised to read as follows:

Authority: 29 U.S.C. 760–762, unless otherwise noted.

30. The title of Part 355 is revised to read as follows:

PART 355—DISABILITY AND REHABILITATION RESEARCH: KNOWLEDGE DISSEMINATION AND UTILIZATION PROGRAMS

31. The citation of authority for Part 356 is revised to read as follows:

Authority: 29 U.S.C. 761a(d), unless otherwise noted.

32. The title of Part 356 is revised to read as follows:

PART 356—DISABILITY AND REHABILITATION RESEARCH: RESEARCH FELLOWSHIPS

§ 356.30 [Amended]

§ 356.32 [Amended]

33. Part 356 is amended in the sections listed in the left column by removing the name in the middle column and adding in its place the name in the right column, as follows:

Sec.	Remove	Add
356.30 (b)(1)	"NIHR"	"the Institute"
356.32 (b)	"NIHR"	"Institute's"

34. The citation of authority for Part 357 is revised to read as follows:

Authority: 29 U.S.C. 760–762, unless otherwise noted.

35. The title of Part 357 is revised to read as follows:

PART 357—DISABILITY AND REHABILITATION RESEARCH: FIELD-INITIATED RESEARCH PROJECTS

§ 357.1 [Amended]

36. In § 357.1, in each paragraph indicated in the left column, remove the name in the middle column and add in its place the name in the right column, as follows:

Sec.	Remove	Add
357.1 (b)	"NIHR"	"Institute"
357.1 (c)	"NIHR"	"Institute"

37. The citation of authority for Part 358 is revised to read as follows:

Authority: 29 U.S.C. 762(b)(13), unless otherwise noted.

38. The title of Part 358 is revised to read as follows:

PART 358—DISABILITY AND REHABILITATION RESEARCH: INNOVATION GRANTS PROGRAM

39. The citation of authority for Part 359 is revised to read as follows:

Authority: 29 U.S.C. 777a(a), unless otherwise noted.

40. The title of Part 359 is revised to read as follows:

PART 359—DISABILITY AND REHABILITATION RESEARCH—SPECIAL PROJECTS AND DEMONSTRATIONS FOR SPINAL CORD INJURIES

41. A new § 359.32 is added to read as follows:

§ 359.32 What additional factors does the Secretary consider in making a grant under this program?

In determining which applicants to fund under this program, the Secretary also considers the proposed location of any project in order to achieve, to the extent possible, a geographic distribution of projects.

(Authority: Section 204(b)(3) of the Rehabilitation Act of 1973, as amended; (29 U.S.C. 762(b)(3))

[FR Doc. 87–10366 Filed 5–6–87; 8:45 am]
BILLING CODE 4000–01–M

DEPARTMENT OF EDUCATION

National Institute on Disability and Rehabilitation Research

Proposed Funding Priorities for Fiscal Year 1987

AGENCY: Department of Education.

ACTION: Notice of Proposed Funding Priorities for Fiscal Year 1987.

SUMMARY: The Secretary of Education proposes additional funding priorities for research activities to be supported under some programs of the National Institute on Disability and Rehabilitation Research (NIDRR) in fiscal year 1987. The Rehabilitation Act Amendments of 1986 directed NIDRR to establish three research centers for specific purposes. At the same time, NIDRR received an increased appropriation for fiscal year 1987; this has enabled the Secretary to propose funding in two addtional priority areas.

DATE: Interested persons are invited to submit comments or suggestions regarding the proposed priorities on or before June 8, 1987.

ADDRESSES: All written comments and suggestions should be sent to Betty Jo Berland, National Institute on Disability and Rehabilitation Research, Department of Education, 400 Maryland Avenue, SW., Room 3070, Switzer Building, Mailstop 2305, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Betty Jo Berland, National Institute on Disability and Rehabilitation Research, (Telephone: (202) 732–1139). Deaf and hearing impaired individuals may call (202) 732–1198 for TDD services.

SUPPLEMENTARY INFORMATION: Authority of the research program of NIDRR is contained in section 204 of the Rehabilitation Act of 1973, as amended. Under this program, awards are made to public and private agencies and organizations, including institutions of higher education, Indian tribes, and tribal organizations. NIDRR can make awards for up to 60 months.

The purpose of the awards is for planning and conducting research demonstrations, and related activities which have a direct bearing on the development of methods, procedures, and devices to assist in providing vocational and other rehabilitation services to individuals with handicaps, especially those with the most severe handicaps.

NIDRR regulations authorize the Secretary to establish research priorities by reserving funds to support particular research activities (see 34 CFR 351.32). On January 12, 1987, NIDRR published a list of proposed funding priorities of the Research and Demonstration Program (R&D) and the Knowledge Dissemination and Utilization Program (U&D), along with a notice requesting transmittal of applications (52 FR 1282). Subsequent to the preparation of that notice, the Rehabilitation Act Amendments of 1986 (Pub. L. 99–506) were enacted. The amendments require that NIDRR establish a Research and Training Center (RRTC) focusing on the problems of providing rehabilitation services in rural areas and also establish Rehabilitation Engineering Centers (RECs) in Connecticut and South Carolina to demonstrate and disseminate innovative models for delivering cost-effective rehabilitation engineering services.

These proposed priorities also provide for an additional RRTC in the management of behavioral disorders of developmentally disabled individuals and for a reseach and demonstration project to develop model systems to integrate case data from rehabilitation agencies, health care providers, and entitlement programs.

NIDRR invites public comment on the merits of the proposed priorities both individually and collectively, including suggested modifications to the proposed priorities. Interested respondents also are invited to suggest the types of expertise which would be needed for independent experts to review and evaluate applications under these proposed priorities.

The final priorities will be announced in a notice in the **Federal Register.** However, an application notice is published separately in this issue of the **Federal Register.** Applicants should base their applications on the proposed priorities. If there are substantial changes in the final priorities, applicants will be given an opportunity to amend or resubmit their applications.

The criteria to be used in evaluating the applications for the two RRTCs and two RECs covered by this Notice are those announced in the Notice of Proposed Rulemaking (NPRM) which is also published in this issue of the **Federal Register.** If there are changes made in the final regulations which would substantially affect the evaluation of applications, applicants will be given an opportunity to amend or resubmit their applications.

The publication of these proposed priorities does not bind the United States Department of Education to fund projects in any or all of these research areas, unless otherwise specified in statute. Funding of particular projects depends on both the nature of the final priorities and the quality of the application received.

The following five proposed priorities represent areas in which NIDRR proposes to support research and related activities through grants or cooperative agreements in three programs, the Research and Demonstration Projects Program (R&D), the RRTC program, and the REC program. Brief descriptions of these three programs follow.

Research and Demonstration Projects (R&D) support research and/or demonstrations in single project areas on problems encountered by individuals with handicaps in their daily activities. These projects may conduct research on rehabilitation techniques and services, including analysis of medical, industrial, vocational, social, sexual, psychiatric, psychological, recreational, economic, and other factors affecting the rehabilitation of individuals with handicaps.

Rehabilitation Research and Training Centers (RRTCs) have been established to conduct coordinated and advanced programs of rehabilitation research and to provide training to rehabilitation personnel engaged in research or the provision of services. RRTCs must be operated in collaboration with institutions of higher education and must be associated with a rehabilitation service program. Ideally, each Center conducts a program of research, evaluation, and training activities focused on a particular rehabilitation problem area. Each Center is encouraged to develop practical applications for all of its research findings through a scientific evalution process which tests and validates its findings, as well as related findings of other Centers. Center training programs generally disseminate and encourage the utilization of new rehabilitation knowledge through such means as undergraduate and graduate texts and curricula, in-service training, and continuing education. Each RRTC will conduct a program of rehabilitation research training that will contribute to the number of qualified researchers working in the area of rehabilitation research and will also conduct state-of-the-art studies in relevant aspects of their priority areas.

NIDRR intends to evaluate the performance of each RRTC by the end of the third year of funding, using both peer and staff site visits and review of research results and products. Continued funding is dependent at all times on satisfactory performance.

Rehabilitation Engineering Centers (RECs) conduct coordinated programs of advanced research of an engineering or technological nature. RECs are also

encouraged to develop systems for the exchange of technical and engineering information and to improve the distribution of technological devices and equipment to individuals with handicaps. Each REC must be located in a clinical rehabilitation setting and is encouraged to collaborate with institutions of higher education.

Each REC conducts a program of research, scientific evaluation, and training that advances the state of the art in rehabilitation technology, contributes substantially to the solution of rehabilitation problems, and becomes an acknowledged center of excellence in a given subject area. RECs are encouraged to develop practical applications for their research through scientific evaluation activities that validate their findings as well as related findings of other centers. RECs generally conduct training programs to disseminate and encourage utilization of new rehabilitation engineering knowledge through such means as development of or contribution to undergraduate and graduate texts and curricula, in-service training, continuing education, and distribution of information and appropriate technology.

NIDRR intends to evaluate the performance of each REC by the end of the third year of funding, using both peer and staff site visits and review of research results and products. Continued funding is dependent at all times on satisfactory performance.

Priority for Research and Demonstration Projects (1)

Automated Systems to Integrate Data for Joint Use of Rehabilitation Agencies, Health Care Providers, and Entitlement Programs

The Social Security Disability Insurance program (SSDI) provides income maintenance payments to individuals with disabilities on the basis of medical diagnosis of disability. The disability determination process is administered by a separate Social Security Disability Determination Unit in each state.

At present, it takes an average of sixty days or more to complete a disability determination review. Research findings indicate that rehabilitation can be greatly enhanced if the rehabilitative activity is initiated early in the course of the disability and the claims process.

There is a need to expedite the disability determination process. The records maintained by hospitals, medical rehabilitation centers, and other health care facilities contain extensive data that could be used to expedite the claims process, and that could also be used to assess potential for successful rehabilitation. These data are not now accessible to either the Disability Determination Services or the rehabilitation agencies. A systematic method for data sharing among these agencies involved with disability in its early stages is needed to facilitate both in the claims process and rehabilitation.

In the conduct of any research or demonstration activities under this priority, the grantee will be expected to coordinate with the Social Security Administration, which will sponsor the project jointly with NIDRR.

An absolute priority is proposed for a project to:

- Develop systematic models for selecting case record information from providers of acute medical care and rehabilitation services on the basis of the claimant records used in the SSDI disability determination process;
- Investigate the feasibility, in terms of time, costs, and computer compatibility, of using automated, computer-based exchange of information between acute-care and rehabilitation facilities and the SSDI Disability Determination Services; and
- Evaluate the potential of developing "expert systems" (computer-based artificial intelligence that supports decision-making), incorporating data from records systems of acute-care and rehabilitation facilities, for use by disability claims examiners.

Priorities for Rehabilitation Research and Training Centers (2)

Management of Behavior Disorders in Individuals with Developmental Disabilities

Individuals with developmental disabilities, as well as their families, service providers, and policymakers, have indicated an increasing preference for participation in the full range of community activities as an alternative to segregated services. However, persons with developmental disabilities often exhibit severe behavior problems that may include physical and verbal abuse of self or others and may result in harm to the disabled individual, other people, or property. Many of the available behavior management techniques used with this population were developed in segregated settings where aversive procedures were used. Aversive procedures are those that compromise the physical or psychological integrity of the disabled person, and would not normally be accepted in the community if applied to individuals who are not handicapped. Since there are obvious constraints on the use of aversive procedures in normal community settings, persons with developmental disabilities often are unable to participate in integrated community settings for work, school, and recreation, and are more likely to be placed in institutions.

NIDRR intends to support an RRTC to conduct comprehensive research, training, and dissemination activities that will contribute to a reduction in the disruptive behavior of individuals with developmental disabilities living in community settings. The Office of Special Education Programs will cooperate with NIDRR in providing guidance to, and review of, this Center. The proposed Center is to develop practical techniques to address severe behavioral problems in integrated settings, using non-aversive procedures. Non-aversive procedures are those that avoid the use of any intervention that causes physical injury or severe psychological damage, or that the community would find unacceptable if it were applied to nondisabled members of the population.

Any Center to be supported in response to this priority statement must provide for an advisory committee for the Center which includes significant representation of persons with developmental disabilities, parents, scientists, service providers, educators, and others with expertise in relevant aspects of developmental disability. The Center must also coordinate activities with other research and service centers, and with appropriate State agencies and private associations concerned with problems of developmental disabilities. The RRTC to be funded in response to this priority must have three nationally distributed research and training sites, each of which has a multi-investigator research team. There must be regular contact and collaboration among the sites on research and training.

An absolute priority will be given to applications for a Rehabilitation Research and Training Center to:

- Conduct programmatic research that extends theory, information, and applied technologies related to solving behavior problems in community settings, using non-aversive procedures and addressing in a comprehensive and organized manner the full array of causal factors and intervention strategies;
- Analyze patterns of behavior and the usual consequence of disruptive behavior for the purpose of identifying those factors most important for generalization and maintenance of acceptable behavior in community settings;

• Develop intervention strategies to teach and reinforce acceptable behavior, to improve techniques for the maintenance of nondisruptive behavior, and to enhance the potential of pharmacological agents to decrease disruptive behavior;

• Assess the use, in various settings, of positive reinforcement by family members, peers, teachers, coworkers, service providers, or minimally-trained care providers;

• Develop intervention strategies based on non-aversive techniques, that eliminate or significantly reduce disruptive behavior in community settings;

• Develop outcome indicators that measure the effects of these treatments on individuals with developmental disabilities;

• Provide training on the new treatments to community residence care providers, family members, employers, coworkers, teachers, case managers, providers of supported employment, transportation providers, community service providers, peers, and others who interact with persons with developmental disabilities in community settings;

• Involve all investigators in ongoing training and technical assistance on a national scope, making training opportunities available in different geographic areas through subcontract or other satellite arrangements;

• Conduct a series of national meetings to involve researchers, developmentally disabled individuals or family members, community service providers, and educators, to assess needs and disseminate information on new strategies; and

• Serve as an information clearinghouse on non-aversive procedures developed at the Center and at other sources.

Research in Rural Rehabilitation Services

The 1986 Amendments to the Rehabilitation Act direct NIDRR to establish a Center, associated with an institution of higher education, for research and training concerning the delivery of rehabilitation services to rural areas. The Department of Education's Rural Education and Rural Family Education Policy for the '80's states the Department's intent to "disseminate information to educational institutions and programs serving rural communities" and to "assist in identifying and developing special programs available for handicapped individuals located in rural areas." The policy also supports research that "will focus on effective practices and characteristics of effective rural programs and projects."

It is estimated that about eight and one-half million individuals with disabilities live in rural areas. Many of the problems of disabled individuals in rural areas are unique. It may be necessary to redesign mobility aids, communication devices, and other assistive devices to meet the special conditions of use in rural areas. There is presently no continuing source of rehabilitation engineering expertise specializing in needs of rural disabled persons.

Independent living in rural areas is complicated by transportation problems, isolation, small numbers of disabled individuals available for support networks in any one geographic area, and other limitations of rural life. It is more difficult for rural independent living centers (ILCs) to identify the full array of services needed to implement the independent living concept.

The demand for dissemination and information sharing is greater in rural areas because of the geographic distances and barriers to personal access. Recent developments in the economic and social structures of rural areas will have an impact on the needs of disabled individuals in those areas. For example, population emigration to urban areas, closing of health care facilities and rural hospitals, and problems in maintaining family farms reduce the already limited availability of services and employment opportunities for disabled individuals. Currently, there is no research resource for determining the impact of these issues on disabled people in rural areas.

A critical element of any Center to be carried out under this priority will be the involvement of disabled, rural individuals in planning, developing, and implementing the program activities.

An absolute priority is proposed for a Center which will:

• Develop methods to adapt or modify technological devices for disabled persons to accommodate the particular circumstances of rural areas;

• Evaluate and document these adaptations and develop a database that can be used to provide information about the availability of modified devices and funding sources for these adaptations, to a wide range of consumers, service providers, manufacturers or vendors of durable medical supplies, engineers, medical personnel, and public or private rehabilitation counselors, as well as to generalized information resources such as ABLEDATA;

• Conduct programmatic research on the characteristics and needs of rural residents with disabilities, identify the most effective strategies to improve the daily lives and enhance the independence of these individuals, and identify the most effective approaches to the delivery of rehabilitation services and information services and information in rural areas;

• Conduct research on the innovative application of telecommunications technology to problems of health care, rehabilitation, service delivery, and independent living for disabled individuals in rural areas;

• Develop an information system that is accessible through telecommunications devices and that includes the database on adapted technology, as well as other information on resources to assist rural disabled individuals to improve their housing, employment, transportation, attendant care, communications, recreation, or physical function;

• Develop and disseminate accessible materials and training programs targeted to disabled persons and service providers in rural areas, including the staff of independent living programs, in order to increase consumer awareness and professional expertise;

• Develop cooperative linkages to other relevant NIDRR-supported research programs in technology transfer, independent living, and service delivery to dispersed populations; and

• Conduct at least one state-of-the-art conference in a significant aspect of rural rehabilitation service delivery, and develop nationally recognized expertise in the delivery of rehabilitation services and dissemination of rehabilitation-related information to rural areas.

Priorities for Rehabilitation Engineering Centers

Innovative Models for Cost-Effective Rehabilitation Engineering Services

The effective use of technological devices is a component of productive and fulfilling lives for persons with disabilities as it is for able-bodied individuals. Disabled persons use technological devices to replace or improve cognitive and physical functioning. Individuals with disabilities have used technological advances to increase mobility, to enhance employment options, and to enable living and working in normal community settings.

NIDRR currently funds Rehabilitation Engineering Centers for the purpose of developing devices to assist disabled individuals to overcome functional limitations or to modify the environment to facilitate integration of individuals

with disabilities into regular community activities. While there is now a considerable amount of technology available, rehabilitation service providers are confronted with the challenge of matching the best available devices with the specific functional limitations or environmental barriers encountered by particular individuals with disabilities.

The 1986 Amendments to the Rehabilitation Act directed NIDRR to establish Rehabilitation Engineering Centers in Connecticut and South Carolina to demonstrate and disseminate innovative models for the delivery of cost-effective engineering services for individuals with disabilities in both urban and rural areas. These Centers must promote the use of engineering and other technological developments to assist in meeting the employment, education, and independent living needs of individuals with severe handicaps, as well as to assist in the identification and removal of barriers confronted by individuals with disabilities and the agencies providing services to them.

These Centers will develop service delivery models that can be implemented by State vocational rehabilitation agencies, independent living centers, or other public or private organizations that provide rehabilitation technology services to individuals with disabilities. The two Centers will coordinate their information dissemination and other activities with each other, as well as with the RRTC on rural rehabilitation and other relevant NIDRR-sponsored programs. A critical element of any Center to be funded under this priority will be the involvement of individuals with disabilities, including those who use rehabilitation technology, in planning, developing, and implementing Center activities.

An absolute priority is proposed for Rehabilitation Engineering Centers to:

- Develop and test models of rehabilitation technology service delivery systems that assess functional needs of persons with disabilities, match functional needs with technological devices, using expert systems as appropriate (computer-based artificial intelligence that supports decision-making), coordinate the acquisition, modification, and repair of devices, provide training in the use of devices, and evaluate the effectiveness of the devices;
- Evaluate the effectiveness of these models in terms of such factors as cost-effectiveness, quality assurance, management of liability issues, involvement of third-party payers, distribution of devices, responsiveness to rehabilitation service providers and disabled consumers, and other criteria;
- Develop a model for statewide databases, and electronic networks to access them, that identify available technological devices, local sources of devices and engineering services to adapt or fabricate devices, and gaps in available technology, and make these databases accessible to disabled individuals, engineers, rehabilitation service providers, manufacturers and vendors, and other relevant groups, as well as to national information resources such as ABLEDATA;
- Establish continuing education programs to provide accessible training to all relevant groups, including disabled consumers, rehabilitation technologists and counselors, and other service providers on the prescription, use, modification, and maintenance of appropriate technological devices to enhance physical and cognitive functioning, educational and employment opportunities, and independent living in integrated community settings;
- Develop and test training programs specifically designed to train volunteer technology counselors—including disabled users of devices, engineers, and other interested individuals—to assist individuals with disabilities to use technological devices to improve function or environment; and either—

1. Establish a Center in Connecticut to accomplish the above objectives, to include the development of a nationally recognized resource for information on the repair and maintenance of technological devices, and the conduct of a state-of-the-art study in that area; or

2. Establish a Center in South Carolina to accomplish the above objectives, to include the development of a nationally recognized resource for information on innovative and effective systems for transportation of disabled individuals to places of employment, and the conduct of a state-of-the-art study in that area.

Invitation to Comment

Interested parties are invited to submit comments and recommendations regarding these priorities.

All comments submitted in response to these proposed priorities will be available for public inspection during and after the comment period in Room 3070, Mary E. 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.

(Catalog of Federal Domestic Assistance No. 84.133, National Institute on Disability and Rehabilitation Research)

(20 U.S.C. 761a, 762)

Dated: April 17, 1987.

William J. Bennett,

Secretary of Education.

[FR Doc. 87-10367 Filed 5-6-87; 8:45 am]

BILLING CODE 4000-01-M

Invitations for Applications for New Awards Under the National Institute on Disability and Rehabilitation Research Programs of Research and Demonstration Projects (CFDA No. 84.133A), Rehabilitation Research and Training Centers (CFDA No. 84.133B), and Rehabilitation Engineering Centers (84.133E) for Fiscal Year 1987

Purpose: Provides funding through grants or cooperative agreements to public and private agencies and organizations, including institutions of higher education, Indian tribes and tribal organizations, to support rehabilitation research and related activities which meet the specifications in the proposed priorities published in this issue of the **Federal Register.** Potential applicants should assume that there will be no changes to the final priorities. If there are significant differences in the final priorities, applicants will be given an opportunity to amend their applications. Applicants should also assume that the proposed amendments to the regulations that govern these programs will be adopted as published in this issue of the **Federal Register.** If there are significant changes to the regulations, applicants will be given the opportunity to modify their applications.

Deadline for transmittal of applications: The deadline for submission of applications is July 7, 1987.

Applications available: May 11, 1987.

Available funds: $2,700,000.

CFDA No.	Title of priority	Available funds	Est. average award	Est. No. of awards	Anticipated project period
84.133A	SSDI Eligibility Systems	$300,000	$300,000	1	36 months.
84.133B	Rural Rehabilitation	500,000	500,000	1	60 months.
84.133B	Behavior Mgmt. in Individuals with Development Disabilities	900,000	900,000	1	60 months.
84.133E	Connecticut Engineering Center	500,000	500,000	1	60 months.

CFDA No.	Title of priority	Available funds	Est. average award	Est. No. of awards	Anticipated project period
84.133E	South Carolina Engineering Center	500,000	500,000	1	60 months.

Applicable regulations: (a) Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, and 78, (b) National Institute on Disability and Rehabilitation Research Regulations, 34 CFR Parts 350, 351, and 355, (c) the final funding priorities for this program when they become effective, and (d) the proposed regulations governing NIDRR published in this issue of the **Federal Register** when they become effective.

For applications or information contact: National Institute on Disability and Rehabilitation Research, U.S. Department of Education, 400 Maryland Avenue SW., Switzer Building, Room 3070, Washington, DC 20202. Individual Project Officers as follows: SSDI Eligibility Systems, Richard Melia, (202) 732–1195; Rural Rehabilitation, Ellen Liberti, (202) 732–1206; Behavior Management, Naomi Karp, (202) 732–1196; Engineering Centers, Joe Traub, (202) 732–1189. Deaf and hearing impaired individuals may call (202) 732–1198 for TDD services.

Program authority: 29 U.S.C. 760–762 and Pub. L. 99–506.

Dated: May 4, 1987.

Madeleine Will,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 87–10368 Filed 5–6–87; 8:45 am]

BILLING CODE 4000–01–M

federal register

Thursday
May 7, 1987

Part III

The President

Federal Register
Vol. 52, No. 88
Thursday, May 7, 1987

Presidential Documents

Title 3—

The President

Proclamation 5650 of May 5, 1987

National Older Americans Abuse Prevention Week, 1987

By the President of the United States of America

A Proclamation

The maltreatment of older Americans—physical and emotional abuse, neglect, financial victimization, and other denials of human dignity—is a tragedy that affects citizens of every regional, economic, religious, and racial grouping. Victims of this abuse are often among the most helpless and vulnerable members of society, and many cases go unreported to the proper authorities. All of us should realize our responsibility to provide for the safety and well-being of older Americans.

This responsibility means, of course, that each of us must protect the older people we know. But it also means that we must safeguard the lives and the dignity of every elderly person in our communities. That can be accomplished when concerned and determined citizens, families, church and civic groups, and government officials formulate much-needed programs for prevention, intervention, and public awareness. It can also be achieved through devoting ourselves to the promotion of strong family life and personal morality, and by reminding ourselves that our God-given, unalienable rights to "Life, Liberty and the pursuit of Happiness" come with no age limits whatever.

The Congress, by Senate Joint Resolution 57, has designated the period from May 3 through May 10, 1987, as "National Older Americans Abuse Prevention Week" and authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the period from May 3 through May 10, 1987, as National Older Americans Abuse Prevention Week. I call upon all government agencies and the people of the United States to observe this week with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of May, 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. 87-10635
Filed 5-6-87; 11:27 am]
Billing code 3195-01-M

Presidential Documents

Executive Order 12595 of May 5, 1987

White House Conference for a Drug Free America

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Sections 1931–1937 of Public Law 99–570 ("the Act"), and to establish and set forth the functions of the White House Conference for a Drug Free America, it is hereby ordered as follows:

Section 1. *Establishment and Purposes.* (a) There is established the White House Conference for a Drug Free America within the Executive Office of the President. The Conference will bring together knowledgeable individuals from the public and private sector who are concerned with issues relating to drug abuse education, prevention, and treatment, and the production, trafficking, and distribution of illicit drugs.

(b) The purposes of the Conference are to:

(1) share information and experiences in order to vigorously and directly attack drug abuse at all levels—local, State, Federal, and international;

(2) bring public attention to those approaches to drug abuse education and prevention which have been successful in curbing drug abuse and those methods of treatment which have enabled drug abusers to become drug free;

(3) highlight the dimensions of the drug abuse crisis, to examine the progress made in dealing with such crisis, and to assist in formulating a national strategy to thwart sale and solicitation of illicit drugs and to prevent and treat drug abuse;

(4) examine the essential role of parents and family members in preventing the basic causes of drug abuse and in successful treatment efforts; and

(5) focus public attention on the importance of fostering a widespread attitude of intolerance for illegal drugs and their use throughout all segments of our society.

(c) The members of the Conference shall be appointed by the President, who shall:

(1) designate the heads of appropriate Executive and military departments and agencies to participate in the Conference;

(2) provide for the involvement in the Conference of other appropriate public officials, including Members of Congress, Governors, and Mayors; and

(3) provide for the involvement in the Conference of private entities, including appropriate organizations, businesses, and individuals.

(d) An Executive Director of the Conference shall be appointed by the President and is delegated the authority to appoint other directors and personnel for the Conference and to make determinations, under Section 1936 of the Act, regarding the number of and compensation of such employees as may be required for the purposes of meeting the responsibilities of the Conference and within the limitations of the budget authority available to the Conference. The Executive Director is authorized to undertake such activities as he may deem necessary to carry out the purposes of the Conference and to prepare for meetings of the Conference members.

(e) A Managing Director of the Conference will be designated to organize and manage the operation of the Conference and to perform such functions as the

Executive Director may assign or delegate, and shall act as Executive Director during the absence or disability of the Executive Director or in the event of a vacancy in the office of Executive Director.

(f)(1) The Executive Director of the Conference shall be compensated at a rate not to exceed the rate of basic pay then currently paid for level III of the Executive Schedule (5 U.S.C. 5314).

(2) The Managing Director of the Conference shall be compensated at a rate not to exceed the maximum rate of pay then currently paid for GS–18 of the General Schedule (5 U.S.C. 5332).

Sec. 2. *Functions.* (a) The Conference shall specifically review:

(1) the effectiveness of law enforcement at the local, State, and Federal levels to prevent the sale and solicitation of illicit drugs and the need to provide greater coordination of such programs;

(2) the impact of drug abuse upon American education;

(3) the extent to which Federal, State, and local programs of drug abuse education, prevention, and treatment require reorganization or reform in order to better use the available resources and to ensure greater coordination among such programs;

(4) the impact of current laws on efforts to control international and domestic trafficking of illicit drugs;

(5) the extent to which the sanctions in Section 481 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291) have been, or should be, used in encouraging foreign states to comply with their international responsibilities respecting controlled substances;

(6) the circumstances contributing to the initiation of illicit drug usage, with particular emphasis on the onset of drug use by youth; and

(7) the potential approaches and available opportunities for contributing to specific drug free segments of society, such as public transportation, public housing, media, business, workplace, and other areas identified by the Conference.

(b) The Conference shall prepare and transmit a report to the President and the Congress. The report shall include the findings and recommendations of the Conference as well as proposals for any legislative action necessary to implement such recommendations. During the three-year period following the submission of the final report of the Conference, the President will report to the Congress annually on the status and implementation of the findings and recommendations of the Conference.

Sec. 3. *Administration.* (a) The heads of Executive agencies, to the extent permitted by law, shall provide the Conference such information with respect to drug abuse law enforcement, interdiction, and health-related drug abuse matters, including research, as it may require for the purpose of carrying out its functions.

(b) All Federal departments, agencies, and instrumentalities are authorized to provide such support and assistance as may be necessary to facilitate the planning and administration of the Conference.

(c) Upon request by the Executive Director, the heads of the Executive and military departments are authorized to detail employees to work with the Executive Director in planning and administering the Conference without regard to the provisions of 5 U.S.C. 3341.

Sec. 4. *General.* (a) The Executive Director is authorized to procure contractual services as necessary to support the purpose and functions of the Conference and other services, as authorized by title 5 U.S.C. 3109.

(b) Notwithstanding any other Executive order, the Administrator of General Services and the Office of Administration, Executive Office of the President, on a reimbursable basis, may provide such administrative services as may be required.

Ronald Reagan

THE WHITE HOUSE,
May 5, 1987.

[FR Doc. 87-10636
Filed 5-6-87; 11:28 am]
Billing code 3195-01-M

Editorial note: For the President's remarks of May 5 on signing Executive Order 12595, see the *Weekly Compilation of Presidential Documents* (vol. 23, no. 18).

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