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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

CHICAGO, IL

WHEN: July 8, at 9 a.m.
WHERE: Room 204A, Everett McKinley Dirksen Federal Building, 219 S. Dearborn Street, Chicago, IL.
RESERVATIONS: Call the Chicago Federal Information Center, 312-353-0339.

BOSTON, MA

WHEN: July 15, at 9 a.m.
WHERE: Main Auditorium, Federal Building, 10 Causeway Street, Boston, MA.
RESERVATIONS: Call the Boston Federal Information Center, 617-565-8129

Contents

Federal Register

Vol. 52, No. 101

Wednesday, May 27, 1987

Agricultural Marketing Service
RULES
Oranges, grapefruit, tangerines, and tangelos grown in Florida, 19716

Agricultural Stabilization and Conservation Service
RULES
Conservation and environmental programs:
Maximum cost-share limitation, 19715

Agriculture Department
See also Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Farmers Home Administration
NOTICES
Program payments; income tax exclusion; primary purpose determination:
Wyoming abandoned mined land reclamation program, 19746

Army Department
NOTICES
Meetings:
Science Board, 19755

Arts and Humanities, National Foundation
See National Foundation on the Arts and Humanities

Centers for Disease Control
NOTICES
Grants and cooperative agreements; availability, etc.:
Infant feeding practices, relationship to diarrheal disease, 19777

Child Support Enforcement Office
PROPOSED RULES
Medical support enforcement, 19738

Civil Rights Commission
NOTICES
Meetings; State advisory committees:
Connecticut, 19747

Coast Guard
RULES
Boating safety:
Fuel system standard; hoses, 19726
Regattas and marine parades:
Norfolk/Portsmouth Harbor Marine Events, 19725

Commerce Department
See also International Trade Administration; National Oceanic and Atmospheric Administration
NOTICES
Agency information collection activities under OMB review, 19747

Committee for the Implementation of Textile Agreements
NOTICES
Cotton, wool, and man-made textiles:
China, 19752
Japan, 19752
Thailand; correction, 19753
Export visa requirements; certification, waivers, etc.:
Haiti, 19753
Turkey, 19753

Consumer Product Safety Commission
NOTICES
Meetings; Sunshine Act, 19796

Customs Service
NOTICES
Foreign trade zone operators; annual fee, 19795

Defense Department
See also Army Department; Navy Department
RULES
Federal Acquisition Regulation (FAR):
Amendments, 19800
NOTICES
Agency information collection activities under OMB review, 19754
Federal Acquisition Regulation (FAR):
Agency information collection activities under OMB review, 19754
Meetings:
Science Board task forces, 19754, 19755 (2 documents)

Economic Regulatory Administration
NOTICES
Consent orders:
Trigon Exploration Co., Inc., et al., 19755

Education Department
PROPOSED RULES
Special education and rehabilitation services:
American Indian vocational rehabilitation services and long-term training, 19822
Handicapped education program; training personnel, 19808
State supported employment services, 19816
NOTICES
Grants; availability, etc.:
Handicapped children; training personnel, 19812
Handicapped education program; training personnel, 19812 (2 documents)

Employment and Training Administration
NOTICES
Adjustment assistance:
ALCOA et al., 19782
Anschutz Corp., 19782
Twin Disc, Inc., et al., 19783
Federal-State unemployment compensation program:
Duplicative reporting systems; elimination, 19784

Energy Department
See Economic Regulatory Administration; Federal Energy Regulatory Commission

Environmental Protection Agency
RULES
Air pollution; standards of performance for new stationary sources:
Oxygen, carbon dioxide, sulfur dioxide, and nitrogen oxides; instrumental test methods; correction, 19797
PROPOSED RULES
Hazardous waste:
Treatment, storage, and disposal facilities—
Minimum technology requirements, 19737
Water pollution control:
Indian lands; underground injection control programs
Correction, 19797
NOTICES
Pesticide programs:
Confidental information and data transfer to contractors, 19767, 19768
(3 documents)
Pesticide registration, cancellation, etc.:
Blizzard System, Inc., et al., 19768
Pesticides; emergency exemption applications:
(±)-2-(4,5-Dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1-H-imidazol-2-2-yl)-5-ethyl-3-pyridinecarboxylic acid, 19775
Carbaryl, 19772
Dinoseb, 19773
Pesticides; temporary tolerances:
Mefluidide, 19771
Toxic and hazardous substances control:
Premanufacture notices receipts, 19769, 19772
(2 documents)

Executive Office of the President
See Management and Budget Office; Presidential Documents

Farmers Home Administration
PROPOSED RULES
Program regulations:
Servicing of community program loans to charge a transfer fee, 19732
NOTICES
Loan and grant programs:
Security interest reporting requirements, 19747

Federal Communications Commission
PROPOSED RULES
Common carrier services:
Public land mobile services—
Flexible allocation of frequencies for paging and other services, 19741

Federal Emergency Management Agency
RULES
Flood insurance; communities eligible for sale:
Connecticut et al., 19729

Federal Energy Regulatory Commission
NOTICES
Electric rate and corporate regulation filings:
Otter Tail Power Co. et al., 19766
Natural gas certificate filings:
Consolidated Gas Transmission Corp. et al., 19757
Mountain Fuel Resources, Inc., et al., 19763
Preliminary permits surrender:
Trans Mountain Construction Co., Inc., et al., 19756
Applications, hearings, determinations, etc.:
Anadarko Petroleum Corp. et al., 19766
Florida Gas Transmission Co., 19767

Federal Highway Administration
NOTICES
Commercial driver's license information system (Clearinghouse); requirements and specifications, 19792

Federal Maritime Commission
NOTICES
Complaints filed:
Halstead Industrial Products, Inc., et al., 19776

Federal Mine Safety and Health Review Commission
NOTICES
Meetings; Sunshine Act, 19796

Federal Reserve System
NOTICES
Meetings; Sunshine Act, 19796
Applications, hearings, determinations, etc.:
Hemet Bancorp., 19776
Kohler, Robert L., et al., 19776

Food and Drug Administration
RULES
Color additives:
D&C Violet No. 2, 19719
Food additives:
Paper and paperboard components—
1-(3-Chloroallyl)-3,5,7-triaza-1-azoniaadamantane chloride, 19722
PROPOSED RULES
Medical devices:
Hospital and personal use devices—
Infant radiant warmer; reclassification, 19735

Foreign Claims Settlement Commission
RULES
Revision
Correction, 19731

General Services Administration
RULES
Federal Acquisition Regulation (FAR):
Amendments, 19800
NOTICES
Federal Acquisition Regulation (FAR):
Agency information collection activities under OMB review, 19754

Health and Human Services Department
See also Centers for Disease Control; Child Support Enforcement Office; Food and Drug Administration; Health Care Financing Administration; Public Health Service
NOTICES
Grants and cooperative agreements; availability, etc.:
Hazardous waste site State health assessments, 19776

Health Care Financing Administration
NOTICES
Meetings:
Long-Term Health Care Policies Task Force, 19778

Housing and Urban Development Department
RULES
Low income housing:
Housing assistance payments (Section 8)—
Existing housing; technical amendment, 19724

NOTICES
Agency information collection activities under OMB review, 19779

Immigration and Naturalization Service
RULES
Certificate of citizenship; form and fee cancellation, 19718
PROPOSED RULES
Filing time period for applications, petitions, motions, and appeals; definition of term "day", 19733

Interior Department
See Land Management Bureau; Minerals Management Service; National Park Service; Reclamation Bureau

International Trade Administration
NOTICES
Antidumping:
Tapered roller bearings and parts, finished or unfinished, from—
China, 19748

Interstate Commerce Commission
NOTICES
Motor carriers; control, purchase, and tariff filing exemptions, etc.:
Sam & Jerry Lines, Inc., 19782
Railroad operation, acquisition, construction, etc.:
Iowa Interstate Railroad Ltd., 19781
Knox & Kane Railroad Co., 19781

Justice Department
See Foreign Claims Settlement Commission; Immigration and Naturalization Service

Labor Department
See Employment and Training Administration; Mine Safety and Health Administration

Land Management Bureau
NOTICES
Realty actions; sales, leases, etc.:
Colorado, 19780
Survey plat filings:
Illinois, 19780

Management and Budget Office
NOTICES
Cost principles for nonprofit organizations (A-122), 19788

Mine Safety and Health Administration
NOTICES
Safety standard petitions:
Beckley Lick Run Co., 19785
Jim Walter Resources, Inc., 19786
Lesco Mining Co., 19785
Mountain Coal Co., 19786

Mine Safety and Health Federal Review Commission
See Federal Mine Safety and Health Review Commission

Minerals Management Service
NOTICES
Meetings:
Outer Continental Shelf Advisory Board, 19781

National Aeronautics and Space Administration
RULES
Federal Acquisition Regulation (FAR):
Amendments, 19800
NOTICES
Federal Acquisition Regulation (FAR):
Agency information collection activities under OMB review, 19754

National Foundation on the Arts and Humanities
NOTICES
Meetings:
Arts in Education Advisory Panel, 19787
Expansion Arts Advisory Panel, 19787

National Institute for Occupational Safety and Health
See Centers for Disease Control

National Oceanic and Atmospheric Administration
PROPOSED RULES
Fishery conservation and management:
Ocean salmon off coasts of Washington, Oregon, and California, 19744
NOTICES
Meetings:
South Atlantic Fishery Management Council, 19751
Western Pacific Fishery Management Council, 19751
Permits:
Marine mammals, 19751

National Park Service
PROPOSED RULES
Special regulations:
Canyon de Chelly National Monument, AZ; commercial horse operations, 19735

Navy Department
NOTICES
Meetings:
Naval Research Advisory Committee, 19755
Naval War College, Board of Advisors to President, 19755

Nuclear Regulatory Commission
NOTICES
Environmental statements; availability, etc.:
Carolina Power & Light Co. et al., 19787

Office of Management and Budget
See Management and Budget Office

Personnel Management Office
NOTICES
Meetings:
Federal Prevailing Rate Advisory Committee, 19789

Presidential Documents
PROCLAMATIONS
Special observances:
Day of Mourning for the Victims of United States Ship STARK, National, (Proc. 5662), 19829

President's Commission on White House Fellowships
NOTICES
Meetings, 19789

Public Health Service
See also Centers for Disease Control; Food and Drug Administration

NOTICES
Organization, functions, and authority delegations:
Alcohol, Drug Abuse, and Mental Health Administration, 19778

Reclamation Bureau
NOTICES
Environmental statements; availability, etc.:
San Joaquin Valley conveyance study, CA, 19781

Securities and Exchange Commission
NOTICES
Self-regulatory organizations; proposed rule changes:
Pacific Stock Exchange, Inc., 19790
Self-regulatory organizations; unlisted trading privileges:
Midwest Stock Exchange, Inc., 19790
(2 documents)
Philadelphia Stock Exchange, Inc., 19791
Applications, hearings, determinations, etc.:
Kay Jewelers, Inc., 19789

Small Business Administration
NOTICES
Disaster loan areas:
New York, 19791

Tennessee Valley Authority
PROPOSED RULES
Administrative cost recovery, 19734
NOTICES
Meetings; Sunshine Act, 19796

Textile Agreements Implementation Committee
See Committee for the Implementation of Textile Agreements

Transportation Department
See also Coast Guard; Federal Highway Administration
NOTICES
Aviation proceedings:
Certificates of public convenience and necessity and foreign air carrier permits; weekly applications, 19791

Treasury Department
See also Customs Service
NOTICES
Notes, Treasury:
K-1992 series, 19793
Senior Executive Service:
Departmental Performance Review Board; membership, 19793

White House Fellowships, President's Commission
See President's Commission on White House Fellowships

Separate Parts In This Issue

Part II
Department of Defense; General Services Administration; National Aeronautics and Space Administration, 19800

Part III
Department of Education, 19808

Part IV
Department of Education, 19816

Part V
Department of Education, 19822

Part VI
The President, 19829

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.

3 CFR
Proclamations:
5662 19829

7 CFR
701 19715
905 19716
Proposed Rules:
1951 19732

8 CFR
101 19718
341 19718
Proposed Rules:
1 19733

18 CFR
Proposed Rules:
1310 19734

21 CFR
74 19719
176 19722
Proposed Rules:
880 19735

24 CFR
882 19724

33 CFR
100 19725
183 19726

34 CFR
Proposed Rules:
319 19808
363 19816
371 19822
386 19822

36 CFR
Proposed Rules:
7 19735

40 CFR
60 19797
Proposed Rules:
147 19797
264 19737
265 19737

44 CFR
64 19726

45 CFR
501 19731
Proposed Rules:
306 19738

47 CFR
Proposed Rules:
22 19741

48 CFR
1 19800
2 19800
4 19800
5 19800
13 19800
15 19800
16 19800
19 19800
22 19800
25 19800
27 19800
28 19800
31 19800
32 19800
36 19800
49 19800
52 19800
53 19800

50 CFR
Proposed Rules:
661 19744

Rules and Regulations

Federal Register
Vol. 52, No. 101
Wednesday, May 27, 1987

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

7 CFR Part 701

Conservation and Environmental Programs

AGENCY: Agricultural Stabilization and Conservation Service (ASCS), USDA.

ACTION: Final rule.

SUMMARY: The purpose of this final rule is to amend the regulations governing the Conservation and Environmental Programs found at 7 CFR Part 701, Subpart—Agricultural Conservation Program, to change the maximum amount which a person participating in an Agricultural Conservation Program (ACP) long-term agreement (LTA) may earn in any year. The annual cost-share payment limitation under an LTA has been $3500. However, the Agriculture, Rural Development, and Related Agencies Appropriations Act, 1987, as included in Pub. L. 99–500 and Pub. L. 99–591, increases the existing payment limitation for LTA's. The new maximum amount of cost-share assistance which may be received by a person who has entered into a long-term agreement under the ACP shall not exceed the annual payment limitation multiplied by the number of years of the LTA.

EFFECTIVE DATE: May 26, 1987.

FOR FURTHER INFORMATION CONTACT: James R. McMullen, Director, Conservation and Environmental Protection Division, ASCS, USDA, P.O Box 2415, Washington, DC 20013, telephone 202–447–6221.

SUPPLEMENTARY INFORMATION: Information collection requirements contained in this regulation (7 CFR Part 701) have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Number 0560–0112.

This final rule has been reviewed for compliance with Executive Order 12291 and Departmental Regulation No. 1521–1 and has been classified as "not major." It has been determined that these program provisions will not result in: (1) An annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions; or (3) cause significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program to which this rule applies are: Title—Agricultural Conservation Program (ACP), Number 10.063; as found in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule since the Agricultural Stabilization and Conservation Service (ASCS) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

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

The ACP is authorized generally by Sections 7–17 of the Soil Conservation and Domestic Allotment Act of 1936, as amended (16 U.S.C. 590g *et seq.*) The program provides financial incentives and technical assistance to encourage agricultural producers to voluntarily perform enduring soil and water conservation and pollution abatement measures, including practices or programs which are deemed essential to maintain soil productivity, prevent soil depletion, or prevent increased cost of production.

The Secretary of Agriculture is authorized to enter into annual or long-term agreements (LTA's) under the ACP with eligible owners and operators to carry out enduring soil and water conservation and pollution abatement measures. LTA's as defined by current regulations are contracts of 3 to 10 years under which farmers and ranchers agree to complete needed conservation practices in accordance with a conservation plan of operations developed in cooperation with the Soil and Water Conservation District and approved by the Secretary.

In return for such agreement by the landowner or operator, the Secretary agrees to share the cost of carrying out those conservation practices set forth in the contract.

Funding for ACP cost-share assistance including funding for LTA's, is made available through the annual appropriations for agencies of the Department of Agriculture. In the past appropriation acts have limited the maximum amount of cost-share assistance which a person may receive under ACP to $3,500 per year. However, the Agriculture, Rural Development, and Related Agencies Appropriation Act, 1987, as included in Pub. L. 99–500 and Pub. L. 99–591, in making appropriations for fiscal year 1987 for this program, provides for an exception to this limitation where a participant has a long-term agreement, in which case the the total payment shall not exceed the annual payment limitation of $3,500 multiplied by the number of years of the agreement. This regulation amends the program provisions in 7 CFR 701.23 to provide for this exception and makes several changes in the language for the purpose of clarification. Since the substantive change made by this amendment merely increases the cost-share assistance which may be made available under this program, it has been determined that no further public rulemaking is required. Accordingly, the provisions of this regulation shall become effective upon publication in the **Federal Register.**

List of Subjects in 7 CFR Part 701

Disaster assistance, Forests and forest products, Grant programs, Natural resources, Rural areas, Soil conservation, Water resources, Wildlife.

Final Rule

PART 701—CONSERVATION AND ENVIRONMENTAL PROGRAMS

Accordingly, 7 CFR Part 701, Subpart—Agricultural Conservation Program, is amended as follows:

1. The authority citation for Part 701 is revised to read as follows:

Authority: Pub. L. 74–76, secs. 5, 7–15, 16(a), 16(f), 16A, 17, 49 Stat. 163, as amended (16 U.S.C. 590d, 590g–590o, 590p(a), 590q); Pub. L. 93–86, secs. 1001–1009, 87 Stat. 241 (16 U.S.C. 1501–1510); Pub. L. 95–313, secs. 4, 8(a), 10, 92 Stat. 365 (16 U.S.C. 1510, 1606, 2101–2111); Pub. L. 95–334, secs. 401–405, 92 Stat. 433 (16 U.S.C. 2201–2205); Pub. L. 99–500 and Pub. L. 99–591.

2. Section 701.23 is revised to read as follows:

§ 701.23 Maximum cost-share limitation.

For each program year the total amount which may be received by any person under this subpart for approved practices shall not exceed $3,500 except that (a) the total amount received for approved practices, including those carried out under pooling agreements, shall not exceed $10,000 and (b) the total amount received under an ACP long-term agreement (LTA) shall not exceed the annual payment limitation ($3,500) multiplied by the number of years of the LTA.

Signed at Washington, DC, on May 20, 1987.

Milton J. Hertz,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 87–11955 Filed 5–26–87; 8:45 am]

BILLING CODE 3410–05–M

Agricultural Marketing Service

7 CFR Part 905

Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Relaxation of Minimum Grade and Size Requirements of Florida Oranges and Grapefruit

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: This rule relaxes the minimum external grade requirements for shipments of domestice, export, and imported white and pink seedless grapefruit from Improved No. 2 to U.S. No. 2 Russet and relaxes the minimum size requirement for domestic and imported white seedless grapefruit from size 48 (3 9/16 inches) to size 56 (3 5/16 inches). In addition, the minimum size requirement for domestic shipments of Temple oranges is relaxed from size 125 (2 5/16 inches) to size 163 (2 1/16 inches). This rule also relaxes the minimum external grade requirements for domestic shipments of Valencia oranges from U.S. No. 1 to U.S. No. 1 Golden. These relaxations in the grade and size requirements for Florida citrus recognize the grade and size composition of the remaining available citrus crop and the current and prospective demand conditions for this fruit. Grapefruit import regulation 6 is applicable to white and pink seedless grapefruit imported into the United States, and is required under § 8e of the Act.

DATES: Seedless grapefruit and Temple orange relaxations are effective for the period May 21, 1987 through August 23, 1987; and the Valencia orange relaxation is effective for the period July 1, 1987, through September 27, 1987. Comments which are received by June 26, 1987 will be considered prior to issuance of the final rule.

ADDRESSES: Comments should be sent to: Docket Clerk, F&V, AMS, Room 2085–S, U.S. Department of Agriculture, Washington, DC 20250–1400. Three copies of all written material shall be submitted, and they will be made available for public inspection at the office of the Docket Clerk during regular business hours. Comments should reference the date and page number of this issue of the **Federal Register.**

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

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

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

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

There are an estimated 100 handlers of Florida oranges, grapefruit, tangerines, and tangelos subject to regulation under the marketing order for these citrus fruits grown in Florida, and an estimated 26 importers who import grapefruit into the United States. There are approximately 15,000 producers of these citrus fruits in Florida. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual gross revenues for the last three years of less than $100,000, and agricultural service firms are defined as those whose gross annual receipts are less than $3,500,000. The majority of the handlers, importers, and producers may be classified as small entities.

The Administrator of Agricultural Marketing Service has considered the economic impact on small entities. This rule relaxes the minimum grade and size requirements for Florida oranges and grapefruit grown in the production area in Florida shipped to the fresh domestic and export markets and the minimum grade and size requirements for grapefruit imported into the United States. The relaxation of these requirements will help ensure that such requirements do unduly restrict the available supply of such fruit, and should make additional supplies of fruit available to consumers. The relaxation of such requirements is only for the remainder of the 1986–87 shipping seasons for these fruits. The resumption of tighter requirements for 1987–88 season shipments is based upon the maturity, size, quality, and flavor characteristics of these fruits early in the shipping season.

Some Florida orange and grapefruit shipments are exempt from the minimum grade and size requirements effective under the marketing order. Handlers may ship up to 15 standard packed cartons (12 bushels) of fruit per day under a minimum quantity exemption provision. Also, handlers may ship up to 2 standard packed cartons of fruit per day in gift packages which are individually addressed and not for resale, under the current exemption provisions. Fruit shipped for animal feed is also exempt under specific conditions. In addition, fruit shipped to commercial processors for conversion into canned or frozen products or into a beverage base are not subject to the handling requirements.

The Department's view is the impact of the relaxed handling requirements upon producers, handlers, and importers

would be beneficial, and that this action should improve returns to orange and grapefruit producers. The application of minimum grade and size requiremens to Florida oranges, grapefruit, tangerines, and tangelos, and to imported grapefruit over the past several years has helped to assure that only fruit of acceptable quality and size are shipped to fresh markets.

This rule is issued under the Marketing Agreement and Order No. 905 (7 CFR Part 905), both as amended, regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. The agreement and order are effective under the Act. This action was unanimously recommended by the Citrus Administrative Committee at its May 8, 1987, meeting. The committee works with USDA in administering the marketing agreement and order program.

The handling regulation for Florida citrus fruit covered under this maketing order is specified in § 905.306 Florida Orange, Grapefruit, Tangerine, and Tangelo Regulation 6 (46 FR 60170), December 8, 1981). This regulation was issued on a continuing basis subject to modification, suspension, or termination upon recommendation by the committee and approval by the Secretary. Section 905.306(a) provides that no handler shall ship between the production area and any point outside thereof, in the continental United States, Canada, or Mexico, specified varieties of oranges, grapefruit, tangerines and tangelos unless such varieties meet the minimum grade and size requirements prescribed in Table I. Section 905.306(b) provides that no handler shall ship fruit to any destination outside the continental United States, other than Canada or Mexico, unless the specified varieties meet the requirements prescribed in Table II.

The committee meets prior to and during each season to consider recommendations for modification, suspension, or termination of the regulatory requirements for Florida oranges, grapefruit, tangerines, and tangelos. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department reviews committee recommendations and information submitted by the committee and other available information, and determines whether modification, suspension, or termination of the regulatory requirements would tend to effectuate the declared policy in the Act.

The minimum grade and size requirements, specified herein, reflect the committee's and the Department's appraisal of the need to relax the minimum grade and size requirements applicable to domestic, export, and import shipments of seedless grapefruit; the minimum grade requirements applicable to the domestic shipments of Valencia oranges; and the minimum size requirements applicable to domestic shipments to Temple oranges. This rule recognizes current and prospective supply and demand for such fruit and is necessary to permit handlers to ship the remaining supply of marketable fruit to meet market needs. As of May 4, 1987, less than five percent of the seedless grapefruit and Temple orange crops remains available for sale, and it is projected that only a small portion of the Valencia orange crop will remain on July 1, 1987, the effective date of the grade change for that commodity. No problems with fruit quality, maturity, and size are expected in the marketplace because of the relaxations.

This rule temporarily relaxes the minimum external grade requirement for domestic, export, and import shipments of white and pink seedless grapefruit from Improved No. 2 to U.S. No. 2 Russet while the minimum internal requirement remains U.S. No. 1, and the minimum size requirement for domestic and import shipments of white seedless grapefruit from size 48 (3$^{9}/_{16}$ inches in diameter) to size 56 (3$^{5}/_{16}$ inches in diameter). Also, the minimum size requirement for domestic shipments of Temple oranges is relaxed from size 125 (2$^{9}/_{16}$ inches in diameter) to size 163 (2$^{1}/_{16}$ inches in diameter). The relaxations for grapefruit and Temple oranges are to remain in effect through August 23, 1987, by which time this season's shipments will be finished. In addition, this rule lowers the minimum external grade requirements for domestic shipments of Valencia oranges from U.S. No. 1 to U.S. No. 1 Golden while the minimum internal grade requirement will remain U.S. No. 1 during the period from July 1, 1987, through September 27, 1987. The effective dates for the relaxed requirements for Valencia oranges recognize the late shipping season for this fruit, and the presence of late-bloom fruit which will mature late in the season.

Section 8e of the Act (7 U.S.C. 608e–1) provides that whenever specified commodities, including grapefruit, are regulated under a Federal marketing order, imports of that commodity are prohibited unless they meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodity. Since this action relaxes the minimum grade and size requirements for domestically produced seedless grapefruit, this change would also be applicable to imported seedless grapefruit.

Grapefruit import requirements are specified in § 944.106 (7 CFR Part 944) which requires that the various varieties of imported grapefruit meet the same grade and size requirements as those specified for Florida grapefruit in Table 1 of paragraph (a) in § 905.306. An exemption provision in the grapefruit import regulation permits persons to import up to 10 standard packed 4/5 bushel cartons exempt from the import requirements.

After consideration of the information and recommendation submitted by the committee, and other available information, it is found that amendment of § 905.306 will tend to effectuate the declared policy of the Act.

Pursuant to U.S.C. 553, it is hereby found that it is impracticable, unnecessary, contrary to the public interest to give preliminary notice and to engage in public rulemaking procedure with respect to this action, and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) This action relaxes handling requirements currently in effect for Florida grapefruit, Temple oranges, and Valencia oranges; (2) handlers of these fruits are aware of this action which was recommended by the committee at a public meeting, and they will need no additional time to comply with the requirements; (3) shipment of the 1986–87 season Florida orange and grapefruit crop is nearly finished; (4) the grapefruit import requirements are mandatory under section 8e of the Act; and (5) the rule provides a 30-day comment period, and any comments received will be considered prior to issuance of a final rule.

List of Subjects in 7 CFR Part 905

Marketing agreements and orders, Florida, Grapefruit, Oranges, Tangelos, Tangerines.

For the reasons set forth in the preamble, Part 905 is amended as follows:

PART 905—[AMENDED]

1. The authority citation for 7 CFR Part 905 continues to read as follows:

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

2. The provisions of § 905.306 (46 FR 60170, December 8, 1981) are amended by revising the following entries in Table I of paragraph (a), applicable to domestic shipments, and Table II of

paragraph (b), applicable to export shipments, to read as follows:

§ 905.306 Orange, Grapefruit, Tangerine, and Tangelo Regulation 6, Amendment 44.

(a) * * *

TABLE I

Variety	Regulation period	Minimum grade	Minimum diameter (in.)
(1)	(2)	(3)	(4)
* * * * *			
Grapefruit:			
Seedless, white	May 21, 1987–8/23/87	U.S. No. 2, Russet (External), U.S. No. 1 (Internal).	3–5/16
	On & after 8/24/87	Improved No. 2 (External), U.S. No. 1 (Internal).	3–9/16
Grapefruit:			
Seedless, pink	May 21, 1987–8/23/87	U.S. No. 2, Russet (External), U.S. No. 1 (Internal).	3–5/16
	On & after 8/24/87	Improved No. 2 (External), U.S. No. 1 (Internal).	3–9/16
Oranges:			
Valencia and other late types	7/1/87–9/27/87	U.S. No. 1, Golden (External), U.S. No. 1 (Internal).	2–8/16
	On & after 9/28/87	U.S. No. 1	2–8/16
Oranges:			
Temple	May 21, 1987–8/23/87	U.S. No. 1	2–4/16
	On & after 8/24/87	U.S. No. 1	2–8/16
* * * * *			

TABLE II

Variety	Regulation period	Minimum grade	Minimum diameter (in.)
(1)	(2)	(3)	(4)
* * * * *			
Grapefruit:			
Seedless, white	May 21, 1987–8/23/87	U.S. No. 2, Russet (External), U.S. No. 1 (Internal).	3–5/16
	On & after 8/24/87	Improved No. 2 (External), U.S. No. 1 (Internal).	3–5/16
Grapefruit:			
Seedless, pink	May 21, 1987–8/23/87	U.S. No. 2, Russet (External), U.S. No. 1 (Internal).	3–5/16
	On & after 8/24/87	Improved No. 2 (External), U.S. No. 1 (Internal).	3–5/16
* * * * *			

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Dated: May 21, 1987.

Ronald L. Cioffi,

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

[FR Doc. 87–12020 Filed 5–26–87; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Parts 101 and 341

[INS Number: 1014–87]

Application for Certificate of Citizenship, Form and Fee Cancellation

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule amends Form N–400, Application to File Petition for Naturalization, instructions, and the fee schedule of the Immigration and Naturalization Service. The change will cancel Form N–604, Application for a Certificate of Citizenship (made on Form N–400), to be replaced by Form N–600, Application for Certificate of Citizenship.

EFFECTIVE DATE: Final rule effective June 26, 1987.

FOR FURTHER INFORMATION CONTACT: Thomas E. Cook, Senior Immigration Examiner, 425 I Street, NW., Washington, DC 20536, Telephone: (202) 633–5014.

SUPPLEMENTARY INFORMATION: Service efforts in recent years have been aimed at streamlining benefit application procedures. The Form N–604 is currently used to apply for a certificate of citizenship in behalf of a child, and is submitted as part of the Form N–400, Application To File Petition for Naturalization. A child deriving citizenship through the naturalization of his or her parents is a citizen by law.

A certificate of citizenship is merely evidence of such citizenship. For example, the issuance of a United States passport would also be evidence of citizenship. If Form N–604 is not filed concurrently with the parent's Form N–400, a certificate will not be issued, and a Form N–600, Application for Certificate of Citizenship, must be filed in behalf of the child to obtain a Certificate of Citizenship.

To streamline processing, the N–604 procedure will be replaced with the filing of the N–600. The N–604 and N–600 are both applications for the same benefit and each require a $35.00 filing fee. One advantage to the public is that an interview is not required in conjunction with the adjudication of an N–600. In addition, the N–600 can be adjudicated at alternate Service locations to better utilize Service resources in reducing processing time. The advantage to the Service is that one form will be used to apply for a benefit where now two are allowed. The savings in interview time from N–600 cases that are remoted to alternate locations can be applied toward reducing other casework processing, thereby benefiting the Service and the public.

The rule change is being published as a final rule to coordinate with the publication of the revised Form N–400. In addition, the revision was approved by the Naturalization Automated Casework System (NACS) user group, which represents 18 Service officers and 87% of naturalization work Servicewide. Further, the Service has determined that notice and public comment regarding this final rule are unnecessary under 5 U.S.C. 553(d)(B). These changes will reduce unnecessary and duplicative reporting burdens.

In accordance with 5 U.S.C. 605(b), the Attorney General certifies that the rule does not have significant economic impact on a substantial number of small entities.

This rule is not a major rule within the meaning of section 1(b) of E.O. 12291.

List of Subjects

8 CFR Part 103

Administrative practice and

procedures, Archives and records, Authority delegation and records.

8 CFR Part 341

Citizenship, Naturalization.

Accordingly, Chapter I, Title 8 of the Code of Federal Regulations is amended as follows:

PART 103—POWER AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

1. The authority citation for part 103 continues to read as follows:

Authority: Secs. 103 and 501 of the Immigration and Nationality Act; 66 Stat. 173 and 290; 8 U.S.C. 1103; 31 U.S.C. 483a.

§ 103.7 [Amended]

2. In § 103.7, paragraph (b)(1) is amended as follows; Remove "Form N–604. For filing application for a certificate of citizenship (made on Form N–400) under section 341 of the Act—$35.00."

PART 341—CERTIFICATE OF CITIZENSHIP

1. The authority citation of Part 341 continues to read as follows:

Authority: Secs. 103, 309, 332, 333, 337, 341, and 344 of the Immigration and Nationality Act; 66 Stat. 173, 238, 252, 254, 258, 263, 264, as amended; 8 U.S.C. 1103, 1409, 1443, 1444, 1448, 1452, 1455.

2. Section 341.1 is revised to read as follows:

§ 341.1 Application.

Form N–600. An application for a certificate of citizenship by or in behalf of a person who claims to have acquired United States citizenship under section 309(c) or to have acquired or derived United States citizenship as specified in section 341 of the Act shall be submitted on Form N–600 in accordance with the instructions thereon, accompanied by the fee specified in § 103.7(b)(1) of this chapter. The application shall be supported by documentary and other evidence essential to establish the claimed citizenship, such as birth, adoption, marriage, death, and divorce certificates.

(Approved by the Office of Management and Budget under control number 1115–0018)

Dated: May 19, 1987.

Richard E. Norton,

Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 87–11890 Filed 5–26–87; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 74

[Docket No. 85C–0283]

Listing of Color Additives for Coloring Contact Lenses; D&C Violet No. 2

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the color additive regulations to provide for the safe use of D&C Violet No. 2 for coloring contact lenses. This action responds to a petition filed by Optacryl, Inc.

DATES: Effective June 29, 1987, except as to any provisions that may be stayed by the filing of proper objections; objections by June 26, 1987.

ADDRESS: Written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Marvin D. Mack, Center for Food Safety and Applied Nutrition (HFF–335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION:

I. Introduction

In a notice published in the **Federal Register** of July 12, 1985 (50 FR 28477), FDA announced that a color additive petition (CAP 5C0190) had been filed by Optacryl, Inc., 2890 South Tejon St., Englewood, CO 80110, proposing that Part 74 (21 CFR Part 74) be amended to provide for the safe use of D&C Violet No. 2 as a color additive in contact lenses. The petition was filed under section 706 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 376).

II. Regulatory History

In the **Federal Register** of April 12, 1974 (39 FR 13266), in response to color additive petition 3C0106, FDA issued a final rule listing D&C Violet No. 2 for use in coloring polygalactin 910 synthetic absorbable surgical sutures, including sutures for ophthalmic use (21 CFR 74.1602). In the 1974 final rule, FDA also established specifications for D&C Violet No. 2, FDA is incorporating those specifications in the regulation (§ 74.3602 (21 CFR 74.3602)) that permanently lists this color additive for use in contact lenses.

In the **Federal Register** of November 19, 1976 (41 FR 51007), in response to color additive petition 3C0037, FDA issued a final rule permanently listing D&C Violet No. 2 for use in externally applied drugs and in cosmetics (21 CFR 74.1602 and 74.2602).

In the **Federal Register** of September 23, 1980 (45 FR 62978), in response to color additive petition 9C0142, FDA issued a final rule listing D&C Violet No. 2 for coloring polydioxanone synthetic absorbable sutures for use in general and ophthalmic surgery at a level not to exceed 0.3 percent by weight of the suture material (21 CFR 74.1602).

III. Applicability of the Act

With the passage of the Medical Device Amendments of 1976 to the act (Pub. L. 94–295), Congress mandated the listing of color additives for use in medical devices where the color additive comes in direct contact with the body for a significant period of time (21 U.S.C. 376(a)). The use of the color additive presented in the petition now before the agency is subject to this listing requirement. The color additive is added to contact lenses in such a way that at least some of the additive will come in contact with the eye when the lenses are worn. In addition, the lenses are intended to be placed in the eye for several hours a day each day for 1 year or more. Thus, the color additive will be in direct contact with the body for a significant period of time. Consequently, the use of the color additive currently before the agency is subject to the statutory listing requirement.

IV. The Color Additive

D&C Violet No. 2 is principally 1-hydroxy-4- [(4-methylphenyl)amino]-9, 10-anthracenedione (CAS Reg. No. 81–48–1). It is typically manufactured by either condensation of quinizarin with *p*-toluidine or by condensation of 1-hydroxy-4-halogenoanthraquinone with *p*-toluidine. Because no chemical reaction consumes all the starting materials and yields only the desired product, both the resulting reaction mixture and commercial product will contain residual amounts of the starting materials, including *p*-toluidine. This fact is significant because Weisburger, et al., have demonstrated that *p*-toluidine is a carcinogen in mice (Ref. 3).

Residual amounts of reactants, such as *p*-toluidine and other manufacturing aids, are commonly found among the impurities of many color additives. The presence of such impurities is not unique to color additives, however. Numerous impurities are present in all chemical

products, even in highly purified reagent grade chemicals.

V. Analysis of Data

A. Safety of the Color Additive

1. Legal Standard

Under section 706(b)(4) of the act, the so-called "general safety clause" for color additives, a color additive cannot be listed for a particular use unless the data presented to FDA establish that the color additive is safe for that use. Although what is meant by "safe" is not explained in the general safety clause, the legislative history of the Color Additive Amendments of 1960 (Pub. L. 86–618) makes clear that this word is to have the same meaning for color additives as for food additives.

"Safe" is defined in the legislative history of the Food Additives Amendment of 1958 as a "reasonable certainty that no harm will result from a proposed use of an additive. It does not—and cannot—require proof beyond any possible doubt that no harm will result under any conceivable circumstance." (S. Rept. 2422, 85th Cong., 2d Sess. 6 (1958).) This concept of safety is incorporated in FDA's color additive regulation (21 CFR 70.3(i)).

In addition, the anticancer or Delaney Clause of the Color Additive Amendments (section 706(b)(5)(B) of the act) provides that a noningested color additive shall be deemed unsafe and shall not be listed if, after tests that are appropriate for evaluating the safety of the additive for such use, it is found to cause cancer in man or animal.

2. Exposure to the Color Additive

FDA concludes from the data submitted and from other relevant information that the upper limit of exposure to D&C Violet No. 2 from its use in coloring contact lenses is 275 nanograms per day. The agency calculated this upper limit of exposure based on two factors. First, based on the information submitted by the petitioner, FDA estimated that the maximum use level of D&C Violet No. 2 is 50 micrograms per lens (Ref. 1). Second, the agency made two worst-case assumptions: (1) That a user will replace lenses tinted with D&C Violet No. 2 once each year with a new pair of lenses tinted with D&C Violet No. 2 at the maximum use level, and (2) that 100 percent of the color additive will migrate from these lenses into the eye over the 1-year period. Because these assumptions are worst case, exposure to D&C Violet No. 2 from its use for coloring contact lenses is likely to be far less than 275 nanograms per day.

3. Toxicology

When presented with a substantive whose use will result in the extremely low levels of exposure that the agency estimates will result from the use of D&C Violet No. 2 in contact lenses, FDA does not ordinarily consider chronic toxicity testing to be necessary to determine the safety of use (Ref. 2). FDA has not required such testing here, and no data have been submitted that show that this color additive is a carcinogen. Therefore, the Delaney Clause has no application to this proceeding.

FDA did require the petitioner to conduct an in vitro cytotoxicity test on D&C Violet No. 2 and primary ocular irritation studies in rabbits with saline and cottonseed oil extracts of the tinted lens material. These studies showed no ocular irritation from these extracts and no adverse effects in the in vitro cytotoxicity testing. The studies demonstrated that the no-effect level for D&C Violet No. 2 is 500 micrograms per milliliter.

To relate this no-effect concentration for D&C Violet No. 2 to the maximum concentration level in the eye that would result from the use of the color additive in contact lenses, the agency estimated that the daily exposure of the color additive in each eye (140 nanograms) will be diluted by the average daily volume of tears produced in each eye (1.68 milliliters). This concentration is equal to a maximum daily concentration of 0.0833 microgram of color additive per milliliter in the tear flow and eye area. This concentratioin is over 6,000 times less than the no-effect dose for D&C Violet No. 2 found in ocular irritation and in in vitro cytotoxicity tests.

B. Carcinogenic Impurity

1. p-Toluidine

Although D&C Violet No. 2 itself has not be shown to cause cancer, it does contain minor amounts of a carcinogenic impurity, *p*-toluidine. The carcinogenicity of *p*-toluidine was discussed in the agency's April 2, 1982, final rule permanently listing D&C Green No. 6 for use in externally applied drugs and cosmetics (47 FR 14138). As stated in that document, data reported by the National Cancer Institute demonstrated that *p*-toluidine was carcinogenic for male and female Charles River CD–1 (Ham/ICR derived) mice, causing an increased incidence of hepatomas (liver tumors) (Ref. 3).

In addition, the Center for Food Safety and Applied Nutrition's Cancer Assessment Committee reviewed this bioassay and other relevant data available in the literature and concluded that the findings of carcinogenicity were supported by this information on *p*-toluidine. FDA used data from the National Cancer Institute's study to estimate the lifetime risk of cancer from *p*-toluidine when D&C Violet No. 2 is used to color contact lenses.

2. Prior Action

In the past, FDA often refused to list a color additive that contained or was expected to contain minor amounts of a carcinogenic chemical, even if the additive as a whole had not been shown to cause cancer. The agency now believes, however, that scientific developments and experience with risk assessment procedures make it possible for FDA to approve the use of an additive that contains a carcinogenic chemical but that has not itself been shown to cause cancer.

In the preamble to the final rule permanently listing D&C Green No. 6, published in the **Federal Register** of April 2, 1982 (47 FR 14138), FDA explained the basis for approving the use of a color additive that had not been shown to cause cancer, even though it contains a carcinogenic impurity. Since that decision, FDA has listed, on the same basis, the uses of several other color additives that contain carcinogenic impurities, including the use of D&C Green No. 6 for coloring contact lenses (48 FR 13020; March 29, 1983), and the use of D&C Green No. 5 (47 FR 24278; June 4, 1982) and of D&C Red No. 6 and D&C Red No. 7 (47 FR 57661; December 28, 1982) for coloring drugs and cosmetics. (See also the advance notice of proposed rulemaking published in the **Federal Register** of April 2, 1982 (47 FR 14464).)

The agency now considers the Delaney anticancer clause to be applicable only when the color additive as a whole is found to cause cancer. An additive that has not been shown to cause cancer, but that contains a carcinogenic impurity, is properly evaluated under the general safety clause of the statute, using risk assessment procedures to determine whether there is a reasonable certainty that no harm will result from the proposed use of the additive.

The agency's position is supported by *Scott* v. *FDA*, 728 F.2d 322 (6th Cir. 1984). That case involved a challenge to FDA's decision to approve the use of D&C Green No. 5, which contains a carcinogenic chemical but has not itself been shown to cause cancer. Relying heavily on the reasoning in the agency's decision, the U.S. Court of Appeals for the Sixth Circuit rejected the challenge

to FDA's action and affirmed the listing regulation.

3. Risk Assessment

Using risk assessment procedures to estimate the upper limit lifetime risk presented by the use of D&C Violet No. 2, with its expected impurity, to color contact lenses, the agency has concluded that the color additive is safe under the proposed conditions of use. The risk evaluation consists of two parts:

(1) Estimation of exposure to *p*-toluidine from the use of D&C Violet No. 2 for coloring contact lenses, and (2) extrapolation of the risk from *p*-toluidine observed in the bioassay of that substance to the conditions of exposure in humans.

A. Exposure

As explained above, FDA estimates that the maximum level of exposure to D&C Violet No. 2 from its use in coloring contact lenses is 275 nanograms per day. Under the current specifications for D&C Violet No. 2, the level of *p*-toluidine in the color additive is not to exceed 0.2 percent. Thus, the maximum exposure to *p*-toluidine that will result from the daily use of contact lenses that are colored with D&C Violet No. 2 that complies with the applicable specifications is 0.55 nanogram per day.

B. Risk Extrapolation

FDA has estimated the risk from the *p*-toluidine impurity from use of D&C Violet No. 2 for coloring contact lenses by extrapolating from the risk observed at the level of exposure in the NCI-sponsored animal studies to the very low levels of estimated exposure for humans. In this extrapolation, the agency has used a quantitative risk assessment procedure (linear proportional model) similar to the methods used to examine the risk associated with the presence of minor carcinogenic impurities in D&C Green No. 6 and the other color additives mentioned above. This procedure is not likely to underestimate the actual risk from the very low doses. In fact, the estimate of the risk may be exaggerated because the extrapolation models used are designed to estimate the maximum risk consistent with the data. For this reason, the estimate can be used with confidence to determine to a reasonable certainty whether any harm will result from the use of this color additive.

Based on this risk assessment procedure and a worst case daily exposure estimate of 0.55 nanograms of *p*-toluidine, FDA estimates that the upper bound limit of individual lifetime risk from potential exposure to *p*-toluidine from the use of D&C Violet No. 2 is 4×10^{-11} or one in 25 billion.

Because of numerous conservatisms in the exposure estimate, lifetime-averaged individual exposure to *p*-toluidine is expected to be substantially less than the estimated daily intake, and, therefore, the actual risk would be expected to be less than the calculated individual lifetime risk. Thus, the agency concludes that there is a reasonable certainty of no harm from the exposure to the *p*-toluidine that results from the use of D&C Violet No. 2 in contact lenses.

C. Specifications

Based upon the low level of exposure to *p*-toluidine that results under the current specifications for D&C Violet No. 2, the agency concludes that these specifications are adequate to assure the safe use of this color additive and to control the amount of *p*-toluidine that may exist as an impurity in the color additive when used in contact lenses.

The agency, therefore, concludes that it is not necessary to amend the current specifications for this color additive when it is used to color contact lenses.

VI. Conclusion

Based upon the available toxicity data, the small amount of the color additive added to the contact lens, the agency's exposure calculation, and the extremely low risk from the presence of the impurity, FDA finds that the color additive D&C Violet No. 2 is safe for use in contact lenses. FDA further concludes that the safety margin is sufficiently large that a limitation on the amount of the color additive that may be present in the lens is not required, beyond the limitation that only the amount necessary to accomplish the intended technical effect may be used. In addition, based upon the data it considered, the agency finds that D&C Violet No. 2 is suitable for use in coloring contact lenses.

In accordance with § 71.15(a) (21 CFR 71.15(a)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition (address above) by appointment with the information contact person listed above. As provided in § 71.15(b), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

VII. Environmental Assessment

The agency has previously considered the environmental effects of this rule as announced in the Notice of Filing for CAP 5C0190 (July 12, 1985, 50 FR 28477). No new information or comments have been received that would affect the agency's previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required.

VIII. References

The following information has been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Memorandum dated February 19, 1985, from the Food Additive Chemistry Evaluation Branch, Re: "Color Additives in Contact Lenses."

2. Kokoski, C. J., "1985 Regulatory Food Additive Toxicology" *in* "Chemical Safety Regulation and Compliance," edited by F. Homburger and J. K. Marquis, pp. 24–33, S. Karger, New York, NY.

3. Weisburger, E. K., et al., "Testing of Twenty-one Environmental Aromatic Amines or Derivatives for Long-Term Toxicology or Carcinogenicity," *Journal of Environmental Pathology and Toxicology*, 2:225–356, 1978.

IX. Objections

Any person who will be adversely affected by this regulation may at any time on or before June 26, 1987, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday. FDA will publish notice of the objections that the agency has

received or lack thereof in the Federal Register.

List of Subjects in 21 CFR Part 74

Color additives, Cosmetics, Drugs, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, Part 74 is amended as follows:

PART 74—LISTING OF COLOR ADDITIVES SUBJECT TO CERTIFICATION

1. The authority citation for 21 CFR Part 74 continues to read as follows:

Authority: Secs. 701, 706, 52 Stat. 1055–1056 as amended, 74 Stat. 399–407 as amended (21 U.S.C. 371, 376); 21 CFR 5.10.

2. By adding new § 74.3602 to Subpart D, to read as follows:

§ 74.3602 D&C Violet No. 2.

(a) *Identity and specifications.* The color additive D&C Violet No. 2 shall conform in identity and specifications to the requirements of § 74.1602(a)(1) and (b).

(b) *Uses and restrictions.* (1) The color additive, D&C Violet No. 2, may be safely used for coloring contact lenses in amounts not to exceed the minimum reasonably required to accomplish the intended coloring effect.

(2) Authorization for this use shall not be construed as waiving any of the requirements of section 510(k), 515, and 520(g) of the Federal Food, Drug, and Cosmetic Act with respect to the contact lens in which the color additive is used.

(c) *Labeling.* The label of the color additive shall conform to the requirements of § 70.25 of this chapter.

(d) *Certification.* All batches of D&C Violet No. 2 shall be certified in accordance with regulations in Part 80 of this chapter.

Dated: May 15, 1987.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 87–11978 Filed 5–26–87; 8:45 am]

BILLING CODE 4160–01–M

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21 CFR Part 176

[Docket No. 80F–0398]

Indirect Food Additives: Paper and Paperboard Components

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations by providing for the use of 1-(3-chloroallyl)-3,5,7-triaza-1-azoniaadamantane chloride as a preservative for latex and pigment slurries used as components of coatings for paper and paperboard when used in contact with food. This action responds to a petition filed by the Dow Chemical Co.

DATES: Effective May 27, 1987; objections by June 26, 1987.

ADDRESS: Written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Mary W. Lipien, Center for Food Safety and Applied Nutrition (HFT–335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of October 24, 1980 (45 FR 70573), FDA announced that a petition (FAP 9B3440) had been filed by the Dow Chemical Co., Midland, MI 48640, proposing that § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) be amended by revising the regulation for 1-(3-chloroallyl)-3,5,7-triaza-1-azoniaadamantane chloride to provide for its use as a preservative for latex and pigment slurries as components of coatings for paper and paperboard used in contact with food.

In this final rule, FDA is amending the food additive regulations by providing for the use of 1-(3-chloroallyl)-3,5,7-triaza-1-azoniaadamantane chloride, at the specified levels as a preservative for latex and pigment slurries used as components of coatings for paper and paperboard in contact with food, without restriction on food types or conditions of use.

FDA reviewed the safety of both the additive and the starting materials used to manufacture the additive. Although 1-(3-chloroallyl)-3,5,7-triaza-1-azoniaadamantane chloride has not been found to cause cancer, it may contain minute amounts of methylene chloride as a byproduct of its production. This chemical has been shown to cause cancer in test animals. Residual amounts of reactants and manufacturing aids, such as methylene chloride, are commonly found as contaminants in chemical products, including food additives.

I. Determination of Safety

Under section 409(c)(3)(A) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 348(c)(3)(A)), the so-called "general safety clause" of the statute, a food additive cannot be approved for a particular use unless a fair evaluation of the data available to FDA establishes that the additive is safe for that use. The concept of safety embodied in the Food Additives Amendment of 1958 is explained in the legislative history of the provision: "Safety requires proof of a reasonable certainty that no harm will result from the proposed use of an additive. It does not—and cannot—require proof beyond any possible doubt that no harm will result under any conceivable circumstance." (H. Rept. 2284, 85th Cong., 2d Sess. 4 (1958).) This definition of safety has been incorporated into FDA's food additive regulations (21 CFR 170.3(i)). The anticancer or Delaney clause of the Food Additives Amendment of 1958 (section 409(c)(3)(A) of the act (21 U.S.C. 348(c)(3)(A))) provides further that no food additive shall be deemed to be safe if it is found to induce cancer when ingested by man or animal.

In the past, FDA has often refused to approve a use of an additive that contained or was suspected of containing even minor amounts of a carcinogenic chemical, even though the additive as a whole had not been shown to cause cancer. The agency now believes, however, that developments in scientific technology and experience with risk assessment procedures make it possible for FDA to establish the safety of additives that contain a carcinogenic chemical, but that have not themselves been shown to cause cancer.

In the preamble to the final rule permanently listing D&C Green No. 6 published in the Federal Register of April 2, 1982 (47 FR 14138), FDA explained the basis for approving the use of a color additive that had not been shown to cause cancer, even though it contains a carcinogenic constituent.

Since that decision, FDA has approved the use of other color additives and food additives on the same basis. FDA fully explained the scientific, legal, and policy underpinnings for these decisions in the advance notice of proposed rulemaking on a policy for regulating carcinogenic chemicals in food and color additives, published in the Federal Register of April 2, 1982 (47 FR 14464).

The agency now believes that the Delaney anticancer clause is applicable only when the food additive as a whole is found to cause cancer. An additive that has not been shown to cause cancer, but that contains a carcinogenic constituent, may properly be evaluated under the general safety clause of the statute using risk assessment procedures

to determine whether there is a reasonable certainty that no harm will result from the proposed use of the additive.

The agency's position is supported by *Scott* v. *FDA*, 728 F.2d 322 (6th Cir. 1984). That case involved a challenge to FDA's decision to approve the use of D&G Green No. 5, which contains a carcinogenic chemical but has itself not been shown to cause cancer. Relying heavily on the reasoning in the agency's decision to list this color additive, the U.S. Court of Appeals for the Sixth Circuit rejected the challenge to FDA's action and affirmed the listing regulation.

II. Safety of Petitioned Use of the Additive

FDA estimates that the petitioned use of 1–(3–chloroallyl)–3,5,7–triaza–1–azoniaadamantane chloride in paper and paperboard products that contact aqueous and fatty foods will result in extremely low levels of exposure to this additive. The agency has calculated an estimated daily intake of 1–(3–chloroallyl)–3,5,7–triaza–1–azoniaadamantane chloride based on consideration such as the migration of the additive under the most severe intended use conditions and the probable concentration of the additive in the daily diet from food-contact articles that contain this substance. The estimated daily intake for the additive is 0.015 milligram per person per day, which is equivalent to 0.0025 milligram per kilogram per day for a 60 kilogram person.

FDA does not ordinarily consider chronic testing to be necessary to determine the safety of an additive whose use will result in such low exposure levels (Refs. 1 and 2) and has not required such testing in this case. However, the petitioned request was supported by two 90-day studies in the rat and dog. Neither study showed any adverse effects.

FDA has found 1–(3–chloroallyl)–3,5,7–triaza–1–azoniaadamantane chloride to be safe and effective for the intended use based upon the extremely low levels of exposure to this substance and upon its evaluation of the data furnished on this substance in the petition.

The available data revealed no adverse effects from 1–(3–chloroallyl)–3,5,7–triaza–1–azoniaadamantane chloride. However, this additive may contain methylene chloride, a substance that has been shown to cause cancer in test animals. The agency has tentatively concluded that methylene chloride is a carcinogen in a proposed rule published in the **Federal Register** of December 18, 1985 (50 FR 51551). The agency is currently reviewing the comments received on that proposal and will respond to them in a future **Federal Register** document. For the purposes of the current rulemaking, however, the agency is assuming, without deciding, that methylene chloride is a carcinogen in its evaluation of the safe use of 1–(3–chloroallyl)–3,5,7–triaza–1–azoniaadamantane chloride.

This impurity may be present as a result of the manufacturing procedures used to produce the additive. Nonetheless, because 1–(3–chloroallyl)–3,5,7–triaza–1–azoniaadamantane chloride has not been shown to cause cancer, the anticancer clause does not apply to it.

FDA has evaluated the safety of this additive under the general safety clause, using risk assessment procedures to estimate the upper bound limit of risk presented by the carcinogenic chemical that may be present as an impurity in the additive. Based on this evaluation, the agency has concluded that the additive is safe under the proposed conditions of use.

The risk assessment procedures that FDA used in this evaluation are similar to the methods that it used to examine the risk associated with the presence of minor carcinogenic impurities in various other food and color additives that contain carcinogenic impurities (see, e.g., 49 FR 13018, 13019; April 2, 1984). This risk evaluation of the carcinogenic impurity methylene choloride has two aspects: (1) Assessment of the worst-case exposure to the impurity from the proposed use of the additive, and (2) extrapolation of the risk from methylene chloride observed in the National Toxicology Program (NTP) bioassay to the conditions of probable exposure to humans.

A. Methylene Chloride

Based on the fraction of the daily diet that may be in contact with surfaces containing 1–(3–chloroallyl)–3,5,7–triaza–1–azoniaadamantane chloride, as well as the level of methylene chloride that may be present in the additive, FDA estimated the hypothetical worst-case exposure to methylene chloride from the petitioned use of the additive to be 0.2 microgram per person per day (Ref. 3). As discussed in the methylene chloride proposed rule published in the **Federal Register** of December 18, 1985 (50 FR 51555), the agency used data from an NTP-sponsored inhalation study on methylene chloride in mice (Ref. 4) to estimate the upper bound level of lifetime human risk from exposure to methylene chloride. The results of the bioassay on methylene chloride indicated that the material was carcinogenic for male and female mice under the conditions of the study. The test material caused an increased incidence of liver cell neoplasms and lung neoplasms in male and female mice.

The Center for Food Safety and Applied Nutrition's Cancer Assessment Committee reviewed this bioassay and other relevant data available in the literature and concluded that the findings of carcinogenicity were supported by this information on methylene chloride. The committee further concluded that an estimate of the upper bound level of lifetime human risk from potential exposure to methylene chloride stemming from the proposed use of 1-(3-chloroallyl)-3,5,7-triaza-1-azoniaadamantane chloride could be calculated from the bioassay (Ref. 5). The agency used the female mouse data for risk assessment because the female gave a somewhat stronger response than the male.

Based on the worst-case exposure of 0.2 microgram per person per day, FDA estimates that the upper bound limit of individual lifetime risk from potential exposure to methylene chloride from the additive is 1.5×10^{-9} or less than 1 in 666 million (Ref. 6). Because of numerous conservatisms in the exposure estimate, lifetime averaged individual exposure to methylene chloride is expected to be substantially less than the estimated daily intake, and therefore, the calculated upper bound risk would be expected to be less than 1.5×10^{-9}. Thus, the agency concludes that there is a reasonable certainty of no harm from exposure to methylene chloride that results from the use of 1-(3-chloroallyl)-3,5,7-triaza-1-azoniaadamantane chloride.

B. Need for Specifications

The agency has also considered whether a specification is necessary to control the amount of the methylene chloride impurity in the food additive. The agency finds that a specification is not necessary for the following reasons: (1) Because of the level at which methylene chloride is produced as a byproduct in the production of the additive, the agency would not expect this impurity to become a component of food at other than extremely small levels; and (2) the upper bound limit of lifetime risk from exposure to this impurity, even under worst-case assumptions, is very low, less than 1 in 666 million.

C. Conclusion on Safety

Regardless of the agency's decision on the 1985 proposed rule concerning methylene chloride, FDA finds that final action now can be taken on the use of 1-(3-chloroallyl)-3,5,7-triaza-1-azoniaadamantane chloride containing minute amounts of methylene chloride.

FDA has evaluated the available toxicity data and the exposure calculation for the additive and has determined that the additive is safe for its proposed use.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition (address above) by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has previously considered the environmental effects of this rule as announced in the Notice of Filing for FAP 9B3440 (October 24, 1980; 45 FR 70573). No new information or comments have been received that would affect the agency's previous determination that there is no significant impact on the human environment, and that an environmental impact statement is not required.

References

The following references have been placed on display in the Dockets Management Branch (address above) and may be reviewed in that office between 9 a.m. and 4 p.m. Monday through Friday.

1. Carl, G. M., "Carcinogenicity Testing Programs" *in* "Food Safety: Where Are We?" Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, p. 59, July 1979.

2. Kokoski, C. J., "Regulatory Food Additive Toxicology" presented at the "Second International Conference on Safety Evaluation and Regulation of Chemicals," Cambridge, MA, October 24, 1983.

3. Memorandum dated February 13, 1986, from Regulatory Food Chemistry Branch to Indirect Additives Branch, "Methylene Chloride (MC) Exposure."

4. "Technical Report on the Toxicology and Carcinogenesis Studies of Dichloromethane (Methylene Chloride) in F344/N Rats and B6C3F1 Mice," NTP Draft Report, NTP-TR-306, National Institutes of Health Publication No. 85-2562, 1985.

5. Cancer Assessment Committee, Memorandum of Conferences, "Methylene Chloride," January 20, 1983, August 8, 1984, and June 13, 1985.

6. Memorandum dated June 12, 1986, from Quantitative Risk Assessment Committee to Director of the Office of Toxicological Sciences, "Impurities of Methylene Chloride in Three Indirect Additives."

Objections

Any person who will be adversely affected by this regulation may at any time on or before June 26, 1987, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on the objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 176

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, Part 176 is amended as follows:

PART 176—INDIRECT FOOD ADDITIVES: PAPER AND PAPERBOARD COMPONENTS

1. The authority citation for 21 CFR Part 176 continues to read as follows:

Authority: Secs. 210(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348); 21 CFR 5.10 and 5.61.

2. In § 176.170(b)(2) by revising the item "1-(3-Chloroallyl)-3,5,7-triaza-1-azoniaadamantane chloride," to read as follows:

§ 176.170 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * *

(b) * * *

(2) * * *

List of substances	Limitations
* * * * *	
1-(3-Chloroallyl)-3,5,7-triaza-1-azoniaadamantane chloride (CAS Reg. No. 4080-31-3).	For use only: 1. As a preservative at a level of 0.3 weight percent in latexes used as pigment binders in paper and paperboard intended for use in contact with nonacidic, nonalcoholic food and under the conditions of use described in paragraph (c) of this section, Table 2, conditions of use E, F, and G. 2. As a preservative at a level not to exceed 0.07 weight percent in latexes and 0.05 weight percent in pigment slurries used as components of coatings for paper and paperboard intended for use in contact with food.
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Dated: May 20, 1987.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 87-11979 Filed 5-26-87; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 882

[Docket No. R-87-1337; FR-2363]

Section 8 Housing Assistance Payments Program—Existing Housing; Technical Amendment

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Final rule; technical amendment.

SUMMARY: This rule corrects an erroneous cross reference in the text of 24 CFR Part 882—Section 8 Housing Assistance Payments Program—Existing Housing.

DATE: Effective June 10, 1987.

FOR FURTHER INFORMATION CONTACT: Grady J. Norris, Assistant General Counsel for Regulations, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410, telephone (202) 755-7055. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Section 882.408(c)(1) contains an erroneous cross reference to "paragraph (a)(2)" which is supposed to refer to "paragraph (c)(2)". This final rule corrects the error.

This rule does not constitute a "major rule" as that term is defined in section

1(b) of Executive Order 12291 on Federal Regulation issued by the President on February 17, 1981. Analysis of the rule indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause major increase in costs or prices for consumers, individual industries, agencies, or geographic regions; or (3) competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule was not listed in the Department's Semiannual Agenda of Regulations published on April 27, 1987, under Executive Order 12291 and the Regulatory Flexibility Act.

Under 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule would not have a significant economic impact on a substantial number of small entities. The rule is technical and changes no program requirements.

List of Subjects in 24 CFR Part 882

Grant programs—housing and community development, Housing, Mobile homes, Rent subsidies, Low and moderate income housing.

Accordingly, 24 CFR Part 882 is amended as set forth below:

PART 882—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—EXISTING HOUSING

1. The authority citation for 24 CFR Part 882 continues to read as follows:

Authority: Sections 3, 5, and 8, United States Housing Act of 1937 (42 U.S.C. 1437a, 1437c and 1437(f); section 7(d), Department of Housing and Urban Development Act, (42 U.S.C. 3535(d)).

2. Section 882.408 is amended by revising paragraph (c)(1) as follows:

§ 882.408 Initial contract rents.

* * * * *

(c) *Determination Initial Contract Rents.* (1) The initial Contract Rent and base rent for each unit must be computed in accordance with HUD requirements. These amounts may be determined in accordance with paragraph (c)(2), or in accordance with an alternative method prescribed by HUD. However, the initial Contract Rent may in no event be more than—

(i) The Moderate Rehabilitation Fair Market Rent or exception rent applicable to the unit on the date that the Agreement is executed, minus

(ii) Any applicable allowance for utilities and other services attributable to the unit.

* * * * *

Dated: May 20, 1987.

James E. Schoenberger,

Acting General Deputy Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 87-12022 Filed 5-26-87; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 05-87-27]

Special Local Regulations for Marine Events Norfolk/Portsmouth

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Permanent Special Regulations are adopted for marine events to be held on the Elizabeth River in the vicinity of the "Waterside" area of downtown Norfolk, Virginia, and the "Portside" area of downtown Portsmouth, Virginia. The area is the site of several large marine events each year, including Norfolk Harborfest, Portsmouth Seawall Festival, Independence Day Celebration, power boat races, and boat parades. These regulations govern vessel activities during those events. Notices of the precise dates and times that regulations are effective will be published in the Local Notice to Mariners and **Federal Register.** These special local regulations are considered necessary to control vessel traffic and provide safety of life and property on the navigable waters within the immediate vicinity of the event.

EFFECTIVE DATE: May 27, 1987. Compliance with this regulation will be required at different dates and times. The Commander, Fifth Coast Guard District publishes notices in the Local Notice to Mariners and **Federal Register** that announce the times and dates when the regulation is in effect.

FOR FURTHER INFORMATION CONTACT: Billy J. Stephenson, Chief, Boating Affairs Branch, Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23705, (804) 398-6204.

SUPPLEMENTARY INFORMATION: The Coast Guard published a notice of proposed rule making in the **Federal Register** on March 3, 1986, (51 FR 7286) and supplemental notice of proposed rulemaking in **Federal Register** on November 6, 1986, (51 FR 40341). Interested persons were requested to submit comments. No comments were received on either the notice of proposed rulemaking or supplemental notice of proposed rulemaking.

Drafting Information

The drafters of this notice are Billy J. Stephenson, project officer, Chief, Boating Affairs Branch, Boating Safety Division, Fifth Coast Guard District, and Commander Robert J. Reining, project attorney, Fifth Coast Guard District Legal Office.

Discussion of Proposed Regulation

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulations and non-significant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). Its economic impact is expected to be minimal since, as in the past, closure of the waterway for any extended period is not anticipated and thus commercial traffic should not be severely disrupted at any given time. Comments received concerning past events indicate that commercial interests normally using the waterways can adapt to the minor restrictions they may encounter. Since the 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 100

Marine safety, Navigation (water).

Final Regulations

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations is amended as follows:

PART 100—[AMENDED]

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. Section 100.501 is added to read as follows:

§ 100.501 Norfolk Harbor, Elizabeth River, Norfolk, Virginia and Portsmouth, Virginia.

(a) *Definitions*—(1) *Regulated Area:* The waters of the Elizabeth River and its branches from shore to shore, bounded to the northwest by a line drawn across the Port Norfolk Reach section of the Elizabeth River between the northern corner of the landing at Hospital Point, Portsmouth, Virginia, latitude 36°50'51.0" North, longitude 76°18'09.0" West and the north corner of the City of Norfolk Mooring Pier at the foot of Brooks Avenue located at latitude 36°51'00.0" North, longitude

76°17'52.0" West; bounded on the southwest by a line drawn from the southern corner of the landing at Hospital Point, Portsmouth, Virginia, at latitude 36°50'50.0" North, longitude 76°18'10.0" West, to the northern end of the eastern most pier at the Tidewater Yacht Agency Marina, located at latitude 36°50'29.0" North, longitude 76°17'52.0" West; bounded to the south by a line drawn across the Lower Reach of the Southern Branch of the Elizabeth River, between the Portsmouth Lightship Museum located at the foot of London Boulevard, in Portsmouth, Virginia at latitude 36°50'10.0" North, longitude 76°17'47.0" West, and the northwest corner of the Norfolk Shipbuilding & Drydock, Berkley Plant, Pier No. 1, located at latitude 36°50'08.0" North, longitude 76°17'39.0" West; and to the southeast by the Berkley Bridge which crosses the Eastern Branch of the Elizabeth River between Berkley at latitude 36°50'08.0" North, longitude 76°17'39.0" West, and Norfolk at latitude 36°50'08.0" North, longitude 76°17'39.0" West.

(2) *Coast Guard Patrol Commander:* The Coast Guard Patrol Commander is a Coast Guard commissioned, warrant, or petty officer who has been designated by Commander, Coast Guard Group, Hampton Roads.

(b) *Special local regulations.* (1) Except for participants registered with the event sponsor and vessels that are moored to a pier, dock or shore, no person or vessel may enter or remain in the regulated area without permission of the Coast Guard Patrol Commander.

(2) The operator of any vessel in the regulated areas shall:

(i) Stop the vessel immediately when directed to do so by any Coast Guard commissioned, warrant or petty officer on board a vessel displaying a Coast Guard ensign; or

(ii) Proceed as directed by any Coast Guard commissioned, warrant or petty officer.

(3) Spectator vessels may anchor outside the regulated area specified in paragraph (a)(1) of this section, but may not block the channel.

(4) The Coast Guard Patrol Commander may stop the event to assist the transit of marine traffic through the regulated area.

(c) *Effective Period.* This regulation is effective at different times and dates throughout the year. The Commander, Fifth Coast Guard District publishes a notice in the Fifth Coast Guard District Local Notice to Mariners and in the **Federal Register** that announces the time and dates when the regulations are in effect.

Dated: May 15, 1987.

P.A. Welling,

Captain, U.S. Coast Guard, Commander, Fifth Coast Guard District, Acting.

[FR Doc. 87-11885 Filed 5-26-87; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 183

[CGD 85-098]

Boating Safety; Fuel System Standard

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule amends the Fuel System Standard in Subpart J of Part 183 by requiring that gasoline fuel hose installed in new recreational boats be tested under SAE Standard J1527DEC85 instead of SAE Standard J30C. The increasing level of aromatics in gasoline and the use of alcohols in gasoline have raised safety questions over the permeation rates and longevity of hose meeting SAE Standard J30C. The purpose of these amendments is to specify four grades of fuel hose that are more resistant to alcohol permeation. Additional editorial changes to Subpart A of Part 183 reflect changes to the names and addresses of organizations whose standards are incorporated by reference in Part 183.

DATES: Effective November 23, 1987. The incorporation by reference of SAE Standard J1527DEC85 in Subpart J of Part 183 of Title 33, Code of Federal Regulations is approved by the Director of the Federal Register as of November 23, 1987.

FOR FURTHER INFORMATION CONTACT: Mr. Alston Colihan (202) 267-0981.

SUPPLEMENTARY INFORMATION: The Coast Guard published a notice of proposed rulemaking in the **Federal Register** on March 20, 1986 (51 FR 9689). Interested persons were invited to participate in this rulemaking by submitting relevant comments. All of the comments received were carefully considered. The National Boating Safety Advisory Council was consulted and its opinions and advice have been considered in the formulation of these amendments. The transcripts of the proceedings of the National Boating Safety Advisory Council at which this rule was discussed are available for examination in Room 4304, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC. The minutes of the meetings are available from the Executive Director, National Boating Safety Advisory Council, c/o Commandant (G-BBS), U.S. Coast Guard, Washington, DC 20593-0001.

Drafting information

The principal persons involved in drafting these amendments are Mr. Alston Colihan, Project Manager, Office of Boating, Public, and Consumer Affairs, and LT. Sandra Sylvester, Project Attorney, Office of the Chief Counsel.

Discussion of Comments

Eighteen comments were received, primarily from boat manufacturers. Of these, twelve comments supported the proposed amendments.

Several comments questioned the validity of the use of American Society for Testing and Materials (ASTM) Reference Fuel "C" as a test fuel in SAE Standard J1527DEC85, since it does not contain any alcohol. Unfortunately, at the present time there is no alcohol blended test fuel which has been accepted as a consensus standard and it may be several years before this occurs. This reflects the wide diversity in the use of alcohol in gasoline. Not only do different refineries use different blends, but a given blend of gasoline may vary geographically and regionally. The Coast Guard is closely following efforts to develop a standard alcohol blend test fuel and will consider further rulemaking to adopt a suitable standard when one is developed.

Reference Fuel "C", used in the tests required by SAE Standard J1527DEC85, contains a higher percentage of toluene than the test fuels used in SAE Standard J30C (1977). Use of this fuel and stricter permeation standards results in a permeation rate six times better than that of hose meeting SAE Standard J30C. Data from a number of tests considered in conjunction with the development of SAE Standard J1527DEC85 indicates that ethanol blended fuels (gasohol) may cause permeation in marine hoses approximately double that of fuels not containing alcohol, and methanol blended fuels may increase permeation about two and one-half times. Therefore, with the alcohol-blended gasoline currently found at the retail level, fuel distribution lines meeting the permeation rates established by the rules, when tested under SAE Standard J1527DEC85, should be more than two and one-half times as resistant to permeation than hose meeting the requirements of SAE Standard J30.

Another comment asked why a mixture of regular gasoline and alcohol was not considered as a test fuel. The use of regular gasoline was considered and rejected because gasoline is not a standard product. The constituents in gasoline vary with manufacturer, geography and time of year. Reference fuel "C" is a standardized product

which can be duplicated by any laboratory.

One comment suggested elimination of UL Standard 1114 in the definition of "USCG Type A1" hose in Section 183.505, since the UL standard does not establish permeation rates similar to those in SAE J1527DEC85. The Coast Guard contacted Underwriters' Laboratories, Inc. (UL) regarding the questions raised in the comment. The newly revised version of UL 1114 uses the same reference fuel and permeation rates as SAE J1527DEC85.

Another comment stated that although SAE J1527DEC85 establishes maximum allowable amounts of fuel loss through a hose wall, specific physical property tests should also be established to measure the degradation of hose due to alcohol in the fuel, because split and deteriorated fuel fill lines and vent lines are a known cause of fires and explosions. This recommendation was not adopted. Physical property tests such as tensile strength, swelling and cold flexibility are indirect measures of the durability of a length of hose. These tests are included in SAE J1527DEC85 and UL 1114. The permeability test is also an indirect measure of the durability of hose. When fuel permeates through the hose wall, some of the hose material also leaches out, particularly plasticizers which contribute to the flexibility of the hose. Therefore, a reduction in the permeability of a hose will have a direct effect upon increasing the useful life of the hose. All fuel hose will deteriorate in time. The best corrective measure is periodic visual inspection of the hose.

One comment stated that the reference to "USCG Type A2" hose in paragraph 183.528(b) should be deleted since the paragraph refers to fuel stop valves in fuel line systems where class 2 hoses should not be used. The comment also stated that a similar problem exists in paragraph 183.532 with reference to the fire resistance of clips and straps on fuel line systems required to use Type A hose. This comment noted errors in the notice and is accepted.

Two comments urged the removal of the reference to "clips and straps" from paragraph 183.532(b), since the fuel lines requiring support in the paragraph are fire resistant. The comments noted that a fire is less severe in the lower portions of the engine room. Therefore, if the clips and straps supporting fire resistant fuel hoses are destroyed and the hoses fall lower in the engineroom, they will last longer. The Coast Guard agrees and these comments are also accepted.

Three comments disagreed with the proposal to require a lesser degree of resistance to permeation for hoses used for fill and vent lines, since these hoses have the greatest surface area and boat operators commonly overfill their fuel tanks.Therefore, according to the comments, both fill and vent hoses are subjected to extended periods of continuous contact with fuel. The Coast Guard does not agree with these comments. The Coast Guard believes the exposure to fuel loss by permeation through fill and vent hoses is significantly lower than the potential permeation through the fuel distribution hoses which are constantly full of fuel. Additionally, the level of permeation permitted for fuel and vent hoses under SAE J1527DE85 is significantly less than the permeation rate of SAE J30 hose previously permitted.

Several comments stated that there should be a mandatory requirement for boat builders to use the new hose as soon as it becomes available in production quantities. The Coast Guard has not adopted this recommendation. Federal statutes prohibit the Coast Guard from imposing a new requirement earlier than six months after publication of a final rule. In addition, the Coast Guard has issued an exemption allowing manufacturers to immediately begin using hose meeting SAE J1527DEC85, in lieu of hose meeting SAE J30C. Therefore, the Coast Guard considers a mandatory effective date of six months from the date of publication in the Federal Register an appropriate lead time for hose manufacturers to make production quantities of the new hose available to all builders.

Two comment suggested imposing a requirement for retrofitting existing boats with hoses meeting SAE J1527DEC85. Another comments suggested recommendations on the use of two hose clamps for those who install the new hose themselves. These recommendations were not adopted.The Coast Guard has used and will continue to use publicity and education to inform the public of the need for retrofitting older boats with new fuel hoses. In addition, the present regulations do not require double hose clamps for fuel distribution lines and vent lines and most existing fittings do not have room for double clamping.

Another comment stated that the amendment is generally beneficial, but that it should not apply to diesel fuel systems. The comment misconstrues these amendments, which only apply to new boats with gasoline engines, except those powered by outboards.

Another comment was concerned about damage to other components in the fuel system due to exposure to alcohol. The Coast Guard has evaluated this problem and decided that it is not as significant a hazard as damage to fuel hose caused by alcohol permeation and does not require further regulation at this time. The Coast Guard will continue to monitor the use of alcohol in fuels and will initiate further rulemaking if necessary.

One comment urged consideration of a Federal fuel pump labeling law making it mandatory to display the amount and type of alcohol present in gasoline sold at retail. The labeling of fuel pumps is not within the jurisdiction of the Coast Guard. Other Federal agencies are considering this issue.

One comment stated that under the proposed wording in paragraph 183.558(b)(2), Class 2 fuel hose with 300 grams of fuel loss per square meter could be used as fuel distribution lines, and that this obviously was not the Coast Guard's intent. This comment is accepted. The Coast Guard has changed Section 183.558 by separating the requirements for fuel distribution lines from the requirements for fill and vent lines.

One comment asked whether prices for the new hose will be controlled, considering the demand that may be expected. The Coast Guard has no authority to control prices for vessel components. In addition, there should not be any shortages or unreasonable prices after the effective date of the regulations, because most fuel hose suppliers are now producing the new hose.

Regulatory Evaluation

These regulations are considered to be non-major under Executive Order No. 12291 and non-significant under the DOT Regulatory Policies and Procedures (44 FR 11034; Feb. 26, 1979). The economic impact of this proposal has been found to be minimal. It is estimated that the proposal to change the incoporation by reference in the Fuel Systems Standard from SAE Standard J30C to SAE Standard J1527DEC85 and the definitions for "USCG Type A" and "USGC Type B" fuel hose will result in an increased cost for fuel hose of approximately $.20 per foot. It is further estimated that 100,000 new boats will be affected annually by these amendments and that the average boat contains about 10 feet of fuel hose. Therefore, this rule will result in a total annual cost to the industry of $200,000 or approximately $2.00 per boat.

Since the impact of this final rule is expected to be minimal, the agency certifies that this rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 183

Marine safety, incorporation by reference.

In consideration of the foregoing, Part 183 of Title 33, Code of Federal Regulations is amended as follows:

PART 183—BOATS AND ASSOCIATED EQUIPMENT

1. The authority citation for part 183 continues to read as follows:

Authority: 46 U.S.C. 4302; 49 CFR 1.46.

2. Section 183.1 is revised to read as follows:

§ 183.1 Purpose and applicability.

This part prescribes standards and regulations for boats and associated equipment to which 46 U.S.C. Chapter 43 applies and to which certification requirements in Part 181 of this subchapter apply.

3. Part 183 is amended by adding a new § 183.5 to read as follows:

§ 183.5 Incorporation by reference.

(a) Certain materials are incorporated by reference into this part with the approval of the Director of the Federal Register. The Office of the Federal Register publishes a table, "Material Incorporated by Reference", which appears in the Finding Aids section of this volume. To enforce any edition other than the one listed in paragraph (b) of this section, notice of change must be published in the **Federal Register** and the material made available. All approved material is on file at the Office of the Federal Register, Washington, DC 20408, and at the United States Coast Guard Boating Safety Division, Washington, DC 20593-0001.

(b) The materials approved for incorporation by reference in this part are:

Air Movement and Control Association, 30 W. University Drive, Arlington Heights, IL 60004. AMCA 210-74: Laboratory Methods of Testing Fans for Ratings—1974

American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103. ASTM D-471: Rubber Property—Effect of Liquids—1979
- ASTM D-1621: Compressive Properties of Rigid Cellular Plastics—1975
- ASTM D-1622: Apparent Density of Rigid Cellular Plastics—1975
- ASTM D-2842: Water Absorption of Rigid Cellular Plastics—1975

Institute of Electrical and Electronics Engineers, Inc., 445 Hoes Lane, Piscataway, NJ 08854. IEEE 45-1977: Cable Construction—1977

National Fire Protection Association, Batterymarch Park, Quincy, MA 02269. NFPA No. 70: National Electric Code—Articles 310 & 400—1981

Naval Publications Forms Center, Customer Service—Code 1052, 5801 Tabor Avenue, Philadelphia, PA 19120. MILSPEC-P-21929B: Plastic Material, Cellular Polyurethane, Foam-In-Place, Rigid—1970

Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096.
- SAE J378: Marine Engine Wiring—1978
- SAE J557: High Tension Ignition Cable—1968
- SAE J1127: Battery Cable—1980
- SAE J1128: Low Tension Primary Cable—1975
- SAE J1527DEC85: Marine Fuel Hoses—1985

Underwriters' Laboratories, Inc., 333 Pfingsten Road, Northbrook, IL 60062
- UL 83: Standard for Thermoplastic Insulated Wires—1980
- UL 1114: Standard for Marine Use: Flexible Fuel Line Hose—1979
- UL 1128: Marine Blowers—1977

§ 183.110 [Amended]

4. Section 183.110 is amended by removing the definition for "ASTM."

§ 183.402 [Amended]

5. Section 183.402 is amended by removing paragraphs (a), (d), (e), (g) and (i) and redesignating paragraphs (b), (c), (f) and (h) as paragraphs (a), (b), (c) and (d) respectively.

§ 183.505 [Amended]

6. Section 183.505 is amended by removing the definitions for "ASTM," "Military Specification," "SAE," "UL," "USCG Type A Hose" and "USCG Type B Hose."

7. In § 183.528, paragraph (b) is revised to read as follows:

§ 183.528 Fuel stop valves.

* * * * *

(b) If tested in accordance with the fire test under § 183.590, a fuel stop valve installed in a fuel line system requiring metallic fuel lines or "USCG Type A1" hose must not leak fuel.

8. In § 183.532, paragraph (b) is revised to read as follows:

§ 183.532 Clips, straps and hose clamps.

* * * * *

(b) If tested in accordance with the fire test under § 183.590, a hose clamp installed on a fuel line system requiring metallic fuel lines or "USCG Type A1" hose must not separate under a one pound tensile force.

9. Section 183.540 is revised to read as follows:

§ 183.540 Hoses: Standards and markings.

(a) "USCG Type A1" hose means hose that meets the performance requirements of:

(1) SAE Standard J1527DEC85, Class 1 and the fire test in § 183.590; or

(2) Underwriters' Laboratories, Inc. (UL) Standard 1114.

(b) "USCG Type A2" hose means hose that meets the performance requirements of SAE Standard J1527DEC85, Class 2 and the fire test in § 183.590;

(c) "USCG Type B1" hose means hose that meets the performance requirements of SAE Standard J1527DEC85, Class 1.

(d) "USCG Type B2" hose means hose that meets the performance requirements of SAE Standard J1527DEC85, Class 2.

Note.— SAE Class 1 hose has a permeation rating of 100 grams or less fuel loss per square meter of interior surface in 24 hours.

SAE Class 2 hose has a permeation rating of 300 grams or less fuel loss per square meter of interior surface in 24 hours.

(e) Each "USCG Type A1," "USCG Type A2," "USCG Type B1," and "USCG Type B2" hose must be identified by the manufacturer by a marking on the hose.

(f) Each marking must contain the following information in English:

(1) The statement "USCG TYPE (insert A1 or A2 or B1 or B2)."

(2) The year in which the hose was manufactured.

(3) The manufacturer's name or registered trademark.

(g) Each character must be block capital letters and numerals that are at least one eighth-inch high.

(h) Each marking must be permanent, legible, and on the outside of the hose at intervals of 12 inches or less.

10. In § 183.558, paragraphs (a) and (b) are revised to read as follows:

§ 183.558 Hoses and connections.

(a) Each hose used between the fuel pump and the carburetor must be "USCG Type A1" hose.

(b) Each hose used—

(1) For a vent line or fill line must be:

(i) "USCG Type A1" or "USCG Type A2"; or

(ii) "USCG Type B1" or "USCG Type B2" if no more than five ounces of fuel is discharged in 2½ minutes when:

(A) The hose is severed at the point where maximum drainage of fuel would occur,

(B) The boat is in its static floating position, and

(C) The fuel system is filled to the capacity market on the tank label under § 183.514(b)(3).

(2) From the fuel tank to the fuel inlet connection on the engine must be:

(i) "USCG Type A1"; or

(ii) "USCG Type B1" if no more than five ounces of fuel is discharged in 2½ minutes when:

(A) The hose is severed at the point where maximum drainage of fuel would occur,

(B) The boat is in its static floating position, and

(C) The fuel system is filled to the capacity marked on the tank label under § 183.514(b)(3).

* * * * *

11. In § 183.568, the introductory text in paragraph (c) is revised to read as follows:

§ 183.568 Anti-siphon protection.

* * * * *

(c) Provided that the fuel tank top is below the level of the carburetor inlet, be metallic fuel lines meeting the construction requirements of § 183.538 or "USCG Type A1" hose, with one or two manual shutoff valves installed as follows:

* * * * *

12. In § 183.590, paragraph (a)(1) is revised to read as follows:

§ 183.590 Fire test.

(a) * * *

(1) Fuel stop valves, "USCG Type A1" or USCG Type A2" hoses and hose clamps are tested in a fire chamber.

* * * * *

§ 183.605 [Amended]

13. Section 183.605 is amended by removing the definitions for "AMCA," "ASTM" and "UL."

§ 183.607 [Removed]

14. Section 183.607 is removed.

Dated: April 15, 1987.

T.J. Matteson,

Rear Admiral, U.S. Coast Guard, Chief, Office of Boating, Public and Consumer Affairs.

[FR Doc. 87-11843 Filed 5-26-87; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6753]

Suspension of Community Eligibility, Connecticut et al.

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If FEMA receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

EFFECTIVE DATES: The third date ("Susp.") listed in the third column.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 646-2717, Federal Center Plaza, 500 C Street, Southwest, Room 416, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022), prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) unless an appropriate public body shall have adopted adequate floodplain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**. In the interim, if you wish to determine if a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. No direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas. (Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Administrator finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified. Each community receives a 6-month, 90-day and 30-day, notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. For the same reasons, this final rule may take effect within less than 30 days.

Pursuant to the provision of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, FEMA, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in Section 2 of the Flood Disaster Protection Act of 1973, the establishment of local floodplain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate floodplain management, thus placing itself in noncompliance of the Federal standards required for community participation. In each entry, a complete chronology of effective dates appears for each listed community.

List of Subjects in 44 CFR Part 64

Flood insurance—floodplains.

The authority citation for Part 64 continues to read as follows:

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

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in special flood hazard areas
Region I				
Connecticut:				
New Milford, town of, Litchfield County	090049	Apr. 10, 1974, Apr. 15, 1980, June 4, 1987, Emerg.; Reg.; Susp	June 4, 1987	June 4, 1987.
West Hartford, town of, Hartford County	095082	June 19, 1970, Sept. 24, 1971, June 4, 1987, Emerg.; Reg., Susp	June 4, 1987	Do.
Maine: Gouldsboro, town of, Hancock County	230283	July 20, 1976, June 4, 1987, June 4, 1987, Emerg.; Reg.; Susp	June 4, 1987	Do.
Massachusetts:				
Canton, town of, Norfolk County	250235	Nov. 26, 1973, Apr. 3, 1987, June 4, 1987, Emerg.; Reg.; Susp	June 4, 1987	Do.
Dover, town of, Norfolk County	250238	Nov. 12, 1975, June 18, 1980, June 4, 1987, Emerg.; Reg.; Susp	June 4, 1987	Do.
Randolph, town of, Norfolk County	250251	Oct. 15, 1971, May 1, 1978, June 4, 1987, Emerg.; Reg.; Susp	June 4, 1987	Do.
New Hampshire: Warner, town of, Merrimack County	330123	Aug. 11, 1975, June 4, 1987, June 4, 1987, Emerg.; Reg.; Susp	June 4, 1987	Do.
Region II				
New York: Webster, town of, Monroe County	360436	Mar 9, 1973, Oct 16 1979, June 4, 1987, Emerg., Reg., Susp	June 4, 1987	Do.
Region IV				
Florida:				
Hamilton County, unincorporated areas	120101	Feb. 12, 1975, June 4, 1987, June 4,1987, Emerg.; Reg.; Susp	June 4, 1987	Do.
Madison County, unincorporated areas	120149	May 26, 1975, May 28, 1975, June 4, 1987, Emerg.; Reg.; Susp	June 4, 1987	Do.
White Springs, town of, Hamilton County	120102	Nov. 5, 1975, June 4, 1987, June 4, 1987, Emerg.; Reg.; Susp	June 4, 1987	Do.
Georgia: Jefferson, city of, Jackson County	130112	Mar. 11, 1976, June 4, 1987, June 4, 1987, Emerg.; Reg.; Susp	June 4, 1987	Do.
North Carolina:				
Wilkes County [1]	370256	May 28, 1976, June 4, 1987, Emerg.; Susp	Aug. 25, 1978	Aug. 25, 1979.
Seven Springs, town of, Wayne County	370392	Apr. 23, 1979, Feb. 17, 1975, June 4, 1987, Emerg.; Reg.; Susp	June 4, 1987	June 4, 1987.
Region VIII				
Colorado: Basalt, town of, Eagle and Pitkin Counties	080052	May 1, 1975, June 4, 1987, June 4, 1987, Emerg.; Reg.; Susp	June 4, 1987	Do.
Pitkin County, unincorporated areas	080287	Aug. 7, 1975, Emerg.; June 4, 1987, Reg.; June 4, 1987, Susp	June 4, 1987	Do.
Snowmass Village, town of, Pitkin County	080312	Jan. 29, 1987, Emerg.; June 4, 1987, Reg.; June 4, 1987, Susp	June 4, 1987	
North Dakota:				
Center, township of, Richland County	380648	Nov. 14, 1980, Emerg.; June 4, 1987, Reg.; June 4, 1987, Susp	June 4, 1987	June 4, 1987.
Wahpeton, city of, Richland County	380100	May 19, 1975, Emerg.; June 4, 1987, Reg.; June 4, 1987, Susp	June 4, 1987	Do.
Barnes County, unincorporated areas	380399	Apr. 18, 1978, Emerg.; June 4, 1987, Reg.; June 4, 1987, Susp	June 4, 1987	Do.
Region IX				
California:				
Fontana, city of, San Bernardino County	060274	Mar. 19, 1971, Emerg.; June 4, 1987, Reg.; June 4, 1987, Susp	June 4, 1987	Do.
Madera, city of Madera County	060172	Apr. 9, 1975, Emerg.; June 4, 1987, Reg.; June 4, 1987, Susp	June 4, 1987	Do.
Region I—Minimal Conversions				
Maine:				
Arundel, town of, York County	230192B	Apr. 21, 1976, Emerg.; Apr. 1, 1987, Reg.; June 1, 1987, Susp	Apr. 1, 1987	Apr. 1, 1987.
Temple, town of, Franklin County	230062B	Aug. 5, 1975, Emerg.; Apr., 1, 1987, Reg.; June 1, 1987, Susp	Apr. 1, 1987	Do.
Upton, town of, Oxford County	230342B	Aug. 6, 1975, Emerg.; Apr. 1, 1987, Reg.; June 1, 1987, Susp	Apr. 1, 1987	Do.
Woodstock, town of, Oxford County	230344A	Aug. 5, 1975, Emerg.; Apr. 1, 1987, Reg.; June 1, 1987, Susp	Apr. 1, 1987	Do.
Region II—Minimal Conversions				
New York:				
Edmeston, town of, Otsego County	361270	Sept. 30, 1975, Emerg.; June 1, 1987, Reg.; June 1, 1987, Susp	June 1, 1987	June 1, 1987.
Otsego, town of, Otsego County	361276	Jan. 21, 1976, Emerg.; June 1, 1987, Reg.; June 1, 1987, Susp	June 1, 1987	Do.
Springfield, town of, Otsego County	361280	May 5, 1976, Emerg.; June 1, 1987, Reg.; June 1, 1987, Susp	June 1, 1987	Do.
Region III				
Pennsylvania:				
Anthony, township of, Montour County	421232	Dec. 6, 1973, Emerg.; June 1, 1987, Reg.; June 1, 1987, Susp	June 1, 1987	Do.
Bingham, township of, Potter County	421973	Apr. 25, 1979, Emerg.; June 1, 1987, Reg.; June 1, 1987, Susp	June 1, 1987	Do.
Clara, township of, Potter County	421974	Feb. 2, 1980, Emerg.; June 1, 1987, Reg.; June 1, 1987, Susp	June 1, 1987	Do.
Cogan House, township of, Lycoming County	421838	Feb. 5, 1981, Emerg.; June 1, 1987, Reg.; June 1, 1987, Susp	June 1, 1987	Do.
Decatur, township of, Mifflin County	421880	Dec. 2, 1985, Emerg.; June 1, 1987, Reg.; June 1, 1987, Susp	June 1, 1987	Do.
East Fork, district of, Eulalia, Potter County	421975	Feb. 19, 1980, Emerg.; June 1, 1987, Reg.; June 1, 1987, Susp	June 1, 1987	Do.
Genesee, township of, Potter County	421977	Nov. 28, 1975, Emerg.; June 1, 1987, Reg.; June 1, 1987, Susp	June 1, 1987	Do.
Limestone, township of, Lycoming County	422588	June 5, 1980, Emerg.; June 1, 1987, Reg.; June 1, 1987, Susp	June 1, 1987	Do.
Limestone, township of, Montour County	421922	Feb. 5, 1975, Emerg.; June 1, 1987, Reg.; June 1, 1987, Susp	June 1, 1987	Do.
Limestone, township of, Warren County	422547	Feb. 28, 1977, Emerg.; June 1, 1987, Reg.; June 1, 1987, Susp	June 1, 1987	Do.
McVeytown, borough of, Mifflin County	420688	May 20, 1975, Emerg.; June 1, 1987, Reg.; June 1, 1987, Susp	June 1, 1987	Do.
Menno, township of, Mifflin County	421881	Mar. 8, 1985, Emerg.; June 1, 1987, Reg.; June 1, 1987, Susp	June 1, 1987	Do.
Oswayo, borough of, Potter County	420763	Apr. 29, 1975, Emerg.; June 1, 1987, Reg.; June 1, 1987, Susp	June 1, 1987	Do.
Overfield, towhship of Wyoming County	422568	Feb. 13, 1980, Emerg.; June 1, 1987, Reg.; June 1, 1987, Susp	June 1, 1987	Do.
Ulysses, township of, Potter County	421991	Jan. 13, 1975, Emerg.; June 1, 1987, Reg.; June 1, 1987, Susp	June 1, 1987	Do.
Union, township of, Mifflin County	421883	Aug. 7, 1975, Emerg.; June 1, 1987, Reg.; June 1, 1987, Susp	June 1, 1987	Do.

State and location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in special flood hazard areas
		Region IV		
Alabama: Detroit town of, Lamar County	010157	Aug. 30, 1974, Emerg.; June 1, 1987, Reg.; June 1, 1987, Susp	June 1, 1987	Do.
Florida: Westville, town of, Holmes County	120118	Nov. 14, 1975, Emerg.; June 1, 1987, Reg.; June 1, 1987, Susp	June 1, 1987	Do.
North Carolina:				
Fair Bluff, town of, unincorporated areas	370067	Apr. 29, 1975, Emerg.; June 1, 1987, Reg.; June 1, 1987, Susp	June 1, 1987	Do.
McAdenville, town of, Gaston County	370101	Sept. 7, 1979, Emerg.; June 1, 1987, Reg.; June 1, 1987, Susp	June 1, 1987	Do.
Murfreesboro, town of, Hertford County	370419	Mar. 12, 1980, Emerg.; June 1, 1987, Reg.; June 1, 1987, Susp	June 1, 1987	Do.
Rutherford County, unincorporated areas	370217	Feb. 3, 1976, Emerg.; June 1, 1987, Reg.; June 1, 1987, Susp	June 1, 1987	Do.
Wilkesboro, town of, Wilkes County	370259	Apr. 15, 1974, Emerg.; June 1, 1987, Reg.; June 1, 1987, Susp	June 1, 1987	Do.
		Region V		
Indiana:				
Veedersburg, town of, Fountain County	180067	June 30, 1975, Emerg.; June 1, 1987, Reg.; June 1, 1987, Susp	June 1, 1987	Do.
Winslow, town of Pike County	180200	Aug. 20, 1976, Emerg.; June 1, 1987, Reg.; June 1, 1987, Susp	June 1, 1987	Do.
Michigan: Worth, township of, Sanilac County	260296	June 7, 1974, Emerg.; June 1, 1987, Reg.; June 1, 1987, Susp	June 1, 1987	Do.
Wisconsin:				
Hillsboro, city of, Vernon County	550455	July 23, 1974, Emerg.; June 1, 1987, Reg.; June 1, 1987, Susp	June 1, 1987	Do.
Somerset, village of, St. Croix County	550386	Apr. 16, 1975, Emerg.; June 1, 1987, Reg.; June 1, 1987, Susp	June 1, 1987	Do.
Taylor, village of, Jackson County	550190	Mar. 26, 1976, Emerg.; June 1, 1987, Reg.; June 1, 1987, Susp	June 1, 1987	Do.
		Region VII		
Iowa:				
Alburnett, city of, Linn County	190692	Mar. 2, 1976, Emerg.; June 1, 1987, Reg.; June 1, 1987, Susp	June 1, 1987	Do.
Colfax, city of, Jasper County	190163	July 11, 1975, Emerg.; June 1, 1987, Reg.; June 1, 1987, Susp	June 1, 1987	Do.
Guthrie Center, city of, Guthrie County	190135	July 8, 1975, Emerg.; June 1, 1987, Reg.; June 1, 1987, Susp	June 1, 1987	Do.
Kellogg, city of, Jasper County	190164	June 3, 1977, Emerg.; June 1, 1987, Reg.; June 1, 1987, Susp	June 1, 1987	Do.
Union, city of, Hardin County	190142	Dec. 15, 1975, Emerg.; June 1, 1987, Reg.; June 1, 1987, Susp	June 1, 1987	Do.
Kansas: Tescott, village of, Ottowa County	200258	Apr. 22, 1975, Emerg.; June 1, 1987, Reg.; June 1, 1987, Susp	June 1, 1987	Do.
Nebraska: Steele City, village of, Jefferson County	310121	June 4, 1975, Emerg.; June 1, 1987, Reg.; June 1, 1987, Susp	June 1, 1987	Do.
		Region VIII		
Montana: Whitehall, town of, Jefferson County	300120	May 7, 1975, Emerg.; June 4, 1987, Reg.; June 4, 1987, Susp	June 4, 1987	June 4, 1987.

[1] Emergency Program Suspension.
Code for reading fourth column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Harold T. Duryee,
Administrator, Federal Insurance Administration.

[FR Doc. 87–11958 Filed 5–26–87; 8:45 am]
BILLING CODE 6718–03–M

FOREIGN CLAIMS SETTLEMENT COMMISSION

45 CFR Part 501

Revision of Agency Regulations; Correction

AGENCY: Foreign Claims Settlement Commission of the United States.

ACTION: Revision of regulations; correction.

SUMMARY: This document corrects a paragraph in the revision of the regulations of the Foreign Claims Settlement Commission of the United States which was published on pages 17556 through 17574 of the **Federal Register** on May 11, 1987. The correction is needed to delete eight lines of text which were erroneously repeated. The paragraph in question appears as paragraph (a)(3) in § 501.5, entitled "Depositions" and printed at page 17560 (52 FR 17560).

FOR FURTHER INFORMATION CONTACT: David E. Bradley (202) 653–5883.

Accordingly, the Foreign Claims Settlement Commission of the United States is correcting 45 CFR 501.5(a)(3) to read as follows:

§ 501.5 Depositions.

* * * * *

(a) * * *

(3) The Commission or its representative shall, upon receipt of the application and a showing of good cause, make and cause to be served upon the parties an order which will specify the name of the witness whose deposition is to be taken, the time, the place, and where practicable the designation of the officer before whom the witness is to testify. Such officer may or may not be the one specified in the application. The order shall be served upon all parties at least 10 days prior to the date of the taking of the deposition.

* * * * *

Judith H. Lock,
Administrative Officer.

[FR Doc. 87–12001 Filed 5–26–87; 8:45 am]
BILLING CODE 4410–01–M

Proposed Rules

Federal Register
Vol. 52, No. 101
Wednesday, May 27, 1987

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

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Part 1951

Servicing of Community Program Loans To Charge a Transfer Fee

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration (FmHA) proposes to amend the Agency's policies and procedures governing the establishment of a nonrefundable transfer fee for Community Program Loans, with payment at time of application submittal.

The proposed rule is necessary to comply with Public Law (Pub. L.) 97–258, and OMB Circulars A–25 and A–129, which require a fee to be charged when specialized benefits accrue to an individual rather than the general public. No procedures are currently in effect with respect to charging loan transfer fees for Community Program Loans. The Agency's proposal to assess transfer fees would help to offset administrative and contractual costs related to transfer of a Community Program loan.

DATE: Comments must be received on or before July 27, 1987.

ADDRESS: Submit written comments, in duplicate, to the Office of the Chief, Directives and Forms Managment Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6348, South Agriculture Building, Washington, DC 20250. All written comments made pursuant to this notice will be available for public inspection during regular work hours at the above address.

FOR FURTHER INFORMATION CONTACT: Carolyn C. Palmer, Loan Officer, Community Facilities Division, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, South Agriculture Building, Washington, DC 20250; telephone (202) 382–1503.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Departmental Regulation 1512–I which implements Executive Order 12291, and has been determined to be nonmajor since the annual effect on the economy is less than $100 million and there will be no increase in costs or prices for consumers, individual industries, organizations, governmental agencies or geogrpahic regions. There will be no significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

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

The Administrator, Farmers Home Administration, has determined that this action will not have a significant economic impact on a substantial number of small entities, because the action, while increasing costs to ineligible transferees in Community Programs, will not affect a significant number of small entities as defined by the Regulatory Flexibility Act (5 U.S.C. 601).

This change affects the following FmHA programs as listed in the Catalog of Federal Domestic Assistance:

Sec.
10.414 Resource, Conservation, and Development Loans.
10.418 Water and Waste Disposal Systems for Rural Communities.
10.419 Watershed and Flood Prevention Loans.
10.422 Business and Industry Loans.
10.423 Community Facilities Loans.

and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. (7 CFR 3015, Subpart V, 48 FR 29112, June 24, 1983; 49 FR 22675, May 31, 1984; 50 FR 14088, April 10, 1985.)

Discussion

(1) Transfer Fee

FmHA is authorized to make direct loans for the purpose of financing water and waste disposal and other essential community facilities providing essential service primarily to rural residents. It is the policy of FmHA to approve transferees who will continue the original purpose of the loan. If an eligible transferee is not available, an ineligible transferee will be considered as a method for servicing problem cases. Legislation authorizing FmHA loan programs gives the Secretary of Agriculture authority to impose transfer fees (user fees). Public Law 97–258 requires that transfer fees be charged for all loan programs for specialized services. In addition, the Office of Management and Budget (OMB) Circulars A–129 and A–25 require that a fee be assessed where specialized benefits accrue to an individual rather than the general public.

Under this proposed rule, a transfer fee for the processing of a transfer and assumption would be imposed upon each ineligible transferee. The proposed rule establishes a nonrefundable fee based on the Agency's staffing and other administrative cost related to processing a transfer and assumption to an ineligible transferee. The fee is established at $650 plus the cost of an appraisal, if this service must be contracted out. The fee is to be reviewed annually and adjusted accordingly. This fee is paid by the proposed ineligible transferee when the transfer proposal is submitted.

(2) Transfer Fee Justification

The transfer fee is intended to pay for those services provided by FmHA when processing a transfer and assumption to an ineligible transferee in Community Programs. In some cases, the State Director may elect to use persons from outside the Agency on a service contract basis. Whether the State Director uses personnel from the Agency or outside contractors to carry out the processing (or a portion of the processing, i.e., appraisals) of the transfer, the fee will

be paid at the time of submittal of the proposal and cannot be refunded. The additional fee for the appraisal will be collected as soon as a price is obtained.

Actual cost data for service contracts, i.e., appraisals, environmental assessments, etc., will be collected on all loans and an analysis will be made each year. Deviations of 10 percent between actual charges for contracting and our cost projections will result in a fee review and adjustments to the fee if FmHA determines it appropriate. The fee will be determined by the National Office and issued annually. Information regarding the fee can be obtained in any FmHA County, District or State Office.

Based on estimated hours to complete the processing of a transfer and assumption to an ineligible transferee, salaries, and other administrative expenses the current fee has been established as $650 plus the cost of an appraisal if this service is contracted. Estimated hours were taken from the FmHA Resource Management System. These estimates are current levels which are reviewed annually and modified as needed.

List of Subjects in 7 CFR Part 1951

Account servicing, Grant program—Housing and community development, Loan programs—Housing and community development, Reporting requirements, Rural areas.

Accordingly, FmHA proposes to amend Chapter XVIII, Title 7, Code of Federal Regulations as follows:

PART 1951—SERVICING AND COLLECTIONS

1. The authority citation for Part 1951 continues to read as follows:

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

Subpart E—Servicing of Community Program Loans and Grants

2. Section 1951.203 is amended by adding paragraph (f) to read as follows:

§ 1951.203 Definitions.

* * * * *

(f) *Transfer fee.* A one-time nonrefundable application fee, charged to ineligible applicants for FmHA services rendered in the processing of a transfer and assumption.

3. Section 1951.210 is amended by redesignating paragraphs (c)(1), (c)(2), (c)(3) and (c)(4) as paragraphs (c)(2), (c)(3), (c)(4) and (c)(5), respectively; by redesignating paragraphs (d) introductory text and paragraphs (1)–(4), (d)(5) (d)(6), (e) and (f) as paragraphs (e) introductory text and paragraphs (1)–(4), (e)(6), (e)(7), (f) and (g), respectively; and by adding new paragraphs (c)(1), (d) and (e)(5) to read as follows:

§ 1951.210 Transfer of security and assumption of loans.

* * * * *

(c) * * *

(1) All transfers to ineligible applicants will include a one-time nonrefundable transfer fee. Transfer fees will be collected and payments applied in accordance with paragraph (d) of this section. * * *

(d) *Transfer fees.* Transfer fees for Community Program borrowers are a one-time nonrefundable cost to be collected at the time of application or proposal. (Revised)

(1) *Amount.* Community Program transfer fees will be a standard fee plus the cost of the appraisal if completed by other than FmHA personal. This fee will be established by the National Office and issued annually. Contact costs will be processed in accordance with FmHA Instruction 2024–P, Cost Payments.

(2) *Remittance.* This fee will be deposited into the Concentration Banking System. In those locations not participating in the Concentration Banking System, the fee will be submitted directly to the Finance Office. In either case, this fee will be identified as a tranfer fee using Form FmHA 451–2, Schedule of Remittance. This fee will be credited to the Rural Development Insurance Fund and should be included on the Daily Activity Report.

(3) *Waiver.* When the State Director determines waiving the transfer fee is in the best interest of the Government, the file will be submitted to the National Office with appropriate recommendations for the request.

(e) * * *

(5) The transfer fee is to be waived for a prospective transferee.

* * * * *

4. § 1951.210 newly redesignated paragraph (f)(13) is amended in the last sentence by changing the reference from "§ 1951.210 (d)(6)" to "1951.210(e)(7)."

§ 1951.211 [Amended]

5. Section 1951.211(c) introductory text is amended by changing the reference from "§ 1951.210(e)(1) through (14)" to "1951.210(f)(1) through (14)."

Dated: April 23, 1987.

Vance L. Clark,

Administrator, Farmers Home Administration.

[FR Doc. 87–12018 Filed 5–26–87; 8:45 am]

BILLING CODE 3410–07–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 1

[INS Number: 87–1017]

Definitions, Applications, Petitions, Motions and Appeals for Benefits Under the Immigration and Nationality Act

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Proposed rule.

SUMMARY: The Immigration and Naturalization Service ("the Service") entertains numerous applications, petitions, motions and appeals from individuals seeking benefits under the Immigration and Nationality Act ("the Act"), many of which require that the moving party take action within a certain number of days of a particular event. For example, an appeal from an adverse decision of this Service must be filed within fifteen days of the decision. Current regulations provide that when the final day of a period in which an action must be taken falls on a Sunday or legal holiday, the period shall run until the end of the next day which is not a Sunday or legal holiday. However, the current regulations do not make similar provisions for situations in which the final day falls on a Saturday, even though Service offices are generally not open for business on Saturdays and a moving party would not normally be able to take the required action on that day. The proposed rulemaking would extend the period for taking action until the end of the next business day when the final day falls on a Saturday.

DATE: Written comments must be submitted on or before June 26, 1987.

ADDRESS: Please submit comments in duplicate to the Director, Office of Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street, NW., Room 2011, Washington, DC 20536.

FOR FURTHER INFORMATION CONTACT: Michael L. Shaul, Senior Immigration Examiner, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, Telephone: (202) 633–3946.

SUPPLEMENTARY INFORMATION: In administering the Immigration and Nationality Act ("the Act"), the Immigration and Naturalization Service ("the Service") may, in certain situations, place time restrictions on

individuals and organizations seeking to obtain benefits under the Act. These situations include (but are not limited to) the filing of an appeal from an adverse decision of the Service, the submission of a brief in a case involving an unusually complex or novel question of law or fact which is being certified to an appellate authority, and the filing of a petition for immigrant visa preference classification based upon a labor certification obtained in accordance with section 212(a)(14) of the Act. The period in which an action must be taken is normally expressed as a certain number of days.

The regulations at 8 CFR 1.1(h) currently state that when the final days of a period in which an action must be taken falls on a Sunday or legal holiday the moving party has until the end of the next day which is not a Sunday or legal holiday in which to take the required action. However, the regulation does not make similar provisions for situations in which the final day of a period falls on a Saturday.

The Board of Immigration Appeals has held that in cases being appealed to that body, an appellant shall be allowed to file his or her appeal on the next day which is not a Saturday, Sunday or legal holiday whenever the final day of the appeal period falls on a Saturday (*Matter of Escobar*, 18 I. & N. Dec. 412), since it found "no legitimate distinction between Saturdays, Sundays and legal holidays with regard to an alien's ability to perfect his appeal." In the interest of fairness to the public and uniformity in filing procedures, the Service proposes to revise the regulation to provide that if the last day of a filing period is a Saturday, Sunday or legal holiday, the period shall run until the next day which is not a Saturday, Sunday or legal holiday.

For purposes of clarity, the proposed rulemaking also specifies that this exclusion does not apply when the Service requires action by a specified date, such as requiring that an alien depart from the United States. This does not represent a change in existing practice.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that this rule would not, if promulgated, have a significant adverse economic impact on a substantial number of small entities. This rule is not a major rule within the meaning of section 1(b) of E.O. 12291.

List of Subjects in 8 CFR Part 1

Administrative practice and procedure, Immigration.

PART 1—[AMENDED]

Accordingly, Chapter I of Title 8 Code of Federal Regulations is amended as follows:

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

Authority: Sec. 103, 66 Stat. 173; 8 U.S.C. 1103; 28 U.S.C. 509, 510; 5 U.S.C. 301.

2. In § 1.1 paragraph (h) is revised to read as follows:

§ 1.1 Definitions.

* * * * *

(h) The term "day" when computing the period of time for taking any action provided in this chapter including the taking of an appeal, shall include Saturdays, Sundays and legal holidays, except that when the last day of the period so computed falls on a Saturday, Sunday or a legal holiday, the period shall run until the end of the next day which is not a Saturday, a Sunday or a legal holiday. However, when the Service requires action on or before a specific date, as opposed to within a certain number of days, the fact that such specified date falls on a Saturday, Sunday or legal holiday shall have no effect.

* * * * *

Dated: May 15, 1987.

Richard E. Norton,

Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 87-12040 Filed 5-26-87; 8:45 am]

BILLING CODE 4410-10-M

TENNESSEE VALLEY AUTHORITY

18 CFR Part 1310

Administrative Cost Recovery

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Proposed rule.

SUMMARY: TVA proposes to amend its administrative cost recovery regulations by adding a provision for the collection of a $2 fee to accompany applications for quota deer hunt permits at TVA's Land Between The Lakes (LBL) in western Kentucky and Tennessee. The amendment is proposed under authority of the Tennessee Valley Authority Act of 1933, as amended, and Title V of the Independent Offices Appropriations Act of 1952 which authorize TVA to prescribe for certain services or things of value provided by TVA such charge as it determines to be fair and equitable.

DATE: Comments must be received by June 26, 1987.

ADDRESS: Comments should be sent to Tennessee Valley Authority, Office of the General Counsel, 400 West Summit Hill Drive, Knoxville, Tennessee 37902. All comments will be available for public examination during regular business hours at the following locations:

1. Knoxville-TVA Technical Library, Room E2 A1, 400 West Summit Hill Drive, Knoxville, Tn. 37902

2. Chattanooga-TVA Technical Library, Room 100, 401 Chestnut Street, Chattanooga, Tn. 37401

3. Muscle Shoals-TVA Technical Library, A100 NFDC Building, Muscle Shoals, Al. 35660

4. Golden Pond-Land Between The Lakes, Administrative Office, Golden Pond, Ky. 42231

FOR FURTHER INFORMATION CONTACT: Elizabeth E. Thach, Director of Land Between The Lakes, Golden Pond, Kentucky 42231, (502) 924-5602.

SUPPLEMENTARY INFORMATION: Hunters at LBL must hold a State hunting permit for the State in which they are hunting (Kentucky or Tennessee), and a hunter use permit from TVA for which TVA charges a fee. Due to the quality of the hunting experience offered, LBL is a very popular deer hunting site. Because of the large number of people desiring to hunt deer at LBL, TVA must limit participation in the deer hunts by random selection of applicants for special quota deer hunt permits as part of an intensive managed hunting program. In order to participate in quota deer hunts, hunters must complete an application form which must be received by TVA by established deadlines. A drawing is conducted by computer and a quota hunt permit or rejection notice is mailed to the applicant.

The $2 application fee for LBL quota deer hunt permits will recover administrative costs associated with processing the forms, conducting the drawing, and notifying applicants of rejection or selection. Applications received after the deadline would not be processed and fees would be returned to the applicants. TVA has determined that this proposed rule will not be a "major" rule under Executive Order No. 12291 and will not have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act.

TVA has determined in accordance with section 5.2.27 of TVA's procedures implementing the National Environmental Policy Act (48 FR 19264) that the proposed rule is of a type that does not have a significant impact on the human environment. Accordingly, neither an environmental assessment

nor an environmental impact statement is required.

List of Subjects in 18 CFR Part 1310

Government property, Hunting, Land, Land sales.

For the reasons set forth in the preamble, TVA proposes to amend Title 18, Chapter XIII of the Code of Federal Regulations as follows:

PART 1310—ADMINISTRATIVE COST RECOVERY

1. The authority citation for Part 1310 is revised to read as follows:

Authority: 16 U.S.C. 831–831dd; 31 U.S.C. 9701.

§ 1310.2 [Amended]

2. Section 1310.2 is amended by adding paragraph (c) to read as follows:

* * * * *

(c) *Quota deer hunt applications.* Quota deer hunt permit applications will be processed by TVA only if accompanied by the fee prescribed in paragraph (d) of § 1310.3 of this part.

§ 1310.3 [Amended]

3. In § 1310.3, paragraph (d) is redesignated as paragraph (e) and a new paragraph (d) is added to read as follows:

* * * * *

(d) *Quota deer hunt application fees.* A fee of $2 for each person must accompany the completed application form for a quota deer hunt permit. Applications will not be processed unless accompanied by the correct fee amount. No refunds will be made to unsuccessful applicants, except that fees received after the application due date will be refunded.

* * * * *

W. F. Willis,

General Manager.

[FR Doc. 87–11943 Filed 5–26–87; 8:45 am]

BILLING CODE 8120–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 880

[Docket No. 85N–0285]

Medical Devices; Reclassification of the Infant Radiant Warmer

AGENCY: Food and Drug Administration.

ACTION: Notice of intent.

SUMMARY: The Food and Drug Administration (FDA) is announcing its intent to initiate a proceeding to reclassify from class III (premarket approval) into class II (performance standards) the infant radiant warmer. The infant radiant warmer is a medical device intended to maintain an infant's body temperature by means of radiant heat. This action is being taken under the Medical Device Amendments of 1976.

FOR FURTHER INFORMATION CONTACT: Robert Gatling, Jr., Center for Devices and Radiological Health (HFZ–420), Food and Drug Administration, 8757 Georgia Avenue, Silver Spring, MD 20910, 301–427–7750.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 15, 1986 (51 FR 1910), FDA proposed to require the filing of a premarket approval application or a notice of completion of a product development protocol for the infant radiant warmer device (21 CFR 880.5130). FDA also announced an opportunity for interested persons to request the agency to change the classification of the device based on new information. The actions were taken under the Medical Device Amendments of 1976 (Pub. L. 94–295) to the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 301 *et seq.*).

On January 30, 1986, the Health Industry Manufacturers Association (HIMA), Washington, DC., submitted to FDA under section 515(b) of the act (21 U.S.C. 360e(b)), a petition to reclassify the generic type of device infant radiant warmer (21 CFR 880.5130) from class III into class II. Based on the valid scientific evidence in the petition, FDA is initiating proceedings to reclassify the device following the procedures in 21 CFR 860.130 and 860.132 regarding reclassification of devices under section 513(e) of the act (21 U.S.C. 360c(e)). FDA referred the petition to the General Hospital and Personal Use Devices Panel (the Panel), one of FDA's advisory committees, for its recommendation on the change in classification recommended in the petition. During an open meeting of the Panel on May 21, 1986 (see the **Federal Register** of April 11, 1986; 51 FR 12570), the Panel considered the petition and recommended that the infant radiant warmer be reclassified from class III into class II and recommended that any change in classification not take effect until the effective date of a performance standard for the generic type of device established under section 514 of the act (21 U.S.C. 360d).

A copy of HIMA's petition and supporting exhibits, the transcript and the summary minutes of the Panel meeting, and the comments received on the petition are on file in the Dockets Management Branch under Docket No. 85N–0285 and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

Accordingly, under section 515(b) of the act and 21 CFR 860.132(a) of the regulations governing reclassification under section 515(b) of the act, FDA is announcing its intent to initiate a proceeding under section 513(e) of the act and 21 CFR 860.130 to change the classification of the infant radiant warmer device.

As followup to this notice, in the near future FDA will publish in the **Federal Register** a proposed rule to reclassify this device. In the proposal, FDA will set forth the Panel's recommendation, a summary of the reasons for the recommendation, a summary of the data upon which the recommendation is based, an identification of the risks to health (if any) presented by the device, and a discussion of whether class II provides the regulatory controls necessary to provide reasonable assurance of the safety and effectiveness of the device.

The proposed rule to reclassify this device issued under section 513(e) of the act and 21 CFR 860.130(c) will provide a period of time during which public comments may be submitted concerning the proposed reclassification. After reviewing any public comments, the Panel's recommendation, and other publicly available information, by order published in the **Federal Register** FDA will either deny the petition or reclassify the device. Furthermore, the agency will address the requirements of the Regulatory Flexibility Act, Executive Order 12291, and the National Environmental Policy Act when any proposed rule based on this notice of intent is published in the **Federal Register.**

Dated: May 20, 1987.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 87–11980 Filed 5–26–87; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

Canyon de Chelly National Monument; Commercial Horse Operation Regulations

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

SUMMARY: In Canyon de Chelly National Mounment's enabling legislation the ownership of the surface and subsurface use of the land was retained by the Navajo Tribe, and preferential right to provide riding horses for visitors into the monument was granted to the Navajo Tribe. This preferential right was to be under regulations prescribed by the Secretary of the Interior. The proposed rulemaking would set down requirements for Navajo owned and operated commercial horse operations at Canyon de Chelly National Mounment. The action is needed because some of the currrent commercial horse operations are operating without liability insurance, allowing children to lead the horse tours, utilizing defective equipment and occasionally entering the canyons of the monument without the proper permit. Visitors who take the horse trips have been injured, some seriously. The purpose of this rulemaking is to prescribe requirements for the commercial horse operations to provide a safe and enjoyable experience for visitors seeking horseback trips into the monument.

DATE: Written comments will be accepted through June 26, 1987.

ADDRESS: Comments should be addressed to: Superintendent, Canyon de Chelly National Monument, P.O. Box 588, Chinle, Arizona 86503.

FOR FURTHER INFORMATION CONTACT: Reed Detring, Chief I & RM, Canyon de Chelly National Monument, P.O. Box 588, Chinle, Arizona 86503, Telephone: (602) 674–5436.

SUPPLEMENTARY INFORMATION:

Background

The basis for this proposed regulation lies in Canyon de Chelly's enabling legislation (16 U.S.C. 445 *et seq.*) which provided that ownership of the surface and subsurface of the land comprising the movement was retained by the Navajo Tribe. In addition, the Navajo Tribe was granted a preferential right under regulations to be prescribed by the Secretary of the Interior, of furnishing riding animals for the use of visitors to the monument. These regulations were never promulgated.

As a result, commercial horse operations exist in the monument which do not provide adequately for visitor safety and resource protection. Problems arise from the use of small children to lead groups, the use of defective equipment which has resulted in visitor injuries, the lack of liability insurance and noncompliance with permit requirements for visitors entering the canyon.

The National Park Service is charged with the administration of Canyon de Chelly National Monument with regard to preserving and protecting ruins, and providing facilities required for the care and accommodations of visitors. The National Park Service is the focal point for visitor contact in the monument and during summer months there are frequent daily inquiries from visitors concerning the commercial horse operations. National Park Service personnel are placed in a position of being asked to recommend and provide information about commercial horse services operating within the monument without being able to set reasonable standards or exercise an appropriate level of management oversight for those operations.

In order to help provide visitors a safe and enjoyable means of seeing and enjoying the monument, the National Park Service is proposing to regulate the commercial horse operations that conduct business within the monument as follows:

1. A permit will be required of any person who provides riding animals as a service for the use of visitors within the monument boundaries.

2. In addition to establishing appropriate permit conditions that pertain to public safety and resource protection pursuant to the authority of National Park Service general regulations, the superintendent will also impose a requirement that a permittee obtain and maintain a reasonable amount of liability insurance coverage.

3. All monument visitors using the services of commercial horse operations will be required to remain with the operator's guides during the visitors' entire stay in the canyon and will be prohibited from entering any of the ruins in the monument.

4. In cooperation with local Navajo residents, the superintendent will designate persons to act as guides, may require a permit of those persons and may establish permit terms and conditions governing their activities.

This rulemaking also implements the statutory provision granting the Navajo Tribe the preferential right to furnish riding animals for the use of visitors to the monument. "Preferential right" is defined in paragraph (c) of the regulation to mean a right of first refusal, on a case-by-case basis, to provide riding animals for hire for the use of visitors to the monument; the right to meet the terms of responsive offers for a proposed permit to provide such services; and a preference in the award of that permit, if, thereafter, the offer is substantially equal to others received.

Paragraphs (a) and (b) of this rulemaking are minor revisions of existing special regulations that pertain to Canyon de Chelly National Monument. Editorial changes have been made to both paragraphs to clarify their intent, but no major substantive changes have been made. The existing requirement for visitors entering a canyon to be accompanied by a designated guide or a National Park Service employee is retained. The provisin that addresses the designation of guides has been revised to reflect the fact that designations are accomplished in cooperation with local Navajo residents and to emphasize the fact that the superintendent may require a permit and establish permit terms and conditions governing the activities of designated guides.

The National Park Service considers these regulations to be reasonable and in compliance with the intent of the monument's enabling legislation. These requirements are the minimum necessary to assure that commercial horse operations in the monument are conducted in a manner that provides adequately for public safety and enjoyment, protects the natural and cultural resources of the monument and protects the rights and privacy of tribal members living within the monument.

Public Participation

The policy of the National Park Service is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments regarding this proposed rule to the address noted at the beginning of this rulemaking.

Drafting Information

The primary author of this rulemaking is Reed E. Detring of Canyon de Chelly National Monument.

Paperwork Reduction Act

The information collection requirement contained in this rulemaking has been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1024–0026.

Compliance With Other Laws

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 (February 19, 1981), 46 FR 13193, and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). All bonafide

operators now providing commercial horse operations will be allowed to continue their businesses under a permit and terms and conditions established in accordance with the criteria and procedures of 36 CFR 1.6.

The NPS has determined that this rulemaking will not have a significant effect on the quality of the human environment, health and safety because it is not expected to:

(a) Increase public use to the extent of compromising the nature and character of the area or causing physical damage to it;

(b) Introduce noncompatible uses which might compromise the nature and characteristics of the area, or cause physical damage to it;

(c) Conflict with adjacent ownerships or land uses; or

(d) Cause a nuisance to adjacent owners or occupants.

Based in this determination, this rulemaking is categorically excluded from the procedural requirements of the National Environmental Policy Act (NEPA) by Departmental regulations in 516 DM 6, (49 FR 21438). As such, neither an Environmental Assessment nor an Environmental Impact Statement has been prepared.

List of Subjects in 36 CFR Part 7

National parks, Reporting recordkeeping requirements.

In consideration of the foregoing, it is proposed to amend 36 CFR Chapter I as follows:

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

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

Authority: 16 U.S.C. 1, 3, 9a, 462(k); § 7.96 also issued under D.C. Code 8–137 (1981) and D.C. Code 40–721 (1981).

2. In § 7.19, by revising paragraphs (a) and (b) and adding new paragraphs (c) and (d) to read as follows:

§ 7.19 Canyon de Chelly National Monument

(a) Except for canyon residents or other Navajo tribal members, entering a canyon unless accompanied by a National Park Service employee or by a guide designated by the superintendent is prohibited. *Provided, however,* that the superintendent may designate, by making on a map that is available for public inspection in the office of the superintendent and at other convenient locations within the monument, canyons or portions thereof that may be visited or entered without being so accompanied.

(b) In cooperation with local Navajo residents, the superintendent designates persons authorized to act as guides. The superintendent may also require a permit and establish permit terms and conditions in accordance with the criteria and procedures of § 1.6 of this chapter to govern the activies of designated guides.

(c) *Commerical stock operations.* The Navajo Tribe is granted the preferential right to furnish riding animals for the use of visitors to the monument in accordance with the following conditions and requirements. For the purpose of this section, the term "preferential right" means a right of first refusal, on a case-by-case basis, to provide riding animals for hire for the use of visitors to the monument; the right to meet the terms of responsive offers for a proposed new permit to provide such services; and a preference in the award of that permit, if, thereafter, the offer is substantially equal to others received.

(1) Providing riding animals such as horses or mules as a service for the use of visitors within the monument boundaries is prohibited except pursuant to the terms and conditions of a permit issued by the superintendent in accordance with the criteria and procedures of § 1.6 of this chapter.

(2) In addition to permit terms and conditions established under the authority of § 1.6 of this chapter, the superintendent may establish permit conditions pertaining to liability insurance coverage. Violating a term or condition of a permit is prohibited and may also result in the suspension or revocation of the permit by the superintendent.

(d) *Information collection.* The information collection requirements contained in this section have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*, and assigned clearance number 1024–0026. This information is being collected to provide information necessary for the superintendent to issue permits. This information will be used to grant administrative benefits. The obligation to respond is required to obtain a benefit.

Dated: April 17, 1987.

Susan Recce,

Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 87–11937 Filed 5–26–87; 8:45 am]

BILLING CODE 4310–70–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 264 and 265

[FRL–3207–4]

Hazardous Waste Management System: Minimum Technology Requirements

AGENCY: Environmental Protection Agency.

ACTION: Extension of the comment period.

SUMMARY: On April 17, 1987, USEPA published a notice of availability of information and request for comments (51 FR 12566). That notice discusses data characterizing and comparing the performance of compacted soil and composite bottom liners for hazardous waste landfills and surface inpoundments. EPA also made available two draft guidance documents for design, construction, and operation of single and double liner and leachate collection systems. The purpose of today's notice is to extend the comment period on the April 17, 1987, notice by 30 days to give the public additional time to submit comments. We have received requests to extend the comment period because of the complexity of the background document on bottom liner performance in double-lined landfills and surface impoundments, and the need of the commenters to devote time to several other EPA proposed regulations with similar deadlines for public comment. We find the requests for a 30-day extention appropriate and, therefore, grant the extension.

DATE: The Agency will accept comments submitted on or before July 1, 1987.

ADDRESS: Comments should be addressed to the Docket Clerk at the following address: EPA RCRA Docket (WH–562), 401 M Street SW., Washington, DC 20460. One original and two copies should be sent and identified by regulatory docket reference code F–87–DLRN–FFFFF. The docket is open from 9:30 a.m. to 3:30 p.m., Monday through Friday, except for Federal Holidays. The public must make an appointment to review docket materials by calling Michelle Lee at (202) 475–9327.

FOR FURTHER INFORMATION CONTACT: Kenneth Skahn (202) 382–4654.

Dated: May 20, 1987.

J.W. McGraw,

Acting Assistant Administrator for Solid Waste and Emergency Response.

[FR Doc. 87–12004 Filed 5–26–87; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Child Support Enforcement

45 CFR Part 306

Child Support Enforcement Program, Medical Support Enforcement

AGENCY: Office of Child Support Enforcement (OCSE), HHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: OCSE is proposing to amend the Child Support Enforcement program regulations govening medical support enforcement. Current regulations require State child support enforcement (IV–D) agencies to perform certain medical support enforcement activities. This proposal would require State IV–D agencies to extend these activities to certain IV–D cases not embraced by the current regulations and would eliminate a restriction which applies to cooperative agreements between State IV–D and State Medicaid agencies. The IV–D agency would be required to develop criteria to identify existing child support cases which have a high potential for obtaining medical support, and to petition the court or administrative authority to modify support orders to include medical support for targeted cases even if no other modification is anticipated. In addition, the IV–D agency would be required to provide the custodial parent with information pertaining to the health insurance coverage obtained by the parent for the dependent child(ren). Further, this regulation would delete the condition that IV–D agencies may only secure health insurance coverage under a cooperative agreement when it will not reduce the absent parent's ability to pay child support. Finally, this regulation would delete current maintenance of effort requirements States must adhere to when entering into a cooperative agreement with the State Medicaid agency.

These activities will expand the number of children for whom private health insurance coverage is obtained by increasing the availability of third party resources to pay for medical care and will result in Medicaid cost savings to State and Federal governments. Federal funding under title IV–D of the Social Security Act would be available to State IV–D agencies for these required medical support activities.

DATE: Consideration will be given to written comments and suggestions received by July 27, 1987.

ADDRESS: Address comments to: Associate Deputy Director, Officer of Child Support Enforcement, Department of Health and Human Services, Mary Switzer Building, 330 C Street, SW., Room 2629, Washington, DC 20201. Comments will be available for public inspection Monday through Friday, 8:30 a.m. to 5 p.m. in the Department's office at the above address.

FOR FURTHER INFORMATION CONTACT: Mary Brogan, Policy Branch, OCSE (202) 245–1774.

SUPPLEMENTARY INFORMATION:

Background

Section 16 of the Child Support Enforcement Amendments of 1984 (Pub. L. 98–378) amends section 452 of the Social Security Act (the Act). This statute requires the Secretary of HHS to issue regulations to require that State IV–D agencies petition for the inclusion of medical support as part of any child support order whenever health care coverage is available to the absent parent at reasonable cost. It also provides for improved information exchange between State IV–D and State Medicaid agencies. OCSE published implementing regulations on October 16, 1985 in the **Federal Register** (50 FR 41887). These regulations require the State IV–D agency to secure medical support information regarding the absent parent, to exchange information with the State Medicaid agency, to petition the court or administrative entity to include health insurance in new or modified support orders, whether or not it is currently available to the absent parent at reasonable cost and to take steps to enforce ordered health insurance coverage. The State IV–D gency may perform functions beyond the scope of the title IV–D program, including providing services on behalf of individuals who are not IV–D cases, by entering into cooperative agreements with the State Medicaid agency pursuant to 45 CFR Part 306, Subpart A.

In prior years little attention was paid to the ordering of health insurance coverage for the dependent child of an absent parent with the result that only a limited number of AFDC cases already adjudicated require the absent parent to obtain health insurance coverage. Current requirements to petition for medical support are applicable only to new cases or cases which require modification of existing orders for reasons other than medical support. After these regulations were published as a proposed rule, it became apparent that health insurance coverage for a substantial number of existing child support cases was not addressed. This proposal would expand the audience of the current requirement to include existing cases with child support orders which require modification only for purposes of medical support. Examples of situations in which petitions could be considered are: (1) Noncustodial parents leaving unemployment compensation rolls due to change in employment status. The new employer will, most likely, provide health benefits, (2) Noncustodial parents having wages withheld for child support. Those having wages withheld also should have jobs that provide health benefits, (3) Other indications that the noncustodial parent is employed by an organization likely to provide health benefits such as union membership, available wage information from State tax forms, etc., or (4) Situations in which comparisons with Medicaid data indicate that health benefits formerly provided without a court order have lapsed. The prudent use of State and Federal resources dictate that the IV–D Agency develop procedures to work closely with the State Medicaid Agency to give priority to cases in which there is a demonstrated need for medical support.

Enhancements to medical support enforcement activities have been initiated because of the belief that many absent parents have private health insurance or health insurance coverage available through employers, unions or other groups. Such coverage may be extended when available at reasonable cost to provide for dependents' medical expenses. These proposed regulations would benefit families by increasing the incidence of absent parents who obtain health insurance coverage for their dependent children and would result in cost savings to State and Federal governments by reducing Medicaid expenditures when such insurance is available to families who are eligible for AFDC or Medicaid services. This proposal is also responsive to the February 12, 1985 findings of the General Accounting Office's report to Congress, "Improved Efforts Needed to Relieve Medicaid From Paying for Services Covered by Private Insurers," which stressed that the Medicaid program should be relieved of health care costs if some other person is legally responsible to pay because Federal and State Medicaid costs (which totalled $38 billion in 1984) are reduced without affecting Medicaid services.

Statutory Authority

These proposed regulations are published under the authority of sections 1102, 452(f) and 454(13) of the Act. Section 1102 authorizes the Secretary of HHS to publish regulations

not inconsistent with the Act which may be necessary to efficiently administer the Secretary's functions under the Act. We believe these regulations would be consistent with the Act, as section 462(b), which defines "child support" for purposes of certain garnishment proceedings to include "payments to provide for health care", has long been an integral section of title IV–D of the Act. In addition, section 452(f) of the Act requires the Secretary of HHS to issue regulations to require States to petition for the inclusion of medical support as part of any child support order whenever health care coverage is available to the absent parent at a reasonable cost. Further, under section 454(13) of the Act, States must comply with such requirements and standards as the Secretary of HHS determines to be necessary for the establishment of an effective title IV–D program.

Regulatory Provisions

The proposed regulation would clarify the definition of health insurance; require that IV–D agencies develop written criteria to identify cases with a high potential for obtaining medical support based on availability of insurance resources and State law requirements governing modification of support orders; require that IV–D agencies petition the court or administrative authority to modify existing orders of targeted cases for the inclusion of medical support; and require that IV–D agencies provide the custodial parent with health insurance policy information when the absent parent secures health insurance coverage for the dependent child(ren) under the order. In addition, this regulation would delete the condition that IV–D agencies may only secure health insurance coverage under a cooperative agreement when it will not reduce the absent parent's ability to pay child support and would delete current maintenance of effort requirements that State IV–D agencies must adhere to when entering into cooperative agreements with State Medicaid agencies.

Section 306.51(a) of current regulations states that, for purposes of this section, health insurance is considered reasonable in cost if it is employment-related or other group health insurance. This proposal would amend 45 CFR 306.51(a) by designating all that follows the phrase "For purposes of this section" as paragraph (1) and clarifying in the newly designated paragraph (1) that all employment-related or group health insurance is considered reasonable regardless of the service delivery mechanism. A new paragraph (2) would be added to clarify the definition of health insurance to inlcude health maintenance organization (HMO) and preferred provider organization (PPO) coverage under which medical services are provided to the dependent child(ren) of an absent parent.

Current regulations at 45 CFR 306.51(b) require State IV–D agencies to petition the court or administrative authority to include health insurance in new or modified court or administrative orders. As previously stated, there is no specific requirement for State IV–D agencies to return to court to add medical support to existing orders. This proposal would amend 45 CFR 306.51(b) by redesignating the current contents of paragraphs (b) (3), (4), (5) and (6) as (b) (6), (7), (8) and (9) respectively and inserting new paragraphs (3), (4) and (5). The new paragraph (b)(3) would require all State IV–D agencies to develop written criteria to identify cases not included under paragraphs (b)(1) and (b)(2) with a high potential for obtaining medical support based on (i) evidence that health insurance may be available to the absent parent at a reasonable cost, and (ii) facts, as defined by State law, which are sufficient to warrant modification of the existing support order to include health insurance. States would set their own criteria with respect to the selection of cases for which they would return to court. This would enable States to respond to conditions and requirements of State law which may be unique to them. In developing such criteria State IV–D agencies are encouraged to consult with the State Medicaid agencies to develop procedures for determining Medicaid cases with potential for high future costs.

States would be required to base their criteria for case selection on the criteria listed at 45 CFR 306.51(b)(3) (i) and (ii) as provided above. When attempting to determine the availability of health insurance coverage under paragraph (b)(3)(i), States could focus on cases with income that is indicative of regular employment, such as cases with orders for wage withholding, and cases with assets which may be indicative of changed financial circumstances or substantial income. Similarly, States could examine the employment history of absent parents to identify union membership, new employment or other situations which may indicate the existence of health insurance resources. However, it should be noted that availability of insurance alone may not be a sufficient indicator that it would be cost effective to return a case to court for modification as the available insurance must cover the child's condition, e.g., coverage may exclude certain pre-existing conditions, or have geographic limitations which preclude the child's use of the services, e.g., a PPO which only provides services in the absent parent's metropolitan area. Paragraph (b)(3)(ii) would require States to base their criteria on circumstances which indicate a modification is warranted as defined by State law. This requirement was included because support orders are generally modified only in response to a significant change in the circumstances of the parties since the rendering of the original order. Likely candidates for modification actions may include cases which indicate a change in the medical needs of the child or changes in the financial circumstances of either parent. Attention should be given to cases where medical support would be of obvious benefit to the family. This would include cases where the child's health is affected by chronic or debilitating illnesses which require extensive, expensive health services. States would need to examine their own laws to determine what restrictions apply in the State with respect to seeking modification of an existing order to include health insurance.

The new paragraph (b)(4) would require State IV–D agencies to petition the court or administrative authority to modify support orders for targeted cases identified in paragraph (b)(3) of this section to include medical support in the form of health insurance coverage. States should make every effort to obtain appropriate information to present at the court or administrative hearing that substantiates the request for health insurance coverage. Such information might include a description of the health insurance available to the absent parent, including HMO's and PPO's, and why health insurance coverage would be beneficial for the children. Where appropriate, the IV–D agency should be prepared to address the medical history of the child and any special medical needs which are known to exist as well as any changes to the financial circumstances of either party. This type of information will provide decisionmakers with a better understanding of the value of medical support and assist in securing judicial or administrative decisions for medical support.

The new paragraph (b)(5) would require IV–D agencies to provide the custodial parent with health insurance policy information when the absent parent secures coverage for the

dependent child(ren). This would include any information available to the IV–D agency about the health insurance policy which would permit a claim to be filed or, in the case of HMO's and PPO's, services to be provided.

Current regulations at 45 CFR 306.10(g) provide that IV–D agencies may, under cooperative agreement, secure health insurance coverage through court or administrative order when it will not reduce the absent parent's ability to pay child support. This regulation would delete the condition that the health insurance may not affect the absent parent's ability to pay cash support payments. This change is being made because the best interests of the child should be the governing factor in considering the terms of a support order. Under certain circumstances, health insurance coverage may be of greater benefit to the child and custodial family than any possible reduction in cash support which may result from the inclusion of health insurance in the support order.

The proposed regulation would delete the maintenance of effort requirement at 45 CFR 306.40 which prohibits a decrease in title IV-D program activities, personnel and resources as a result of entering into cooperative agreements with a State Medicaid agency. Revising the regulations to delete this provision would permit States more flexibility in developing cooperative agreements which are best suited to the needs of the State and agencies involved. This change conforms to the Health Care Financing Administration's (HCFA's) regulations implementing section 2367 of Pub. L. 98–369, which provides States with greater flexibility in the administration of the third party liability program. In addition, the maintenance of effort requirement is no longer necessary as a result of the revised audit criteria published October 1, 1985 in the **Federal Register** (50 FR 40120). The audit regulations require OCSE to conduct an audit of State IV-D agencies at least once every three years to determine whether each State has an effective IV-D program. These regulations incorporate objective performance criteria which OCSE will use to determine program effectiveness.

These proposed regulations do not alter or replace other provisions at 45 CFR 306.51. It remains the responsibility of the State IV-D agency to take steps to enforce health insurance coverage as required by court or administrative order. Also, if a support order requires that specified amounts be paid for medical support, the IV-D agency may collect such amounts pursuant to 45 CFR 302.50 if the support has been assigned to the State under sections 402(a)(26) of the Act (AFDC cases) or 471(a)(17) of the Act (Foster Care cases) or the State has agreed to collect the support under section 454(6) of the Act (non-AFDC cases). The IV-D agency is not responsible for enforcing medical support of an unspecified nature, unless this is done under cooperative agreement with the State Medicaid agency.

As indicated above, Federal funding would be available to IV-D agencies for these required medical support activities. In addition, as savings accruing to State governments as a result of medical support efforts may be substantial, States may wish to examine the possibility of rewarding their IV-D agencies for aggressive medical support efforts with some portion of the non-Federal share of resultant savings. States could develop incentive formulas ot reward their IV-D agencies for successful medical support enforcement activities based on the savings derived by the States' Medicaid agencies.

Paperwork Reduction Act

45 CFR 306.51(b)(3) and (b)(5) of this proposed rule contain information collection requirements. In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96–511), we have submitted a copy of this proposed rule to OMB for its review of these information collection requirements. Other organizations and individuals desiring to submit comments on the information collection requirements should direct them to the agency official designated for this purpose whose name appears in this preamble, and to the Office of Information and Regulatory Affairs, OMB, New Executive Office Building (Room 3208), Washington, DC 20503, ATTN: Desk Officer for HHS.

Regulatory Impact Analysis

The Secretary has determined, in accordance with Executive Order 12291 that this rule does not constitute a "major" rule. A major rule is one that is likely to result in:

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

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

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Executive Order requires that, for major rules, we prepare a regulatory impact analysis which describes the potential benefits and costs of the rule, together with the potential benefits and costs of alternative approaches.

The rule will have little or no net economic effect, because it will not change substantially the total amount that will be spent on medical care for dependent children of absent parents. The effect here is not the level of medical coverage but rather who will finance it—parents, third-party payors, and ultimately, employers and employees who pay premiums, versus the Medicaid program and taxpayers. As total expenditures will remain about the same, this regulation only results in a redistribution of resources.

As the purpose of this proposed regulation is to provide enhancements of a limited nature to current medical support enforcement requirements, no effective alternatives to this approach were apparent. This proposal will merely expand the audience of current medical support enforcement requirements to include certain targeted cases as identified by the State.

Under the Regulatory Flexibility Act of 1980 (Pub. L. 96–354), we are required to prepare a regulatory flexibility analysis for those rules which will have a significant economic impact on a substantial number of small entities. This proposed rule will not have a significant economic impact on a substantial number of small entities. Its principal impact is on State IV-D agencies (who will be required to expend minimal effort), and third party payors. This rule can be expected to result in incremental increases in third party payments, and will not have a significant economic impact. Therefore, a regulatory flexibility analysis is not required.

List of Subjects in 45 CFR Part 306

Child welfare, Grant programs/social programs, Medicaid.

PART 306—[AMENDED]

For the reasons set out in the preamble, 45 CFR Part 306 is proposed to be amended as follows:

1. The authority citation for Part 306 is revised to read as set forth below:

Authority: 42 U.S.C. 652, 654(13), 1302, 1396a(a)(25), 1396b(d)(2), 1396b(o), 1396b(p), and 1396k.

2. 45 CFR 306.10 is amended by revising paragraph (g) to read as follows:

§ 306.10 Functions to be performed under a cooperative agreement.

* * * * *

(g) Secure health insurance coverage through court or administrative order.

* * * * *

§ 306.40 [Removed]

3. 45 CFR 306.40 is removed.

4. 45 CFR 306.51 is amended by revising paragraph (a) to read as follows:

§ 306.51 Securing and enforcing medical support obligations.

(a) For purposes of this section:

(1) Health insurance is considered reasonable in cost if it is employment-related or other group health insurance, regardless of service delivery mechanism (e.g., fee-for-service, health maintenance organization or preferred provider organization).

(2) Health insurance includes health maintenance organization and preferred provider organization coverage under which medical services are provided to the dependent child(ren) of an absent parent.

* * * * *

5. 45 CFR 306.51 is amended by redesignating the current contents of paragraphs (b)(3), (4), (5) and (6) as (6), (7), (8) and (9) respectively and by inserting new paragraphs (b)(3), (4) and (5) as follows:

§ 306.51 Securing and enforcing medical support obligations.

* * * * *

(b) * * *

(3) Establish written criteria to identify cases not included under paragraphs (b)(1) and (b)(2) of this section where there is a high potential for obtaining medical support based on—

(i) Evidence that health insurance may be available to the absent parent at a reasonable cost, and

(ii) Facts, as defined by State law, which are sufficient to warrant modification of the existing support order to include health insurance coverage for a dependent child(ren).

(4) Petition the court or administrative authority to modify support orders for cases identified in paragraph (b)(3) of this section to include medical support in the form of health insurance coverage.

(5) Provide the custodial parent with information pertaining to the health insurance policy which has been secured for the dependent child(ren) pursuant to an order obtained under this section.

* * * * *

(Catalog of Federal Domestic Assistance Program No. 13.679, Child Support Enforcement Program)

Dated: September 15, 1986.

Wayne Stanton,

Director, Office of Child Support Enforcement.

Approved: October 14, 1986.

Otis R. Bowen,

Secretary.

[FR Doc. 87-11963 Filed 5-26-87; 8:45 am]

BILLING CODE 4190-11-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 22

[CC Docket 87-120; FCC 87-147]

Common Carrier Services; Flexible Allocation of Frequencies in the Public Land Mobile Service for Paging and Other Services

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission is requesting comments on proposed amendments to 47 CFR 22.501 paragraphs (b), (k), (g)(1), and (p)(1). The proposed changes would permit existing and future licensees of conventional two-way mobile frequencies to use their frequencies in any manner they choose. The proposal also seeks comments on whether the 470–512 MHz UHF–TV band currently shared by two-way mobile licensees in thirteen of the largest metropolitan statistical areas (MSAs) should be utilized differently. Finally, comments are requested on whether the nationwide paging frequencies should be opened to unlimited local paging by the network licensees.

DATES: Due date for comments on the proposals is July 2, 1987; reply comments are due July 30, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Susan E. Magnotti, Mobile Services Division, Common Carrier Bureau, (202) 632–6450.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking, CC Docket 87–120, adopted April 23, 1987 and released May 14, 1987. The full text of Commission decisions are available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Summary of Notice of Proposed Rulemaking

1. On July 15, 1986, the Commission issued a Public Notice (Mimeo No. 5785) interpreting § 22.501(b) of the Commission's Rules. The public notice, *inter alia*, stated "additional two-way channels will not be authorized where the required need showings almost exclusively detail one-way paging utilization." Several radio common carriers have petitioned for reconsideration on this point.[1] Their comments have led us to the tentative conclusion that a change in our rules is required regarding frequency allocation for both paging and two-way mobile use.

Petitioners' Comments

2. Telocator Network of America, Radio Common Carrier Division, (Telocator) filed a Petition for Reconsideration and a Supplement to its petition. Telocator argues that the *Public Notice* "ignores marketplace realities, [and] makes an erroneous assumption regarding spectrum use. . .". It argues that rather than limiting use of the paried frequencies to conventional two-way mobile use, the Commission should expand the possible uses of the channels. It maintains that radio common carriers should be free to use the base channel for one-way signalling, and the mobile channel would be available for much-needed control and repeater applications, as well as simplex mobile-to-mobile, alarm systems, and telemetry. Telocator adds that "[p]ermissible use of two-way channels should be broad enough so that the Commission need not hold a rulemaking every time vendors seek to respond to users' changing needs in the most effective way possible."

3. American Mobilephone, Inc. (American) also filed a petition for reconsideration of the same provision of the *Public Notice*. American notes that "[e]ven the most well-informed expert regulatory agency can only rougly estimate the form that public need and demand will take." It points out that if a carrier finds it is acquiring paging subscribers due to marketplace demand, it is not feasible for the carrier to seek a low-band or 900 MHz paging frequency, because existing paging customers on VHF or UHF frequencies cannot be transferred due to equipment incompatibility. American adds that

[1] Rather than granting or denying reconsideration of the *Public Notice*, which merely interprets existing rules, we find that the best approach is a reexamination of the underlying rules which proscribe frequency use.

"paging-only frequencies are not a viable alternative for a carrier that wants to be a full-service provider, because potential new two-way subscribers cannot be serviced." Finally, American states that cellular competition of overhwhelming conventional two-way mobile use. It points out that although its conventional two-way service is significantly less expensive than cellular service, "American's overall two-way market share in Birmingham is already quite small and getting smaller every day." [2]

4. Graphic Scanning Corporation (Graphic) filed informal comments in support of the Telocator petition. Graphic points out that public demand dictates the use to which it puts its two-way channels. It states that in Miami and Pittsburgh, its two-way channels are used predominately for mobile telephone service, but that in its other markets, two way channels mainly provide paging service. Graphic argues that "[i]n some cases the RCC simply cannot feasibly obtain dedicated paging channels on equipment incompatibility grounds or because vacant one-way channels (if any), are not as desirable as UHF or VHF two-way spectrum."

Discussion

5. Because it is our continuing responsibility to accommodate the evolving demand of the marketplace, we are proposing to make the existing common carrier mobile frequency allocation more flexible and thus more able to respond to changes in market demand. Three blocks of frequency allocations are affected by this proposal. First, the 150 MHz and 450 MHz two-way paired channels, which are listed in § 22.501(b) of the Commission's Rules, are proposed to be available for either paired or unpaired use, subject to appropriate regulations to avoid interference. Second, we propose two alternatives for more efficient use of the 450–512 MHz allocation, currently available for two-way communications in thirteen urban areas.[3] See § 22.501(k). Finally, we request public comment on the proposal to reverse our earlier rulings and make the frequencies allocated for nationwide network paging available for local paging without limitations. See § 22.501(p) of the Commission's Rules.

6. *Section 22.501(b).* We propose to amend § 22.501(b) so that the paired frequencies currently available for two-way use may be used in an unpaired configuration. Comment is requested on two alternative licensing arrangements. Under one approach, we would continue licensing pairs of these frequencies to one party.[4] Licensees would be permitted, consistent with their interference obligations, to deploy their spectrum capacity as they wished. They would be free, for example, to offer one or two-way service, utilize a portion of their capacity for control and other point-to-point functions, or resell some or all of their capacity to others.

7. Under the second licensing arrangement we wish to consider, channels could be licensed separately. Three possible outcomes could exist under this plan. First, an applicant may be licensed for a frequency pair for conventional two-way service and/or separate uses for both the base and mobile channels; second, an applicant may be licensed only for the base channel to provide paging service, simplex mobile service, or other one-way communications services; third, an applicant may be licensed only for a mobile channel for control/repeater facilities, or to provide paging service or other one-way communications services upon a showing that no interferences will be caused to two-way adjacent or co-channel operations.

8. We request comments from parties concerning appropriate interference standards. We tentatively conclude that existing bandwidth, emissions, and height-power standards should remain in force. In addition, we propose that the Carey Report continue to be used as the measure of service area for base stations. For mobile channels interference standards may vary widely depending upon the uses to which the channels are put.[5] Furthermore, standards for determining and avoiding interference between fixed use and mobile use must be established. accordingly, technical proposals from parties are requested. We also request comment on whether any interference criteria should be permitted in cases where affected parties agree.

9. We also seek comment on whether need standards for additional frequencies to ensure that both the base and the mobile channels are efficiently utilized. If we elect to adopt such standards, an applicant holding licenses for two-way paired frequencies would be required to show that both channels are utilized. A vacant mobile channel, for example, would bar license of additional channels unless the licensee relinquished the unused channel.

10. In addition, we seek guidance on whether standards for priorities among competing proposals should be established. For example, Rural Radio or similar basic telephone fixed service may have priority over two-way mobile use; two-way mobile use may have priority over paging and simplex mobile, and paging use may have priority over control/repeater facilities. Parties' comments are requested both on the concept of priority and on what services should receive priority.

11. *Section 22.501(k).* The paired frequencies allocated for two-way shared use in thirteen large urban areas appear to be underutilized. The quarterly traffic loading studies, which are required to be filed by licensees by § 22.501(l)(10)(ii) of the Commission's Rules, indicate that only a a fraction of the full capacity of each urban area's allocation is being used. Furthermore, over half of the urban areas have not filed any traffic loading report, leading us to the conclusion that this allocation is not utilized at all in those areas. The petitioners' comments in this proceeding make it clear that with the expansion of cellular telephony, conventional two-way use declines. Accordingly, we believe a more efficient use of this allocation should be made. Comment is requested on two different ways of achieving this objective.

12. Assignments in the 470–512 MHz common carrier band are unique in that more than one party may be licensed to the same frequency in the same geographic area. It is conceivable that this non-exclusive licensing plan may be discouraging the use of these frequencies. Therefore, one of the proposals on which comment is requested would alter the present licensing arrangement and may possibly encourage licensees to use their assignments more efficiently. This could be effected by modifying the eligiblity criteria for these channels so that new licenses would be issued only to applicants that had received the explicit approval of the existing licensees. This proposal would also permit licensees on

[2] Through informal discussions with industry representatives, Commission staff has learned that in cities in which cellular is licensed, conventional two-way mobile subscribership has dropped dramatically.

[3] These urban areas, listed in § 22.501(k), are Boston, Chicago, Cleveland, New York-New Jersey, Dallas-Fort Worth, Detroit, Houston, Los Angeles, Miami, Philadelphia, Pittsburgh, San Francisco, and Washington, D.C. Each area has between 12 and 24 paired channels for shared use by all area radio common carriers to provide two-way communications services.

[4] We would consider instituting a notification procedure for existing two-way system licensees who wish to change their frequency use under this proposal.

[5] Under rules governing Private Radio spectrum, for example, licensees share channels used for paging and simplex mobile. Likewise, where it is not possible to avoid interference on a common carrier mobile channel, interested licensees and applicants may elect to share the channel if their proposed uses are compatible.

these frequencies to change their present sharing arrangement through either formal joint ventures, mergers, or straight buyouts. In addition to given licensees possible incentives, this proposal could provide for more efficient use of their channels by expanding the types of communications permitted in the same manner as proposed for the other two-way frequencies considered above. We propose to require that all facilities authorized under this, and the proceeding, option comply with the present interference criteria.

13. We also wish to consider formally reallocating some of these channels from two-way common carrier services to other purposes. Under this option, we would limit urban licensees to the number of paired frequencies which will permit 25 percent or less blocking probability under loading conditions indicated in the licensees' December, 1986 traffic loading report. This will sharply reduce the number of channels available for radio common carrier services. From 12 to 48 single channels, or 6 to 24 paired channels, would then be free for other uses. Thus, frequencies without an asterisk are available for other uses.) One possibility is that some channels could be licensed for control and repeater facilities. Another possibility is to reassign some or all of these frequencies to private land mobile radio services.[6] We propose that whatever facilities are licensed in the 470–512 MHz band, they comply with the same interference limitations as are currently applicable to two-way communications in this frequency band. See § 22.501(k)(2)–(5).

14. *Section 22.501(p)(1).* The nationwide network paging service was allocated three of the frequencies listed in § 22.501(p)(1) of the Commission's Rules. However, events taking place since the three frequencies were licensed in August, 1985 indicate that demand for this service may not have developed. One network paging licensee has filed for permission to offer local paging primarily on its network frequency, and another network licensee has allowed its construction permit to expire. It appears that, contrary to projections available to this Commission at the time the frequencies were allocated, there may be insufficient demand for network paging to justify setting aside frequencies for network-only paging. Accordingly, we request public comments on the possibility of allowing unrestricted local paging by the nationwide network licensees on their network frequencies. In addition, we propose that the third frequency, 931.8875 MHz, relinquished by one of the network licensees, be included in section 501(g(1) and be made available for multiple-address one-way signalling systems.[7] Parties are requested to comment on the relative public demand for frequencies under section 501(g)(1) and network paging frequencies.

Regulatory Flexibility Act—Initial Analysis

15. *Reasons for action and objectives.* The proposed action will facilitate availability of frequencies for a wide variety of uses, without the need for the Commission to hold new rulemakings as technology and marketplace demand changes. At the same time, the proposed action is intended to ensure that all spectrum licensed to communications entities is in fact utilized to serve the public's communications needs.

16. *Legal basis.* The authority for this proposed rulemaking is contained in sections 1, 4(i), 301 and 303 of the Communications Act of 1934, as amended.

17. *Small entities affected and initial impact.* The proposed rules are intended to have a beneficial impact on small communications companies. They will have new opportunities to serve the public and flexibility to react to subscribers' needs.

18. *Reflect federal rules which overlap, duplicate or conflict with this action.* As discussed in this *Notice,* the proposed rules alter the Commission's existing rules with regard to the use of conventional mobile frequencies. Other than the specific rules changed, we are aware of no federal rule that conflicts with, duplicates, or overlaps the proposal made in this Notice.

19. *Reporting, record-keeping and compliance requirements.* None.

20. *Specific alternatives that could accomplish the same objective.* We have determined no specific alternatives that would allow an equal potential for flexible reaction by communications companies to serve public demand for communications services.

21. Comments on all aspects of the analysis and proposed rules of this Notice are encouraged. Interested persons are invited to submit comments in accordance with § 1.419 of the Commission's Rules, 45 CFR 1.419. Comments must be filed by July 2, 1987, and reply comments by July 30, 1987.

22. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that a meeting is scheduled or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation on the day of oral presentaion. That written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its fact that the Secretary has been served and must also state by docket number the proceeding to which it relates. See 47 CFR 1.1231. All relevent and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

23. A copy of this Notice of Proposed Rulemaking shall be sent to the Chief, Counsel of Advocacy of the Small Business Administration.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87–11740 Filed 5–26–87; 8:45 am]

BILLING CODE 6712-01-M

[6] The Commission recently proposed to reallocate certain UHF-TV channels to the private landmobile radio services in eight urban areas. *See Notice of Proposed Rulemaking,* Docket 85–172, 101 F.C.C. 2d 852 (1985).

[7] These frequencies are reserved for controlling wide-area paging systems. An applicant for a frequency under this subpart must show that it has at least four remote base stations which will be simultaneously broadcast with a common signalling message using the requested control frequency.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

[Docket No. 70362-7062]

Ocean Salmon Fisheries off the Coasts of Washington, Oregon, and California

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

ACTION: Proposed rule.

SUMMARY: NOAA issues this rule to propose modifications to the regulations implementing the Fishery Management Plan for Ocean Salmon Fisheries off Washington, Oregon, and California (FMP). Comments are invited. This action is necessary for enforcement purposes and to reconcile certain inconsistencies between Federal and State ocean salmon regulations, and Federal and international salmon and halibut regulations. It is intended to improve coordination among international, Federal, and State management jurisdictions and to strengthen enforcement of ocean salmon regulations.

DATE: Comments on this proposed rule are invited until June 25, 1987.

ADDRESS: Comments on this proposed rule may be submitted to Rolland A. Schmitten, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE., BIN C15700, Seattle, WA 98115; or E. Charles Fullerton, Director, Southwest Region, 300 South Ferry Street, Terminal Island, CA 90731.

FOR FURTHER INFORMATION CONTACT: Rolland A. Schmitten, 206-526-6150; or E. Charles Fullerton, 213-514-6196.

SUPPLEMENTARY INFORMATION:

Background

Under the Maguson Fishery Conservation and Management Act (Magnuson Act), the FMP was prepared by the Pacific Fishery Management Council (Council), and was approved by the Secretary of Commerce (Secretary) on March 2, 1978. The FMP has been amended seven times and implementing regulations are codified at 50 CFR Part 661.

This action would change the Federal ocean salmon regulations to facilitate enforcement and resolve inconsistencies between Federal, State, and international regulations. The proposed regulatory changes were discussed and recommended to the Secretary by the Council at its September 1986 meeting. The proposed changes are described below:

Issue 1—Processing inspection. The Magnuson Act and the Federal salmon regulations make it unlawful to refuse to permit an authorized officer to board a fishing vessel subject to a person's control for purposes of conducting any search or inspection in connection with the enforcement of the Magnuson Act or its implementing regulations. The proposed rule would broaden this prohibition to clarify the authority of authorized officers to enter buildings, vehicles, piers, or dock facilities where salmon may be found by making it unlawful for a person in control to refuse such entry.

Under 16 U.S.C. 1861(b), authorized officers are empowered to conduct inspection of a fishing vessel in connection with enforcement of the Magnuson Act with or without a warrant, and to exercise any other lawful authority. The proposed provision is identical to one provision approved in *Lovgren v. Byrne,* 787 F. 2d 857 (3rd Cir. 1986), in which the court found that the regulatory provision was necessary for enforcement of the Magnuson Act, and that entry into dockside facilities by authorized officers without a warrant was reasonable under the Fourth Amendment. Broadening of the existing salmon regulations to include dock and transport areas also comports with the requirements of the Magnuson Act, does not unnecessarily intrude on reasonable privacy interests of those in industry, and furthers the strong Federal interest in protecting natural resources in U.S. waters. By adding a definition of "areas of custody," the scope of inspection is limited to only those times when and those places where salmon may be found.

Issue 2—False statements. 18 U.S.C. 1001 makes it a criminal offense punishable by a fine of up to $10,000 or five years' imprisonment, or both, to make false statements concerning any matter under the jurisdiction of any department or agency of the United States. Current Federal salmon regulations do not contain a similar provision although violators would be subject to Federal criminal prosecution under 18 U.S.C. 1001. Inclusion of such provision will promote effective enforcement of the ocean salmon regulations, and will make false statements subject to the civil penalty and forfeiture sactions of the Magnuson Act, which in most cases are sufficient remedies for violations in lieu of criminal prosecution. The proposed rule would prohibit making any false, statement, oral or written, to an authorized officer about the taking, catching, harvesting, landing, purchase, sale, or transfer of salmon. Identical provisions appear in other regional fisheries regulations promulgated under the Magnuson Act.

Issue 3—Gear inspection. There have been numerous reported incidents of fishermen cutting or freeing their gear while fishing to prevent inspection by authoirzed officers. This is not specifically prohibited by the Federeal salmon regulations, although it is a violation of State laws. The proposed rule would make it unlawful to refuse to submit fishing gear under a person's control to inspection by an authroized officer or to interfere with or prevent, by any means, such as inspection. The rule is necessary to ensure that authorized officers have the ability to enforce terminal gear requirements such as barbless hooks.

Issue 4—Pacific halibut (Hippoglossus stenolepis). Regulations of the International Pacific Halibut Commission prohibit retention of Pacific halibut caught on troll gear when the commercial halibut season is closed, and also restrict recreational (sport) fishing for halibut, including halibut that may be taken in the course of recreational fishing for salmon. The current ocean salmon regulations do not reference the halibut regulations.

The proposed rule would clarify that it is unlawful to take and retain Pacific halibut except in accordance with regulations of the International Pacific Halibut Commission. Fishermen would be required to return to the water with the least possible injury any Pacific halibut which could not be retained lawfully.

Issue 5—Undersized Salmon. Federal regulations establish different minimum fish length restrictions for salmon caught in different management areas. Currently, there are no Federal prohibitions on fishing for salmon in one management area with salmon on board the fishing vessel which were caught in another management area and which are smaller than the size limit of the area being fished. State laws generally cover this situation, but without a similar Federal prohibition, fishermen may claim, when boarded at sea by an authorized officer, that any undersized fish on board were caught in a different area with a smaller size limit. The existing Federal salmon regulations therefore contain an enforcement loop hole which could make more difficult the enforcement of different minimum fish length restrictions for different areas. To corrent this situation, the proposed rule would prohibit fishing for

salmon in an area when salmon of less than the legal minimum size limit for that area are aboard a vessel. Transit of an area with salmon of less than the legal minimum length restriction for that area aboard a vessel would be allowed.

Classification

The proposed rule in published under authority of section 305(g) of the Magnuson Act, as amended by Pub. L. 99–659. The Administrator, before publishing a final rule will take into account the data, views, and comments received during the comment period.

This action is not expected to alter the nature or intensity of environmental impacts which were addressed in the supplemental environemental impact statement (SEIS) prepared by the Council for the 1984 framework amendment to the FMP. A notice of availability of the SEIS was published on September 23, 1984; 49 FR 38355:

The Administrator of NOAA determined that this proposed rule is not a "major rule" requiring a regulatory impact analysis under Exective Order 12291.

The General Counsel of the Department of Commerce certified to the Small Business Administration that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities. This is because four of the five measures to be implemented are technical in nature, either clarifying the intent of existing regulations or making reference to regulations imposed by the International Pacific Halibut Commission. As a result, these measures are not expected to alter fishing practices or impose costs on the industry. The fifth measure, prohibiting fishing for salmon in one area when salmon of less than the legal size limit for that area are aboard a vessel, may impose a small but insignificant impact on fishermen. This measure may cause some fishermen to make an additional port of call to land fish before continuing a trip. However, this will only occur at the end of the season in one area when it overlaps with the beginning of the season in another area, thereby affecting only a small number of fishermen and imposing only a minor additional financial cost on the industry.

This rule does not contain a collection of information requirement for purposes of the Paperwork Reduction Act.

The Administrator determined that this rule does not directly affect the coastal zone of any State with an approved coastal zone management program.

List of Subjects in 50 CFR Part 661

Fisheries, Indians.

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

Dated: May 20, 1987.

James E. Douglas, Jr.,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

PART 661—[AMENDED]

For the reasons set forth in the preamble, 50 CFR Part 661 is proposed to be amended as follows:

1. The authority citation for 50 CFR Part 661 continues to read as follows:

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

2. In § 661.2, a new paragraph (e) is added to read as follows:

§ 661.2 Relation to other laws.

* * * * *

(e) Any person fishing subject to this part who also engages in fishing for Pacific halibut should consult regulations of the International Pacific Halibut Commission at 50 CFR Part 301 for applicable requirements of that part.

3. In § 661.3, the definition of "areas of custody" is added in alphabetical order to read as follows:

§ 661.3 Definitions.

Areas of custody means any vessels, buildings, vehicles, piers, or dock facilities where salmon may be found.

* * * * *

4. Section 661.5 is amended by revising paragraph (b)(10) and adding new paragraphs (b)(17)–(20) to read as follows:

§ 661.5 General restrictions.

* * * * *

(b) * * *

(10) Refuse to permit an authorized officer to board a fishing vessel, or to enter areas of custody, subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of the Magnuson Act, this part, or any other regulation issued under the Magnuson Act.

* * * * *

(17) Make any false statement, oral or written, to an authorized officer concerning the taking, catching, harvesting, landing, purchase, sale, or transfer of any salmon.

(18) Refuse to submit fishing gear subject to such person's control to inspection by an authorized officer, or to interfere with or prevent, by any means, such an inspection.

(19) Take and retain Pacific halibut (*Hippoglossus stenolepis*) except in accordance with regulations of the International Pacific Halibut Commission at 50 CFR Part 301. Pacific halibut which cannot be retained lawfully must be returned to the water immediately and with the least possible injury.

(20) Fish for salmon in an area when salmon of less than the legal minimum length for that area are on board the fishing vessel, except that this provision does not prohibit transit of an area when salmon of less than the legal minimum length for that area are on board so long as no fishing is being conducted.

[FR Doc. 87–11995 Filed 5–26–87; 8:45 am]

BILLING CODE 3510–22–M

Notices

Federal Register
Vol. 52, No. 101
Wednesday, May 27, 1987

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

DEPARTMENT OF AGRICULTURE

Office of the Secretary

State of Wyoming Abandoned Mined Land Reclamation Program; Determination of Primary Purpose of Program Payments and Benefits for Consideration as Excludable From Income

AGENCY: Office of the Secretary, USDA.

ACTION: Notice of determination.

SUMMARY: The Secretary of Agriculture has determined that certain payments made and benefits that result under the Wyoming Abandoned Mine Reclamation Program, as authorized by Wyoming Statutes 35–11–1201 through 35–11–1207, are made primarily for the purposes of conserving soil, protecting or restoring the environment, or providing a habitat for wildlife. This determination is in accordance with section 126(b) of the Internal Revenue Code of 1954, as amended by section 543 of the Revenue Act of 1978 and the Technical Corrections Act of 1979. The determination permits recipients of these payments and benefits to exclude them from gross income to the extent allowed by the Internal Revenue Service (IRS).

FOR FURTHER INFORMATION CONTACT: Administrator, Land Quality Division, Department of Environmental Quality, 122 West 25th Street, Cheyenne, Wyoming 82002, Phone: (307) 777–7756, or Director, Land Treatment Program Division, Soil Conservation Service, USDA, Post Office Box 2890, Washington, DC 20013, Phone: (202) 382–1870.

SUPPLEMENTARY INFORMATION: Section 126 of the Internal Revenue Code of 1954, as amended by the Revenue Act of 1978 and the Technical Corrections Act of 1979, 26 U.S.C. 126, provides that certain payments made to individuals under state conservation programs may be excluded from the recipient's gross income for federal income tax purposes if the Secretary of Agriculture determines that payments are made "primarily for the purpose of soil and water conservation, protecting or restoring the environment, improving forests, or providing a habitat for wildlife." The Secretary of Agriculture evaluates the state conservation program on the basis of criteria set forth in 7 CFR Part 14, and makes a "primary purpose" determination for the payments made under each program. Before there may be an exclusion, the Secretary of the Treasury must determine that the payments made to a person under these programs do not substantially increase the annual income derived from the property benefited by the payments.

The Wyoming Abandoned Mine Reclamation Program is authorized by Wyoming Statutes 35–11–1201 through 35–11–1207. It is funded through annual State appropriations and by grants from the Office of Surface Mining, U.S. Department of the Interior under Title IV of the Surface Mine Control and Reclamation Act. Funding for the program is from a special fee collected on coal production. It is the purpose of the Wyoming Abandoned Mine Land Program to:

1. Protect the public health, safety, and general welfare from adverse effects of past mining where no continuing reclamation responsibility exists.

2. Protect offsite environments from the adverse effects of past mining where no continuing reclamation responsibility exists.

3. Restore land and water resources previously and adversely affected by past mining activities, and to properly conserve and utilize water and land resources.

The Land Quality Division of the Wyoming Department of Environmental Quality administers the Wyoming Abandoned Mine Land Program. Eligible projects are identified and selected in accordance with the objectives described above. In most cases, the state must obtain the private property owner's consent to access in order for the state to conduct the reclamation work. Only where emergency situations exist can the state utilize its police powers for nonconsented entry. The state prepares reclamation plans to eliminate threats to public health and safety, and to repair degradation of lands and waters which result from abandoned mines. All construction work is obtained through competitive bidding. No cash payments are made to the landowner, unless the landowner is successful in competitively procuring the construction contract. Benefits accruing to landowners from the reclamation work may include reduced threats of life, reduced threats of property damage to urban and rural property owners, and increased land use capabilities for grazing and wildlife for rural properties. However, all work conducted is primarily for public health, safety, and general welfare reasons.

Procedural Matters

The Department of Agriculture has classified this determination as "not major" in accordance with Executive Order 12291 and Secretary's Memorandum No. 1512–1. The Secretary has determined that these program provisions will not result in an annual effect on the economy of $100 million or more; will not cause a major increase in cost to consumers, individuals, industries, government agencies, or geographic regions; and will not cause significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

A Wyoming Abandoned Mine Reclamation Program "Primary Purpose Determination for Federal Tax Purposes," Record of Decision, has been prepared and is available upon request from the Director, Land Treatment Program Division, Soil Conservation Service, United States Department of Agriculture, P.O. Box 2890, Washington, DC 20013; or the Administrator, Department of Environmental Quality, Land Quality Division, 122 West 25th Street, Cheyene, Wyoming 82002.

Determination

As required by section 126(b) of the Internal Revenue Code of 1954, as amended, I have examined the authorizing legislation, regulations, and operating procedures of the Wyoming Abandoned Mine Reclamation Program. In accordance with the criteria set out in 7 CFR Part 14, I have determined that payments made and benefits provided

under this program are for soil and water conservation, protecting or restoring the environment, or providing wildlife habitat. Excluded from this determination are payments made for the recovery of coal or any mineral which occurs incidental to, or in connection with, the funded reclamation activity; payments made as compensation for services performed; and payments received from the acquisition of lands or interests therein or from the sale of soil, minerals, or any other materials. Subject to further determination by the Secretary of the Treasury, this determination permits property owners to exclude from gross income, for federal income tax purposes, payments made and benefits resulting from the Wyoming Abandoned Mine Reclamation Program after February 22, 1983, except as excluded above.

Signed at Washington, DC, on May 19, 1987.

Richard E. Lyng,

Secretary.

[FR Doc. 87-11956 Filed 5-26-87; 8:45 am]

BILLING CODE 3410-03-M

Farmers Home Administration

Loan and Grant Programs: Security Interest Reporting Requirements

AGENCY: Farmers Home Administration, USDA.

ACTION: Notice.

SUMMARY: The Farmers Home Administration (FmHA) implements the provisions of section 6050J of the Internal Revenue Code of 1954, as added to the Code by section 148 of the Tax Reform Act of 1984 [98 Stat. 688]. Section 6050J provides that an information return must be made by any person who, in connection with a trade or business, lends money secured by property and who later acquires an interest in the property or has reason to know that the property has been abandoned. Section 6050J applies to any governmental unit that lends money secured by property.

DATES: Section 6050J of the Internal Revenue Code of 1954 as added to the Code by section 148 of the Tax Reform Act of 1984 was published in Volume 49, number 171 of the **Federal Register** on August 31, 1985, by the Internal Revenue Service (IRS). The regulation is effective for acquisitions and abandonments of property which occurred after December 31, 1984, with an initial reporting date of February 28, 1986. FmHA plans to report beginning February 28, 1988, for transactions which occurred after December 31, 1986.

FOR FURTHER INFORMATION CONTACT: Bob Nelson, Management Analyst, Financial and Management Analysis Staff, Farmers Home Administration, USDA, Room 5505, South Agriculture Building, 14th Street and Independence Avenue SW., Washington, DC 20250, telephone (202) 475-4705.

SUPPLEMENTARY INFORMATION: FmHA is developing internal agency procedures to comply with the provisions of the aforementioned IRS regulations as they relate to disposition of all of the security property by the borrower. FmHA will report to IRS, with copy to the borrower, all properties in which FmHA had a security interest that are acquired by FmHA or by a thrid party; all properties where the FmHA borrower has abandoned their interest in the security property; and where FmHA security property is sold for less than the full amount of the FmHA debt. The notification to IRS affects all FmHA loan programs.

The Catalog of Federal Domestic Assistance programs affected by this notice are:

No.	Program title
10.404	Emergency Loans.
10.405	Farm Labor Housing Loans.
10.406	Farm Operating Loans.
10.407	Farm Ownership Loans.
10.410	Low Income Housing Loans (Section 502 Rural Housing Loans).
10.411	Rural Housing Site Loans (Section 523 and 524 Site Loans).
10.415	Rural Rental Housing Loans.
10.416	Soil and Water Loans (SW Loans).
10.417	Very Low-Income Housing Repair Loans.
10.422	Business and Industrial Loans.
10.428	Economic Emergency Loans.

Dated: February 6, 1982.

Vance L. Clark,

Administrator, Farmers Home Administration.

[FR Doc. 87-12017 Filed 5-26-87; 8:45 am]

BILLING CODE 3410-07-M

COMMISSION ON CIVIL RIGHTS

Connecticut Advisory Committee; Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Connecticut Advisory Committee to the Commission will convene at 3:30 p.m. and adjourn at 6:30 p.m. on June 18, 1987 at the Hartford Public Library, Seminar Room, 500 Main Street, Hartford, Connecticut. The purpose of the meeting is to discuss the status of the agency, plan activities for the coming year and to collect information on Federal and State legislative proposals to gather data on incidents of ethnic intimidation and violence.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson James H. Stewart (203/486-3417) or John I. Binkley, Director of the Eastern Regional Division at (202/523-5264; TDD 202/376-8117.) Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Division at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commisson.

Dated at Washington, DC, May 15, 1987.

Susan J. Prado,

Acting Staff Director.

[FR Doc. 87-11964 Filed 5-26-87; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

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

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

Agency: Bureau of the Census.

Title: 1987 Special Urban Survey: Content Reinterview Questionnaire, Housing Content Reconciliation Record, Population Content Reconciliation Record.

Form Number: Agency DG-5, DG-5a, DG-5b, DG-31; OMB—NA.

Type of Request: New collection.

Burden: 6,420 respondents; 1,534 reporting hours.

Needs and Uses: The primary objective of this survey is to test alternate wording of race and Spanish origin items, as well as housing quality items, for consistency and validity. A 50 percent sample of mail return questionnaires from the two-panel initial mailout will be reinterviewed.

Affected Public: Individuals or households.

Frequency: One time.

Respondent's Obligation: Mandatory.

OMB Desk Officer: Don Arbuckle, 395-7340.

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

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

Dated: May 18, 1987.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 87-11952 Filed 5-26-87; 8:45 am]

BILLING CODE 3510-07-M

International Trade Administration

[A-570-601]

Tapered Roller Bearings From the People's Republic of China; Final Determination of Sales at Less Than Fair Value

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: We have determined that tapered roller bearings from the People's Republic of China (PRC) are being, or are likely to be, sold in the United States at less than fair value. The U.S. International Trade Commission (ITC) will determine, within 45 days of publication of this notice, whether these imports are materially injuring, or are threatening material injury to a United States industry.

EFFECTIVE DATE: May 27, 1987.

FOR FURTHER INFORMATION CONTACT: Michael Ready or Mary S. Clapp, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377-2613 or 377-1769.

SUPPLEMENTARY INFORMATION:

Final Determination

We have determined that tapered roller bearings from the PRC are being, or are likely to be, sold in the United States at less than fair value as provided in section 735 of the Tariff Act of 1930, as amended (19 U.S.C. 1673d) (the Act). The weighted-average margin is .97 percent. No margins were found on exports by China National Machinery & Equipment Import & Export Corporation. Therefore, this exporter is excluded from this determination.

Case History

We published a preliminary determination of sales at less than fair value on February 6, 1987 (52 FR 3833). Since then the following events have occurred:

On February 17, 1987, the respondent requested a postponement of the final determination. We granted this request and postponed the due date for the final determination until no later than May 20, 1987 (52 FR 8088, March 16, 1987).

As required by the Act, we afforded interested parties an opportunity to submit oral and written comments addressing the issues arising in this investigation. On April 30, 1987, we held a public hearing to allow parties to address the issues.

Scope of Investigation

The products covered by this investigation are tapered roller bearings and parts thereof, currently classified in *Tariff Schedules of the United States* (TSUS) item numbers 680.30 and 680.39; flange, take up cartridge, and hanger units incorporating tapered roller bearings, currently classified in TSUS item 681.10; and tapered roller housings (except pillow blocks) incorporating tapered roller, with or without spindles, whether or not for automotive use, currently classified in TSUS item number 692.32 or elsewhere in the TSUS.

Fair Value Comparisons

Because CMEC and Premier accounted for all sales of this merchandise from the PRC, we limited our investigation to them. To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States prices with the foreign market value. We investigated all sales of the subject merchandise for the period September 1, 1985, through August 31, 1986. We used a twelve-month period of investigation because the respondents had insufficient sales in the original six-month period of investigation.

United States Price

As provided in section 772 of the Act, we used the purchase price of the subject merchandise to represent the United States price for sales by CMEC and Premier because the merchandise was sold to unrelated purchasers prior to its importation into the United States.

We calculated the purchase price for sales by CMEC based on the f.o.b. or c.i.f. price to unrelated purchasers. We made deductions, where applicable, for inland freight charges, ocean freight charges, and port charges. In accordance with the policy set forth in our final determination in the investigation of carbon steel wire rod from Poland (49 FR 29434, July 20, 1984), we based the deduction for inland freight and port charges on similar charges in a non-state-controlled-economy country.

We based the deduction for ocean freight charges on the weighted-average charge incurred by CMEC on shipments carried by non-state-owned steamship companies.

We calculated the purchase price for sales by Premier based on the f.o.b. or c.i.f. price to unrelated purchasers. We made deductions, where applicable, for brokerage and handling charges, ocean freight and marine insurance.

Foreign Market Value

Petitioner alleged that the PRC is a state-controlled-economy country and that sales of the subject merchandise in that country do not permit a determination of foreign market value under section 773(a) of the Act. After an analysis of the PRC's economy, and consideration of the briefs submitted by the parties, we concluded that the PRC is a state-controlled-economy country for purposes of this investigation. Basic to our decision on this issue is the fact that the central government of the PRC controls the prices and levels of production of the bearing industry, as well as the internal pricing of the factors of production.

As a result, section 773(c) of the Act requires us to use prices or the constructed value of such or similar merchandise in a "state-controlled-economy" country. Our regulations establish a preference for foreign market value based upon sales prices. They further stipulate that, to the extent possible, we should determine sales prices on the basis of prices in a "non-state-controlled-economy" country at a stage of economic development comparable to the country with the state-controlled economy.

After an analysis of countries producing tapered roller bearings, we determined that India would be the most appropriate surrogate. We sent questionnaires requesting assistance in these investigations to six companies in India. We received a questionnaire response from one company in India, but we were unable to use this data as a basis of calculating foreign market value because the Government of India did not permit us to verify the submitted data.

Additionally, we could not use import prices from non-state-controlled-economy countries in this case because the applicable Department of Commerce statistics for the subject merchandise were based on categories that were too broad to make product-specific comparisons.

Therefore, as the best information otherwise available, we calculated constructed value based on the factors of production reported by the PRC producers. We used the best information available for valuing the factors of production. Where possible, best information available was obtained from publicly available information in India.

Raw material prices were based on Indian prices published by the Steel Authority of India adjusted for inflation using the wholesale price index for India published by the International Monetary Fund. Where necessary, prices for merchant quality steel were adjusted to prices for bearing quality steel by using a ratio calculated from data in the Trigger Price Mechanism (TPM) Manual.

The cost of labor was based on data published by the International Labor Organization (adjusted as above for inflation) concerning average earnings in India for workers in ISIC category 382 (Manufacture of Machinery, except electrical). We made an addition of 31 percent for employee fringe benefits based on publicly available information in India.

We based the amount added for factory overhead on publicly available data for the bearing industry in India.

We used the statutory minimum of 10 percent of the sum of material, fabrication costs, and overhead for general, sales and administrative expenses, and the statutory minimum of eight percent for profit.

We based the amount added for packing on data in the public version of the questionnaire response of a market-economy country tapered roller bearing producer involved in a current antidumping investigation.

With respect to sales by Premier, in accordance with section 773(f) of the Act, we based foreign market value on the prices at which Premier sold such or similar merchandise to third countries (Pakistan and Singapore), since there were no sales in the home market of Hong Kong of tapered roller bearings from the PRC. From these prices, we deducted, where applicable, charges for brokerage and handling, ocean freight and marine insurance. We made adjustments, where applicable, for differences in credit costs and for commissions Premier paid on certain sales to the United States.

We made currency conversions in accordance with § 353.56(a)(1) of the Commerce Regulations, using certified exchange rates as furnished by the Federal Reserve Bank of New York.

Verification

As provided in section 776(a) of the Act, we verified data used in making this determination by using verification procedures which included on-site inspection of manufacturers' facilities and examination of company records and selected original source documentation containing relevant information.

Petitioner's Comments

Comment 1: Petitioner argues that, in calculating constructed value for the preliminary determination, the Department undervalued factory overhead. The petitioner suggests that the amount added for factory overhead should equal at least 40 percent of total cost of manufacture, based upon the experience of several Japanese manufacturers, the petitioner in the United States, and the petitioner's subsidiary in Brazil.

DOC Response: We disagree. The Department has obtained, and used as the best information available, a factory overhead rate from a surrogate company in the bearing industry in India.

With regard to petitioner's request that we use the factory overhead experience of Japan and the United States as being representative of the PRC industry, the Department considers the factory overhead experience of a surrogate company in a comparable-economy country preferable to the alternatives offered by the petitioner.

We are required to select a comparable economy in which to value the factors of production information. The rationale behind selecting a comparable economy is that the experience of a producer in a comparable-economy country is reflective of the same degree of economic and industrial development as that of a producer in a comparable non-market-economy country. The United States and Japanese overhead ratios offered by the petitioner are for fully industrialized economies whose TRB producers use highly automated, state-of-th-art production equipment, in which factory overhead is high and direct labor low. The PRC production facilities use less automated and less sophisticated machinery and are much more labor intensive. In such instances, direct factory overhead would be lower and direct labor higher than for U.S. and Japanese TRB producers.

With regard to the petitioner's Brazilian subsidiary's factory overhead data, we note that the data was contained in a questionnaire response that was not received until one month after the Department's preliminary determination. It has been the Department's position that, in order to be considered in a final determination, a complete and full voluntary response must be received by the date of the preliminary determination. Furthermore, we do not consider Brazil and the PRC to be at comparable levels of economic development.

Comment 2: Petitioner argues that in calculating constructed value for the preliminary determination, the Department undervalued labor cost. Petitioner argues that the amount added for labor should be based on total labor cost to manufacturers, not just the earnings of workers.

DOC Response: We agree. See our discussion of labor costs in the foreign market value section of this notice.

Comment 3: Petitioner argues that, in calculating constructed value for the preliminary determination, the Department selected the wrong industry category in India as a source for labor earnings data.

DOC Response: We disagree. In calculating constructed value we determined the amount to be added for labor expenses on average earnings in India, in the industry category "Manufacture of machinery, except electrical." We believe this category most properly encompasses the manufacture of TRBs.

Comment 4: Petitioner argues that in calculating constructed value for the preliminary determination, the Department undervalued raw material cost.

DOC Response: For the preliminary determination we valued raw materials based on average import prices from Japan and Sweden to the United States. As noted above in the Foreign Market Value section of this notice, for the final determination we valued raw materials on prices in India drawn from publicly available data. We have made this change because we believe that using a comparable surrogate country's prices is preferable to using non-comparable countries' prices. These prices used for the final determination, which were calculated using methodology proposed by the petitioner, are somewhat higher than the prices used for the preliminary determination.

Comment 5: Petitioner argues that, in calculating constructed value, the Department should not make an adjustment for scrap unless it verifies that the PRC factory does in fact recover and sell scrap generated in the manufacturer of TRBs.

DOC Response: The Department verified that the PRC factory did in fact recover and sell or recycle scrap

generated. We therefore have made an adjustment for scrap in the calculation of constructed value.

Comment 6: Petitioner argues that foreign market value should be based on the data received from the Indian manufacturers, despite the fact that we were unable to verify the data in India. Petitioner suggests that we could verify the reasonableness of the Indian data by comparing Indian home market prices with the information available to the Department on TRB prices from other countries such as Brazil, Spain, Mexico, Argentina, and the United States.

DOC Response: We disagree. We do not believe that comparing Indian prices to prices in the five countries named by petitioner would satisfy the statutory requirement for verification.

Comment 7: Petitioner argues that the Department may not use the factors of production constructed value method provided for in § 353.8(c) of the Commerce regulations as the basis for foreign market value in this investigation.

Petitioner contends that § 353.8(a) and (b) of the Commerce regulations establishes a hierarchy for determining foreign market value in which prices and constructed value of such or similar merchandise take preference over the factors of production constructed value method under 353.8(c). The Department must first consider prices and constructed value of such or similar merchandise under 353(a) and (b) in the following order of preference: (1) A non-state-controlled-economy country at a stage of economic development comparable to the state-controlled-economy country from which the merchandise is exported; (2) a non-state-controlled-economy country not necessarily at a stage of economic development comparable to the state-controlled-economy country, other than the United States, suitably adjusted for known differences in costs of materials and labor; and (3) the United States. According to the petitioner, the Department must exhaust all of these established preferences before resorting to the factors of production approach.

DOC Response: We disagree. Petitioner's hierarchy of methods of calculating foreign market value, under which the factors of production constructed value approach would be a last resort, is based upon a misconception of 19 CFR 353.8 and applicable precedent. The Commerce regulation and past Departmental practice does establish a preference for the use of comparable economy sales prices and constructed value as the basis for foreign market value. However, it is not true, as petitioner claims, that under § 353.8(b) foreign market value based on sales prices or constructed value in a non-state-controlled-economy country not at a comparable stage of economic development are preferable to the factors of production constructed value approach under § 353.8(c).

Section 353.8(b)(1) of the regulations makes clear that the preference in favor of sales is tempered by the overriding preference for ascertaining foreign market value by reference to *comparable* non-state-controlled economies. *Chemical Products Corp.* v. *United States*, 12 CIT _____, Slip Op. 86-97 (September 26, 1986). The Department would arrive at § 353.8(b)(2) only after it has exhausted the pricing and constructed value options in comparable economies, i.e., under § 353.8 (a) and (c).

In this case, verified surrogate sales price and constructed value information was not available from TRB producers in any of the non-state-controlled-economy countries determined by the Department to be at stages of economic development comparable to that of the PRC. The Department sent surrogate questionnaires to six firms in these countries. As noted above, one company in India replied to our questionnaire, but the Indian Government would not allow us to verify the replying company's data. However, the Department was able to obtain, verify, and find values for the respondent's factors of production information. Therefore, factors of production constructed value methodology has been used for purposes of determining foreign market value with respect to the final determination in this investigation.

Comment 8: Petitioner argues that the DOC should use as the basis for calculating Premier's foreign market value the foreign market value calculated for sales by CMEC, plus CMEC's expenses incurred in selling to Premier, plus expenses incurred by Premier in reselling the merchandise.

DOC Response: We disagree. At the time of the sales to Premier, CMEC was unaware of the countries to which Premier intended to resell the merchandise. Therefore, foeign market value for Premier's sales to the United States is required to be calculated pursuant to section 773(f) of the Act.

Respondent's Comments

Comment 1: Respondent argues that, in the absence of verified data from a surrogate producer at a comparable level of economic development, foreign market value for CMEC should be based on constructed value using PRC factors of production.

DOC Response: We agree. See our response to petitioner's comment 7 above.

Comment 2: Respondent argues that, in calculating foreign market value for the preliminary determination, the Department overvalued raw material cost. Respondent suggests we should value certain of the raw materials based upon sales prices or offers of imported bearing steel in China.

DOC Response: We disagree. Sales prices submitted by the respondent pertain to sales made after the period of investigation.

Comment 3: Respondent argues that, in calculating constructed value, the Department should not base its addition for raw material costs solely on the price of bars (for producing cups and cones), but should also find values for bars (for producing rollers) and sheet (for producing cages).

DOC Response: We agree and have done so.

Comment 4: Respondent argues that the Department should publish separate dumping rates for CMEC and Premier rather than a single weighted-average rate.

DOC Response: We agree. These companies are not related. We found no evidence that CMEC knew the final destination of the products that Premier purchased. Therefore it is appropriate to calculate separate rates for the two companies.

Comment 5: Respondent argues that the calculations for Premier should be revised to incorporate corrected data developed as a result of the verification process.

DOC Response: We agree and have done so.

Continuation of Suspension of Liquidation

We are directing the United States Customs Service to continue to suspend liquidation of all entries of tapered roller bearings from the PRC, except entries of merchandise exported by CMEC directly to U.S. purchasers, that are entered, or withdrawn from warehouse, for consumption, on or after February 6, 1987, the date of publication of the preliminary determination in the **Federal Register.** The United States Customs Service shall continue to require a cash deposit or the posting of bond equal to the estimated weighted-average amount by which the foreign market value of the merchandise subject to this investigation exceeds the United States price. The bond or cash deposit amounts established in our preliminary determination of February 6, 1987, remain in effect with respect to entries

or withdrawals made prior to the date of publication of this notice in the **Federal Register**. With respect to entries or withdrawals made on or after the date of publication of this notice, except entries of merchandise exported by CMEC, the bond or cash deposit amounts required are shown below. CMEC is not included in this determination since we have found no margins for this company.

Manufacturer/producer/exporter	Weighted-average margin percentage
Premier Bearing & Equipment Ltd.	.97
All Others	.97

ITC Notification

In accordance with section 735(d) of the Act, we will notify the ITC of our determination.

The ITC will make its determination whether these imports are materially injuring, or threatening to materially injure, a U.S. industry within 45 days of the publication of this notice. If the ITC determines that material injury or threat of material injury does not exist, this proceeding will be terminated and all securities posted as a result of the suspension of liquidation will be refunded or cancelled. However, if the ITC determines that such injury does exist, we will issue an antidumping duty order directing Customs officers to assess an antidumping duty on tapered roller bearings from the PRC entered, or withdrawn from warehouse, for consumption after the suspension of liquidation, equal to the amount by which the foreign market value exceeds the United states price.

The determination is being published pursuant to section 735(d) of the Act (19 U.S.C. 1673d(d)).

Paul Freedenberg,

Assistant Secretary for Trade Administration.

May 20, 1987.

[FR Doc. 87-12011 Filed 5-26-87; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

South Atlantic Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The South Atlantic Fishery Management Council will convene a public meeting of the Swordfish Working Panel, May 26, 1987, at 1 p.m., at the South Atlantic Council's Office (address below). The Panel will discuss and decisions will be made regarding variable season closure (VSC); review of total landings by area; size frequency data by area; tuna landings; alternative starting dates and review of impacts; Committee Chairmen's recommendations on VSC starting dates for their Council area, and recommendations on plan amendment. The public meeting will adjourn on May 27 at noon.

For further information contact Robert K. Mahood, Executive Director, South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407; telephone (803) 571-4366.

Dated: May 21, 1987.

Richard B. Roe,

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

[FR Doc. 87-12037 Filed 5-26-87; 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 and its Scientific and Statistical Committee (SSC) will convene separate public meetings, June 2-5, 1987, at the Pagoda Hotel, 1525 Rycroft Street, Honolulu, HI (telephone: 808-941-6611) as follows:

Western Pacific Council—On June 4, 1987, the Council will convene it 57th public meeting to discuss routine fisheries reports from Island and Federal Government representatives, as well as from private sector representatives on the Western Pacific Council. The Council will also hear a report on the recently signed tuna access agreement between the United States and the Pacific Island Nations; take up issues regarding a limited access proposal for the Northwestern Hawaiian Islands (NWHI) fishery for bottomfish, and decide remaining issues in order to move the limited entry proposal forward.

The Council will be briefed on the status of a plan amendment that would: (a) Authorize examination of limited access measures for controlling fishing for bottomfish in Guam and in American Samoa; (b) extend the due date for the annual report for the bottomfish and seamount groundfish fisheries of the Western Pacific Region from March 31 to June 30 of each year and (c) allow private vessels to conduct scientific research in the Exclusive Economic Zone under a charter agreement with the National Marine Fisheries Service; and be briefed on the status of the NWHI fishery for lobsters during 1986.

The Council will hear a report on the public's response to proposals to establish a minimum size for slipper lobster and to require escape vents on traps. Other related matters resulting from the May 18, 1987, public hearing will also be discussed.

On June 5 the Council will consider changing the "Hawaii Exploratory Area" quota for precious corals from 1,000 kilograms to 5,000 kilograms, and hear reports regarding the monitoring of various fisheries for each island area in the region. The Council will also make a recommendation regarding an application for an experimental permit for drift gillnet fishing for large pelagic species. A closed session (not open to the public) will also be convened to discuss personnel matters.

SSC—On June 2-3, 1987, the SSC will convene its 40th meeting and, with the exception of conducting a closed session to discuss personnel matters, the SSC's agenda will generally be the same as that of the Council.

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 or (808) 546-8923.

Dated: May 21, 1987.

Richard B. Roe,

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

[FR Doc. 87-12038 Filed 5-26-87; 8:45 am]

BILLING CODE 3510-22-M

[Modification No. 2 to Permit No. 514]

Marine Mammals Modification of Permit; Dolphin Research Center (P53B)

Notice is hereby given that pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), Public Display Permit No. 514 issued to Dolphin Research Center, P.O. Box 2875, Marathon Shores, Florida 33052, on August 2, 1985 (50 FR 32252), as modified on January 30, 1987 (52 FR 3842) is further modified in the following manner:

Section B.7 is deleted and replaced by:

"7. The authority to acquire the marine mammals herein shall extend from the date of issuance until December 31, 1989. The terms and conditions of this Permit shall remain in effect as long as one of the marine mammals taken hereunder is maintained in captivity under the authority and responsibility of the Permit Holder."

This modification becomes effective May 20, 1987.

Documents submitted in connection with the above modification are available for review in the following Offices:

Protected Species Division, National Marine Fisheries Service, 1825 Connecticut Avenue, NW., Room 805 Washington, DC.; and

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

Dated: May 20, 1987.

Nancy Foster,

Director, Office of Protected Resources and Habitat Programs, National Marine Fisheries Service.

[FR Doc. 87-11996 Filed 5-26-87; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Establishing Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in the People's Republic of China

May 20, 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 28, 1987. For further information contact Diana Solkoff, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, DC, (202) 377-4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port or call (202) 566-6828. For information on embargoes and quota re-openings, please call (202) 377-3715. For information on categories on which consultations have been requested call (202) 377-3740.

Background

On March 27, 1987, a notice was published in the **Federal Register** (52 FR 9908) which established import restraint limits for cotton diapers in Category 359-D, cotton shop towels in Category 369-S and man-made fiber suits in Category 644, produced or manufactured in the People's Republic of China and exported during the ninety-day period which began on February 27, 1987 and extends through May 27, 1987. The notice also stated that the Government of the People's Republic of China is obligated under the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement, effected by exchange of notes dated August 19, 1983, as amended, if no mutually satisfactory solution is reached on levels for these categories during consultations, to limit its imports during the twelve-month period immediately following the ninety-day period.

No solution has been reached in consultations on mutually satisfactory limits for these categories. The United States Government has decided, therefore, to control imports of cotton and man-made fiber textile products in Categories 359-D, 369-S and 644 during the twelve-month period which begins on May 28, 1987 and extends through May 27, 1988 at the designated levels.

The United States remains committed to finding a solution concerning these categories. Should such a solution be reached in consultations with the Government of the People's Republic of China, further notice will be published in the **Federal Register**.

In the event the limits established for the ninety-day period have been exceeded, such excess amounts, if allowed to enter, will be charged to the levels established for the designated twelve-month period.

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 20768) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

May 20, 1987.

Committee for the Implementation of Textile Agreements

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

Dear Mr. Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extended on July 31, 1986; Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 19, 1983, as amended; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on May 28, 1987, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in Categories 359-D,[1] 369-S [2] and 644, produced or manufactured in the People's Republic of China and exported during the twelve-month period which begins on May 28, 1987 and extends through May 27, 1988, in excess of the following limits.

Category	12-mo restraint limit
359-D	1,074,436 pounds.
369-S	1,248,355 pounds.
644	14,191 dozen.

Textile products in Categories 359-D, 369-S and 644 which are in excess of the ninety-day levels previously established shall be subject to 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 20768) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

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

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

Sincerely,

Ronald L. Devin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-12016 Filed 5-26-87; 8:45 am]

BILLING CODE 3510-DR-M

Announcing an Import Level for Certain Man-Made Fiber Textile Products Produced or Manufactured in Japan

May 20, 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 28, 1987. For further information contact Ross Arnold, 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

[1] In Category 359, only TSUSA number 384.5214.

[2] In Category 369, only TSUSA number 366.2840.

port. For information on embargoes and quota re-openings, please call (202) 377–3715.

Background

A CITA directive dated April 10, 1987 (52 FR 12229) established import restraint limits for certain cotton, wool and man-made fiber textile products, produced or manufactured in Japan and exported during the twelve-month period which began on January 1, 1987 and extends through December 31, 1987.

The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of February 6, 1987 between the Governments of the United States and Japan, established, among other things, a group limit for man-made fiber yarn in Group III (Categories 600pt. through 602), produced or manufactured in Japan and exported during the twelve-month period which began on January 1, 1987 and extends through December 31, 1987.

Accordingly, in the letter published below, the Chairman of the Committee for the Implementation Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of textile products in Group III in excess of the designated limit.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Anotated (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 20, 1987.

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 issued to you on April 10, 1987 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in Japan and exported during the twelve-month period which began on January 1, 1987 and extends through December 31, 1987.

Effective on May 28, 1987 the directive of April 10, 1987 is amended to include an import limit for man-made fiber yarns in Group III (Categories 600pt.[1] through 602) at a level of 146,681,500 square yards equivalent.[2]

Textile products in Group III which have been exported to the United States prior to January 1, 1987 shall not be subject to this directive.

Textile products in Group III which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

The Committee for the Implementation of textile Agreements had 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. 87–12015 Filed 5–26–87; 8:45 am]

BILLING CODE 3510–DR–M

Adjustment and Establishment of Import Restraint Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in Thailand; Correction

May 20, 1987.

In the notice published in the **Federal Register** on April 22, 1987 (52 FR 13282), fifth paragraph, correct the first reference to "Group III" to read "Group II."

In the same paragraph, reference made to shift from Group III to Group II of 1,515,000 square yards equivalent should be deleted. In the letter to the Commissioner of Customs, correct the levels as follows:

Category	Adjusted 12-mo limit
Group II:	
330–359 and 630–659.	72,140,085 square yards equivalent.
Group III:	
410–459	3,030,000 square yards equivalent.
448	10,500 dozen.

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87–12014 Filed 5–26–87; 8:45 am]

BILLING CODE 3510–DR–M

[1] In Category 600, all TSUSA numbers except 310.5015.

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

Officials Authorized To Issue Certifications for Certain Textile Products From Haiti

May 20, 1987.

The Government of the Republic of Haiti has notified the United States Government under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 26 and 30, 1986 that five additional officials have been authorized to issue certifications for cotton, wool and man-made fiber textile products from Haiti.

A complete list of officials authorized by the Government of the Republic of Haiti to issue certifications is listed below:

Sanite L. Desir
Jean-Claude Decime
Demesmin Dorsainville
Pierre-Andre Guillaume
Charles-Antoine Jean
Dieuseul Lefevre
Frantz Elie
Pierre Donatien

The purpose of this notice is to advise the public of this change.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, DC, (202) 377–4212.

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87–12013 Filed 5–26–87; 8:45 am]

BILLING CODE 3510–DR–M

Change in Officials Authorized To Issue Export Visas for Certain Cotton and Man-Made Fiber Textile Products From Turkey

May 20, 1987.

The Government of Turkey has notified the United States Government under the terms of the Bilateral Cotton and Man-Made Fiber Textile Agreements of October 18, 1985, as amended and extended, and July 30 and August 1, 1986 that Erhan Ozkebapci, Liason Officer, General Secretariat of Akdeniz Exporters' Unions, has replaced Yilmaz Daylan as the official authorized to issue export visas for cotton and man-made fiber textile products from Turkey. The following is a complete list of officials of the Government of Turkey who are currently authorized to issue export visas:

Tuncer Ogun
Attila Kucukkayalar
Sahap Ozdemir
Muzaffer Colpan

Mustafa Hasim Boyacioglu
Mehmet Sevim
Mumin Tasyurek
Guner Alptekin
Zubeyde Oguzcan
Erhan Ozkebapci

The purpose of this notice is to advise the public of this change.

FOR FURTHER INFORMATION CONTACT: Eve Anderson, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, DC, (202) 377–4212.

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87–12012 Filed 5–26–87; 8:45 am]

BILLING CODE 3510–DR–M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Federal Acquisition Regulation (FAR); Information Collection Under OMB Review

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection concerning payments.

ADDRESS: Send comments to Mr. Ed Springer, FAR Desk Officer, Room 3235, NEOB, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Mr. Frank Van Lierde, Office of Federal Acquisition and Regulatory Policy (202) 523–3781.

SUPPLEMENTARY INFORMATION:

a. Purpose

Firms performing under Federal contracts must provide adequate documentation to support requests for payment under these contracts. The documentation may range from a simple invoice to detailed cost data. The information is usually submitted once, at the end of the contract period or upon delivery of the supplies, but could be submitted more often depending on the payment schedule established under the contract.

b. Annual Reporting Burden

The annual reporting burden is estimated as follows: Respondents, *80,000*; responses per respondent, *120*; total annual responses, *9,600,000*; hours per response, *.025*; and total burden hours, *240,000*.

Obtaining Copies of Proposals

Requesters may obtain copies from General Services Administration, FAR Secretariat (VRS), Room 4041, Washington, DC 20405, telephone (202) 523–4755. Please cite OMB Control No. 9000–0070, Payments.

Dated: May 11, 1987.

Margaret A. Willis,

FAR Secretariat.

[FR Doc. 87–11940 Filed 5–26–87; 8:45 am]

BILLING CODE 6820–61–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Action; Public Information Collection Requirement Submitted to OMB for Review

SUMMARY: The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information:

(1) Type of submission;

(2) Title of Information Collection and applicable OMB Control Number and Form Number;

(3) Abstract statement of the need for and the uses to be made of the information collected;

(4) Type of Respondent;

(5) An estimate of the number of responses;

(6) An estimate of the total number of hours needed to provide the information;

(7) To whom comments regarding the information collection are to be forwarded; and

(8) The point of contact from whom a copy of the proposed information collection may be obtained.

This information collection is as follows:

(1) Revising an approved collection.

(2) "Parent Subsidiary Verification System," 0704–0236.

(3) The annual publication entitled "100 Companies Receiving the Largest Dollar Volume of Prime Contract Awards," provides total DoD awards reported during a fiscal year to a company and all of its subsidiaries. To ensure that the published data are accurate, a listing is sent to the companies likely to appear in this publication requesting information on their subsidiaries. The companies are not required to respond. This change is based on our FY 86 results which showed that we can get the same results with fewer companies surveyed.

(4) Business Firms.

(5) Current responses of 142, this is a reduction of 8 responses from 150.

(6) Current burden hours of 284, this is a reduction of 16 hours from 300 burden hours.

ADDRESSES: (7) Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503 and Mr. Daniel J. Vitiello, DoD Clearance Officer, WHS/DIOR, 1215 Jefferson Davis HIghway, Suite 1204, Arlington, Virginia 22202–4302, telephone 202/746–0933.

FOR FURTHER INFORMATION CONTACT: (8) A copy of the information collection proposal may be obtained from Mr. Vitiello, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202–4302, telephone 202/746–0933.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

May 21, 1987.

[FR Doc. 87–12035 Filed 5–26–87; 8:45 am]

BILLING CODE 3810–01–M

Defense Science Board Task Force on Detection and Neutralization of Illegal Drugs and/or Terrorist Devices; Change in Location

ACTION: Change in location of Advisory Committee Meeting notice.

SUMMARY: The meeting of the Defense Science Board Task Force on Detection and Neutralization of Illegal Drugs and/or Terrorist Devices scheduled for May 20–21, 1987 as published in the **Federal Register** (Vol. 52, No. 67, Page 11310, Wednesday, April 8, 1987, FR Doc. 87–7727) will be held at the RAND Corporation, Washington, D.C. In all other respects the original notice remains unchanged.

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

May 21, 1987

[FR Doc. 87–12024 Filed 5–26–87; 8:45 am]

BILLING CODE 3810–01–M

Defense Science Board Task Force on Technology Base Management; Change in Location of Meeting

ACTION: Change in location of Advisory Committee Meeting notice.

SUMMARY: The meeting of the Defense Science Board Task Force on Technology Base Management scheduled for June 10–11, 1987 as published in the **Federal Register** (Vol. 52, No. 77, Page 13283, Wednesday, April 22, 1987, FR Doc. 87–9084) will be held at Palisades Institute, Crystal City, Arlington, Virginia. In all other respects the original notice remains unchanged.

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

May 21, 1987.

[FR Doc. 87–12025 Filed 5–26–87; 8:45 am]

BILLING CODE 3810-01-M

Department of the Army

Army Science Board, Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following committee meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: 16–18 June 1987.

Time of Meeting: 0800–1700 hours each day.

Place: Carnegie-Mellon University, Pittsburgh, PA.

Agenda: The Army Science Board AD-Hoc Panel on Army Information Management Concepts and Architecture will meet for its report writing session. On the moring of the first day, the panel will review minutes and facts from previous briefings and discussions. During the afternoon of the first day and the following days the panel will be dedicated to outlining and drafting a written report for print. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 1, subseciton 10(d). The classified and unclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695–3039 or 695–7046.

Sandra F. Gearhart,

Administrative Assistant Army Science Board.

[FR Doc. 87–11695 Filed 5–26–87; 8:45 am]

BILLING CODE 3710-08-M

Department of the Navy

Naval Research Advisory Committee; Closed Meeting

Notice was published May 11, 1987, at 52 FR 17626 that the Naval Research Advisory Committee Panel on the Navy's Role in the Air Defense Initiative will meet on May 27, 1987. The meeting location has been changed for the sessions scheduled from 10:00 a.m. through 12:00 Noon on May 27, 1987. The briefings scheduled during that time period will be held at the Office of Naval Research, 800 North Quincy Street, Arlington, Virginia. All other information in the previous notice remains effective.

Dated: May 20, 1987.

Harold L. Stoller, Jr.,

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

[FR Doc. 87–11949 Filed 5–26–87; 8:45 am]

BILLING CODE 3810-AE-M

Board of Advisors to the President, Naval War College, Newport, RI; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app.), notice is given that the Board of Advisors to the President, Naval War College, will meet on June 4, 1987, in Room 210, Conolly Hall, Naval War College, Newport, Rhode Island. The meeting will commence at 8:30 a.m., and the purpose is to elicit the advice of the Board on educational doctrinal, and research policies and programs. The agenda will consist of presentations and discussions on the curriculum, programs and plans of the college, and is open to the public. For further information contact: Mrs. Mary Guimond, Executive Assistant to the Dean of Academics, Naval War College, Newport, Rhode Island 02841–5010. Telephone number (401) 841–3589.

Dated: May 20, 1987.

Harold L. Stoller, Jr.,

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

[FR Doc. 87–11950 Filed 5–26–87; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Trigon Exploration Co., Inc.; et al.; Proposed Consent Order and Opportunity for Comments

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of proposed consent order and opportunity for comments.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces four proposed Consent Orders with Trigon Exploration Company, Inc. (Trigon) and Entex, Inc. for $248,774.40; Trigon and D. Bryan Ferguson for $144,311.69; Trigon and C. William Rogers for $144,311.69 and Trigon and Omni Drilling Partnership No. 1978–2 for $142,753.18 and provides an opportunity for public comments on the terms and conditions of the proposed Consent Order.

Comments By: June 26, 1987

ADDRESS: Send comments to Trigon Exploration Company, Inc., Comments, Office of the Solicitor, Economic Regulatory Administration, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: R. Suzann Owens, Office of Solicitor (RG–43), Economic Regulatory Administration, 1000 Independence Avenue, SW., Washington, DC 20585. Copies of the proposed Consent Order may be obtained free of charge by writing or calling this office at (202) 586–2852.

SUPPLEMENTARY INFORMATION: On April 20, 1987, the ERA executed a proposed Consent Order with Trigon and Extex, Inc. and on April 21, 1987, the ERA executed proposed Consent Orders with Trigon and C. William Rogers, D. Bryan Ferguson, and Omni Drilling Partnership No. 1978–2. Under 10 CFR 205–199J(b), a proposed Consent Order which involves the sum of $500,000.00 or more, excluding interest and penalties, becomes effective no sooner than thirty (30) days after publication of a notice in the **Federal Register** requesting comments concerning the proposed Consent Order. Although none of the proposed Consent Orders exceed $500,000.00, ERA is exercising its discretion to publish notice of the proposed agreements because the sum total of the proposed Consent Orders exceed $5000,000.00 and all the agreements arise out of a single audit. Although ERA has signed and tentatively accepted the proposed Consent Orders, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate a modification of the Consent Orders, or issue the Consent Orders as signed.

I. Background

During the period June 1979 through January 21, 1981, Trigon was the operator of the A.D. LeBlanc No. 1 Well located in the Tigre Lagoon Field, Vermillion Parish, Louisiana. As a result, Trigon was a "producer" of crude oil, as defined in 10 CFR 212.31 and was subject to the provisions of the mandatory Petroleum Price Regulations

located at 10 CFR Part 212, Subpart D. Entex Inc., C. William Rogers, D. Bryan Ferguson, and Omni Drilling Partnership No. 1978–2 were working interest owners in the A.D. LeBlanc No. 1 Well and were also subject to the price regulations codified in 10 CFR Part 22 and antecedent regulations.

The ERA conducted an audit of the sales of crude oil from A.D. LeBlanc property. This audit concluded that these sales were made at prices which exceeded the maximum lawful ceiling prices provided by Subpart D. On August 30, 1985 DOE issued a Proposed Remedial Order (PRO) to Trigon. The PRO alleged that Trigon caused overcharges in the amount of $624,298.81 during the period attributable to Trigon's improper classification of production from the A.D. LeBlanc No. 1 Well as "newly discovered crude oil." The PRO order Trigon to refund the overcharge amount, plus interest, to DOE for proper distribution. Trigon filed a Notice of Objection to the PRO on October 24, 1985. Trigon's Statement of Objections (S/O) to the PRO was filed on December 3, 1985.

In its S/O, Trigon contended that crude oil extracted from the A.D. LeBlanc No. 1 Well during well testing procedures in 1978 did not constitute "production" within the meaning of 10 CFR 212.79(b), and therefore, subsequent production from this well qualified as "newly discovered crude oil." Trigon also contended that because it was a contract operator, it could not be held liable for the full amount of the overcharges. Trigon further asserted that it was in distressed financial circumstances and should not be held liable for the full amount of overcharges.

Omni Exploration, Inc., the largest working interest owner in the A.D. LeBlanc No. 1 Well filed for relief under Chapter 11 of the Bankruptcy Code on February 28, 1983. On January 31, 1984, the United States Bankruptcy Court of the Easterrn District of Pennsylvania, issued an Order confirming the firm's plan of reorganization thereby discharging any actual or contingent claims against Omni Exploration, Inc.

Based on an analysis of Trigon's arguments and financial condition, the entire record in this proceeding, and the bankruptcy of Omni Exploration, Inc., and in light of the expense to the government associated with any additonal litigation, ERA believes that a total payment of $680,150.96 is a satisfactory compromise of the issues raised in the audit. Under the circumstances of this proceeding ERA also concluded it was appropriate to enter into separate consent orders with working interest owners in the A.D. LeBlanc No. 1 Well to resolve violations attributable to their respective shares of crude oil produced from this well.

II. The Consent Orders

The proposed Consent Orders have been entered into by DOE and four of the working interest owners in the A.D. LeBlanc No. 1 Well in order to resolve all civil and administrative disputes, claims, and causes of action by DOE against Trigon and these working interest owners arising from DOE's audit of Trigon's compliance with the federal petroleum price and allocation regulations during the period June 1979 through January 21, 1981. Although Trigon and the working interest owners contend that in all respects they correctly construed and complied with applicable regulations, they have entered into these proposed Consent Orders to avoid possible further expenses and disruption of business. DOE believes the proposed Consent Orders are in the public interest and provide a satisfactory resolution of the issues raised by the audit.

III. Refunds

Under the terms of the Consent Orders, Entex Inc. is required to pay the sum of $248,744.40 on or before the date of execution of its Consent Order. D. Bryan Ferguson and C. William Rogers each agreed to pay the sum of $60,129.87 on or before the date of execution of their respective Consent Orders and $84,181.82 two years from the date of execution of their respective Consent Orders. Omni Drilling Partnership 1978–2 agreed to pay $59,480.49 on or before the date of execution of its Consent Order and $83,272.69 two years from the date of execution of its Consent Order. The refund amounts will be deposited in a suitable account for approppriate distribution by DOE.

IV. Submission of Written Comments

Interested persons are invited to submit written comments concerning the terms and conditions of these proposed Consent Orders to the address given above. The ERA will consider all comments it receives by 4:30 P.M., local time, on the 30th day after the date of publication of this notice. Any information or data considered confidential by the person submitting it must be identified as such in accordance with the procedures in 10 CFR 205.9(f)

Issued in Washington, DC, on this 19th day of May 1987.

Marshall Staunton,

Acting Solicitor, Office of the Solicitor, Economic Regulatory Administration.

[FR Doc. 87–11954 Filed 5–26–87; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Project Nos. 9099–001 et al.]

Trans Mountain Construction Company, Inc., et al.; Surrender of Preliminary Permits

May 20, 1987.

Take notice that the following preliminary permits have been surrendered effective as described in Standard Paragraph I at the end of this notice.

1. Trans Mountain Construction Company

[Project No. 9099–001]

Take notice that Trans Mountain Construction Company, permittee for the proposed Peru Creek Project No. 9099 requested that its preliminary permit be terminated. The preliminary permit was issued on August 22, 1985, and would have expired on July 31, 1988. The project would have been located on Peru Creek in Summit County, Colorado.

The permittee filed the request on April 28, 1987.

2. Red Bluff Water Power Control District and Prodek, Inc.

[Project No. 9075–001]

Take notice that Red Bluff Water Power Control District and Prodek, Inc., exemptees for the proposed Red Bluff Water Power Hydroelectric Project No. 9075, have requested that their exemption be terminated. The exemption was issued on August 30, 1985. The project would have been located on the Pecos River, in Reeves and Loving Counties, Texas and in Eddy County, New Mexico. No construction has commenced at this project.

The exemptee filed the request on February 2, 1987.

3. Tuolumne Regional Water District, County of Tuolumne, and Tuolumne County Water District No. 1

[Project No. 9525–001]

Take notice that the Tuolumne Regional Water District, County of Tuolumne, and Tuolumne County Water District No. 1, permittee for the proposed Mill Creek Project No. 9525 requested that its preliminary permit be

terminated. The preliminary permit was issued on January 28, 1986, and would have expired on December 31, 1988. The project would have been located on the Mill and Cascade Creeks in Tuolumne County, California.

The permittee filed the request on April 20, 1987.

4. Tuolumne Regional Water District, County of Tuolumne, and Tuolumne County Water District No. 1

[Project No. 9527-001]

Take notice that the Tuolumne Regional Water District, County of Tuolumne, and Tuolumne County Water District No. 1, permittee for the proposed Cow Creek Project No. 9527 requested that its preliminary permit be terminated. The preliminary permit was issued on January 27, 1986, and would have expired on December 31, 1988. The project would have been located on the Cow Creek in Tuolumne County, California.

The permittee filed the request on April 20, 1987.

Standard Paragraphs:

I. The preliminary permit 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. 87-11973 Filed 5-26-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP87-313-000 et al.]

Consolidated Gas Transmission Corp. et al.; Natural Gas Certificate Filings

May 20, 1987.

Take notice that the following filings have been made with the Commission:

1. Consolidated Gas Transmission Corporation

[Docket No. CP87-313-000]

Take notice that on April 30, 1987, Consolidated Gas Transmission Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP87-313-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity for authorization to render natural gas storage service for PennEast Gas Services Company (PennEast) under Applicant's Rate Schedule GSS of its FERC Gas Tariff, Volume No. 1, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to render firm long-term storage service for PennEast, pursuant to the terms and conditions of Rate Schedule GSS of its FERC Gas Tariff, Volume No. 1, and a storage service agreement between Applicant and PennEast dated April 29, 1987, which is attached as Exhibit P to the application. Applicant proposes to render natural gas storage service on a firm basis with an annual storage capacity quantity of 10,000,000 dt equivalent of natural gas and a storage demand quantity of 100,000 dt equivalent of natural gas per day. Applicant proposes to provide the storage service for a primary term from April 1, 1988, the first day of the 1988 storage injection season, through March 31, 2011, and year-to-year thereafter.

Applicant proposes to render the storage service to PennEast under and in accordance with Applicant's Rate Schedule GSS of its FERC Gas Tariff, Volume No. 1, or any effective superseding rate schedule, as may be modified from time-to-time.

Applicant indicates that it would receive gas for PennEast's account to be injected into storage at the existing interconnection between Applicant's facilities and Taxas Eastern Transmission Corporation's (Texas Eastern) Measuring Station 931, referred to as the Leidy Connection and would deliver gas from storage for PennEast's account at the existing interconnection between Applicant's facilities and Texas Eastern's Measuring Station 082, referred to as the Oakford Connection. It is indicated that other receipt and delivery points may be used subject to the sole decision of Applicant and PennEast, respectively. Applicant states that it does not propose to construct or operate jurisdictional facilities by this application.

Comment date: June 3, 1986, in accordance with Standard Paragraph F at the end of this notice.

2. Consolidated Gas Transmission Corporation

[Docket No. CP87-314-000]

Take notice that on April 30, 1987, Consolidated Gas Transmission Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP87-314-000 an application pursuant to section 7(c) of the Natural Gas Act for a certification pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the development of additional underground natural gas storage capacity at its existing Greenlick and Sharon Storage Pools, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate certain facilities and to increase the underground storage capacity in its existing Greenlick Storage Pool, located in Potter and Clinton Counties, Pennsylvania, and Sharon Storage Pool, located in Potter County, Pennsylvania.

Applicant proposes to drill ten new storage injection/withdrawal wells, and to construct storage gathering lines required to connect those wells into the existing pipeline system at Greenlick Storage Pool. Applicant also proposes to increase its existing storage capacity at Greenlick by 1,800 MMcf of top or working gas capacity.

Applicant states that the total storage capacity at Greenlick is currently 50,490 MMcf, of which 23,460 MMcf is injected base or cushion gas, and 27,030 MMcf is top gas, with an additional 3,570 MMcf of native gas remaining in the Pool. Applicant further states that, upon completion of the proposed facilities, as well as the non-jurisdictional dehydration facilities to be installed in 1988, the Greenlick Storage Pool would provide an additional 1,800 MMcf of top gas capacity, thereby increasing the pool's top gas capacity to 28,830 MMcf and the total storage capacity to 52,290 MMcf. Applicant indicates that the proposed facilities and increased capacity would increase Applicant's last-day withdrawal deliverability rate for Greenlick Storage Pool from its current level of 300,000 Mcf to 349,000 Mcf.

Applicant estimates that the proposed facilities at Greenlick Storage Pool would cost approximately $6,230,000, exclusive of filing fees. Applicant requests authorization to construct the proposed facilities in the spring and summer of 1988.

Applicant proposes, at the Sharon Storage Pool, to (a) install a 1,200 horsepower compressor facility and related equipment at the location of its former State Line Compressor Station, in Potter County, Pennsylvania; (b) to inject an additional 500 MMcf of base gas into the storage pool; (c) replace all the existing storage gathering lines in the pool, except Line No. 257-S, the main trunkline in the pool; and (d) recondition three existing storage wells. Applicant also proposes to increase the pool's top gas capacity by 1,700 MMcf.

Applicant states that the total storage capacity at Sharon is 2,300 MMcf, of

which 1,170 MMcf is injected base gas and 600 MMcf is top gas, with an additional 530 MMcf of native gas remaining in the pool. Applicant further states that upon completion of the proposed facilities, Applicant would inject an additional 500 MMcf of base gas, thus increasing the base gas level to 2,200 MMcf. It is submitted that the proposed facilities and the additional base gas would provide Applicant with an additional 1,700 MMcf of top gas capacity, thereby increasing the top gas level to 2,300 MMcf and the pool's total storage capacity to 4,500 MMcf. Applicant indicates that the proposed facilities and increased capacity would increase Applicant's last-day withdrawal deliverability rate for Sharon Storage Pool from its current level of 6,000 Mcf to 16,000 Mcf.

Applicant estimates that the proposed activities at Sharon Storage Pool would cost approximately $4,855,000, exclusive of filing fees. Applicant proposes to construct the facilities in the spring and summer of 1988.

Applicant states that the cost of the proposed facilities at Greenlick and Sharon Storage Pools would be financed from funds on hand and from funds to be obtained from Applicant's parent company, Consolidated Natural Gas Company.

Applicant submits that the additional storage capabilities would be utilized for Applicant's system-wide storage requirements and would in part provide Applicant with the capacity to render long-term firm storage service for PennEast Gas Services Company, as proposed in Docket No. CP87–313–000.

Comment date: June 3, 1987, in accordance with Standard Paragraph F at the end of this notice.

3. National Fuel Gas Supply Corporation

[Docket No. CP87–329–000]

Take notice that on April 30, 1987, as supplemented on May 11, 1987, National Fuel Gas Supply Corporation (Natural Fuel), Ten Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP87–329–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities to replace existing facilities. National Fuel also requests, pursuant to section 7(b) of the Natural Gas Act, permission and approval to abandon the deteriorated facilities which would be replaced. National Fuel's proposal are more fully set forth in the application which is on file with the Commission and open to public inspection.

National Fuel proposes to replace 13.4 miles of 12-inch bare steel pipeline, designated as Line M, in Victory, Rockland and Cranberry Townships, all in Venango County, Pennsylvania, with an equivalent length of 16-inch coated steel pipeline. National Fuel states that this is Phase II of a replacement program for the existing 12-inch bare steel line which was originally installed in 1944 and is a main line in National Fuel's system which carries gas from various interstate sources in Pennsylvania to local markets. It is asserted that the replacement of Line M is required due to the age of the bare pipeline and, further, to increase delivery capacity of the line allowing National Fuel to take greater advantage of its low-priced sources of supply. It is stated that the new replacement pipeline would be located approximately 20 feet from the existing pipeline, which would be abandoned in place.

National Fuel estimates the cost of the Line M replacement to be $3,561,914 which would be financed with internally generated funds and/or interim short-term bank loans.

Comment date: June 3, 1987, in accordance with Standard Paragraph F at the end of this notice.

4. Northern Natural Gas Company, Division of Enron Corp. Enron Gas Processing Company

[Docket No. CP68–5–002]

Take notice that on May 8, 1987, Northern Natural Gas Company, Division of Enron Corp. (Northern), and Enron Gas Processing Company (EGP), 2223 Dodge Street, Omaha, Nebraska 68102 (collectively referred to herein as Petitioners), filed in Docket No. CP68–5–002 a joint petition to amend the order issued December 11, 1967, as amended, pursuant to Section 7(c) of the Natural Gas Act to authorize the exchange of natural gas and waiver of certain reporting requirements, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioners stated that by order issued December 11, 1967, as amended, Northern was authorized, *inter alia*, to transport and deliver for sale to EGP (formerly named Northern Gas Products Company) a maximum of 62,400 Mcf of natural gas per day for fuel and shrinkage incident to the extraction of ethane at EGP's extraction plant at Bushton, Kansas.

It is stated that pursuant to an agreement dated March 31, 1987, which supersedes the original agreement between Northern and EGP dated June 26, 1967, the Petitioners propose to permit EGP the option to deliver to Northern thermally equivalent volumes of natural gas to compensate for those volumes of natural gas retained and utilized by EGP in its ethane extraction operation for shrinkage, fuel and other incidental uses (exchange-in-kind volumes). Such exchange-in-kind volumes would be delivered to Northern by EGP, or its designee, at the tailgate of EGP's Bushton plant, or at other mutually agreeable, points on Northern's pipeline system, it is stated. It is further stated that to the extent EGP delivers exchange-in-kind volumes to Northern at any point on Northern's pipeline system other than the tailgate of the Bushton plant, then EGP would pay transportation to Northern from such points to the Bushton plant in accordance with Northern's applicable transportation tariff.

It is requested that EGP be granted a limited-jurisdiction certificate authorizing EGP to exchange such exchange-in-kind volumes in interstate commerce with Northern. It is further requested that the Commission find that EGP's Bushton plant and its otherwise nonjurisdictional activities would not become subject to the Commission's jurisdiction by virtue of the proposed exchange-in-kind between EGP and Northern. It is also requested that EGP be granted a waiver of any requirement to comply with the Commission's Uniform System of Accounts and any other reporting requirements which might otherwise be applicable to EGP by virtue of EGP's acceptance of the limited-jurisdiction certificate.

The Petitioners also state that any transportation of the proposed exchange-in-kind volumes by Northern to the Bushton plant would be accomplished pursuant to Northern's open access transportation Rate Schedules FT–1 and IT–1 as appropriate.

Comment date: June 3, 1987, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

5. Northern Natural Gas Company, Division of Enron Corp. Enron Gas Processing Company

[Docket No. CP61–132–000]

Take notice that on May 8, 1987, Northern Natural Gas Company, Division of Enron Corp. (Northern), and Enron Gas Processing Company (EGP), 2223 Dodge Street, Omaha, Nebraska 68102 (collectively referred to herein as Petitioners), filed in Docket No. CP61–132–000 a joint petition to amend the order issued December 28, 1962, in Docket No. CP61–132, pursuant to section 7(c) of the Natural Gas Act to

authorize, the exchange of natural gas and waiver of certain reporting requirements, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioners stated that by order issued December 28, 1962, Northern was authorized, *inter alia,* to transport and deliver natural gas for sale to EGP (formerly named Northern Gas Products Company) for fuel and skrinkage incident to the extraction of certain hydrocarbons in its extraction plant at Bushton, Kansas.

It is stated that pursuant to an agreement dated April 1, 1987, which supersedes the original agreement between Northern and EGP dated October 28, 1960, the Petitioners proposed to permit EGP the option to deliver to Northern thermally equivalent volumes of natural gas to compensate for those volumes of natural gas retained and utilized by EGP for shrinkage, fuel and other incidental uses (exchange-in-kind volumes) within the hydrocarbon portion of the Bushton plant. Such exchange-in-kind volumes would be delivered to Northern by EGP, or its designee, at the tailgate of EGP's Bushton plant, or at other mutually agreeable, points on Northern's pipeline system, it is stated. It is further stated that to the extent EGP delivers exchange-in-kind volumes to Northern at any point on Northern's pipeline system other than the tailgate of the Bushton plant, then EGP would pay transportation to Northern from such points to the Bushton plant in accordance with Norther's applicable transportation tariff.

It is requested that EGP be granted a limited-jurisdiction certificate authorizing EGP to exchange such exchange-in-kind volumes in interstate commerce with Northern. It is further requested that the Commission find that EGP's Bushton plant and its otherwise nonjurisdictional activities would not become subject to the Commission's jurisdiction by virtue of the proposed exchange-in-kind between EGP and Northern. It is also requested that EGP be granted a waiver of any requirement to comply with the Commission's Uniform System of Accounts and any other reporting requirements which might otherwise be applicable to EGP by virtue of EGP's acceptance of the limited-jurisdiction certificate.

The Petitioners also state that any transportation of the proposed exchange-in-kind volumes by Northern to the Bushton plant would be accomplished pursuant to Northern's open access transportation Rate Schedules FT–1 and IT–1 as appropriate.

Comment date: June 3, 1987, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

6. Northern Natural Gas Company, Division of Enron Corp.

[Docket No. CP84–668–002]

Take notice that on April 30, 1987, Northern Natural Gas Company, Division of Enron Corp. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102 filed in Docket No. CP84–668–002 a joint petition to amend the order issued April 5, 1985, in Docket No. CP84–668–000 pursuant to section 7(c) of the Natural Gas Act so as to authorize the transportation of natural gas for Northwest Central Pipeline Company (Northwest Central) on an overrun basis in accordance with a December 18, 1986, gas amendatory agreement, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Northern states, that by Commission order issued on April 5, 1985, it is authorized to transport, on an interruptible basis, up to 100,000 Mcf of natural gas per day for the account of Northwest Central pursuant to the provisions of the gas transportation agreement (Original Agreement) dated May 29, 1984, between Northern and Northwest Central. It is stated that Northern accepts such volumes from Northwest Central at the two existing interconnections between Northern and Northwest Central located in Barton County, Kansas. Northern Transports the gas it receives from Northwest Central in Barton County, Kansas, and redelivers thermally equivalent volumes for Northwest Central's account to the suction side of Enron Gas Product's Bushton Extraction Plant located in Ellsworth County, Kansas, it is stated. After the gas (delivered by Northern for Northwest Central's account) is processed, Northwest Central causes the residue volumes to be delivered to Northern for transportation and redelivery to Northwest Central at another point of interconnection between the respective systems of Northern and Northwest Central in Barton County, Kansas, it is further stated.

Northern proposes herein to transport volumes in excess of 100,000 Mcf per day for Northwest Central's account on an interruptible, overrun basis pursuant to all the terms of the Original Agreement amended by Amendment No. 1 dated December 18, 1986, between the parties (Amendment). According to the terms of the Amendment, Northern proposes to provide an overrun transportation service for natural gas delivered by Northwest Central in Barton County, Kansas, that are in excess of the currently authorized transportation quantity of 100,000 Mcf per day. Northern proposes to charge Northwest Central a rate for overrun service which is equivalent to the maximum rate on file with the Commission under Northern's Rate Schedule IT–1, currently 3.7 cents per MMBtu per 100 miles of haul. The proposed rate for the overrun service is said to be equal to the commodity rate charge for the presently authorized transportation of the contract quantity of 100,000 Mcf per day. Such proposed rates, it is said, are subject to the outcome of Northern's pending rate proceeding in Docket No. RP85–206–000.

Comment date: June 3, 1987, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

7. Northern Natural Gas Company Division of Enron Corp.

[Docket No. CP87–324–000]

Take notice that on April 30, 1987, Northern Natural Gas Company, Division of Enron Corp. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP87–324–000 an application pursuant to section 7(c) of the Natural Gas Act, requesting authorization for the transportation of natural gas on an interruptible basis on behalf of Peoples Natural Gas Company, Division of Utilicorp United Inc. (Peoples), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northern seeks authorization to transport up to 354,900 MMBtu of natural gas per day pursuant to a Gas Transportation Agreement dated April 2, 1987, as amended, April 29, 1987, from 15 existing points of receipt along Northern's system in the states of Kansas, Oklahoma, Texas and Iowa to 31 existing points of delivery to Peoples in the states of Nebraska, Iowa and Minnesota, as listed in attached Appendix. Northern proposes to charge Peoples rates based on 2.1 cents per 100 miles of haul for field zone transportation and 43.37 cents for transportation in the market zone which rates are equivalent to the effective rate under Northern's Rate Schedule IT–1. Northern states that it would also charge 1.52 cents per Mcf, adjusted for heating content, for the funding of the Gas Research Institute. Northern states that it proposes to provide the requested service for a primary term of two years and subsequent two-year terms upon

mutual agreement of Peoples and Northern no later than 120 days prior to the expiration of the primary term.

Appendix

Northern Receipt Points

1. NWC—Barton C Line, Barton County, KS
2. CCPL—Roger Mills County, Roger Mills County, OK
3. PEPL—Mullinville, Kiowa County, KS
4. ONG I—Woodward County, Woodward County, OK
5. ONG II—Woodward County, Woodward County, OK
6. ONG—Roger Mills County, Roger Mills County, OK
7. ANR—Greensburg, Kiowa County, KS
8. Diamond Shamrock—McKee Plant, Moore Country, TX
9. Delhi—Beaver County, Beaver County, OK
10. Ladd—Ozona, Crockett County, TX
11. NGP—Bushton Outlet, Ellsworth County, KS
12. Prairie States—Beaver County, Beaver County, OK
13. H&L Operating—Ochiltree, Ochiltree County, TX
14. H&L—Beaver County, Beaver County, OK
15. NBPL—Ventura, Hancock County, IA

Peoples Delivery Points

1. Rochester #1—TBS, Olmsted County, MN
2. Eveleth Taconite—TBS, St. Louis County, MN
3. Hanna Mining #2—TBS, St. Louis County, MN
4. Erie Mining—TBS, St. Louis County, MN
5. Inland Steel—TBS, St. Louis County, MN
6. U.S. Steel—TBS, St. Louis County, MN
7. Fort Crook #4—TBS, Sarpy County, NE
8. Council Bluffs #1—TBS, Pottawattomie County, IA
9. Dubuque #1—TBS, Dubuque County, IA
10. Dubuque #1A—TBS, Dubuque County, IA
11. Spencer #B—TBS, Clay County, IA
12. Newton #1—TBS, Jasper County, IA
13. Newton #1A—TBS, Jasper County, IA
14. Webster City #1—TBS, Hamilton County, IA
15. Rosemont #1C—TBS, Dakota County, MN
16. Bellevue #1—TBS, Sarpy County, NE
17. Fort Crook #1—TBS, Sarpy County, NE
18. Schuyler #2—TBS, Colfax County, NE
19. Rochester #1—TBS, Olmsted County, MN
20. Worthington #1—TBS, Nobles County, MN
21. Rosemont #1—TBS, Dakota County, MN
22. Fairbury #2—TBS, Jefferson County, NE
23. Fairbury #3—TBS, Gage County, NE
24. Fort Crook #1A—TBS, Sarpy County, NE
25. Fort Crook #6—TBS, Sarpy County, NE
26. Valley #1B—TBS, Douglas County, NE
27. Spencer #1—TBS, Clay County, NE
28. Lehigh #3—TBS, Webster County, IA
29. Cleveland-Cliffs—TBS, Marquette County, MN
30. Erie Mining #2—TBS, St. Louis County, MN
31. Reserve Mining #1—TBS, Lake County, MN

Comment date: June 3, 1987, in accordance with Standard Paragraph F at the end of this notice.

8. PennEast Gas Services Company Texas Eastern Transmission Corporation

[Docket No. CP87-312-000]

Take notice that on April 30, 1987, PennEast Gas Services Company (PennEast) and Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77252, filed in Docket No. CP87-312-000 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificater of public convenience and necessity authorizing PennEast to provide long-term firm storage and firm transportation services, to develop and operate the North Summit Storage Pool, located in Fayette County, Pennsylvania, and to construct and operate pipeline facilities, and authorizing Texas Eastern to render a compression and metering service to PennEast, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is indicated that PennEast is a general partnership organized by Consolidated Gas Transmission Corporation (Consolidated) and Texas Eastern Gateway, Inc., an affiliate of Texas Eastern.

PennEast requests authorization to render a firm storage service pursuant to a new Rate Schedule PSS to the following customers (Buyers) in the quantities indicated below:

Buyer	Maximum storage quantity (dt equivalent)	Maximum daily withdrawal quantity (dt per day equivalent)
Phase III—Commencing April 1, 1988:	Commencing 4/1/88	Commencing 11/15/88
Bristol & Warren Gas Company	81,300	813
The Brooklyn Union Gas Company	1,500,000	15,000
Central Hudson Gas & Electric Corp.	400,000	4,000
Colonial Gas Company	206,700	2,067
Long Island Lighting Company	1,500,000	15,000
Town of Middleborough, MA	15,500	155
New Jersey Natural Gas Company	500,000	50,000
Penn Fuel Gas, Inc.	200,000	2,000
The Pequot Gas Company	12,000	125
Providence Gas Company	1,000,000	10,000
Public Service Electric & Gas Company	3,008,400	30,084
South County Gas Company	24,800	248
Undesignated	1,550,800	15,508
Incremental total	10,000,000	100,000
Phase III—Commencing April 1, 1989:	Commencing 4/1/89	Commencing 11/15/89
Central Hudson Gas & Electric Corp.	200,000	2,000
Elizabethtown Gas Company	1,000,000	10,000
Long Island Lighting Company	1,500,000	15,000
Town of Middleborough, MA	5,200	52
New Jersey Natural Gas Company	1,000,000	10,000
Penn Fuel Gas, Inc.	100,000	1,000
Incremental Total	3,805,200	38,052
Phase III—Commencing April 1, 1990:	Commencing 4/1/90	Commencing 11/15/90
Consolidated Edison Company of New York, Inc.	2,000,000	20,000
Long Island Lighting Company	2,000,000	20,000
Town of Middleborough, MA	5,200	52
New Jersey Natural Gas Company	2,000,000	20,000
Penn Fuel Gas, Inc.	100,000	1,000
Incremental total	6,105,200	61,052
Aggregate total	19,910,400	199,104

PennEast states that the Buyers have subscribed to the proposed PSS storage service by executing precedent agreements, attached as Exhibit I to the application. PennEast further states that the proposed storage service would commence on April 1, 1988, 1989, or 1990 (depending on when each Buyer elected to subscribe) and would continue for a primary term ending on March 31, 2011.

It is indicated that the proposed service would be based upon 10 Bcf of storage capacity to be developed by PennEast at the North Summit Storage Pool located in Fayette County, Pennsylvania, and in combination with the purchase by PennEast of 10 Bcf of storage service from Consolidated.

PennEast proposes on behalf of the subscribing Buyers to receive gas from the Buyers at the receipt points specified in the service agreement and inject such gas into PennEast's storage capacity, and withdraw gas from PennEast's

storage capacity and deliver such gas to Buyer at the delivery points specified in the service agreement. It is indicated that when capacity is available on PennEast's system for receipt from or for the account of Buyer of storage gas during each contract year, PennEast would receive from or for the account of Buyer quantities of gas and inject into storage for Buyer's account such quantities of gas less company use gas. Further, it is indicated that PennEast would withdraw from storage for Buyer, at Buyer's request, quantities of gas from Buyer's storage inventory up to Buyer's maximum daily withdrawal quantity (and such additional quantity as PennEast in its judgement is able to withdraw) and deliver to or for the account of Buyer such quantities less company use gas.

PennEast also proposes to render long-term firm transportation service for the Buyers in accordance with PennEast's firm transportation Rate Schedule T–1. PennEast proposes to transport on a daily basis natural gas up to the quantities indicated below:

Buyer	Contract demand quantity (dt per day equivalent)
Beginning November 15, 1988:	
Bristol & Warren Gas Company	788
The Brooklyn Union Gas Company	89,542
Central Hudson Gas & Electric Corp	3,906
Colonial Gas Company	2,004
Long Island Lighting Company	39,647
Town of Middleborough, MA	151
New Jersey Natural Gas Company	39,883
Penn Fuel Gas, Inc	1,953
The Peguot Gas Company	122
Providence Gas Company	9,694
Public Service Electric & Gas Company	129,164
South County Gas Company	240
Undesignated	15,034
Incremental Total	332,128
Beginning November 15, 1989:	
Central Hudson Gas & Electric Corp	1,911
Elizabethtown Gas Company	19,694
Long Island Lighting Company	14,436
Town of Middleborough, MA	50
New Jersey Natural Gas Company	9,659
Penn Fuel Gas, Inc	955
Incremental Total	46,705
Beginning November 15, 1990:	
Consolidated Edison Company of New York, Inc	19,464
Long Island Lighting Company	19,577
Town of Middleborough, MA	51
New Jersey Natural Gas Company	19,520
Penn Fuel Gas, Inc	985
Incremental Total	59,597
Aggregate Total	438,430

It is indicated that PennEast would render the jurisdictional long-term firm storage services by means of the storage capacity provided by the development of the new North Summit Storage Pool combined with storage capacity purchased from Consolidated and the facilities owned by Texas Eastern, the incremental pipeline facilities proposed in the Capacity Restoration Program in Docket No. CP87–92–001, and pipeline facilities proposed herein to be constructed by PennEast in conjunction with Texas Eastern's main transmission system.

PennEast proposes to develop the North Summit production pool for storage purposes, located in Fayette Country, Pennsylvania. PennEast proposes to construct and operate the following facilities in 1988 and 1989 at North Summit Storage Pool to enable it to render the proposed Phase II–1989 services:

Recondition twelve existing wells and drill eight new wells for storage injection/withdrawal purposes.

Construct 5.2 miles of 6, 8, 10, 12, 16, and 20-inch pipeline and related and appurtenant facilities to connect 12 storage injection/withdrawal wells.

North Summit Compressor Station—construct dehydration, piping, and M & R facilities and install 3,000 horsepower.

Construct 2.48 miles of 20-inch transmission pipeline to connect North Summit Compressor Station to the pipeline system of Texas Eastern in Fayette County, Pennsylvania.

Inject approximately 6 Bcf of base gas at North Summit Storage Pool.

PennEast proposes to construct and operate the following facilities in 1990 to complete the development of North Summit Storage Pool and enable it to render the proposed Phase III–1990 services:

Recondition and equip seven existing wells and drill one new well for observation purposes, and construct 1.6 mile of 6, 8, and 10-inch pipeline and related and appurtenant facilities to connect eight storage injection/withdrawal wells.

North Summit Compressor Station—install remajning 3,000 horsepower.

Inject approximately 4 Bcf of base gas at North Summit Storage Pool.

It is indicated that the North Summit Storage Pool would have a total capacity of 23 Bcf of gas consisting of 11.5 Bcf of base gas (1.5 Bcf of native reserves and 10 Bcf of injected base gas) and 11.5 Bcf of top gas capacity. It is further indicated that, upon total development, the storage pool would be designed to deliver 105 MMcf of gas per day at a top gas inventory of 11.5 Bcf, with a 6,000 HP compressor station and 20 active injection and withdrawal wells. PennEast states that it would utilize 10 Bcf of the pool's top gas capacity. PennEast further states that it would own the 1.5 Bcf of native reserves remaining in place at the pool. PennEast requests authorization to lease the 10 Bcf of natural gas which it would inject as base gas at the North Summit Pool from CNG Storage Service Company (CNG Storage), a new wholly-owned subsidiary to be created by Consolidated Natural Gas Company, Consolidated's parent company. PennEast submits that it and CNG storage would enter into a lease providing for this arrangment which would be filed in the near future.

It is indicated that the lease would have a primary term from the date of the first delivery of gas through March 31, 2011, and year-to-year thereafter. Further, it is indicated that PennEast would pay an initial rental fee of $.0333 per dt through December 31, 1995, with the monthly rental fee to range between $.0250 and $.0416 per dt for the remainder of the term, to be escalated by a factor tracking the prime commercial rate of interest. PennEast submits that the 10 Bcf of base gas would be delivered over two injection seasons, with 6 Bcf to be delivered in 1989 and 4 Bcf in 1990. PennEast states that it would assume all risk of loss of the base gas during the term of the lease and would have a right of first refusal to purchase the base gas upon termination of the lease. PennEast states that it would return an equivalent quantity of natural gas to CNG Storage over a three year period if PennEast does not purchase the gas.

It is submitted that PennEast's storage facilities would be constructed and operated by Consolidated pursuant to a Construction, Operation and Maintenance agreement between PennEast and Consolidated attached as Exhibit M to the application.

PennEast proposes to construct and operate the following pipeline facilities:

Phase I—1988

Convert four 1,100 HP reciprocating units to clean-burn operation at Texas Eastern's Station 26 (Lambertville) Hunterdon County, New Jersey.

Install measuring and regulating facilities at Texas Eastern's M & R Station 058, Richmond County, New York.

Phase II—1989

6.00 miles of 36-inch pipeline in conjunction with Texas Eastern's existing system in Montgomery County, Pennsylvania.

Install up to 3,000 clean-burn reciprocating horsepower at Texas Eastern's Station 26 (Lambertville) Hunterdon County, New Jersey.

Install up to 11,000 HP gas turbine/compressor at Station 22A (Bedford), Bedford County, Pennsylvania.

Phase III—1990

10.00 miles of 36-inch pipeline in conjunction with Texas Eastern's system in Montgomery County, Pennsylvania.

Install measuring and regulating facilities at Texas Eastern's M & R Station 058, Richmond County, New York.

PennEast states that its pipeline facilities would be constructed and operated by Texas Eastern pursuant to a Construction, Operation and Maintenance agreement between PennEast and Texas Eastern.

It is estimated that the total cost of the proposed storage and pipeline facilities would be $6,366,000 in 1988, $63,820,000 in 1989 and $26,343,000 in 1990 for a total of $96,529,000. It is further estimated that additional costs would be allocated from Docket No. CP87-92-001 in the amount of $39,269,800. PennEast states that it would finance the proposed facilities with a 75%/25% debt/equity structure.

PennEast states that Rate Schedule PSS provides for: (1) a monthly maximum daily withdrawal quantity (MDWQ) charge, (2) a monthly space charge, (3) commodity injection and withdrawal charges, and (4) an authorized overrun quantity charge. PennEast further states that, during periods April 1, 1989, to November 15, 1989, and April 1, 1990, to November 15, 1990, PennEast would charge only those customers who are increasing their maximum storage quantities an interim storage demand charge. It is indicated that the MDWQ, space, injection and withdrawal charges and authorized overrun quantity charge each incorporate, as an "as billed" component the similar charges billed to PennEast under Consolidated's Rate Schedule GSS. PennEast requests authorization to flow through all of Consolidated's storage charges under Rate Schedule GSS incurred by PennEast pursuant to the storage agreement between Consolidated and PennEast, attached in Exhibit H of the application. PennEast states that it is purchasing the GSS service directly from Consolidated, on behalf of PennEast's customers. PennEast also requests that the Commission waive §§ 154.38(d)(3) and 154.63 of the Regulations to permit the tracking of changes in Consolidated's storage charges in accordance with the provisions of PennEast's proposed Rate Schedule PSS.

PennEast proposes the rates shown in Exhibit P(4) of the application be accepted as initial rates for service under Rate Schedule PSS, T-1 and T-2 as of effective date of April 1, 1988, November 15, 1988, April 1, 1989, November 15, 1989, and April 1, 1990. PennEast also requests that the Commission, as part of the order granting a certificate of public convenience and necessity to PennEast, grant approval to adjust the PSS rates effective November 15, 1990, to reflect changes in actual costs and contractual quantities which result from the final phases of construction under the PSS program.

PennEast states that, in view of the lack of historical volumes for Rate Schedules T-1 and T-2, it has not designed rates for this service based upon allocated cost. PennEast submits that the lack of historical information regarding the potential use of the T-1 and T-2 service is sufficient good cause as to warrant the waiver of § 284.7(d)(2) for a limited term, provided appropriate refunds are made to the customers. Accordingly, PennEast proposes to renew its request filed in Docket No. CP87-4-000 for waiver by the Commission of the requirements of § 284.7(d)(2) for a limited term, but to condition such waiver to require PennEast to file no later than fifteen months from the commencement of Phase II of the SS-1 service as proposed in Docket No. CP87-92-000, as amended section 4(e), an initial rate filing utilizing a based period which shall be the first 12 months following the in-service date of Phase II of the SS-1 service.

Texas Eastern requests authorization to receive, measure, compress and deliver gas on behalf of PennEast as contemplated by the pro-forma gas Compression and Metering Service agreement between Texas Eastern and PennEast attached as Exhibit P(5), Schedule 3 of the application. It is indicated that Texas Eastern, as operator of the jointly owned facilities proposed in Docket No. CP87-92-001 and facilities proposed herein, would charge PennEast the incremental operation and maintenance expenses incurred by Texas Eastern. Texas Eastern requests that the rates shown in Exhibit P(5) of the application be accepted as initial rates for such compression and metering service as of the date indicated in the agreement. It is further indicated that this agreement would reflect a change in ownership originally set forth in Docket No. CP87-92-000, whereby PennEast was to make a contribution of aid of construction but Texas Eastern would own the facilities.

Comment Date: June 3, 1986, in accordance with Standard Paragraph F at the end of this notice.

9 Tennessee Gas Pipeline Company

[Docket No. CP68-245-001]

Take notice that on May 4, 1987, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP68-245-001 a petition to amend the order issued May 24, 1968, in Docket No. CP68-245, pursuant to Section 7(c) of the Natural Gas Act so as to authorize an extension in the contract underlying the existing transportation service, establish a new firm transportation quantity, and certain other modifications designed to increase the flexibility of the service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Tennessee states that it is authorized to transport up to 510,000 Mcf per day (Mcfd) on a firm basis for Trunkline Gas Company (Trunkline) from the Tennessee-Trunkline interconnection at Centerville, St. Mary Parish, Louisiana to a Tennessee-Trunkline interconnection at Kinder, Jefferson Davis Parish Louisiana. Tennessee further states that there is also an authorized alternate receipt point in St. Mary Parish Louisiana and an authorized alternate redelivery point in Vermilion Parish Louisiana. Tennessee explains that the transportation service is rendered pursuant to a June 18, 1968, gas transportation agreement which is on file with the Commission as Rate Schedule T-11 in Tennessee's FERC Gas Tariff. It is indicated that Tennessee's transportation service assists Trunkline in receiving into its main transmission system volumes of gas which Trunkline purchases in the eastern areas of offshore Louisiana and then subsequently transports to shore through its Terrebonne system.

Tennessee notes that the term of the underlying transportation agreement expires November 1, 1988, and that to assure continuation of the service, and to make certain modifications in the service, Trunkline and Tennessee have executed an amendment to the original agreement which is dated May 1, 1987. In accordance with the May 1, 1987 amendment Tennessee requests authority to:

(1) Extend the term of transportation service to and including October 31, 1997;

(2) Establish a firm transportation quantity (FTQ) equal to 522,750 dakatherms per day (dtd);

(3) Reduce the FTQ is accordance with Trunkline's option under the amended contract to convert a portion of firm service to interruptible service;

(4) Receive as part of the FTQ gas purchased by Trunkline as well as gas which Trunkline transports for third parties, and

(5) Provide interruptible service for Trunkline to the extent Trunkline exercises its option to convert firm transportation to interruptible transportation.

Tennessee asserts that no new facilities would be required to implement the amendment and that the receipt and delivery points would not change.

For any interruptible service which may be provided to Trunkline, Tennessee proposes to charge 7.79 cent per dt. In addition Tennessee proposes that Trunkline compensate if for fuel use and lost and unaccounted for by providing Tennessee each day with 0.5 percent of the volumes tendered for transportation. Provided that Trunkline withdraws its application pending in Docket No. CP86-426-000, Tennessee also proposes to delete its minimum quantity charge effective November 1, 1987.

Comment Date: June 3, 1987, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

Transcontinental Gas Pipe Line Corporation

[Docket No. CP86-597-001]

Take notice that on May 4, 1987, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP86-597-001 an amendment to its pending application filed in Docket No. CP86-597-000 pursuant to section 7(c) of the Natural Gas Act so as to reflect a change in the proposed facilities required to render the proposed firm transportation service for South Jersey Gas Company (South Jersey), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Transco States that, only Julyb 1, 1987, it filed an application in Docket No. CP86-597-000 for authority to provide a firm transportation service of up to the dekatherm (dt) equivalent of 5,500 Mcf of natural gas per day and to construct and operate 1.25 miles of related pipeline loop facilities. Transco states that the recent withdrawal of the proposed Transylvania Gas Pipeline Company, Inc. proposal in Docket No. CP86-333-000 eliminated certain proposed facilities from Transco's Leidy Line which would have functioned in conjunction with the facilities proposed in the application in the instant proceeding. Accordingly, it is stated, Transco has determined that, in order to render the firm transportation service for South Jersey, it would be necessary to construct 0.9 miles of 36-inch pipeline loop in Lazerne County, Pennsylvania, in lieu of the facilities originally proposed in the application. It is stated that, in order to take advantage of economies of scale presently available with the expansion of the Leidy Line, the newly-proposed facilities are anticipated ultimately to operate in conjunction with the facilities proposed in Transco's recent SS-1 Storage Service application pending in Docket No. CP87-196-000.

Comment Date: June 3, 1987, in accordance with the first subpargraph of Standard Paragraph F at the end of this notice.

Standard Paragraphs:

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-11971 Filed 5-26-87; 8:45 am]

BILLING CODE 6171-01-M

[Docket Nos. CP87-336-000 et al.]

Mountain Fuel Resources, Inc., et al.; Natural Gas Certificate Filings

May 19, 1987.

Take notice that the following filings have been made with the Commission:

1. Mountain Fuel Resources, Inc.

[Docket No. CP87-336-000]

Take notice that on May 4, 1987, Mountain Fuel Resources, Inc. (MFR), 79 South State Street, Salt Lake City, Utah 84111, filed in Docket No. CP87-336-000 a request pursuant to Section 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to add a receipt point under the authorization issued to MFR in Docket No. CP82-491-000, for natural gas transported on behalf of Northwest Pipeline Corporation (Northwest) all as more fully set forth in the request which is on file with the Commission and open to public inspection.

MFR proposes to add the F. H. Ranch No. 1 well (R. H. Ranch) receipt point, located on its Main Line No. 68 in Garfield County, Colorado, as a receipt point under its Rate Schedule X-29, in order to continue the transportation of Natural Gas on behalf of Northwest in accordance with the transportation authorization granted to MFR in the Commission Order dated September 30, 1981, in Docket No. CP80-144-000. MFR states that MFR has transported natural gas from the R. H. Ranch receipt point since October 3, 1985, pursuant to an amendment dated August 6, 1985, to Gas Transportation and Exchange Agreement between MFR and Northwest dated July 3, 1980 (Agreement). MFR explains that the transportation of natural gas for Northwest from the R. H. Ranch receipt point has been provided on a "Grandfathered" basis since October 9, 1985, and would terminate on October 3, 1987.

Further, MFR states that during 1986, it transported and average of 121 Mcf of gas per day for Northwest from the R. H. Ranch receipt point and that the continued transportation of this small quantity of natural gas under its Rate Schedule X-29, which comprises the Agreement, would not cause MFR to

exceed the certificates maximum daily quality of 15,000 Mcf of gas per day.

Comment date: July 7, 1987, in accordance with Standard Paragraph G at the end of this notice.

2. Columbia Gulf Transmission Company and Texas Eastern Transmission Corporation

[Docket No. CP77-494-008]

Take notice that on April 24, 1987, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston Texas 77001, and Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77252 (Petitioners), filed in Docket No. CP77-494-008 a petition to amend the order issued November 2, 1977, in Docket No. CP77-494-000, as amended, pursuant to section 7(C) of the Natural Gas Act to authorize transportation of additional source of natural gas supplies, within authorized contract demand levels, for Texas Eastern; to authorize and additional point of receipt in St. Mary Parish, Louisiana; and to authorized the balancing of the gas transported on a thermal basis rather than a volumetric basis, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioners state that by Commission order issued November 2, 1977, as amended, Columbia Gulf is authorized to transport a contract demand volume of up to 40,000 Mcf of natural gas per day produced in Eugene Island Blocks (EI) 333 and 256 and South Marsh Island Block 143 Platform B and 142 Platform A, offshore Louisiana. Petitioners states that the gas is made available to Columbia Gulf at the terminus of the Sea Robin Pipeline System near Erath, Vermilion Parish, Louisiana, and equivalent quantities are redelivered to Texas Eastern, less 0.5 percent for fuel and gas costs, at a point in St. Landry Parish, Louisiana, at which Texas Eastern's and Columbia Gulf's pipeline intersect. It is stated that Texas Eastern has contracted for additional sources of gas from EI Blocks 337, 181, 182 and 313 Platform B, and East Cameron Block 336, offshore Louisiana, and from the Atchafalaya Bay Field Area, St. Mary Parish, Louisiana. Petitioners thus propose to include these volumes in the transportation arrangement.

The quantities from East Cameron Area Block 336, offshore Louisiana, are proposed to be transported pursuant to terms of and amendment to the June 16, 1977, transportation agreement between Columbia Gulf and Texas Eastern, dated July 22, 1982, as amended by amendatory letter dated November 19, 1984; the volumes from Eugene Island Blocks 337, 181, 182 and 313 Platform B, offshore Louisiana, proposed to be transported pursuant to the terms of an amendment to the agreement dated April 1, 1984; and volumes from the Atchafalaya Bay Filed Area, St. Mary Parish, Louisiana, proposed to be transported pursuant to the terms of an amendment to the agreement dated September 12, 1984. Petitioners further propose, pursuant to the amendment dated September 12, 1984, to add a point of receipt at the discharge side of Exxon Company U.S.A.'s Garden City Gas Processing Plant in St. Mary Parish, Louisiana, at which point the quantities from the Atchafalaya Bay filed Area will be delivered to Columbia Gulf by Monterey Pipeline Company for the account of Texas Eastern. Petitioners also propose, pursuant to the terms of the amendment dated April 1, 1984, to convert the balancing of quantities transported to thermal basis rather than a volumetric basis.

Comment date: June 2, 1987, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

3. National Fuel Gas Supply Corporation

[Docket No. CP87-330-000]

Take notice that on April 30, 1987, National Fuel Gas Supply Corporation (National), Ten Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP87-330-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate sales tap facilities connecting its pipelines with those of its affiliate, National Fuel Gas Distribution Corporation (Distribution) under authorization issued in Docket No. CP83-4-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

National proposes to construct sales top to facilities in the towns of Edinboro, Erie County; Brookville, Jefferson County; Stoneboro, Mercer County; Sigel, Jefferson County; Vowinckel, Forest County; Waterford, Jefferson County; Lakewood, Jefferson County; Clarion, Allegany County; Norwich Township, McKean County; Wattsburg, Erie County; and Reynoldsville, Jefferson County, Pennsylvania, as feeds to Distribution in order to serve additional residential customers. National states that the proposed deliveries would have minimal impact on its peak and annual deliveries and entitlements of Distribution.

Comment date: July 7, 1987, in accordance with Standard Paragraph G at the end of this notice.

4. Paiute Pipeline Company and Southwest Gas Corporation

[Docket No. CP87-309-000]

Take notice that on April 28, 1987, Paiute Pipeline Company (Paiute) and Southwest Gas Corporation (Southwest), P.O. Box 15015, Las Vegas, Nevada 89114, jointly referred to as Applicants, filed in Docket No. CP87-309-000 a joint application pursuant to section 7 of the Natural Gas Act and Part 157 of the Commission's Regulations for (1) a certificate of public convenience and necessity authorizing the acquisition and operation by Paiute of facilities from Southwest and the transportation and sale of natural gas for resale in interstate commerce formerly performed by Southwest, (2) permission and approval for Southwest to abandon such facilities and service's and (3) a blanket certificate of public convenience and necessity authorizing the transportation of natural gas in interstate commerce by Paiute pursuant to Subpart G of Part 284 of the Commission's Regulations, all as more fully set forth in the application which is on file with the Commission.

Applicants state that, as part of a corporate restructuring, Southwest proposes to transfer, at the net depreciated book cost, to Paiute all of the jurisdictional natural gas facilities and properties now owned, leased, and operated by Southwest along its northern Nevada system. Paiute proposes to continue all jurisdictional sales and services now rendered by Southwest along its northern Nevada system, and to continue operation of the jurisdictional facilities to be required, in accordance with the terms of the existing certificates of public convenience and necessity issued to Southwest. Southwest would retrain all non-jurisdictional facilities and properties along its northern Nevada system, and continue to perform all non-jurisdictional services, pertaining to the local distribution of natural gas. Paiute proposes to initiate sales for resale of natural gas to Southwest Gas Corporation-Northern Nevada and Southwest Gas Corporation-Northern California. Southwest also requests permission and approval to abandon its previously certificated facilities, services, and operations along its northern Nevada system except for its Rate Schedule X-1 sale to El Paso Natural Gas Company.

In addition, Paiute requests that the Commission issue a blanket certificate

of public convenience and necessity authorizing Paiute to transport natural gas in interstate commerce in accordance with the Commission's Regulations promulgated in Order Nos. 436, *et al.* Paiute states that it would comply with the conditions set forth in Subpart A of Part 284 of the Commission's Regulations.

Paiute proposes to adopt Original Volume No. 1 of Southwest's presently effective FERC Gas Tariff, subject to modifications to conform the tariff with the proposed new transportation services and the Commission's Regulations adopted in Order Nos. 436, *et al.*, According to the application, service to existing jurisdictional customers of Southwest would continue to be billed at the rates and charges specified in the rate schedule of Southwest that are to be adopted by Paiute.

Applicants allege that the proposed corporate restructuring and the requested authorizations would promote rate making efficiency, lead to greater use of the system facilities by means of self-implementing, nondiscriminatory transportation services, enhance operational flexibility and efficiency, and enable Applicants to ensure adequate natural gas service at the lowest reasonable cost.

Comment date: June 2, 1987, in accordance with Standard Paragraph F at the end of this notice.

5. Texas Gas Transmission Corporation and ANR Pipeline Company

[Docket No. CP87-307-000]

Take notice that on April 27, 1987, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, and ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP87-307-000 a joint application pursuant to section 7(b) of the Natural Gas Act for authorization permitting and approving the abandonment of ANR's purchase of gas from Texas Gas under Texas Gas' Rate Schedule CD-3, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Texas Gas and ANR state that Texas Gas was authorized to sell gas to ANR pursuant to a Commission order issued October 1, 1954 in Docket No. G-2311, *et al.* (13 F.P.C. 380) and that under the current service agreement, executed October 23, 1970, Texas Gas is authorized to sell up to 50,000 Mcf of natural gas per day to ANR at a point of interconnection near Slaughters, Kentucky. It is further stated that the primary term of the service agreement expires on October 31, 1987. It is indicated that pursuant to the agreement, ANR has provided written notice to Texas Gas that ANR is terminating the service agreement effective October 31, 1987. It is explained that neither Texas Gas nor ANR is seeking authorization to abandon any facilities. Texas Gas and ANR request that the Commission issue the abandonment authorization necessary to reflect the expiration of the sales contract between Texas Gas and ANR.

It is asserted that ANR's sales have declined dramatically in recent years and that deliverability on ANR's system far exceed current and projected future demands. Indicative of this situation, ANR and Texas Gas note that ANR purchased very small quantities of gas from Texas Gas in 1985, no gas in 1986, and anticipates no gas purchase from Texas Gas in 1987. ANR and Texas Gas assert that the requested abandonment would permit ANR to permanently discontinue purchasing gas it no longer requires and relieve it from associated demand charge and minimum bill obligations in excess of $7,000,000 per year.

Comment date: June 2, 1987, in accordance with Standard Paragraph F at the end of this notice.

6. Williams Natural Gas Company

[Docket No. CP-87-301-000]

Take notice that on April 22, 1987, Williams Natural Gas Company (Applicant), formerly Northwest Central Pipeline Corporation P.O. Box 3288 Tulsa, Oklahoma 74101, filed in Docket No. CP-87-301-000 an application pursuant to section 7(b) of the Natural Gas Act for an order permitting and approving the abandonment in place of the Matfield compressor station located in Chase County, Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authority to abandon in place six obsolete 1000 horsepower horizontal compressor units and appurtenant facilities installed at the Matfield station in 1929 and 1930. Applicant states that due to declining volumes in the Pampa field, it is no longer economical or necessary to operate the Matfield station.

Applicant further states that the cost of the proposed abandonment would be approximately $16,000 with an estimated salvage value of $50,000.

Comment date: June 2, 1986, in accordance with Standard Paragraph F at the end of this notice.

Standard Paragraphs:

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commisison's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion, to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commisssion, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for

authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-11972 Filed 5-26-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER87-433-000 et al.]

Otter Tail Power Company et al.; Electric Rate and Corporate Regulation Filings

May 20, 1987.

Take notice that the following filings have been made with the Commission:

1. Otter Tail Power Company

[Docket No. ER87-433-000]

Take notice that Otter Tail Power Company (Otter Tail) of Fergus Falls, Minnesota, on May 15, 1987, tendered for filing Amendment No. 2 to the Agreement between Otter Tail and Cooperative Power Association.

Amendment No. 2 allows for amended loss figures, outlet facilities, points of input and additional system facilities.

Otter Tail requests that the amended agreement (Amendment No. 2 to FPC No. 154) be permitted to be effective as of October 21, 1986.

Copies of the filing were served upon Cooperative Power Association, 14615 Lone Oak Road, Eden Prairie, MN 55344.

Comment Date: June 3, 1987, in accordance with Standard Paragraph E at the end of this notice.

2. Public Service Company of New Mexico

[Docket No. ER87-360-000]

Take notice that on May 8, 1987, Public Service Company of New Mexico (PNM) tendered for filing a clarification of certain components of the compensation provided under Service Schedule G to the PNM-Plains Electric Generation and Transmission Cooperative Inc. (Plains) Master Interconnection Agreement.

A copy of the amended filing was served upon Plains.

Comment Date: June 3, 1987, in accordance with Standard Paragraph E at the end of this notice.

3. Consolidated Edison Company of New York, Inc.

[Docket No. ER87-434-000]

Take notice that on May 14, 1987, Consolidated Edison Company of New York, Inc. ("Con Edison") tendered for filing, as an initial rate schedule, an agreement to sell system energy to Baltimore Gas & Electric Company ("BG&E"). The agreement provides for an energy reservation charge of $3 per megawatthour and an energy charge based upon incremental costs of generation.

Con Edison requests waiver of the notice requirements of § 35.3 of the Commission's regulations so that the Rate Schedule can be made effective as of May 11, 1987.

Con Edison states that a copy of this filing has been served by mail upon BG&E.

Comment Date: June 3, 1987, in accordance with Standard Paragraph E at the end of this document.

Standard Paragraphs:

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests must be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-11970 Filed 5-26-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP87-45-000]

Anadarko Petroleum Corp. et al.; Complaint

In the matter of Anadarko Petroleum Corporation and Pan Eastern Exploration Company, Petitioners, v. Brent Ranch Operating, Inc., Canadian Commercial Bank, Houston, Pipe Line Company, Intratex Gas Company, Liquid Energy Corporation, Northern Natural Gas Company, and South Cen-Tex Gas Company, Respondents.

May 20, 1987.

Take notice that on April 23, 1987 Anadarko Petroleum Corporation (Anadarko) and Pan Eastern Exploration Company (Pan East) (jointly-petitioners) filed in Docket No. GP87-45-000 a complaint pursuant to Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18, CFR 385.206 (1986), sections 7(b) and 7(c) of the Natural Gas Act (NGA), 15 U.S.C. 717f(b) and 717(c), and sections 311 and 504 of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3371 and 3414.

The complaint concerns oil well drilled and operated by certain respondents in the West Panhandle Field, Gray County, Texas, where gas wells owned by petitioners are located.

Petitioners state that Respondents have been responsible for or have participated in an unlawful diversion of reserves belonging to petitioners, which were committed or dedicated to interstate commerce, in violation of section 7(b) of the NGA. Petitioners state that the gas has been sold, in most instances, in excess of the maximum lawful price under section 104 of the NGPA in violation of section 504(a)(1) of the NGPA. Petitioners state that certain Respondents may have unlawfully sold and transported such gas in violation of section 7 of the NGA and/or section 311 of the NGPA.

Petitioners request the Commission to order Respondents to desist from: (1) The unlawful diversion of Petitioners' gas; (2) the unlawful scale of Petitioners' gas in excess of the maximum lawful price; and (3) the unlawful transportation of such gas. Petitioners also request the Commission to order Respondents to return to Petitioners volumes of gas equivalent to those unlawfully diverted and transported.

Under the Rules 206(b) and 213(a), 18 CFR 385.206(b) and 385.213(a), Respondents must file an answer to Petitioner's complaint with the Commission unless otherwise ordered by the Commission. Under Rule 213(e), 18 CFR 385.213(e), any person failing to answer a complaint may be considered in default, and all relevant facts stated in such complaint may be deemed admitted. Respondents shall file their answers with the Commission not later than 15 days after publication of this notice in the **Federal Register.**

Any person desiring to be heard or to protest said filing should file a protest or a motion to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214, 18 CFR 385.211 and 385.214. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-11974 Filed 5-26-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. SA87-44-000]

Florida Gas Transmission Co.; Petition for Adjustment

May 20, 1987.

Take notice that on April 28, 1987, Florida Gas Transmission Company (FGT) filed with the Commission, pursuant to section 502(c) of the Natural Gas Policy Act, a petition for adjustment from the requirements of § 281.204(b) of the Commission's regulations. FGT requests (1) an adjustment of § 218.204(b)(2) of the Commission's regulations to allow FGT to file a triennial update of its priority 2 entitlements in place of the annual update currently required, and (2) authorization to permit FGT to submit its triennial update of its priority 2 entitlements on October 15, in lieu of the current September 15 deadline, with a designated effective date of November 15.

FGT claims that such relief is necessary to prevent special hardships and an unfair distribution of burdens because of the unnecessary work and expense the current requirements impose on FGT. Specifically, FGT states that the preparation of the annual update required by § 281.204(b)(2) involves substantial time and expense on the part of agricultural users of gas on FGT's system, FGT's customers, FGT and FGT's Data Verification Committee (DVC). FGT also claims that a triennial update would coincide with the DVC's triannual meetings to review the requirements of its customers.

Any person desiring to be heard or to protest this petition for adjustment should file a motion to intervene or protest in accordance with Rule 214 or 211 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, within 15 days after publication of the 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. 87-11975 Filed 5-26-87; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-100042; FRL-3204-6]

Development Planning and Research Associates; Transfer of Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This is a notice to certain persons who have submitted information to EPA in connection with pesticide information requirements imposed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA). Development Planning and Research Associates (DPRA) has been awarded a contract to perform work for the EPA Office of Pesticide Programs, and will be provided access to certain information submitted to EPA under FIFRA and the FFDCA. Some of this information may have been claimed to be confidential business information (CBI) by submitters. This information will be transferred to DPRA as authorized by 40 CFR 2.307(h) and 2.308(h)(2), respectively. This action will enable DPRA to fulfill the obligations of the contract and serves to notify affected persons.

DATE: DPRA will be given access to this information no sooner than June 1, 1987.

FOR FURTHER INFORMATION CONTACT:

By mail: William C. Grosse, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Room 222, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-2613).

SUPPLEMENTARY INFORMATION: Under Contract No. 68-02-4272, DPRA will provide economic analysis of proposed regulatory options on various pesticide chemicals and the development of a data base for analysis of the benefits of pesticide usage. This contract involves no subcontractor.

The Office of Pesticide Programs has determined that access by DPRA to information on all pesticide chemicals is necessary to the performance of this contract.

Some of this information may be entitled to confidential treatment. The information has been submitted to EPA under sections 3, 6, and 7 of FIFRA and obtained under sections 408 and 409 of the FFDCA.

In accordance with the requirements of 40 CFR 2.307(h)(2), the contract with DPRA prohibits use of the information for any purpose other than purpose(s) specified in the contract; prohibits disclosure of the information in any form to a third party without prior written approval from the Agency or affected business; and requires that each official and employee of the contractor sign an agreement to protect the information from unauthorized release. In addition, DPRA is required to submit for EPA approval a security plan under which any CBI will be secured and protected against unauthorized release or compromise. No information will be provided to this contractor until the above requirements have been fully satisfied. Records of information provided to this contractor will be maintained by the Project Officer for this contract in the EPA Office of Pesticide Programs. All information supplied to DPRA by EPA for use in connection with this contract will be returned to EPA when DPRA has completed its work.

Dated: May 12, 1987.

Douglas D. Campt,

Director, Office of Pesticide Programs.

[FR Doc. 87-11646 Filed 5-26-87; 8:45 am]

BILLING CODE 6560-50-M

[OPP-100040; FRL-3204-4]

Life Systems, Inc.; Transfer of Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This is a notice to certain persons who have submitted information to EPA in connection with pesticide information requirements imposed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA). Life Systems, Inc. has been awarded a contract to perform work for the EPA Office of Toxic Substances, and will be provided access to certain information submitted to EPA under FIFRA and FFDCA. Some of this information may have been claimed to be confidential business information (CBI) by submitters. This information will be transferred to Life Systems, Inc. as authorized by 40 CFR 2.307(h) and 40 CFR 2.308(h)(2), respectively. This action will enable Life Systems, Inc. to fulfill the obligations of the contract and serves to notify affected persons.

DATE: Life Systems, Inc. will be given access to this information no sooner than June 1, 1987.

FOR FURTHER INFORMATION CONTACT: By mail:

William C. Grosse, Program Management and Support Division (TS–757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 222, CM# 2, 1921 Jefferson Davis Highway, Arlington, VA, (703–557–2613).

SUPPLEMENTARY INFORMATION: Under Contract No. 68–02–4228, Life Systems, Inc., 24755 Highpoint Road, Cleveland, OH 44122, will provide technical support to EPA's Office of Toxic Substances by preparing assessments and developing toxicological profiles on chemicals listed in the April 17, 1987, **Federal Register** "Notice of the First Priority List of Hazardous Substances to be the Subject of Toxicological Profiles." This contract involves no subcontractors.

The Office of Toxic Substances and the Office of Pesticide Programs have jointly determined that the contract herein described involves work that is being conducted in connecton with FIFRA, in that pesticide chemicals will be the subject of certain evaluations to be made under this contract. These evaluations may be used in subsequent regulatory decisions under FIFRA.

Some of this information may be entitled to confidential treatment. The information has been submitted to EPA under sections 3, 6, and 7 of FIFRA and obtained under sections 408 and 409 of the FFDCA.

In accordance with the requirements of 40 CFR 2.307(h)(2), the contract with Life Systems, Inc. prohibits use of the information for any purpose other than purpose(s) specified in the contract; prohibits disclosure of the information in any form to a third party without prior written approval from the Agency or affected business; and requires that each official and employee of the contractor sign an agreement to protect the information from unauthorized release. In addition, Life Systems, Inc. is required to submit for EPA approval a security plan under which any CBI will be secured and protected against unauthorized release or compromise. No information will be provided to this contractor until the above requirements have been fully satisfied. Records of information provided to this contractor will be maintained by the Project Officer for this contract in the EPA Office of Toxic Substances. All information supplied to Life Systems, Inc. by EPA for use in connection with this contract will be returned to EPA when Life Systems, Inc. has completed its work.

Dated: May 12, 1987.

Douglas D. Campt,

Director, Office of Pesticide Programs.

[FR Doc. 87–11644 Filed 5–26–87; 8:45 am]

BILLING CODE 6560–50–M

[OPP–100041; FRL–3204–5]

Research Triangle Institute, Inc.; Transfer of Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This is a notice to certain persons who have submitted information to EPA in connection with pesticide information requirements imposed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA). Research Triangle Institute, Inc. (RTI) has been awarded two contracts to perform work for the EPA Office of Pesticide Programs and the Office of Policy and Program Evaluation, and will be provided access to certain information submitted to EPA under FIFRA and FFDCA. Some of this information may have been claimed to be confidential business information (CBI) by submitters. This information will be transferred to RTI consistent with the requirements of 40 CFR 2.307(h) and 40 CFR 2.308(h)(2), respectively. This action will enable RTI to fulfill the obligations of the contract and serves to notify affected persons.

DATE: RTI will be given access to this information no sooner than June 1, 1987.

FOR FURTHER INFORMATION CONTACT: By mail: William C. Grosse, Program Management and Support Division (TS–757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

Office location and telephone number: Rm. 222, CM# 2, 1921 Jefferson Davis Highway, Arlington, VA, (703–557–2613).

SUPPLEMENTARY INFORMATION: Under Contract No. 68–01–7033, RTI will identify the technical options and other relevant information available to the Agency on the disposal activities for the pesticides—Dinoseb, EDB, and 2,4,5-T/Silvex.

Under Contract No. 68–01–7350, RTI will maintain the Tolerance Assessment System, a computerized system that is designed to provide a comprehensive and dependable description of potential exposure to pesticides.

These contracts involve no subcontractors.

The Office of Policy and Program Evaluation and the Office of Pesticide Programs have jointly determined that access by RTI to information on certain pesticide chemicals submitted in connection with FIFRA, will be the subject of certain evaluations to be made under these contracts. These evaluations may be used in subsequent regulatory decisions under FIFRA.

Some of this information may be entitled to confidential treatment. The information has been submitted to EPA under sections 3, 6, and 7 of FIFRA and obtained under sections 408 and 409 of the FFDCA.

In accordance with the requirements of 40 CFR 2.307(h)(2), the contracts with RTI prohibit use of the information for any purpose other than purpose(s) specified in the contract(s); prohibit disclosure of the information in any form to a third party without prior written approval from the Agency or affected business; and require that each official and employee of the contractor sign an agreement to protect the information from unauthorized release. In addition, RTI is required to submit for EPA approval a security plan under which any CBI will be secured and protected against unauthorized release or compromise. No information will be provided to this contractor until the above requirements have been fully satisfied. Records of information provided to this contractor will be maintained by the Project Officer of each contract in the EPA Office of Pesticide Programs and the Office of Policy and Program Evaluation. All information supplied to RTI by EPA for use in connection with this contract will be returned to EPA when RTI has completed its work.

Dated: May 12, 1987.

Douglas D. Campt,

Director, Office of Pesticide Programs.

[FR Doc. 87–11645 Filed 5–26–87; 8:45 am]

BILLING CODE 6560–50–M

[OPP 30281; FRL 3204–8]

Certain Companies Applications to Register Pesticide Products

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice..

SUMMARY: This notice announces receipt of applications to register pesticide products containing active ingredients not included in any previously registered product pursuant to the provisions of section 3(c)(4) of the

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

DATE: Comment by June 26, 1987.

ADDRESS: By mail submit comment identified by the document control number [OPP-30281] and the registration/file number, attention Product Manager (PM) named in each application at the following address: Information Services Section (TS-757C), Program Management and Support Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Environmental Protection Agency, Rm. 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Registration Division (TS-767C), Attn: (Product Manager (PM) named in each registration), Office of Pesticide Programs 401 M St., SW., Washington, DC 20460.

In person: Contact the PM named in each registration at the following office location/telephone number:

Product manager	Office location telephone No.	Address
PM 17—Arturo Castillon.	Rm. 207, CM#2, (703-557-2690).	EPA 1921 Jefferson Davis Hwy., Arlington, VA 22202.
PM 15—George LaRocca	Rm. 204, CM#2, (703-557-2400)	Do.
PM 32—Jeff Kempter	Rm. 711, CM#2, (703-557-3964)	Do.

SUPPLEMENTARY INFORMATION: EPA received applications as follows to register pesticide products containing active ingredients not included in any previously registered product pursuant to the provisions of section 3(c)(4) of FIFRA. Notice of receipt of these applications does not imply a decision by the Agency on the applications.

I. Products Containing an Active Ingredient Not Included in Any Previously Registered Product

1. File Symbol: 56625-E. Applicant: Blizzard System, Inc., 208 S. Guadalupe, Redonda Beach , CA 90277. Product name: Liquid Nitrogen. Insecticide/Termiticide. Active ingredient: Liquid nitrogen 100%. Proposed classification/Use: General. For the control of drywood termites. (PM 17)

2. File Symbol: 10182-REO. Applicant: ICI Americas, Inc., Agricultural Chemical Div., Wilmington, DE 19897. Product name: PP 321 1E Insecticide. Insecticide. Active ingredient: (±)-Cyano-(3-phenoxyphenyl) (±)-cis-3-(Z-2-chloro-3,3,3-trifluoroprop-l-enyl)-2,2-dimethycyclopropanecarboxylate 13.1%. Proposed classification/Use: Restricted. For control of certain pests on greenhouse-grown ornamental trees and shrubs. For use in non-food areas of homes, food handling establishments, hospitals, restaurants, school, and nursing homes. (PM 15)

3. File Symbol: 464-AEN. Applicant: Dow Chemical Co., PO Box 1706, Midland, MI 48674. Product name: Antimicrobial DTEA, Technical. Disinfectant. Active ingredient: 2-(Decylthio)ethanamine 99.8%. Proposed classification/Use: None. For manufacturing use only. (PM 32)

4. File Symbol: 464-ARO. Applicant: Dow Chemical Co. Product name: Antimicrobial DTEA 15%. Disinfectant. Active ingredient: 2-(Decylthio)ethanamine, hydrochloride salt 15%. Proposed classification/Use: General. For the control of bacterial, fungal, and algal slimes in recirculating cooling water systems and auxiliary and waste water systems. (PM 32)

Notice of approval or denial of an application to register a pesticide product will be announced in the **Federal Register**. The procedure for requesting data will be given in the **Federal Register** if an application is approved.

Comments received within the specified time period will be considered before a final decision is made; comments received after the time specified will be considered only to the extent possible without delaying processing of the application.

Written comments filed pursuant to this notice, will be available in the Program Management and Support Division (PMSD) office at the address provided from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays. It is suggested that persons interested in reviewing the application file, telephone the PMSD office (703-557-3262), to ensure that the file is available on the date of intended visit.

Authority: 7 U.S.C. 136.

Dated: May 11, 1987.

Edwin F. Tinsworth,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 87-11647 Filed 5-26-87; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51676; FRL-3207-8]

Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice announces receipt of thirty-four such PMNs and provides a summary of each.

DATES: Close of Review Period:

P 87-1087, 87-1088, 87-1089, 87-1090, 87-1091, 87-1092, 87-1093, 87-1094, and 87-1095—August 5, 1987.

P 87-1096 and 87-1097—August 8, 1987.

P 87-1098, 87-1099, 87-1100, 87-1101, 87-1102, 87-1103, 87-1104, 87-1105, 87-1106, 87-1107, 87-1108, and 87-1109—August 9, 1987.

P 87-1110, 87-1111, 87-1112, 87-1113, 87-1114, 87-1115, and 87-1116—August 10, 1987.

P 87-1117, 87-1118, 87-1119, and 87-1120—August 11, 1987.

Written comments by:

P 87-1087, 87-1088, 87-1089, 87-1090, 87-1091, 87-1092, 87-1093, 87-1094, and 87-1095—July 6, 1987.

P 87-1096 and 87-1097—July 9, 1987.

P 87-1098, 87-1099, 87-1100, 87-1101, 87-1102, 87-1103, 87-1104, 87-1105, 87-1106, 87-1107, 87-1108, and 87-1109—July 10, 1987.

P 87-1110, 87-1111, 87-1112, 87-1113, 87-1114, 87-1115, and 87-1116—July 11, 1987.

P 87-1117, 87-1118, 87-1119, and 87-1120—August 11, 1987.

ADDRESS: Written comments, identified by the document control number "[OPTS-51676]" and the specific PMN number should be sent to: Document Processing Center (TS-790), Office of

Toxic Substances, Environmental Protection Agency, Rm. L-100, 401 M Street, SW., Washington, DC 20460, (202) 554-1305.

FOR FURTHER INFORMATION CONTACT: Stephanie Roan, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M Street, SW., Washington, DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the PMNs received by EPA. The complete non-confidential PMNs are available in the Public Reading Room NE-G004 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

P 87-1087

Manufacturer. Sybron Chemicals, Inc.
Chemical. (G) Mercaptide of copolymer of styrene and divinylbenzene.
Use/Production. (G) Industrial wastewater and process water purification. Prod. range: Confidential.

P 87-1088

Manufacturer. Rohm and Haas Company.
Chemical. (G) Modified polyacrylate polymer.
Use/Production. (G) Polymeric dispersant. Prod. range: Confidential.
Toxicity Data. Acute oral: >5 g/kg; Acute dermal: >5 g.kg; Irritation: Skin—Slight, Eye—Slight; LC_{50} 96 hr. (Rainbow trout): 750 mg/L; LC_{50} 48 hr. (Daphnia magna): >1,000 mg/L.

P 87-1089

Importer. CIBA-GEIGY Corporation.
Chemical. (G) Substituted diazo sulfonyl naphthalenedisulfonic acid.
Use/Import. (G) Textile dye. Import range: Confidential.
Toxicity Data. Acute dermal: >2,000 mg.kg; Irritation: Skin—Non-irritant, Eye—Non-irritant; Skin sensitization: Non sensitizer; LC_{50} 96 hr. (Zebrafish): 920 mg/L.

P 87-1090

Manufacturer. Wilmington Chemical Corporation.
Chemical. (G) Aqueous aliphatic polyurethane dispersion.
Use/Production. (G) Industrial coating, open, non-dispersive. Prod. range: Confidential.

P 87-1091

Importer. EMSER Industries.
Chemical. (G) Copolyester based on aromatic dicarbonic acids.
Use/Import. (G) Holt melt applications. Import range: Confidential.

P 87-1092

Manufacturer. Confidential.
Chemical. (G) (Substituted phenyl) substituted alkanamide.
Use/Production. (G) Commercial and consumer contained use in an article. Prod. range: 1,500 to 14,000 kg/yr.

P 87-1093

Manufacturer. Confidential.
Chemical. (S) 2-(Hexadecylsulfonyl)-3-methylbutanoyl chloride.
Use/Production. (G) Site-limited chemical intermediate. Prod. range: 1,500 to 45,000 kg/yr.

P 87-1094

Manufacturer. Confidential.
Chemical. (G) (Substituted phenyl) substituted alkanamide.
Use/Production. (G) Commercial and consumer contained use in an article. Prod. range: 1,500 to 38,000 kg/yr.

P 87-1095

Manufacturer. Confidential.
Chemical. (G) Unsaturated aliphatic urethane.
Use/Production. (G) Industrial used coatings having a dispersion use. Prod. range: 2,000 to 20,000 kg/yr.

P 87-1096

Manufacturer. Confidential.
Chemical. (G) Modified acrylic resin.
Use/Production. (G) Resin used in paint. Prod. range: Confidential.

P 87-1097

Manufacturer. Confidential.
Chemical. (G) Dialkyl dimethyl amine graft copolymer with ethoxylated cellulose.
Use/Production. (G) Textile dyeing assistant. Prod. range: Confidential.

P 87-1098

Manufacturer. Reichhold Chemicals, Inc.
Chemical. (G) Terpene-styrene resin.
Use/Production. (S) Industrial adhesive tackifiers. Prod. range: Confidential.

P 87-1099

Manufacturer. Confidential.
Chemical. (G) Ester of 4-methoxy phenyl 2-propenoic acid.
Use/Production. (G) Protective agent. Prod. range: Confidential.

P 87-1100

Manufacturer. Confidential.
Chemical. (G) Ester of 4-methoxy phenyl 2-propenoic acid.
Use/Production. (G) Destructive end use. Prod. range: Confidential.

P 87-1101

Manufacturer. General Electric Company.
Chemical. (G) Chloroforates.
Use/Production. (G) Industrial, commercial and consumer plastic components for electrical and medical devices, business machines, information storage devices, automobiles and housewares. Prod. range: Confidential.

P 87-1102

Manufacturer. General Electric Company.
Chemical. (G) Chloroforates.
Use/Production. (G) Industrial, commercial and consumer plastic components for electrical and medical devices, business machines, information storage devices, automobiles and housewares. Prod. range: Confidential.

P 87-1103

Manufacturer. Confidential.
Chemical. (G) Phosphoric acid choline salt.
Use/Production. (G) Cleaner for information system components. Prod. range: Confidential.

P 87-1104

Manufacturer. Confidential.
Chemical. (G) Polymeric phosphorus nitrogen compound.
Use/Production. (G) Flame retardant. Prod. range: Confidential.

P 87-1105

Manufacturer. W.R. Grace & Company.
Chemical. (S) Vermiculite dispersion.
Use/Production. (G) Product is used in high temperature and flame resistant materials. Prod. range: Confidential.

P 87-1106

Manufacturer. Hercules Incorporated.
Chemical. (G) Resin ester.
Use/Production. (G) Industrial, commercial and consumer non-dispersive use. Prod. range: Confidential.

P 87-1107

Manufacturer. Confidential.
Chemical. (G) Modified adipic acid ester.
Use/Production. (S) Industrial lubricant for forming aluminum cans. prod. range: Confidential.

P 87-1108

Manufacturer. Confidential.
Chemical. (G) Metal complex of substituted phenyl azo substituted napthalene and substituted naphthyl azo substituted naphthalene, salt.

Use/Production. (S) Site-limited intermediate. Prod. range: Confidential.

P 87–1109

Manufacturer. Confidential.
Chemical. (G) Metal complex of substituted phenyl azo substituted naphthalene and substituted naphthyl azo substituted naphthalene, salt.
Use/Production. (G) Industrial open, non-dispersive use. Prod. range: Confidential.

P 87–1110

Importer. Amoco Corporation.
Chemical. (G) Polyalkylesters.
Use/Import. (G) Flow improver. Import range: Confidential.
Toxicity Data. Irritation: Skin—Non-irritant, Eye—Irritant.

P 87–1111

Manufacturer. Confidential.
Chemical. (G) Disubstituted quinacridone.
Use/Production. (S) Industrial colorant for paint. Prod. range: Confidential.

P 87–1112

Manufacturer. Confidential.
Chemical. (G) Substituted, substituted, substituted-benzoic acid.
Use/Production. (S) Industrial intermediate. Prod. range: Confidential.

P 87–1113

Manufacturer. H.B. Fuller Company.
Chemical. (G) 1,4-Cyclohexanedimethanol, dimer acid copolymer.
Use/Production. (G) Site-limited adhesive. Prod. range: 15,000 to 50,000 kg/yr.

P 87–1114

Manufacturer. E.I. du Pont de Nemours & Company, Inc.
Chemical. (G) Substituted ethylene copolymer.
Use/Production. (G) Electrical and automotive applications. Prod. range: Confidential.

P 87–1115

Manufacturer. CIBA-GEIGY.
Chemical. (S) 1-Piperidineethanol, 4-hydroxy-2,2,6,6-tetramethyl-propanedioic acid, diethyl ester.
Use/Production. (S) Industrial light stabilizer for automotive coatings. Prod. range: Confidential.

P 87–1116

Manufacturer. The Dow Chemical Company.
Chemical. (G) Modified styrene/butadiene latex.
Use/Production. (S) Industrial, commercial and consumer polymer binder for an industrial paper/paperborad coating formulation. Prod. range: Confidential.

P 87–1117

Manufacturer. Confidential.
Chemical. (G) Ethoxylated alkylamine.
Use/Production. (S) Chemical intermediate. Prod. range: Confidential.
Toxicity Data. Acute oral: 10.0 ml/kg.

P 87–1118

Manufacturer. Confidential.
Chemical. (G) Ethoxylated alkyl quaternary ammonium salt.
Use/Production. (S) Oil field chemical. Prod. range: Confidential.
Toxicity Data. Acute oral: 23.3 ml/kg; Irriration: Skin—Irritant, Eye—Irritant.

P 87–1119

Manufacturer. Dynamit Nobel Chemicals.
Chemical. (S) Polyvinyldimethylsiloxane trimethylsilyl terminated.
Use/Production. (S) Industrial coupling agent for thermoplastic composites. Prod. range: Confidential.

P 87–1120

Manufacturer. Dynamit Nobel Chemicals.
Chemical. (S) Iso-propylcyanoacetate.
Use/Production. (S) Industrial intermediate for specialty cyanoacrylate adhesives. Prod. range: Confidential.

Dated: May 18, 1987.

Denise Devoe,

Acting Division Director, Information Management Division.

[FR Doc. 87–12010 Filed 5–26–87 8:45 am]
BILLING CODE 6560–50–M

[PP 1G2453/T541; FRL–3208–1]

Mefluidide; Renewal of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has renewed temporary tolerances for residues of the plant growth regulator mefluidide in or on certain raw agricultural commodities.

DATE: These temporary tolerances expire March 1, 1988.

FOR FURTHER INFORMATION CONTACT: By mail:
Robert Taylor, Product Manager (PM) 25, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.
Office location and telephone number: Rm. 245, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703–557–1800).

SUPPLEMENTARY INFORMATION: EPA issued a notice, which was published in the **Federal Register** of March 27, 1985 (50 FR 12077), stating that temporary tolerances had been renewed for residues of the plant growth regulator mefluidide (N-[2,4-Dimethyl-5-[[(trifluoromethyl)-sulfonyl]amino]phenyl]acetamide) in or on the raw agricultural commodities pasture grass and pasture grass hay at 10 parts per million (ppm); milk at 0.01 ppm; meat of cattle, sheep, goats, and horses at 0.01 ppm; fat of cattle, sheep, goats, and horses at 0.02 ppm; and meat byproducts of cattle, sheep, goats, and horses at 0.3 ppm.

These tolerances were renewed in response to pesticide petition PP 1G2453, submitted by 3M Company, Agricultural Products, 3M Center, Building 223–IN–05, St. Paul, MN 55144.

The company has requested a 1-year renewal of the temporary tolerances to permit the continued marketing of the above raw agricultural commodities when treated in accordance with the provisions of experimental use permit 7182–EUP–22, which is being renewed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (Pub. L. 95–396, 92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material were evaluated, and it was determined that a renewal of the temporary tolerances will protect the public health. Therefore, the temporary tolerances have been renewed on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permit.

2. 3M Company must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance, and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These tolerances expire March 1, 1988. Residues not in excess of this amount remaining in or on the above raw agricultural commodities after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary

tolerances. These tolerances may be revoked if the experimental use permit is revoked or if any experience with or scientific data on this pesticide indicate that such revocation is necessary to protect the public health.

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

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

Authority: 21 U.S.C. 346a(j).

Dated: May 13, 1987.

Edwin F. Tinsworth,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 87–12008 Filed 5–26–87; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–59815; FRL–3207–9]

Polyester of Carbomonocyclic Diacid and Alkylene Glycols Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of November 13, 1983 (48 FR 21722). In the **Federal Register** of November 11, 1984, (49 FR 46066)(40 CFR 723.250), EPA published a rule which granted a limited exemption from certain PMN requirements for certain types of polymers. PMNs for such polymers are reviewed by EPA within 21 days of receipt. This notice announces receipt of one such PMN and provides the summary.

DATES: Close of Review Period:
Y87–146—June 3, 1987.

FOR FURTHER INFORMATION CONTACT: Stephanie Roan, Premanufacture Notice Management Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–611, 401 M Street SW., Washington, DC 20460, (202) 382–3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission by the manufacturer on the exemption received by EPA. The complete non-confidential document is available in the Public Reading Room NE–G004 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

Y 87–146

Manufacturer. Confidential.

Chemical. (G) Polyester of carbomonocyclic diacid and alkylene glycols.

Use/Production. (S) Industrial formed articles. Prod. range: Confidential.

Dated: May 15, 1987.

Denise Devoe,

Acting Division Director, Information Management Division.

[FR Doc. 87–12009 Filed 5–26–87; 8:45 am]

BILLING CODE 6560–50–M

[OPP–180738; FRL–3208–3]

California Department of Food and Agriculture Receipt of Application for an Emergency Exemption To Use Carbaryl; Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received a request for an emergency exemption from the California Department of Food and Agriculture (hereafter referred to as the "Applicant") to use the active ingredient carbaryl (CAS 63–25–2) to control filbert moths on 3,500 acres of pomegranates in California. This use of carbaryl has been authorized in three previous years and a complete application for registration of this use and/or a petition for tolerances for residues in or on pomegranates has not been submitted to the Agency, therefore, in accordance with 40 CFR 166.24, EPA is soliciting comment before making the decision whether or not to grant this exemption.

DATE: Comments must be received on or before June 11, 1987.

ADDRESS: Three copies of written comments, bearing the identification notation "OPP–180738" should be submitted by mail to:

Information Services Section, Program Management and Support Division (TS–757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

In person, bring comments to: Rm. 236, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information (CBI)." Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for inspection in Rm. 236 at the address given above from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail:

Libby Pemberton, Registration Division (TS–767C), Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

Office location and telephone number: Rm. 716, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, (703–557–1806).

SUPPLEMENTARY INFORMATION: Pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), the Administrator may, at his discretion, exempt a State agency from any provisions of FIFRA if he determines that emergency conditions exist which require such exemption.

The Applicant has requested the Administrator to issue a specific exemption to permit the use of carbaryl, manufactured by Union Carbide Agricultural Products Company as Sevin, EPA Reg. No. 264–316, on pomegranates to control filbert moths. Information in accordance with 40 CFR Part 166 was submitted as part of this request.

According to the Applicant, while methomyl is available for use on pomegranates, use of methomyl over the past few years has shown that methomyl is not effective in controlling the filbert moth.

According to the Applicant, with the use of carbaryl the percentage of crop loss is expected to be approximately 5 percent. Without the use of carbaryl the percentage of crop loss due to the filbert moth and its larvae would range from 40 to 100 percent. A 40 percent loss would

amount to approximately $3 million for the 3,500 acres involved.

The Applicant plans to treat up to 3,500 acres using 35,000 pounds of product. A maximum to two applications will be made by aerial and ground application equipment. Applicants will not be made within 30 days of harvest.

This notice does not constitute a decision by EPA on the application itself. The regulations governing section 18 require publication of receipt of an application for a specific exemption proposing use of a pesticide which has been requested or granted in any 3 previous years and a complete application for registration of that use and/or a petition for tolerance for residues in or on the commodity has not been submitted to the Agency. Such notice provides for the opportunity for public comment on the application. Accordingly, interested persons may submit written views on this subject to the Program Management and Support Division at the address above. The comments must be received on or before June 11, 1987, and should bear the identifying notation "OPP–180738." All written comments filed pursuant to this notice will be available for public inspection in Rm. 236, Crystal Mall No. 2, at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

The Agency, accordingly, will review and consider all comments received during the comment period in determining whether to issue the emergency exemption requested by the California Department of Food and Agriculture.

Dated: May 15, 1987.

Edwin F. Tinsworth,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 87–12005 Filed 5–26–87; 8:45 am]

BILLING CODE 6560–50–M

[OPP–180737; FRL–3207–7]

Receipt of Applications for Emergency Exemptions From Virginia and Pennsylvania To Use Dinoseb; Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of receipt.

SUMMARY: EPA has received specific exemption requests from the Virginia Department of Agriculture and Consumer Services and the Pennsylvania Department of Agriculture (hereafter referred to as "Virginia," Pennsylvania," or "Applicants") to use dinoseb (CAS 88–85–7). Virginia proposes to use dinoseb on peas, cumcumbers, potatoes, snap beans and lima beans to control broadleaf weeds. Pennsylvania proposes to use dinoseb on peas, snap beans, and lima beans to control broadleaf weeds. EPA, in accordance with 40 CFR 166.24, is required to issue a notice of receipt and, time permitting, to solicit public comment before making the decision whether to grant the exemptions.

DATE: Comments must be received on or before June 11, 1987.

ADDRESS: Three copies of written comments, bearing the identification notation "OPP–180737" should be submitted by mail to:

Information Services Section, Program Management and Support Division (TS–757C), 87P–668 Office of Pesticide Programs, Environmental Protection Agency, 401 M. St. SW., Washington, DC 20460.

In person, bring comments to: Rm. 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information." Information so marked will not be disclosed except in accordance with procedures set forth in 40 CRF Part 2. A copy of the comment that does not contain Confidential Business Information must be provided by the submitter for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments filed pursuant to this notice will be available for public inspection in Rm. 236, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, VA, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Donald R. Stubbs, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460. Office location and telephone number: Rm. 716, Crystal Mall 2, 1921 Jefferson Davis Highway, Arlington, VA, (703–557–7700).

SUPPLEMENTARY INFORMATION:

I. Background

Pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136s), the Administrator may, at his discretion, exempt a State or Federal agency from any provision of FIFRA if he determines that emergency conditions exist which require such exemption. The applicable EPA regulations for emergency exemptions are set forth at 40 CFR Part 166.

The Department of Agriculture and Consumer Services for the state of Virginia, and the Department of Agriculture for the state of Pennsylvania by letters received April 27 and May 1, 1987, respectively, have requested the Administrator to issue specific exemptions for the use of dinoseb on peas, and snap beans, cucumbers, and potatoes in Virginia and peas, snap beans, and lima beans in Pennsylvania to control broadleaf weeds.

On October 7, 1986, EPA suspended all registrations of dinoseb products (51 FR 36634, October 14, 1986). The basis for the suspension of all dinoseb registration was significant risk of developmental toxicity and other adverse health effects to applicators and other populations exposed to dinoseb.

Subsequently four registrants submitted requests for an expedited suspension hearing on the question of whether or not sale, distribution, or use of dinoseb would pose an imminent hazard during the time required to conduct a cancellation hearing. These registrants withdrew their expedited hearing requests on the question of imminent hazard on October 30, 1986, resulting in the immediate entry, pursuant to the terms of the Agency's October 7 decision, of a final order suspending the registrations of their dinoseb products during the pendency of the cancellation hearing. The Applicant's specific exemption requests are therefore, subject to EPA's Subpart D regulations, 40 CFR 164.130 to 164.133, in addition to the regulations at 40 CFR Part 166 governing the issuance of exemptions under section 18. Subpart D provides that any application for an emergency exemption under section 18 for a pesticide use that has been suspended or cancelled shall be considered a petition for reconsideration of the prior suspension or cancellation order. The Adminisrator will detemine that reconsideration is warranted if, among other things, he finds that the Applicant has presented substantial new evidence which may materially affect the prior suspension or cancellation order (40 CFR 164.131(c)). If the Administrator finds that the substantial new evidence test in 40 CFR 164.131 is met, the Subpart D rules require a formal hearing to determine whether a modification of the suspension or cancellation order is justified (40 CFR 164.131(c)).

Should the Administrator decide to lift the suspension of certain dinoseb registrations, the Agency would then

determine whether and under what terms and conditions dinoseb products might be used in accordance with the terms of the Administrator's order and 40 CFR Part 166.

II. Emergency Condition

The applicants state that there are a number of herbicides registered for use in peas, snap beans, lima beans, and potatoes. According to the Applicants, trifluralin (Treflan), pendimethalin (Prowl), and metolachlor (Dual) are mainly for control of annual grasses, and provide only fair to good control of a few broadleaf weeds. According to the Applicants, chloramben (Amiben) has a high water solubility which results in rapid leaching in coarse-textured soils low in organic matter, common in Virginia and Pennsylvania. Rapid leaching results in poor crop tolerance and short-term, erratic weed control. The Applicants state that bentazon (Basagran) controls only certain seedling broadleaf weeds and frequently causes crop injury which reduces yield and/or delays harvest. Harvest delays are not tolerable because planting is rigidly scheduled to stagger harvest.

According to the Applicants NCBP gives postemergence control of Canada thistle and controls or suppresses lambsquarters, pigweed, smartweed, sowthistle, fanweed, annual morningglory and nightshade. However, the Applicants point out that this compound is in the phenoxy family of herbicides, so some termporary twisting of some pea varieties may occur. In addition, spray drift has to be avoided as it may injure other broadleaf crops and ornamentals. The Applicants point out that use of MCPB at temperatures above 80° F can cause crop injury. They also states that MCPB works best early in the season when weed are small and application use parameters described limit its use in peas in Virginia and Pennsylvania.

EPTC (Eptam), labeled for use in snap beans and potatoes, and DCPA (Dacthal), labeled for use in snap beans, cucumbers and potatoes, are primarily for control of annual grasses and control few broadleaf weeds according to the Applicants.

According to Virginia, linuron (Lorox) and metribuzin (Lexone, Sencor) are registered on potatoes for broadleaf control. Linuron only controls a few broadleaf weeds and has little activity against mustard species and jimsonweed according to Virginia. Metribuzin controls most problem weeds except wild radish which is found in at least 33% of Virginia potato fields according to Virginia. In addition, Virginia points out that Metribuzin cannot be used on several sensitive potato varieties; these varieties make up 80% of Virginia potatoes.

According to the Applicants mechanical cultivation only controls weeds between the rows and weeds in the row can significantly reduce yields and result in fields that cannot be harvested. Cultivation cannot be done late in the season after the crop reaches a certain height, further limiting its effectiveness. According to the Applicants, mechanical cultivation cannot be used in peas because the rows are narrow.

Virginia claims that without the use of dinoseb, pea, lima bean, snap bean, and potato growers can expect at $4.93 million dollar loss. Pennsylvania claims that without the use of dinoseb, peas growers will lose $440,000, lima bean growers $85,500 and snap bean growers $669,600 in yield losses and an additional $100,000 in peas, $90,000 in snap beans, and $11,250 in lima beans due to increased herbicide costs. Total loss to pea, snap bean and lima bean growers without the use of dinoseb, according to Pennsylvania, is $1,396,350.

III. Proposed Use

Virginia requested emergency exemptions for use of dinoseb on peas, lima beans, snap beans, potatoes, and cucumbers between April and September 1987. Pennsylvania requested emergency exemption for use of dinoseb on peas, snap beans and lima beans between March 1 and June 1, 1987. The Applicants' proposed specific exemption programs involve use of the following dinoseb products: Basanite, Caldon, Chemox General, Chemox PE, Chemsect DNBP, Dinitro, Dinitro-3, Dinitro General, Dynamyte, Elgetrol 318, Gebutox, Hel-Fire, Kiloseb, Nitropone C, Permerge 3, Sinox General, Subitex, Unicrop DNBP, Vertac Dinitro Weed Killer 5, Vertac General Weed Killer, and Vertac Selective Weed Killer.

Virginia proposes to use a total of 58,000 pounds active ingredient on 22,000 acres of crops. The proposed uses involve use of 2,000 pounds active ingredient to treat 1,000 acres of peas, 2,000 pounds active ingredient to treat 500 acres of lima beans, 24,000 pounds of active ingredient to treat 8,000 acres of snap beans, 15,000 pounds of active ingredient to treat 5,000 acres of potatoes, and 15,000 pounds of active ingredient to treat 7,500 acres of cucumbers.

Dinoseb would be applied at a rate of 0.75 to 3 pounds active ingredient per acre to peas; 0.56 to 4.5 pounds active ingredient per acre to lima beans; 3 to 4.5 pound of active ingredient to snap beans; 3 pounds active ingredient to potatoes; and 1 to 3 pounds active ingredient to cucumbers. A maximum of 2 applications would be made; one preemergence and the other postemergence to peas and lima beans. A single preemergence application will be made to snap beans, potatoes and cucumbers.

Other restrictions to be imposed by the State of Virginia include: (1) Application by ground row crop sprayer; (2) use by persons certified by the State of Virginia in private or commercial categories; (3) no mixing/loading/application by females; (4) mixer/loader/applicator must wear tyvek suit and chemical resistant gloves; (5) do not mix with liquid fertilizers; (6) no aerial application; and (7) a 40-day pre-harvest interval would be observed.

Pennsylvania proposes to use a total of 56,295 pounds of active ingredient to treat 10,750 acres of crops. The proposed uses involve use of 25,500 pounds active ingredient to treat 4,000 acres of peas, 3,795 pounds active ingredient to treat 750 acres of lima beans, and 27,000 pounds of active ingredient to treat 6,000 acres of snap beans.

Dinoseb would be applied at a rate of 0.75 to 3 pounds active ingredient per acre to peas; 0.56 to 4.5 pounds active ingredients to snap beans. A maximum of 2 applications would be made; one preemergence and the other postemergence to peas and lima beans. A single preemergence application will be made to snap beans. Other restrictions to be imposed by the State of Pennsylvania include: (1) Dinoseb may only be sold to growers to green peas, snap beans, and lima beans in Pennsylvania in a quantity not to exceed that required to treat this acreage for those crops at the maximum application rates and that dealers must maintain records of sales to growers; (2) only certified applicators may apply dinoseb, other persons, even if they are operating under the direct supervision of a certified applicator, may not use dinoseb; (3) women of childbearing age, i.e., under the ge of 45, may not be involved in mixing, loading, or any aspect of dinoseb application; (4) a label warning which states: women of childbearing age may not use the product; all reasonable efforts should be made to minimize indirect exposures to women of child-bearing age; the product also poses risks to male reproduction; is acutely toxic and the product may be

applied only by certified applicators; (5) aerial spraying is prohibited; (6) mixing and loading of dinoseb is prohibited except from closed systems; (7) ground application is prohibited except by the "barrel sucker"/ground boom/tractor system; (8) mixer/loaders and applicators must wear chemical resistant disposal coveralls (Tyvek® suits), rubber boots, and chemcially resistant gloves when mixing or loading dinoseb (Applicators or other personnel may remove such protective clothing immediately before entering the tractor cab to avoid cab contamination, but must carry an unused set of gloves and coveralls in their cabs, to be used in the event of spraying equipment malfunction and repair during application); (9) that dinoseb be applied to a maximum of 80 acres per day applicator; (10) ground application is prohibited when wind conditions exceed ten miles per hour; and (11) tractor cabs must be closed and equipped with positive pressure ventilation systems.

IV. Notification and Comment

This notice does not constitute a decision by the Agency on the applications submitted. The Agency's final decision on the specific exemption requests from Virginia and Pennsylvania will be based on whether or not there is sufficient new information to open Subpart D hearings and, if so, the outcome of the Subpart D hearings and compliance with the regulations governing section 18.

The regulations governing section 18 require publication of a notice in the **Federal Register** of receipt of an application that proposed any emergency use of a pesticide if such pesticide were the subject of a suspension notice under section 6(c) of FIFRA. The regulations also provide for the opportunty for public comment on the application (40 CFR 166.24).

Interested persons may submit written views on the applications for emergency exemption to the Program Management and Support Division at the address given above.

The Agency will review and consider all comments received during the comment period.

Dated: May 13, 1987.

Edwin F. Tinsworth,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 87-12006 Filed 5-26-87; 8:45 am]

BILLING CODE 6560-50-M

[OPP-180736; FRL-3208-2]

Minnesota Department of Agriculture; Receipt of Application for Emergency Exemption To Use (±)-2-[4,5-Dihydro-4-Methyl-4-(1-Methylethyl)-5-Oxo-1-H-Imidazol-2-yl]-5-Ethyl-3-Pyridinecarboxylic Acid Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received a request for an emergency exemption from the Minnesota Department of Agriculture (hereafter referred to as the "Applicant") to use the active ingredient (±)-2-[4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1-*H*-imidazol-2-yl]-5-ethyl-3-pyridinecarboxylic acid (Pursuit ™) to control Jerusalem artichoke on 25,000 acres of soybeans in Minnesota. Pursuit ™ contains an unregistered active ingredient and, therefore, in accordance with 40 CFR 166.24, EPA is soliciting comment before making the decision whether or not to grant this exemption.

DATE: Comments must be received on or before June 1, 1987.

ADDRESS: Three copies of written comments, bearing the identification notation "OPP-180736" should be submitted by mail to:

Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

In person, bring comments to: Rm. 236, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information (CBI)." Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for inspection in Rm. 236 at the address given above from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail:

Libby Pemberton, Registration Division (TS-767C), Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

Office location and telephone number: Rm. 236, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA (703-557-1806).

SUPPLEMENTARY INFORMATION: Pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), the Administrator may, at his discretion, exempt a State agency from any provisions of FIFRA if he determines that emergency conditions exist which require such exemption.

The Applicant has requested the Administrator to issue a specific exemption to permit the use of an unregistered herbicide, (±)-2-[4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1-*H*-imidazol-2-yl]-5-ethyl-3-pyridinecarboxylic acid (CAS 81335-77-5), manufactured as Pursuit ™, by American Cyanamid Company, on soybeans in Minnesota. Information in accordance with 40 CFR Part 166 was submitted as part of this request.

The Applicant indicates that Jerusalem artichoke poses a serious threat to the Minnesota soybean industry due to resultant reductions in yields. This weed, if not controlled produces numerous tubers which lie dormant over winter and produce plants the following spring. Only two herbicides (Paraquat and Roundup) are labelled for control of Jerusalem artichokes in Minnesota soybeans, according to the Applicant. Neither of these herbicides are satisfactory, according to the Applicant, due to required delays in planting or ineffective application techniques.

The Applicant indicates that without adequate control a 30 percent yield loss for soybeans due to this weed will result. This would amount to approximately $850,000. Producers are reporting that infestations are increasing, and weed scientists are concerned that the weed will become more widespread in the absence of effective control measures.

Pursuit ™ will be applied by ground postemergence to the crop at a rate of 0.06 pound active ingredient per acre.

This notice does not constitute a decision by EPA on the application itself. The regulations governing section 18 require publication of receipt of an application for a specific exemption proposing use of a new chemical (i.e., an active ingredient not contained in any currently registered pesticide). Such notice provides for the opportunity for public comment on the application.

An expedited comment period of 5 days is provided to facilitate decision making on the specific exemption in

time for the proposed use season (May 15 through June 30, 1987).

Accordingly, interested persons may submit written views on this subject to the Program Management and Support Division at the address above. The comments must be received on or before June 1, 1987, and should bear the identifying notation "OPP–180736." All written comments filed pursuant to this notice will be available for public inspection in Rm. 236, Crystal Mall No. 2, at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

The Agency, accordingly, will review and consider all comments received during the comment period in determining whether to issue the emergency exemption requested by the Minnesota Department of Agriculture.

Dated: May 11, 1987.

Edwin F. Tinsworth,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 87–12007 Filed 5–26–87; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL MARITIME COMMISSION

[Docket No. 87–10]

Halstead Industrial Products, Inc. v. Sea-Land Service, Inc.; Filing of Complaint and Assignment

Notice is given that a complaint filed by Halstead Industrial Products, Inc. (Halstead) against Sea-Land Service, Inc. (Sea-Land) was served May 20, 1987. Halstead alleges that Sea-Land has violated section 10(b)(1), Shipping Act of 1984 (46 U.S.C. 1709) by its charging, demanding, collecting or receiving greater compensation for the transportation of certain commodities from New Orleans, LA to ports in the United Kingdom, than the rates that are shown in its applicable tariffs.

This proceeding has been assigned to Administrative Law Judge Norman D. Kline. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross examination are necessary for the development of an adequate record. Pursuant to the further terms of 46 CFR 502.61, the initial decision of the presiding officer in this proceeding shall be issued by May 20, 1988, and the final decision of the Commission shall be issued by September 20, 1988.

Joseph C. Polking,

Secretary.

[FR Doc. 87–11946 Filed 5–26–87; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Formation of, Acquisition by, or Merger of Bank Holding Companies; Hemet Bancorp

The company listed in this notice has 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 225.24) 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)).

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 to the Reserve Bank indicated for that application 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.

Comments regarding this application must be received no later than June 18, 1987.

A. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Hemet Bancorp*, Hemet, California; to acquire 25 percent of the voting shares of Riverside National Bank, Riverside, California.

Board of Governors of the Federal Reserve System, May 20, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87–11947 Filed 5–26–87; 8:45 am]

BILLING CODE 6210–01–M

Acquisition of Shares of Banks or Bank Holding Companies; Robert L. Kohler et al.

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 notice 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 June 11, 1987.

A. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Robert L. Kohler* and M.E. McMillan, both of Derby, Kansas; V. Eugene Payer, Wendell A. Martens, Robert L. Eyster, Donald Yoder, and John D. Greenstreet, all of Wichita, Kansas; Larry Anderson, Wellington, Kansas; Jake Klassen, Hillsboro, Kansas; Paul F. Martens, El Dorado, Kansas; Henry P. Beugelsdijk, Halstead, Kansas; and Michael McClintick, Eureka, Kansas; to acquire 85.70 percent of the voting shares of F and M Bancshares, Inc., Derby, Kansas, and thereby indirectly acquire Farmers and Merchants State Bank, Derby, Kansas.

Board of Governors of the Federal Reserve System, May 20, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87–11948 Filed 5–26–87; 8:45 am]

BILLING CODE 6210–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry; Availability of Funds for FY 1987 Cooperative Agreements To Support a Demonstration Program for State Health Departments To Conduct Health Assessments

Introduction

The Agency for Toxic Substances and Disease Registry (ATSDR) announces the availability of funds for Fiscal Year 1987 for Cooperative Agreements to build State capacity for dealing with

health issues related to hazardous substances in the environment. This will be accomplished through a demonstration program to determine whether or not it is feasible for States to conduct health assessments of hazardous waste sites. ATSDR will participate and assist States in determining sites to be investigated, design of appropriate protocols, training of personnel, analysis of data and dissemination of information. Application is being made for a Federal Catalog of Domestic Assistance number.

Authorizing Legislation

This program is authorized under section 104(d)(1) and section 104(i)(15) of Pub. L. 96–510, of Comprehensive Environmental Response, Compensation, and Liability Act of 1980 as amended; Executive Order 12580, "Superfund Implementation", section 2(i); and Title 31 U.S.C. 6305.

Background

Both the Superfund Amendments and Reauthorization Act of 1986 and the Resource Conservation and Recovery Act Amendments of 1984 mandate ATSDR to conduct a health assessment of hazardous wastes sites or RCRA facilities.

An ATSDR health assessment is the evaluation of data and information on the release of hazardous substances into the environment in order to: assess any current or future impact on public health, develop health advisories or other related recommendations, and identify studies or actions needed to evaluate and prevent human health effects. It is conducted by an ATSDR multidisciplinary team that typically consists of specialists in medicine, epidemiology, toxicology, public health and environmental engineering. The information evaluated normally consists of information about the site's background, its current status, environmental sampling data, toxicity estimates, pathways of possible human exposure, assessments of toxicant migration, and populations of persons at risk of exposure. The resulting analysis of the public health implications of the site and attendant health recommendations, which are based on professional judgment and weight of evidence, is provided to the agency that requested it, usually EPA, and is made available to the public. The annual number of requests for ATSDR health assessments continues to grow as sites are added to the EPA's National Priorities List.

State health departments have the principal responsibility within the State for the protection of public health through regulatory authority and the delivery of public health program services. As a result they have existing expertise in both disease surveillance and epidemiology. This expertise has developed over the tyears as a direct response to the problems they are charged with resolving. This expertise can and has been used to address health problems related to hazardous substances in the environment. Historically, there has been a long series of environment health problems requiring the response and cooperation of State health departments and Federal health agencies. In the hazardous waste area, pollution has the potential to threaten not only the health of the worker but that also of the general public. Improving response of these continuing events requires strengthening State capabiity in terms of technologic expertise, experienced staff, and uniform methodological approaches.

Therefore, the purpose of this cooperative agreement is to establish a three year demonstration project to determine whether or not it is feasible for State health departments to conduct health assessments in accordance with requirements specified in the Superfund Amendments and Reauthorization Act of 1986, Section 110. The objective is to use this approach to enhance State capacity to respond to health issues related to toxic substances in the environment. The effectiveness of this approach will be evaluated to determine if it should be continued beyond the initial three year period.

Eligible Applicants

Because the State health departments have the principal responsibility within each State for the protection of public health through regulatory authority and the delivery of public health services, the only eligible applicants are the official health agencies of States, including the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Federated State of Micronesia, the Republic of the Marshall Islands, the Republic of Palau, the Northern Mariana Islands and the American Samoa.

Applicants will be selected from two categories:

1. State health departments with experience in evaluating human exposures to toxic substances in the environment through multi-media exposure pathways and with existing professional staff capable of conducting health assessments.

2. States health departments with little or no experience in evaluating human exposures to toxic substances in the environment through multi-media exposure pathways or having limited professional staff, but who wish to expand or start a program.

Availabilty of Funds

A total of approximately $1,600,000 will be available in Fiscal Year 1987. It is anticipated that approximately six cooperative agreements will be funded. Individual project awards are expected to range from $200,000 to $300,000. At least two of these awards will be made to States with little or no existing program.

Is is expected that the cooperative agreements will be awarded on or about September 15, 1987, and will be funded for a 12-month budget period with a project period of three years.

Based upon the President's Fiscal Year 1988 Budget it is anticipated that approximately $2,000,000 will be available to continue the initial awards under this announcement and to award approximately four new awards.

Review Requirements

Applications are not subject to review as governed by Executive Order 12372, entitled, "Intergovernmental Review of Federal Programs".

Where to Obtain Additional Information

Further information on this project may be obtained from:

Business

Luther E. DeWeese, Grants Management Specialist, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, Atlanta, GA 30305, Telephone 404–262–6575.

Program

Mike Griffith, Chief, Extramural Program Branch, ATSDR, 1600 Clifton Road NE., Altanta, GA 30333, Telephone 404–454–4630.

Dated: May 20, 1987.

James O. Mason,

Administrator, Agency for Toxic Substances and Disease Registry.

[FR Doc. 87–11944 Filed 5–26–87; 8:45 am]

BILLING CODE 4160–18–M

Centers for Disease Control

Cooperative Agreement for a Project To Study the Relationship of Infant Feeding Practices to Diarrheal Disease; Availability of Funds for FY 1987

The Centers for Disease Control announces the availability of funds in Fiscal Year 1987 for a cooperative

agreement to assist the Health Science Center, University of Texas, to study the relationship of infant feeding practices to diarrheal disease in Egypt. The Centers for Disease Control will collaborate in the formulation and evaluation of alternative approaches to studies of diarrheal diseases, including protocol development, review and on site assessment of progress and research activities, and assist in identification of resources and personnel necessary for project implementation. The Catalog of Federal Domestic Assistance Number is 13.283. This Program is authorized under section 307 of the Public Health Act (42 U.S.C. 24(a)) as amended.

Because of the unique previous experience of the Health Science Center, University of Texas in this project and stated desires of the Egyptian government and the joint U.S.-Egypt Working Group, assistance will be provided to that institution. This is not a formal request for applications and no other applications will be accepted. It is expected that approximately $350,000 will be available to support this project for 24 months. Application is not subject to review as governed by Executive Order 12372, Intergovernmental Review of Federal Programs.

Information may be obtained from Luther E. DeWeese, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road NE., Room 321, Atlanta, Georgia 30305 telephone (404) 264–6756 or FTS 236–6756.

Dated: May 20, 1987

Robert L. Foster,

Acting Director, Office of Program Support, Centers for Disease Control.

[FR Doc. 87–11945 Filed 5–26–87; 8:45 am]

BILLING CODE 4160–18–M

Health Care Financing Administration

[IOA–011–N]

Task Force on Long-Term Health Care Policies; Public Meeting

AGENCY: Health Care Financial Administration (HCFA), HHS.

ACTION: Notice of public meetings.

SUMMARY: In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), this notice announces two meetings of the Task Force on Long-Term Health Care Policies.

DATES: The first meeting to which this notice pertains will be held on June 11, 1987, from 8:30 a.m. to 5:00 p.m., and on June 12, 1987, from 8:30 a.m. to 1:00 p.m. E.D.T. The second meeting will be held on July 16, 1987, from 8:00 a.m. to 5:00 p.m., and on July 17, 1987, from 8:00 a.m. to 12:00 noon, E.D.T. The meetings will be open to the public.

ADDRESSES: The meeting in June will be held at the Twin Bridges Marriott, 333 Jefferson Davis Highway, Arlington, Virginia. The July meeting will be held at the Stouffer Concourse Hotel, 2399 Jefferson Davis Highway, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Dennis L. DeWitt, Executive Director, Task Force on Long-Term Health Care Policies, Room 4406, HHS North Building, 330 Independence Avenue, SW., Washington, DC 20201. (202) 245–0063.

SUPPLEMENTARY INFORMATION:

Purpose

The Task Force on Long-Term Health Care Policies, established under section 9601 of the Consolidated Omnibus Budget Reconciliation Act of 1985, will evaluate current issues relating to private long-term care insurance. To ensure the evolution of sound private long-term care policies and to help foster consumer confidence in them, the Task Force will develop recommendations that can be used by State regulators, persons involved in the insurance industry, and consumers who may wish to purchase such policies.

The term "Long-term health care policy" means an insurance, or similar health benefits plan, that is designed for or marketed as providing (or making payment for) health care or related services (which may include home and community-based services), or both, over an extended period of time.

The Task Force on Long-Term Health Care Policies will report to the Secretary of Health and Human Services and to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources concerning the development of insurance policies for long-term care that are privately marketed to individuals or groups. The Task Force will develop recommendations for long-term health care policies, including recommendations designed to: (1) Limit marketing and agent abuse for those policies; (2) assure the dissemination of information to consumers necessary to permit informed choice in purchasing the policies and to reduce the purchase of unnecessary or duplicative coverage; (3) assure that benefits provided under the policies are reasonable in relationship to premiums charged; and (4) promote the development and availability of long-term health care policies that meet these recommendations.

Agenda

Agenda items for the June meeting will include Task Force discussion of employees and long-term care insurance, discussions of unresolved issues meriting Task Force consideration, and review of drafts of specific chapters of the Task Force final report.

Agenda items for the July meeting will include Task Force discussion of unresolved issues meriting Task Force discussion and review of drafts of specific chapters of the Task Force final report.

Agenda items are subject to change as priorities dictate.

(Sec. 10(a)(2) of Pub. L. 92–463, as amended (5 U.S.C. App. I, Sec. 1–15) and Sec. 9601 of Pub. L. 99–272 (42 U.S.C. 1395b note); 45 CFR Part II))

Dated: May 21, 1987.

William L. Roper,

Administrator, Health Care Financing Administration.

[FR Doc. 87–11999 Filed 5–26–87; 8:45 am]

BILLING CODE 4120–01–M

Public Health Service

Statement of Organization, Functions, and Delegations of Authority; Alcohol, Drug Abuse, and Mental Health Administration

Part H, Chapter HM, Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA), of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (40 FR 36163–7, August 19, 1975, as amended by 47 FR 50361, November 5, 1982) is amended to reflect a reorganization of the National Institute on Alcohol Abuse and Alcoholism, ADAMHA. The reorganization accomplishes the following: (1) abolishes the Division of Extramural Research and the Division of Prevention and Research Dissemination; (2) establishes a Division of Basic Research and a Division of Clinical and Prevention Research; and (3) revises the functional statements for the Office of Scientific Affairs and the Division of Biometry and Epidemiology.

Section HM–B, Organization and Functions, is amended as follows:

(1) Delete the functional statement for the *Division of Extramural Research (HMCA)* and the *Division of Prevention and Research Dissemination (HMC2).*

(2) Add the following functional statements:

Division of Basic Research (HMC3)

(1) Plans, stimulates, develops, and supports programs of basic research on the multiple determinants and consequences of alcohol abuse and alcoholism, including biological, behavioral, biochemical, and neurological research; (2) collaborates with outside organizations in the conduct of basic studies related to alcohol abuse and alcoholism; (3) supports programs of training to increase the number and improve the competence and utilization of research scientists; (4) sponsors, develops, and participates in scientific conferences, meetings, and symposia to exchange information and to disseminate new knowledge; (5) prepares reports, summaries, and other materials concerned with various scientific aspects of alcohol abuse, and serves as a repository for special research materials; and (6) supports a full range of grants and contracts, including research centers.

Division of Clinical and Prevention Research (HMC5)

(1) Plans, stimulates, develops, and supports clinical programs on alcohol abuse and alcoholism which design and test the effectiveness of various prevention, early intervention, and treatment approaches; (2) collaborates with outside organizations in the conduct of studies related to prevention and treatment of alcohol abuse and alcoholism; (3) supports programs of training to increase the number and improve the competence and utilization of clinical and prevention research scientists; (4) sponsors, develops, and participates in scientific conferences, meetings, and symposia to exchange information and to disseminate new knowledge; (5) prepares reports, summaries, and other materials concerned with various clinical and prevention aspects of alcohol abuse and alcoholism, and serves as a repository for special research materials; and (6) supports a full range of grants and contracts, including research centers.

(3) Under *Office of Scientific Affairs (HMC16)*, delete the "and" before item 6, change the period at the end of a semi-colon, and add the following: "(7) collects, abstracts, stores, and disseminates program and scientific information on alcohol abuse and alcoholism; (8) prepares and disseminates the Alcohol and Health Report and other special reports in response to congressional, departmental, and programmatic needs for information; and (9) conducts conferences and workshops for the purpose of conveying up-to-date knowledge on alcoholism prevention, early intervention, treatment and rehabilitation to State and local governments, the private and voluntary sectors, and others engaged in alcohol-related work."

(4) Item (1) of the functional statement for the *Division of Biometry and Epidemiology (HMC4)* should be revised to begin: "Plans, develops, conducts, and supports . . . ". Also, change the period at the end of item (4) to a semicolon and add the following: "and (5) supports a full range of grants and contracts, including research centers."

Dated: May 18, 1987.

Robert E. Windom,

Assistant Secretary for Health.

[FR Doc. 87-11998 Filed 5-26-87; 8:45 am]

BILLING CODE 4160-20-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Administration

[Docket No. N-87-170]

Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notices.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

ACTION: Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: John Allison, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, telephone (202) 755-6050. this is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information (3) the description of the need for the information and its proposed use; (4) the agency form number, if aplicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total number of hours needed to prepare the information submission; (8) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection relquirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Lease Requirements, 24 CFR 966.4
Office: Public and Indian Housing
Description of the need for the information and its proposed use: The information is needed to carry out statutory requirements for lease agreements between Public Housing Agencies and Public Housing tenants. It is used for rent redeterminations, terminations of tenancy, and PHA and tenant responsibility for the maintenance of the project and dwelling
Form Number: None
Respondents: State or Local Governments
Frequency of Response: Recordkeeping
Estimated Burden Hours: 174,000
Status: Reinstatement
Contact: Edward D. Whipple, HUD, (202) 426-0744; John Allison, OMB, (202) 395-6880.

Proposal: Housing Quality Analysis—Evaluation of the Housing Voucher Demonstration
Office: Policy Development and Research
Description of The Need For the Information And Its Proposed Use: The information is needed to compare with information on the price that would be justified for similar quality housing on the basis of previous data and researches. The comparison will be used to determine whether voucher

holders get better value than certificate holders
Form Number: None
Respondents: Individuals or Households
Frequency of Response: Single-time
Estimated Burden Hours: 1,340
Status: New
Contact: David Einhorn, HUD, (202) 755–5575; John Allison, OMB, (202) 395–6880.

Proposal: Issuer's Monthly Accounting Reports
Office: Government National Mortgage Association
Descripion of The Need For the Information And Its Proposed Use: Information is necessary to assure issuers are performing pursuant to the terms of the guaranty agreement and investors are receiving all funds due them. Issuers use these forms to report monthly on their securities accounting
Form Number: HUD–11710A, 1710B, 1710C, 11710D, and 11710E
Respondents: Businesses or Other For-Profit
Frequency of Respondents: On Occasion and Monthly
Estimated Burden Hours: 31,000
Status: Extension
Contact: Patricia A. Gifford, HUD, (202) 755–5550; John Allison, OMB, (202) 395–6880.

Proposal: Civil Rights Tenant Characteristics/Occupancy Report Insured Unsubsidized Housing Programs
Office: Fair Housing and Equal Opportunity
Descripion of The Need For the Information And Its Proposed Use: The information is needed and used by the Department of HUD to assist them in assuring that Federal statutes that prohibit discrimination and provide for fair housing are met
Form Number: HUD–949
Respondents: Businesses or Other For-Profit
Frequency of Response: Annually
Estimated Burden Hours: 1,353
Status: Extension
Contact: Mary T. George, HUD, (202) 755–2288; John Allison, OMB, (202) 395–6880.

Proposal: PHA Application—Project Proposal and Legal Authority Forms
Office: Public and Indian Housing
Description of The Need For the Information And Its Proposed Use: The information is needed and used by HUD to determine relative funding priorities for localities, PHA eligibility to participate in the program, and whether project proposals meet program requirements
Form Number: HUD–9009, 51971–I, 52470, 52471, 52472, 52482, 52483–A, 52485, and 52651–A
Respondents: State or Local Governments and Non-Profit Institutions
Frequency of Response: On Occasion
Estimated Burden Hours: 3,123
Status: Reinstatement
Contact: Jane M. Taliaferro, HUD, (202) 426–0938; John Allison, OMB, (202) 395–6880.

Proposal: Construction Complaint
Office: Housing
Description of The Need For the Information And Its Proposed Use: The information is needed by HUD to identify defects in construction. The forms are used to identify the items of complaint in order to help the homebuyer obtain correction, identify builders not conforming to applicable standards, and determine eligibility for financial assistance
Form Number: HUD–92556 and 92556–SFA
Respondents: Individuals or Households and Businesses or Other For-Profit
Frequency of Response: On Occasion
Estimated Burden Hours: 2,300
Status: Reinstatement
Contact: William C. Park, HUD, (202) 755–6700; John Allison, OMB, (202) 395–6880.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act 42 U.S.C. 3535(d).

Dated: May 20, 1987.

John T. Murphy,

Director, Information Policy and Management Division.

[FR Doc. 87–12023 Filed 5–26–87; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES–940–07–4520–13; ES–037368, Group 17]

Filing of Plats of Dependent Resurvey, Subdivisions of Sections and Survey of Rend Lake Acquisition Boundary; Illinois

May 20, 1987.

1. The plat, in five sheets, of the dependent resurvey of the south boundary, Township 3 South, Range 2 East, a portion of the east boundary, Township 3 South, Range 1 East, a portion of the subdivisional lines, and the survey of the subdivision of sections 21, 28, 30, 32, 33 and 36, and the Rend Lake Acquisition Boundary, Township 3 South, Range 2 East, Third Principal Meridian, Illinois, will be officially filed in the Eastern States Office, Alexandria, Virginia at 7:30 a.m., on July 6, 1987.

2. The dependent resurvey and survey were made at the request of the Corps of Engineers.

3. All inquiries or protests concerning the technical aspects of the dependent resurvey and survey must be sent to the Deputy State Director for Cadastral Survey and Support Services, Eastern States Office, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304, prior to 7:30 a.m., July 6, 1987.

4. Copies of the plats will be made available upon request and prepayment of the reproduction fee of $4.00 per copy.

Lane J. Bouman,

Deputy State Director for Cadastral Survey and Support Services.

[FR Doc. 87–11966 Filed 5–26–87; 8:45 am]

BILLING CODE 4310–GJ–M

[CO–050–07–4212–14; C–42684, C–44129, C–44096]

Realty Action; Custer, Park, and Teller Counties, CO

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action C–42684, C–44129, and C–44096 noncompetitive sale of public land in Custer, Park and Teller Counties, Colorado.

SUMMARY: The following described land has been examined and found suitable for direct sale under section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713), at not less than the appraised fair market value. The land will not be offered for sale until July 27, 1987.

Sixth Principal Meridian

T. 22 S., R. 72 W.
Sec. 12, Lot 3
Containing 20.66 acres.

T. 10 S., R. 77 W.
Sec. 4, S½NE¼, SE¼NW¼, NW¼SE¼
Containing 160 acres.

T. 15 S., R. 70 W.
Sec. 3, lots 66, 67, 68, 69, 70, 89, 90, 91, 92, 98, and 99.

The above legal description contains 43.46 acres. The legal descriptions are preliminary data and unapproved, therefore lot numbers may change. The land sale will not take place until final approval of the legal land description.

The land described is hereby segregated from appropriation under the public land laws, including the mining laws, until a patent is issued or 270 days from the date of publication of this notice, whichever occurs first.

The first described land is being offered by direct sale to the Silver Cliff Land and Cattle Company as the surrounding landowner. The sale is consistent with the Raton Basin Land Use Plan because the tract is difficult and uneconomic for management by the BLM or any other Federal department or agency.

The patent will contain a reservation of all minerals to the United States and a protective covenant over development in a small floodplain that crosses the tract.

The second described parcel is being offered by direct sale to the County of Park for continued use as a landfill. The sale is consistent with the Royal Gorge Land Use Plan because the tract is difficult and uneconomic for management by the BLM or any other Federal department of agency.

The third group of parcels is being offered by direct sale to Golden Cycle Land Corporation. The sale will resolve title and boundary problems caused by the fragmented land pattern.

DATE: For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Canon City District, Bureau of Land Management, 3080 East Main, P.O. Box 311, Canon City, CO 81212. Objections will be reviewed and this realty action may be sustained, vacated, or modified. In the absence of any objection resulting in vacation or modification, this realty action will become the final determination of the Department of the Interior.

Stuart L. Freer,

Associate District Manager.

[FR Doc. 87-10866 Filed 5-26-87; 8:45 am]

BILLING CODE 4310-JB-M

Bureau of Reclamation

San Joaquin Valley Conveyance Study Environmental Impact Statement, California; Withdrawal

AGENCY: Bureau of Reclamation, Interior.

ACTION: Withdrawal of notice of intent to prepare a separate environmental impact statement for the San Joaquin Valley conveyance study, California.

SUMMARY: The Bureau of Reclamation (Reclamation), Department of the Interior, on May 29, 1986 (51 FR 19420) published a Notice of Intent to prepare an Environmental Impact Statement (EIS) for the San Joaquin Valley Conveyance Study. The purpose of the project is to provide an additional water supply to the San Joaquin Valley to relieve the present ground-water overdraft. Alternatives under consideration include various canal alignments, new construction and enlargements of existing canals. Reclamation now will include the analysis of the San Joaquin Valley Conveyance Study in the Delta Export Water Contracting EIS being prepared for marketing Central Valley Project water south of the Sacramento-San Joaquin Delta.

FOR FURTHER INFORMATION CONTACT: Mr. Alan Solbert, Environmental Specialist, Mid-Pacific Region (MP-750), 2800 Cottage Way, Sacramento, California 95825-1898, telephone (916) 978-5131.

Dated: May 20, 1987.

C. Dale Duvall,

Commissioner.

[FR Doc. 87-11959 Filed 5-26-87; 8:45 am]

BILLING CODE 4310-09-M

Minerals Management Service

Outer Continental Shelf (OCS) Advisory Board Scientific Committee; Agenda of Subcommittee and Task Force Meetings

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Pub. L. 92-463, 5 U.S.C., Appendix I, and the Office of Management and Budget Circular A-63, Revised.

The OCS Advisory Board Scientific Committee will meet in plenary session at the Sherator Anchorage Hotel, on Calista Square, 401 East 6th Avenue, Anchorage, Alaska 99501 (telephone number (907) 276-8700), from 9 a.m. to 5 p.m. on Thursday and Friday, July 23-24, 1987.

The agenda for the meeting will include the following subjects:

Update on the Environmental Studies Program (ESP) for the Regional and Headquarters Offices;

Fiscal Year 1988 Regional Studies Plans;

Update on the National Academy of Sciences Review of the ESP;

Discussion with Alaskan Representatives; and

Report on the ESP Monitoring Program.

This meeting is open to the public. Approximately 30 visitors can be accommodated on a first-come-first-served basis. All inquiries concerning this meeting should be addressed to: Dr. Don V. Aurand, Chief, Branch of Environmental Studies, Offshore Environmental Assessment Division, Room 4230, Minerals Management Service, U.S. Department of the Interior, 18th and C Streets, NW., Washington, DC 20240 (telephone number (202) 343-7744).

Carolita L. Kallaur,

Acting Associate Director for Offshore Minerals Management.

[FR Doc. 87-11941 Filed 5-26-87; 8:45 am]

BILLING CODE 4310-MR-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 31013]

Iowa Interstate Railroad Ltd.; Operation Exemption; Lincoln and Southern Railroad Co.

Iowa Interstate Railroad Ltd., has filed a notice of exemption to operate Lincoln and Southern Railroad Company's line between milepost 157.51 at Peoria, IL and milepost 114.85 at Bureau Junction, IL, a distance of 42.66 miles including trackage rights of Lincoln and Southern Railroad Company obtained from CSX Transportation, Inc., between milepost 126.94 at Henry, IL, and milepost 114.85 at Bureau Junction, IL. Any comments must be filed with the Commission and served on Harold L. Kaplan, Mayer, Brown & Platt; 190 South LaSalle Street, Chicago, IL 60603; (312) 701-7332.[1]

The notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: May 15, 1987.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 87-11919 Filed 5-26-87; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 31018]

Knox and Kane Railroad Co.; Exemption

AGENCY: Interstate Commerce Commission.

[1] The Railway Labor Executives' Association (RLEA) filed an unsupported request for labor protection claiming that this transaction is subject to the mandatory labor protection provisions of 49 U.S.C. 11347. Since this transaction involves an exemption from 49 U.S.C. 10901, only a showing of exceptional circumstances will justify the imposition of labor protective conditions. RLEA's request is denied, because the requisite showing has not been made. *See Class Exemption—Acq. & Oper. of R. Lines under 49 U.S.C. 10901*, 1 I.C.C.2d 810 (1985).

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of prior approval under 49 U.S.C. 10901 the construction and operation of three miles of connecting railroad from Mt. Jewett to Kinzua Bridge State Park, PA.

DATES: This exemption will be effective on June 1, 1987. Petitions to reopen must be filed by June 16, 1987.

ADDRESSES: Send pleadings referring to Finance Docket No. 31018 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423
(2) Daniel J. Sweeney, 1750 Pennsylvania Avenue, NW., Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 275–7345.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T. S. InforSystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289–4357 (DC Metropolitan area).

Decided: May 13, 1987.

By the Commission, Chairman Gradison, Vice Chairman Lamboley, Commissioners Sterrett, Andre, and Simmons.

Noreta R. McGee,

Secretary.

[FR Doc. 87–11961 Filed 5–26–87; 8:45 am]

BILLING CODE 7035–01–M

[No. 40136]

Sam and Jerry Lines, Inc.; Exemption From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Exemption.

SUMMARY: Sam & Jerry Lines, Inc., a passenger motor contract carrier, seeks exemption from the tariff filing requirements of 49 U.S.C. 10702, 10761, and 10762. The Commission has issued a decision proposing to grant an exemption for existing and future contracts.

The petition for exemption from the tariff filing requirements may be inspected at the Public Docket Room (Room 1227) of the Commission in Washington, D.C. Any interested party may file a comment in this proceeding.

DATES: Comments are due on June 11, 1987. If no timely filed adverse comments are received, the sought relief will automatically become effective at the close of the comment period. If opposition comments are filed, the comments will be considered and, within 20 days of the close of the comment period, the Commission will issue a final decision.

ADDRESS: Send an original and 10 copies of comments referring to No. 40136 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Richard Hartley, (202) 275–7786; or Andrew Lyon, (202) 275–7691.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. Copies may be purchased from T. S. InfoSystems, Inc., Room 2229, Interstate Commerce Commission Building, Washaington, DC 20423, or call 289–4357.

Decided: May 19, 1987.

By the Commission, Chairman Gradison, Vice Chairman Lamboley, Commissioners Sterrett, Andre, and Simmons.

Noreta R. McGee,

Secretary.

[FR Doc. 87–11962 Filed 5–26–87; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–18, 954 and TA–W–18, 955]

The Anschutz Corporation, Denver, CO and The Anschutz Corp. Midland, TX; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18 an application for administrative reconsideration was filed with the Director of the Office of Trade Adjustment Assistance for workers at The Anschutz Corporation, Denver Colorado and Midland, Texas. The reviews indicated that the applications contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA–W–18, 954; The Anschutz Corporation, Denver, Colorado (May 7, 1987)

TA–W–18, 955; The Anschutz Corporation, Midland, Texas (May 7, 1987)

Singed at Washington, DC, this 12th day of May 1987.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 87–12033 Filed 5–26–87; 8:45 am]

BILLING CODE 4510–30–M

Investigations Regarding Certifications of Eligibility To Apply for Workers Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221 (a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filled in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 8, 1987.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 8, 1987.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, DC 20213.

Signed at Washington, DC, this 18th day of May 1987.

Glenn M. Zech,

Acting Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner (Union/Workers/Firm)	Location	Date received	Date of petition	Petition No.	Articles produced
ALCOA (USW)	Point Comfort, TX	5/18/87	5/5/87	19,689	Bulk Aluminum.
AMTEL Consulting, Co. (Company)	Houston, TX	5/18/87	5/10/87	19,690	Consulting Service for Oil Industry.
ANAMAG, Inc. (Teamsters)	Summerville, KY	5/18/87	5/8/87	19,691	Copper Wire.
Beecham Products (Workers)	Cranford, NJ	5/18/87	5/11/87	19,692	Over Counter Drugs.
Compressors Systems, Inc. (Workers)	Odessa, TX	5/18/87	5/11/87	19,693	Natural Gas.
Cuero Contracting Co. (Workers)	Cuero, TX	5/18/87	5/7/87	19,694	Pipeline Construction
Dunlop Tire Corporation (A.C.T.W.U)	Utica, NY	5/18/87	5/4/87	19,695	Tire Cord Fabric.
Eastman Kodak (Workers)	Rochester, NY	5/18/87	5/5/87	19,696	Film, Cameras, Copiers
Fick Foundry (Workers)	Tacoma, WA	5/18/87	5/6/87	19,697	Steel Castings.
Freeport Brick Company (A.B.G.W.I.U.)	Freeport, PA	5/18/87	5/1/87	19,698	Ladle and Paving Brick
General Motors Corp., Fisher Guide (UAW)	Columbus, OH	5/18/87	5/8/87	19,699	Door Locks.
Global Marine Drilling Co. (Workers)	Layfayette, LA	5/18/87	5/6/87	19,700	Crude Oil.
Golo Footwear Corp. (USWA)	Dunmore, PA	5/18/87	5/4/87	19,701	Ladies' Shoes.
Grace Petroleum Corporation (Company)	Oklahoma City, OK	4/28/87	5/6/87	19,702	Crude Oil.
Grace Petroleum Corporation (Company)	Jackson, MI	4/28/87	5/6/87	19,703	Do.
Grace Petroleum Corporation (Company)	Houston, TX	4/28/87	5/6/87	19,704	Do.
Grace Petroleum Corporation (Company)	Lakewood, CO	4/28/87	5/6/87	19,705	Do.
Hoke, Inc. (IAM)	Cresskill, NJ	5/18/87	5/7/87	19,706	Fluid Control Valves.
ITT Courier (Company)	Tempe, AZ	5/18/87	4/30/87	19,707	Computers.
Ingersoll-Rand Mining Machinery (Workers)	Beckley, WV	5/18/87	5/7/87	19,708	Underground Mining Equipment
Int'l Brotherhood of Electrical Workers (Workers)	St. Joseph, MO	5/18/87	5/6/87	19,709	Union Office Workers.
Meridian Oil, Inc.-Gulf Coast Region (Workers)	Houston, TX	5/18/87	4/27/87	19,710	Crude Oil.
Nowsco Services (Workers)	Denver, CO	5/18/87	4/9/87	19,711	Oil Field Services.
Nowsco Services (Workers)	Rock Spring, WY	5/18/87	4/9/87	19,712	Do.
Patmore Coats, Inc. (ILGWU)	Paterson, NJ	5/18/87	5/7/87	19,713	Ladies' Jackets.
Plowden Supply Co. (Company)	Houston, TX	5/18/87	4/20/87	19,714	Distribution of Industrial Supplies.
Regal Fashions Co., (ILGWU)	Patterson, NJ	5/18/87	5/6/87	19,715	Women's Jackets.
Transit America (Workers)	Miami, FL	5/18/87	4/13/87	19,716	Passenger Railcars.
Transit America (Workers)	Baltimore, MD	5/18/87	4/13/87	19,717	Do.
WTG Exploration, Incorporated (Company)	Midland, TX	5/18/87	5/6/87	19,718	Crude Oil.
Wotan Machine Tools (Workers)	Fairfield, NY	5/18/87	5/6/87	19,719	Machine Tools.

[FR Doc. 87-12027 Filed 5-26-87; 8:45 am]
BILLING CODE 4510-30-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period May 11, 1987–May 15, 1987.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–19,360; Twin Disc, Inc., Racine, WI

TA–W–19,347; Memtec Caribe, Inc., Luquillo, PR

TA–W–19,271; Becton-Dickinson, Distributing Center, Parsippany, NJ

TA–W–19,270; Becton-Dickinson Manufacturing Plant, Rutherford, NJ

TA–W–19,281; Belden & Blake Corp., North Canton, OH

TA–W–19,339; Evans Products Co., Aberdeen, WA

TA–W–19,379; Hyatt Clark Industries, Inc., Clark, NJ

TA–W–19,330; Wood & Hyde Co., Inc., Gloversville, NY

TA–W–19,352; Roanoke Fashions Co., Lakeside Plant, Salem, VA

TA–W–19,414; Vikron, Inc., St. Croix Falls, WI

TA–W–19,356; Tek-Hughes, Division of International Playtex, Watervliet, NY

TA–W–19,323; The Trane Company, LaCrosse, WI

TA–W–19,353; Robinson Steel Co., Philadelphia, PA

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA–W–19,540; Alpha, Seismic Services, Inc., Houston, TX

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–19,600; Parish, Inc., Virginia, MN

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–19,532; Ryan Brothers Transfer, Inc., Hibbing, MN

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–19,338; Control Data Corp., Minneapolis, MN

Increased imports did not contribute importantly to workers separations at the firm.

TA–W–19,442; National Gypsum Co., Alpena, MI

Increased imports did not contribute importantly to workers separations at the firm.

TA–W–19,295; Exxon Co., USA, Marketing Dept., Distribution & Fuel Products Div., Charleston, WV

Increased imports did not contribute importantly to workers separations at the firm.

TA–W–19,324; USX Corp., US Diversified Group, Commerce City, CO

Increased imports did not contribute importantly to workers separations at the firm.

TA–W–19,516; CSX Oil & Gas Corp. (formerly Texas Gas Exploration

Corp), Denver District Office, Denver, Co.

Increased imports did not contribute importantly to workers separations at the firm.

TA–W–19,627; Halliburton Service, Lafayette, LA

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–19,305; Karg Brothers, Inc., Johnstown, NY

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA–W–19,407, TA–W–19,408; TA–W–19,409; Schaper Manufacturing Co., Lakeville, Minnesota Distribution Center, Plymouth, MN

Increased imports did not contribute importantly to workers separations at the firm.

Affirmative Determinations

TA–W–19,292; Dilido Fashions, Miami, FL

A certification was issued covering all workers of the firm separated on or after February 28, 1982.

TA–W–19,359; Thomson-CGR Medical Corp., Columbia, MD

A certification was issued covering all workers of the firm separated on or after March 5, 1986.

TA–W–19,415; West Virginia Glass Specialty Co., Inc., Weston, WV

A certification was issued covering all workers of the firm separated on or after March 10, 1986.

TA–W–19,355; Tex-Sun Glove, Corsicana, TX

A certification was issued covering all workers of the firm separated on or after March 5, 1986.

TA–W–19,361; White Consolidated Industries, Inc., Machine Tools & System Group, Cincinnati, OH

A certification was issued covering all workers of the firm separated on or after March 5, 1986.

TA–W–19,357; The Meeker Co., Joplin, MO

A certification was issued covering all workers of the firm separated on or after February 23, 1986.

TA–W–19,427; Champlin Petroleum Co., Wilmington, CA, Production Unit, Wilmington, Refinery, Long Beach, CA

A certification was issued covering all workers of the firm separated on or after March 2, 1986.

TA–W–19,485; LTV Steel Co., Paramus Sales Office, Paramus, NJ.

A certification was issued covering all workers of the firm separated on or after March 30, 1986.

TA–W–19,365; Becton-Dickinson, Puerto Rico, Inc., Juncos, PR

A certification was issued covering all workers of the firm separated on or after March 10, 1986.

TA–W–19,345; Kardex Systems, Inc., Reno, OH

A certification was issued covering all workers of the firm separated on or after March 6, 1986.

TA–W–19,299; H.R.H., Inc., Hazelton, PA

A certification was issued covering all workers of the firm separated on or after February 24, 1986.

TA–W–19,369; Champlin Petroleum Co., Denver Co. Exploration & Production Unit, Denver, CO

A certification was issued covering all workers of the firm separated on or after March 2, 1986.

TA–W–19,426; Champlin Petroleum Co., Fort Worth, TX

A certification was issued covering all workers of the firm separated on or after March 2, 1986.

TA–W–19,428; Champlin Petroleum Co., Rock Springs Wyoming Exploration & Production Unit, Rock Springs, WY

A certification was issued covering all workers of the firm separated on or after March 2, 1986.

I hereby certify that the aforementioned determinations were issued during the period May 11, 1987–May 15, 1987. Copies of these determinations are available for inspection in Room 6434, U.S. Department of Labor, 601 D Street, NW., Washington, DC 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: May 19, 1987.

Glenn M. Zech,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 87–12028 Filed 5–26–87; 8:45 am]

BILLING CODE 4510–30–M

Federal-State Unemployment Compensation Program; Proposal for Eliminating Duplicative Reporting Systems in the Federal-State Unemployment Compensation (UC) Program

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of proposed changes.

SUMMARY: This notice describes a proposal to eliminate duplicative reporting systems in the Federal/State Unemployment Compensation program by September 30, 1987. Comments from the State agencies and the public are invited.

DATE: Written comments must be received before close of business on June 26, 1987.

ADDRESS: Submit written comments to Carolyn M. Golding, Director, Unemployment Insurance Service, Employment and Training Administration, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone: 202–535–0600.

FOR FURTHER INFORMATION CONTACT: Carolyn M. Golding, Director, Unemployment Insurance Service, Employment and Training Administration, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone: 202–535–0600.

SUPPLEMENTARY INFORMATION: The Unemployment Insurance Service within the Employment and Training Administration (ETA) requires all State Employment Security Agencies (SESAs) to generate inforamtional reports in order to evaluate and administer programs, plan policy, conduct research, and determine SESA funding levels.

Presently, two systems exist which enable the States to process these reports. The original, OMB approved, method is referred to as the Regular Reporting (RR) system and consists of hard copy reports generated at the State level which are mailed to the ETA via U.S. Postal Service.

An alternative data transmittal system, currently utilized on a voluntary basis by a majority of the States, is the Regional Cost Information System (RCIS). Originally designed as a Management Information System for Regions and States, RCIS allows States to electronically transmit the same report data which is required to be mailed in as part of the RR System.

RCIS and RR data are generated by the States, with RCIS data being entered into computer terminals, then automatically edited and telecommunicated to one of three ETA Regional Computer Systems Network (CSN) nodes or to the fourth ETA CSN node located in Washington, DC.

States currently utilizing RCIS, in order to comply with reporting requirements, must still generate hard copies of all reports and mail them to ETA (with the exception of ET 539 Weekly Claims and Extended Benefits Data). As RCIS has increased in size, a steady build up of duplicative data has

evolved. As a result, ETA is now receiving both paper and electronic transmittal of the same information in the majority of cases.

In an effort to avoid such redundancy, ETA proposes to eliminate any duplicative reporting generated by the two systems. Under consideration is the establishment of RCIS as the single reporting system effective October 1, 1987. Data entry could continue as currently constructed, or variations such as Regional or National Office data entry from RR data could be established.

Comments are invited on this proposal to eliminate duplicative reporting and should be received before close of business on June 26, 1987.

Signed at Washington, DC, on May 18, 1987.

Roberts T. Jones,

Deputy Assistant Secretary of Labor.

[FR Doc. 87-12026 Filed 5-26-87; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-87-122-C]

Beckley Lick Run Co.; Petition for Modification of Application of Mandatory Safety Standard

Beckley Lick Run Company, Rt. 1, 200 Bonny Lane, Beckley, West Virginia 25801 has filed a petition to modify the application of 30 CFR 75.1103 (automatic fire warning devices) to its Bonny Mine (I.D. No. 46-04388) located in Raleigh County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that devices be installed on all belts which will give a warning automatically when a fire occurs on or near such belt.

2. As an alternate method, petitioner proposes to install an early warning fire detection system. A low-level carbon monoxide (CO) detection system will be installed in all belt entries used as intake aircourses and at each belt drive and tailpiece located in intake aircourses. The monitoring devices will be capable of giving warning of a fire for a minimum of four hours should the power fail; a visual alert signal will be activated when the CO level is 10 parts per million (ppm) above ambient air and an audible signal will sound at 15 ppm above ambient air. All persons will be withdrawn to a safe area at 10 ppm and evacuated at 15 ppm. The fire alarm signal will be activated at an attended surface location where there is two-way communication. The CO system will be capable of identifying any activated sensor and for monitoring electrical continuity to detect any malfunctions.

3. The CO system will be visually examined at least once each coal-producing shift and tested for functional operation weekly to insure the monitoring system is functioning properly. The monitoring system will be calibrated with known concentrations of CO and air mixtures at least monthly.

4. If the CO monitoring system is deenergized for routine maintenance or for failure of a sensor unit, the belt conveyor will continue to operate and qualified persons will patrol and monitor the belt conveyor using hand-held CO detecting devices.

5. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 26, 1987. Copies of the petition are available for inspection at that address.

Dated: May 18, 1987

Patricia W. Silvey,

Associate Assistant Secretary for Mine Safety and Health.

[FR Doc. 87-12029 Filed 5-26-87; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-87-124-C]

Lesco Mining Co.; Petition for Modification of Application of Mandatory Safety Standard

Lesco Mining Company, Route 1, Box 150, Woodbine, Kentucky 40771, has filed a petition to modify the application of 30 CFR 75.313 (methane monitor) to its Mine No. 1 (I.D. No. 15-15084) located in Knox County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that a methane monitor be installed on any electric face cutting equipment, continuous miner, longwall face equipment and loading machine and shall be kept operative and properly maintained and frequently tested.

2. Petitioner states that no methane has been detected in the mine. The three wheel tractors are permissible DC powered machines, with no hydraulics. The bucket is a drag type, where approximately 30-40% of the coal is hand loaded. Approximately 20% of the time that the tractor is in use, it is used as a man trip and supply vehicle.

3. As an alternate method, petitioner proposes to use hand held continuous oxygen and methane monitors in lieu of methane monitors on three wheel tractors. In further support of this request, petitioner states that:

(a) Each three wheel tractor will be equipped with a hand held continuous monitoring methane and oxygen detector and all persons will be trained in the use of the detector;

(b) A gas test will be performed, prior to allowing the coal loading tractor in the face area, to determine the methane concentration inthe atmosphere. The air quality will be monitored continuously after each trip, provided the elapse time between trips does not exceed 20 minutes. This will provide continuous of the mine atmosphere for methane to assure any undetected methane buildup between trips;

(c) If one percent of methane is detected, the operator will manually deenergize his/her battery tractor immediately. Production will cease and will not resume until the methane level is lower than one percent;

(d) A spare continuous monitor will be available to assure that all coal hauling tractors will be equipped with a continuous monitor;

(e) Each monitor will be removed from the mine at the end of the shift, and will be inspected and charged by a qualified person. The monitor will also be calibrated monthly; and

(f) No alterations or modifications will be made in addition to the manufacturer's specifications.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 26, 1987. Copies of the petition are available for inspection at that address.

Dated: May 18, 1987.

Patricia W. Silvey,

Associate Assistant Secretary for Mine Safety and Health.

[FR Doc. 87-12030 Filed 5-26-87; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-87-126-C]

Mountain Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Mountain Coal Company, P.O. Box 36, Ingram, Kentucky 40955 has filed a petition to modify the application of 30 CFR 75.313 (methane monitor) to its Mine No. 3 (I.D. No. 15-15729) located in Bell County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that a methane monitor be installed on any electric face cutting equipment, continuous miner, longwall face equipment and loading machine and shall be kept operative and properly maintained and frequently tested.

2. Petitioner states that no methane has been detected in the mine. The three wheel tractors are permissible DC powered machines, with no hydraulics. The bucket is a drag type, where approximately 30-40% of the coal is hand loaded. Approximately 20% of the time that the tractor is in use, it is used as a man trip and supply vehicle.

3. As an alternate method, petitioner proposes to use hand held continuous oxygen and methane monitor in lieu of methane monitors of three wheel tractors. In further support of this request, petitioner states that:

(a) Each three wheel tractor will be equipped with a hand held continuous monitoring methane and oxygen detector and all persons will be trained in the use of the detector;

(b) A gas test will be performed, prior to allowing the coal loading tractor in the face area, to determine the methane concentration in the atmosphere. The air quality will be monitored continuously after each trip, provided the elapse time between trips does not exceed 20 minutes. This will provide continuous monitoring of the mine atmosphere for methane to assure any undetected methane building between trips;

(c) If one percent of methane is detected, the operator will manually deenergize his/her battery tractor immediately. Production will cease and will not resume until the methane level is lower than one percent;

(d) A spare continuous monitor will be available to assure that all coal hauling tractors will be equipped with a continuous monitor;

(e) Each monitor will be removed from the mine at the end of the shift, and will be inspected and charged by a qualified person. The monitor will also be calibrated monthly; and

(f) No alterations of modifications will be made in addition to the manufacturer's specifications.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 26, 1987. Copies of the petition are available for inspection at that address.

Dated: May 18, 1987.

Patricia W. Silvey,

Associate Assistant Secretary for Mine Safety and Health.

[FR Doc. 87-12031 Filed 5-26-87; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-87-118-C]

Jim Walter Resources, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Jim Walter Resources, Inc., P.O. Box C-79, Birmingham, Alabama 35283 has filed a petition to modify the application of 30 CFR 75.1105 (housing of underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps) to its No. 4 Mine (I.D. No. 01-01247) located in Tuscaloosa County, Alabama. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps be housed in fireproof structures.

2. Petitioner has electrical installations which are located such that all entries close to them are maintained as intake airways. There are no return airways available for ventilating these installations.

3. As an alternate method, petitioner proposes that:

(a) The electrical installation will be housed in a fireproof structure and, when necessary, equipped with automatic closing fire doors activated by thermal devices. The fire doors will be designed to enclose all associated electric components in a reasonably airtight enclosure in case of fire or excessive temperature;

(b) The electric equipment will be protected with thermal devices designed to remove incoming power. Grounded phase protective devices protecting three-phase equipment will be adjusted to remove incoming power at not more than 40 percent of the available fault current;

(c) An automatic fire suppression system will be installed;

(d) The electrical equipment will contain no flammable cooling liquid or flammable hydraulic oil;

(e) Rectifying substations providing power to trolley systems will be protected by direct current circuit breakers with reverse current protection;

(f) No combustible materials will be stored or allowed to accumulate in the fireproof enclosure;

(g) A signal, activated by a suitable sensor, will be located so that it can be seen or heard by a responsible person;

(h) Fire-fighting equipment will be provided on the outside of the fireproof structure; and

(i) The electrical equipment will be examined weekly, and tested and maintained by a qualified electrican.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 26, 1987. Copies of the petition are available for inspection at that address.

Dated: May 19, 1987.

Patricia W. Silvey,

Associate Assistant Secretary for Mine Safety and Health.

[FR Doc. 87-12032 Filed 5-26-87; 8:45 am]

BILLING CODE 4510-43-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Acts in Education 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 Arts in Education Advisory Panel (Special Projects Section) to the National Council on the Arts will be held on June 10–11, 1987, from 8:15 a.m.–8:00 p.m. and June 12, 1987, from 8:45 am–5:00 p.m. in room 730 of the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

A portion of this meeting will be open to the public on June 10, 1987 from 8:15 a.m.–8:45 a.m. and June 12, 1987 from 2:30–5:00 p.m. The topics for discussion will include introductions and policy issues.

The remaining sessions of this meeting on June 10, 1987 from 8:45 a.m.–8:00 p.m., June 11, 1987 from 8:15 a.m.–8:00 p.m. and June 12, 1987 from 8:45 a.m.–2:30 p.m. are for the purpose of application review. 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 subsection (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

If you need special accommodations due to a disability, please contact the Office for Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682–5433.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

May 19, 1987.

[FR Doc. 87–11942 Filed 5–26–87; 8:45 am]

BILLING CODE 7537–01–M

Expansion Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Expansion Arts Avisory Panel (Community Foundation Initiative Section) to the National Council on the Arts will be held on June 11, 1987, from 9:15 a.m.–5:30 p.m. in room 714 of the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

A portion of this meeting will be open to the public on June 11, 1987 from 9:15 a.m.–10:00 a.m. and 4:30 p.m.–5:30 p.m. The topics for discussion will include general program overview and policy issues.

The remaining sessions of this meeting on June 11, 1987 from 10:00 a.m.—4:30 p.m. are for the purpose of application review. 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 subsection (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

If you need special accommodations due to a disability, please contact the Office for Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682–5433.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

May 20, 1987.

[FR Doc. 87–11967 Filed 5–26–87; 8:45 am]

BILLING CODE 7537–01–M

NUCLEAR REGULATORY COMMISSION

Carolina Power & Light Co.; Environmental Assessment and Finding of No Significant Impact

[Docket Nos. 50–325 and 50–324]

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating Licenses Nos. DPR–71 and DPR–62 issued to the Carolina Power & Light Company, (the licensee), for operation of Brunswick Steam Electric Plant, Units 1 and 2, located in Brunswick County, North Carolina.

Environmental Assessment

Identification of Proposed Action

The proposed action would permit the licensee to implement changes to the Brunswick facility and to Technical Specifications (TSs), as described in their letter of November 7, 1986. The following assessment applies to Units 1 and 2.

The Need for the Proposed Action:

The B division battery bus for each of the Brunswick units is configured in such a way that it is the normal feed for a unit's lighting inverter and standby Uninterruptible Power Supply (UPS). In addition, the B division bus serves as the alternate feed for the opposite unit's lighting inverter. Each of the lighting inverters and the power conversion module for the UPS is currently rated at 37.5 kVA. Currently, TS Surveillance Requirement 4.8.2.3.1(b) requires verification at least once per seven days that there are no more than two of these 37.5 kVA power conversion modules aligned to the B division bus to prevent overloading the bus, which also feeds safety-related loads during a postulated design basis accident.

The UPS system is a non-1E system that feeds various loads throughout the Brunswick facility. The licensee states that the existing UPS system is approaching obsolescence and is considered to be beyond reasonable maintainability. The licensee proposes to replace the UPS system with currently available equipment that is rated at 50 kVA. To permit this upgrade, the licensee proposes to delete the reference to 37.5 kVA equipment from Surveillance Requirement 4.8.2.3.1(b). The proposed TS change would require verification that no more than two power conversion modules, consisting of either two lighting inverters or one lighting inverter and one plant UPS unit, are aligned to the B division bus. As currently exists, the load from two lighting inverters would be greater than from one lighting inverter and the proposed 50 kVA UPS module.

Environmental Impacts of the Proposed Action

Because the maximum load from the inverters and UPS module would not change, there would be no effect from this change on systems required to mitigate the effects of a postulated accident. Thus, post-accident radiological releases will not be greater than previously determined, nor do the proposed changes otherwise affect radiological plant effluents. Occupational exposures to radiation would also be unaffected. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed changes.

With regard to potential non-radiological impacts, the proposed

changes involve systems located within the restricted area, as defined in 10 CFR Part 20. No non-radiological effluents are affected, and no other environmental impact would occur. Therefore, the Commission concludes that there are no significant non-radiological environmental impacts associated with the proposed changes.

Alternatives to the Proposed Action

Since the Commission has concluded that there is no measureable environmental impact associated with the proposed changes to the TSs, any alternative to the amendments will either have no environmental impact or greater environmental impact. The principal alternative would be to deny the requested amendments. This would not reduce environmental impacts of plant operation.

Alternative Use of Resources

This action does not involve the use of resources not previously considered in the Final Environmental Statement for Brunswick Steam Electric Plant, Units 1 and 2, dated January 1974.

Agencies and Persons Consulted

The Commission's staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed license amendments.

Based on the foregoing environmental assessment, the Commission concludes that the proposed action will not have significant effect on the quality of the human environment.

For further information with respect to this action, see the application for the amendments dated November 7, 1986, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC 20555 and at the University of North Carolina at Wilmington, William Madison Randall Library, 601 S. College Road, Wilmington, North Carolina 28403–3297.

Dated at Bethesda, Maryland this 22nd day of May 1987.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Director, Project Directorate II–1, Division of Reactor Projects—I/II.

[FR Doc. 87–12194 Filed 5–26–87; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF MANAGEMENT AND BUDGET

Revision of OMB Circular A–122, "Cost Principles for Nonprofit Organizations"

AGENCY: Office of Management and Budget.

ACTION: Revision of OMB Circular A–122, "Cost Principles for Nonprofit Organizations".

SUMMARY: This notice revises Office of Management and Budget (OMB) Circular A–122, "Cost Principles for Nonprofit Organizations." Based on recommendations by the Defense Acquisition Council and the Civilian Agency Acquisition Council, this revision clarifies requirements for maintenance and access to records for costs associated with legislative lobbying and political activities. It does not alter the originally intended meaning of the affected section and will not result in the imposition of any additional recordkeeping requirements.

This revision maintains consistency with an identical technical revision to the Federal Acquisition Regulation (FAR) to cover all defense and civilian contractors. The FAR revision appears elsewhere in this issue of the **Federal Register.**

SUPPLEMENTARY INFORMATION: OMB Circular A–122, "Cost Principles for Nonprofit Organizations," establishes uniform rules for determining the costs of grants, contracts and other agreements between the Federal Government and nonprofit organizations. Attachment B, section B21, "Lobbying" makes unallowable the costs associated with most kinds of legislative lobbying and political activities.

According to the Department of Defense, contractors are misinterpreting paragraph c.(4), the so-called "25 percent rule," to either stop keeping records maintained to comply with the prior cost principle, or to deny access to their regularly-maintained accounting data. The paragraph was only intended to restrict requirements for additional special records, such as time logs and calenders, and not intended to restrict access to records regularly maintained in the ordinary course of business.

The Department of Defense, General Services Administration, and National Aeronautics and Space Administration published a proposed rule in the **Federal Register** on May 29, 1986 (51 FR 19506). Twenty-four comments were received, of which 20 were from Federal agencies. Twenty of the 24 either concurred or had no comment. The Defense Acquisition Regulatory Council and the Civilian Agency Acquisition Council considered the comments and incorporated technical changes to meet some of the recommendations in the four other comments.

The revision restructures paragraph c.(4) to make clear its original intent that records usually maintained to demonstrate the allowability of costs must continue to be maintained and made available for audit.

May 19, 1987.

[Circular No. A–122, Revised Transmittal Memorandum No. 2]

To the Heads of Executive Departments and Agencies

Subject: Cost Principles for Nonprofit Organizations.

This memorandum revises OMB Circular A–122, "Cost Principles for Nonprofit Organizations, to clarify requirements for maintenance and access to records for costs associated with legislative lobbying and political activities.

In attachment B, section B21, "Lobbying," paragraph c.(4) is revised as follows:

c.(4) Time logs, calendars, or similar records shall not be required to be created for purposes of complying with this section during any particular calendar month when: (1) the employee engages in lobbying (as defined in paragraphs (a) and (b) above) 25 percent or less of the employee's compensated hours of employment during that calendar month, and (2) within the preceding five-year period, the organization has not materially misstated allowable or unallowable costs of any nature, including legislative lobbying costs. When conditions (1) and (2) above are met, organizations are not required to establish records to support the allowability of claimed costs in addition to records already required or maintained. Also, when conditions (1) and (2) above are met, the absence of time logs, calendars, or similar records will not serve as a basis for disallowing costs by contesting estimates of lobbying time spent by employees during a calendar month.

James C. Miller III,

Director.

[FR Doc. 87–11883 Filed 5–26–87; 8:45 am]

BILLING CODE 3110–01–M

OFFICE OF PERSONNEL MANAGEMENT

Federal Prevailing Rate Advisory Committee; Meeting

According to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on—

Wednesday, June 3, 1987
Wednesday, June 10, 1987
Wednesday, June 17, 1987
Wednesday, June 24, 1987.

These meetings will start at 10 a.m. and will be held in Room 5A06A, Office of Personnel Management Building, 1900 E Street, NW., Washington, DC.

The Federal Prevailing Rate Advisory Committee is composed of a Chairman, representatives from five labor unions holding exclusive bargaining rights for Federal blue-collar employees, and representatives from five Federal agencies. Entitlement to membership of the Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the Prevailing Rate System and other matters pertinent to establishing prevailing rates under Subchapter IV, Chapter 53, 5 U.S.C., as amended, and from time to time advise the Office of Personnel Management.

These scheduled meetings will start in open session with both labor and management representatives attending. During the meeting either the labor members or the management members may caucus separately with the Chairman to devise strategy and formulate positions. Premature disclosure of the matters discussed in these caucuses would unacceptably impair the ability of the Committee to reach a consensus on the matters being considered and would disrupt substantially the disposition of its business. Therefore, these caucuses will be closed to the public because of a determination made by the Director of the Office of Personnel Management under the provisions of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463) and 5 U.S.C. 552b(c)(9)(B). These caucuses may, depending on the issues involved, consititute a substantial portion of the meeting.

Annually, the Committee publishes for the Office of Personnel Management, the President, and Congress a comprehensive report of pay issues discussed, concluded recommendations, and related activities. These reports are available to the public, upon written request to the Committee's Secretary.

The public in invited to submit material in writing to the Chairman of Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information on these meetings may be obtained by contacting the Committee's Secretary, Office of Personnel Management, Federal Prevailing Rate Advisory Committee, Room 1340, 1900 E Street, NW., Washington, DC 20415 (202) 632–9710.

Thomas E. Anfinson,

Chairman, Federal Prevailing Rate Advisory Committee.

May 21, 1987.

[FR Doc. 87–12034 Filed 5–26–87; 8:45 am]

BILLING CODE 6325–01–M

PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWSHIPS

Annual Meeting of the Commissioners

AGENCY: President's Commission on White House Fellowships.

ACTION: Notice of annual selection meeting of the President's Commission on White House Fellowships; closed to the public.

SUMMARY: Notice is hereby given that the Annual Selection Meeting of the President's Commission on White House Fellowships will be held at the Aspen Institute, Wye Plantation, Queenstown, Maryland, June 4 through 7, 1987, beginning at 5:00 P.M.

The Annual Selection Meeting is part of the screening process of the White House Fellowships program. During this three day meeting the application and screening process of the thirty-three applicants for White House Fellowships will be discussed and the applicants will be interviewed by the members of the Presidential Commission. At the conclusion of this meeting the Commissioners recommend to the President those they propose to be selected to serve as White House Fellows.

It has been determined by the Director of the Office of Personnel Management that, because of the nature of the screening process, wherein personnel records and confidential character references must be used which, if revealed to the public, would constitute a clear invasion of the individuals' privacy, the content of this meeting falls within the provisions of Section 552b(c)(6) of Title 5 of the United States Code. Accordingly, this meeting will be closed to the public.

DATE: The date of the Annual Selection Meeting of the President's Commission on White House Fellowships, which is closed to the public, is June 4–7, 1987.

FOR FURTHER INFORMATION CONTACT: President's Commission on White House Fellowships, 712 Jackson Place NW., Washington, DC 20503, (202) 395–4522.

Dated: May 19, 1987.

Signed:

Linda L. Tarr,

Ph.D., Director, President's Commission on White House Fellowships.

[FR Doc. 87–12000 Filed 5–26–87; 8:45 am]

BILLING CODE 6325–01–M

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–8890]

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration; Kay Jewelers, Inc. (Common Stock, $1.00 Par Value)

May 18, 1987.

Kay Jewelers, Inc. ("Company"), has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2–2(d) promulgated thereunder, to withdraw the above specified security from listing and registration on the American Stock Exchange, Inc. ("Amex"). The Company's common stock recently began trading on the New York Stock Exchange ("NYSE").

The reasons alleged in the application for withdrawing these securities from listing and registration include the following:

The Company considered the direct and indirect costs and expenses attendant on maintaining the dual listing of its common stock on the NYSE and the Amex. The Company does not see any particular advantage in the dual trading of its stock and believes that dual listing would fragment the market for its common stock.

Any interested person may, on or before June 9, 1987 submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-11989 Filed 5-26-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-24461; File No. SR-PSE-87-16]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by Pacific Stock Exchange Inc.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on May 13, 1987, the Pacific Stock Exchange, Inc. ("PSE" or "Exchange") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The PSE proposes to waive transaction and order book fees for trades executed in options on two over-the-counter ("OTC") stocks: Microsoft Corporation and Mentor Corporation. These fees will be waived retroactive to May 1, 1987 and through July 17, 1987.

In its filing, PSE states that its proposal is a competitive response to the Commission's decision to permit options on OTC stocks to be traded by more than one exchange.[1] The Exchange states that a fee waiver is "necessary to remain on a competitive footing with other options exchanges" and that the waiver "will encourage decisions regarding where to trade given options to be made on the basis of the strength of the marketplace." The PSE states that the statutory basis for the proposed rule change is Section 6(b)(5) of the Act.

As the foregoing rule change is concerned solely with an exchange fee, it has become effective immediately pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b-4 under the Act.[2] The Commission finds good cause to allow the fee waiver to become effective retroactive to May 1, 1987. The PSE would like to waive fees immediately and has informed the Commission that its internal operations are such that it is very difficult to compute fees other than on a monthly basis. Accordingly, the fee waiver is extended back to May 1, 1987. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 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, D.C. Copies of such filing also will be available for inspection and copying at the principal office of the above-mentioned, self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by June 17, 1987.

Dated: May 15, 1987.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-11985 Filed 5-26-87; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications of Midwest Stock Exchange Inc. for Unlisted Trading Privileges and of Opportunity for Hearing

May 18, 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:

Malaysia Fund Inc.
Common Stock, $.01 Par Value (File No. 7-0105)

Morgan Grenfell Smalicap Fund Inc.
Capital Stock, $.01 Par Value (File No. 7-0106)

Shearson Lehman Brothers Holdings Inc.
Common Stock, $.01 Par Value (File No. 7-0107)

RLI Corporation
Common Stock, $1.00 Par Value (File No. 7-0108)

A.O. Smith Corporation
Class A Common Stock, $5.00 Par Value (File No. 7-0109)

Fairchild Industries (Del.)
Common Stock, $.01 Par Value (File No. 7-0110)

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 June 9, 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. 87-11986 Filed 5-26-87; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications of Midwest Stock Exchange, Inc. for Unlisted Trading Privileges and of Opportunity for Hearing

May 18, 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:

Bally's Health & Tennis Corp.
Common Stock, $.01 Par Value (File No. 7-9986)

Shelby Williams Inc.
Common Stock, $.05 Par Value (File No. 7-9987)

Tiffany & Co.
Common Stock, $.01 Par Value (File No. 7-9988)

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[1] *See* Securities Exchange Act Release No. 22026 (May 8, 1985), 50 FR 20310.

[2] The Commission in the past has permitted exchanges to waive transaction and related fees for specific options for short periods of time for competitive reasons. *See* Securities Exchange Act Release No. 23485 (July 30, 1986), 51 FR 28472.

Allegheny Ludlum Corp.
Common Stock, $.10 Par Value (File No. 7–9989)
Chemical New York Corporation
Class B Common Stock, Without Par Value (File No. 7–9990)
Chemical New York Corporation
Adjustable Rate, Cumulative, Preferred (File No. 7–9991)
Diamond Shamrock R & M, Inc.
Common Stock, $.01 Par Value (File No. 7–9992)
Fries Entertainment, Inc. (Del.)
Common Stock, $.01 Par Value (File No. 7–9993)
Hancock Fabrics, Inc.
Common Stock, $.01 Par Value (File No. 7–9994)
PhlCorp., Inc.
Common Stock, $1.00 Par Value (File No. 7–9995)
UST Inc.
Common Stock, $.50 Par Value (File No. 7–9996)
Orange-Co., Inc.
Common Stock, $.50 Par Value (File No. 7–9997)

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 June 9, 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 application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Johathan G. Katz,

Secretary.

[FR Doc. 87–11987 Filed 5–26–87; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications of Philadelphia Stock Exchange, Inc. for Unlisted Trading Privileges and of Opportunity for Hearing

May 18, 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.

International Thoroughbred Breeders, Inc.
Common Stock, $0.10 Par Value (File No. 7–9998)
Lifetime Corporation
Common Stock, $0.01 Par Value (File No. 7–9999)
MEDIQ, Incorporated
Common Stock, $1.00 Par Value (File No. 7–1000)
Oppenheimer Industries, Inc.
Common Stock, $0.10 Par Value (File No. 7–0101)
Ply-Gem Industries, Inc.
Common Stock, $0.25 Par Value (File No. 7–0102)
Turner Broadcasting System, Inc.
Common Stock, $0.125 Par Value (File No. 7–0103)
UST Inc.
Common Stock, $.05 Par Value (File No. 7–0104)

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 June 9, 1987, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87–11988 Filed 5–26–87; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2279]

New York; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration on May 15, 1987, I find that Delaware, Greene, Montgomery, Schoharie and Ulster Counties in the State of New York constitute a disaster loan area because of severe flooding during the period April 3–7, 1987. Eligible persons, firms, and organizations may file applications for physical damage until the close of business on July 14, 1987, and for economic injury until the close of business on February 15, 1988, at: Disaster Area 1 Office, Small Business Administration, 15–01 Broadway, Fair Lawn, New Jersey 07410, or other locally announced locations.

The interest rates are:

Homeowners with Credit Available Elsewhere	8.000%
Homeowners Without Credit Available Elsewhere	4.000%
Businesses with Credit Available Elsewhere	7.750%
Businesses Without Credit Available Elsewhere	4.000%
Businesses (EIDL) Without Credit Available Elsewhere	4.000%
Other (Non-Profit Organizations Including Charitable and Religious Organizations)	9.500%

The number assigned to this disaster is 227906 for physical damage and for economic injury the number is 652900.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: May 18, 1987.

Bernard Kulik,

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 87–11981 Filed 5–26–87; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended May 15, 1987

The following applications for certificates of public convenience and necessity and foreign air carrier permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et. seq.). The due date for answers, conforming application, or motion to modify scope are set forth below for each application. Following the answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket No. 44876

Date Filed: May 11, 1987.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: June 8, 1987.

Description: Application of World Wide Air Charter Transport Systems Inc. d/b/a Air Charter Systems (A.C.S.), pursuant to Section 402 of the Act applies for an initial Foreign Air Carrier Pemit authorizing charter air transportation of property and mail between points in the United States and points in Canada.

Docket No. 44887

Date Filed: May 15, 1987.

Due Date for Answers, Conforming Applications, or Motions to Modify Scope: June 12, 1987.

Description: Application of Command Airways, Inc. pursuant to Section 401 of the Act and Subpart Q of the Regulations for a certificate of public convenience and necessity for scheduled and charter interstate air transportation of persons, property and mail. Command Airways also requests pursuant to Part 215 of the Regulations to use the trade name, "American Eagle", as well its own name.

Docket No. 43927

Date Filed: May 15, 1987.

Due Date for Answers, Conforming Applications, or Motions to Modify Scope: June 12, 1987.

Description: Amendment to Application of Transbrasil S.A. Linhas Aereas pursuant to Section 302.1740 of the Act requesting authority to provide scheduled combination passenger, cargo and mail air transportation between the United States and Brazil.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 87-11994 Filed 5-26-87; 8:45 am]

BILLING CODE 4910-62-M

Federal Highway Administration

Commerical Driver's License Information System (Clearinghouse); Public Meeting and Workshop

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of public meeting and workshop.

SUMMARY: The Federal Highway Administration, Office of Motor Carriers, announces a July 14 and 15, 1987, public meeting and workshop to be conducted in the Washington, DC area regarding the Commercial Driver's License Information System (also called the Clearinghouse). The Clearinghouse is required by the Commerical Motor Vehicle Safety Act of 1986.

DATE: Reservations to participate in the workshop should be received by June 10, 1987.

ADDRESS: Submit written reservations for participating in the workshop to Mr. C. John MacGowan, Chief, Motor Carrier Information Division, HIA-10, Federal Highway Administration, Room 3110, 400 Seventh Street, SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Mr. C. John MacGowan, Office of Motor Carrier Information Management and Analysis, Room 3110, (202) 366-4023; Mr. George F. Duffy, Office of Environmental Policy, Room 3232, (202) 366-2065; or Mrs. Kathleen S. Markman, Office of Chief Counsel, HCC-20, Room 4224, (202) 366-0834, FHWA, DOT, 400 Seventh Street, SW., Washington, DC 20590. Office hours are 7:45 a.m. to 4:15 p.m., ET, Monday through Friday, except legal holidays.

SUPPLEMENTARY INFORMATION:

Workshop Announcement

By January 1, 1989, FHWA must establish an information Clearinghouse pertaining to the licensing and identification of operators of commercial motor vehicles and the disqualification of such operator from operating commercial motor vehicles. This information is to be available to States, current and prospective employers, employees and the Secretary of Transportation to help ensure compliance with the single license requirement and disqualification provisions of the Commercial Motor Vehicle Safety Act of 1986 (the Act), Pub. L. 99-570, 100 Stat. 3207-176. Given the time constraints and to assure that as many affected parties as practical have had an opportunity to provide comments on the requirements of the Clearinghouse, a 2-day workshop will be held.

The workshop will coincide with the availability of the initial results from Phase I of the contract effort described below. The workshop will present the findings and solicit views and suggestions on the general requirements and specifications for the Clearinghouse. The workshop will be held at the Sheraton International Conference Center in Reston, Virginia, on July 14 and 15, 1987. A $37.00 registration fee will be charged to cover conference facilities and lunch arrangements for the two days. Both government and corporate room rates are available in the hotel. For planning purposes, State motor vehicle information systems and licensing personnel, motor carrier industry representatives, commercial motor vehicle operator representatives, and members of the public who are interested in participating in the workshop should express their desire in writing prior to June 10, 1987.

Description of Contract Effort

Section 12007(b) of the Act requires that, by January 1, 1988, the Secretary of Transportation must review information systems utilized by the States pertaining to the driving status of operators of motor vehicles as well as other State-operated information systems. The Federal Highway Administration (FHWA) awarded a contract to develop the system requirements and preliminary system specifications for the Clearinghouse by November 1, 1987. RJO Enterprises, Inc., was selected as the prime contractor for this work and will be assisted by Farradyne Systems, Inc. and The Orkand Corporation.

Development of the Clearinghouse system specification will be performed in three phases:

Phase I (April-May) will consist of a thorough review of all materials developed to date, including a recent FHWA field inventory survey and the American Association of Motor Vehicle Administrators telecommunications network study, and visits to not more than nine States which have systems that may be adaptable to the Clearinghouse. Visits to the States will take place during May 1987. The requirements for the Clearinghouse will be produced at the end of this Phase.

Phase II (May-August) will consist of a symposium with States to discuss aspects of system development, meeting with the FHWA technical staff and others on possible system design, and a workshop to discuss technical aspects of the system. The results of Phase II will be a publication of the workshop proceedings and three draft functional system specifications. The published proceedings will be available for inspection from the Office of Motor Carrier Information Management and Analysis (202) 366-4023.

Phase III (September-October) will involve discussion between FHWA and key States regarding the proposed architecture for the Clearinghouse, selection of the final design, and production of the final specification.

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

Issued on: May 21, 1987.

Ray Barnhart,

Administrator.

[FR Doc. 87-12039 Filed 5-26-87; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Senior Executive Service; Departmental Performance Review Board

ACTION: This notice lists the membership of the Departmental Performance Review Board (PRB), superseding the list published in 51 FR 12013, April 8, 1986, in accordance with 5 U.S.C. 4313(c)(4).

Scope: This notice applies to all components within the Department of the Treasury.

Purpose: The purpose of the Board is to review proposed performance appraisals, ratings, bonuses and other appropriate personnel actions for incumbents of non-delegated SES positions. These positions include SES bureau heads, deputy bureau heads, bureau chief inspectors, Associate Commissioners of the Internal Revenue Service, and certain other positions. The Board makes recommendations to the Secretary or his designee as Appointing Authority. The Board will perform PRB functions for other top bureau positions if requested. In addition, the Board will review proposed SES bonus distributions and Presidential Rank nominations from the bureaus upon request.

Composition of PRB: Three members constitute a quorum, at least two of whom must be career appointees. The names and titles of the PRB members are as follows:

Chairperson, John F. W. Rogers, Assistant Secretary of the Treasury (Management)
Paul W. Bateman, Deputy Treasurer
Thomas J. Berger, Deputy Assistant Secretary (International Monetary Affairs)
James W. Conrow, Deputy Assistant Secretary (Developing Nations)
Roger M. Cooper, Deputy Assistant Secretary (Information Systems)
William E. Douglas, Commissioner, Financial Management Service
Stephen J. Entin, Deputy Assistant Secretary (Economic Forecasting)
Eugene H. Essner, Deputy Director, U.S. Mint
Richard L. Gregg, Commissioner, Bureau of Public Debt
Stephen E. Higgins, Director, Alcohol, Tobacco and Firearms
Michael F. Hill, Deputy Assistant Secretary for Administration
Michael R. Hill, Inspector General
Francis A. Keating II, Assistant Secretary (Enforcement)
Jill E. Kent, Deputy Assistant Secretary for Departmental Finance and Management
John A. Kilcoyne, Assistant Fiscal Assistant Secretary
Robert J. Leuver, Director, Bureau of Engraving and Printing
Samuel T. Mok, Comptroller
S.F. Timothy Mullen, Director, Office of Administrative Programs
Gerald Murphy, Fiscal Assistant Secretary
Howerd W. Nester, Deputy Director (Revenue Estimating)
Thomas P. O'Malley, Director, Office of Procurement
Katherine D. Ortega, Treasurer of the United States
James I. Owens, Deputy Commissioner, Internal Revenue Service
Charles O. Sethness, Assistant Secretary (Domestic Finance)
John P. Simpson, Deputy Assistant Secretary (Regulatory, Trade and Tariff Enforcement)
Edward T. Stevenson, Special Assistant to the Assistant Secretary (Legislative Affairs)
Margaret D. Tutwiler, Assistant Secretary (Public Affairs and Public Liaison)
D. Edward Wilson, Jr., Deputy General Counsel
Robert B. Zoellick, Executive Secretary.

FOR FURTHER INFORMATION CONTACT: Charlene J. Robinson, Acting Director of Personnel, Room 7115, ICC Building, 1201 Constitution Avenue NW., Washington, DC 20220, Telephone: (202) 566-2701.

This notice does not meet the Department's criteria for significant regulations.

Dated: May 11, 1987.

John F. W. Rogers,

Assistant Secretary of the Treasury (Management).

[FR Doc. 87-11939 Filed 5-26-87; 8:45 am]

BILLING CODE 4810-25-M

Office of the Secretary

[Department Circular—Public Debt Series—No. 15-87]

Treasury Notes of August 15, 1992, Series K-1992

Washington, May 20, 1987.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately $8,000,000,000 of United States securities, designated Treasury Notes of August 15, 1992, Series K-1992 (CUSIP No. 912827 UY 6), hereafter referred to as Notes. The Notes will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent to the yield of each accepted bid. The interest rate on the Notes and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of the Notes may be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The Notes will be dated June 3, 1987, and will accrue interest from that date, payable on a semiannual basis on February 15, 1988, and each subsequent 6 months on August 15 and February 15 through the date that the principal becomes payable. They will mature August 15, 1992, and will not be subject to call for redemption prior to maturity. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amount due will be payable (without additional interest) on the next-succeeding business day.

2.2. The Notes are subject to all taxes imposed under the Internal Revenue Code of 1954. The Notes are exempt from all taxation now or hereafter imposed on the obligation or interest thereof by any State, any possession of the United States, or any local taxing authority, except as provided in 31 U.S.C. 3124.

2.3. The Notes will be acceptable to secure deposits of Federal public monies. They will not be acceptable in payment of Federal taxes.

2.4. The Notes will be issued only in book-entry form in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000, and in multiples of those amounts. They will not be issued in registered definitive or in bearer form.

2.5. The Department of the Treasury's general regulations governing United States securities, i.e., Department of the Treasury Circular No. 300, current revision (31 CFR Part 306), as to the extent applicable to marketable securities issued in book-entry form, and the regulations governing book-entry Treasury Bonds, Notes, and Bills, as adopted and published as a final rule to govern securities held in the TREASURY DIRECT Book-Entry Securities System in 51 FR 18260, *et seq.* (May 16, 1986), apply to the Notes offered in this circular.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20239, prior to 1:00 p.m., Eastern Daylight Saving time, Wednesday, May 27, 1987. Noncompetitive tenders as defined below will be considered timely if

postmarked no later than Tuesday, May 26, 1987, and received no later than Wednesday, June 3, 1987.

3.2. The par amount of Notes bid for must be stated on each tender. The minimum bid is $1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield.

3.3. A single bidder, as defined in Treasury's single bidder guidelines, shall not submit noncompetitive tenders totaling more than $1,000,000. A noncompetitive bidder may not have entered into an agreement, nor make an agreement to purchase or sell or otherwise dispose of any noncompetitive awards of this issue prior to the deadline for receipt of tenders.

3.4. Commercial banks, which for this purpose and defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and are on the list of reporting dealers published by the Federal Reserve Bank of New York, may submit tenders for accounts of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.5. Tenders for their own account will be received without deposit from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from all others must be accompanied by full payment for the amount of Notes applied for, or by a guarantee from a commercial bank or a primary dealer of 5 percent of the par amount applied for.

3.6. Immediately after the deadline for receipt of tenders, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, at a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 98.750. That stated rate of interest will be paid on all of the Notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance of their bids. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price at the average yield is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of Notes specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for the Notes allotted must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on Notes allotted to institutional investors and to others whose tenders are accompanied by a guarantee as provided in Section 3.5. must be made or completed on or before Wednesday, June 3, 1987. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Monday, June 1, 1987. In addition, Treasury Tax and Loan Note Option Depositaries may make payment for the Notes allotted for their own accounts and for accounts of customers by credit to their Treasury Tax and Loan Note Accounts on or before Wednesday, June 3, 1987. When payment has been submitted with the tender and the purchase price of the Notes allotted is over par, settlement for the premium must be completed timely, as specified above. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the par amount of Notes allotted shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered definitive securities tendered in payment for the Notes allotted and to be held in TREASURY DIRECT are not required to be assigned if the inscription on the registered definitive security is identical to the registration of the note being purchased. In any such case, the tender form used to place the Notes allotted in TREASURY DIRECT must be completed to show all the information required thereon, or the TREASURY DIRECT account number previously obtained.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Bank are authorized, as directed by the Secretary of the Treasury, to receive tenders, to make allotments, to issue such notices as may be necessary, to receive payment for, and to issue, maintain, service, and make payment on the Notes.

6.2. The Secretary of the Treasury may at any time supplement or amend provisions of this circular if such supplements or amendments do not adversely affect existing rights of holders of the Notes. Public announcement of such changes will be promptly provided.

6.3. The Notes issued under this circular shall be obligations of the United States, and, therefore, the faith of the United States Government is

pledged to pay, in legal tender, principal and interest on the Notes.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 87-12057 Filed 5-22-87; 10:27 am]

BILLING CODE 4810-40-M

Customs Service

[T.D. 87-68]

Current Fee Charged Operators of Foreign Trade Zones

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of annual fee.

SUMMARY: This document advises the public of the 1987 annual fee charged operators of foreign trade zones. The fees are charged to reimburse the Customs budget for services rendered including audit, inspection, and related costs. The fees are projected on the basis of actual resources that have been allocated to the various Customs regions to support the positions authorized for the program.

EFFECTIVE DATE: June 26, 1987.

FOR FURTHER INFORMATION CONTACT: John Holl, Office of Inspection and Control, (202-566-8151) or Marcus Sircus, Regulatory, Audit Division (202-566-2812).

SUPPLEMENTARY INFORMATION:

Background

Section 146.5, Customs Regulations (19 CFR 146.5), provides that each operator of a foreign trade zone will be charged a nonrefundable annual fee for each activated zone as provided in section 81n, Tariff Act of 1930, as amended (19 U.S.C. 81n). This annual fee is separate and distinct from the user fee statute under section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended (19 U.S.C. 58c). This annual fee covers the cost of the additional Customs service required under the Act as provided in 19 U.S.C. 81n and Part 146, Customs Regulations (19 CFR Part 146). The costs of entry processing are not included in this fee. The purpose of the annual fee is to reimburse the Customs appropriation for services rendered, including audit-inspection and related costs. The fee is projected on the basis of actual resources that have been allocated to the various Customs regions to support the positons authorized for the program.

The calculation included salary, plus 37 percent fringe benefits (§ 24.17(d), Customs Regulations (19 CFR 24.17(d)), plus 15 percent administrative overhead charges (§ 24.21(a), Customs Regulations (19 CFR 24.21(a)), and 1.3 percent Medicare compensation costs (§ 24.17(f), Customs Regulations (19 CFR 24.17(f)).

The first annual fee for foreign trade zone operators was set forth in the Appendix to T.D. 86-16, published in the **Federal Register** on February 11, 1986 (51 FR 5040), as a 3-tiered fee. Through negotiations with the foreign trade zone community, a 5-tiered structure was adopted for calendar year 1986. The 5-tiered structure was preferred to more equitably distribute the cost among zones in the middle tier of the original 3-tier structure. A 5-tier structure will continue for calendar year 1987. There are currently 70 Tier 1 locations, 25 Tier 2 locations, 16 Tier 3 locations, 9 Tier 4 locations, and 13 Tier 5 locations for a total of 133 locations.

The tier assignment for 1987 is based on the total number of admissions to the zone plus transfers from the zone (as defined in § 146.1, Customs Regulations (19 CFR 146.1)), during Fiscal year 1986, of merchandise in foreign or zone-restricted status. However, in the case of merchandise delivered directly to zones under §§ 146.39 and 146.40, Customs Regulations (19 CFR 146.39, 146.40), and weekly permits for transportation and/or exportation under § 146.68, Customs Regulations (19 CFR 146.68), the tier assignment is based on the number of shipments in foreign or zone restricted status to or from the zone, as applicable, covered by immediate transportation or cartage documents during Fiscal Year 1986.

The foreign trade zone operators fee for 1987 is $1,400 for Tier 1, $3,850 for Tier 2, $8,600 for Tier 3, $17,660 for Tier 4, and $33,800 for Tier 5. The fees were based on the actual resources for 18 Customs positions authorized for the audit-inspection program. The total calculation came to $930,862, and was rounded to $930,000. If Customs collects the above-stated fee from each zone, the total collected will be $930,190.

New Facilities

New foreign trade zones approved or activated after October 1, 1986, will automatically pay the Tier 1 fee; however, if a new zone (never previously approved or activated) is approved or activated after December 31, 1986, the Tier 1 fee will be prorated over the full and fractional number of months remaining in Calendar Year 1987.

Determination

It has been determined that the annual fee for foreign trade zone operators for Calendar Year 1987 is as follows:

Tier 1 (0-300 transactions)=$1,400
Tier 2 (301-800 transactions)=$3,850
Tier 3 (801-1,500 transactions)=$8,600
Tier 4 (1,501-3,000 transactions)=$17,660
Tier 5 (3,001 or more transactions)=$33,800

The annual fee shall be due and payable in accordance with §§ 113.73(d) and 146.5, Customs Regulations (19 CFR 113.73(d), 146.5).

The effective date for this Notice is (30 days after date of publication in the Federal Register).

Dated: May 15, 1987.

Michael H. Lane,

Acting Commissioner of Customs.

[FR Doc. 87-11957 Filed 5-26-87; 8:45 am]

BILLING CODE 4820-02-M

Sunshine Act Meetings

Federal Register
Vol. 52, No. 101
Wednesday, May 27, 1987

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Wednesday, May 27, 1987.

LOCATION: Room 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, MD.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

1. Election of Vice Chairman

The Commission will elect a vice chairman for the term beginning June 1, 1987 and ending May 31, 1988.

2. FY '89 Planning Issues

The Commission will consider fiscal year 1989 planning issues.

3. Kerosene Heaters: '86 Report

The staff will brief the Commission concerning the project on kerosene heater flammability.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, MD. 20207 301–492–6800.

May 21, 1987.

[FR Doc. 87–12036 Filed 5–21–87; 4:32 pm]

BILLING CODE 6355–01–M

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

May 20, 1987.

TIME AND DATE: 10:00 a.m., Thursday, May 28, 1987.

PLACE: Room 600, 1730 K Street, NW., Washington, DC.

STATUS: Closed (Pursuant to 5 U.S.C. 552b(c)(10)).

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. NACCO Mining Company, LAKE 85–87–R, etc. (Issues include consideration of requirements for taking enforcement actions under section 104(d) of the Mine Act, 30 U.S.C. 814(d).)
2. Emerald Mines Corporation, PENN 85–298–R. (Issues are same as above.)
3. White County Coal Corporation, LAKE 86–58–R, etc. (Issues are same as above.)
4. Greenwich Collieries, PENN 85–188–R, etc. (Issues are same as above.)

It was determined by a unanimous vote of Commissioners that these items be heard in closed session.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653–5629.

Jean H. Ellen,

Agenda Clerk.

[FR Doc. 87–12081 Filed 5–22–87; 10:48 am]

BILLING CODE 6735–01–M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 11:00 a.m., Monday, June 1, 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. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcment of bank and bank holding company applications scheduled for the meeting.

Dated: May 22, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87–12140 Filed 5–22–87; 3:26 pm]

BILLING CODE 6210–01–M

TENNESSEE VALLEY AUTHORITY

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Published May 20, 1987 (52 FR 19017).

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 3 p.m. (e.d.t.), Friday, May 22, 1987.

PREVIOUSLY ANNOUNCED PLACE OF MEETING: TVA Chattanooga Office Complex, Missionary Ridge Building, 1101 Market Street, Chattanooga, Tennessee.

STATUS: Open.

CHANGE IN DESCRIPTION OF ITEM: The following is a clarification of an item on the previously announced agenda:

D—Personnel Items

2. Delegation of authority to Manager of Nuclear Power to enter into a contract for the services of G.L. Rogers to assume a TVA Office of Nuclear Power line management position, as a contract manager, not as a regular TVA employee.

CONTACT PERSON FOR MORE INFORMATION: Alan Carmichael, Director of Information, or a member of his staff can respond to requests for information about this meeting. Call 615–632–8000 or 632–6000 (News Desk), Knoxville, Tennessee. Information is also available at TVA's Washington Office, 202–245–0101.

SUPPLEMENTARY INFORMATION:

TVA Board Action

The TVA Board of Directors has found, the public interest not requiring otherwise, that TVA business requires a clarification in the subject matter of the previously announced agenda item and that no earlier announcement of this change was possible.

The members of the TVA Board voted to approve the above findings and their approvals are recorded below:

Dated: May 21, 1987.

Approved.

C.H. Dean, Jr.,

Director and Chairman.

John B. Waters,

Director.

[FR Doc. 87–12045 Filed 5–22–87; 8:59 am]

BILLING CODE 8120–01–M

Corrections

Federal Register
Vol. 52, No. 101
Wednesday, May 27, 1987

This section of the FEDERAL REGISTER contains editorial corrections of previously published Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 147

[FRL 3150-2]

Underground Injection Control Programs for Certain Indian Lands

Correction

In proposed rule document 87-10048 beginning on page 17696 in the issue of Monday, May 11, 1987, make the following corrections:

§ 147.3000 [Corrected]

1. On page 17702, in the second column, in § 147.3000(b), in the third line, the effective date "June 10, 1987" should not have appeared. Insert in its place "(30 days after publication of the final rule in the **Federal Register**)".

§ 147.3100 [Corrected]

2. Make the same correction on page 17704, in the second column, in § 147.3100(b), in the sixth line.

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD-FRL-3006-8]

Standards of Performance for New Stationary Sources

Correction

In rule document 86-13148 beginning on page 21164 in the issue of Wednesday, June 11, 1986, make the following correction:

Appendix A—[Corrected]

In Appendix A, on page 21171, Figures 6C-3, 6C-4, and 6C-5 should have appeared as set forth below:

Figure 6C–3.—Analysis of Calibration Gases

Date _____
Analytic method used _____

	Gas concentration (indicate units)		
	Zero [a]	Mid-range [b]	High-range [c]
Sample run:			
1			
2			
3			
Average			
Maximum percent deviation			

[a] Average must be less than 0.25 percent of span.
[b] Average must be 50 to 60 percent of span.
[c] Average must be 80 to 90 percent of span.

Figure 6C–4.—Analyzer calibration data

Source identification: _____
Test personnel: _____
Date: _____
Analyzer calibration data for sampling runs: _____
Span: _____

	Cylinder value (indicate units)	Analyzer calibration response (indicate units)	Absolute difference (indicate units)	Difference (percent of span)
Zero gas				
Mid-range gas				
High-range gas				

Figure 6C–5. System calibration bias and drift data.

Source identification: _____
Test personnel: _____
Date: _____
Run number: _____
Span: _____

	Analyzer calibration response	Initial values		Final values		Drift (percent of span)
		System calibration response	System cal. bias (percent of span)	System calibration response	System cal. bias (percent of span)	
Zero gas						
Upscale gas						

$$\text{System Calibration Bias} = \frac{\text{System Cal. Response-Analyzer Cal. Response}}{\text{Span}} \times 100$$

$$\text{Drift} = \frac{\text{Final System Cal. Response-Initial System Cal. Response}}{\text{Span}} \times 100$$

BILLING CODE 1505-01-D

federal register

Wednesday
May 27, 1987

Part II

Department of Defense

General Services Administration

National Aeronautics and Space Administration

48 CFR Part 1 et al.
Federal Acquisition Regulation; Final Rule

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1, 2, 4, 5, 13, 15, 16, 19, 22, 25, 27, 28, 31, 32, 36, 49, 52, and 53

[Federal Acquisition Circular 84-26]

Federal Acquisition Regulation

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: Federal Acquisition Circular (FAC) 84-26 amends the Federal Acquisition Regulation (FAR) with respect to the following: Contract Reporting under $25,000; Synopsis of Contract Award Update; Solicitations, Oral, Purchases over $1,000; Price Negotiation Memoranda; Use of FAR 52.222-28, Equal Opportunity Preaward Clearance of Subcontracts in Construction Contracts; Trade Agreements Act, Application to Ammunition, FAR 25.403; Change the word "bonds" to "guarantees"; Revision to FAR 31.105, Construction Cost Principles; Reasonableness of Contract Costs (FAR Part 31) and Cost Reasonableness Demonstration by Contractors; Stock Appreciation Rights; Legislative Lobbying Costs; Selling and Marketing; FAR Index; and Editorial Corrections.

EFFECTIVE DATE: July 30, 1987.

FOR FURTHER INFORMATION CONTACT: Ms. Margaret A. Willis, General Services Administration, FAR Secretariat, Room 4041, GS Building, Washington, DC 20405, Telephone (202) 523-4755.

SUPPLEMENTARY INFORMATION:

A. Public Comments

FAC 84-26, Items I, II, III, V, VI, VII, XIII, and XIV. Public comments have not been solicited with respect to these revisions since such revisions either (a) do not alter the substantive meaning of any coverage in the FAR having a significant impact on contractors or offerors, or (b) do not have a significant effect beyond agency internal operating procedures.

FAC 84-26, Item IV. A notice of proposed rule was published in the **Federal Register** on April 22, 1986 (51 FR 15264), recommending revisions to FAR 15.808(a) (8) and (9) to expand the existing requirements to summarize proposed recommended and negotiated amounts in price negotiation memoranda. As a result of these public comments, only minor changes were made to the proposed rule. The changes specifically require that the summary be in terms of major cost elements. Also specifically required is the summary of the Government's negotiation objective and the "considered negotiated" amounts. The additional set of requirements applies only where cost analysis is used to determine price reasonableness. The coverage does not define or list "major cost element" because of the many varied titles and descriptions of cost elements used by the thousands of contractors who are required to submit cost data to the Government in support of contract prices.

FAC 84-26, Item VIII. The Civilian Agency Acquisition Council (CAAC) and the Defense Acquisition Regulatory Council (DARC) have considered the public comments solicited in the **Federal Register** on April 22, 1986 (51 FR 15264). The majority of the responses either supported or had no comment on the proposed rule. In response to one recommendation, FAR 31.105(d)(2)(i)(B) was amended to add additional examples of predetermined schedules of construction equipment use rates. No other changes were made to the proposed rule which specifically precludes the acceptance of unallowable costs as a result of using construction equipment ownership and operating cost schedules.

FAC 84-26, Item IX. The CAAC and the DARC have considered the public comments solicited in the **Federal Register** on March 3, 1986 (51 FR 7379). The Councils have concluded that an amendment to the FAR is necessary to ensure that only reasonable costs are paid under Government contracts. Moreover, the amendment is based on section 933 of Pub. L. 99-145. The revisions to FAR 31.201-3 shift the burden of proof on the issue of reasonableness of contract costs from the Government to the contractor and abolish the presumption of reasonableness which is sometimes attached to incurred costs. Additionally, the revisions simplify the list of considerations that impact reasonableness determinations.

FAC 84-26, Item X. The DARC and the CAAC have considered the comments solicited in the **Federal Register** on April 14, 1986 (51 FR 12676), and have approved revisions to FAR 31.205-6(i) as a final rule. Of 25 responses, 24 either concurred or had no comment. No substantive changes were made to the proposed rule.

FAC 84-26, Item XI. A proposed rule was published for comment in the **Federal Register** on May 29, 1986 (51 FR 19506). Twenty-four comments were received, of which 20 were from Federal agencies. Twenty of the 24 either concurred or had no comment. The DARC and the CAAC have considered the comments and incorporated technical changes to meet substantive recommendations in the 4 other comments.

FAC 84-26, Item XII. The revision to FAR 31.205-38 is not considered a significant change and therefore public comments were not solicited. The revision was based on a public comment received in connection with a revision to FAR 31.205-38 made in FAC 84-15. See FAC Item XII for a detailed explanation of this revision.

B. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because these final rules do not contain information collection requirements which require the approval of OMB under 44 U.S.C. 3501, et seq.

C. Regulatory Flexibility Act

FAC 84-26, Items I, II, III, V, VI, VII, XIII, and XIV. Analyses of these revisions indicate that they are not "significant revisions" as defined in FAR 1.501-1; i.e., they do not alter the substantive meaning of any coverage in the FAR having a significant cost or administrative impact on contractors or offerors, or a significant effect beyond the internal operating procedures of the issuing agencies. Accordingly, and consistent with section 1212 of Pub. L. 98-525 and section 302 of Pub. L. 98-577 pertaining to publication of proposed regulations (as implemented in FAR Subpart 1.5, Agency and Public Participation), solicitation of agency and public views on these revisions is not required. Since such solicitation is not required, the Regulatory Flexibility Act (5 U.S.C. 601, et seq.) does not apply.

FAC 84-26, Item IV. The Regulatory Flexibility Act (5 U.S.C. 601, et seq.) does not apply because the revision is not a "significant" revision as defined in FAR 1.501-1; i.e., it does not alter the substantive meaning of any coverage in the FAR having a significant cost or administrative impact on contractors or offerors, or a significant effect beyond the internal operating procedures of the issuing agencies. Comments were solicited on the impact of the revision on small entities; however, no comments were received to indicate that there will be a significant economic impact on a substantial number of small entities.

FAC 84–26, Item VIII. It is certified that the revision to FAR 31.105 will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601, et seq.) because it represents no change in existing policy. FAR 31.109(c) already prohibits contracting officers from agreeing to a treatment of costs inconsistent with FAR Part 31. The revised wording of FAR 31.105 merely clarifies a policy which might be overlooked when predetermined equipment rate schedules are authorized for determining construction equipment ownership and operating costs.

FAC 84–26, Item IX. It is certified that the rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601, et seq.) because the coverage is designed to clarify the term "reasonable cost" and to shift the burden of proof for establishing the reasonableness of a cost to the contractor when a cost is challenged by the contracting officer or the contracting officer's representative. A prudent business should already be maintaining adequate documentation to satisfy this burden of proof.

FAC 84–26, Item X. It is certified that this change to FAR 31.205–6(i) will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601, et seq.) because:

(a) The revisions dealing with deletion of the term "measurement date" are technical corrections resulting from improper use of the term and no change in policy is intended, and

(b) The new coverage on junior stock options only restates the policy of nonrecognition of market appreciation as contract cost.

FAC 84–26, Item XI. It is certified that the revision of FAR 31.205–22 will not have a significant impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601, et seq.) because it only clarifies the intent of the present coverage and makes no significant revision in the rules regarding legislative lobbying costs.

FAC 84–26, Item XII. It is certified that this rule will not have a significant impact on a substantial number of small entities for the following reasons:

(a) Most small entities do business with the Government on a fixed-price, competitive basis. None of the cost principles apply to these contracts.

(b) This rule simply clarifies that prior policy will be continued.

List of Subjects in 48 CFR Parts 1, 2, 4, 5, 13, 15, 16, 19, 22, 25, 27, 28, 31, 32, 36, 49, 52, and 53

Government procurement.

Dated: May 20, 1987.

Harry S. Rosinski,

Acting Director, Office of Federal Acquisition and Regulatory Policy.

Federal Acquisition Circular

[Number 84–26]

Unless otherwise specified, all Federal Acquisition Regulation (FAR) and other directive material contained in FAC 84–26 is effective July 30, 1987.

Eleanor R. Spector,

Deputy Assistant Secretary of Defense for Procurement.

May 11, 1987.

Terence C. Golden,

Administrator, GSA.

S.J. Evans,

Assistant Administrator for Procurement, NASA.

Federal Acquisition Circular (FAC) 84–26 amends the Federal Acquisition Regulation as specified below.

Item I—Contract Reporting Under $25,000

FAR 4.601(a) is being revised to eliminate the requirement to retain certain records for procurements of $25,000 or less when small purchases are not used.

Item II—Synopsis of Contract Award Update

Pub. L. 98–577, Small Business and Federal Procurement Competition Enhancement Act of 1984, changed the law relating to the synopsis of contract awards. The language included as FAR 5.301 implements the law.

Item III—Solicitations, Oral, Purchases Over $1,000

It is general policy to solicit quotations orally under small purchase procedures while recognizing that instances may arise where written solicitations are more practical or economical. FAR 13.106(b)(2) is being revised to remove redundancy and clarify this policy in simple terms.

Item IV—Price Negotiation Memoranda

FAR 15.808(a)(8) is revised to require that the price negotiation memorandum (PNM) clearly document the major cost elements of the contractor's proposal, the field or other pricing recommendations, and how the contracting officer used this information to establish the Government's negotiation position and reach the agreement. FAR 15.808(a)(9) is revised to require that direction from external sources that has a significant bearing on the contract action be documented in the PNM.

Item V—Use of FAR 52.222–28, Equal Opportunity Preaward Clearance of Subcontracts in Construction Contracts

FAR 22.810(g) is revised to be consistent with FAR 22.805 and the policies of the Office of Federal Contract Compliance Programs (OFCCP) as published in 41 CFR 60–1.20(d).

Item VI—Trade Agreements Act, Application to Ammunition, FAR 25.403

FAR 25.403, which specifies exemptions from the requirements of Subpart 25.4, Purchases Under the Trade Agreements Act of 1979, is being revised to make an appropriate adjustment in the description of the exemption for purchases of arms, ammunition, or war materials, or purchases indispensable for national security or for national defense purposes.

Item VII—Change the Word "Bonds" to "Guarantees"

FAR 28.101–1(b) is revised to make the language compatible with the language in FAR clause 52.228–1 by inserting the word "guarantees" for the word "bonds". FAR 28.101–1(b) and FAR 28.101–3(b) are revised to permit agencies to require only separate bid bonds as bid guarantees for construction contracts.

Item VIII—Revision to FAR 31.105, Construction Cost Principles

FAR 31.105 is amended to specifically preclude the acceptance of unallowable costs as a result of using a predetermined schedule of construction equipment use rates. Presently, contractors are permitted to use such schedules to determine construction equipment costs when actual costs cannot be determined from their accounting records. The revised wording clarifies an implicit policy which might be overlooked when the schedules are authorized and used. FAR 31.105 is also amended to add additional examples of predetermined schedules of construction equipment use rates.

Item IX—Reasonableness of Contract Costs (FAR Part 31) and Cost Reasonableness Demonstration by Contractors

FAR 31.201–3 is amended to shift the burden of proof on the issue of reasonableness of contract costs from the Government to the contractor and abolish the presumption of reasonableness which is sometimes

attached to incurred costs. In addition, the revision simplifies the list of considerations that impact reasonableness determinations. The amendment is considered necessary to ensure that only reasonable costs are paid under Government contracts. Moreover, the amendment is based on section 933 of Pub. L. 99–145.

Item X—Stock Appreciation Rights

FAR 31.205–6(i) is amended to make certain clarifying technical corrections and minor compatible expansions of existing policy.

The first change being made is a technical clarification of an existing rule regarding stock appreciation rights and phantom stock plans. While the date intended for cost measurement purposes was clear from the previous parenthetical coverage, use of the term "measurement date" had created a potential ambiguity in view of that term's different meaning under cost accounting standards and generally accepted accounting principles. The revision eliminates that term.

Another change introduces new coverage on the cost of junior stock conversions which is compatible with the policy in the rest of this subsection. That policy is to not recognize market appreciation or dividend equivalents as allowable contract costs.

The final change has an independent subparagraph for each of the four topics covered in paragraph 31.205–6(i).

Item XI—Legislative Lobbying Costs

FAR 31.205–22, Legislative lobbying costs, paragraph (f), is rewritten to clarify that detailed activity records for an individual employee need not be maintained during any particular calendar month when *both:* (1) The employee engages in lobbying activities 25 percent or less of the employee's compensated hours of employment during that calendar month, *and* (2) within the preceding 5-year period the contractor has not materially misstated allowable or unallowable costs of any nature, including legislative lobbying costs.

The "25 percent" rule is an extraordinary waiver of only the special recordkeeping requirements. It is extended only to those contractors who have demonstrated that their cost representations are fair and accurate over an extended time period. Complaints have been received that some contractors have denied Government auditors access to records regularly maintained (e.g., time, attendance, and other payroll records), on the basis of the "25 percent" rule in FAR 31.205–22(f). Accordingly, paragraph (f) is revised to clarify its original intent that records usually maintained to demonstrate the allowability of costs must continue to be maintained and made available for audit.

Item XII—Selling and Marketing

FAC 84–15 dated April 7, 1986, substantially revised FAR 31.205–38, Selling Costs. This revision responded to Section 911 of Pub. L. 99–145, which directed that the cost principle be clarified. As revised, FAR 31.205–38 establishes a comprehensive Government policy on the allowability of selling costs. In so doing, the new cost principle specifically incorporates elements of cost that are treated in separate cost principles, such as advertising, public relations, and bid and proposal costs. While incorporating separate cost principles into FAR 31.205–38 makes it more coherent and definitive, this express recognition has expanded the scope of "selling costs" beyond that covered previously by FAR 31.205–38.

After reviewing public comments on the original proposal, as well as internal input, the DARC and the CAAC have concluded that paragraph (f) of FAR 31.205–38 may, because of the expanded concept of "selling costs," have unintended side effects. More specifically, paragraph (f) disallows foreign selling costs on U.S. Government contracts for U.S. Government requirements. While the Councils intended this statement simply to preserve prior policy concerning foreign selling costs, as directed by Section 8071 of Pub. L. 99–190, FAR 31.205–38's generally expanded scope has the effect of making costs, principally bid and proposal costs associated with foreign sales, unallowable on U.S. Government contracts for U.S. Government requirements. To correct this unintended effect (i.e., expansion of the disallowance to categories of cost beyond those addressed by Congress when the funding limitation was enacted), the Councils have modified paragraph (f) to limit the restriction associated with foreign sales to "direct selling efforts," as defined in FAR 31.205–38(c). This category of costs most closely approximates those foreign selling costs which were made unallowable by paragraph (b) of FAR 31.205–38 as in effect on April 1, 1984, and whose compensation is prohibited by Pub. L. 99–190.

Item XIII—FAR Index

Replacement pages are provided for the looseleaf version of the FAR Index to effect changes made necessary by FAC's 84–1 through 84–23. (The index is provided for information only; it is not regulatory and is not codified in 48 CFR.)

Item XIV—Editorial Corrections

Therefore, 48 CFR Parts 1, 2, 4, 5, 13, 15, 16, 19, 22, 25, 27, 28, 31, 32, 36, 49, 52, and 53 are amended as set forth below.

1. The authority citation for 48 CFR Parts 1, 2, 4, 5, 13, 15, 16, 19, 22, 25, 27, 28, 31, 32, 36, 49, 52, and 53 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. Chapter 137; and 42 U.S.C. 2473(c).

PART 1—FEDERAL ACQUISITION REGULATIONS SYSTEM

1.105 [Amended]

2. Section 1.105 is amended by removing FAR segment 9.5 and corresponding OMB control number.

PART 2—DEFINITIONS OF WORDS AND TERMS

2.101 [Amended]

3. Section 2.101 is amended by removing in the fourth sentence of the definition "Contract" the reference "41 U.S.C. 501" and inserting in its place the reference "31 U.S.C. 6301".

PART 4—ADMINISTRATIVE MATTERS

4.601 [Amended]

4. Section 4.601 is amended by removing in paragraph (a) the words ", other than small purchases," and inserting in their place the words "exceeding $25,000".

PART 5—PUBLICIZING CONTRACT ACTIONS

5.206 [Amended]

5. Section 5.206 is amended by removing in paragraph (a)(2) the words "formal advertising" and inserting in their place the words "sealed bidding".

6. Section 5.301 is revised to read as follows:

5.301 General.

(a) Except for contract actions described in paragraph (b) of this section, contracting officers shall synopsize in the CBD awards exceeding $25,000 that are likely to result in the award of any subcontracts. However, the dollar threshold is not a prohibition against publicizing an award of a smaller amount when publicizing would be advantageous to industry or to the Government.

(b) A notice is not required under paragraph (a) of this section if—

(1) The notice would disclose the executive agency's needs and the disclosure of such needs would compromise the national security;

(2) The award results from acceptance of an unsolicited research proposal that demonstrates a unique and innovative research concept and publication of any notice would disclose the originality of thought or innovativeness of the proposed research or would disclose proprietary information associated with the proposal;

(3) The award results from a proposal submitted under the Small Business Innovation Development Act of 1982 (Pub. L. 97-219);

(4) The contract action is an order placed under a requirements contract;

(5) The award is made for perishable subsistence supplies; or

(6) The award is for utility services, other than telecommunications services, and only one source is available.

PART 13—SMALL PURCHASE AND OTHER SIMPLIFIED PURCHASE PROCEDURES

13.106 [Amended]

7. Section 13.106 is amended by inserting in paragraph (b)(2) following the word "when" the words "obtaining oral quotations is not considered economical or practical." and removing the remainder of the paragraph.

13.402 [Amended]

8. Section 13.402 is amended by removing in the second sentence the words "Treasury Fiscal Requirements" and inserting in their place the words "Treasury Financial" and by removing in the third sentence the words "Bureau of Financial Operations, Fiscal Service" and inserting in their place the words "Financial Management Service".

PART 15—CONTRACTING BY NEGOTIATION

9. Section 15.808 is amended by revising paragraphs (a)(8) and (a)(9) to read as follows:

15.808 Price negotiation memorandum.

(a) * * *

(8) A summary of the contractor's proposal, the field pricing report recommendations, and the reasons for any pertinent variances from the field pricing report recommendations. Where the determination of price reasonableness is based on cost analysis, the summary shall address the amount of each major cost element: (i) proposed by the contractor, (ii) recommended by the field or other pricing assistance report (if any), (iii) contained in the Government's negotiation objective, and (iv) considered negotiated as a part of the price.

(9) The most significant facts or considerations controlling the establishment of the prenegotiation price objective and the negotiated price including an explanation of any significant differences between the two positions. To the extent such direction is received, the price negotiation memorandum (PNM) shall discuss and quantify the impact of direction given by Congress, other agencies, and higher level officials (i.e., officials who would not normally exercise authority during the award and review process for the instant contract action) if the direction has had a significant effect on the action.

* * * * *

PART 16—TYPES OF CONTRACTS

16.203-4 [Amended]

10. Section 16.203-4 is amended by inserting in paragraph (b)(1)(i) the word "contract" following the word "price".

PART 19—SMALL BUSINESS AND SMALL DISADVANTAGED BUSINESS CONCERNS

19.705-6 [Amended]

11. Section 19.705-6 is amended by removing in paragraph (c)(1) the words "formally advertised" and inserting in their place the words "sealed bid".

PART 22—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITION

22.807 [Amended]

12. Section 22.807 is amended by removing in paragraph (d)(2) the words "formally advertised" and inserting in their place the words "sealed bid" and by removing the words "formal advertising" and inserting in their place the words "sealed bidding".

13. Section 22.810 is amended by revising paragraph (g) to read as follows:

22.810 Solicitation provisions and contract clauses.

* * * * *

(g) The contracting officer shall insert the clause at 52.222-28, Equal Opportunity Preaward Clearance of Subcontracts, in solicitations and contracts, except for construction, when the amount of the contract is expected to be for $1 million or more and the contract includes the clause prescribed in paragraph (a), (b), or (c) of 44.204.

* * * * *

22.1303 [Amended]

14. Section 22.1303 is amended by removing in the third sentence of paragraph (d) the words "formal advertising" and inserting in their place the words "sealed bidding".

22.1403 [Amended]

15. Section 22.1403 is amended by removing in the third sentence of paragraph (d) the words "formal advertising" and inserting in their place the words "sealed bidding".

PART 25—FOREIGN ACQUISITION

16. Section 25.403 is amended by revising paragraph (d) to read as follows:

25.403 Exceptions.

* * * * *

(d)(1) Purchases of arms, ammunition or war materials, or purchases indispensable for national security or for national defense purposes, by the Department of Defense, as provided in departmental regulations;

(2) Purchases indispensable for national security or for national defense purposes, subject to policies established by the U.S. Trade Representative.

* * * * *

PART 27—PATENTS, DATA, AND COPYRIGHTS

27.204-1 [Amended]

17. Section 27.204-1 is amended by removing in paragraph (a)(2) the words "formally advertised" and inserting in their place the words "sealed bid".

PART 28—BONDS AND INSURANCE

18. Section 28.101-1 is amended by revising paragraph (b) to read as follows:

28.101-1 Policy on use.

* * * * *

(b) All types of bid guarantees are acceptable for supply or service contracts (see annual bid bonds and annual performance bonds coverage in 28.001). Only separate bid guarantees are acceptable in connection with construction contracts. Agencies may specify that only separate bid bonds are acceptable in connection with construction contracts.

19. Section 28.101-3 is amended by adding in paragraph (b) a final sentence to read as follows:

28.101-3 Contract clause.

* * * * *

(b) * * * This clause may be appropriately modified for use in connection with construction

solicitations and contracts when the agency has specified that only separate bid bonds are acceptable in accordance with 28.101–1(b).

PART 31—CONTRACT COST PRINCIPLES

20. Section 31.105 is amended by revising paragraph (d)(2)(i)(A) and the first sentence of (d)(2)(i)(B) to read as follows:

31.105 Construction and architect-engineer contracts.

(d) * * *
(2) * * *
(i) * * *

(A) Actual cost data shall be used when such data can be determined for both ownership and operating costs for each piece of equipment, or groups of similar serial or series equipment, from the contractor's accounting records. When such costs cannot be so determined, the contracting agency may specify the use of a particular schedule of predetermined rates or any part thereof to determine ownership and operating costs of construction equipment (see subdivisions (d)(2)(i)(B) and (C) of this section). However, costs otherwise unallowable under this part shall not become allowable through the use of any schedule (see 31.109(c)). For example, schedules need to be adjusted for Government contract costing purposes if they are based on replacement cost, include unallowable interest costs, or use improper cost of money rates or computations. Contracting officers should review the computations and factors included within the specified schedule and ensure that unallowable or unacceptably computed factors are not allowed in cost submissions.

(B) Predetermined schedules of construction equipment use rates (e.g., the Construction Equipment Ownership and Operating Expense Schedule published by the U.S. Army Corps of Engineers, industry sponsored construction equipment cost guides, or commercially published schedules of construction equipment use cost) provide average ownership and operating rates for construction equipment. * * *

* * * * *

21. Section 31.201–3 is revised to read as follows:

31.201–3 Determining reasonableness.

(a) A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person in the conduct of competitive business. Reasonableness of specific costs must be examined with particular care in connection with firms or their separate divisions that may not be subject to effective competitive restraints. No presumption of reasonableness shall be attached to the incurrence of costs by a contractor. If an initial review of the facts results in a challenge of a specific cost by the contracting officer or the contracting officer's representative, the burden of proof shall be upon the contractor to establish that such cost is reasonable.

(b) What is reasonable depends upon a variety of considerations and circumstances, including—

(1) Whether it is the type of cost generally recognized as ordinary and necessary for the conduct of the contractor's business or the contract performance;

(2) Generally accepted sound business practices, arm's length bargaining, and Federal and State laws and regulations;

(3) The contractor's responsibilities to the Government, other customers, the owners of the business, employees, and the public at large; and

(4) Any significant deviations from the contractor's established practices.

22. Section 31.205–6 is amended by revising paragraph (i) to read as follows:

31.205–6 Compensation for personal services.

* * * * *

(i) *Stock options, stock appreciation rights, phantom stock plans, and junior stock conversions.*

(1) The cost of stock options awarded to employees to purchase stock of the contractor or of an affiliate will be treated as deferred compensation and must comply with the requirements of paragraph (k) of this subsection. The allowable cost of stock options is limited to the difference between the option price and the market price on the first date on which the option price and the number of shares are known. Accordingly, when the stock option price is equal to or greater than the market price on that date, then no costs are allowable for contract costing purposes.

(2) Stock appreciation rights are rights granted to employees by contractors to receive the increase in value, or appreciation, of company stock even though the employee neither purchases the stock nor receives title to it. Stock appreciation rights will be treated as deferred compensation and must comply with the requirements of paragraph (k) of this subsection. The allowable cost of stock appreciation rights is limited to the difference between the stock-appreciation-right base price from which appreciation will be measured and the market price on the first date on which both the number of shares and the stock-appreciation-right base price are known. Accordingly, when the stock-appreciation-right base price is equal to or greater than the market price on that date, then no costs are allowable for contract costing purposes.

(3) In phantom-stock-type plans, contractors assign or attribute contingent shares of stock to employees as if the employees own the stock, even though the employees neither purchase the stock nor receive title to it. Under these plans, an employee's account may be increased by the equivalent of dividends paid and any appreciation in the market price of the stock over the price of the stock on the first date on which the number of shares awarded is known. Such increases in employee accounts for dividend equivalents and market price appreciation are unallowable.

(4) Junior stock is a class of equity stock that (i) is sold to employees at a price below that of the contractor's common stock, (ii) carries reduced dividend and voting rights, and (iii) is convertible to common stock upon the attainment of specified corporate goals. Costs associated with the conversion of junior stock into common stock are not allowable, whether or not they are accounted for as compensation costs.

23. Section 31.205–22 is amended by revising paragraph (f) to read as follows:

31.205–22 Legislative lobbying costs.

* * * * *

(f) Time logs, calendars, or similar records shall not be required to be created for purposes of complying with this subsection during any particular calendar month when—

(1) The employee engages in lobbying (as defined in paragraphs (a) and (b) of this subsection) 25 percent or less of the employee's compensated hours of employment during that calendar month; and

(2) Within the preceding 5-year period, the organization has not materially misstated allowable or unallowable costs of any nature, including legislative lobbying costs.

When the conditions of subparagraphs (f)(1) and (2) of this subsection are met, contractors are not required to establish records to support the allowability of claimed costs in addition to records already required or maintained. Also, when the conditions of subparagraphs (f)(1) and (2) of this subsection are met, the absence of time logs, calendars, or similar records will not serve as a basis for disallowing costs by contesting estimates of

lobbying time spent by employees during a calendar month.

24. Section 31.205–38 is amended by revising paragraph (f) to read as follows:

31.205–38 Selling costs.

* * * * *

(f) Notwithstanding any other provision of this subsection, costs of direct selling efforts, as defined in paragraph (c) of this subsection, incurred in connection with potential and actual Foreign Military Sales, as defined by the Arms Export Contract Act, or foreign sales of military products or services are unallowable on U.S. Government contracts for U.S. Government requirements.

* * * * *

PART 32—CONTRACT FINANCING

32.406 [Amended]

25. Section 32.406 is amended by removing in the second sentence of paragraph (a) the words "Treasury Fiscal Requirements" and inserting in their place the words "Treasury Financial".

PART 36—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

36.701 [Amended]

26. Section 36.701 is amended by adding in the first sentence of paragraph (a) within the parentheses the word "Contract" following the word "Construction"; by removing in the second sentence of paragraph (b) the word "advertised" and inserting in its place the words "sealed bid"; and by removing in paragraph (d) the words "an advertised" and inserting in its place the words "a sealed bid".

PART 49—TERMINATION OF CONTRACTS

49.109–7 [Amended]

27. Section 49.109–7 is amended by removing in the first sentence of paragraph (g) the words "Court of Claims" and inserting in their place the words "Claims Court".

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

52.219–9 [Amended]

28. Section 52.219–9 is amended by removing in the introductory text of *Alternate I* of the clause the words "formal advertising" and inserting in their place the words "sealed bidding".

52.228–1 [Amended]

29. Section 52.228–1 is amended by inserting a period in the introductory text following the word "contracts" and removing the remainder of the sentence.

PART 53—FORMS

53.214 [Amended]

30. Section 53.214 is amended by redesignating the existing paragraphs (d), (e), (f), and (g) as paragraphs (e), (f), (g), and (h), and by reserving paragraph (d).

[FR Doc. 87–11934 Filed 5–26–87; 8:45 am]

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federal register

Wednesday
May 27, 1987

Part III

Department of Education

34 CFR Part 319
Office of Special Education and Rehabilitative Services
Training Personnel for the Education of the Handicapped; Notice of Proposed Rulemaking
Proposed Annual Funding Priority and Invitation To Apply for New State Grant Awards and Competitive Awards Under the Training Personnel for the Education of the Handicapped Program for FY 1987; Notices

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services

34 CFR Part 319

Training Personnel for the Education of the Handicapped

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes to amend the regulations governing the Training of Personnel for the Education of the Handicapped Program under Part D of the Education of the Handicapped Act (EHA). These proposed regulations are needed to implement new requirements under section 632 of the EHA, as amended in 1986. Section 632 authorizes grants to State educational agencies (SEAs) and institutions of higher education (IHEs). The intended effect of these proposed regulations is to clarify the statutory requirements and to improve the operation of the program.

DATE: Comments must be received on or before June 26, 1987.

ADDRESS: Comments concerning these proposed regulations should be addressed to Dr. Norman Howe, Division of Personnel Preparation, Office of Special Education Programs, Department of Education, 400 Maryland Avenue, SW. (Switzer Building, Room 3511—M/S 2313), Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Dr. Norman Howe, Telephone: (202) 732-1068.

SUPPLEMENTARY INFORMATION: The Training Personnel for the Education of the Handicapped Program is authorized by sections 631 and 632 of the EHA. Section 631 creates three specific subprograms, providing for grants to (1) nonprofit organizations for parent training and information, (2) IHEs and nonprofit organizations for training personnel for careers in special education, and (3) IHEs and nonprofit organizations for special projects. Section 632 provides for grants to SEAs and IHEs for preservice and inservice personnel training.

In the past, the regulations implementing all four subprograms were included under 34 CFR Part 318, and the same selection criteria were used in reviewing all applications submitted under that part. However, in order to clarify the separate requirements for the subprograms, and to propose separate selection criteria, 34 CFR Part 318 will be divided into three separate parts. The proposed regulations for the three subprograms authorized by section 631 will be published later, since those regulations will not affect awards made in fiscal year 1987.

The new proposed Part 319 would contain the regulations for the Grants to State Educational Agencies and Institutions of Higher Education Program, authorized by section 632. Two separate components are addressed in the proposed regulations: mandatory State grants and competitive grants.

Under the State grant program, each SEA that submits an eligible application that proposes preservice or inservice training activities designed to meet the personnel needs identified in the State's comprehensive system of personnel development will receive a State grant.

The amount each SEA receives is based on its score on criteria established in the regulations. In fiscal year 1987, an SEA that is eligible to receive a non-competing continuation grant under a previously funded multi-year project may receive that grant at the previously budgeted amount. If the SEA receives a continuation grant, it may not also receive a new State grant. An application notice for State grants is published in this issue of the **Federal Register**.

Under the competitive grant program, SEAs and IHEs may compete for additional funds according to designated annual priorities. The Secretary would select applications for funding within these priorities based on the selection criteria established in these regulations.

The proposed priority for fiscal year 1987, also published in this issue of the **Federal Register**, would support projects that demonstrate cooperation between SEAs and IHEs to provide preservice training of personnel for careers in special education of infants, toddlers, children and youth, or supervisors of those personnel.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations will not have a significant economic impact on a substantial number of small entities because the regulations would not impose excessive regulatory burdens or require unnecessary Federal supervision. The regulations would impose minimal requirements to ensure the proper expenditure of program funds.

Paperwork Reduction Act of 1980

Sections 319.20, 319.21 and 319.35 contain information collection requirements. As required by the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)), 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 regulations will be available for public inspection, during and after the comment period, in Room 4628, Switzer Building, 330 C Street, SW., Washington, DC 20202, between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week, except Federal holidays.

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and their overall requirement of reducing regulatory burden, 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 the document would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 319

Colleges and universities, Education, Education of handicapped, Education-training, Grant programs-education, Reporting and recordkeeping requirements, State educational agencies, Teachers.

(Catalog of Federal Domestic Assistance No. 84.029; Training Personnel for the Education of the Handicapped)

Dated: April 3, 1987.

William J. Bennett,

Secretary of Education.

The Secretary proposes to amend Title 34 of the Code of Federal

Regulations by adding a new Part 319 to read as follows:

PART 319—TRAINING PERSONNEL FOR THE EDUCATION OF THE HANDICAPPED—GRANTS TO STATE EDUCATIONAL AGENCIES AND INSTITUTIONS OF HIGHER EDUCATION

Subpart A—General

Sec.

319.1 What is the purpose of this part?
319.2 Who is eligible for an award?
319.3 What activities may the Secretary fund?
319.4 What regulations apply to this program?
319.5 What definitions apply to this program?
319.6—319.9 [Reserved]

Subpart B—How Does One Apply for an Award?

319.10 What must an institution of higher education that proposes to provide preservice training demonstrate in its application?
319.11—319.19 [Reserved]

Subpart C—How Does the Secretary Make an Award?

319.20 How does the Secretary determine the amount of a State grant?
319.21 What selection criteria does the Secretary use in the competitive grant program?
319.22—319.29 [Reserved]

Subpart D—What Conditions Must be Met After an Award?

319.30 Is student financial assistance authorized?
319.31 What are the student financial assistance criteria?
319.32 What amount of assistance is authorized?
319.33 What financial assistance is authorized for part-time students?
319.34 May the grantee use funds if a financially assisted student withdraws or is dismissed?
319.35 What types of reports are required?
319.36—319.39 [Reserved]

Authority: 20 U.S.C. 1432 and 1434, unless otherwise noted.

Subpart A—General

§ 319.1 What is the purpose of this part?

(a) *General.* The Secretary funds a State grant program and a competitive grant program under this part to assist in establishing and maintaining preservice and inservice training programs that prepare personnel to meet the needs of infants, toddlers, children, and youth with handicaps.

(b) *State grant program.* Under the State grant program, the Secretary makes a grant to each State educational agency.

(c) *Competitive grant program.* Under the competitive grant program, the Secretary may make grants to State educational agencies (in addition to the grants awarded under the State grant program) or institutions of higher education.

(Authority: 20 U.S.C. 1432)

§ 319.2 Who is eligible for an award?

(a) State educational agencies are eligible for awards under both the State grant and the competitive grant programs in § 319.1.

(b) Institutions of higher education are eligible for awards under the competitive grant program in § 319.1(c).

(Authority: 20 U.S.C. 1432)

§ 319.3 What activities may the Secretary fund?

(a) The Secretary supports preservice and inservice training programs that prepare professionals and paraprofessionals, or their supervisors to serve infants, toddlers, children, or youth with handicaps.

(b) Any activities assisted under this part must be consistent with the personnel needs identified in the State's comprehensive system of personnel development.

(Authority: 20 U.S.C. 1432)

§ 319.4 What regulations apply to this program?

The following regulations apply to assistance under this program.

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 74 (Administration of Grants), Part 75 (Direct Grant Programs), Part 77 (Definitions that Apply to Department Regulations), and Part 78 (Education Appeal Board).

(b) The regulations in this Part 319.

(Authority: 20 U.S.C. 1432)

§ 319.5 What definitions apply to this program?

The following terms used in this part are defined in 34 CFR 77.1:

Applicant
Application
Award
Department
EDGAR
Fiscal Year
Grant period
Preschool
Project
Public
Secretary
State
State educational agency

(Authority: 20 U.S.C. 1432)

§§ 319.6—319.9 [Reserved]

Subpart B—How Does One Apply for an Award?

§319.10 What must an institution of higher education that proposes to provide preservice training demonstrate in its application?

An institution of higher education that proposes to provide preservice training must demonstrate that it meets State and professionally recognized standards for the training of special education and related services personnel, as evidenced by appropriate State and professional accreditation, unless—as indicated in a published priority of the Secretary—the grant is for the purpose of assisting the applicant to meet those standards.

(Authority: 20 U.S.C. 1432)

§§ 319.11—319.19 [Reserved]

Subpart C—How Does the Secretary Make an Award?

§ 319.20 How does the Secretary determine the amount of a State grant?

(a) The Secretary determines the amount of a grant under § 319.1(a) based upon the applicant's need for assistance under this part and the quality of its application.

(b) The Secretary assesses the applicant's need for assistance and the quality of its application based on the criteria set forth in § 319.21(b), except for § 319.21(b)(2)(viii).

(c) In determining the quality of the plan of operation under § 319.21(b)(3), the Secretary considers the extent of participatory planning among agenices and insititutions involved in activities of the State's comprehensive system of personnnel development.

(Authority: 20 U.S.C. 1432)

§ 319.21 What selection criteria does the Secretary use in the competitive grant program?

(a) The Secretary uses the criteria in paragraph (b) of this section to evaluate an application for a competitive grant.

(b)(1) *Extent of need for the project.* (30 points) The Secretary reviews each application to determine—

(i) The overall needs addressed by the project;

(ii) The extent to which the project addresses the personnel needs identified in the State's comprehensive system of personnel development; and

(iii) How the project relates to actual and projected personnel needs for certified teachers in the State as identified by the State educational agency in its annual data report required

under section 618 of the Education of the Handicapped Act.

(2) *Program content.* (20 points) The Secretary reviews each application to determine the extent to which—

(i) Competencies that each trainee will acquire and how the competencies will be evaluated are identified;

(ii) Substantive content of the project is appropriate for the attainment of professional knowledge and competencies that are necessary for the provision of quality educational services to handicapped children and youth;

(iii) Benefits to be gained by the number of trainees expected to be graduated or employed over the next five years are described;

(iv) Appropriate methods, procedures, techniques, and instructional media or materials are used in the preparation of personnel who serve children with handicaps;

(v) If relevant, appropriate practicum facilities are accessible to the applicant and students, and are used for such activities as observation, participation, practice teaching, laboratory or clinical experience, internships, and other supervised experiences of adequate scope, and length;

(vi) If relevant, practicum facilities for model programs provide state-of-the-art educational services, including use of current and innovative curriculum materials, instructional procedures, and equipment;

(vii) Program philosophy, program objectives, and activities implemented to attain program objectives are related to the educational needs of children and youth with handicaps; and

(viii) This project will complement and build upon grants under the State grant program.

(3) *Plan of operation.* (15 points) The Secretary reviews each application to determine the quality of the plan of operation for the project, including—

(i) High quality in the design of the project;

(ii) An effective plan of management that ensures proper and efficient administration of the project;

(iii) How the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) How the applicant will ensure that project participants who are otherwise eligible to participate are selected without regard to race, color, national origin, gender, age, or handicapping condition.

(4) *Evaluation plan.* (15 points) The Secretary reviews each application to determine the quality of the evaluation plan for the project, including the extent to which the applicant's methods of evaluation—

(i) Are appropriate for the project; and

(ii) To the extent possible, are objective and produce data that are quantifiable including, but not limited to, the number of trainees graduated or hired. (*See* 34 CFR 75.590, Evaluation by the grantee).

(5) *Quality of key personnel.* (10 points) The Secretary reviews each application to determine the quality of the key personnel the applicant plans to use on the project, including—

(i) The qualifications of the project director;

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(5)(i) and (ii) of this section plans to commit to the project;

(iv) How the applicant, as a 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; and

(v) Evidence of the trainer's past experience and training in fields related to the objectives of the project.

(6) *Adequacy of resources.* (5 points) The Secretary reviews each application to determine the adequacy of the resources that the applicant plans to devote to the project, including facilities, equipment, and supplies.

(7) *Budget and cost-effectiveness.* (5 points) The Secretary reviews each application to determine the extent to which—

(i) The budget is adequate to support the project; and

(ii) Costs are reasonable in relation to the objectives of the project.

(Authority: 20 U.S.C. 1432)

§§ 319.22—319.29 [Reserved]

Subpart D—What Conditions Must be Met After an Award?

§ 319.30 Is student financial assistance authorized?

A grantee may use grant funds to provide traineeships or stipends.

(Authority: 20 U.S.C. 1432)

§ 319.31 What are the student financial assistance criteria?

Direct financial assistance may be paid to students only in preservice programs if—

(a) The student is qualified for admission to the program of study;

(b) The student maintains satisfactory progress in a course of study, as defined in 34 CFR 668.16(e);

(c) The student demonstrates need for financial assistance as determined by criteria established by the grantee; and

(d) The student—

(1) Is a U.S. citizen or National;

(2) Is a permanent resident of the Republic of the Marshall Islands, Federated States of Micronesia, Republic of Palau, or the Commonwealth of the Northern Mariana Islands; or

(3) Provides evidence from the U.S. Immigration and Naturalization Service that he or she—

(i) Is a lawful permanent resident of the United States; or

(ii) Is in the United States for other than a temporary purpose with the intention of becoming a citizen or permanent resident.

(Authority: 20 U.S.C. 1432)

§ 319.32 What amount of assistance is authorized?

Subject to the limitations in §§ 319.33, a grantee shall disburse financial assistance to students in amounts consistent with established policies of the grantee that are relevant to providing financial assistance to part-time and full-time students, including policy relevant to the use of financial assistance for dependents.

§ 319.33 What financial assistance is authorized for part-time students?

(a) Students enrolled for less than a full-time academic year may receive a traineeship or a stipend.

(b) Part-time students who are receiving financial assistance from other public or private agencies or institutions for training are not eligible for financial assistance under this section.

(Authority: 20 U.S.C. 1432)

§ 319.34 May the grantee use funds if a financially assisted student withdraws or is dismissed?

Financial assistance awarded to a student that is unexpended because the student withdraws or is dismissed from the training program may be used for other project costs, including awards to other students, during the grant period.

(Authority: 20 U.S.C. 1432)

§ 319.35 What types of reports are required?

(a) Not more than sixty days after the end of any fiscal year, each recipient of a grant during such fiscal year shall prepare and submit a report to the Secretary. Each report shall be in such form and detail as the Secretary

determines to be appropriate, and shall include–

(1) The number of individuals trained under the grant by category of training and level of training; and

(2) The number of individuals trained under the grant receiving degrees and certification, by category and level of training.

(Authority: 20 U.S.C. 1434)

§§ 319.36–319.39 [Reserved]

[FR Doc. 87–17990 Filed 5–26–87; 8:45 am]

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DEPARTMENT OF EDUCATION

[CFDA No. 84.029H]

Notice Inviting Applications for New State Grant Awards Under the Training Personnel for the Education of the Handicapped Program for Fiscal Year 1987

Purpose: To increase the quantity and improve the quality of personnel to educate handicapped children and youth. Applications for State grants may be submitted by State educational agencies (SEAs). SEAs that apply for a continuation grant for fiscal year 1987 are not eligible for a new State grant in fiscal year 1987.

Deadline for Transmittal of Applications: July 13, 1987.

Applications Available: June 1, 1987.

Estimated Range of Awards: $50,000 to $85,000.

Estimated Average Size of Awards: $75,000.

Estimated Number of Awards: 30.

Average Project Period: 3 years.

Applicable Regulations: (a) When adopted in final form, the Notice of Proposed Rulemaking for the Training Personnel for the Education of the Handicapped Program, 34 CFR 319; and (b) the Education Department General Administrative Regulations, 34 CFR 74, 75, 77, and 78. A notice of proposed rulemaking is published in this issue of the **Federal Register.** Applicants should prepare their applications based on the proposed regulations. If substantive changes are made when the final regulations are published, applicants will be given the opportunity to amend or resubmit their applications.

For Applications or Information Contact: Frank S. King, Office of Special Education Programs, U.S. Department of Education, 400 Maryland Avenue SW. (Switzer Building, Room 3511–M/S 2313), Washington, DC 20202. Telephone: (202) 732–1086.

Program authority: 20 U.S.C. 1432.

Dated: May 21, 1987.

Madeleine Will,

Assistant Secretary Office of Special Education and Rehabilitative Services.

[FR Doc. 87–11991 Filed 5–26–87; 8:45 am]

BILLING CODE 4000–01–M

Office of Special Education and Rehabilitative Services Training Personnel

State Educational Agency and Institutions of Higher Education; Proposed Annual Funding Priority

AGENCY: Department of Education.

ACTION: Notice of proposed annual funding priority.

SUMMARY: The Secretary proposes an annual funding priority under the Grants to State Educational Agencies (SEAs) and Institutions of Higher Education (IHEs) Program. This priority supports awards for preservice training on a cooperative basis between SEAs and IHEs to prepare personnel to serve children with handicaps. Applications for awards would be jointly signed by the SEA and the IHE(s) involved in carrying out the preservice training.

DATE: Comments must be received on or before June 26, 1987.

ADDRESSES: Comments should be addressed to Richard Champion, Division of Educational Services, Office of Special Education Programs, Department of Education, 400 Maryland Avenue SW., (Switzer Building, Room 4625), Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Richard Champion. Telephone: (202) 732–1158.

SUPPLEMENTARY INFORMATION: The Training Personnel for the Education of the Handicapped is authorized by sections 631 and 632 of Part D of the Education of the Handicapped Act (EHA). This program is designed to increase the quantity and improve the quality of personnel available to educate infants, toddlers, children, and youth with handicaps. Section 632 of the EHA provides Federal financial assistance for projects designed to establish and maintain preservice training programs to prepare personnel to meet the needs of infants, toddlers, children and youth with handicaps, consistent with the personnel needs identified in the State's comprehensive system of personnel development.

The Secretary believes that the SEAs' responsibility for developing and implementing Comprehensive Systems of Personnel Development gives them a vital interest in the Department's personnel training programs. Further, he is of the opinion that SEAs in future years should play a larger role in meeting the demand for teachers of children with handicaps under this program. Therefore, he seeks comment on how the involvement of State education agencies in this program can be increased and enhanced in future years.

Proposed Priority

In accordance with Education Department General Administrative Regulations (EDGAR) at 34 CFR 75.105(c)(3), the Secretary proposes to give an absolute preference to each application that meets the following priority:

1. Awards will only be made for preservice training of personnel for careers in special education of infants, toddlers, children and youth, or supervisors of those personnel.

2. Applications must demonstrate evidence of a cooperative effort between SEAs and IHEs in jointly planning the project, and in on-going coordination for purposes of carrying out, monitoring, and evaluating the project.

3. Training must be consistent with personnel needs identified in the State's or, if applicable, the adjacent State(s)' comprehensive system of personnel development.

4. Applications must (a) be jointly signed by the SEA and the IHE(s) involved in carrying out the project, and (b) specify whether a party other than the SEA will be the fiscal agent.

Period of Award

The project funded under this priority will be funded for a period of 12 to 60 months. However, most projects will be for 36 months. Awards will be subject to the availability of Federal funds.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding this proposed priority.

All comments submitted in response to the priority will be available for public inspection, during and after the comment period, in Room 4625, Switzer Building, 330 C Street SW., Washington, D.C., between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

(20 U.S.C. 1424)

(Catalog of Federal Domestic Assistance No. 84.029; Training Personnel for the Education of the Handicapped)

Dated: April 3, 1987.

William J. Bennett,

Secretary of Education.

[FR Doc. 87–11992 Filed 5–26–87; 8:45 am]

BILLING CODE 4000–01–M

[CFDA No. 84.029Z]

Notice Inviting Applications for New Competitive Awards Under the Training Personnel for the Education of the Handicapped Program for Fiscal Year 1987

Purpose: To increase the quantity and improve the quality of personnel to educate handicapped children and youth. Applications for competitive grants may be submitted by State

educational agencies or institutions of higher education.

Deadline for Transmittal of Applications: July 13, 1987.

Applications Available: June 5, 1987.

Estimated Range of Awards: $50,000 to $75,000.

Estimated Average Size of Awards: $70,000.

Estimated Number of Awards: 100.

Average Project Period: 3 years.

Applicable Regulations: (a) When adopted in final form, the Notice of Proposed Rulemaking for the Training Personnel for the Education of the Handicapped Program, 34 CFR 319; (b) the Education Department General Administrative Regulations, 34 CFR 74, 75, 77, and 78; and (c) when adopted in final form, the Annual Funding Priority for this program. A notice of proposed regulations and a notice of proposed annual funding priority are published in this issue of the **Federal Register.** Applicants should prepare their applications based on the proposed regulations and the proposed priority. If substantive changes are made when the final regulations and the final funding priority are published, applicants will be given the opportunity to amend or resubmit their applications.

For Applications or Information Contact: Richard Champion, Office of Special Education Programs, U.S. Department of Education, 400 Maryland Avenue SW. (Switzer Building, Room 3511–M/S 2313), Washington, DC 20202. Telephone: (202) 732–1158.

Program Authority: 20 U.S.C. 1432.

Dated: May 21, 1987.

Madeleine Will,

Assistant Secretary, Office of Special Education and Rehabilitative Services.

[FR Doc. 87–11993 Filed 5–26–87; 8:45 am]

BILLING CODE 4000–01–M

federal register

Wednesday
May 27, 1987

Part IV

Department of Education

Office of Special Education and Rehabilitative Services

34 CFR Part 363

State supported Employment Services Program; Notice of Proposed Rulemaking

DEPARTMENT OF EDUCATION
Office of Special Education and Rehabilitative Services
34 CFR Part 363

The State Supported Employment Services Program

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes to add a new part to provide for a new formula grant program for State supported employment services. The regulations in this new part would implement Amendments to the Rehabilitation Act of 1973 made by Pub. L. 99–506, the Rehabilitation Act Amendments of 1986.

DATES: Comments must be received on or before June 26, 1987.

ADDRESSES: All comments concerning these proposed regulations should be addressed to Justin W. Dart, Jr., Commissioner, Rehabilitation Services Administration, Mary E. Switzer Building, 330 C Street, SW., 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: Delores Watkins, Rehabilitation Services Administration, Department of Education, Switzer Building, Room 3322, Washington, DC 20202, (202) 732–1349.

SUPPLEMENTARY INFORMATION:

Supported Employment Formula Grant Program. The Rehabilitation Act Amendments of 1986 authorize a new formula grant State Supported Employment Services Program. This program provides grants to assist States in developing and implementing collaborative programs with appropriate public agencies and private nonprofit organizations for training and traditionally time-limited post-employment services leading to supported employment for individuals with severe handicaps. The Supported Employment Program is intended to provide services to individuals who, because of the severity of their handicaps, would not traditionally be eligible for vocational rehabilitation services. Individuals who are eligible for services under the program must not be able to function independently in employment without intensive on-going support services and must require these on-going support services for the duration of their employment. Under the proposed regulations, individuals who are eligible for supported employment services must also be receiving services from, or eligible for, other State, Federal, or private programs that provide on-going support services.

The statute defines "supported employment" to mean competitive work in an integrated work setting for individuals who, because of their handicaps, need on-going support services to perform that work. Supported employment is limited to individuals with severe handicaps for whom competitive employment has not traditionally occurred, or individuals for whom competitive employment has been interrupted or intermittent as a result of a severe disability. It includes transitional employment for individuals with chronic mental illness. Although the term "supported employment" is defined in the statute, the Secretary considers it essential to define and clarify certain undefined terms used within the statutory definition, as well as the concept of traditionally time-limited post-employment services, in order to ensure a consistent programmatic intepretation. The proposed regulations in § 363.7, therefore, define the following terms: (1) Competitive work; (2) integrated work setting; (3) on-going support services; (4) transitional employment for individuals with chronic mental illness; and (5) traditionally time-limited post-employment services.

Supported Employment Definitions

The term "supported employment" contains three elements: (1) Competitive work; (2) an integrated work setting; and (3) the provision of on-going support services. The proposed regulations define "competitive work" to mean "work that is performed on a full-time basis or on a part-time basis, averaging at least 20 hours per week, and for which an individual is compensated in accordance with the Fair Labor Standards Act." The Fair Labor Standards Act allows employers the flexibility to compensate workers with handicaps at a wage level that is: (1) Lower than the minimum wage; (2) commensurate with those wages paid to non-handicapped individuals employed in the same locality and performing the same type, quality, and quantity of work; and (3) related to the individual's productivity. The use of these standards is designed to ensure that individuals with severe handicaps under this program receive fair and competitive wages—not just "token" wages such as those received by many individuals with severe handicaps in work activity centers.

The regulations propose, at § 363.7, to define "integrated work setting" by describing three types of job sites that provide for integration of handicapped and non-handicapped individuals. The definition recognizes that maximum integration in a work setting may not always be feasible for every individual with severe handicaps under this program. The proposed regulations define one kind of integrated work setting as a job site where most co-workers are not handicapped and handicapped individuals are not part of a work group of other handicapped individuals. A second permissible kind of integrated work setting would be a job site where most co-workers are not handicapped and individuals with handicaps are of a small work group of not more than eight individuals with handicaps. A third option would include a job site where the individual works alone or a job site where all co-workers are part of a small work group of not more than eight individuals, all of whom have handicaps. However, in this case an individual with severe handicaps must have regular contact with non-handicapped individuals, other than personnel providing on-going support services, in the immediate work setting—since there is no actual integration at the particular job site. The proposed standard limiting a small work group to a maximum of eight handicapped individuals is based on data and information collected from Statewide Supported Employment Demonstration projects funded by the Office of Special Education and Rehabilitative Services in fiscal year 1985.

This data indicates that individuals with severe handicaps are not integrated meaningfully in work settings if they are placed in a group of more than eight individuals with handicaps. The Secretary is particularly interested in receiving comments on the use of this standard.

The proposed regulations, at § 363.7, define "on-going support services" as continuous or periodic job skill training services provided at least twice monthly at the work site throughout the term of employment to enable the individual to perform the work. The term would also include other support services provided at or away from the work site, such as transportation, personal care services, and counseling of family members, if skill training services are needed by, and provided to, that individual at the work site. The proposed requirement that "on-going support services" be provided at least twice monthly at the work site is intended to distinguish individuals with handicaps who are able to function independently with minimal

or no job support services from individuals with severe handicaps who are not able to function independently and who need on-going support services to maintain employment. Individuals who need on-going services less than twice monthly would not need supported employment services. The Secretary is particularly interested in receiving comments on whether any additional limitations should be provided on the types of services that would qualify as "on-going support services"

The proposed regulations, at § 363.7, define "transitional employment for individuals with chronic mental illness" to mean competitive employment in an integrated work setting for individuals with chronic mental illness who may need on-going job skills training or other support services provided either at the work site or away from the work site to perform the work. The job placement may not necessarily be a permanent employment outcome for the individual. The proposed definition recognizes that individuals with chronic mental illness may need off-site support services, such as psychiatric counseling, but may not necessarily need job skill training services required by individuals with other types of disabilities who are placed in supported employment. The proposed definition also clarifies the transitional nature of a supported employment placement for individuals with chronic mental illness by recognizing that the placement may not necessarily be the final employment outcome and may be needed only to enable the individual to adjust to the stress of competitive employment.

The proposed regulations, at § 363.7, define "traditionally time-limited post-employment services" as services that are needed to support and maintain an individual with severe handicaps in employment, are based on an assessment by the State of the individual's needs as specified in an individualized written rehabilitation program, and are provided for a period of time not to exceed 18 months before transition is made to extended services provided under a cooperative agreement pursuant to § 363.50. The proposed definition defines "time-limited" to mean not more than 18 months of program support by the designated state unit for any one severely handicapped individual. Although 18 months is established as an outside limit, current data indicates that most individuals will progress to extended services in a much shorter time, usually within six to twelve months. Under this program, extended services must be provided to each individual, following termination of time-limited services by the State vocational rehabilitation agency. Extended services must be financed by public funds, other than Title VI, Part C funds, or by funds from private nonprofit organizations.

Planning Grants

The statute permits the State agency to request a planning grant for fiscal year 1987 only—in place of receiving a services delivery grant. The statute further requires that planning grants be used for activities designed to facilitate the State's use of its allotment for supported employment services. Planning grants may not exceed an 18-month period and may not exceed $250,000 for any one State. The proposed regulations in § 363.5 require that a State conduct specific activities under a planning grant to ensure that it develops its capacity to delivery supported employment services after the expiration of the planning grant. Required activities are: (1) Developing a Statewide needs assessment for supported employment services; (2) developing and evaluating collaborative arrangements and agreements with State agencies and nonprofit agencies and organizations to ensure that extended services are available from other sources when time-limited services provided under this program are terminated; and (3) developing goals, priorities, policies and procedures for the use of allotments for supported employment services. In addition, the proposed regulations at § 363.5 permit States to conduct certain other planning grant activities: (1) Seeking participation in the development of the State plan by individuals with severe handicaps, their parents, guardians, and providers of services to them; (2) developing sites to test and evaluate the provision of supported employment services; and (3) conducting other activities necessary to prepare for and implement a system of supported employment service delivery.

Service Grants

The statute authorizes States to conduct the following activities under a supported employment services formula grant: (1) Evaluating rehabilitation potential, under either the Title I program or this program, for individuals with severe handicaps to determine eligibility for supported employment; (2) developing jobs for individuals with severe handicaps; and (3) providing time-limited post-employment services, including on-the-job and other training, needed to support the individual in employment. This statutory provision is implemented in the regulations at proposed § 363.4.

Collaborative Agreements

The statute requires that States, in applying for a formula grant, demonstrate evidence of collaboration with and funding from other State agencies and nonprofit organizations to assist in the provision of supported employment services. This provision is implemented in the proposed regulations at § 363.50, which requires States to develop collaborative agreements that specify, at a minimum: (1) The training and traditionally time-limited services to be provided by the State vocational rehabilitation agency under this program; (2) the on-going or extended services to be provided by other State agencies and private nonprofit organizations after termination of time-limited services under this program; (3) the estimated funds to be expended by the participating agency or organizations in implementing the agreement; and (4) the projected number of individuals with severe handicaps who will receive supported employment services under the agreement.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations would not have a significant economic impact on a substantial number of small entities.

The small entities that would be affected by these regulations are private nonprofit organizations providing on-going support services to individuals with handicaps or small employers providing supported employment placements. However, the regulations would not have a significant-economic impact on the organizations affected because the regulations would not impose excessive regulatory burden or require unnecessary Federal supervision. The regulations would impose minimal requirements to ensure the proper expenditure of program funds.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Paperwork Reduction Act of 1980

Sections 363.11 and 363.52 contain information collection requirements. As

required by section 3504(h) of the Paperwork Reduction Act of 1980, the Department of Education will submit a copy of these proposed regulations to the Office of Management and Budget (OMB) for its review.

Organizations and individuals desiring to submit comments on the information collection requirements should direct them to the Office of Information and Regulatory Affairs, OMB, Room 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 regulations will be available for public inspection, during and after the comment period, in Room 3222, 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.

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paper 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.

List of Subjects in 34 CFR Part 363

Education, Grant programs—education, Grant programs—social programs, Reporting and recordkeeping requirements, Supported employment, Vocational rehabilitation.

(Catalog of Federal Domestic Assistance Number 84.187, State Supported Employment Services Program)

Dated: May 6, 1987.

William J. Bennett,

Secretary of Education.

The Secretary proposes to amend Chapter III of Title 34 of the Code of Federal Regulations by adding a new Part 363 to read as follows:

PART 363—THE STATE SUPPORTED EMPLOYMENT SERVICES PROGRAM

Subpart A—General

Sec.

363.1 What is the State Supported Employment Services Program?
363.2 Who is eligible for an award?
363.3 Who is eligible for services?
363.4 What kinds of activities may the Secretary fund?
363.5 What kinds of activities may the Secretary fund under a planning grant?
363.6 What regulations apply?
363.7 What definitions apply to the State Supported Employment Services Program?

Subpart B—How Does a State Apply for a Grant?

363.10 What documents must a State submit to receive a grant?
363.11 What information and assurances must be included in the State plan supplement?

Subpart C—How Does the Secretary Make a Grant?

363.20 How does the Secretary allocate funds?
363.21 How does the Secretary reallocate funds?

Subparts D–E [Reserved]

Subpart F—What Post-Award Conditions Must Be Met by a State?

363.50 What collaborative agreements must the State develop?
363.51 What are the allowable administrative costs?
363.52 What are the information collection and reporting requirements?
363.53 What special conditions apply to services and activities under this program?

Authority: 29 U.S.C. 795j–q, unless otherwise noted.

Subpart A—General

§ 363.1 What is the State Supported Employment Service Program?

(a) Under the State Supported Employment Services Program, the Secretary provides grants to assist States in developing and implementing programs of supported employment for individuals with severe handicaps.

(b) Grants under this program are intended to provide training and traditionally time-limited post-employment services to individuals with severe handicaps.

(Authority: 29 U.S.C. 795j)

§ 363.2 Who is eligible for an award?

Any State is eligible for an award under this program.

(Authority: 29 U.S.C. 795m(a))

§ 363.3 Who is eligible for services?

A State may provide services under this program to any individual who—

(a) Has severe handicaps;

(b) Has been determined by an evaluation of rehabilitation potential, as defined in section 7(5) of the Act, to have—

(1) The ability or potential to engage in a training program leading to supported employment;

(2) A need for on-going support services in order to perform competitive work; and

(3) The ability to work in a supported employment setting; and

(c) Is eligible for or is receiving on-going support services from State, Federal, or private programs, including mental retardation and social services programs.

(Authority: 29 U.S.C. 795k)

§ 363.4 What kinds of activities may the Secretary fund?

Under this program, the Secretary makes a grant to a State to conduct the following activities:

(a) Evaluation of the rehabilitation potential for supported employment of individuals with severe handicaps.

(b) Development of jobs for individuals with severe handicaps.

(c) Provisions of traditionally time-limited post-employment services that are needed to support the trainees in employment, such as—

(1) Intensive on-the-job training and other training provided by skilled job trainers for workers with severe handicaps;

(2) Provision of follow-up services, including regular contact with employers, trainees with severe handicaps, parents, guardians or other representatives of trainees, and other suitable professional and informed advisors in order to reinforce and stabilize the job placement; and

(3) Regular observations or supervision of individuals with severe handicaps at the work site.

(Authority: 29 U.S.C. 795n)

§ 363.5 What kinds of activities may the Secretary support under a planning grant?

(a) For fiscal year 1987 only, a State may request a planning grant in place of its allotment under this program.

(b) The State shall conduct activities under a planning grant that include the following, unless those activities have already been completed:

(1) Developing the Statewide needs assessment for supported employment services, as specified in § 363.11.

(2) Developing and evaluating collaborative agreements with State agencies and private nonprofit organizations.

(3) Developing goals, priorities, policies, and procedures for the provision of supported employment services to individuals with severe handicaps.

(c) The State may also conduct the following activities under a planning grant:

(1) Seeking participation in the development of a State plan supplement for supported employment services by individuals with severe handicaps, their parents or guardians, and providers of supported employment services.

(2) Developing sites to test and evaluate the provision of supported employment services.

(3) Other activities necessary to prepare for the implementation of a system of supported employment services.

(d) The requirements of §§ 363.11, 363.20, 363.21, and 363.50–363.53 do not apply to planning grants.

(e) The Secretary awards a planning grant of no more than $250,000 for up to 18 months.

(Authority: 29 U.S.C. 7951(c)

§ 363.6 What regulations apply?

The following regulations apply to the State Supported Employment Services Program:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 74 (Administration of Grants), Part 76 (State Administered Programs), Part 77 (Definitions that Apply to Department Regulations), Part 78 (Education Appeals Board) except for hearings under Subpart G of Part 361, and Part 79 (Intergovernmental Review of Department of Education Programs and Activities).

(b) The regulations in this Part 363.

(c) The following regulations in 34 CFR Part 361 (The State Vocational Rehabilitation Services Program):

§ 361.32; § 361.33; § 361.34; § 361.40; § 361.41; § 361.48; and § 361.49.

(Authority: 29 U.S.C. 795j and 711(c))

§ 363.7 What definitions apply to the State Support Employment Services Program?

(a) As used in this part—

"Competitive work" means work that is performed on a full-time basis or on a part-time basis, averaging at least 20 hours per week, and for which an individual is compensated in accordance with the Fair Labor Standards Act;

"Integrated work setting" means job sites where—

(1)(i) Most co-workers are not handicapped; and

(ii) Individuals with handicaps are not part of a work group of other individuals with handicaps; or

(2)(i) Most co-workers are not handicapped; and

(ii) When a job site described in paragraph (1)(ii) of this definition is not possible, individuals with handicaps are part of a small work group of not more that eight individuals with handicaps; or

(3) If there are no co-workers or the only co-workers are members of a small work group of not more than eight individuals, all of whom have handicaps, individuals with handicaps have regular contact with non-handicapped individuals, other than personnel providing support services, in the immediate work setting;

"On-going support services" means continuous or periodic job skill training services provided at least twice monthly at the work site throughout the term of employment to enable the individual to perform the work. The term also includes other support services provided at or away from the work site, such as transportation, personal care services, and counseling to family members, if skill training services are also needed by, and provided to, that individual at the work site;

"Supported employment" means—

(1) Competitive work in an integrated work setting with on-going support services for individuals with severe handicaps for whom competitive employment—

(i) Has not traditionally occurred; or

(ii) Has been interrupted or intermittent as a result of severe handicaps; or

(2) Transitional employment for individuals with chronic mental illness; and

"Traditionally time-limited post-employment services" means services that are—

(1) Needed to support and maintain an individual with severe handicaps in employment;

(2) Based on an assessment by the State of the individual's needs as specified in an individualized written rehabilitation program; and

(3) Provided for a period not to exceed 18 months before transition is made to extended services provided under a cooperative agreement pursuant to § 363.50.

"Transitional employment for individuals with chronic mental illness" means competitive work in an integrated work setting for individuals with chronic mental illness who may need on-going jobs skill training at the work site or other support services provided either at the work site or away from the work site to perform the work. The job placement may not necessarily be a permanent employment outcome for the individual; and

(b) The following terms used in this part are defined in 34 CFR 77.1:

Fiscal Year; Nonprofit; Private; Secretary; and State

(c) The following terms used in this part are defined in 34 CFR Part 361: Act; Designated state unit; Individual with handicaps; Individual with severe handicaps; and State plan

(Authority: 29 U.S.C. 706(18), 711(c), and 795j)

Subpart B—How Does a State Apply for a Grant?

§ 363.10 What documents must a State submit to receive a grant?

To receive a grant under this part, a State must—

(a) Submit to the Secretary, as part of the State plan under 34 CFR Part 361, a State plan supplement that meets the requirements of § 363.11; or

(b) For fiscal year 1987 only, submit an application for a planning grant in place of its allotment under this program.

(Authority: 29 U.S.C. 7951(c) and 795m(a))

§ 363.11 What information and assurances must be included in the State plan supplement?

Each State plan supplement must—

(a) *Designated State agency.* Designate the State unit or units for vocational rehabilitation services identified in the State plan submitted under 34 CFR Part 361 as the State agency or agencies to administer this program;

(b) *Results of needs assessment.* Summarize the results of the needs assessment of individuals with severe handicaps conducted under Title I of the Act when that assessment identifies the need for supported employment services. The results of the needs assessment must address the coordination and use of information within the State relating to section 618(b)(3) of the Education of the Handicapped Act;

(c) *Quality, scope, and extent of services.* Describe the quality, scope, and extent of supported employment services to be provided to individuals with severe handicaps under this program. The description must address the timing of the transition to on-going support services referred to in § 363.50(b)(2);

(d) *Distribution of funds.* Describe the State's goals and plans with respect to the distribution of funds received under § 363.20;

(e) *Assurances.* Provide assurances that—

(1) An evaluation of rehabilitation potential, as defined in section 7(5) of the Act—either under this part or under 34 CFR Part 361—is provided for each individual with severe handicaps who receives services under this program;

(2) An individualized written rehabilitation program as specified in 34 CFR 361.40 and 361.41 will be developed—either under this part or under 34 CFR Part 361—outlining the services to be provided to each individual served under this program, including a description of the long-term, on-going services needed and the identification of the agency to provide the continuing support;

(3) Services provided to individuals under this program will be coordinated with the individualized written rehabilitation program or education plan as required under section 102 of the Act, section 123 of the Developmental Disabilities Act of 1984, and sections 612(4) and 614(5) of the Education of the Handicapped Act;

(4) The State will conduct periodic reviews of the progress of individuals assisted under this program to determine whether services provided to those individuals should be continued, modified, or discontinued;

(5) The designated State agency or agencies will expend no more than five percent of the State's allotment for administrative costs of carrying out this program; and

(6) The State will make maximum use of services from public agencies, private nonprofit organizations, and other appropriate resources in the community to carry out this program;

(f) *Collaboration.* Demonstrate evidence of collaboration by and funding from relevant State agencies and private nonprofit organizations to assist in the provision of on-going supported employment services following the termination of time-limited services under this part; and

(g) *Other information.* Contain such other information and be submitted in the form and in accordance with the procedures that the Secretary may require.

(Authority: 29 U.S.C. 795m))

Subpart C—How Does the Secretary Make a Grant?

§ 363.20 How does the Secretary allocate funds?

The Secretary allocates funds under this program in accordance with section 633(a) of the Act.

(Authority: 29 U.S.C. 7951(c))

§ 363.21 How does the Secretary reallocate funds?

The Secretary reallocates funds in accordance with section 633(b) of the Act.

(Authority: 29 U.S.C. 7951(b))

Subpart D–E [Reserved]

Subpart F—What Post-Award Conditions Must Be Met by a State?

§ 363.50 What collaborative agreements must the State develop?

(a) A designated State unit must enter into one or more written cooperative agreements or memoranda of understanding with other appropriate State agencies and private nonprofit organizations to ensure collaboration in a plan to provide supported employment services to individuals with severe handicaps.

(b) A cooperative agreement or memorandum of understanding must, at a minimum, specify the following:

(1) The training and traditionally time-limited post-employment services to be provided by the designated State unit with funds received under this part.

(2) The on-going or extended services to be provided by the other State agencies and private nonprofit organizations, following the termination of time-limited services under this part.

(3) The estimated funds to be expended by the participating party or parties in implementing the agreement or memorandum.

(4) The projected number of individuals with severe handicaps who will receive supported employment services under the agreement or memorandum:

(Authority: 29 U.S.C. 795m(b)(4) and 795n(b))

§ 363.51 What are the allowable administrative costs?

(a) *Administrative costs-general.* Expenditures are allowable for the following administrative costs:

(1) Administration of the State plan supplement for this program.

(2) Planning, program development, and personnel development to implement a system of supported employment services.

(3) Monitoring, supervision, and evaluation of this program.

(4) Technical assistance to other State agencies, private nonprofit organizations, and businesses and industries.

(b) *Limitation on administrative costs.* Except for planning grants which the Secretary may award in fiscal year 1987, not more than five percent of a State's allotment may be expended for administrative costs for carrying out this program.

(Authority: 29 U.S.C. 7951(c) and 795m(b)(5))

§ 363.52 What are the information collection and reporting requirements?

(a) A State shall collect and report information as required in 34 CFR 361.23 for each individual with severe handicaps served under this program.

(b) The State shall collect and report separately information for—

(1) Supported employment clients served under this program; and

(2) Supported employment clients served under 34 CFR Part 361.

(Authority: 29 U.S.C. 712 and 795o)

§ 363.53 What special conditions apply to services and activities under this program?

Each grantee shall coordinate the services provided to an individual under this part and under 34 CFR Part 361 to ensure that the services are complementary and not duplicative.

(Authority: 29 U.S.C. 795 n and q)

[FR Doc. 87–12132 Filed 5–26–87; 8:45 am]

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federal register

Wednesday
May 27, 1987

Part V

Department of Education

Office of Special Education and Rehabilitative Services

34 CFR Parts 371 and 386

Handicapped American Indian Vocational Rehabilitation Service Projects; Rehabilitation Training; Rehabilitation Long-term Training; Notice of Proposed Rulemaking

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services

34 CFR Parts 371 and 386

Handicapped American Indian Vocational Rehabilitation Service Projects; Rehabilitation Training: Rehabilitation Long-term Training

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes to amend the regulations governing grants to provide services to American Indians with handicaps and grants for long-term training to implement amendments to the Rehabilitation Act of 1973 made by Pub. L. 99–506, the Rehabilitation Act Amendments of 1986.

The proposed regulations would implement the new statutory provisions for these two programs. One new provision permits a consortium of governing bodies of Indian tribes to apply for a grant as a single applicant under the American Indians with handicaps program. Another new provision requires the recipient of a scholarship under the long-term training program to work for a State rehabilitation agency or a nonprofit rehabilitation or related agency for two years for each year of assistance received or repay all or part of the amount of the scholarship plus interest.

DATE: Comments must be received on or before June 26, 1987.

ADDRESSES: All comments concerning these proposed regulations should be addressed to Albert Rotundo, Rehabilitation Service Administration, Mary E. Switzer Building, 330 C Street, SW., 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: Toby Lawrence, Rehabilitation Services Administration, Department of Education, Switzer Building, Room 3326, Washington, DC 20202, (202) 732–1351.

SUPPLEMENTARY INFORMATION:

American Indians With Handicaps Program

The amendments permit a consortium of Indian tribes to apply for a grant as a single applicant and permit a waiver of the non-federal share where the applicant demonstrates that it does not have sufficient resources to contribute to the cost of the project.

In the proposed regulations the phrase "handicapped American Indian" has been changed to "American Indian with handicaps" to be consistent with the general reference change made by Congress substituting "individual with handicaps" for "handicapped individual."

No change was needed to implement the statutory provisions regarding priority consideration for funding the continuation of previously funded programs; the provision prohibiting funding of a separate service delivery system for Indians in non-reservation areas; and the provision regarding traditional services used by Indian tribes. These provisions are covered by the existing regulations.

Long-Term Training Program

The proposed regulations add rehabilitation engineering, physical education, rehabilitation workshop and facility personnel, and specialized personnel for supported employment, to the list of professional disciplines for which long-term training funds may be expended.

Consistent with the new statutory provisions regarding scholarships, the regulations require that, as a condition for receipt of a scholarship, a scholar must agree to work for a State rehabilitation agency, or a nonprofit rehabilitation or related agency for two years for each year of training, within ten years of completion of the training, or repay all or part of the scholarship plus interest and collection costs. The work requirement would be prorated for partial years of training.

To avoid excessive administrative burden, the proposed regulations limit the application of the work-or-repay provisions to training leading to a certificate or degree. A document certifying attendance at a training course is not considered a certificate under these provisions. Typically, individuals in non-degree or non-certificate training courses already will be working in eligible jobs.

The proposed regulations also implement the statutory provision that limits training assistance to a maximum of four years. The proposed regulations interpret the limitation to refer to academic years in order to accommodate part-time students. Scholars with handicaps that seriously affect the completion of training may be allowed one additional academic year to complete the course of training.

The proposed regulations place the responsibility for tracking the scholar during the period of obligation under a scholarship agreement on a grantee, but retain with the Secretary responsibility for enforcing the agreement, including granting deferrals or exceptions to repayment, determining the amount of interest and collection costs, and establishing a payment schedule, including the amount and frequency of payment if collection is necessary.

The proposed regulations implementing the scholarship provisions are similar to the regulations in 34 CFR Part 653 implementing the Congressional Teacher Scholarship Program. Those regulations were published in 52 FR 10008; March 27, 1987.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations would not have a significant economic impact on a substantial number of small entities. The small entities that would be affected by these regulations are institutions of higher education and Indian tribes. However, the regulations would not have a significant economic impact on these entities because the regulations would not impose excessive regulatory burdens or require unnecessary Federal supervision. The regulations would impose minimal requirements to ensure the proper expenditure of program funds.

Paperwork Reduction Act of 1980

Sections 386.42, 386.44, and 386.46 contain information collection requirements. As required by section 3504(h) of the Paperwork Reduction Act of 1980, the Department of Education will submit a copy of these 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.

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 of the United States.

List of Subjects

34 CFR Part 371

Education, Grant programs—education, Grant programs—social programs, Vocational rehabilitation.

34 CFR Part 386

Education, Grant programs—education, Grant programs—social programs, Vocational rehabilitation.

(Catalog of Federal Domestic Assistance 84.129, Rehabilitation Training; 84.132, American Indians with handicaps)

Dated: April 27, 1987.

William J. Bennett,

Secretary of Education.

The Secretary proposes to amend Parts 371 and 386 of Title 34 of the Code of Federal Regulations as follows:

PART 371—HANDICAPPED AMERICAN INDIAN VOCATIONAL REHABILITATION SERVICE PROJECTS

1. The authority citation for Part 371 is revised to read as follows:

Authority: 29 U.S.C. 711(c) and 750, unless otherwise noted.

2. The title of Part 371 is revised to read as follows:

PART 371—VOCATIONAL REHABILITATION SERVICE PROJECTS FOR AMERICAN INDIANS WITH HANDICAPS

§ 371.41 [Amended]

3. In § 371.41(a)(2), removes the words "the handicapped individual" and add, in their place, the words "an individual with handicaps."

§§ 371.21 and 371.41 [Amended]

4. In Part 371, remove the words "handicapped individuals" and add, in their place, the words "individuals with handicaps" in the following places:

(a) § 371.21 (d) and (g); and

(b) § 371.41(b).

§§ 371.10, 371.21, 371.30, 371.42, 371.43 [Amended]

5. In Part 371, remove the words "handicapped American Indians" and add, in their place, the words "American Indians with handicaps" in the following places:

(a) § 371.10;

(b) § 371.21 (c), (d), (f), and (h);

(c) § 371.30(f)(2) (i) and (ii);

(d) § 371.42; and

(e) § 371.43(b).

§§ 371.21 and 371.43 [Amended]

6. In Part 371, remove the words "handicapped American Indian" and add, in their place, the words "American Indian with handicaps" in the following places:

(a) § 371.21(e); and

(b) § 371.43(a).

7. Section 371.1 is revised to read as follows:

§ 371.1 What is the Vocational Rehabilitation Service Program for American Indians with Handicaps?

This program is designed to provide vocational rehabilitation services to American Indians with handicaps who reside on Federal or State reservations in order to prepare them for suitable employment.

(Authority: Sec. 130(a) of the Act; 29 U.S.C. 750(a))

§ 371.2 [Amended]

8. In § 371.2, add the words "and consortia of such governing bodies" after "Indian tribes".

9. Section 371.4 is amended by removing the paragraph designations under (b), and adding the following definition in alphabetical order to read as follows:

§ 371.4 What definitions apply to this program?

* * * * *

(b) * * *

"Consortium" means two or more eligible governing bodies of Indian tribes that make application as a single applicant under an agreement whereby each governing body is legally responsible for carrying out all of the activities in the application.

(Authority: Secs. 12(c) and 130 of the Act; 29 U.S.C. 711(c) and 750)

§ 371.20 [Amended]

10. In § 371.20, add after "governing body" the words "or consortium".

11. In § 371.21, paragraph (i) is revised to read as follows:

§ 371.21 What are the special application requirements related to the State plan program?

* * * * *

(i) Any American Indian with handicaps who is an applicant or recipient of services, and who is dissatisfied with a determination made by a counselor or coordinator under this program and files a request for a review, will be afforded a review under procedures developed by the grantee comparable to those under the provisions of section 102(d) (1)–(3) of the Act.

(Authority: Secs. 12(c) and 102(d) of the Act; 29 U.S.C. 711(c) and 722(d))

* * * * *

12. Section 371.40 is revised to read as follows:

§ 371.40 What are the matching requirements?

(a) *Federal share.* Except as provided in paragraph (c) of this section, the Federal share may not be more than 90 percent of the total cost of the project.

(b) *Non-Federal share.* The non-Federal share of the cost of the project may be in cash or in kind, fairly valued.

(c) *Waiver of non-Federal share.* In order to carry out the purposes of the program, the Secretary may waive the non-Federal share requirement, in part or in whole, only if the applicant demonstrates that it does not have sufficient resources to contribute the non-Federal share of the cost of the project.

(Authority: Secs. 12(c) and 130(a) of the Act; 29 U.S.C. 711(c) and 750(c))

13. Section 371.42 is revised to read as follows:

§ 371.42 How are services to be administered under this program?

(a) *Directly or by contract.* A grantee under this Part may provide the vocational rehabilitation services directly or it may contract or otherwise enter into an agreement with a designated State unit, a rehabilitation facility, or another agency to assist in the implementation of the vocational rehabilitation service program for American Indians with handicaps.

(b) *Inter-tribal agreement.* A grantee under this Part may enter into an inter-tribal arrangement with governing bodies of other Indian tribes for carrying out a project that serves more than one Indian tribe.

(c) *Comparable service program.* To the maximum extent feasible, services provided by a grantee under this Part must be comparable to rehabilitation service provided under this title to other individuals with handicaps residing in the State.

(Authority: Secs. 12(c) and 130 of the Act; 29 U.S.C. 711(c) and 750)

PART 386–REHABILITATION TRAINING: REHABILITATION LONG-TERM TRAINING

14. The authority citation for Part 386 is revised to read as follows:

Authority: 29 U.S.C. 711(c) and 774, unless otherwise noted.

15. Section 386.1 is revised to read as follows:

§ 386.1 What is the Rehabilitation Long-Term Training Program?

This program is designed to provide academic and non-academic training in areas of personnel shortages identified by the Secretary and published as a

notice in the **Federal Register.** These areas may include—

(a) Rehabilitation engineering;
(b) Rehabilitation medicine;
(c) Rehabilitation nursing;
(d) Rehabilitation counseling;
(e) Rehabilitation social work;
(f) Rehabilitation psychiatry;
(g) Rehabilitation psychology;
(h) Rehabilitation dentistry;
(i) Physical therapy;
(j) Occupational therapy;
(k) Speech-language pathology and audiology;
(l) Physical education;
(m) Therapeutic recreation;
(n) Rehabilitation facility administration;
(o) Vocational evaluation and work adjustment;
(p) Rehabilitation workshop and facility personnel;
(q) Prosthetics and orthotics;
(r) Rehabilitation of the blind;
(s) Rehabilitation of the deaf;
(t) Rehabilitation of the mentally ill;
(u) Rehabilitation job development and job placement;
(v) Specialized personnel for supported employment;
(w) Undergraduate education in the rehabilitation services;
(x) Rehabilitation administration;
(y) Independent living;
(z) Client assistance; and
(aa) Other fields contributing to the rehabilitation of individuals with handicaps, especially individuals with severe handicaps, including homebound or institutionalized individuals.

(Authority: Secs. 304 (a) and (b) of the Act; 29 U.S.C. 774 (a) and (b))

16. Section 386.4 is revised to read as follows:

§ 386.4 What definitions apply to this program?

The following definitions apply to this program:

(a) The definitions in 34 CFR Part 385.

(b) The following definitions:

"Academic year" means a full-time course of study—

(1) Taken for the period totaling at least 9 months; or

(2) Taken for the equivalent of at least 2 semesters, 2 trimesters, or 3 quarters.

"Certificate" means a recognized educational credential awarded by a grantee under this Part which attests to the completion of a specified series of courses or program of study.

"Scholar" means an individual who is enrolled in a certificate or degree granting course of study in one of the areas listed in § 386.1 and who receives assistance under this part.

"Scholarship" means a training award a scholar.

"Training award" means an award of financial assistance to an individual for training in one or more of the areas designated in § 386.1.

(Authority: Sec. 12(c) of the Act; 29 U.S.C. 711(c))

§ 386.30 [Amended]

17. In § 386.30(c), "baisis" is corrected to read "basis."

18. In § 386.30(h)(2)(iii), remove the words "physically and mentally handicapped persons, especially those who are severely handicapped" and add, in their place, the words "persons with handicaps, especially persons with severe handicaps".

19. Section 386.42 is revised to read as follows:

§ 386.42 What are the requirements affecting applicants for and recipients of training awards?

(a) An individual applying for a training award—

(1)(i) Shall produce documentation that the individual is—

(A) A U.S. citizen or national; or

(B) A permanent resident of the Republic of the Marshall Islands, Federated States of Micronesia, Republic of Palau, or the Commonwealth of the Northern Mariana Islands; or

(ii) Shall produce documentation from the U.S. Immigration and Naturalization Service that he or she—

(A) Is a lawful permanent resident of the United States; or

(B) Is in the United States for other than a temporary purpose with the intention of becoming a citizen or permanent resident; and

(2) Must not be an employee of the Federal government;

(3) Shall express interest in a career in clinical practice, administration, supervision, teaching, or research in the vocational rehabilitation or independent living rehabilitation of persons with handicaps, especially persons with severe handicaps; and

(4) Shall provide assurances that the individual expects to maintain or seek employment in a State vocational rehabilitation agency or in a nonprofit rehabilitation or related agency providing services to individuals with handicaps or individuals with severe handicaps under an agreement with a State agency.

(b) An individual who receives a training award—

(1) Shall receive the training at the educational institution or agency designated in the training award; and

(2) Must not accept payment of educational allowances from any other Federal, State, or local public or private nonprofit agency if that allowance is conditioned on an employment obligation that conflicts with the individual's obligation under § 386.42(a)(4) or § 386.44(c)(1).

(Authority: Secs. 12(c) and 304(b) of the Act; 29 U.S.C. 711(c) and 774(b))

20. A new § 386.43 is added to read as follows:

§ 386.43 What are the additional requirements affecting scholars?

(a) *Requirements for a scholar.* A scholar shall—

(1) Enter into a written agreement with grantee that meets the terms and conditions required in § 386.44;

(2) Be enrolled in a course of study leading to a certificate or degree in one of the fields designated in § 386.1; and

(3) Maintain satisfactory progress toward the certificate or degree as determined by the grantee.

(b) *Limits on scholarships.* (1) Assistance is limited to the individual's cost of attendance at the institution for no more than four academic years except that the grantee may allow one additional academic year if the grantee determines that an individual has a handicap that seriously affects the completion of the course of study.

(2) If a scholarship, when added to the amount the scholar is to receive for the same academic year under Title IV of the Higher Education Act, would otherwise exceed the scholar's cost of attendance, the grantee shall reduce the scholarship by the amount in which the combined awards would be in excess of the cost of attendance.

(Authority: Secs. 12(a) and 304(b) of the Act; 29 U.S.C. 711(c) and 774(b))

21. A new § 386.44 is added to read as follows:

§ 386.44 What assurances must be provided by a grantee that intends to provide scholarships?

A grantee under this Part that intends to grant scholarships shall provide the following assurances:

(a) *Requirement for agreement.* No individual will be provided a scholarship without entering into a written agreement containing the terms and conditions required by this section.

(b) *Disclosure to applicants.* The terms and conditions of the agreement that the grantee will enter into with a scholar will be fully disclosed in the application for scholarship.

(c) *Form and terms of agreement.* Each scholarship agreement with a grantee will be in such form and contain such terms as the Secretary requires,

including at a minimum the following provisions:

(1) Within the ten-year period after cessation of enrollment in the course of study for which the scholarship is awarded, the scholar will obtain and maintain employment—in a State rehabilitation agency or in a nonprofit rehabilitation or related agency providing services to individuals with handicaps under an agreement with a State agency—on a full-time basis for a period of not less than two years for each academic year for which a scholarship is received. The work requirement for portions of an academic year are pro-rated.

(2) The employment obligation in paragraph (c)(1) of this section as applied to a part-time scholar is based on the accumulated academic years of training for which scholarship is received.

(3) Until the scholar has satisfied the employment obligation described in paragraph (c)(1) of this section, the scholar will inform the grantee of any change of name, address or employment status and will document employment satisfying the terms of the agreement.

(4) Subject to the provisions in § 386.45 regarding a waiver or deferral, when the scholar enters repayment status under § 386.47(e), the amount of the scholarship that has not been retired through eligible employment will constitute a debt owed the United States that—

(i) Will be repaid by the scholar, including interest and costs of collection as provided in § 386.47; and

(ii) May be collected by the Secretary by any means permitted in Federal law for the collection of debts, in the case of the scholar's failure to meet the obligation of § 386.47.

(d) *Executed agreement.* The grantee will provide an original copy of the executed agreement to the Secretary.

(e) *Standards for satisfactory progress.* The grantee establishes, publishes, and applies reasonable standards for measuring whether a scholar is maintaining satisfactory progress in the scholar's course of study. The Secretary considers an institution's standards to be reasonable if the standards—

(1) Conform with the standards of satisfactory progress of the nationally recognized accrediting agency that accredits the institution, if the institution is accredited by such an agency, and if the agency has such standards;

(2) For a scholar enrolled in an eligible program who is to receive assistance under the Rehabilitation Act, are the same as or stricter than the institution's standards for a student enrolled in the same academic program who is not receiving assistance under the Rehabilitation Act; and

(3) Include the following elements:

(i) Grades, work projects completed, or comparable factors which are measurable against a norm;

(ii) A maximum time frame in which the scholar must complete the scholar's educational objective, degree, or certificate. The time frame shall be—

(A) Determined by the institution;

(B) Based on the scholar's enrollment status; and

(C) Divided into increments, not to exceed one academic year. At the end of each increment, the institution shall determine whether the scholar has successfully completed a minimum percentage of work toward the scholar's educational objective, degree, or certificate for all increments completed. The minumum percentage of work shall be the percentage represented by the number of increments completed by the scholar compared to the maximum time frame set by the instituion;

(iii) Consistent application of standards to all scholars within categories of students e.g., full-time, part-time, undergraduates, graduate students and programs established by the institution;

(iv) Specific policies defining the effect of course incompletes, withdrawals, repetitions, and noncredit remedial courses on satisfactory progress; and

(v) Specific procedures for appeal of a determination that a scholar is not making satisfactory progress and for reinstatement of aid.

(f) *Tracking system.* The grantee has established policies and procedures to determine compliance of the scholar with the terms of the agreement.

(g) *Reports.* The grantee makes reports to the Secretary that are necessary to carry out the Secretary's functions under this Part.

(Authority: Secs. 12(c) and 304(b) of the Act; 29 U.S.C. 711(c) and 774(b))

22. A new § 386.45 is added to read as follows:

§ 386.45 Under what circumstances does the Secretary grant a deferral or exception to performance or repayment under a scholarship agreement?

A deferral or repayment exception to the requirements of § 386.44(c)(1) may be granted, in whole or part, by the Secretary as follows:

(a) Repayment is not required if the scholar—

(1) Is unable to continue the course of study or perform the work obligation because of an impairment that is expected to continue indefinitely or result in death; or

(2) Has died.

(b) Repayment of a scholarship may be deferred during the time the scholar is—

(1) Engaging in a full-time course of study at an institution of higher education;

(2) Serving, not in excess of three years, on active duty as a member of the armed services of the United States;

(3) Serving as a volunteer under the Peace Corps Act;

(4) Serving as a full-time volunteer under Title I of the Domestic Volunteer Service Act of 1973;

(5) Temporarily totally disabled, for a period not to exceed three years; or

(6) Unable to secure employment as required by the agreement by reason of the care provided to a disabled spouse for a period not to exceed twelve months.

(Authority: Secs. 12(c) and 304(b) of the Act; 29 U.S.C. 711(c) and 744(b))

23. A new § 386.46 is added to read as follows:

§ 386.46 What must a scholar do to obtain a deferral or exception to performance or repayment under a scholarship agreement?

(a) *Written application.* A written application must be made to the Secretary to request a deferral or exception to performance or repayment of a scholarship.

(b) *Documentation.* (1) Documentation must be provided to substantiate the grounds for a deferral or exception.

(2) Documentation necessary to substantiate an exception under § 386.45(a)(1) or a deferral under § 386.45(b)(5) must include a sworn affidavit from a qualified physican.

(3) Documentation to substantiate an exception under § 386.45(a)(2) must include a death certificate or other evidence conclusive under State law.

(Authority: Secs. 12(c) and 304(b) of the Act; 29 U.S.C. 711(c) and 744(b))

24. A new § 386.47 is added to read as follows:

§ 386.47 What are the consequences of a scholar's failure to meet the terms and conditions of a scholarship agreement?

In the event of a failure to meet the terms and conditions of a scholarship agreement or to obtain a deferral or exception as provided in § 386.45, the scholar shall repay all or part of the scholarship.

(a) *Amount.* The amount of scholarship to be repaid is proportional to the employment obligation not completed.

(b) *Interest rate.* The Secretary charges the scholar interest on the unpaid balance owed in accordance with 31 U.S.C. 3717.

(c) *Interest accrual.*

(1) Interest on the unpaid balance accrues from the date the scholar is determined to have entered repayment status under paragraph (e) of this section.

(2) Any accrued interest is capitalized at the time the scholar's repayment schedule is established.

(3) No interest is charged for the period of time during which repayment has been deferred under § 386.45.

(d) *Collection costs.* Under the authority of 31 U.S.C. 3717, the Secretary may impose reasonable collection costs.

(e) *Repayment status.* A scholar enters repayment status on the first day of the first calendar month after the earliest of the following dates, as applicable:

(1) The date the scholar informs the Secretary he or she does not plan to fulfill the employment obligation under the agreement.

(2) Any date when the scholar's failure to begin or maintain employment makes it impossible for that individual to complete the employment obligation within the ten years after cessation of enrollment in the course of study.

(f) *Amounts and frequency of payment.* The scholar shall make payments to the Secretary that cover principal, interest, and collection costs according to a schedule established by the Secretary.

(Authority: Secs. 12(c) and 304(b) of the Act; 29 U.S.C. 711(c) and 744(b))

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Federal Register

Wednesday
May 27, 1987

Part VI

The President

Proclamation 5662—National Day of Mourning for the Victims of United States Ship STARK

Federal Register
Vol. 52, No. 101
Wednesday, May 27, 1987

Presidential Documents

Title 3—

The President

Proclamation 5662 of May 23, 1987

National Day of Mourning for the Victims of United States Ship STARK

By the President of the United States of America

A Proclamation

Every year, in the beautiful springtime, the American people pause on a special day to pay the heartfelt tribute of love and remembrance to all the sons and daughters of our land who have laid down their lives on the altar of liberty. This year, our Memorial Day remembrance is tinged with fresh sorrow as we honor and mourn the brave men taken from us a short week ago.

No words of ours can pay them the full tribute that is their due: their service, sacrifice, and love of country crown their memory on this day of grief and will do so as long as there is an America that defends freedom and honors its heroic champions. Let us pay tribute, then, to the dead and injured of United States Ship STARK by making their faithfulness and courage and love our own, ever and always. Without Americans like them, there would be no land of the free and no home of the brave; because of Americans like them, the lamp of liberty burns on undimmed, unvanquished, and unquenchable.

In solemn recognition of the valiant crew members of United States Ship STARK who lost their lives or were injured, the Congress, by House Joint Resolution 290, has designated May 25, 1987, as "National Day of Mourning for the Victims of the U.S.S. STARK" and has authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby appoint Monday, May 25, 1987, as National Day of Mourning for the Victims of United States Ship STARK. I call upon all Americans to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 23rd 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

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Reader Aids

Federal Register

Vol. 52, No. 101

Wednesday, May 27, 1987

INFORMATION AND ASSISTANCE

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PUBLICATIONS AND SERVICES

Daily Federal Register

General information, index, and finding aids	523-5227
Public inspection desk	523-5215
Corrections	523-5237
Document drafting information	523-5237
Legal staff	523-4534
Machine readable documents, specifications	523-3408

Code of Federal Regulations

General information, index, and finding aids	523-5227
Printing schedules and pricing information	523-3419

Laws	523-5230

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the President	523-5230
Weekly Compilation of Presidential Documents	523-5230

United States Government Manual	523-5230

Other Services

Library	523-5240
Privacy Act Compilation	523-4534
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, MAY

15935-16228.....1
16229-16366.....4
16367-16804.....5
16805-17282.....6
17283-17386.....7
17387-17536.....8
17537-17746.....11
17747-17914.....12
17915-18186.....13
18187-18334.....14
18335-18542.....15
18543-18686.....18
18687-18900.....19
18901-19124.....20
19125-19258.....21
19259-19478.....22
19479-19714.....26
19715-19830.....27

CFR PARTS AFFECTED DURING MAY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
5453 (Amended by Proc. 5660).....19259
5643.....15935
5644.....16229
5645.....16367
5646.....16805, 17678
5647.....16815
5648.....16817
5649.....16819
5650.....17382
5651.....17915
5652.....17917
5653.....18187
5654.....18189
5655.....18898
5656.....18900
5657.....19122
5658.....19123
5659.....19257
5660.....19259
5661.....19479
5662.....19829

Executive Orders:
6269 (Amended by PLO 6642).....16248
12547 (Revoked by EO 12597).....18335
12595.....17383
12596.....17537
12597.....18335

Administrative Orders:
Memorandums:
May 14, 1987.....18685
May 19, 1987.....19271

5 CFR

110.....16174
831.....17387, 19125
841.....19242
842.....18191
846.....19232
870.....17387
890.....17387
950.....16174
1201.....17919
1605.....17919, 19018
1631.....17922

Proposed Rules:
550.....17762
831.....19150
890.....17300, 19151

7 CFR

2.....17539, 18687
6.....19462
245.....19273
250.....17928
251.....17928
252.....16369
278.....18196
354.....16821
400.....17546, 19126
420.....17546
424.....17546
425.....17546
428.....17546
430.....17546
431.....17546
432.....17546
433.....17546
444.....17546
445.....17546
447.....17546
449.....17546
701.....19715
702.....16738
760.....17934
905.....19716
907.....16369
908.....19276
910.....15937, 17388, 18339, 18901, 19276
916.....17504
959.....19278
979.....17388
980.....19278
982.....17390
989.....16231
1040.....18339
1046.....17747
1477.....18198
1493.....17549
1804.....19282
1822.....19282
1924.....19282
1933.....19282
1944.....19282
1951.....18543
1980.....19282

Proposed Rules:
28.....16394, 19018
51.....16399
59.....17763
226.....19354
272.....19514
273.....17580
278.....19514
713.....18565
725.....18918
726.....18918
907.....17764
908.....17764
918.....16401
929.....18369, 19631
933.....17581
1007.....15951, 17678
1011.....15951, 17678
1030.....18894
1033.....17586
1036.....17586
1040.....17586

1046.....15951, 17678
1093.....15951, 17678
1094.....15951, 17678
1096.....15951, 17678
1098.....15951, 17678
1106.....16402
1951.....19732

8 CFR

100.....16190
101.....19718
103.....16190
109.....16216
204.....16233
210.....16195
211.....16190
212.....16190, 16370
234.....16190
241.....16370
242.....16190, 16370
245A.....16205
264.....16190
274A.....16216
287.....16370
299.....16190
341.....19718

Proposed Rules:

1.....19733
204.....18236

9 CFR

78.....18687
92.....18199
97.....16233, 16822
318.....17283, 19302

Proposed Rules:

1.....19359
2.....19359
91.....17597
160.....19359
161.....19359
381.....15960

10 CFR

50.....16823, 19303
51.....19303
70.....19303
74.....19303
420.....18548
465.....18548
600.....18548
962.....15937

Proposed Rules:

50.....16275
60.....16403
435.....17052
1010.....17765, 18647

11 CFR

Proposed Rules:

114.....16275

12 CFR

207.....15941
220.....15941
221.....15941
224.....15941
510a.....17392
545.....18340
561.....18340
563.....18340
563c.....18340
570.....18340
605.....18200
611.....19129
614.....19129

Proposed Rules:

225.....18703
561.....18369
563.....17406, 18043, 18369, 18386
565.....17408
571.....18369, 18386
790.....19152

13 CFR

101.....18352

Proposed Rules:

102.....18570
120.....19155
142.....19156

14 CFR

15.....18170
39.....16829, 16830, 17550, 17748, 17749, 17935, 17936, 18548–18550, 18902, 19130, 19305, 19481–19483
43.....17276
61.....17276
65.....17518
71.....17366, 17551, 17552, 17937, 18551, 18903, 19132
73.....16832, 17393, 18552
75.....18903
91.....17276, 18688
93.....19254
97.....17394
135.....18688
300.....18903
385.....18904
1206.....18905
1261.....19487

Proposed Rules:

21.....17409, 17410, 18573, 19517, 19520
23.....18573, 19517
25.....17890, 19520
39.....16851, 16852, 17598–17601, 17958, 17959, 18575, 19168
71.....16853–16858, 18536, 18576, 18920, 19360, 19521

15 CFR

369.....17284

16 CFR

13.....16234
436.....18353
455.....18552

Proposed Rules:

13.....17602, 17960
1015.....17767

17 CFR

Ch. IV.....19642
1.....18908
11.....19500
15.....18908
16.....18908
145.....19306
200.....18689
211.....17396, 18200
240.....16833
249.....16833

Proposed Rules:

3.....19522
4.....19522
140.....19522
240.....18237
249.....17301

18 CFR

2.....19308
11.....18201
16.....18227
375.....18561
385.....16844
389.....18227
410.....16238, 17888
1301.....17938

Proposed Rules:

157.....18703
271.....18577, 18578
284.....18703
1310.....19734

19 CFR

101.....16373, 18322

Proposed Rules:

101.....17770

20 CFR

359.....19133
404.....17285, 19135
416.....16844, 17285

Proposed Rules:

404.....19169
410.....19169
416.....19169
654.....16770
655.....16770

21 CFR

74.....15944, 19719
81.....15945
172.....18911
176.....17553, 19722
193.....17940, 17941
312.....19466
510.....18495, 18690, 19501
520.....18495
522.....18495, 18690, 19501
524.....18495, 18690
529.....18495
558.....16239
561.....17940, 17941
862.....16102
864.....17732
866.....17732
868.....17732
870.....17732, 18162
874.....18495
876.....17732
880.....17732
882.....17732
884.....17732
890.....17732
1301.....17286
1311.....17286
1312.....17286

Proposed Rules:

102.....18921
103.....18922
146.....19169
161.....18921
165.....18922
181.....18923
182.....18772
184.....18772
186.....18772
862.....16139
880.....19735

22 CFR

41.....17942
42.....17942
43.....17943

24 CFR

201.....17397
203.....17397
232.....17751, 18228
234.....17397
235.....17751, 18228
243.....17949
255.....16240
511.....17949
842.....17949
882.....19724
942.....17949

Proposed Rules:

247.....16403
886.....16403
3280.....17896
3282.....17412

25 CFR

Proposed Rules:

22.....17988

26 CFR

1.....18562
301.....17949, 19136

Proposed Rules:

1.....18578, 18579
301.....17989
602.....18579

27 CFR

19.....19311
25.....19311
70.....19311
170.....19311
179.....19311
194.....19311
197.....19311
240.....19311
250.....19311
251.....19311
270.....19311
275.....19311
285.....19311
290.....19311
295.....19311
296.....19311

Proposed Rules:

9.....19531, 19535

28 CFR

0.....17951
2.....17398
17.....17752
60.....19137

29 CFR

1601.....18353
1910.....16241, 17752
1926.....17752
1928.....16050
2619.....18354
2676.....18355

Proposed Rules:

500.....16859
501.....16795
1919.....17302
2200.....19631
2603.....16862

30 CFR

5.....17506, 18772

15 ..... 17506, 18772
18 ..... 17506, 18772
19 ..... 17506, 18772
20 ..... 17506, 18772
21 ..... 17506, 18772
22 ..... 17506, 18772
23 ..... 17506, 18772
24 ..... 17506, 18772
25 ..... 17506, 18772
26 ..... 17506, 18772
27 ..... 17506, 18772
28 ..... 17506, 18772
29 ..... 17506, 18772
31 ..... 17506, 18772
32 ..... 17506, 18772
33 ..... 17506, 18772
35 ..... 17506, 18772
36 ..... 17506, 18772
74 ..... 17506, 18772
700 17724
701 ..... 17526, 17724
762 18792
773 17526
785 17724
827 17724
906 17291
916 19502
938 19509
950 16845

Proposed Rules:
271 17770
280 15963
773 ..... 16275, 17366
870 18680
902 17772
926 19171
934 16863
946 17604

32 CFR

43 17951
230 17293
231a 17294
286 15946
701 17294
818a 17756

Proposed Rules:
68 19361
155 16854
226 17605
1900 18579

33 CFR

1 17554
3 16480
100 ..... 17400, 18562, 19138, 19725
117 18229
165 ..... 17295–17297, 18230
166 18231
183 19726
207 18234

Proposed Rules:
110 17304
117 ..... 17413, 18582, 19172, 19173
162 19173
165 17304
334 17990

34 CFR

221 16748
605 19510
606 19510
673 17900
705 19510
726 19510

Proposed Rules:
215 17366
221 16764
222 16144
237 18184
250 17532
251 17532
309 18174
315 17744
319 19808
350 17368
351 17368
352 17368
353 17368
354 17368
355 17368
356 17368
357 17368
358 17368
359 17368
363 19816
371 19822
386 19822
614 17906
762 16362

36 CFR

7 19342–19345
261 19346
1154 16374

Proposed Rules:
7 19735
223 ..... 18399, 18926

38 CFR

3 19347
21 17951
36 18355

Proposed Rules:
3 ..... 17773, 18772
4 ..... 17607, 19365
21 ..... 17990, 18399, 18400, 19446
39 ..... 18401, 19139
42 16409

39 CFR

10 17401
111 19349
224 18911
225 18911
916 18911
963 18911
3001 19139

40 CFR

52 ..... 16243, 16246, 16384
60 ..... 17555, 19511, 19797
61 ..... 18357, 18358
65 ..... 16247, 17759
81 ..... 17952, 17953, 18691
147 17680
180 ..... 16847, 17954
261 17401
271 ..... 17403, 19139, 19140
712 19027
716 ..... 16022, 19027
795 19082
796 19056
797 19056
798 19056
799 ..... 19082, 19088

Proposed Rules:
52 ..... 16877, 18240–18244, 18402, 19175, 19539–19541
60 16334
147 ..... 17684, 17696, 19797
180 ..... 16878, 16880
260 16982
261 ..... 16982, 18583
262 ..... 16158, 17888
264 ..... 16982, 19737
265 ..... 16982, 19737
266 ..... 16982, 18043
270 16982
271 16982
300 17991
440 17993
712 18245–18250
716 18245
795 19096
799 19096

41 CFR

Proposed Rules:
106–6 18774

42 CFR

57 ..... 18672, 19142, 19144
64a 18358

Proposed Rules:
405 17777
412 18840

43 CFR

Public Land Orders:
1491 [Revoked in part by PLO 6647] 19351
1641 [Revoked in part by PLO 6647] 19351
3776 [Revoked in part by PLO 6646] 19351
6624 [Corrected by PLO 6644] 19352
6632 [Corrected by PLO 6645] 19352
6642 16248
6643 16248
6644 19352
6645 19352
6646 19351
6647 19351

Proposed Rules:
2 17780
3420 18404
3460 18404
4100 19032

44 CFR

64 ..... 17955, 19726

Proposed Rules:
62 18929
80 17415
81 17415
82 17415
83 17415

45 CFR

Ch. V 17556
501 19731
1611 18913

Proposed Rules:
306 19738
612 16279
1100 18585
1602 19176

46 CFR

32 18360
69 15947
77 18360
92 18360
96 18360
190 18360
195 18360
516 18692
519 18692
572 18692

Proposed Rules:
Ch. IV 17787
502 16418
503 16418
558 16282
559 16282
560 16282
561 16282
562 16282
564 16282
566 16282
569 16282
572 18722
586 18408

47 CFR

Ch. I 16386
1 16249
22 16847
36 17228
61 16388
64 17760
65 17228
67 17228
69 17228
73 ..... 16480, 16849, 18697–18699, 18914, 18915
76 17574
95 16262
97 ..... 18647, 18916

Proposed Rules:
15 17612
22 19741
31 18932
32 18932
67 18408
69 17252
73 ..... 16883, 16884, 17791, 17993, 18253, 18723, 18933–18935
80 18409
90 ..... 18935, 19544

48 CFR

Ch. 16 16032
1 ..... 18158, 19800
2 19800
4 19800
5 19800
13 19800
15 19800
16 19800
19 19800
22 19800
25 19800
27 ..... 18158, 19800
28 19800
31 19800
32 19800
36 19800
49 19800
52 ..... 18158, 19800
53 19800
204 16263
205 16263
206 16263
219 16263
252 16263

519.....16390
552.....16390
553.....16390
1033.....17298
Proposed Rules:
5.....17280
6.....17280
31.....18158
35.....17280
204.....16289
205.....16289
206.....16289
219.....16289
252.....16289
819.....16290

49 CFR

1.....18917
173.....15948
1014.....18564
1039.....17404
1160.....18365
1312.....15948
Proposed Rules:
171.....16482, 19116
172.....16482
173.....16482, 19116
174.....16482
175.....16482
176.....16482
177.....16482
178.....16482
179.....16482
387.....19116
571.....17306, 17791, 19179
1160.....17420
1165.....17420
1201.....17792
1330.....17613

50 CFR

91.....18699
301.....16268
651.....17298
652.....16274, 19352
658.....19147
661.....17264, 18702, 19149, 19353
671.....17577
672.....17404
675.....15949, 18367
691.....15949, 18367
Proposed Rules:
Ch. II.....19365
23.....19455
25.....17613
215.....17307
217.....17615
222.....17615
227.....17615
604.....16419
642.....17422
661.....19744
663.....18723
680.....17422, 18411
681.....17422, 18411
684.....17422, 18411
685.....17422, 18411

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last List May 26, 1987